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PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
FIRST SESSION.

SENATE.

SATURDAY, *October 25, 1919.*

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

Mr. MYERS. Mr. President——

Mr. THOMAS. Will the Senator from Pennsylvania withhold the call for a quorum for a moment?

Mr. SPENCER. I ask the Senator to withhold the call for a few moments.

Mr. PENROSE. Would not the Senator from Colorado rather have a quorum present?

Mr. THOMAS. No; the Senator from North Dakota [Mr. MCCUMBER] has the floor, and I merely wish to offer a resolution. I will say to the Senator that I shall not occupy any time.

WILLIAM O. JENKINS.

Mr. MYERS. As in legislative session, I ask leave to submit a resolution and have it read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 220) was read, as follows:

Whereas it is authoritatively reported that so-called bandits have kidnaped and carried into captivity William O. Jenkins, American consular agent at Puebla, Mexico, and are holding him for a ransom of $150,000: Therefore be it

Resolved by the United States Senate, That it is the sense of this body that the President of the United States and the Secretary of War should at once use all the armed forces and power of the United States to recover and have immediately the said Jenkins alive or his abductors dead.

Mr. MYERS. I ask unanimous consent for the present consideration of the resolution.

Mr. TMOMAS. I object.

The VICE PRESIDENT. The resolution goes over.

THREATENED COAL STRIKE.

Mr. THOMAS. I introduce and ask to have read at length a joint resolution.

The joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States was read the first time by its title and the second time at length, as follows:

Whereas the officers of the United Mine Workers of America have ordered all miners in the bituminous coal mines of the United States to strike on Saturday, the first day of November next, notwithstanding efforts of the Secretary of Labor to secure some basis of negotiation suspending or preventing same; and

Whereas the representatives of said organization have arbitrarily rejected the President's earnest council for compromise; and

Whereas strikes in other fields of industry heretofore ordered and still unsettled threaten to continue indefinitely; and

Whereas demands for increased wages and shorter hours accompanied by expressed or implied determination to enforce such demands if necessary by strikes in other fields of industry have been and are being made; and

Whereas the threatened strike of the bituminous coal miners will, if carried into effect, interfere with, injure, or suspend nearly all the national pursuits and industries, inflict continued and incredible hardship and suffering upon all the people of the United States and provoke disorder, violence, bloodshed, and insurrection throughout the land; and

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. THOMAS. Mr. President, on Monday next, after the conclusion of the morning business, I shall call up the joint resolution just offered and ask for its consideration.

The VICE PRESIDENT. The joint resolution will lie on the table.

WILLIAM O. JENKINS.

Mr. MYERS. I merely desire to say that as objection was made to the consideration of the resolution I offered, I ask that it may go over until the next legislative day, and at that time I shall call it up and have some remarks to make upon it, and I shall also ask for action upon it.

Mr. THOMAS. I withdraw the objection I made to it.

Mr. MYERS. Then I ask unanimous consent for its consideration.

Mr. SMOOT. I should like to have the Senator take some time in explaining the resolution, because it is very broad in its scope.

Mr. MYERS. I think it explains itself.

Mr. SMOOT. There are so very few Senators here now that I think it is the part of wisdom not only for the Senator but for all to have it go over until the next day, and then the Senator can take time to explain the resolution.

Mr. MYERS. Then I will withdraw the request at this time, but I shall call it up later in the day or on Monday.

The VICE PRESIDENT. The resolution goes over.

SACCHARIN IN FOOD.

Mr. SPENCER. Mr. President, a few days ago I submitted a resolution concerning the use of saccharin, which was referred to the Committee on Agriculture and Forestry. A subcommittee of the Committee on Agriculture and Forestry has been considering the question. I notice in the RECORD that yesterday the junior Senator from Louisiana [Mr. GAY] introduced some correspondence from the Department of Agriculture in regard to the matter.

During the administration of President Roosevelt he appointed a committee of experts to investigate and pass upon the healthfulness of certain ingredients of food, and among these was saccharin. I ask unanimous consent that there may be printed in the RECORD the supplemental report of the Referee Board of Scientific Experts upon the subject of saccharin, Prof. Ira Remsen, chairman.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL REPORT OF THE REFEREE BOARD OF SCIENTIFIC EXPERTS, PROF. IRA REMSEN, CHAIRMAN, JANUARY 13, 1912, ON SACCHARIN.

"1. The findings of the referee board, based upon what would seem to be convincing, experimental evidence, are that small quantities of saccharin, up to 0.3 gram per day, are without deleterious or poisonous action and are not injurious to health. This being so, it would seemingly follow that foods to which small quantities of saccharin have been added—in amount insufficient to result in a daily intake of more than 0.3 gram—can not be considered as adulterated, since foods so treated do not contain any added deleterious ingredient which may render the said food injurious to health.

"Admitting that large quantities of saccharin—over 0.3 gram per day—taken for long periods of time may impair digestion, such evidence can not consistently be accepted as an argument in favor of the view that smaller quantities must constitute a menace to health. It is often claimed that any substance having a deleterious effect on health when taken in large amount must necessarily be injurious, even when consumed in very small quantities, and that it is dangerous to differentiate on the basis of quantity.

"There is, however, no justification for such a view from a physiological standpoint. Common custom, for example, sanctions the free use of vinegar or dilute acetic acid as a preservative; yet it is well known that in large quantities acetic acid is a dangerous substance. Common salt, while harmless when

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taken in small quantities, may become a serious menace to health if taken in larger quantities. The hydrochloric acid of the gastric juice is not only harmless, but is essential for the welfare of the body; yet when its concentration is increased beyond a certain point it becomes a poison. It is evident, therefore, that the decision as to whether a certain substance is or is not injurious to health must take into account the quantity of the substance that is involved. The referee board is compelled, on the basis of experimental evidence, to hold to the view that addition of small quantities of saccharin to food does not constitute an adulteration, since there is no evidence that small quantities of the substance are deleterious to the health of normal adults.

"2. The addition of saccharin to foods, in large or small quantities, does not, so far as the findings of the referee board show, affect in any way the quality or strength of the food. This statement is not in any sense contradictory to or lacking in harmony with the statement that the addition of saccharin to a food as a substitute for cane sugar is a substitution involving a reduction in the food value of the sweetened product, and may thus result in a reduction in its quality. The simple addition of saccharin to a food can not, in the opinion of the referee board, be considered as an adulteration through any reduction in the strength or quality of the food, since no such effect follows its addition to the food. On the other hand, the substitution of saccharin for cane sugar, for example, in any food product may result in a decided lowering of food value, and this must certainly be considered as an adulteration.

"In the opinion of the referee board, the use of saccharin in food in quantities that might constitute a menace to health is impossible, since its extreme sweetness would naturally limit its consumption by the individual to amounts below what might prove injurious (in harmony with the conclusions expressed in the original report of the board). On the other hand, the possibility of substituting saccharin for sugar, thereby lowering the food value of the sweetened products, is a serious menace, and one that should be carefully safeguarded."

JOINT COMMITTEE ON PUBLIC HEALTH.

Mr. CALDER. Mr. President, I have here Senate concurrent resolution 14, introduced by the junior Senator from Maryland [Mr. FRANCE] and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It provides for a survey of the activities of the several departments, divisions, bureaus, offices, and agencies of the Government which relate to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto. The resolution provides for the appointment of a committee of three Members of the Senate and three Members of the House of Representatives. The Committee to Audit and Control the Contingent Expenses of the Senate directs me to report back the resolution favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Con. Res. 14) submitted by Mr. FRANCE October 22, calendar day, October 23, 1919, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee be, and is hereby, created, consisting of three Members of the United States Senate and three Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of and report on those activities of the several departments, divisions, bureaus, offices, and agencies of the Government of the United States which relate to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto.

SEC. 2. That such committee is directed and empowered to report to the Congress not later than March 1, 1920—

(a) The statutory powers and duties conferred by the Congress on any department, division, bureau, office, or agency of the United States Government to carry on any work pertaining to the conservation and improvement of the public health, together with any rules and regulations authorized or promulgated thereunder;

(b) The organizations now existing in the Federal Government for the purpose of carrying out these powers and duties, together with the personnel of, appropriations for, and expenditures by each department, division, bureau, office, and agency during the fiscal year ending June 30, 1919;

(c) The coordination now existing between said departments, divisions, bureaus, offices, and agencies, together with any conflicts, overlapping or duplication of powers, duties, functions, organization, and activities;

(d) The cooperation and coordination now existing between the Government of the United States and the government of the several States or extragovernmental agencies for the conservation or improvement of the public health;

(e) Such further information as such committee may deem proper;

(f) Such recommendations as such committee may deem advisable to offer for the improvement of the public health work of the United States Government.

SEC. 3. That such committee be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ experts, deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution, one half to be paid out of the contingent fund of the Senate and the other half out of the contingent fund of the House; and that such committee may sit during the sessions or recesses of the Congress.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HITCHCOCK. I shall object to the present consideration of the resolution.

Mr. FRANCE. Does the Senator object?

Mr. HITCHCOCK. Yes.

Mr. FRANCE. I hope the Senator will withdraw his objection. The resolution is a most important one.

Mr. HITCHCOCK. We are here after having taken a recess for the consideration of the treaty, and I can not consent to any matter of that kind coming up at this time. While the resolution may have a very admirable purpose, I think it will require more consideration than can be given under present circumstances.

The VICE PRESIDENT. The resolution will be placed on the calendar.

LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, yesterday the Senator from Nebraska [Mr. HITCHCOCK], there being no morning hour, the Senate having taken a recess instead of an adjournment, put into the RECORD quite a lot of telegrams, resolutions, and other literature in relation to the league of nations.

I have here a pamphlet that some one sent to me entitled "World crisis and the League to Enforce Peace," which I assume is sent out by that organization, in which it is stated that up to July 28, 1919, that organization had raised in general subscriptions and membership fees $597,780.85. Whether it has raised money in any other way than by general subscriptions and membership fees deponent further saith not. Since that statement was volunteered three months have passed; the campaign conducted by it has become much more strenuous and insistent; and $1,000 checks are now being demanded peremptorily.

I send to the desk and ask to have read a telegram which was sent to me by Mrs. Eva Mason, of the Connecticut Federation of Women's Clubs, together with her reply to the same.

Mr. PENROSE. If the Senator from Connecticut has no objection, I should like to call for a quorum. I suppose he has the usual long list of telegrams.

Mr. BRANDEGEE. If I may have unanimous consent to have this matter read before that is done, I have no objection.

Mr. PENROSE. Let it be read, and then I desire to call for a quorum.

Mr. BRANDEGEE. I have no objections either way. The Senator can suit himself. He can suggest the absence of a quorum now.

Mr. PENROSE. Then I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	McKellar	Smoot
Bankhead	Gerry	McLean	Spencer
Borah	Hale	Moses	Sutherland
Brandegee	Harding	Myers	Swanson
Calder	Harris	New	Thomas
Capper	Henderson	Newberry	Townsend
Chamberlain	Hitchcock	Nugent	Trammell
Colt	Johnson, Calif.	Overman	Underwood
Culberson	Jones, N. Mex.	Penrose	Wadsworth
Cummins	Jones, Wash.	Phelan	Walsh, Mass.
Curtis	Kellogg	Poindexter	Walsh, Mont.
Dial	Kirby	Pomerene	Watson
Dillingham	Knox	Sheppard	Williams
Edge	La Follette	Shields	
Fletcher	Lodge	Smith, Ariz.	
France	McCumber	Smith, Ga.	

Mr. GAY. I wish to announce the absence of the senior Senator from Louisiana [Mr. RANSDELL] on account of sickness.

Mr. HENDERSON. I desire to announce the absence of the senior Senator from Delaware [Mr. WOLCOTT] and of the Senator from South Dakota [Mr. JOHNSON] on account of illness in their families.

Mr. SHEPPARD. The Senator from Wyoming [Mr. KENDRICK], the Senator from Utah [Mr. KING], the Senator from Nevada [Mr PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Arkansas [Mr. ROBINSON] are detained from the Senate on official business.

Mr. GERRY. The Senator from Maryland [Mr. SMITH] and the Senator from Missouri [Mr. REED] are absent on public business.

Mr. SMOOT. The Senator from Wyoming [Mr. WARREN] and the Senator from Wisconsin [Mr. LENROOT] are detained

in committee. The Senator from North Dakota [Mr. GRONNA], the Senator from Vermont [Mr. PAGE], the Senator from New Hampshire [Mr. KEYES], the Senator from Nebraska [Mr. NORRIS], the Senator from Oregon [Mr. MCNARY], the Senator from Oklahoma [Mr. OWEN], the Senator from South Carolina [Mr. SMITH], and the Senator from Oklahoma [Mr. GORE] are in attendance at a meeting of the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present. Unanimous consent has been given for the reading of certain papers presented by the Senator from Connecticut [Mr. BRANDEGEE]. The Secretary will read.

The Secretary read as follows:

CONNECTICUT FEDERATION OF WOMEN'S CLUBS,
Derby, Conn., October 24, 1919.

MY DEAR MR. BRANDEGEE: Believing the inclosed message may have a personal interest for you as a Senator, I herewith hand you a telegram addressed to me, from Vance McCormick, chairman of finance committee of the League to Enforce Peace. As I am an advocate of wise reservations for the league of nations covenant, I wired Mr. McCormick "I would regard the contribution of a dollar to the expense of a campaign to secure votes for ratification of the covenant 'without amendments or reservations' an expression of disloyalty to America's best interests." As the president of a woman's organization in the State of Connecticut numbering 6,000 members, I am a bit curious to know how at this date a possibly large campaign fund of American dollars can be exchanged for votes for an unaltered covenant. Any suggestion you may make for my enlightenment will be appreciated.

Asking you to confer the favor of returning the telegram, as I desire to put it on file as a souvenir, I am

Loyally, yours,

EVA CHILD (MRS. JAMES R.) MASON,
President Connecticut Federation of Women's Clubs.

[Telegram.]

NEW YORK, *October 22, 1919.*

MRS. EVA MASON, *Derby, Conn.:*

In this moral and political crisis League to Enforce Peace—William Howard Taft, president; A. Lawrence Lowell, chairman—has great and necessary responsibility of leading and securing expression of public demand for prompt ratification of peace treaty and league of nations covenant without amendments and without reservations that would require resubmission or separate peace with Germany. Business uncertainty and industrial unrest will continue throughout world until ratification starts life again in normal channels. Will you join others in contributing $500 toward expenses of campaign?

HERBERT HOUSTON, *Treasurer,*
GEORGE WICKERSHAM,
VANCE MCCORMICK,
CLEVELAND DODGE,
OSCAR STRAUSS,
Finance Committee,
Bush Terminal Sales Building, New York.

Mr. BRANDEGEE. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] called my attention to the fact that the little souvenir from which I read a minute ago issued by the League to Enforce Peace states that the $597,780.85 which they say they have raised by general subscriptions and membership fees has been received during the four years over which its activities have extended and up to July 28, 1919. They state as a conclusion, I will not say as a warning, that—

When the treaty of peace and the league of nations covenant were submitted to the United States Senate on July 10 the fight for a league of nations entered its final stage.

To which I agree.

With ratification by the Senate, the task which the League to Enforce Peace set itself in 1914 will have been accomplished. Then will remain the further task of assisting to guide the world through the first untried years of cooperation under the league, a task in which the counsel and influence of leaders in all walks of life will be essential.

The gentlemen who are drawing these salaries and leading the world have no intention of relinquishing the snap upon which they have stumbled. Having raised almost three-quarters of a million dollars—pretty nearly the proportions of a national campaign fund—simply by circularizing the benevolent and charitable people to whom they present one side of the controversy, they have no intention of letting go the possibilities developed to educate and lead the world in its moral duties and activities.

I send to the desk now a letter from Mr. R. W. Kellough, of Tulsa, Okla., who sent me the little souvenir from which I have quoted.

The VICE PRESIDENT. Does the Senator desire the letter read?

Mr. BRANDEGEE. I desire that it be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

TULSA, OKLA., *October 14, 1919.*

Senator BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SIR: Herewith I hand you some of the propaganda being put out by the League to Enforce Peace, which has made an effort to force the patriotic Senators to ratify the league, which would surrender the sovereignty of this country. I am sending you this with full authority for you to use as you may deem best. You and your associates who are opposing the ratification of this fool league of nations are the "minutemen" of the present day, so remember Lexington and Bunker Hill and keep the good work up.

In replying to Senator HITCHCOCK's statement that only thugs and ignorant people are against the league you might call his attention to the breaking up of a meeting at Ardmore, Okla., where Senator JAMES A. REED attempted to speak against the league. This meeting, so it is reported, was broken up by organized thugs gotten together by politicians in that locality, while the majority of the people were in favor of Senator REED's going ahead with the argument and were undoubtedly against the league.

With kindest regards, yours, truly,

R. W. KELLOUGH.

Mr. BRANDEGEE. Mr. President, I have no extended comment to make except that this $600,000, nearly three-quarters of a million dollars, has simply been thrown overboard; that is all there is of it. The sending of these telegrams and hysterical messages all over the country has simply increased the mail receipts and the telegraph tolls. The lady who inquired of me how the money expended can be swapped for votes on this question is onto the game, Mr. President. It can not be swapped for votes and has not been swapped for votes and no vote can be changed or even affected by the expenditure of the whole three-quarters of a million dollars.

Mr. WILLIAMS. Mr. President, apropos the reference in one of the communications sent to the desk by the Senator from Connecticut about the "minutemen of liberty" and that sort of thing, I present to the Senate and ask to have inserted in the RECORD the resolution of the Mississippi branch of the American Legion passed at Jackson, Miss., and wired me by the chairman on October 22.

The VICE PRESIDENT. Without objection, the resolution will be printed in the RECORD.

The resolution is as follows:

VICKSBURG, MISS., *October 22, 1919.*

Senator JOHN SHARP WILLIAMS,
Senate, Washington, D. C.:

The State convention of the Mississippi branch of the American Legion at Jackson, Miss., yesterday adopted the following resolution:

"*Be it resolved by the Mississippi State Convention of the American Legion,* That this body recommends that the peace treaty be adopted without reservation and that copies of this resolution be sent by wire to President Wilson, Senators WILLIAMS, HARRISON, JOHNSON, and LODGE."

ALEXANDER FITZHUGH, *State Chairman.*

Mr. WILLIAMS. Mr. President, apropos another letter presented by the Senator from Connecticut about somebody refusing to contribute to the campaign fund of the League to Enforce Peace, I send to the desk and ask to have inserted in the RECORD a letter from Herbert S. Houston, treasurer of the League to Enforce Peace, containing an open letter to my old friend, former Speaker CANNON, of the House of Representatives, answering a letter written by him some time ago very similar to the one sent up to the desk by the Senator from Connecticut.

The VICE PRESIDENT. Without objection, the letter will be inserted in the RECORD.

The letter referred to is as follows:

[From League to Enforce Peace, 130 West Forty-second Street, New York. Immediate release.]

"NEW YORK, *October 22.*

"In a letter to Representative JOSEPH G. CANNON, of Illinois, Herbert S. Houston, treasurer of the League to Enforce Peace, declares that an overwhelming majority of private citizens in this country favor ratification of the peace treaty and the league of nations covenant, and asks the ex-Speaker if he thinks these people have any less regard for the Constitution than the Senators and Congressmen who are attacking the covenant on constitutional grounds.

"Mr. Houston's letter, which was given out here to-day, answered a letter which Mr. CANNON made public recently in Washington, after he had been asked to help finance the cam-

paign of education waged by the League to Enforce Peace in behalf of the league of nations. Mr. Houston's letter follows:

"Hon. JOSEPH G. CANNON,

"*House of Representatives, Washington, D. C.*

"DEAR MR. CANNON: In your open letter replying to the request for a subscription to the funds of the League to Enforce Peace you say that these funds are to be used to influence Senators to break their constitutional oaths. Your 46 years in Congress must have given you a surprisingly low estimate of the average Senator's capacity and character. Do you think a Senator like HALE, of Maine, any less mindful of his oath of office because he gives heed to the views of his State, again surveys the treaty and the league of nations covenant, and finally decides to vote against the Shantung amendment? Nineteen other Republican Senators did the same thing. Surely they are not 'serving two masters' in listening to the arguments and opinions of their constituencies before reaching their final decision on the treaty and the covenant. And every dollar of the funds to which you were asked to contribute—I can speak from full knowledge as treasurer of the league—goes toward educational effort to enlighten the country on the meaning of the covenant and on the country's duty to join the league of nations in order to make permanent the peace which our soldiers helped to win.

"The 14,000 ministers of the gospel who have just petitioned the Senate to ratify the treaty with the covenant must be familiar with the passage of Scripture you quote in your letter and also with the Constitution of their country, and still they join in an urgent plea for the league of nations. You would not, I am sure, deny them this ancient democratic right of petition or claim that its exercise was an effort to influence Senators to break their oaths of office. You sat at the feet of Abraham Lincoln too long to think anything so opposed as that would be to the spirit of our institutions. The League to Enforce Peace holds to the sound Lincoln maxim that you can't 'fool all the people all of the time,' and that is the reason it is undertaking to help enlighten them on the issues involved in this great league of nations contest. And they are surely being enlightened, as you will find if you take the trouble to check up the sentiment in the Danville district or in any other section of the country.

"As an index to public sentiment, let me remind you that at the convention of the American Bankers' Association in St. Louis the other day a referendum vote taken by a St. Louis newspaper of the twelve hundred and odd delegates showed over 800 of them in favor of the ratification of the treaty and covenant without amendments or reservations, and only 27 votes were recorded as being against the ratification of the treaty. As a wise and successful banker yourself, you know how accurately the banker, and particularly the country banker, can gauge the sentiment of his community. And this referendum among American bankers showed the same result that hundreds of referendums among all classes of people throughout the country have shown. The referendum vote in the American Federation of Labor was practically in the same proportion as the vote of members of the American Bankers' Association. Is it possible for you to believe that these people, undoubtedly representing an overwhelming majority of your fellow countrymen, have any less regard for the Constitution of the United States or for the sovereignty of America than have you or any other Senator or Congressmen?

"With kind personal regards, I am,

"Yours, faithfully,

"(Signed) HERBERT S. HOUSTON,

"*Treasurer.*"

Mr. WILLIAMS. Then, in conclusion, Mr. President, I will read this, because it is a letter from three senators from Massachusetts—Winchester, Mass. I do not know them, but perhaps the Senators from Massachusetts do.

Mr. LODGE. Three senators from Winchester, Mass.?

Mr. WILLIAMS (reading):

We earnestly urge immediate ratification of the peace treaty and covenant of the league of nations with no reservations that require reopening of negotiations at Paris.

I ask that it be inserted in the RECORD.

Mr. LODGE. I was not aware that Winchester had three senators in the legislature, but I have no doubt they have.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

WINCHESTER, MASS., *October 22, 1919.*

TO THE UNITED STATES SENATE,
Care of Hon. JOHN S. WILLIAMS.

DEAR SIRS: We earnestly urge immediate ratification of the peace treaty and covenant of the league of nations with no reservations that require reopening of negotiations at Paris.

Respectfully,

A. C. NEWELL.
F. M. NEWELL.
E. P. BOND.

Mr. HARRIS. I ask to have read the resolutions of the American Legion, Georgia Division, adopted at Atlanta, Ga.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"THE AMERICAN LEGION, GEORGIA DIVISION,
"*Atlanta, Ga.*

"*Be it resolved*, And it is hereby resolved by the American Legion, Georgia Division, in convention assembled at Atlanta, Ga., October 15, 1919, that it is the sense of this convention that the treaty of peace as submitted to the Senate of the United States and embodying the league of nations should be adopted as submitted without reservation, amendment, or interpretation; and it is further

"*Resolved*, That the Senators of the State of Georgia be furnished copies of this resolution and that they be requested to support the treaty of peace and vote against any reservation, interpretation, or amendment thereto."

Mr. HITCHCOCK. Mr. President, I ask permission to have inserted in the RECORD, in reply to what the Senator from Connecticut [Mr. BRANDEGEE] presented in criticism of the League to Enforce Peace, a statement showing the nature of its organization, its officers, the method of its financing, the use of league funds, a report of its State and county branches, the official commitments of the league, the character and type of work carried on by the league, and the national provisional committee of the league—in fact, a complete statement of the League to Enforce Peace.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"I. ORGANIZATION.

"The League to Enforce Peace was organized as the response of a large group of leading Americans to the greatest moral crisis of history—the outbreak of the European war. It was felt that something must be done to organize the world against the recurrence of such a catastrophe. About a hundred and twenty-five leaders of American thought of all political parties, creeds, and professions joined in the call for the organization meeting in Independence Hall, Philadelphia, June 17, 1915. Several hundred of the leaders of the Nation, comprising many of the outstanding figures in international law, politics, political science, and letters, equally representative with the callers of the convention, came together and, through the organization of the League to Enforce Peace, began the movement for the establishment of a league of nations. The representative character, the disinterested motives, the nonpartisan nature of the league have remained to this day as definite and distinct as at that time. (For list of provisional committee on organization see Exhibit A.)

"II. OFFICERS.

"The league has been officered from the beginning, both as to its national organization and as to its State and local branches, by the most prominent and high-minded men of the Nation—by men who not only have received no compensation but who have contributed largely both of their time and their means to carry through what they have conceived to be a necessary public service. The president of the league is ex-President William Howard Taft; its vice president, Alton B. Parker; the chairman of the executive committee, President A. Lawrence Lowell, of Harvard University. Its vice presidents include some 300 men of national reputation, and its national committee is composed of several hundred more of the outstanding leaders from such great national groups as organized labor, agriculture, chambers of commerce, women's clubs, and national industries. (For list of national officers see Exhibit B.)

"III. FINANCING.

"During the four years over which its activities have extended the league has raised (June 17, 1915–June 1, 1919) $547,408.82 in general subscriptions and membership fees. The largest single subscription made to it by any individual has been $25,000 and the next largest $5,000. The approximate number of its subscriptions is 6,575, of which only 132 are $1,000 or over; and the average subscription is $83. Not a dollar of the income of the league has been derived from the Carnegie or Rockefeller Foundations. Its money, on the contrary, has been derived chiefly from people of moderate means who have believed that the establishment of the league of nations, by preventing future wars, would operate to the untold advantage of future generations and to the upbuilding of civilization. These funds have been contributed for the most part at the conventions of the league—in the organization meeting in Independence Hall, Philadelphia, in June, 1915; in the Washington convention of the league in May, 1916; in the convention of the league in Philadelphia in May, 1918; and in connection with the

regional congresses held in nine of the leading cities of the Nation, stretching from coast to coast, in February, 1919.

"IV. USE OF LEAGUE FUNDS.

"Since its organization (June 17, 1915–June 1, 1919) the league has expended $545,163.80, as follows:

1. Executive direction	$44,048.93
2. Organization of branches	84,150.54
3. Office salaries, supplies, and operating expenses	89,767.30
4. National conventions	28,628.51
5. National congresses	99,395.57
6. State conventions	8,040.66
7. Publications	28,604.52
8. Publicity	51,530.46
9. Home extension	61,868.22
10. Foreign extension	5,070.56
11. Financial campaigns	20,713.27
12. Postage, not included in above classifications	23,345.26

"V. STATE AND COUNTY BRANCHES.

"There are active branches of the league in 26 State and in 520 counties and smaller political subdivisions. State, county, and local officers number approximately 2,281. Of these not more than 10, all of whom occupy minor positions, receive any salary whatsoever; the remainder contributing their time and influence, and often their means, to accomplish the purpose of the league. The following is a list of the more active State organizations and their chairmen.

"STATE CHAIRMEN.

"Alabama: Michael Cody, Montgomery.
"California: R. B. Hale, San Francisco.
"Colorado: Hon. S. Harrison White, Denver.
"Delaware: Hon. George Gray, Wilmington.
"Illinois: Thomas F. Holgate, Chicago.
"Iowa: George W. Clarke, Des Moines.
"Kentucky: John W. Barr, jr., Louisville.
"Maryland: Hon. Edwin Warfield, Baltimore.
"Massachusetts: Dr. A. Lawrence Lowell, Cambridge.
"Missouri: Frederick N. Judson, St. Louis.
"Nebraska: G. W. Wattles, Omaha.
"New Hampshire: Huntley N. Spaulding, North Rochester.
"New Jersey: Dr. Henry Van Dyke, Princeton.
"New Mexico: Hon. Neill B. Field, Albuquerque.
"New York: William Church Osborn, New York City.
"Nevada: Hugh Henry Brown, Tonopah.
"Ohio: Dr. W. O. Thompson, Columbus.
"Wisconsin: Hon. John M. Whitehead, Janesville.
"Oklahoma: Hon. C. B. Ames, Oklahoma City.
"Rhode Island: Dr. William H. P. Faunce, Providence.
"Tennessee: Robert T. Smith, Nashville.
"Utah: Nephi L. Morris, Salt Lake City.
"Virginia: George Bryan, Richmond.
"Washington: N. B. Coffman, Chehalis.
"West Virginia: Charles W. Dillon, Fayetteville.
"Michigan: Woodbridge N. Ferris, Big Rapids.
"Vermont: Roland E. Stevens, White River Junction.
"Maine: Robert Treat Whitehouse, Portland.
"Connecticut: Dr. William Arnold Shanklin, Middletown.
"Indiana: Hon. Franklin McCray, Indianapolis.

"VI. SPEAKERS.

"The plan and arguments for a league of nations have been presented throughout the Nation before audiences of every character, by the type of volunteer speakers who performed such public-spirited service during the war. At the present time—June 1, 1919—approximately 13,000 speakers are enrolled and definitely pledged to the League to Enforce Peace as ready to give and as actually giving educational addresses on the subject of a league of nations. They represent the following major groups:

Labor	3,149
Agricultural interests	343
The church	3,000
Business and other groups	6,804

"These speakers work wholly without compensation, their expenses, with few exceptions, being paid either by themselves or by the organizations which they address. In order to meet emergencies a small number of staff speakers (never more than three at any time) have received modest salary or fees for addresses.

"VII. TYPE OF WORK CARRIED ON BY THE LEAGUE.

"The work of the League to Enforce Peace has been of an educational nature directed, first, toward the development throughout the country of an understanding of the general international situation as it will exist at the close of the war; second, toward an understanding of the main features of a league of nations which might create and maintain peace; and, third (since the publication of the league of nations covenant), to the giving of exact and detailed information regarding the league of nations covenant and its interpretation. The league has carried forward a campaign of education covering questions of the war and kind of settlement necessary in order to secure permanent peace.

"VIII. OFFICIAL COMMITMENTS OF THE LEAGUE OF NATIONS.

"That support of the project for a league of nations throughout the United States is not local or superficial in character and that it has not been merely improvised or induced by the activities of the League to Enforce Peace is apparent from the large number of National and State organizations that have committed themselves to the principle of a league of nations and in large part to the Paris covenant as now given to the world. Among such organizations are the following:

"A. The great church denominations of the country are, so far as known, committed without exception to the establishment of a league of nations. Some of the more conspicuous indorsements are as follows: General Assembly of the Presbyterian Church of the United States of America, General Synod Evangelical Lutheran Churches in the United States of America, Religious Education Association, National Society of Christian Endeavor, Board of Bishops of the United Brethren in Christ, Federal Council of the Churches of Christ in America.

"B. Every representative organization of farmers and agricultural interests throughout the country is officially committed to the establishment of a league, including the National Board of Farm Organizations, the National Grange, the National Federation of Gleaners, the American Society of Equity, the Nonpartisan League, the Southern Commercial Congress, the American Agricultural Association and the Farmers' National Council, and the Farmers' Educational and Cooperative Union of America.

"C. The American Federation of Labor pledged itself to the establishment of a league of nations as part of its reconstruction program in its annual convention of November, 1916, at Baltimore, Md., and has committed itself in all its succeeding annual conventions to this policy. The brotherhoods of railway employees in like manner stand pledged to a league. With the exception of the international socialists, American labor is believed to stand solidly in favor of a league and of the Paris covenant as the embodiment of the league for which they ask.

"D. The educational associations and the college and university faculties stand with practical unanimity in favor of a league of nations, as shown by official acts and commitments.

"E. The Chamber of Commerce of the United States, by official referendum taken in November, 1915, stands committed by an overwhelming vote to the principle of a league of nations.

"F. Twenty-six State legislatures, by joint or concurrent resolutions, have, June 1, 1919, recorded themselves in favor of a league and only two against, as follows:

"For: Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Wisconsin, Washington.

"Against: New Mexico, West Virginia.

"NOTE.—This list includes only those States in which both of the legislative branches have adopted the favorable or unfavorable resolution. There were also the following one-house resolutions; California, house for; Colorado, house for, senate against; Idaho, house against; Indiana, senate for.

"G. The organized women of the United States have adopted numerous resolutions indorsing the league, notably the following: The National American Woman's Suffrage Association; National Society, Daughters of the American Revolution; General Federation of Women's Clubs (2,000,000 women); National Council of Women (composed of national organizations comprising 3,000,000 women); Council of Jewish Women; Dames of Malta; Woman's Auxiliary Southern Commercial Congress.

"H. Scores of national and State organizations of every character stand pledged to a league. (See Exhibit "C.")

"In a very large number of cases the organizations passing resolutions have also made use of their organizational machinery in various ways to spread information regarding a league and the Paris covenant and otherwise to forward the movement for a league."

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"EXHIBIT A.

"NATIONAL PROVISIONAL COMMITTEE FOR A LEAGUE OF PEACE, BEING THE COMMITTEE THAT CALLED THE ORGANIZATION MEETING HELD IN INDEPENDENCE HALL, JUNE 17, 1915.

"Lyman Abbott, editor the Outlook.
"Edwin A. Alderman, president University of Virginia.
"James B. Angell, educator and diplomatist.
"Thomas Willing Balch, lawyer.
"John Barrett, director general Pan American Union.
"James M. Beck, former Assistant Attorney General.
"Alexander Graham Bell, scientist and inventor.

"Perry Belmont, former chairman Committee on Foreign Affairs.
"George H. Blakeslee, professor of history, Clark University.
"Rudolph Blankenburg, mayor of Philadelphia.
"Gutzon Borglum, sculptor.
"Samuel P. Brooks, president Baylor University.
"Charles R. Brown, dean Yale Divinity School.
"Elmer E. Brown, chancellor New York University.
"Henry A. Buchtel, ex-governor of Colorado.
"George Burnham, jr., publicist.
"Winston Churchill, author.
"Francis E. Clark, founder Christian Endeavor.
"John Bates Clark, political economist.
"Philander P. Claxton, United States Commissioner of Education.
"A. T. Clearwater, jurist.
"Frederic R. Coudert, lawyer.
"Frank Crane, editorial writer associated newspaper.
"R. Fulton Cutting, financier.
"William C. Dennis, formerly of State Department.
"Jacob M. Dickinson, ex-Secretary of War.
"Henry Sturgis Drinker, president Lehigh University.
"Samuel T. Dutton, educator.
"William H. P. Faunce, president Brown University.
"Woodbridge N. Ferris, governor of Michigan.
"John H. Finley, New York commissioner of education.
"Irving Fisher, political economist, Yale University.
"William Dudley Foulke, former member United States Civil Service Commission.
"Howard B. French, manufacturer.
"James Cardinal Gibbons.
"Franklin H. Giddings, sociologist.
"Washington Gladden, author, clergyman.
"William E. Glasscock, ex-governor West Virginia.
"Caspar F. Goodrich, rear admiral United States Navy.
"George Gray, member of Hague court.
"Herbert S. Hadley, ex-governor Missouri.
"John Hays Hammond, mining engineer.
"Albert Bushnell Hart, historian.
"William O. Hart, president Louisiana Historical Association.
"Rowland G. Hazard, manufacturer.
"Bayard Henry, lawyer.
"Myron T. Herrick, diplomatist.
"John Grier Hibben, president Princeton University.
"Emil G. Hirsch, rabbi.
"George C. Holt, United States district judge.
"Hamilton Holt, editor the Independent.
"H. J. Howland, associate editor The Independent.
"William B. Howland, president The Independent.
"Andrew B. Humphrey, secretary American Peace and Arbitration League.
"Charles Cheney Hyde, professor of international law, Northwestern University.
"J. E. Ingram, railway official.
"Jeremiah W. Jenks, political economist, New York University.
"Homer H. Johnson, lawyer.
"David Starr Jordan, scientist and educator.
"Frederick N. Judson, lawyer.
"Darwin P. Kingsley, president New York Life Insurance Co.
"J. Leonard Levy, rabbi.
"Edgar Odell Lovett, president Rice Institute.
"A. Lawrence Lowell, president Harvard University.
"Frederick Lynch, secretary Church Peace Union.
"Charles S. Macfarland, secretary Federal Council of Churches.
"Theodore Marburg, economist.
"Samuel W. McCall, Member of Congress.
"Victor H. Metcalf, Ex-Secretary of Navy.
"John Mitchell, chairman New York State Industrial Commission.
"Samuel C. Mitchell, president Delaware College.
"John Bassett Moore, professor international law and diplomacy, Columbia University.
"Henry C. Morris, president Chicago Peace Society.
"Cyrus Northrop, president emeritus University of Minnesota.
"Alton B. Parker, jurist.
"George A. Plimpton, publisher.
"George H. Prouty, ex-governor of Vermont.
"Odin Roberts, lawyer.
"Victor Rosewater, editor Omaha Bee.
"Leo S. Rowe, president American Academy Political and Social Science.
"Nath. C. Schaeffer, State superintendent public instruction.
"Jacob H. Schiff, banker.
"Isaac N. Seligman, banker.
"John C. Shaffer, newspaper publisher.
"William A. Shanklin, president Wesleyan University.
"Robert Sharp, president Tulane University.
"Albert Shaw, editor Review of Reviews.
"William H. Short, secretary the New York Peace Society.
"James L. Slayden, Ex-Member of Congress.
"Edgar F. Smith, provost University of Pennsylvania.
"John A. Stewart, chairman Peace Centennial Commission.
"Oscar S. Straus, member of Hague Court.
"Frank S. Streeter, lawyer.
"Joseph Swain, president Swarthmore College.
"William H. Taft, Ex-President United States.
"Charles T. Tatman, lawyer.
"John M. Thomas, president Middlebury College.
"William Hale Thompson, mayor of Chicago.
"Charles F. Thwing, president Western Reserve University.
"James L. Tryon, director American Peace Society.
"Henry St. George Tucker, lawyer.
"W. H. Vary, master New York State Grange.
"Anton C. Weiss, editor Duluth Herald.
"Benjamin Ide Wheeler, president University of California.
"Everett P. Wheeler, lawyer.
"Harry A. Wheeler, banker.
"Andrew D. White, educator and diplomatist.
"Thomas Raeburn White, lawyer.
"William Allen White, publicist.
"John M. Whitehead, lawyer.
"John Sharp Williams, United States Senator.
"Talcott Williams, journalist.
"Wardner Williams, president Colorado State Board of Peace Commissioners.
"George G. Wilson, professor of international law, Harvard University.
"Luther B. Wilson, bishop Methodist Episcopal Church.
"Oliver Wilson, master National Grange.
"Stephen S. Wise, rabbi.
"Theodore S. Woolsey, international law, Yale University."

"EXHIBIT B.

"COMMITTEEMEN OF LEAGUE TO ENFORCE PEACE.

"ALABAMA.

"Executive committee: Michael Cody, Montgomery.
"National committee: Prof. C. L. Thatch, Auburn; Hon. Sidney J. Bowie, 831 First National Bank Building, Birmingham; Hon. John C. Anderson, Montgomery; William R. Fairley, 516 Balsom Avenue, Pratt City; Mrs. James Fullerton Hooper, Selma.
"Vice president: Hon. Charles Henderson, Troy.

"ARIZONA.

"Executive committee: Dr. Rufus B. von Kleinsmid, University of Arizona, Tucson.
"National committee: Mrs. H. D. Ross, 1219 North Central Avenue, Phoenix; E. P. Taylor, Tucson.
"Vice presidents: Hon. Thomas E. Campbell, Phoenix; Hon. George W. P. Hunt, Phoenix.

"ARKANSAS.

"Executive committee: Hon. Charles H. Brough, Little Rock.
"National committee: Herbert H. Bowden, Little Rock; Mrs. T. T. Cotnam, 427 Southern Trust Building, Little Rock; Frank Pace, Little Rock.
"Vice presidents: Hon. Clifton R. Breckinridge, Arkansas Valley Bank, Fort Smith; H. L. Rammel, Little Rock.

"CALIFORNIA.

"National committee: Dr. Thomas F. Hunt, University of California, Berkeley; Dr. Aurelia H. Reinhardt, Mills College; R. B. Hale, care of Hale Bros., San Francisco; Luther Burbank, 204 Santa Rosa Avenue, Santa Rosa.
"Vice Presidents: Hon. Victor H. Metcalf, 245 Perkins Street, Oakland; Hon. William D. Stephens, Sacramento; Hon. Lyman J. Gage, Point Loma, San Diego; Milton G. Esberg, San Francisco; W. W. Morrow, United States circuit court judge, San Francisco.

"COLORADO.

"Executive committee: Hon. S. Harrison Waite, chief justice Colorado Supreme Court, Denver.
"National committee: Clarence P. Dodge, Colorado Springs Gazette, Colorado Springs; Thomas B. Stearns, Denver; H. T. French, director of extension Colorado Agricultural College, Fort Collins; Mrs. H. W. Bennett, Littleton.

"Vice presidents: Hon. Julius C. Gunter, Denver; Right Rev. Francis J. McConnell, 964 Logan Street, Denver; Hon. Oliver H. Shoup, executive offices, Denver.

"CONNECTICUT.

"Executive committee: Col. Isaac M. Ullman, 84 Olive Street, New Haven.

"National committee: D. N. Barney, Farmington; Ira M. Coburn, secretary State Federation of Labor, 215 Meadow Street, New Haven; Prof. Irving Fisher, 460 Prospect Street, New Haven; Ernest Fox Nichols, Yale University, New Haven; Dr. Frank Chamberlin Porter, 266 Bradley Street, New Haven; George V. Smith, 246 Meadow Street, New Haven; Miss Dotha Stone Pinneo, Norwalk; Prof. Charles E. Wheeler, Storrs.

"Vice presidents: Right Rev. Chauncey B. Brewster, 98 Woodland Street, Hartford; Hiram Percy Maxim, 550 Prospect Avenue, Hartford; Dr. Charles R. Brown, 233 Edwards Street, New Haven; Prof. Henry W. Farnam, 43 Hillhouse Avenue, New Haven; Prof. Theo. S. Woolsey, 250 Church Street, New Haven.

"DELAWARE.

"National committee: Mrs. H. B. Thompson, Greenville; Dean Harry Hayward, Delaware College, Newark; Dr. Samuel C. Mitchell, Delaware College, Newark; Fred W. Stierle, secretary Central Labor Union, Wilmington.

Vice presidents: Hon. J. G. Townsend, jr., Dover; Hon. George Gray, 466 Dupont Block, Wilmington; Hon. Charles R. Miller, Wilmington.

"DISTRICT OF COLUMBIA.

"Executive committee: Hon. John Barrett, Director General Pan American Union, Washington; Samuel Gompers, American Federation of Labor, Washington; Hon. Vance C. McCormick, administrator Board Exports Council, Washington; Mrs. Philip North Moore, Wardman Park Inn, Washington; Prof. Leo S. Rowe, Assistant Secretary of Treasury, Washington; Dr. Anna Howard Shaw, 1626 Rhode Island Avenue, Washington; Hon. William Howard Taft, 931 Southern Building, Washington; Hon. C. B. Ames, Assistant to the Attorney General, Washington.

"National committee: Hon. Larz Anderson, 2118 Massachusetts Avenue, Washington; Mrs. Antoinette Funk, Treasury Department, Washington; Hon. Martin A. Knapp, United States Commerce Court, Washington; Maj. E. J. W. Proffitt, care Metropolitan Club, Washington; Monsignor William T. Russell, St. Patrick's Rectory, Washington; Col. William C. Sanger, 930 Sixteenth Street NW., Washington; C. W. Thompson, Bureau of Markets, Department of Agriculture, Washington.

"Vice presidents: Alexander Graham Bell, 1331 Connecticut Avenue, Washington; Miss Mabel T. Boardman, 1801 P Street, Washington; Dr. Edward D. Eaton, 3313 Ross Place, Washington; Mrs. Borden Harriman, 1709 H Street, Washington; Hon. H. D. Lindsley, War Risk Insurance Bureau, Treasury Department, Washington; Harry A. Wheeler, Riggs Building, Washington.

"FLORIDA.

"Executive committee: Hon. William R. O'Neal, 115 South Orange Avenue, Orlando.

"National committee: Dr. P. H. Rolfs, University of Florida, Gainesville; F. C. Groover, Jacksonville Chamber of Commerce, Jacksonville; Mrs. William B. Young, Jacksonville; William V. McNeir, box 1022, Pensacola; Hon. W. N. Sheats, 185 North Monroe Street, Tallahassee.

"Vice president: Hon. Sidney J. Catts, Tallahassee.

"GEORGIA.

"Executive committee: Hon. Asa G. Candler, Atlanta.

"National committee: Ivan E. Allen, Fielder & Allen Building, Atlanta; Henry M. Atkinson, Georgia Railroad & Power Co., Atlanta; Jerome Jones, 304 Hurt Building, Atlanta; Mrs. J. R. Lamar, 35 West Eleventh Street, Atlanta; H. E. Stockbridge, Southern Ruralist, Atlanta.

"Vice presidents: Hon. Hugh M. Dorsey, Atlanta; Hon. John M. Slaton, Atlanta; Mell R. Wilkinson, Candler Building, Atlanta; Hon. Peter W. Meldrin, 1007 National Bank Building, Savannah; C. S. Barrett, Farmers' Educational and Cooperative Union of America, Union City.

"IDAHO.

"Executive committee: Hon. James H. Hawley, 610 Overland Building, Boise.

"National committee: S. B. Hayes, Boise; W. W. Deal, master of the Idaho State Grange, Nampa.

"ILLINOIS.

"Executive committee: Edgar A. Bancroft, 606 South Michigan Avenue, Chicago.

"National committee: Hon. William B. McKinley, Champaign; Mrs. Joseph T. Bowen, department of State organization, Chicago; Charles L. Dering, 1005 Old Colony Building, Chicago; Dr. Shailer Mathews, University of Chicago, Chicago; Hon. Henry C. Morris, 140 South Dearborn Street, Chicago; John C. Shaffer, 125 Market Street, Chicago; Prof. Lorado Taft, 6016 Ellis Avenue, Chicago; Charles P. Ford, international secretary International Brotherhood of Electrical Workers, Springfield; Dr. Eugene Davenport, dean agricultural college, Urbana.

"Vice presidents: Hon. Edward O. Brown, 1216 North State Street, Chicago; Hon. Jacob M. Dickinson, 800 The Temple, Chicago; Cyrus H. McCormick, 606 South Michigan Avenue, Chicago; Hon. Martin B. Madden, 3829 Michigan Avenue, Chicago; Harry H. Merrick, 125 West Monroe Street, Chicago; Mrs. John J. Mitchell, 1550 North State Street, Chicago; La Verne W. Noyes, 1146 South Campbell Avenue, Chicago; Harry A. Wheeler, Union Trust Co., Chicago (also in Washington, D. C.); Hon. Oliver Wilson, 214 Callender Street, Peoria.

"INDIANA.

"Executive committee: Hon. William D. Foulke, Richmond.

"National committee: Frank Duffey, general secretary United Brotherhood of Carpenters and Joiners of America, Carpenters' Building, Indianapolis; Hon. J. Frank Hanly, 707 I. O. O. F. Building, Indianapolis; Mrs. Grace Julian Clarke, Irvington; Hon. Edgar D. Crumpacker, 208 Michigan Street, Valparaiso; E. B. Moore, Circleville.

"Vice presidents: Will H. Hays, Republican national committee, Indianapolis; John H. Holliday, Union Trust Co., Indianapolis.

"IOWA.

"Executive committee: E. T. Meredith, Successful Farming, Des Moines.

"National committee: F. A. Canfield, Cedar Rapids; Miss Alice French, Davenport; Dr. John H. T. Main, Grinnell College, Grinnell; James M. Pierce, president Pierce's Farm Weeklies, Des Moines.

"Vice presidents: Hon. W. L. Harding, Des Moines; Hon. Lafayette Young, sr., Des Moines; Hon. M. J. Wade, Iowa City.

"KANSAS.

"Executive committee: Hon. Arthur Capper, 1031 Topeka Avenue, Topeka; Foster Dwight Coburn, 424 Topeka Avenue, Topeka.

"National committee: Dr. Frank Strong, University of Kansas, Lawrence; Alexander Howat, president United Mine Workers of America, Pittsburg; Hon. Stephen H. Allen, Topeka; Mrs. H. O. Garvey, 515 Buchanan Street, Topeka; J. C. Mohler, secretary State Board of Agriculture, Topeka.

"Vice presidents: William Allen White, Emporia; Hon. Charles F. Scott, Iola; W. R. Stubbs, Lawrence; Hon. Henry J. Allen, executive offices, Topeka; Frank P. MacLennan, State Journal, Topeka.

"KENTUCKY.

"National committee: T. R. Bryant, assistant director of extension Agricultural College, University of Kentucky, Lexington; Mrs. Thomas Jefferson Smith, 1420 St. James Court, Louisville.

"Vice presidents: Hon. A. O. Stanley, Frankfort; Henry Watterson, Louisville.

"LOUISIANA.

"National committee: A. T. Prescott, Louisiana State University, Baton Rouge; James M. Thomson, New Orleans Item, New Orleans; T. J. Greer, president State Federation of Labor, Shreveport.

"Vice presidents: Hon. Ruffin G. Pleasant, Baton Rouge; Dr. Paul H. Saunders, New Orleans.

"MAINE.

"National committee: H. B. Brawn, secretary State Federation of Labor, Augusta; Mrs. John F. Hill, Augusta; Leon S. Merrill, College of Agriculture, Orono; W. P. Thompson, South China.

"Vice presidents: Hon. Carl Milliken, Augusta; William T. Cobb, Bath Iron Works (Ltd.), Bath.

"MARYLAND.

"Executive committee: William F. Cochran, 1531 Munsey Building, Baltimore; Hon. Theodore Marburg, 14 Mount Vernon Place, West Baltimore.

"National committee: Mrs. Edward Shoemaker, 1031 North Calvert Street, Baltimore; Francis A. White, Keyser Building, Baltimore; Henry W. Williams, Fidelity Building, Baltimore; H. J. Patterson, College Park.

"Vice presidents: Hon. Emeron C. Harrington, Annapolis; Bernard N. Baker, 905 Calvert Building, Baltimore; His Eminence J. Cardinal Gibbons, 408 North Charles Street, Baltimore; Miss Kate M. McLane, 211 West Monument Street, Baltimore.

"MASSACHUSETTS.

"Executive committee: Edward A. Filene, 426 Washington Street, Boston; A. Lawrence Lowell, Harvard University, Cambridge; James Duncan, Hancock Building Quincy; Dr. Harry A. Garfield, Williams College, Williamstown.

"National committee: Kenyon L. Butterfield, Amherst; Ralph W. Redman, Massachusetts Agricultural College, Amherst; Henry Abrahams, 11 Appleton Street, Boston; Hon. James Mott Hallowell, Pemberton Building, Boston; Rev. Hubert C. Herring, 14 Beaver Street, Boston; Prof. George H. Blakeslee, Clark University, Worcester.

"Vice presidents: Mrs. Fannie Fern Andrews, 405 Marlborough Street, Boston; Dr. E. Francis Clarke, 31 Mount Vernon Street, Boston; Henry L. Higginson, 191 Commonwealth Avenue, Boston; Charles C. Jackson, 462 Beacon Street, Boston; Right Rev. William Lawrence, 122 Commonwealth Avenue, Boston; Hon. Samuel W. McCall, 68 Devonshire Street, Boston; Rev. Edward Cummings, 104 Irvington Street, Cambridge; Prof. Francis G. Peabody, 13 Kirkland Street, Cambridge; William Roscoe Thayer, 8 Berkeley Street, Cambridge; Prof. George G. Wilson, Harvard University, Cambridge; Mrs. J. Malcolm Forbes, 280 Adams Street, Milton; Miss Mary E. Woolley, Holyoke College, South Hadley.

"MICHIGAN.

"Executive committee: E. B. Caulkins, Michigan Steel Casting Co., Detroit.

"National committee: Dr. Harry B. Hutchins, University of Michigan, Ann Arbor; Mrs. Carolina Bartlett Crane, Kalamazoo; Right Rev. Charles D. Williams, St. Paul's Cathedral, Detroit; Prof. E. H. Ryder, Agricultural College, department of history, East Lansing.

"Vice presidents: Hon. Woodbridge N. Ferris, 515 Elm Street, Big Rapids; John W. Blodgett, Grand Rapids; Hon. H. A. Sleeper, Lansing.

"MINNESOTA.

"Executive committee: E. J. Couper, care of Northwestern Knitting Mills Co., Minneapolis; Dr. Donald J. Cowling, Carlton College, Northfield.

"National committee: Mrs. J. L. Washburn, Duluth; Dr. Marion L. Burton, University of Minnesota, Minneapolis; Hon. Adolph O. Eberhardt, Title Holding & Mortgage Co., Metropolitan Bank Building, Minneapolis; George W. Lawson, secretary State Federation of Labor, 75 West Seventh Street, St. Paul; Prof. A. D. Wilson, director of Extension and Farmers' Institutes, University Farm, St. Paul.

"Vice Presidents: Dr. Cyrus Northrup, University of Minnesota, Minneapolis; Hon. J. A. A. Burnquist, St. Paul.

"MISSISSIPPI.

"Executive committee: J. T. Thomas, care of Bank of Grenada, Grenada.

"National committee: Dr. G. R. Hightower, Agricultural College; Prof. F. P. Gaines, Agricultural College; Miss Belle Kearney, Flora; Mrs. Daisy McL. Stevens, Hattiesburg.

"Vice presidents: Hon. John Sharp Williams, Benton; Hon. Leroy Percy, Greenville.

"MISSOURI.

"Executive committee: William T. Kemper, Southwest National Bank of Commerce, Kansas City; Frederick N. Judson, 1326 Boatmen's Bank Building, St. Louis.

"National committee: Henry M. Beardsley, Kansas City; Chester H. Gray, president Missouri Farm Bureau Association, Nevada; George Warren Brown, Advertising Building, St. Louis; Mrs. Benjamin F. Bush, 5334 Waterman Avenue, St. Louis; Prof. Roland G. Usher, 5737 Gates Avenue, St. Louis.

"Vice presidents: Hon. Frederick D. Gardner, Jefferson; Benjamin F. Bush, St. Louis; Clarence H. Howard, Commonwealth Steel Co., St. Louis; Wallace Simmons, Simmons Hardware Co., St. Louis; Melville L. Wilkinson, St. Louis.

"MONTANA.

"National committee: F. S. Cooley, director of extension, Montana State College, Bozeman; M. M. Donoghue, 531 Diamond Street, Butte.

"Vice president: Hon. Samuel V. Stewart, Helena.

"NEBRASKA.

"National committee: Mrs. Althera H. Letton, 1910 E Street, Lincoln; W. A. Fraser, W. O. W. Building, Omaha; Victor Rosewater, Omaha.

"Vice presidents: Hon. S. R. McKelvie, Executive Offices, Lincoln; Hon. Keith Neville, Lincoln, Nebr.

"NEVADA.

"Executive committee: Hugh H. Brown, State Banking & Trust Co. Building, Tonopah.

"National committee: Charles A. Norcross, director of extension, University of Nevada, Reno; Frank W. Ingram, chairman State legislative board B. L. F. and E., Sparks.

"Vice president: Hon. Emmet B. Boyle, Carson City.

"NEW HAMPSHIRE.

"Executive committee: Gen. Frank S. Streeter, Concord.

"National committee: R. D. Hetzel, president New Hampshire College, Durham; Mrs. Alpha H. Harriman, 778 Main Street, Laconia; Winston Churchill, Cornish.

"Vice presidents: Hon. John H. Bartlett, Executive Offices, Concord; Hon. Henry W. Keyes, Concord.

"NEW JERSEY.

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"EXHIBIT C.

"A PARTIAL LIST OF NATIONAL ORGANIZATIONS THAT HAVE INDORSED LEGAGUE OF NATIONS.

"National Association of Post Office Laborers. Mr. Conrad Kessler, 423 West Forty-ninth Street, New York City.

"Disciples of Christ. Rev. Edgar Dewitt Jones, 8 Whites Place, Bloomington, Ill.

"National American Woman Suffrage Association. Mrs. Carrie Chapman Catt, 171 Madison Avenue, New York, N. Y.

"Church Peace Union. Dr. Frederick Lynch, 70 Fifth Avenue, New York, N. Y.

"American Agricultural Association. Mr. G. W. Stearn, 1125 Fourteenth Street NW., Washington, D. C.

"American Federation of Labor. Mr. Samuel Gompers, American Federation of Labor Building, Washington, D. C.

"American Manufacturers' Export Association. Mr. E. V. Douglass, 160 Broadway, New York, N. Y.

"Associated Advertising Clubs of the World. Mr. William C. D'Arcy, International Life Building, St. Louis, Mo.

"United States Chamber of Commerce (referendum No. 11). Mr. Harry A. Wheeler (November, 1915), 7 South Dearborn Street, Chicago, Ill.

"United Brethren in Christ Board of Bishops. Bishop William M. Bell, 1450 Fairmont Street NW., Washington, D. C.

"World Alliance for Promoting International Friendship. Rev. William P. Merrill, 105 East Twenty-second Street, New York, N. Y.

"Council of Jewish Women. Mrs. Nathaniel E. Harris, 114 South Avenue, Bradford, Pa.

"Dames of Malta. Mr. John H. Larson, 1345 Arch Street, Philadelphia, Pa.

"National Society Daughters of American Revolution. Mrs. George Thatcher Guernsey, The Rochambeau, Washington, D. C.

"Farmers' Educational and Cooperative Union of America. Mr. Charles S. Barrett, Union City, Ga.

"Farmers' National Reconstruction Conference, Washington, D. C.

"Federal Council of the Churches of Christ in America. Rev. Frank Mason North, 612 Charities Building, 105 East Twenty-second Street, New York City.

"Evangelical Lutheran Church in United States of America. Rev. Victor G. A. Tressler, 515 North Fountain Avenue, Springfield, Ohio.

"National Board of Farm Organizations. Charles A. Lyman, secretary, 615 Woodward Building, Washington, D. C.

"The Gideons. Mr. Harry J. Humphreys, 2474 Third Avenue, Huntington, W. Va.

"Grand Aerie, Fraternal Order of Eagles. J. S. Parry, Esq., Buffalo, N. Y.

"Grand Chamber Order Knights of Friendship. Mr. Samuel P. Faust, 618 Washington Street, Reading, Pa.

"National Reform Association. Dr. Henry Collin Minton, 440 Bellevue Avenue, Trenton, N. J.

"International Order of the King's Daughters and Sons. Mrs. A. H. Evans, 336 West Eighty-sixth Street, New York, N. Y.

"Grand Lodge Independent Order of Daughters of St. George. Mrs. Elizabeth Tennant, 12 Elsmere Avenue, Methuen, Mass.

"International Railway General Foremen's Association. Mr. L. A. North, 1518 Seventy-sixth Place, Chicago, Ill.

"Military Order of Foreign Wars of the United States, National Commandery. Brig. Gen. Samuel W. Fountain, Room A, Bellevue-Stratford, Devon, Pa.

"National Association of Brass Manufacturers. Mr. William W. Webster, 139 North Clark Street, Chicago, Ill.

"National Association of Builders' Exchange. Col. John R. Wiggins, Philadelphia, Pa.

"National Association Merchant Tailors of America. Mr. Albert Mathews, 27 East Monroe Street, Chicago, Ill.

"National Council of Women. Mrs. Philip North Moore, 3125 Lafayette Avenue, St. Louis, Mo.

"National Economic League. Mr. J. W. Beatson, 6 Beacon Street, Boston, Mass.

"Department of superintendence, National Education Association of the United States. Prof. George D. Strayer, Columbia University, New York, N. Y.

"National Federation of Implement and Vehicle Dealers' Association. Mr. C. M. Johnson, Rush City, Minn.

"The National Grange. Mr. Oliver Wilson, Peoria, Ill.

"The National Party. Mr. Allen McCurdy, 15 East Fortieth Street, New York, N. Y.

"National Retail Dry Goods Association. Mr. Francis Kilduff, 33 West Forty-second Street, New York, N. Y.

"New England Hardware Dealers' Association. Mr. George A. Fiel, 10 High Street, Boston, Mass.

"Pan American Labor Conference, Laredo, Tex. Mr. Samuel Gompers, American Federation of Labor Building, Washington, D. C.

"Shepherds of America, supreme sanctuary. Mr. Archie L. Wicks, 26 Wiggins Avenue, Patchogue, N. Y.

"American Friends of German Democracy. Mr. Franz Sigel, 6 West Forty-eighth Street, New York, N. Y.

"Farmers' Equity Union. Mr. P. L. Betts, Chicago, Ill.

"Southern Commercial Congress. Mr. William H. Saunders, Southern Building, Fifteenth and H Streets, Washington, D. C.

"Southwestern Shoe Travelers' Association. Mr. B. M. McWhirter, box 1102, Waco, Tex.

"North Central Association of Colleges and Secondary Schools. Mr. George Buck, Shortridge High School, Indianapolis, Ind.

"Synod of the Province of New England, representing Episcopal churches of New England. Rev. Ernest J. Dennen, 1 Joy Street, Boston, Mass.

"National Society Christian Endeavor. Rev. Francis E. Clark, LL. D., Mount Vernon and Joy Streets, Boston, Mass.

"American Insurance Union. Dr. George W. Hogland, A. I. U. Building, Columbus, Ohio.

"Lake Mohonk Conference on International Arbitration. Mrs. Daniel Smiley, Mohonk Lake, Ulster County, N. Y.

"Religious Education Association. Rev. Henry F. Cope, 1440 East Fifty-seventh Street, Chicago, Ill.

"Woman's Auxiliary Southern Commercial Congress. Miss Louise Lindsley, Nashville, Tenn.

"General Federation of Women's Clubs, representing 2,000,000.

"Victory Committee of Women, composed of heads of all organizations who did active war work, such as councils of national defense, National League for Woman's Service, etc.

Indian Rights Association. M. K. Sniffen, 995 Drexel Building, Philadelphia, Pa.

"Midyear Conference of Home Missions Secretaries of the Disciples of Christ.

"Mid-European Union, October, 1918.

"General Assembly of the Presbyterian Church in the United States of America, representing 1,600,000 members.

"Children of American Loyalty League. Mrs. Nat. S. Brown, 320 Boatmans Bank Building, St. Louis, Mo.

"Northern Baptist convention, representing 1,500,000."

"A PARTIAL LIST OF STATE ORGANIZATIONS THAT HAVE INDORSED LEAGUE OF NATIONS.

"Alabama State Bar Association.

"Arkansas Sunday School Association.

"High School Principals Convention, California.

"California Federation of Women's Clubs, northern district.

"California Sunday School Association.

"The California Branch of the League to Enforce Peace.

"The California Society Dames of the Loyal Legion.

"California Rural State Letter Carriers' Association.

"Northern California Hotel Association.

"Modern Language Association of Southern California.

"The Great Council of Colorado, Improved Order of Red Men.

"Federation of Labor of Colorado.

"Connecticut State Association of Letter Carriers.

"Order of the Eastern Star, Connecticut.

"Past Exalted Rulers Association, Benevolent and Protective Order of Elks, of Connecticut.

"Petition signed by faculty and students of the Women's College of Delaware.

"National Society Daughters of the American Revolution, Florida Branch.

"Florida Division United Daughters of the Confederacy.

"Florida Bankers Association.

"Florida Federation of Women's Clubs.

"Florida Woman's Christian Temperanee Union.

"Alumnæ Association Illinois Training School for Nurses.

"Twelfth District Illinois Federation of Women's Clubs.

"Illinois Lumber and Builders Supply Dealers' Association.

"State Conference of County Agents, Iowa.

"Iowa Conference Daughters of the American Revolution.
"State Grange, Iowa.
"Royal Neighbors of America, Kansas.
"Kansas Division Farmers' Education and Cooperative Union of America.
"Kansas State Live-Stock Association.
"Farmers' National Congress for Kentucky.
"Kentucky Purebred Live-Stock Association.
"Executive board Kentucky State Federation of Labor.
"Maine State Board of Trade.
"State Federation of Labor, Maine—1917 and 1918.
"Maine State Grange.
"Massachusetts State Society Daughters of the American Revolution.
"Rebekah Assembly, Independent Order of Odd Fellows, Michigan.
"Michigan State Association of Letter Carriers.
"Rural Life Conference Central Michigan Normal School.
"Mississippi Sunday School Association.
"Missouri Federation of Women's Clubs.
"Farmers' National Congress of the State of Missouri.
"The Nebraska Retail Hardware Association.
"Nebraska State Grange.
"New Hampshire Federation of Women's Clubs.
"State Department of Agriculture and Merrimack County Farm Bureau, New Hampshire.
"New Hampshire Manufacturers' Association.
"New Hampshire Bankers' Association banquet.
"New Hampshire Federation of Women's Clubs.
"Grand Castle of New Jersey, Knights of the Golden Eagle.
"New Jersey Woman Suffrage Association.
"Fifth Annual Synod of Episcopal Bishops, Clergy and Laymen of the Province of New York and New Jersey.
"New York Peace Society.
"New York Fraternal Congress.
"Retail Lumber Dealers' Association, New York.
"New York State Grangers.
"Daughters of the Revolution, State of New York.
"New York State Federation Women's Clubs.
"North Carolina Conference for Social Service.
"North Carolina Farmers' State Convention.
"North Carolina Educational Association.
"North Dakota Grangers.
"Master House Painters and Decorators' Association, Ohio.
"Ohio Retail Furniture Dealers' Association.
"Women of the Northwest through the Woman's Bureau of Social Equity of the Council of Women Voters, Oregon.
"Convention, Diocesan Protestant Episcopal Church, Pennsylvania.
"Pennsylvania Council National Defense.
"Pennsylvania State Grange.
"Sons and Daughters of Liberty, Rhode Island.
"Rhode Island Woman Suffrage Party.
"Woman's Christian Temperance Union, Rhode Island.
"Rhode Island State Federation of Women's Clubs.
"Rhode Island Branch, National Congress of Mothers and Parent-Teachers' Association.
"The Maccabees, Rhode Island.
"Rhode Island Equal Suffrage Association.
"Grand Commandery, Knights Templar of South Carolina.
"Woman's Missionary Council of the Methodist Episcopal Church South, Tennessee.
"National League for Woman's Service, Tennessee.
"Daughters of the American Revolution, Texas.
"Texas Federation of Women's Clubs.
"The Texas State Dental Society.
"Texas Library and Historical Commission.
"State Rebekah Assembly, Independent Order of Odd Fellows, Texas.
"Vermont State Federation of Women's Clubs.
"Grand Council Order Fraternal Americans, Virginia.
"Wisconsin Association of Optometrists.
"Dairymen's Association, Wisconsin.
"Wisconsin Electrical Association.
"Wisconsin Gas Association.
"Grand Lodge of Wisconsin, International Order of Good Templars.
"International Order of the King's Daughters and Sons, Wisconsin Branch.
"National League for Woman's Service, Wisconsin.
"Directors of the Woman's Synodical Missionary Society of the Presbyterian Church in Wisconsin.
"Wisconsin Retail Hardware Association.
"Wisconsin Sheet Metal Contractors' Association.
"Wisconsin State Bottlers' Association."

Mr. HITCHCOCK. Mr. President, before I take my seat I desire to refer also to the statement made by the correspondent of the Senator from Connecticut [Mr. BRANDEGEE] to the effect that I had declared that no one opposed the league of nations except socialists, Bolshevists, and anarchists. I made no such statement. What I said was that the organized efforts in the United States against the league of nations consisted of organizations for political purposes, for the purpose of making political capital, and outside of that in the United States there was no church organization, no women's organization, no labor organization, no business organization, no educational organization, and no organization of a nonpartisan character having for its purpose the welfare of the country that supported those Senators who are here antagonizing and seeking to destroy the league of nations as a method of securing international peace. I declared, furthermore, and I repeat, that there are certain organizations in the United States and in other countries anxiously at work to destroy the league of nations, and that those organizations are the anarchists, the Bolshevists, and the organized enemies of society and of government everywhere; and that is true not only in the United States but it is true in other countries as well.

In the New York Times of yesterday this special cablegram appeared. It is from Berne, Switzerland:

Swiss Presidents have hitherto been spared from molestation by anarchists or madmen, but since the Bolshevist propaganda has penetrated this small Republic even the venerable and highly respected chief of State, M. Ador, has been the victim of something much resembling an attempt on his life.

Yesterday an individual named Weissenbach, pushing aside the President's woman secretary, forced an entrance in M. Ador's room and is reported to have seized the President by the throat. He might have strangled M. Ador had not the brother of the Swiss defense minister rushed in and rescued him.

Weissenbach was one of those who recently took part in a meeting in opposition to Switzerland joining the league of nations. It is not yet known whether he is a Bolshevik or is crazy or both.

Last Sunday, when Federal Councilor Callonder was addressing a mass meeting at Winterthur in favor of Switzerland joining the league, a number of Bolsheviki attempted unsuccessfully to break up the meeting. It is now believed that the Bolsheviki and the Pan Germans are cooperating in an endeavor to prevent Switzerland from becoming a member of the league.

Nevertheless, the Swiss Government, realizing that should Switzerland not join the league within the stipulated time Geneva might not become the league seat, has called a special session of Parliament for November 10 to decide the question. As the decision must finally come to a referendum, many of the ablest Swiss intellectuals, historians, and others are addressing mass meetings explaining the objects of the league, and they urge that Switzerland join it immediately.

This would probably have been needless but for the pro-German and Bolshevist propaganda and press. All Swiss newspapers which during the war served the cause of the German general staff are now opposing the league, while all which were and are friendly to the Entente, including the entire French-Swiss press, are advocating it.

President Wilson's illness has cast a positive gloom over French Switzerland, and is sincerely deplored by leading German Swiss papers, such as the Neue Züricher Zeitung. Although it would hardly be credited, yet Bolshevist, Sinn Fein, and pro-German circles are positively rejoicing, and the hope is openly expressed that, now that the President lies prostrate, his senatorial opponents will succeed in wrecking his policy and prevent America from joining the league.

Mr. President, that is only a sample of the news that comes from all over the world, that the Bolshevists and the lawless elements and the enemies of society and those who oppose stable government everywhere in the world object to this league of nations. They are the organized plotters against it in other countries, and they are the organized bodies against it in the United States. Where are any church organizations opposing the league of nations? Where are any business men's organizations opposing the league of nations? Where are any labor organizations opposing the league of nations in the United States? Where are any educational organizations in the United States opposing the league of nations? Where are any such organizations having at heart the welfare of the country, the stability of government, and the public welfare, opposing the idea of the nations getting together and organizing for the peace of the world? There are none such.

Mr. President, heretofore the world has been organized for war. This is an effort to organize the nations for peace; and the reason that the Bolshevists and the anarchists and the enemies of society everywhere object to organizing the world for peace is that they fear it will stabilize government and prevent the arrival of anarchy.

I do not say that Senators are purposely cooperating with such organizations; but I repeat, and I challenge contradiction, that every newspaper in the United States published in the interest of anarchy, extreme socialism, and Bolshevism, without any exception, is opposing the league of nations, and every organization of that character which is opposed to the stability of society and of government is also opposing it.

I say this merely in reply to the correspondent of the Senator from Connecticut [Mr. BRANDEGEE], who seems to resent the

statement I made that those organizations are opposing the league of nations.

Senators may not like the partnership; they may not like to have that sort of support in their effort to defeat the league of nations; but they have it, whether they want it or not.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, I rise for the purpose of discussing briefly the question which is supposed to be now before the Senate, and that is the first amendment reported by the Committee on Foreign Relations, intended to secure equality of voting to the United States in the council and assembly of the league of nations.

I intend to vote for that amendment, as I voted for it in the committee. I am aware that it is inadequate for the purposes for which it is intended; I am aware that if the second amendment is also adopted it still remains in a degree inadequate; but, Mr. President, I vote for it because I believe most profoundly in the principle which it is intended to carry out. I shall vote gladly to make it more adequate, if that is desired by the Senate. I shall vote gladly for a reservation, if it is necessary to have that in order to make the principle of equal voting more effective.

In saying that, Mr. President, I trust nobody will imagine that because I differ from them as to the correctness of voting for this amendment I in any way intend to impugn their patriotism or their motives. To me it is inconceivable that any man who has at heart the welfare, the safety, and the independence of the United States should be willing to vote for the ratification of this treaty without reservation or amendment. Yet I do not question in the slightest degree the patriotism or the motives of those who take a different view. Still less do I question the motives of those who have the same purpose that I have, which is to protect our right to an equal vote in the council and assembly of the league, but who prefer to proceed by reservation rather than amendment. Senators who prefer reservations, but who have the same purpose that I have, I have no question are just as thoroughly American and patriotic as I am. Men who are aiming at the same purpose and trying to attain the same object may differ as to methods, but that does not imply that they are not equally honest in their desire for the general result.

Mr. President, I did not intend to go further on this point, but the Senator from Nebraska has just gone through his favorite morning rehearsal of the organizations and of the very worthy people who favor the league of nations without amendment or without reservation and, I may add, usually without reading more than the title of the instrument. My own personal belief is—and it is based upon letters and resolutions without number, with which I have not sought to load the RECORD—that the great mass of the American people to-day, if we could put the treaty to a popular vote, would be against ratifying the league as it stands. The great majority of the American people to-day, in my judgment, are either against any league or demand effective reservations in order to protect amply and thoroughly the United States.

It is worse than idle, Mr. President, to attempt in an indirect fashion to imply that those who take the view which I and others hold are Bolshevists and socialists and pro-German. I am not concerned to defend my record in the war. I think it speaks for itself. I think my votes will be found to have been unbrokenly against Germany at a time when some others were inclined to cast and did cast votes which I thought were at least sympathetic with Germany and her cause. I do not think anything is gained by such charges as I have described.

Mr. President, there is one thing which I think it would be well to have understood, and that is that there are many Senators in this body whose votes can not be determined by guesses at public opinion or by anyone's convenience. There are many Senators here—a large majority, I think—who are wholly indifferent to what their own political future may be, who care nothing for party advantage or disadvantage, but who profoundly believe, and their belief rests upon the deepest conviction, that this treaty as it stands endangers the safety, the independence, and the welfare of the United States in the future; and no outside pressure, no testimonials to the virtues of the League to Enforce Peace, have the slightest effect upon them. They make up their own minds as to what they think the best interests of their own country demand, and they are not to be guided or influenced by outside pressure, and least of all by being told what Europe wants. The mischief in this treaty lies in the fact, and the reason that it was hung here is, that it was made up with the sole view of what Europe wanted, and the rights and interests of the United States were forgotten too completely by some of the gentlemen who purported to represent us in Paris.

Mr. President, I wish to say something more direct in regard to the pending amendment. One of the objections which has been made to amendments, and which has been a very effective and very unreal objection, is that an amendment would require a reconvening of the peace conference and cause great delay. The peace conference can not be reconvened, because it has never gone out of session. The representatives of all the signatory powers are sitting in Paris at this moment and have been for nearly a year past. They are still engaged in parceling out Europe. They are still engaged in telling other countries what they are to do, which some of the countries totally disregard, as in the case of Roumania; and they are very diligently occupied. They are there and can consider any amendment, and consider it quickly, if we should send it to them. They are in session. It would be perfectly easy, if necessary, to recall them, but it is not necessary; or an amendment could be sent by a note to each power, but that is not necessary. We are not delaying the ratification, for, if I am correctly informed, no ratifications have yet been deposited, and until deposited with the official authority in Paris the ratification is not complete.

But, Mr. President, the proposition that the Senate must not amend the treaty is equivalent to nullifying the power of the Senate. The Senate in the past has amended some 70 treaties—I think that is the number now—I mean amended, not put on reservations. Those amendments have been accepted, and the treaties have gone into effect. We began with the first and one of the most famous treaties, the Jay treaty, in 1795. That was a treaty which had a profound influence upon the condition of the country at the time, and upon its future as well. Washington had determined that it was above all things essential to keep the country out of war, and for that purpose to secure the withdrawal of the English posts on our western frontier. In order to bring about that settlement he sacrificed, as was shown a year or two later, the alliance which we had had with France. It was a very great and a very wise act. In that treaty the Senate made a very important amendment in regard to one clause. It was accepted and the treaty became a law.

This amendment does not touch the treaty with Germany; it is an amendment to one of the league provisions. Therefore, it does not have to go to Germany, which was another bugbear that has been put forward with great effect. Germany is not a member of the league. She is not in the list of those invited to accede. Whenever she is admitted to the league she will take the league as she finds it, because in the interval the league has full power to make amendments. This was admitted by the President in the conversation which the Foreign Relations Committee held with him at the White House—that the right of amendment was undoubted, and that Germany would have to take the league as she found it. The point is too obvious to argue.

Mr. BRANDEGEE. Mr. President, will the Senator permit an interruption at that point?

Mr. LODGE. I will.

Mr. BRANDEGEE. While the Senator says the right to amend the league is undoubted, what does he think of the possibility of amending it as a practicable thing?

Mr. LODGE. You mean under the provision of the league for amendment?

Mr. BRANDEGEE. Yes; under article 26.

Mr. LODGE. I think it is practically unamendable. That article, as I read it, requires that each country should agree to the amendment.

Mr. BRANDEGEE. Every member having representation in the council, and a majority of all the other members.

Mr. LODGE. It reads:

> Amendments to this covenant will take effect when ratified by the members of the league—

Mr. BRANDEGEE. All the members——

Mr. LODGE. "The members of the league" means the countries which are members. It continues:

> Whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

It is very plain to me that in the language "whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly" the words "whose representatives compose" are purely descriptive. I do not think there can be any question whatever that any amendment to this league would have to be submitted to the ratifying power in each country, just as a treaty is submitted.

Those who are represented on the council, the nine countries, would, under the provision of this league, have to be unanimous. If I may draw a parallel, it is very much as if we provided that in amending the Constitution the Thirteen Original States must all agree unanimously to an amendment and a majority of the other States in order to carry an amendment to the Constitution.

Mr. BRANDEGEE. Will the Senator read the rest of article 26?

Mr. LODGE (reading):

No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

That is a slight digression. I do not think the amending provision is practically of any value. Still, the amending power is there in that form.

Now, another point in regard to Germany's acceptance, of which I was speaking. Even if Germany had any right to say anything, which she has not, it would be very easy to make her agree to any amendment. The allied and associated powers have already compelled her to change her constitution in regard to the annexation of Austria, and if they can do that they certainly could secure her agreement to any amendment we choose to make. But it would not be necessary to submit it to her.

Now, Mr. President, I come to the amendment. I have no feeling whatever growing out of the fact that it is Great Britain which has six votes. I should feel just as strongly about it if France, Italy, or any other of the signatories of the league had the same superiority of voting.

During the years of neutrality I did all I could, in my humble way, in the Senate to defend the policies of England in regard to the blockade, a blockade based chiefly on international decisions made by us during the Civil War. I defended the policy of England in that respect at a time when the ranks of the defenders of the English policy were not overcrowded. It is with no feeling whatever, therefore, because it happens to be the British Empire which has these six votes that I advocate equality in voting power. I find no fault with Great Britain, because it was her draft of the league which was taken as its basis. That was wholly within her right, of course. I think perhaps it would have been as wise, more judicious, if she had left the explanation of article 21, covering the Monroe doctrine, to us. But her delegation gave an official and a correct interpretation of that article. I find no fault whatever with the fact that the secretary general of the league, which is the most important office, and its occupant, the man who will have greater influence than anyone else, is Sir Eric Drummond; or that Sir Herbert Ames, of Toronto, Canada, should be the financial director of the permanent secretariat of the league; or that Sir David Henderson of England should be the director general of the Red Cross societies league, organized under article 25 of the covenant; or that Mr. W. A. Appleton was recently elected president of the international division of trade unions in preparation for the labor conference to be held here in October under the auspices of the league. If the other members of the league wish these four great offices to be in the hands of Great Britain, I have not a word to say; I have no possible objection to it. I have no doubt that these gentlemen will perform their duties well.

Nor, Mr. President, do I grudge Great Britain anything she receives under the treaty. The valor, the wonderful fighting, of her armies, through four years, have my deepest admiration. The splendor of her sacrifices all the world admires, and the silent fortitude and undaunted courage of her people are beyond the need of praise. Though all the nations won the war, and we had the good fortune to come in and turn the scale at the last and most crucial moment, no one can deny that it was owing to the fleet of Great Britain that the war was not early lost. I say I grudge her nothing that she receives. But there is one point, Mr. President, at which I stop. I do not think that she or any other country should have more votes in the league of nations than we have.

Mr. President, when the peace conference was called the old international rule that each nation, whether small or large, was a sovereign entity and therefore was entitled to a vote equal to that of any other nation was recognized. I was unable to see then, and I can not see now, how any other rule could be adopted. When it came to the voting in the league, it seemed to me that whatever defect there might be in the general international rule, it was the only practicable one. The only alternative would have been a democratic division of votes according to population, and that seemed to present a great many complications.

If we had gone on the principle of 1 vote for every 10,000,000 inhabitants, for instance, China would have had 40 delegates; of course, if England had counted India in she would have had 35 delegates from India, besides her own. But China would have had 40 delegates to 4 from France, 4 from Great Britain, and 10 from the United States. I merely mention this as an illustration of the difficulty of granting votes on the basis of population. Therefore we adhered to the old rule that each nation, great or small, should have one vote.

But before the terms of the league were agreed to or the treaty signed, Canada, Australia, New Zealand, the Union of South Africa, and India were made members of the league. Of course, four of those are self-governing dominions. The basis on which India was put in, I have never been able to discover. In addition, there is no doubt that Great Britain controls entirely the vote of the Kingdom of Hejaz; and, also, when Persia becomes a member, will control the vote of Persia.

Mr. POINDEXTER. And Portugal.

Mr. LODGE. Yes; and probably others. But those are questions with which we have nothing to do.

Under the treaty as it stands, the fact remains that England has six votes and we have one. I think that is an unsound basis for the league. I think it is wrong in principle, and that it will tend to promote ill feeling and not make for peace or good will. I suppose that we could have insisted that we should have a vote for Porto Rico and a vote for the Philippines and a vote for Guam and a vote for the Virgin Islands, three of them self-governing dominions, if you choose to apply that test; and the other, Guam, is a part of the territory of the United States. I should be very sorry myself to see the United States attempt to secure voting power in that way.

Now, Mr. President, I am very far from wishing that the four self-governing dominions of England should not be members of the league. They are entitled to it by their services, their sacrifices, and their character. I do not wish to deprive one of them of a vote. I am glad they are in the league. I could have spared the Sultan of Hejaz, but I am glad to have Canada in the league; I should be very sorry if she were not there. But I think that we should come back to the principle which ought not to be abandoned, and that if the league is to go on we should have an equal vote with Great Britain.

I have looked up in the last Whitaker's Almanac, which is an English publication—apparently their last censuses are not later than 1911—and I find that the total white population of the British Empire was 59,000,000—England and Wales, 36,070,492; Scotland, 4,760,904; Ireland, 4,390,219; Canada, 7,250,000; Australia, 5,000,000; New Zealand, 1,200,000; and the Union of South Africa, 1,276,242; in all, 59,947,857. That population has probably increased since 1911. But even allowing for any unreasonable rate of increase, the population of the United States still exceeds all the white population of the British Empire. Therefore, on the basis of population alone, we should have an equal vote.

Mr. President, as this is a matter that has been somewhat discussed, I wish to show what I have never doubted, what I think is clear on the face of the instrument, precisely the interpretation given to it by Great Britain, by the Canadians, and by South Africa. I am not wise enough to say what the gentlemen who made these utterances meant in the recesses of their inner consciousness. I am simple, and I can not go beyond what they said. This has been read before, but it will do no harm to read it again; it is brief:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt, it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

If that is not a statement that Canada may be placed in the council, or New Zealand, or any of them, I am unable to see how language could be plainer. That statement is signed by M. Clemenceau, President Woodrow Wilson, and David Lloyd-George.

Sir Robert Borden, who is a very able man, made a speech before the Canadian Parliament. I think it has heretofore been printed in the RECORD, but I desire to read a few passages from it. He begins by saying:

The status of the dominions at the peace conference was the subject of long and earnest discussion. Various methods, which it is not necessary to explain, were suggested. In the end I proposed that there should be a distinctive representation for each dominion similar to that accorded to the smaller allied powers—

Nobody has any doubt whatever as to the vote and power the smaller allied powers have in the league—

and, in addition, that the British Empire representation of five delegates should be selected from day to day from a panel made up of representatives of the United Kingdom and the dominions.

That reference is to the delegates to the peace conference, and they were changed so as to allow representation to the various British dominions. He then says:

At first strong objection was made to the proposed representation of the British dominions. Subsequently there was a full discussion in the British Empire delegation, at which a firm protest was made against any recession from the proposal adopted in London. In the end that proposal was accepted.

Then, later he says:

I proposed that the assent of the King as high contracting party to the various treaties should, in respect of the Dominions, be signified by the signature of the Dominion plenipotentiaries.

That was adopted. Then, he says:

So that the Dominions appear therein as signatories and their concurrence in the treaties is thus given in the same manner as that of other nations.

This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly, I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by His Majesty, so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

Then, speaking of the Dominions, he says:

They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members.

If anything can be clearer than that, I do not know how it can be made clearer. The rights, the vote, and the authority of other signatory members are undisputed. Then, he says:

The future relationship of the nations of the empire must be determined in accordance with the will of the mother country and of each Dominion in a constitutional conference to be summoned in the not distant future. Undoubtedly it will be based upon equality of nationhood. Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britannic commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

The same powers being reposed in the world league of nations as in the British league of nations.

On behalf of my country, I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American continents. Her resolve had given inspiration, her sacrifices had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty and far less conspicuous in their sacrifice.

That is, he understood, and understood correctly, that they stand on the same ground as every other signatory, each of whom has one independent vote. If they stand on the same ground, each of the British colonies will have one independent vote.

Mr. POINDEXTER. Mr. President, will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. POINDEXTER. It has been argued by some distinguished advocates of the league that in a controversy between the United States and the British Empire to be submitted to the assembly for decision the United States, being a party in interest, is excluded and Great Britain and her five colonies would all be excluded. I should like to know if that is the view of the Senator from Massachusetts, or whether or not, upon the premises which he has laid down, the colonies, occupying in the league an equal status in every respect with other signatories and there being nothing in the league to the effect just stated, that those colonies would sit and vote as independent nations?

Mr. LODGE. Sir Robert Borden has declared in the plainest terms that they have the rights of every signatory nation. Every signatory nation has one independent vote, and the British colonies each have one independent vote, not to be determined by the British Empire in any way at all. Nothing could be clearer. If more evidence were needed, let me read what Gen. Smuts, who was one of the principal makers of the draft, said in regard to the relations of Great Britain and the dominions at the meeting of the Parliament of the Union of South Africa, at Cape Town on September 10. The dispatch is from the London Times and is dated September 10. Gen. Smuts said:

Regarding the league of nations, it was incorrect to say that in the league the British Empire was a unit. The Empire was a group, but South Africa had exactly the same rights and voice as England. Though England was a permanent member of the central council, South Africa could be elected to that council.

What could be plainer than that? Gen. Smuts, who was one of the principal makers of the instrument, so interprets it. There can not be any question that the British dominions will each have a separate vote.

Mr. WATSON. Mr. President, am I justified in understanding from that letter that England and South Africa might both be represented on the council at the same time?

Mr. LODGE. I think there is no question as to that. There is no limitation in the statement of Lloyd-George, Clemenceau, and the President in which, without qualification, they declare the British colonies to be eligible to the council.

Mr. WATSON. If the Senator will pardon me further, some have taken the position that the British Empire was entitled only to one representative on the council, and if that one representative came from Canada, then there could be no other representative from the British Empire.

Mr. LODGE. I see nothing whatever to justify that view. The statement is plain. Sir Robert Borden and Gen. Smuts, both able men, certainly were there and knew what they were doing, and they have stated that each of the self-governing dominions, including, of course, India, occupies the same position as that occupied by Belgium or Spain or any other country as a member of the league. It is the right of Belgium, if she has the opportunity, to have a representative on the council. If, as they state—and state correctly—the rights of the British colonies are the same as the rights of Belgium, which is one of the smaller signatory powers mentioned by them, they can not be deprived of the right to sit on the council.

Mr. President, I am not going to go over the well-trodden ground as to where the six votes count.

Mr. JONES of New Mexico. Mr. President, will the Senator yield for a question?

Mr. LODGE. I yield.

Mr. JONES of New Mexico. Assuming to be correct the position just taken by the Senator in regard to Canada and other dominions of the British Empire becoming members of the council, so that the empire might have more than one representative on the council, I should like to ask the Senator if that could occur except by the vote of the United States?

Mr. LODGE. No; it could not as the treaty now stands as to additional; but that does not alter the principle. It could be done, however, without the vote of the United States in the case of electing new members of the league. New members can be elected by two-thirds of the assembly; there is no limitation in that respect; and in constituting two-thirds of the assembly, of course, Great Britain has six votes to start with and two or three others that she controls, which will be a help toward electing her candidate.

Mr. OVERMAN. Mr. President, will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. OVERMAN. Do I understand the Senator to say that if the British Empire were a party in interest and Canada were a member of the council, Canada could cast a vote?

Mr. LODGE. It is not necessary to state the case with reference to membership upon the council. The British Empire would have five votes in the assembly, if the dispute were taken there. If the British colonies have, as Sir Robert Borden and Gen. Smuts say they have, and as I think the treaty provides beyond a doubt, all the rights of other signatory powers their five votes can not be taken away from them. There is nothing in the treaty to justify a contrary conclusion.

Mr. SHIELDS. Mr. President, will the Senator allow me to interrupt him?

Mr. LODGE. I yield.

Mr. SHIELDS. In answering the Senator from New Mexico [Mr. JONES] a few moments ago the Senator, as I understood him, said that one of the British dominions or provinces could not be elected on the council without the consent of the United States. I am not sure that that is the proper construction of the league covenant. Article 4 provides:

The council shall consist of representatives of principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly, representatives of Belgium, Brazil, Spain, and Greece shall be members of the council.

The question is whether it is a fact that there is required a unanimous vote in the assembly in the case of the election of new members to the council. Let us see. Article 5 provides:

Except where otherwise expressly provided in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or the council shall require the agreement of all of the members of the league represented at the meeting.

All matters of procedure at meetings of the assembly or of the council, including the appointment of committees to investigate particular mat-

ters, shall be regulated by the assembly or by the council, and may be decided by a majority of the members of the league represented at the meeting.

I hardly think that anyone would say that the election of a member of the council would be a "decision." A decision implies the passing upon a dispute where there is a controverted point, such as courts decide. It implies that the council is then sitting as a judicial body, while the matter of an election is one of procedure. Therefore I think that a majority can elect.

Mr. LODGE. Mr. President, I agree with the Senator about that. I answered the question of the Senator from New Mexico in a general way. On the face of the covenant as it stands, it may be contended, I think, that in the case of the election of additional members of the league whose representatives shall also be members of the council a unanimous vote of the council would be required. On the question of filling the four places which are left to the discretion of the assembly, however, I am very clear that they can be filled by the assembly alone, and that a unanimous vote is not required.

Mr. SHIELDS. I thought perhaps the Senator had not fully grasped the question.

Mr. LODGE. I did not guard my reply sufficiently. Of course, there is a great deal of dispute over that point, but I think we shall find that it will be decided in the way the Senator and I think it can be decided.

I am not blaming England for getting in her dominions. Take, for instance, the first article:

> Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly.

That is wholly a matter for the determination of the assembly. There the six votes of England count, and we have only one, and there is no veto possible by the requisition of unanimity.

England has Newfoundland, just as much entitled as Canada, as a self-governing dominion, to come in. It so happens that the only States that the words "self-governing dominion" exactly cover are English possessions. I do not wonder that England did it. I find no fault with her. She was looking after her own interests there. It was her duty to do it. It was perfectly right that she should. Where I find the fault is that we had nobody who cared for our interests as those of Great Britain were cared for.

Mr. President, I am not going over the points where they have their six votes to our one. They have been gone over many times, and will be gone over many times more. I have not any doubt, in the case of a dispute—I am not speaking now of a dispute with Canada or Great Britain, but a dispute between the United States and Japan—that England would have her six votes and we should have none; and if Great Britain herself were in a dispute, I think her five colonies would all have their votes just as much as Belgium and Italy would have their votes. They stand on the same ground.

Mr. SHIELDS. Mr. President, this matter has been discussed all the time as though England had six votes only. As I remember, Persia is one of the countries invited to become a member of the league.

Mr. LODGE. I mentioned Persia and the Kingdom of Hejaz. Of course, England controls both those votes.

Mr. SHIELDS. I was just going to call attention to the fact that The Nation, of London, has referred to that in stating that under this treaty negotiated right along while the league of nations covenant was pending, evidently hurried before it was perfected, England has taken over Persia, and will rule it completely—appoint all of its officers, run all of its internal affairs, and receive all of its revenues. In other words, it has a more complete control over Persia now than it has over India.

Mr. LODGE. It has complete control of its finances and its army, which gives it control of the country.

All I wish to say in conclusion—and I have taken more time than I had intended—is that what I am interested in, in this amendment, in any other form of it that may be presented, or in any reservation, is the principle involved. I can not, for myself, consent or admit that in the great assembly of the nations the vote of the United States should not be equal to that of any other power. You may turn and twist it as you please; Great Britain and her self-governing dominions, and India, which is a mere chattel of the Empire, have six votes and we have one in the assembly. That is something that I for one can not possibly agree to; and I propose to vote against it in whatever form of amendment, or reservation, or both, or either, it is presented. I will never admit for myself personally that the United States, in the great council of the nations, shall occupy a place of inferiority in power and in representation.

Mr. McCUMBER. Mr. President, before proceeding to answer the argument of the Senator from Idaho [Mr. BORAH], I wish to refer to two statements just made by the Senator from Massachusetts.

I think he has not been entirely fair, although I know that he intends to be, in the broad declaration that Great Britain has six votes, carrying the assumption that there are six votes which Great Britain can declare upon every occasion; that the vote of Canada, the vote of India, the votes of Australia and South Africa can always be placed by Great Britain.

Of course, if the United States should be allowed six votes, those six votes would be cast by one entity and not by six different entities. Let us suppose that India insists that her citizens should have the right of emigration to Canada and settle in Canada——

Mr. LODGE. Mr. President——

Mr. McCUMBER. Just a moment; let me finish the sentence—and that dispute in any way should come before the council or the assembly, and that the vote of India should be in favor of the emigration of Indians to Canada, and the vote of Canada without any possible question would be against it. Now, how could it be said that Great Britain cast either the vote of India or the vote of Canada? She could not cast them both, because they would be diametrically opposed to each other. If the question were a question of the right of Chinese or Indians to emigrate to South Africa and the white representative of South Africa opposed it and the Indian representative voted in favor of it, how could Great Britain cast the votes of both India and South Africa? I submit those two instances to show the fallacy of the claim that Great Britain has these votes.

I now yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I did not mean to imply that Great Britain could always command the votes of the four self-governing dominions. Of course, I do not think India is a happy example of what the Senator is speaking about, because the vote of India is cast from Downing Street. She has no opinion and nothing else, but her representative who signed the treaty was the secretary of state for India. But it might arise over Japanese immigration, and I quite agree that if it did arise, as the Senator sugggests, the four self-governing dominions would vote with the United States, however England wanted them to vote.

I do not mean to say that they can not cast independent votes. Of course they can. That is my whole argument. My proposition is that on all questions affecting the Empire they will cast six votes.

Mr. McCUMBER. And my reply to that, Mr. President, is that if the dispute is one to which the Empire or any one of its self-governing members is a party, they can cast no vote, under article 15. Now, there may be a difference in the construction of that article. If there is a difference in the construction, then I agree with the Senator from Massachusetts absolutely that we could meet that by a reservation where there can be no possibility of any misconstruction.

Mr. LODGE. Mr. President, personally I think there can be but one construction. I think they have the same independent vote there that they would have in the example which the Senator suggested. I can not think their vote can be taken away from them. I do think, admitting that it is doubtful, as the Senator says, that should be covered; but I want to cover them all if I can.

Mr. McCUMBER. But, Mr. President, the vote is taken away from them by the absolute and direct declaration of article 15, which declares that parties to the dispute shall be excluded; and by every process of logic and true reasoning a dispute with a part must be a dispute with the whole, and a dispute with a dominant must be a dispute with each one of its substantive parts.

Mr. BORAH. Mr. President——

Mr. McCUMBER. Just a moment. So that no matter whether you say they have a vote or not, you must say that they have no vote if they are a party to the dispute; and if Great Britain has a dispute, and I can not imagine a single case in which the British Empire as an entity would have a dispute, would be a party to the dispute, which would not include every part of the great British Empire.

I now yield to the Senator.

Mr. BORAH. Mr. President, the proposition stated by the Senator from North Dakota that where there is a dispute the British Empire must speak as a unit is the very proposition which both Mr. Borden and Gen. Smuts rejected, and stated that there might be conditions in which the colonies should have a separate vote, and they intended that the league of nations should be so constructed that they would. Now, when

this league of nations gets into operation—if that unfortunate hour should ever occur—suppose that they should put that construction on it. Then what would the Senator from North Dakota do about it?

Mr. McCUMBER. I say they could not put any such construction upon it.

Mr. BORAH. There is no appeal; there is no review; there is no court of review. The Senator would not have any say about it at all. They would be the last to speak upon the subject. What would the Senator do about it?

Mr. McCUMBER. Mr. President, if this league of nations were made up of the British Empire and one other country alone, there is a bare possibility that with the British Empire and its constituent parts having six votes and we having only one, that construction might be adopted by the league; but, Mr. President, no one believes for a single moment that France would give it that construction, that Italy would give it that construction, or that any other of the nations of the world desiring equality would give it any such strained construction as that. Whether they would or not, however, there is no question on earth but that we have the votes in the Senate to give it that construction.

Mr. McCORMICK. In the Senate?

Mr. McCUMBER. In the Senate, in the matter of a reservation, and a reservation which will become a part of the treaty. We can place that in the reservations in a way that will cure any such inequality, if you concede that the instrument gives any such right.

Mr. McCORMICK. Mr. President, may I interrupt the Senator for a single question?

Mr. McCUMBER. Certainly.

Mr. McCORMICK. The Senator intends, then, to support a reservation which will require the assent of the British Government to its terms before the ratification is effective?

Mr. McCUMBER. I intend, Mr. President, to vote for a reservation which shall declare unequivocally that under the provisions of article 15 a dispute with any part of an empire represented in the assembly is a dispute with the entire empire, and a dispute with a dominant country of the empire is also a dispute with every part of it. I want to make that so clear that there can be no contention, and I do not care what the words are that you use to make it clear.

Mr. McCORMICK. Mr. President, this is the point I want to have made perfectly clear, or, rather, ask the Senator from North Dakota to make perfectly clear. The agreement of the British Empire, at present accorded six votes, is necessary to bind it to the interpretation which the Senator would put upon the covenant.

Mr. McCUMBER. Whether the British Government ever agrees to it or not, it does not bind us when we declare we will not be bound. So that disposes of that feature of the case.

Mr. WATSON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. WATSON. I understand that the reservation which the Senator will introduce will take care of the six votes of the British Empire in any controversy in which the British Empire is involved?

Mr. McCUMBER. Yes.

Mr. WATSON. Suppose Ecuador and Peru should have a controversy; would the British Empire have six votes to the United States' one vote in the determination of that question?

Mr. McCUMBER. No; I do not say that the British Empire would have six votes.

Mr. WATSON. Not the British Empire, but the English dominions and colonies.

Mr. McCUMBER. I would say that Canada would have a vote separately, cast separately, dictated according to the interests of its own Government, and South Africa would have a vote. They would have a vote on what? I want to get at the dangers which might arise out of that situation. Assuming that they have a vote in a dispute, we will say, between Ecuador and Peru, or in a dispute between Bulgaria and Serbia, what would the vote be on?

Mr. WATSON. I do not know.

Mr. McCUMBER. I will tell you what it would be on.

Mr. WATSON. It would be on whatever was the controversy.

Mr. McCUMBER. No; it will not be in the settlement of that dispute; it will not be trying that dispute. It will be in ascertaining what the facts are in that dispute, and publishing those facts to the countries. I have no great fear of any danger in giving Canada that vote, inasmuch as I give Hedjaz a vote, inasmuch as I give a vote to black Haiti, and Liberia, and half a score of other countries that never turned their hands over in this great World War. In other words, I am not afraid of Canada upon a question of finding what the true facts are in a dispute between these countries. That is the real thing and the only thing that Canada or any other country can pass judgment upon in case the dispute is referred to the assembly.

Now, Mr. President, I want to take up the other statement made by the Senator from Massachusetts [Mr. LODGE]. I do not know but that he corrected it himself, but he made, in the first instance, the declaration, as I understood him, that in the election of new members to the council, such election could be had by a majority vote of the assembly.

Mr. LODGE. No; new members of the league.

Mr. McCUMBER. Well, new members of the league.

Mr. LODGE. Under article 1.

Mr. McCUMBER. Does the Senator mean new members of the league, which new members may have a representation in the council?

Mr. LODGE. I mean only what the treaty says, "new members of the league."

Mr. McCUMBER. We were discussing the only pertinent question to which that could apply, and that was the question whether Canada could get into the council.

Mr. LODGE. Oh, no, Mr. President.

Mr. McCUMBER. If I understood the Senator's purpose, it was in some way to establish the fact that Canada could have a representation in the council through the action of the assembly in voting new members into the council.

Mr. LODGE. Oh, no; only in the case of the four members.

Mr. McCUMBER. Even in the case of the four members, that is not true.

Mr. LODGE. I will not argue that now, but I believe that is the case. This is what I was quoting about the assembly—

> Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly.

Mr. McCUMBER. I do not question that at all. I agree entirely. But that has nothing to do with the matter of electing members to the council or electing new members who may become members of the council. If Senators will turn to the second paragraph of article 4 they will find that it reads——

Mr. WADSWORTH. Mr. President——

Mr. McCUMBER. Let me finish this first, and then I will yield. It reads:

> With the approval of the majority of the assembly the council may name additional members of the league, whose representatives shall always be members of the council.

What does that mean? It means simply this, that by a majority vote of the assembly, concurred in by a unanimous vote of the council, they can nominate new members, additional members, who may become members of the council; that is, of the permanent group in the council. In addition to that it says:

> The council with like approval—

That is, the approval of the assembly—

> may increase the number of members of the league to be selected by the assembly for representation on the council.

In every instance the council must act unanimously, because under another provision of the covenant every vote of the council to become effective must be unanimous, except where otherwise specially provided, and this is not one of the cases where it is "otherwise specially provided." I now yield to the Senator from New York.

Mr. WADSWORTH. There is no question about the accuracy of the last statement of the Senator from North Dakota, but I gathered from the statement which he made just a moment ago that there was some distinction between the admission of new members of the league itself and eligibility to sit in the council. Is it not a fact that when any nation or self-governing colony is once admitted to membership in the league it is eligible to any position in the league?

Mr. McCUMBER. No; I think not. That is one of the features I intend to discuss in answering the Senator from Idaho [Mr. BORAH], and I will discuss it with great care.

Mr. WADSWORTH. Very well. I hope the Senator will describe how it is that under this covenant there may eventually come about a state of affairs in which there shall be two classes of membership in the league.

Mr. McCUMBER. Does the Senator mean in the league or in the council?

Mr. WADSWORTH. I mean in the league. My contention is that once a State becomes a member of the league of nations it also becomes eligible to any position in the assembly or the council.

Mr. McCUMBER. Mr. President, the question we were discussing, and the question that I want to hold to in this discussion, is whether or not there is any way by which you can vote Canada or Australia into the council, in addition to the British Empire, as represented as such, and that I intend to cover.

Mr. BORAH. I think that is the crux of the whole situation.

Mr. McCUMBER. Certainly.

Mr. BORAH. If that proposition is determined in favor of the view that is entertained by the Senator from North Dakota, I concede all the propositions which the Senator from North Dakota undertook to make. But if it should be determined that you can not elect as a member of the council a representative of a dominion or a colony, then I think the Senator will agree that his entire argument must fall with that proposition.

Mr. McCUMBER. Oh, no, Mr. President. Even if that construction were held to be sound, the construction that there was possibility of the power to vote four or five of the British dominions into the council—and you can vote five if you can vote one—it is still akin to an impossibility, because under the vote that would have to be given and under the whole spirit of the instrument, it would never be done. But I am insisting that it can not be done, and I am willing to say that from my construction it can not be done. From the Senator's construction it is almost an impossibility to conceive that the other nations of the world in this league would do what the Senator says is a possibility. I will stand on both propositions.

Mr. BORAH. With all due respect to the Senator, he confuses two propositions. I am debating the proposition now as to whether or not, under the terms of the league, they have a right to be elected to the council. Whether or not they could go out among the members and secure the votes to do it is another proposition entirely. Perhaps Belgium never could secure the votes. Perhaps Serbia never could secure the votes. No one will deny that under the league they have the right to the position if they can secure the votes.

Mr. McCUMBER. Mr. President, I am not confused in the slightest degree. I deny that that is a fair construction, and what I am saying is that even if you give it that construction, it never would happen. Even if the Senator gives the provision that construction and that Borden gives it that construction, or that Gen. Smuts gives it that construction, I can not give it that construction, and I am going to give my reasons.

Mr. BORAH. Very well. I knew the Senator was not going to give it that construction.

Mr. McCUMBER. Certainly not, because the Senator has heard me make the statement a great many times; not quite as often as the Senator has stated he would give the opposite construction, but quite often.

Now, Mr. President, I am going to consider some of the statements made by the Senator from Idaho the other day. Two days ago the Senator from Idaho made an address in the Senate in which he sought to combat the arguments and the conclusions which I arrived at, and which I presented on the 6th day of this month, relative to the so-called Johnson amendment. His address was not printed in the RECORD of the proceedings of the day it was given, and I had no opportunity, of course, to answer it immediately after it was delivered.

The Senator not only criticizes my conclusions, but also intimates that my argument is subject to the same claim of unfairness with which I have charged many of the arguments made throughout the country, and sometimes on the floor of the Senate, of those who are opposed to any league of nations whatever.

Mr. President, one of the peculiar characteristics of orators, both real and presumptive, is the tendency to totally disregard facts. Depending more upon their ability to convince by well-constructed and well-delivered sentences, they pay less attention to close analysis than do those who are not so gifted.

If a fact stands in the way of their forensic eloquence, so much the worse for the fact. I admit, Mr. President, that oratory travels more swiftly than truth, but I am certain that truth will travel longer, and upon that I base my hope that in the end the American people will understand the true meaning and the true purpose of the league of nations; not understand it to be perfect, because it is very far from being perfect, in my opinion, but understand that it is a right step in the right direction; and that it is not subject to many and most of the criticisms that are urged against it.

What I have complained of, and what I still condemn, is not that their declarations have been devoid of any semblance of truth but that they persistently avoid presenting the whole truth; that anyone unacquainted with the text of the treaty, listening to their arguments, would draw the conclusion that the council or the assembly had the right to pass final judgment in a dispute between nations; that the council or the assembly would sit as a board of arbitration or as a court to determine and bind nations by its judgments. They never once say to their audiences that by the terms of the treaty, where the nations agreed that they would arbitrate their arbitrable questions, such arbitration is entirely outside of the league, outside of either the council or the assembly. They never mention the fact that by article 13, even in the matter of the agreement to submit arbitrable questions to arbitration, each nation must itself determine whether the subject is suitable for arbitration.

They always forget to tell their audiences that the only thing which each nation agrees to in reference to its disputes is either to submit what it thinks is suitable for arbitration to some arbitrable tribunal to be agreed upon between the nation itself and the disputing nation, and entirely outside of the league of nations, or, if it declines to submit the matter to arbitration at all, that it will allow the council or the assembly to make an inquiry into the facts for the purpose, first, of using its good offices to bring about a settlement by agreement, and if those persuasive efforts fail, then, secondly, to investigate the facts and report such facts to the people of the disputing countries.

They always forget to tell their audiences that the only power that is vested in either the council or the assembly in case of a dispute, and I am considering only disputes, is, first, to endeavor to effect a settlement, and if that fails, second, to make a report containing the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

They fail always to tell their audiences that, even in this matter of ascertaining what the facts are in the case, all disputants are excluded in making such findings. They fail to tell their audiences that in a dispute with the British Empire, the British Empire, with all its votes, is excluded.

Mr. McCORMICK. Mr. President——

Mr. McCUMBER. They assume before their audiences that those dominions are never excluded. They do not even admit that anyone construes the instrument as excluding every part of the British Empire where there is a dispute with the British Empire or any of its parts. They assume for granted that there is only the construction that each part has a vote, contrary to the declarations of the President as to the understanding in Europe, contrary to declarations of others, and contrary, according to my construction, to the instrument itself.

I yield to the Senator now, it being on this point, of course.

Mr. McCORMICK. It is on the point to which the Senator was speaking. When he attributes a want of candor to those who differ with him——

Mr. McCUMBER. No; I will not let the Senator say that. I have never stated that there was a want of candor on the part of everyone who disagrees with me.

Mr. McCORMICK. I did not say everyone.

Mr. McCUMBER. Of anyone, so far as that is concerned. I think I understand the treaty; and in our discussions I think, as a rule, we have tried to discuss it fairly with each other, even though we draw different conclusions.

Mr. McCORMICK. But does not the Senator imply——

Mr. McCUMBER. But there are many general bald statements that are made which would carry a wrong impression and a different inference unless explanatory statements were made in relation to it. I now yield to the Senator.

Mr. McCORMICK. The Senator complains that those of us who hold a view very different from his own do not discuss all the provisions and implications of the treaty relative to disputes. There is no one in the Senate who has made a more thorough study of the treaty than the Senator from North Dakota, and yet I have not heard him or any other Senator speak of the relation between two paragraphs found the first in article 5 and the second in article 15. The first, dealing with matters of procedure, provides that the appointment of committees "may be decided by a majority of the members of the league represented at the meeting." Before I touch upon the importance of the committee report I will ask the Senator to turn to article 15:

> If the council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

Mr. McCUMBER. What is the Senator's question?

Mr. McCORMICK. I submit, first, that the aggregate six votes of the British Empire may very well be of great influence in constituting the original committee; that that committee, preparing the case, rendering the decision, will put some party to the controversy in the wrong before the members of the league. I submit further that, even though there be no unanimous and binding report, such as the Senator suggests, having been put in the wrong the members of the league then reserve to themselves the right to take such action as against the power which has been put in the wrong by the committee as they shall consider necessary for the maintenance of right and justice.

Mr. McCUMBER. That necessitates my asking the Senator a question. How are the members of the league now to carry out that provision under his construction?

Mr. McCORMICK. The Senator's question is not quite clear. Does he mean under article 15?

Mr. McCUMBER. Under article 15, which reads——

Mr. McCORMICK. If the council fails to reach a report, the members of the league——

Mr. McCUMBER. Then—

The members of the league reserve to themselves—

It speaks of the members—

the right to take such action as they shall consider necessary for the maintenance of right and justice.

I ask the Senator how he thinks the members of the league would proceed to effectuate that purpose under his own construction of that part of the paragraph?

Mr. McCORMICK. I conceive that they would consider themselves authorized to take any steps they saw fit, even as though no covenant of the league existed.

Mr. McCUMBER. The Senator is absolutely right. In other words, it is outside of the league entirely, it is outside of the council, it is outside of the assembly, and the only thing that the several nations can do is to go back to their old status and as nations, not through the instrumentality of the league, but as separate and individual nations, through their own diplomatic channels, attempt to make a settlement outside of the league.

Mr. McCORMICK. But in the meantime, Mr. President, the committee appointed to consider the case, constituted by a majority of the members voting, would have made up the case, and the Senator very well knows how all-important is the case presented to the public opinion of the world. This is not a judicial instrument; it is a political instrument.

Mr. McCUMBER. The Senator is not holding to one particular ground very well, because his first statement was based upon what would be done and how I would construe the last portion of this part of article 15 in case there was no settlement, in case they did not arrive at any conclusion. I stated that it meant exactly what it said, that then the whole question would have to hark back to the separate nations themselves. The Senator now asks about the matter of a board or a committee being appointed and of allowing Canada—that is naturally what he means—and Australia a voice in determining who this committee or subcommittee might be. Of course, if it is in the council, there would probably be no subcommittee, because it is a small body. In the assembly there would undoubtedly be appointed a committee, and in the appointment of that committee there would be no question that Canada and Australia would have a vote. In the appointment of a committee to find a fact they would have a vote.

Mr. McCORMICK. Or to render an opinion.

Mr. McCUMBER. To render an opinion is to render an opinion upon the facts. That is finding a fact of what the dispute is.

The Senator assumes that by an action of this kind Canada and Australia pack the jury. Well, Mr. President, I do not think so. I accord a greater degree of national honor than that to every one of these nations. I am not afraid of anyone packing a jury against the United States in the appointment of a little committee which is to determine a fact. I agree with the Senator that they would have a vote; and that matter, which would be a matter of procedure only, would not require a unanimous vote. So there is but little disagreement upon that point. I have not any fear of it.

Now, Mr. President, I come right back to the arguments of which I complain—not arguments made in the Senate; I do not mean that; but arguments made before audiences over the United States. If the orators I have in mind would present the whole case to their audiences, there would be an entirely different conclusion drawn as to any great danger or injustice to the United States by allowing Canada and Australia each to have a vote with the United States in determining what are the true facts in a dispute between Bulgaria and Roumania or any other countries outside of the British Empire. The American public, knowing the respect for law and truth which are inherent in the Australian and Canadian character, would have no fear of a finding of fact by the representatives of either of those countries being contrary to the evidence in the case.

The Senator from Massachusetts [Mr. LODGE] pays a high tribute to Canada, and says that he wants Canada to remain in the league of nations. If he wants Canada and Australia and South Africa to remain members of the league, it is because he has confidence in them; and I, Mr. President, have the same confidence.

It is the failure to present the whole truth concerning the treaty and presenting the half truth in such a way as to mislead of which I complain. My criticism of that course every Senator knows to be well founded. I may be in error in the matter of construing the meaning of any phrase or sentence of the treaty, but I do try my best to ascertain the true meaning of the treaty, its full application and limitations.

Mr. President, I shall proceed to reply to some of the broad declarations of the Senator from Idaho [Mr. BORAH]. As to the right of Canada to claim representation in the council, he says—and I quote his words:

In the first place, upon what theory can it be argued that the Dominions can not have representation in the council? Is there any provision in the league covenant which inhibits it?

I answer, without hesitation, "Yes; there is." Again he says:

Is there any clause or phrase in the covenant itself which says that Canada, if she can secure the votes, is not entitled to representation on the council, just as any other nation may become a member of the council if she can secure the votes?

I reply again, "Yes; both in the words and in the whole spirit of the covenant." Again, he says:

Is there any obstacle to Canada becoming a member of the council that does not exist with reference to every other signer of the treaty?

Again, I reply, "By both the spirit and by the wording of the instrument, there is such an obstacle." Again, he says:

Is there any obstacle to Australia becoming a member of the council, if she can secure the votes, any more than in the case of Belgium?

And, again, I answer, "Yes; there is."

I refer now to the very article creating the council, article 4, calling attention before reading it to the fact that it is not members themselves that constitute the council. In all the arguments that we hear we confuse members with representatives. It is not the members but the representatives of certain members that constitute the council. It would be just as improper to say that the Senate is composed of New York and Pennsylvania and other States, naming them, as it is to say that the council is composed of the United States, the British Empire, and other nations, enumerating them; second, that the council is made up of the two groups of representatives, one permanent and the other temporary.

Now, I want to read article 4. It reads thus:

The council shall consist of representatives of the principal allied and associated powers—

And, of course, those are the United States, the British Empire, France, Italy, and Japan—

together with representatives of four other—

Now, I want to call attention to the word "other"—

four other members of the league.

The representatives of the five mentioned powers are permanent. The last paragraph of article 4 reads—and I again call attention to this:

At the meetings of the council each member represented on the council shall have one vote, and may have not more than one representative.

Remember, it does not say that each representative upon the council shall have one vote, but it says that each member represented on the council shall have one vote through that representative. That means that the British Empire represented in the council shall have one vote through a representative, and does not mean anything else. That is not all.

Now, remember that it is not Great Britain but the British Empire, which includes Great Britain and Scotland and Ireland and every domain of the British Empire, that is represented. It is claimed, because Canada and Australia have each been given a separate vote, an independent status in the assembly, that would entitle them to enjoy such separate entity and have a separate representative in the council, but the granting of a separate vote in the assembly does not change the eternal and everlasting fact that Canada is a part of the British Empire, and it is the British Empire as an entity alone that is represented in the council.

If this treaty should become the law of the land, a binding obligation between nations, and the British Empire should say, "The fact that this Empire is given permanent representation in the permanent group does not prevent, if there are enough votes to place me there, my right also to be a member of the temporary group," would anyone for a single moment concede that she could claim any such right? Would not everyone insist that this is not only against the spirit of the instrument but contrary to the wording which, after enumerating the permanent group, continues—

together with the representatives of four other members of the league.

That means members other than the British Empire. The words "other members of the league" mean that they must be members other than the whole as well as other than any part of the British Empire. If you can include Canada, you can, of course, include all the other British dominions, and you could

put two of the British Empire on the permanent list and still have four more places on the temporary list that could be filled by the British colonies, making it entirely a British council. I think that is an unreasonable construction; that it is against the whole spirit and intendment of the league of nations. Would not everyone insist that that would be not only against the spirit of the instrument but contrary to its wording? The words "other members" do not mean anything else than members other than the British Empire, after enumerating the British Empire.

I insist that not only by the spirit but by the terms of article 4 Great Britain can not divide herself so that she can keep her head in the permanent group and her feet in the temporary group and claim a separate vote for both the head and the feet in the council. If the Senator from Idaho thinks she can do this, if he thinks that it is not inconsistent with both the spirit and the words of article 4, then all I can say is that I most emphatically disagree with him.

But, Mr. President, I have been willing to concede his right and the right of other Senators to claim a construction of that character if they think that it is not violative of the clear terms and of the unquestioned intention of article 4. But I have insisted that even if there was a possibility that any nation on earth would claim such a right in this body, limited to nine members, it would still be equivalent to an impossibility, because it would be impossible to conceive that every one of these representatives on the council would be willing to vote to allow Canada, Australia, or other British dominion membership in the council in addition to the British Empire as a whole, and I do not think that anyone can by any possibility construe, or rather misconstrue, the instrument in such a way as would allow this to be done except by a unanimous vote.

The Senator from Idaho says, referring to my argument:

But while the Senator was denouncing those who were opposing this provision in the covenant for misrepresentation, he left out of his review an entire paragraph which covered the subject he was dealing with, and which permitted the addition of four or five members to the council.

And then he calls attention to article 4, paragraph 1.

But, Mr. President, this is the very paragraph that I have been considering. It is the very paragraph which I declare neither in spirit nor in terms allows both the Empire as a whole and the constituent parts to be represented in the council. But even here the Senator from Idaho has inadvertently, or with that degree of carelessness which so often becomes the characteristic of the orator, used words in reference to this paragraph that are not at all applicable to that paragraph, when he says:

Which—

Referring to this paragraph—

permitted the addition of four or five members to the council.

This paragraph does not admit any added number of members to the council. It simply says that—

These four members of the league shall be selected by the assembly from time to time in its discretion.

That means the four already included in the temporary class, which four may from time to time be changed by the assembly. It does not mean an addition of 4 or 5, making 13 or 14 States represented.

The paragraph relating to added members is the second paragraph, and not the one quoted; and it is this paragraph which, I insist, can not by any possibility be construed to allow the inclusion of representatives from Canada, because this paragraph reads:

With the approval of the majority of the assembly the council may name additional members of the league whose representatives shall always be members of the council.

And—

The council with like approval may increase the members of the league to be selected by the assembly for representation on the council.

That is the provision relating to added members of the league, which members may become members of the council.

I have tried to call attention to the fact that when this paragraph says "the council may name additional members of the league," it necessarily must mean members in addition to those who are now members of the league. Otherwise, you would not have the word "additional." You would have simply declared, "The council may name members of the league whose representatives shall always be members of the council." If it had so read, then there would be some ground for contention that Canada might be selected under this second paragraph.

Labor as earnestly as you are capable of doing, you can not make this word "additional" relate to anything but members of the league; and in the second clause of that second paragraph we have exactly the same thing. It reads:

The council with like approval may increase the number of members of the league.

Instead of saying "may add to the membership," it says "may increase the number of members of the league." You can not increase the number of members of the league except by adding to the number those which at present are outside the number included. And, Mr. President, inasmuch as all these dominions are at present included as members of the league, you can not add them to the members of the league. You can not increase the number of members of the league by adding those which are already members, and under this second paragraph it is only these added members that can be selected for representation either in the permanent or in the temporary group of representatives constituting the council.

Now, Mr. President, I want to call attention to another declaration of the Senator from Idaho relating to my argument, in which he says:

I thought I could detect an inconsistency in the able Senator's argument, because with great effect he argued that these separate colonies had made such sacrifices in the war that it was nothing less than a wrong for us to deny them all the rights of other members of the league. But he finally concluded his argument by saying that the sacrifices which they made, the loss of their men, the fight which they made for the civilization of the world, will be satisfied by a position in an assembly without power, and where they can do nothing but debate.

Mr. President, I have never used words purporting anything of the kind, either in the Senate or out of the Senate. I have never for once questioned that Canada and Australia and all of these other British dominions have the same right to vote that any other country would have under the like condition. All I have claimed is, first, that they can not vote—and, if Senators think they can, that we ought to make it clear that they can not vote—where the British Empire or any of its constituent parts are parties to the dispute; and, secondly, that the only thing that is ever to be submitted either to the council or to the assembly in relation to disputes is the determination of what constitutes the disputes, and also, in addition to that, what recommendation should be made. Upon that, and where neither Great Britain nor Canada nor any of the parts of the British Empire were parties to the disputes, of course, Canada or Australia would have the same vote as any other member. I have never claimed that this was merely a debating society. I admit that possibly a great deal of it will be such, but the right to determine the facts is clearly given in the instrument itself.

Mr. President, I do not care about going over this ground any further. I think I have made my position clear as to what can be determined in the council and in the assembly. I am certain that there is no power to arbitrate given to either the council or the assembly. There is no power to pass judgment. There is a power and a right and a duty, when a dispute comes before either of these bodies, first to attempt to settle it. The first duty of either the council or the assembly, when a dispute reaches either of those bodies, is to attempt to secure an agreement between the parties.

If they fail in that persuasive endeavor, then the next and the only step they can take is to investigate and report the facts and make a recommendation upon those facts. If those things do not bring about a settlement, then the provision is that the matter must go back to the individual members outside of the league, and they agree to use their own best endeavors to bring about a settlement; and, in addition to that, my own insistence is that where a member of the British Empire is a party to the dispute it takes in the entire Empire.

I admit that Senators may justly disagree with me upon that; and they claim that Mr. Borden disagrees with me upon that, and that the letter of Mr. Wilson and Clemenceau and Lloyd-George is in disagreement. I have referred to that before. While I do not claim to know everything that preceded this letter, and what the argument was, I simply say that the letter does not say any such thing; that is all. All the letter says is that—

We concur in his view that upon the true construction of the first and second paragraphs of that article—

Article 4—

representatives of the self-governing dominions of the British Empire may be selected or named as members of the council.

It does not say that they may be selected in addition to other representatives from any part of the British Empire.

It may be, as has been suggested, that there is something back of this in previous declarations and correspondence which would justify the conclusion that that was what was intended, and that this letter therefore meant that Canada could have a representative independent of Great Britain. All I can say in answer to that is that it is contrary both to the spirit and to the letter of the agreement in reference to representation upon the council, and the single vote of the British Empire, equal only to that of France and the United States and Japan

and Italy, as members whose representatives are entitled to vote in the council.

Mr. BORAH. Mr. President, I do not know that much is to be gained, if anything, by continuing the discussion with the able Senator from North Dakota [Mr. MCCUMBER]. He has repeated the argument which he made some days ago, to which I attempted to make reply, and has not, as I view his presentation, either modified his position or added anything in support of his contention heretofore made. I desire, however, to refer very briefly to what I consider the most important feature of the argument of the able Senator, and that is as to whether the colonies and dominions can become members of the council.

So far as I know, the Senator from North Dakota is the only one now contending that they can not become members of the council. The position was taken at one time by other Members of the Senate, and perhaps by advocates throughout the country, that they could not become members of the council under the terms of the covenant; but after the letter published over the signatures of the President, Mr. Clemenceau, and Lloyd-George, and after the statement by Mr. Borden and Gen. Smuts, and upon further investigation, so far as I know, it is no longer contended that the representatives of the dominions may not become members of the council. They fall back upon the proposition that it would be impracticable for them to secure the votes to do so. But with that, Mr. President, we have very little to do, because all that rests in the future, and depends upon combinations and conditions which we can not very well foresee or forecast. I am only concerned, Mr. President, with the question whether, according to the letter of the covenant itself, they have a right to be members of the council, in case they can secure the votes, as other nations can become members of the council; and, as I said, so far as I know, the Senator from North Dakota is the only one now contending that the covenant prohibits them from becoming members of the council.

Before I take up that particular question, however, may I say a word with reference to the suggestion of the Senator that I seemed to call in question his motives in advocating a league; and what I say applies to all others advocating a league. The question of motives here does not come within the domain of debate. It is a subject which I do not discuss. I question no colleague's motives in the discharge of his duties here. Whatever I may think about it, it is not a subject for debate. Men may do very wise things from very bad motives and very unwise things from very good motives. It is the effect of the act and the contention with which we are concerned here and which is a matter of legitimate debate, and that alone concerns us in the discussions here. So if anything has been said upon my part either with reference to the Senator from North Dakota or any other Senator which would seem to imply a challenge of any man's motives in pursuing this or that course or supporting this or that proposition it is aside from any intention of mine to have it so construed. As to the effect of a vote which may be cast or a contention which is made and as to whether that is in harmony with what I conceive to be the best interests of the country, that is a subject of legitimate debate and may be a subject of very intense conviction.

There is a wide disparity between the opponents of this amendment. The Senator from North Dakota in opening his remarks a few days ago stated that he proposed to show two things: First, that this amendment was unnecessary in order to protect the equality of power or influence of the United States in the league, and, secondly, that if it were adopted it would be a grave injustice to the dominions and colonies of Great Britain by reason of the position which they had occupied in the war and the sacrifices which they had sustained. On the other hand, during the last two days of the debate it has been contended with great earnestness that the amendment does not effectuate any change at all, as it were; that it does not accomplish the shearing of power from the dominions.

Mr. President, I do not think this amendment accomplishes by any means a full equality of power and influence, but it goes further and effectuates more than any other proposition which has been submitted to me or which has come under my observation, and, so far as I am concerned, I desire to vote for an amendment which will go as far as an amendment may, and then I shall vote for the reservation if upon final reflection I conclude that the reservation accomplishes more along a different line or in any way adds to our strength in the league.

But I call the attention now of those who are advocating a reservation to what I conceive to be the distinction, and which with all due respect to those who are advocating it seems to me is not founded upon so solid a basis as the amendment. As I understand the reservation, whatever it accomplishes it accomplishes by eliminating the dominions from a vote in the assembly or wherever they may be found in the league. In other words, we reduce the British Empire, under the reservation, in case we are dissatisfied with any decision, to a unit, and will not hold ourselves down by any action which may be taken wherein more than one vote was cast by the British Empire. That has the effect of eliminating the dominions entirely.

I do not object at all, and never have objected, to the dominions having their vote in the league, provided that it can be equalized by the vote or the influence, the prestige or power, by reason of the vote, of the United States. I think that the dominions, owing to the peculiar construction of the British Empire, may well contend for that which they have contended for and are entitled to much consideration in regard to that. But, Mr. President, if the amendment should be defeated and the plan to add additional votes and power to the United States should fail, the next best alternative undoubtedly, so far as our interests are concerned, is to shear away the power of the British Empire and deprive her of the votes of her colonies in these emergencies.

Mr. President, this entire question can be simplified and better understood if we will realize the dual capacity which the dominions occupy in this scheme of a world league. In the first place, as dominions of the British Empire, they are bound to the British Empire, and are under certain obligations and sustain a certain relationship to the British Empire, which deprives them of their sovereignty, of their nationhood. They are at most qualified nations or qualified sovereigns. They are not complete, independent entities, so far as the British Empire is concerned. But for the purpose of organizing the league of nations they take an entirely different position. While they are dominions in the British Empire they are separate and independent nations in the league of nations; and they occupy the positions therefore of complete, dual entities, as it were, one being circumstanced and conditioned by reason of the relations to the British Empire and the other a wholly different proposition, by reason of the attitude which they assume in the league.

I call attention to Mr. Borden's statement, which makes that very plain. I referred to a portion of this the other day, but not to this particular paragraph. He said:

> Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britannic Commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

Whatever may be her attitude toward the British league, they would not permit it to be left in doubt as to what their position should be in the league of nations.

Can the dominions become members of the council? There is nothing in the league of nations which inhibits their being members of the council. They can be elected if they can find the votes, just the same as any other power. As the Senator from New York [Mr. WADSWORTH] stated a few minutes ago, they have signed the league, they have signed the treaty, and they stand in just the same position, having all the rights and privileges under the league as any other nation.

Suppose Canada was a candidate for membership in the council. What clause would you draw upon her? What provision of the league would you present to her which would say to Canada, "You can not be a candidate; you are ineligible"? What phrase or paragraph can you point to that would fix her ineligibility? You might say to her, "I will not vote for you, notwithstanding your right to be elected." But you might say that to Belgium or Serbia or any other country. But what clause would the Senator from North Dakota point to in the league and say, "You are not eligible at all to membership here, and therefore can not be a candidate; I could not vote for you if I wanted to"? There is no such clause. Canada could well say, "I stand in precisely the same position as the United States or Serbia or Belgium or Greece or Brazil or any other country. Why should I be excluded from the council?"

Then you would have to reply, "For no other reason in the world than that we think it would be unwise for you to be there, not because the covenant prohibits it."

Mind you, before we say that, before we shall have declared to Canada that we think she ought not to be a member, we have signed the league which gives her the right to be a member.

So, Mr. President, I do not think it can be contended that, so far as the terms of the covenant are concerned, it can be said that Australia or New Zealand or Canada are ineligible as candidates.

What does Gen. Smuts say about that? He makes it very plain, and Gen. Smuts is one of the great outstanding figures of this war, not only a man of transcendent ability but he has disclosed more independence of thought and more courage, I

will not say that any man who was at Versailles—but it was so pronounced that it was commented on throughout the world. Everyone will remember the speech which Gen. Smuts made in England before he left for South Africa, in which he told the English people that they had to settle the Irish question, that they had to settle their internal matters, and that the quicker they did so the sooner the British Empire would be at ease and enjoy the tranquillity which she was entitled to enjoy.

So upon every occasion and under all circumstances he has never hesitated to say what was in his mind with the utmost freedom. Everyone will remember that when he left Versailles the declaration which he made to the world required some courage to make under the circumstances, when he said—I am not quoting his exact language, but the substance—that the aspirations of the human family, the things which had nerved the people of the world to pay out their money and shed their blood without stint were not written in this treaty. So he has spoken upon all occasions and under all circumstances as a man who was giving utterance to the things which he believed to be true. He said:

> Regarding the league of nations, it was incorrect to say that in the league the British Empire was a unit. The empire was a group, but South Africa had exactly the same rights and voice as England. Though England was a permanent member of the central council, South Africa could be elected to that council.

That is the understanding of Gen. Smuts, who was there. Aye, indeed, that is the understanding of the man who framed the first league of nations, upon which this league was built. That is the position which is occupied by Borden. I am not going to take time to reread it. I read it into my remarks the other day. But Mr. Borden contended from the very beginning that the dominions should occupy a place in the league which will enable them to enjoy all the rights of the league, notwithstanding the fact that Great Britain might, as a unit, be holding a position in the league, in the council, or elsewhere.

Now, having the views of those two men, who are in a position to know, let us look again at this letter which the Senator from North Dakota [Mr. McCUMBER] refines away:

> The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council.

Not representatives from the dominions for the British Empire, but representatives of the dominions, may be selected as members upon the council. The Senator from North Dakota would have us believe that Borden and Smuts set about to secure a construction which would enable Great Britain, if she chose to do so, or the British Empire, to select the permanent membership from some of the dominions, but representing all the time the British Empire. Can anyone think that they deemed it necessary to have a construction which would permit Great Britain to select her representatives from any part of her dominions from which she chose to select them? That was not the contention. The contention was that, notwithstanding the British Empire had its member upon the council, the dominions, in addition to that membership, should have a position upon the council, and that was the construction which was placed upon it by Borden and Smuts, and it is the construction of this letter:

> We have no hesitation in expressing our entire concurrence in this view.

That is the view entertained by Borden, which is made clear by his statement published a short time ago and now in the RECORD, to wit, that the dominions have a separate entity.

> If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow and technical construction.

All parties, therefore, who are in position to know what the intent of the framers was have construed this in accordance with the proposition that the dominions may have members of the council, and when we take into consideration that they are full members of the league, that they stand there as separate signers of the league, that there is no inhibition in the league against their being members of the council, that there is no curtailment of their privileges in the league, it seems to me that there can no longer be any contention that they may be members of the council and have a right to be the same as anyone else.

Mr. President, this question of whether or not the dominions could become members of the council is very important. It is one of those matters which might be easily settled if there were any doubt about it left in the minds of anyone. The Senator from North Dakota [Mr. McCUMBER] is in touch with the League to Enforce Peace, and the League to Enforce Peace are in touch with the British authorities as to their construction of this league, and they are in confidential communication with them from day to day, and I have some telegrams in my possession which show that. If it were thought advisable, it seems to me that the view of the leading authorities in England upon this question might be had. I venture to say that you will not find the premier of England, or any of those who represent the Government, admitting for a moment that the dominions may not be members of the council. If the information could not be secured in that way the construction or contention of the British authorities could be secured through diplomatic channels. It is a thing which need not be left in doubt. If the authorities of Great Britain are willing to concede the contention of such able gentlemen as the Senator from North Dakota, that can be known; but in view of the fact that Mr. Borden says the premier led the fight for the contention which he made, and that he has placed his construction upon that contention, and that Gen. Smuts, who assisted him in making the fight, has placed his construction upon it, until we hear further from those authorities we must conclude that that is the contention which they are going to make within the league. If they make that contention and secure that construction, what possible remedy have we? There is no appeal from the decisions which these powers shall make. There is no one to construe it after they have construed it. The league construes its own powers and augments and increases or diminishes its powers as it may see fit, and no one can challenge it and no one can correct it.

The only remedy that can possibly be had is a remedy that is had before we enter the league. Therefore these amendments and these reservations which are placing constructions upon the covenant, which are to go in and constitute and form a part of the covenant, and therefore be binding.

But, however able may be the Senator from North Dakota, he would have to admit that if there is nothing found in the way of a construction except his speech, if his speech is not reduced to an amendment or a reservation, little attention will be given to it when the league convenes in Geneva. Here, with 32 different nations ratifying this league, all of them construing it in different ways, there is no safety in construction except to reduce it to a clause and put it in the covenant itself where it will have effect.

Mr. TOWNSEND. Mr. President, I will not delay even for 10 minutes the action of the Senate on the pending amendment. I have been ready and extremely anxious to vote on this and every other provision of the treaty and covenant for a long time. I am not complaining because other Senators have spoken long and frequently on this most important international agreement. I have listened with most profound interest to much of what has been said, and I have no patience with those people who have practically advised the Senate to sign in blank what the President has presented to the Senate, which is one of the two coordinate branches of the treaty-making powers of the Government. I am confident that study and discussion has enlightened public sentiment, and that through proper reservations our country is going to be saved from some of the imminently possible dangers which indifference, carelessness, and inability allowed to be inserted in the treaty and attached covenant. Some day the people of the United States will realize the truth of this statement. Every honest, intelligent man understands that the preceding document is almost hopelessly, if not wickedly, involved in doubt. It has been almost impossible to determine its meaning and its possible results. I have had grave doubts which I have conscientiously endeavored to solve; but when I have not succeeded in making the provisions clear to my mind, I have resolved the doubt in favor of our country.

For many years I have felt it was our duty to take a prominent part in securing cooperation with other nations of the world to prevent unjust war and to preserve a righteous peace. I had fondly hoped that at the end of this awful war the great opportunity for such cooperation would be improved. That opportunity has been lost to a large degree by this abortive agreement which is before us. The President has been overreached by the Allies, who knew and obtained what they wanted. The interests and welfare of the United States seem to have been overlooked or disregarded. It is now more than ordinarily the duty of the Senate to secure as far as possible such rights and welfare.

I do not believe that we should reject the treaty or render inoperative anything that is good and desirable in the covenant. The latter does at least furnish some opportunity for a workable understanding looking to the preservation of peace, and it does contain some things which should be retained.

I have quite consistently voted against amendments to the treaty for reasons which I have heretofore given and which I will not now repeat.

The pending amendment is, in my judgment, different in principle and effect from the others. It is largely sentimental; but, sir, it is the sentiment of patriotism and national respect, and I will not allow any occasion to pass without expressing my disapproval of any suggestion, even, certainly not of any international recognition, that the United States, which so unselfishly and so effectively sacrificed its boys and treasure in the war, is of less importance than any other nation in the world. The league covenant does contemptibly recognize such inferiority.

The pending amendment does not entirely place our country in the position I would like to have it occupy. It does, however, resent the insult which the covenant implies and it announces the doctrine which the world accepts, viz, that the United States is second to no nation on earth. Other nations have the same rights to equality as have the British Empire and the United States. If they are content with the position as to voting power in which the covenant places them, I probably would have little cause to complain. It is my solemn duty here and now to defend my country against slight and danger, and this I propose to perform by voting on this and every other occasion for any pertinent measure which recognizes the equality of this Republic among the nations.

Who can object to this? Will the little democracies, who recognize the United States as their hope and salvation and for whom the friends of a league are so solicitous? Evidently not. Will the British Empire? No. But if she does, will she not thereby acknowledge that she desires to retain an advantage to which she is not entitled and which may be injurious if not disastrous to our country? But as for myself, sir, while I am somewhat indifferent to what other nations may think about this matter, I am deeply interested in what the people of the United States may think, and I must have the approval of my own conscience.

I regret more than I can tell that so much harsh, intemperate criticism has been indulged against some of our associates in this war. They rendered invaluable service in saving civilization. They have, as it was their national duty to do, looked after the welfare of their own countries. I feel that our welfare and, in this particular case our honor, have been neglected. I shall do what I can to correct that wrong and at the same time to preserve whatever is good in the covenant as the beginning, at least, of our effort to establish peace and righteousness in the world.

Mr. THOMAS obtained the floor.

Mr. HITCHCOCK. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I ask unanimous consent that we may vote upon the pending amendments before adjournment or recess to-day.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Smith, Ga.
Borah	Hale	McNary	Smith, Md.
Brandegee	Harding	Moses	Smith, S. C.
Capper	Harris	Nelson	Smoot
Chamberlain	Harrison	New	Spencer
Colt	Henderson	Newberry	Sterling
Culberson	Hitchcock	Norris	Sutherland
Cummins	Johnson, Calif.	Nugent	Thomas
Curtis	Jones, Wash.	Overman	Townsend
Dial	Kellogg	Owen	Trammell
Dillingham	Kendrick	Page	Underwood
Edge	Keyes	Penrose	Wadsworth
Fernald	King	Poindexter	Walsh, Mass.
Fletcher	Kirby	Pomerene	Walsh, Mont.
France	Knox	Robinson	Watson
Gay	La Follette	Sheppard	
Gerry	Lenroot	Shields	
Gore	Lodge	Smith, Ariz.	

Mr. GERRY. I desire to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from Delaware [Mr. WOLCOTT] are detained by illness in their families. The Senator from Nevada [Mr. PITTMAN], the Senator from California [Mr. PHELAN], the Senator from Montana [Mr. MYERS], and the Senator from Kentucky [Mr. STANLEY] are absent on official business.

Mr. CURTIS. I wish to announce that the senior Senator from Wyoming [Mr. WARREN] is absent on official business.

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. Mr. President, I renew my request for unanimous consent that the Senate proceed to vote upon the two pending amendments before recess or adjournment to-day.

Mr. JOHNSON of California. I object. The reason why I object is because the Senator from Missouri [Mr. REED] has telephoned that he desires to be heard upon this amendment, that he is sick and unable to be here, and I insist that he shall have an opportunity.

Mr. HITCHCOCK. Mr. President, I then ask unanimous consent that not later than the adjournment or recess on the calendar day of Monday next the Senate proceed to vote upon the pending amendments.

The PRESIDENT pro tempore. Is there objection?

Mr. BORAH. Will the Senator state the request again?

Mr. HITCHCOCK. In view of the objection made by the Senator from California, I amend my request and ask unanimous consent that the Senate agree to vote upon the so-called Johnson amendments, which have been pending for about a week, not later than the close of the session on Monday next.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSON of California. Mr. President, being uncertain as to the number of Senators who may desire to be heard upon the question, I should be very glad to enter into that unanimous-consent agreement, so far as personally I could, if it were fixed for Tuesday. I have been told that the Senator from Wisconsin [Mr. LAFOLLETTE] desires to speak upon the subject. I am not entirely clear as to his wishes. I know that the Senator from Missouri [Mr. REED] desires to speak at length. The Senator from Maine [Mr. FERNALD] has told me that he desires to speak. I think they ought to be accorded the opportunity. Will not Tuesday be satisfactory?

Mr. HITCHCOCK. I have made the unanimous-consent request, and I ask to have it put. If some one objects——

Mr. JOHNSON of California. I object, then, sir.

The PRESIDENT pro tempore. Objection is made.

Mr. HITCHCOCK. Then, Mr. President, I ask that not later than the close of the calendar day of Tuesday the Senate will proceed to vote upon the pending amendments.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I suppose the Senator desires to call attention to the fact that the Senate is to receive the King of the Belgians on Tuesday.

Mr. LODGE. No; the Senator is no doubt a mind reader, but that was not my purpose.

Mr. HITCHCOCK. I had that in mind, and I supposed possibly the Senator was about to mention it. I yield to the Senator.

Mr. LODGE. My purpose was to suggest that when we agree on a time to vote, which I hope we shall do, we fix a definite hour, 5 o'clock.

Mr. HITCHCOCK. Does the Senator mean by that that we might vote on any other day not later than 5 o'clock?

Mr. LODGE. That we vote on this amendment—that is all that is asked for—not later than 5 o'clock on Tuesday.

Mr. HITCHCOCK. I will make that request, then, that the Senate give unanimous consent that a vote shall be taken upon the pending amendments, the so-called Johnson amendments——

Mr. WATSON. And any amendments thereto. There are some amendments, I understand.

Mr. HITCHCOCK. Yes; I would include that—on Tuesday, not later than 5 o'clock.

Mr. JOHNSON of California. Mr. President, that being the suggestion I made a moment ago, I am very glad to accede to it so far as I am personally concerned.

Mr. LODGE. I hope it will be agreed to.

The PRESIDENT pro tempore. The Secretary will state the agreement as proposed by the Senator from Nebraska.

The SECRETARY. The Senator from Nebraska asks unanimous consent that the Senate will vote upon what are known as the Johnson amendments, and any amendments thereto, to the treaty of peace with Germany, page 19, after line 17, at not later than 5 o'clock p. m. on the calendar day of Tuesday, October 28, 1919.

The PRESIDENT pro tempore. Is there objection to the agreement as proposed?

Mr. HITCHCOCK. Mr. President, I understand that that includes both the amendments that are connected with each other. One is known as the Johnson amendment, and the other as the Moses amendment.

The PRESIDENT pro tempore. The Secretary will again state the agreement that is proposed, so that there may be no misunderstanding in regard to it.

Mr. SHIELDS. Mr. President, I do not know that it is necessary in this same connection, but I propose to offer an amendment, similar in nature to those that have been discussed, to section 5; and I will offer it now if the Senator from Nebraska prefers, so that he may understand what it is, and, if he desires, include it in his request for a unanimous-consent agreement.

Mr. HITCHCOCK. I think that would hardly be in order. The Senate has already agreed by unanimous consent to vote first of all upon the committee amendments, of which these two constitute a part; and, as I understand, the Senator's amendment is a personal amendment which is entirely separate from these, although it may have a similar purpose.

Mr. SHIELDS. It is practically the same.

Mr. LODGE. And it will be in order after voting on the committee amendments.

Mr. SHIELDS. It relates to the same article.

Mr. HITCHCOCK. It will be in order, then, after the committee amendments are disposed of.

Mr. BRANDEGEE. The committee amendments can be amended, I understand.

The PRESIDENT pro tempore. The Secretary will again state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Nebraska asks unanimous consent that on the calendar day of Tuesday, October 28, 1919, at not later than 5 o'clock p. m., the Senate will vote upon the amendment known as the Johnson amendment and the amendment known as the Moses amendment to the treaty of peace with Germany, and on any amendment that may be offered to either.

Mr. KNOX. Mr. President, from statements that have already been made as to the Senators who propose to speak upon this amendment, I am quite sure that it is proposed to fix a date entirely too early. I desire to make a speech myself upon this amendment, and I object to the proposed agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. Mr. President——

Mr. HITCHCOCK. Then I renew the request, but asking to have the vote taken Wednesday, at not later than 5 o'clock. I ask to have that submitted.

Mr. LODGE. I was about to do that.

The PRESIDENT pro tempore. The Secretary will state the request as modified.

The Secretary read as follows:

That on the calendar day of Wednesday, October 29, 1919, at not later than 5 o'clock p. m., the Senate will proceed to vote, without further debate, upon what are known as the Johnson and Moses amendments proposed to the treaty of peace with Germany, and upon any amendments that may be offered to either; and will dispose of the said amendments before adjournment on the said calendar day.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. Mr. President, I desire to have an opportunity to speak upon the pending amendments. It has been my experience and observation that as soon as the bar of unanimous consent is put up on further debate it immediately creates a desire to be heard upon the part of quite a large number of Senators who had theretofore not intended to participate in the debate upon the question. I am apprehensive that in violation of our standing rule a list will be made at the desk for recognition, in conformity with a practice that has come to be quite uniform on occasions such as this, where the debate is limited; and unless one is fortunate enough to get his name on the list early, he is likely to be excluded from being heard at all. While I suppose that the debate upon these pending amendments might easily be concluded before the time asked to be fixed, I wish to speak especially, Mr. President, to the labor provisions of the treaty while this amendment is pending, because those provisions are profoundly affected by the discrepancy in the voting strength and the voting power of this country and Great Britain, and therefore all that I have to say is very pertinent to the pending amendment, though I also expect to broadly discuss the effect of these labor provisions.

Under the circumstances, I hope that the Senator from Nebraska will not press for unanimous consent to conclude the debate upon the pending amendments. I was in hopes that I might speak this afternoon, but I find now that it is impossible for me to get from the typewriter the notes which I have made for this discussion, and I am constrained, Mr. President, to object.

Mr. HITCHCOCK. Before the Senator objects, I would like to have an opportunity to amend my request so that I might meet his objection. I would add to the request made for voting on Wednesday a clause that beginning on the calendar day of Tuesday no Senator speak more than one hour. That will give everybody a chance, and the Senator from Wisconsin can be recognized.

Mr. LA FOLLETTE. That would not quite enable me to complete my address. I have exactly 59 pages of manuscript upon this subject, and it will take me two hours and a half, I think, to finish the address.

Mr. HITCHCOCK. Then I will amend it so as to except the Senator from Wisconsin, who shall be allowed three hours. We are all very anxious to hear the Senator, I am sure.

Mr. LA FOLLETTE. Mr. President, I will not consent to any arrangement that designates me by name in its terms. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. THOMAS and Mr. LODGE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado is entitled to the floor. Does he yield to the Senator from Massachusetts?

Mr. THOMAS. I yield to the Senator.

Mr. LODGE. I regret that the Senate did not agree to fix a time. I am inclined to think that if we put off voting on these amendments as long as Wednesday it will be put off much longer than necessary. As we have not been able to reach a unanimous-consent agreement, I only desire now to say that I shall move a recess this afternoon until Monday, and I shall endeavor to hold the Senate in session as long as Senators will stay here with me.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. THOMAS. I yield.

Mr. SHIELDS. I desire to offer an amendment to article 4 of the treaty. I ask that it be printed in the RECORD and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SEVERAL SENATORS. Let it be read.

Mr. SHIELDS. It is short, and I will ask that the Secretary may read it.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

Amendment proposed to article 4 of the treaty with Germany, to follow the same and constitute a part of that article.

Provided further, That when imperial and federal governments and their self-governing dominions, colonies, or states are members of the league, as originally organized or hereafter admitted, the empire or federal government and the dominions, colonies, or states shall, collectively, have only one membership, one delegate, and one vote in the council, and only three delegates and one vote in the assembly.

Mr. SHIELDS. I ask that the amendment be printed with the other reservations and amendments for the use of Senators.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, no Member of the Senate regrets our inability to reach an agreement for a final vote upon these amendments more earnestly than myself. Had we been able to do so, I would cheerfully forego any discussion of these amendments. But in view of the objections just interposed, I shall occupy your attention for a brief period regarding them.

Mr. President, I have not been able to attribute to the representation provided in the structure of Part I of the treaty the importance which it seems to occupy in the minds of many Senators. I have discovered in my examination of the covenant several serious and one or two apparently insoluble obstacles to its acceptance. It may be that I have attributed too much importance to other parts of the treaty, and thus made the mistake that seems to me to have been made by others concerning the subject matter of these amendments.

I am not aware that when this particular feature of the covenant of the league was under consideration at Paris objection from any source was expressed against the arrangement. Some time last February we received the original draft of the proposed covenant, at which time many criticisms were made of it, but I do not recall this objection was one of them. I heard a number of very able criticisms of that draft on the floor of this body; I read many strong magazine and newspaper articles in adverse comment upon it; I received a great many personal communications concerning it. I do not remember that in any of these discussions, articles, or communications was objection made, much less elaborated, against the preponderant power of the British Empire in the counsels of the league. Of course, Mr. President, that circumstance, if properly stated, is no argument for or against the proposition, but it indicates, if true, that its importance has since that time been largely exaggerated.

I do not for a moment question the soundness of the proposition that in all matters of dispute or of difference which may arise hereafter, and coming within the jurisdiction of the league, which concern the United States directly, no member of the assembly should have a preponderant vote or influence as compared with any other. I do not believe that anyone will successfully challenge the soundness of that proposition, which seems self-evident. Moreover, that is the only rule which squares with fairness and justice. So far, then, as that feature of the amendment is concerned, I am in hearty sympathy with it. I think there is and can be no doubt that every delegate to the assembly representing a member of the league has the same

power and authority, the same eligibility to a seat in the council, and the same attributes which are common to every other member.

It makes no difference whether this delegate represents a colony, a dependency, or an independent sovereign power. The equilibrium is destroyed the moment any difference in authority or eligibility is recognized. In my judgment, delegates to the assembly representing India or either of the four self-governing dominions of the British Empire, or all of them together, if you please, are entirely qualified for membership in the council.

While I have the highest regard for the opinion of the distinguished Senator from North Dakota [Mr. MCCUMBER], I am unable to accept his reasoning upon this subject. But, Mr. President, the question is largely an academic one, for the reason that unanimity of action on the part of the members composing the council is absolutely essential to their election to the council, as it is to the election of a representative of any other nation to that body. In other words, from a practical view of the situation, there is no possibility of the selection of such a delegate to the council, for the very good reason that Italy, France, and, in all probability, Japan, would be quite as much concerned in preventing an undue preponderance in the council in favor of any nation as would be the United States. But, if the fact were otherwise, the interposition of a single objecting vote precludes the possibility of the addition of such a member to the council or the selection of such a member in place of a nation now represented upon it. So we are spending much time in discussing a situation which, from a practical point of view, seems to be wholly negligible.

The Senator from Idaho [Mr. BORAH] a day or two ago occupied some time in establishing, from the Borden correspondence and from other sources of information, the complete independence of the representatives of all of the self-governing dominions as members of the council. I think his argument, while perfect, proved too much, for, assuming such a complete independence, it must follow that they can only be subservient to the British Empire through motives of friendship, or because of an interest which is quite as likely to manifest itself in any other representative. They are either independent of Great Britain or they are not. If they are independent, then their adhesion to the cause of the Empire in times of crisis is determined, not upon the element of dependence, but upon identity of interest or of understanding or of amity or of any of the other influences which might be equally controlling with any other member of the league.

No man contends, Mr. President, no man can contend successfully, that there is or should be any difference whatever in the assembly between the status of representatives of self-governing dominions and that of representatives of any other country. If I am right, then the question of influence or of preponderant power operating as a menace to the people of the United States, in my judgment, disappears.

I have stated these conclusions, Mr. President, somewhat clumsily, perhaps inaccurately, but they are to me convincing of the comparative unimportance of the objection except in so far as the contingency might materialize against the United States in some difficulty or dispute directly between ourselves and Great Britain or some sovereignty with which that Empire had very close treaty relations.

I listened with much pleasure and instruction to the address of the junior Senator from Wisconsin [Mr. LENROOT] upon these amendments a few days ago. He contended that, conceding to the Johnson amendment all the need for it that its author claimed, it did not accomplish the purpose which he had in mind, did not invest the United States with five additional votes, and did not create that equilibrium of conditions which, of course, is the object of the amendment. I have never listened to a clearer, more logical, and convincing presentation of a proposition in my life. He elaborated the subject, and so much better than I can, that I perhaps should apologize for discussing the subject at all. He demonstrated, with the precision of a problem in Euclid, the impossibility of meeting the real objection, which we must consider, by the adoption of anything less than a reservation directly aimed at the difficulty, such, for example, as presented by the senior Senator from North Dakota [Mr. MCCUMBER] or that which was presented by the Senator himself. Of course, it would be grossly improper for any dependency of the British Empire, for any self-governing dominion of that country, to identify itself as an additional unit in the league of nations with respect to any question concerning either the Empire or any of its constituencies. It would be as inappropriate as the service upon a jury of a kinsman of one of the litigants. It is the part of statesmanship for this country to guard against such a possibility, since human nature is apt to be the same in transactions involving the fate of nations as it is in those which merely involve the interests of individuals. The urge of race is sometimes irresistible, and the urge of necessity, when in community, is equally strong. We can not afford, therefore, to permit this treaty to be ratified without expressly safeguarding ourselves—and in doing that we are doing justice to our associates as well as to ourselves—against a possibility of a preponderance of interest passing judgment upon any subject or problem which may affect us adversely to Great Britain or any of her dependencies. Since that situation can be met, and is, in my judgment, fully met by the so-called McCumber amendment, and does not seem to be met by the amendments, it is the part of wisdom and sound statesmanship to include in our ratification a reservation clause such as I have described.

I think, too, Mr. President, that we should consider how other nations may view our guardianship and protectorate of certain members of the league located in the Western Hemisphere, for we can not suspect Great Britain of designedly packing the assembly, so to speak, with a view of safeguarding her own interests. We can not criticize her control of Persia and of Hedjaz without laying ourselves open to similar imputations and equally just criticisms when our relations with certain countries to the south of us are considered.

Mr. FALL. Will the Senator yield for a moment?

Mr. THOMAS. Certainly.

Mr. FALL. I have heard the suggestion made upon several different occasions that the United States would be as much warranted in relying upon the vote of certain nations to the south as Great Britain would upon the votes of her colonies. Does the Senator himself indulge in that belief for a moment?

Mr. THOMAS. No, Mr. President; but I think it is quite as pertinent and quite as just for Great Britain and, perhaps, other nations to lay that imputation at our door as it is for us to lay them at the doors of Great Britain and other countries.

Mr. FALL. I was curious to know whether any Senator here really believes it.

Mr. THOMAS. Frankly, I do not know.

Mr. FALL. Then, I might suggest this to the Senator: Great Britain has an interest in her colonies and there is, to put it in the weakest form, an alliance between the self-governing dominions and Great Britain; their interests are, to a great extent, identical. That is a fact. It is an equally well-established fact, as to which if any doubt is entertained by any Senator the proof is available, that the United States of America has within four years made a proposition to the nations to the south of us that they should enter into an alliance with this country, the basis of the alliance being the basis of this treaty—what the President of the United States has said is the heart of the treaty—and it is also an established fact that each of those nations rejected the proposition, while the British colonies or the British self-governing dominions, which are a portion of the British Empire, have adhered to the British alliance.

Mr. THOMAS. The Senator from New Mexico is now speaking of alliances. I had no thought of an alliance between the United States and countries to the south of us, but of alleged control over them.

Mr. FALL. But the Senator was saying that it might be urged that the United States could be criticized because of the fact that certain nations to the south would be controlled by the United States in their votes, as the British colonies might be controlled by Great Britain. The two cases are not at all parallel; and I am wondering if there is a Senator here who believes that the United States could count upon the vote of those countries.

Mr. THOMAS. Mr. President, I think there is a parallel. Let us take Panama, for example. That nation is the bastard offspring of the Roosevelt administration. It was the outgrowth of the resentment of that administration against the Senate of the Colombian Republic, because it assumed to exercise the same power to change a treaty that we are now asserting. Without the support of this Government Panama never would have come into existence in all probability, and without that support she certainly would have received no recognition from the great powers across the sea; at least, it would not have received recognition as promptly as it was given. It is entirely under the influence of the United States.

Now, if the Senator from New Mexico asks me whether I believe that any attempt would be made by the United States to influence the vote of Panama in the league assembly as to any matter affecting our interests, I answer promptly, "No." I have too high an opinion of the honor and the dignity of my country to assume that for a moment; and I am equally charitable in believing that Great Britain would, under similar circumstances, disdain to influence the representatives of Persia or Hejaz. It may be that my altruism is altogether too idealis-

tle, but there is certainly just as much basis for one assumption as for the other.

Mr. FALL. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. Yes.

Mr. FALL. What basis is there for the assumption that the United States would have any reason to influence those votes? The United States has nothing to protect; the United States acquires no territory; the United States acquires affirmatively nothing, while under this treaty Great Britain acquires practically the earth. Great Britain would have a reason possibly for influencing votes, while the United States would have none whatsoever in so far as material or selfish interests are concerned.

Mr. THOMAS. Mr. President, I can not look very far into the future; but inasmuch as this entire discussion is based upon the assumption that the United States may become involved in disputes or differences against which she must safeguard herself now, I must assume that some such disputes or differences will ultimately arise.

The United States gave Cuba its independence and has virtually exercised a protectorate over that island ever since. At one time it became our duty to retake possession of Cuba and administer her affairs until order was again restored. The people of Cuba naturally feel under the greatest obligations to the United States, not only because we aided in securing their freedom but also because we give them special consideration in our tariff laws; they enjoy a degree of reciprocity that is very valuable to them and which is also peculiar to them.

The Government of Nicaragua stands, and has rested for years, on the bayonets of the United States marines. To remove them would virtually invite the collapse of that Government. That is known and realized better in Nicaragua than it is here; for down there even a suggestion that we withdraw our marines would cause political and social panic throughout the Republic, if it is a Republic. Consequently, in some great controversy that may in the future intrude itself upon our affairs, I can see no reason why our adversary should not regard our relations with such a country with the same suspicion that we regard, or assume to regard, those of Great Britain with other countries.

What is true of Nicaragua is true of Haiti. That Government since the year 1913 has been virtually under our control, and has prospered accordingly. We have, then, in a political sense, and probably in an economic sense, four dependencies in this hemisphere which are as much subjects to us and to our influence as Canada, Australia, New Zealand, and the South African Union are to the influence of the British Empire.

Mr. FALL. Mr. President, will the Senator yield?

Mr. THOMAS. With pleasure.

Mr. FALL. The Senator indicates that so long as we have marines in Nicaragua we might be able to count upon our influence availing something with the vote of Nicaragua; that because——

Mr. THOMAS. What I meant to say—and what I think I did say—was that it gave to other powers the same reason for suspecting us that the attitude of other countries to Great Britain gives us for suspecting Great Britain.

Mr. FALL. I did not understand; I thought the Senator was suggesting it as his judgment that such would be the case.

Mr. THOMAS. No.

Mr. FALL. It is my mistake. I have no hesitancy in saying that if the Senator thinks by virtue of the fact that we have marines in Haiti we might possibly elect some one from Haiti to sit in the assembly and in that way control the vote of her representatives, I agree with him; if he makes the same statement in reference to Nicaragua, I agree with him; but if the Senator thinks that if it were not for the present peculiar relations between the countries we could count upon the vote of either of those countries I can not agree with him; and I hope that the conditions that exist to-day may not continue for a very great many years.

Mr. THOMAS. Nobody, Mr. President, more cordially joins in the expression of that sentiment than myself. Let me reiterate, in view of the interruption, that I repudiate the view that the Government of the United States would avail or attempt to avail itself of these adventitious conditions. I am trying to press home the fact that if Great Britain lives in a glass house—and perhaps she does—we may occupy the same sort of a mansion in her estimation and that of a great many other members of the league.

Mr. FALL. Mr. President——

Mr. THOMAS. I yield.

Mr. FALL. The Senator understands, I assume, that those who are advocating the Johnson amendment are not attempting to restrict Great Britain as to any influence which she may have either in Persia, in Egypt, or in Mecca and Medina, but that the only purpose is to place the United States upon an equality with what is commonly known as the British Empire, which has votes, as we understand, for her self-governing dominions as well as for herself.

Mr. THOMAS. I know that is the attitude of the Senator and others who favor the amendment, and if I assume their premises I must accept their conclusions.

Mr. President, I am concerned at present merely in giving my view of the situation as explanatory of the vote which I shall cast, if we ever reach a vote. I shall vote against this amendment and for one of the reservations to which I have made reference, my purpose being to accomplish by that means the same end which Senators who are supporting the amendment are seeking to accomplish; in other words, our purpose seems to be mutual, but our methods are variant.

I come now, Mr. President, to the consideration very briefly of the relation of the colonies or self-governing dominions to Great Britain—and let me say by way of digression that I am in full sympathy with the views expressed here regarding the inclusion of India as an independent member of the league. I do not understand it. I know that India was of great service during the war. Her petty princes furnished troops and treasure. Her people made sacrifices for the cause of the Allies that measure up to those which were made by the great powers themselves. Of her loyalty during this war there can be no question, with here and there a possible temporary and short-lived exception. Hence, I conclude that India was given this representation because of the magnitude and the splendor of her service and sacrifice in the Great War against Germany.

That, however, does not answer the objections which are made to the inclusion in the league of the dependency of a country with that country, and upon the same terms. That has been done; and if there were any way of avoiding it by considering India as a separate subject of amendment I confess that I should be somewhat perturbed as to my action. But so far as the self-governing dominions are concerned they are as nearly sovereign as nations can be as to everything except foreign affairs and the nominal allegiance which they owe to the King of Great Britain. If I remember correctly, the governments of these self-governing dominions declared war formally against Germany. Their legislatures certainly voted the money necessary to carry on and pay the expenses of their participation.

Mr. FALL. Mr. President——

Mr. THOMAS. I yield.

Mr. FALL. The idea suggested itself to me that the logic of the Senator's present statement is that while the United States is now a great nation, much more powerful at home and much more powerful in the councils of the nations and of the world because it is a nation and not a confederation of 48 States, in so far as our power in the world is concerned, if we should enter this league we would be much more powerful if we were merely a confederation of the 48 States.

Mr. THOMAS. Mr. President, I do not draw that conclusion. Certainly it is far from my intention to say anything upon which such a conclusion could be based, because I have made to that subject no reference whatever. I may say to the Senator, however, that I am unable to perceive how the United States would be more powerful or influential within the league than it would be without it.

Mr. FALL. I agree with the Senator thoroughly there. I think the United States is more than six times as strong out of it as it will be in it, even granting her an equal voting power with Great Britain.

Mr. THOMAS. Without challenging the accuracy of that statement or accepting it, I may say that, in my judgment, if the United States enters this league under a treaty containing part 13, unmodified and unamended, its influence and power will not only be largely diminished but it is merely a question of time when it, with the other nations of the earth, may disappear under the submerging tides of international socialism. But I shall address myself to that part of the treaty when the amendment which the Senator proposes to offer, to strike it out, shall come up for consideration.

Mr. President, Canada and the other self-governing dominions are closely allied with Great Britain. Their first allegiance, outside of their own interest, is to the mother country. It would be strange if it were not so, and particularly in view of their common experiences during the last four and a half years. But these provinces constitute far-flung portions of the British Empire. Great Britain is the mother of self-governing dominions, the great colony nation, because she knows how to

deal with, how to manage, and how to develop colonies, something which no other nation has learned; something which no other nation except our own ever will learn. The American Revolution and its disastrous consequences to England taught the people of that country the most valuable lesson of their history. They learned, by an experience which cost them the loss of their fairest domains, that English-speaking people and Anglo-Saxon races must exercise and enjoy the privilege of self-government and will assert it in open rebellion should it be refused by the governing power. Having learned that, she wisely applied it in all instances except one to English-speaking people, with the result that she has builded great communities—great, powerful, intelligent, and free nations—in the four quarters of the globe; and it was well that she did so, for she needed the inspiration of their encouragement and the practical assistance of their soldiers and their money during the recent crisis, in which her very life was imperiled.

But, Mr. President, there are many conditions largely local to these dominions which are more in harmony with American interests, with American points of view, and with American destiny than they are with those of Great Britain, and I think it is a mistake to assume in this discussion the antagonism of these dominions to us and the certainty of their identification with Great Britain as to any matter of dispute that might come between her and ourselves.

Indeed, I have regretted the assumption, frequently made here, of a condition of continued and chronic hostility of Great Britain to America, for all this discussion leads to the conclusion that, as to controversies which may come before the league for consideration or as to affairs which may not be controversial, the interests of Great Britain and those of the United States would be found in conflict or hostile to a greater or less degree. I do not think so. I have believed from the moment we went into this war that the one great security to the future peace of the world would be a mutual and permanent understanding between the English-speaking peoples, possessing as they do the wealth, the greater part of the commerce, the merchant marine, the civilization, and the institutions which make for the happiness of mankind and the prosperity of nations. I think that is a feeling, partly instinctive but nevertheless growing, among thoughtful people upon both sides of the ocean; and the principal faith which I have in this proposed league is the dominance of Great Britain and the United States within its councils, supplemented by the recognition of the nationalities of these great English-speaking dominions. They will be found together in the great majority of instances where league action is required.

Before the war, Mr. President, when international conflicts were discussed, and particularly when the urgency of preparation became one of the active incidents of our congressional life, men mentally visioned some antagonist threatening—perhaps remotely, but nevertheless threatening—the security of the United States. What country was it? The country, Mr. President, which had devoted itself to militarism, which had become the dominant power of the European Continent, which preached war and practiced conquest, whose commerce was extended into every country and whose industrial domination of the world seemed to be but a question of years. It was Germany which instinctively materialized in the public imagination whenever the thought of war or preparation for the national security became the dominant note of public thought and discussion.

Events proved that this instinct was a sure one; that it was neither misplaced nor misdirected. She was not building a fleet which she intended ultimately to surpass that of the British Empire, she was not increasing her land armament from year to year, she was not expanding her sources of military equipment at all times, for nothing. The wonder is, Mr. President, that the world was unprepared for the cataclysm when it came. The wonder is that it should have sat supinely during all the years when every evidence indicated the coming storm, for we saw shortly after that storm broke that it was the culmination of a series of events, every one of which had thundered its prophecy into the ears of mankind for many years.

We talk of preparation now, Mr. President. A subcommittee of the Committee on Military Affairs of the Senate has for the last three months been engaged in hearing experts and other advisers concerning the needs of a permanent Army. We have received a mass of information, most of it of great value, and I have no doubt it will enable us to formulate something of an intelligent character which the Senate may be induced to adopt.

But during all the discussion which has succeeded the war with Germany, what is it that lies behind this need for preparation? What is there in the world which menaces its future peace, and which may draw America into another great conflict? There is another nation pursuing the footsteps of Germany, extending its preparation and its power, obtaining foothold in China and Siberia, a nation which took advantage of the last great world cataclysm by imposing upon the helpless Chinese Government a series of demands, 21 in number, the clear purpose of which was to acquire control of all the material resources of that great country, including its population. Why? We do not know. We can only conjecture. But we may reason by analogy and from experience.

We know that autocracy is the antithesis of free government. We feel, therefore, that a nation engaged in constant imitation of a great autocracy which has disappeared for the time, desirous of the possession of the world's commerce in the Orient, chafing under discriminations of race which have been imposed in this country for the best of reasons—social, racial, and economic—with the great Empire of Russia, its once antagonist, prone in the dust, must have some ultimate objective which may be accomplished without war with America, but which may, on the other hand, involve us, for our future is on the Pacific.

Mr. President, I do not refer to this subject with a view of casting any reflection or imputation upon the Japanese people or Empire. I trust that our relations with them in the future will be what they have been in the past, and there is room in the world for the expansion of both. Their generous rivalry in commerce, in the arts, and in dominion, if continued upon the high plane of present civilization and with a constant recollection of the horrors of the last war, must make not only for the peace of the world, but for the well-being of millions of people in Asia and America. But we should prepare, nevertheless.

Let us assume, Mr. President, that our relations with Japan may become strained, that somewhere in the near or distant future a cloud may arise between these nations no bigger than a man's hand, but which may spread over the entire horizon, black and thick with the menace of coming disaster. We may need all the friends that we can secure, and I believe that in such an event, whatever the treaty requirements between Great Britain and Japan may be, America and not Great Britain can count upon Canada, Australia, and New Zealand, for their interests are our interests, and, as to this matter, their destiny is our destiny. They speak the same tongue that we do; they enjoy the same institutions that we do; they inherit them from the same great people which won them by scarifices untold. They have already gone upon record, Mr. President, when the events of the past have made some action necessary concerning many of the possible differences that may arise between ourselves and Japan. To say, therefore, that in disputes between the United States and other countries the six votes of Great Britain will act as a unit and against the United States, is to assume a situation which does injustice to these colonies, to ourselves, and doubtless to Great Britain.

Let me concede, for the sake of argument, that we find an antagonist in Great Britain, either because of her interest in our controversy or because of her treaty obligations to our adversary. I think, Mr. President, that we can safely hope for and surely depend upon her great western dominions as to every oriental problem which may present itself for our solution. I am quite content, therefore, with a reservation which precludes the possibility of their preponderant action as to disputes in which any of these members are concerned, and particularly with us, believing that the hand of good fellowship and confidence extended from the United States to these dominions will bring a future fruitage the need of which in some great and momentous crisis may be so urgent that without it our Nation might become subject and our institutions disappear. I shall, therefore, Mr. President, vote against these amendments.

Mr. BRANDEGEE. Mr. President, this treaty runs in the name of "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, by," and then follows the names of the Right Hon. David Lloyd-George and others who signed in behalf of Great Britain; and then "and for the Dominion of Canada by the Hon. Charles Joseph Doherty, minister of justice," and so forth; and then "for the Commonwealth of Australia," and so forth; then "for the Union of South Africa"; then "for the Dominion of New Zealand"; and then "for India" by certain gentlemen.

The treaty proceeds in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland, and so forth, and names the other sovereignties—the United States, France, and so on—all parties upon one part and Germany, the party of the second part. As the Senator from Idaho [Mr. BORAH] stated the other day, the composition of the British Empire is somewhat peculiar and involved. But, Mr. President, I assume

that when the various sovereignties met in the peace conference they met as equals, for, if I understand it correctly, in contemplation of international law the sovereign nations are all upon an equal basis. There is no distinction made either by reason of population or wealth or any other consideration. No matter how large or how small or how old these various sovereignties may be, in contemplation of international law they are equal and they are equally sovereign.

Now, as it seems to me, there has resulted in this treaty a queer condition of things. Whether it was by design or by accident I do not know. At any rate the British Empire, as such, including its self-governing colonies and dominions, has six votes in the league of nations created by the treaty. The British Empire has one vote and each of its self-governing colonies, of whom there are five mentioned in the treaty, has one vote. By what theory this came about is not explained. No other sovereignty which was party to the peace conference is treated in that way. If it is true, as claimed by the President and some Senators who take his view about the matter, that the one vote of any other member of the league is equivalent to the six votes of Great Britain, then I fail to see why Great Britain is given six votes, or the British Empire, perhaps to speak more correctly. I do not know who proposed that the British Empire should have six votes and that every other member of the league should have only one vote. No explanation is given.

Mr. KING. Will the Senator yield?

Mr. BRANDEGEE. For a question, if the Senator will make it a short one. I know the Senator's tendency.

Mr. KING. I think it is a little more than a question.

Mr. BRANDEGEE. It is generally a prelude of an argument winding up with a series of questions, but I yield to the Senator.

Mr. KING. The Senator was inquiring why Great Britain's colonies had votes and why six votes were given to no nation other than the one. Will the Senator say that the United States or Japan or France or Italy stood in the same relation as did Great Britain? We have not any self-governing dominions or colonies that correspond with Canada.

Mr. BRANDEGEE. I hope the Senator will come to his question. I knew what I was yielding to.

Mr. KING. I warned the Senator, and he anticipated, of course.

Mr. BRANDEGEE. I know.

Mr. KING. Does not the Senator think that the colonies of Great Britain occupy an entirely different position from Hawaii, Porto Rico, or any possession which France or Italy may have in Africa or in any other part of the globe?

Mr. BRANDEGEE. I do. They are British colonies. That is the difference in their position. I am not quarreling at all with Canada or Australia or New Zealand having a vote in a league of nations, because I think that, by population and wealth and intelligence and everything that goes to make a nation, they are entitled to it, much more so than the great majority of the members of the league which are given equal representation in the league by this treaty. The trouble is the way the British Empire is constituted and the dual theory upon which they seem to have proceeded in the construction of the treaty which results in their getting six votes and no others getting more than one. The trouble is that the British Empire as a sovereign, meeting the United States as a sovereign, says, "We will take one vote for the sovereign British Empire and we will give you one vote for the sovereign United States of America, and then we will put each one of our self-governing colonies in for a vote also, but no other nation shall put in any of their self-governing colonies or any of their dependencies." That is brought about in an ingenious way; at least, looking at it in the text it appears to be ingenious. Whether it was designedly so in order to gain an advantage, I do not express any opinion, because I know nothing about what was said over there, but no doubt the British colonies, which had contributed such great aid to the mother country in the war—Canada, Australia, and the rest of them—said, "We are entitled to a vote; we really are nations." When those five great overseas colonies notified Great Britain that they had to have a vote, I suppose Great Britain had to yield to them.

The result of it is that the British Empire gets one vote as the British Empire, which offsets the vote of the United States, and then gets five other votes, one to each of its self-governing colonies. It does that, not by saying "We will give to the British Empire one vote and we will give to each one of her colonies a vote also," but she does it not by stratagem, but by the method of saying, "This treaty is made in the name of His Majesty acting for all these colonies, and each one of these colonies shall be a member of the league." Then in another part of the treaty it says that each member of the league shall have one vote. So by putting its colonies in as members of the league and putting us in as a member of the league it gives each one of its colonies the same vote that the United States has, and then it gives to the British Empire another vote besides.

I have listened to some of the very able arguments made in relation to this question, and to the exceedingly able exposition which the Senator from Colorado [Mr. THOMAS] has just made of the reasons which induce him to prefer a reservation to an amendment upon this question. I am not convinced by the arguments of those who have persuaded themselves that a reservation is preferable to an amendment.

Let us see, Mr. President. We are asked, by ratifying this treaty, to set up a league of nations with a council and an assembly. The council and the assembly are to sit abroad in foreign lands. We are to have one representative upon each of those bodies.

Now, the amendment proposed by the Committee on Foreign Relations provides, in effect, that the United States shall have six votes if the British Empire and its colonies have six votes; that we shall have as many as any member of the league. The reservation, on the other hand, says, "No; we shall not enter the league upon an equality with the British Empire. We will enter with one vote and give them six votes, but we will put on a proviso that unless we are willing that they shall do so on any question they shall use but one of their six votes."

Mr. President, I submit it is humiliating to me as an American, and I think it will be humiliating historically to the records of this country as a sovereign nation, to meet the British Empire or any other nation and help organize an international tribunal on the basis that we have one vote to another sovereign, no larger, no better, no more powerful than we, having six times the voting power.

Those who favor the reservation say, "We recognize the humiliation and the injustice of it, but nevertheless we will organize it on this humiliating and unjust basis, and then we will have these six British delegates sit there, and we will not let more than one of them vote, when it comes to voting on anything, without our permission." I think that is a more humiliating spectacle than the original proposition which it is designed to correct. To have the great Empire of Great Britain send six delegates to this convention with their mouths gagged, to be simply ciphers there, denied the power of doing anything that the other one is to do, seems to me to be a most absurd situation for a great international league. I do not think the English, if I know Englishmen—and I do know some—with their sensitive nature, would be very much flattered by substituting the proposed reservation as against the amendment.

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from New Mexico.

Mr. FALL. Upon that proposition, as there has been so much time devoted to the suggestion that it is more difficult to secure acquiescence of the other countries in an amendment than in a reservation, I desire to ask the Senator if he does not think it would be very much more difficult to secure the acquiescence of Great Britain in reducing her vote from six to one and the acquiescence of the other countries in overturning what they have already done than it would be to secure their acquiescence in giving an equal number of votes to the United States, where in that proposition the United States would undoubtedly have the support of Great Britain, unless Great Britain's intention is to have more influence or power in the league and in the council than she gives to the United States?

Mr. BRANDEGEE. I thank the Senator for his suggestion, to which I agree. There can be no question, of course, that the nation which has six votes in the assembly has more power. This is put in for a purpose, of course. Nobody proposed that the United States, altruistic as we were, should have six votes and Great Britain one. It may have all been luck or a happy chance or the wisdom of Providence that accounts for this. I do not know. But you do not happen to find it that way—that we have the six votes and Great Britain has the one. So it fortuitously occurs that they enter upon this scheme six times more powerful than we are. Everybody agrees to that. If the people who want to supplement the amendment with a reservation do not agree to that, they ought not to offer their reservation, which is designed to correct the inequality not by putting us where we belong in comparison with Great Britain, but by gagging five of Great Britain's delegates.

Mr. President, it is a curious contrivance. I am not attempting to justify it; I am simply wondering at it. I am astounded at the moderation of the British Empire that, having gotten one vote for the British Empire and then one for each component part of the British Empire which was overseas, it did not take one for every part of the British Empire. Why

were they so generous as to give a vote to New Zealand and to India, which is not even self-governing and not populated by whites, and not give a vote to the United Kingdom of Great Britain and Ireland?

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. FALL. I think that is easily understood. Great Britain has been promising home rule to Ireland for a great many years, but has never given it. If she gave Ireland equal representation with herself in the league of nations, certainly she would logically be compelled to grant home rule.

Mr. THOMAS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. I think, Mr. President, if the Senator from New Mexico will permit me to add to his statement, that fact is due to the opposition of Ulster more largely than to the refusal of Great Britain.

Mr. BRANDEGEE. Mr. President, there is the United Kingdom of Great Britain and Ireland; there are England, Ireland, Scotland, and Wales. They are the parent of the British Empire. They do not get a vote. The British Empire gets one vote; the United Kingdom is a part of it; they get none; but the colonies do get votes. Upon what theory they are proceeding is somewhat interesting as a study; but, no matter what theory may be formed or by what reasoning one may account for the situation, the fact remains that the British Empire gets six votes to our one.

It is said if we also had six votes that would be a great injustice to France, to Italy, and to other members of the league. It would be no more of an injustice to them than it is for Great Britain to have six votes, and they have all agreed that Great Britain shall have six votes. It is understood and asserted by the President and others that, of all the nations of the world, we are the one nation that all the European and Asiatic powers trust as disinterested. If that is so, they certainly would not have any objection to giving us representation equal to that of Great Britain.

The statement of the Senator from Colorado and other Senators that we could always rely upon the support of the Republics upon this continent to my mind is not quite conclusive. Without going into the attempt to imagine what sort of questions will be brought before the assembly or what disputes may be referred either to the assembly or to the council, I think it ought to be patent to everyone who is familiar with our diplomatic history with other nations upon this continent that it is not at all certain that in an international controversy they would side with us rather than with some European power. I do not claim at all that the colonies of Great Britain would be controlled by Great Britain; I do not think it is necessary to assert that; and I do not think it can be truthfully asserted. All I say is that naturally a dependency or self-governing colony will be more apt to take the view of the mother country than it will of some other country.

The time to correct this condition, if it is wrong, is now. I think the covenant is practically unamendable, for it can only be amended by unanimous consent of all the members who have representation on the council and a majority of the other members who have representatives on the assembly.

I utterly disagree to the theory that we must not touch this mass of provisions; that we must accept it with all the errors and faults which it has and which everybody agrees are numerous, because if we made any change it would involve the necessity of the other parties to the contract agreeing to the change. Of course, it might, but they are all existent; the cables are working; the peace conference is in session, and the peace conference is subject to the orders of the Governments which appointed it. Even if the peace conference were not in session, the Governments which appointed it could accept any amendment they saw fit to accept. Most of the amendments which have been suggested are amendments which Senators claim to be superfluous, because they already represent the true intent and meaning of the treaty. If that is so they would be accepted out of hand forthwith, without a day's or a minute's delay. So, Mr. President, I regard the assertion that this document must not be touched because it would involve resubmission to the other parties as—I will not say not made in good faith, but I think the design of it is more to prevent any amendment at all than to show the impossibility of successful amendment.

Mr. President, I have seen in the public prints since this amendment designed to put us upon a basis equally advantageous as that upon which Great Britain is put in the treaty has come up for discussion that France says she thinks she ought to have more representation, and that she agreed to this scheme because she supposed she had to. I can see no earthly reason why, if Great Britain's dependencies are members of the league, the dependencies of France should not be members of the league. It is even discussed in England to-day that they ought voluntarily to relinquish this advantage. They themselves know that it is wrong, and yet we do not seem to have the courage or disposition to correct a manifest injustice at the only time when we can correct it.

If in the future there were no practical injustice or disadvantage connected with it at all, as a practical thing I would not have it known that on a record vote here I voted so to minimize my Nation as to put it on a one-to-six basis with Great Britain. I have heard it said as a nursery tale and fable that it took nine tailors to make a man, but heretofore I have never heard American citizens announce that it took six Americans to make one Englishman, and I will never vote that that proposition is true.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 1377. An act for the relief of Amherst W. Barber;

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; and

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. MCKENZIE, and Mr. CALDWELL managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 644. An act for the relief of Oscar Smith;

H. R. 646. An act for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox while in the employ of the Navy Department in Cuba;

H. R. 683. An act for the relief of William E. Johnson;

H. R. 909. An act for the relief of Ellen Agnes Monogue;

H. R. 946. An act for the relief of James A. Showen;

H. R. 6289. An act for the relief of the executor or administrator of Robert Laird McCormick, deceased;

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt;

H. R. 9697. An act to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.;

H. R. 9448. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10107. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Suffolk West Association of Congregational Churches of Boston, Mass., and a petition of the Men's Club of the Methodist Episcopal Church of Newton Center, Mass., praying for the ratification of the proposed league of nations treaty without amendment, which were ordered to lie on the table.

He also presented a memorial of the Nebraska League for the Preservation of American Independence and a telegram in the nature of a memorial from the James Connolly Branch, Friends of Irish Freedom, of Taunton, Mass., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations or amendments are adopted, which were ordered to lie on the table.

He also presented a petition of Klamath Post No. 8, American Legion, of Klamath Falls, Oreg., praying for the adoption of the so-called Johnson amendment to the treaty of peace with Germany, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Arizona:

A bill (S. 3301) to authorize the disposition of the proceeds from use of the Laguna Dam, Yuma reclamation project, for irrigation purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. SUTHERLAND:

A bill (S. 3302) granting an increase of pension to Samuel Wheeler;

A bill (S. 3303) restoring to the pension rolls the name of George B. Taylor; and

A bill (S. 3304) granting a pension to Elizabeth Ware; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3305) further to assure title to lands granted the several States, in place, in aid of public schools; to the Committee on Public Lands.

By Mr. NEW:

A bill (S. 3306) granting an increase of pension to Charles D. Austin (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3307) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SUTHERLAND:

A bill (S. 3308) for the payment of certain claims of general officers of Volunteers for three months' pay proper for Civil War service as reported by the Court of Claims; to the Committee on Claims.

HOUSE BILLS REFERRED.

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt was read twice and referred to the Committee on Post Offices and Post Roads.

H. R. 9697. An act to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La., was read twice by its title and referred to the Committee on Commerce.

The following bills were each read twice by their titles and referred to the Committee on Pensions:

H. R. 9448. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10107. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 644. An act for the relief of Oscar Smith;

H. R. 646. An act for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox, while in the employ of the Navy Department in Cuba;

H. R. 683. An act for the relief of William E. Johnson;

H. R. 909. An act for the relief of Ellen Agnes Monogue;

H. R. 946. An act for the relief of James A. Showen;

H. R. 6289. An act for the relief of the executor or administrator of Robert Laird McCormick, deceased.

SALE OF SURPLUS MACHINE TOOLS.

The PRESIDING OFFICER (Mr. ASHURST in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, and other recognized educational institutions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. SHEPPARD conferees on the part of the Senate.

INCREASED SALARIES OF POSTAL EMPLOYEES—CONFERENCE REPORT.

Mr. TOWNSEND. I ask unanimous consent to call up the conference report submitted by me a few days ago on House joint resolution 151, to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FRANKING PRIVILEGE FOR MRS. ROOSEVELT.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably, without amendment, the bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That all mail matter sent by the post by Edith Carow Roosevelt, widow of the late Theodore Roosevelt, under her written autograph signature, be conveyed free of postage during her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. LODGE. In accordance with an understanding which I had with the Senator from Nebraska [Mr. HITCHCOCK] before he left the Chamber, I move that the Senate take a recess until Monday morning at 11 o'clock.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until Monday, October 27, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *October 25, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the finer instincts of our being, impelled by the longings of our hearts, from the deeps we cry unto Thee our Father in heaven: lead us we pray Thee by Thy spirit into green pastures and by the side of still waters. Restore our souls and lead us into the paths of righteousness for His name's sake; and

Yea, though we walk through the valley of the shadow of death, we will fear no evil: for Thou art with us; Thy rod and Thy staff they comfort us.

Thou preparest a table before us in the presence of our enemies: Thou annointest our head with oil; our cup runneth over.

Surely goodness and mercy shall follow us all the days of our life; and we shall dwell in the house of the Lord forever.

So we hope, and aspire, and pray. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE—YUMA PROJECT, ARIZONA.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent for a change of reference of the bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona, from the Committee on the Public Lands to the Committee on Irrigation of Arid Lands. I have consulted with the chairmen of both committees and a majority of the members, and they have consented to it.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place;

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 753. An act for the relief of Susie Currier;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 5007. An act granting citizenship to certain Indians.

Mr. MONAHAN of Wisconsin. Mr. Speaker, the third congressional district of Wisconsin easily ranks with the best in the Nation—equaled by few, excelled by none. There at Madi-

son is located the State capitol, with admittedly one of the finest capitol buildings in the Nation. There is located the world-famed university that this year has an enrollment of nearly 8,000 students, and there is the dream city of Madison nestling among her four lakes. A noted writer once wrote the words, "See Naples and die." Out in Wisconsin we say, "See Madison, then live there forever."

The Wisconsin River cuts the district in two from east to west, dividing Richland and Crawford Counties on the north from the counties of Iowa and Grant on the south, and the mighty Mississippi sweeps the entire western border of the district. The third congressional district produces more lead and zinc ore than all the rest of the State, and millions of dollars are invested in this industry in Lafayette, Grant, and Iowa Counties. Tobacco is extensively grown in portions of the district, and, that you may realize how extensively, I cite the fact that Stoughton had at last report 68 tobacco warehouses, and the people were still building.

But, while great in all these and many other agricultural pursuits, Wisconsin, following the advice of the late Gov. William D. Hoard, of blessed memory, sings the Song of the Cow, for while Wisconsin in population ranks but twelfth in the sisterhood of States, in dairy products she ranks first, and in the manufacture of Swiss cheese has no rival on the globe; and the queen of all Swiss cheese-making counties in Wisconsin is the county of Green, lying in the southeast corner of the third congressional district.

The first white settlers in Green, like most other counties in southern Wisconsin, came largely from the Eastern States and for a number of years farmed in the good old New England way with but moderate success. Later a colony of people from Switzerland settled in what is now known as New Glarus, in Green County, and began to clear the land for farming purposes—not in the old way but for dairying. About the second year of the settlement they built of logs a cooperative cheese factory and began the manufacture of butter and cheese. The natives looked upon this inovation first with disdain, then curiosity, and then wonderment. For while they were not getting rich the Switzer kept on milking, buying more land and more cows. More Swiss came every year to open farms, milk, and make cheese, and dairying became a fixed industry in the county. Finally the other settler farmers began to follow the lead of their Swiss neighbors, and thus, before other portions of the State realized what they had lost and were yearly losing, Green County was leading, and still is leading all counties of the Nation in the manufacture of Swiss, Limburger, block, and brick cheese. To give you an idea of what this great industry has done for Green County, you will be surprised to learn that the county is only 20 miles square, has a population (1910) of 21,641 people, and was the wealthiest agricultural county in the United States per capita and had within her borders more than 200 cheese factories and creameries, the former largely predominating.

Mr. Speaker, I have an announcement to make to the House this morning, in which I think all the Members will be interested. While we regard Wisconsin as the great drive wheel of the dairy products of the Nation, there is one county in my district we regard as the hub of that wheel, and that is Green County. And the good people of the city of Monroe and of Green County have sent to me a Swiss wheel cheese. I am going to take that cheese and place it down in the restaurant to-day for lunch. [Applause.] I have seen the manager of the restaurant, and he is going to furnish some rye bread to serve with it. Now, we used to be able to say in Wisconsin——

Mr. CANNON. Will the gentleman yield for just a word?

Mr. MONAHAN of Wisconsin. Yes.

Mr. CANNON. I trust it is as big as a wagon wheel.

Mr. MONAHAN of Wisconsin. I have not opened it yet; but it is here, and, knowing how the Nestor of the House loves all the good things of life, I hope he will not be disappointed. [Laughter.] There used to be another supposed necessity which went with rye bread and cheese in Wisconsin——

Mr. MONDELL. Will the gentleman yield?

Mr. MONAHAN of Wisconsin. I will.

Mr. MONDELL. Who furnishes the crackers and the other fixings?

Mr. MONAHAN of Wisconsin. I do not know. I furnish the cheese, the restaurant manager furnishes the rye bread, and for "crackers and other fixings" the gentleman from Wyoming must do his own rustling. [Laughter.]

Mr. JOHNSON of Washington. Is this the product that made Milwaukee famous?

Mr. MONAHAN of Wisconsin. No; that beverage will not be on the table. Some people regard it as "infamous," but I will let the gentleman from Ohio [Mr. GARD] and the gentleman from Minnesota [Mr. VOLSTEAD] settle that question between them. In the meantime all come down to the lunch room and eat Swiss cheese. [Applause.]

Mr. BUTLER. If this is a good cheese, why not have it distributed through the folding room, so that each man can get his share of it? [Laughter.]

Mr. MONAHAN of Wisconsin. I advise the gentleman to "eat such things as are set before him and ask no questions for conscience sake." [Laughter.]

It is not regarded as being good form to look a gift horse in the mouth. [Laughter.]

For the great pleasure it gives me to aid you all in fighting the high cost of living for to-day, I am indebted to the Badger Cheese Co., of Monroe, Wis., who donated the cheese, at the same time writing me the following letter which I desire to read into the RECORD:

MONROE, WIS., *October 20, 1919.*

Hon. J. G. MONAHAN,
Washington, D. C.

DEAR MR. MONAHAN: I am sending you to-day by express a sample of Green County made Swiss cheese, which I hope you will place on the table of the House restaurant, and that the Representatives will partake of the same. Green County, Wis., has long been famed for its production of foreign styles of cheese. A little county of some 20 miles square that has a reputation of producing more foreign styles cheese than any like area of the Nation and is a great factor in the cheese production of our State.

We wish to inform the House that Green County makes nothing but foreign styles cheese—Swiss, Brick, and Limburger—and we feel that the Swiss cheese that we are making is equal to any cheese that has ever been imported into the country, and it is our ambition to increase the consumption of domestic Swiss cheese; and I feel that after sampling the cheese which we have sent you, that you will agree with Mr. MONAHAN, our Representative from this district, in these assertions.

Trusting that you will enjoy eating this cheese as well as we enjoy sending it, we beg to remain,

Very sincerely, yours,

BADGER CHEESE CO.,
RAY A. YOUNG, *Sales Manager.*

[Applause.]

CAPT. HARRY GRAHAM.

Mr. McKENZIE. Mr. Speaker, I desire to ask unanimous consent to take up the bill H. R. 8272 and pass it.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the immediate consideration of a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8272) to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry.

Mr. GARD. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

The SPEAKER. Is there objection to the immediate consideration of this bill?

Mr. GREEN of Iowa. Reserving the right to object, will the gentleman explain a little as to why the bill is brought forward at this time?

Mr. MONDELL. Mr. Speaker, if there is going to be any prolonged discussion, I will have to object. It is a very extraordinary matter to bring in the bill at this time, and now we have a special rule on an important public matter. If there is going to be any discussion over this subject, I will have to object.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the gentleman have three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that his colleague have three minutes in which to explain the bill? [After a pause.] The Chair hears none.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, this bill has to do with Capt. Harry Graham, who entered the Army from civil life, rose to the rank of captain, and served in the Army for over 18 years. He was attending the officers' school at Fort Leavenworth, and there he was charged with two other officers with fraudulently tracing a map. He demanded a court-martial, and was tried with the other two, who pleaded guilty, and were convicted and dismissed from the Army. He brought his case to Congress. The Committees on Military Affairs of the House and the Senate investigated the matter thoroughly, and came to a unanimous decision that Capt. Harry Graham had been unjustly put out of the Army; that there was absolutely no ground for the judgment of court-martial. We brought in a bill to reinstate him in the Army as captain, but the time he was out caused him to lose about

1,200 files on the lineal list. The war came on, and he was given a temporary grade of major, and served——

Mr. BLANTON. The gentleman forgot to state that the Congress did reinstate him.

Mr. McKENZIE. I meant to do that. Congress did reinstate him as a captain. He is one of the oldest flyers in the service. He is a man against whose character there has never been a question, and the only reason why I now take the time of the House to ask that this be done is that on the 1st of November the rearrangement of the officers in the Regular Army takes place, and if Capt. Harry Graham, remains at the bottom of the list, as he is now, he will continue to be only a captain for years and years, while young men who have come into the service in the last year or two will outrank him. This simply puts him back to the place where he belonged when he was put out of the Army?

Mr. KITCHIN. Is he in the service now?

Mr. McKENZIE. Yes; he is in the service now, I will say to the gentleman. He was in service at Kelley Field.

Mr. KITCHIN. What was the object of his superior officers in trying to "railroad" him out of the service?

Mr. McKENZIE. That may be too strong a word. My friend from Minnesota interjected that into my statement.

Mr. KITCHIN. But I understood the gentleman to say that "railroading" was the best word to be used. How long ago was that?

Mr. McKENZIE. That was in 1917.

Mr. KITCHIN. What object did they have in getting him out of the service?

Mr. McKENZIE. They had no particular object that I know of. The other two officers pleaded guilty to the charge.

Mr. KITCHIN. How did he plead guilty if there was no evidence?

Mr. McKENZIE. The other two pleaded guilty. He pleaded not guilty and demanded the right to have his case cleared up.

Mr. KITCHIN. What I wanted to get at is if this gentleman was "railroaded" out or put out for some ulterior motive, what action did the committee take in regard to the officers who forced him out of the service?

Mr. McKENZIE. We had no jurisdiction over them, I will say to the gentleman.

Mr. KITCHIN. Did they criticize or investigate it?

Mr. McKENZIE. No.

Mr. BLANTON. Mr. Speaker, I if the gentleman will yield a moment I will tell the gentleman that the only evidence on God's earth against the man was that they claimed that the map he made was so perfect that a man could not have made it unless he had had a model to copy from.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McKENZIE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE TO PRINT.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that for general information of the Congress I be permitted to print in the RECORD several thousand letters which have come to me from every congressional district in the United States demanding of Congress that the people of the United States be protected against threatened anarchy in this land.

The SPEAKER. The gentleman from Texas asks unanimous consent to print several thousand letters. Is there objection?

Mr. WALSH. Well, I shall have to object.

The SPEAKER. Objection is made.

PRIVILEGED RESOLUTION—MINING OF COAL, PHOSPHATE, OIL, ETC.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 358, submit a privileged report on said resolution, with the recommendation that it be agreed to.

House resolution 358.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2775, being "An act to promote the mining of coal, phosphate, oil, gas, and sodium on the public lands." That the reading of the Senate bill shall be dispensed with and for the purpose of amendment the House committee substitute shall be considered as an original bill. That the substitute shall have a privileged status until the conclusion of its consideration, and the debate shall be confined to the substitute. That at the conclusion of the general debate on the substitute the substitute shall be read for amendments under the five-minute rule. That at the conclusion of such consideration the committee shall arise and report the substitute to the House with amendments, if any. That thereupon the previous question shall be considered as ordered on the substitute and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WALSH. I was unable to catch the language as to general debate.

Mr. CAMPBELL of Kansas. The rule does not fix the time for general debate.

Mr. WALSH. But it is to be confined to the bill?

Mr. CAMPBELL of Kansas. Yes. The debate is to be confined to the bill. The hope is that the majority and minority members of the Committee on the Public Lands will be able to come to an agreement as to general debate.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. What is contained in the rule as to the consideration of the bill with respect to next Monday's work?

Mr. CAMPBELL of Kansas. It has a privileged status, and the House can do as it chooses.

Mr. GARD. Under the rule the bill has a privileged status? It continues to-day and Monday—this bill?

Mr. CAMPBELL of Kansas. If the House does not decide otherwise a motion will be made to go into Committee of the Whole.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. RAKER. The rule is a little peculiar. Instead of its providing that the debate be confined to the bill, this rule provides that the debate shall be confined to the substitute. What is the purpose of that?

Mr. CAMPBELL of Kansas. The substitute is the bill reported by the Committee on the Public Lands.

Mr. RAKER. Is that intended to exclude any debate relating to the general Senate bill and all matters in relation to it?

Mr. CAMPBELL of Kansas. The rule provides for the consideration of the House substitute for the Senate bill.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Massachusetts.

Mr. WALSH. It is really a House amendment, one amendment, is it not?

Mr. CAMPBELL of Kansas. Yes; an amendment in the nature of a substitute.

Mr. WALSH. To strike out all after the enacting clause and to insert another bill?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Why should not the debate be permitted on the Senate bill that is stricken out? It seems to me to limit debate on the House amendment would not be permitting any discussion of the Senate bill, which was amended by the committee. It would be an unusual restriction on general debate.

Mr. CAMPBELL of Kansas. The general subject matter would be under consideration.

Mr. WALSH. Of course, there is no substitute before the House. The Senate bill is before the House, with a House amendment.

Mr. CAMPBELL of Kansas. This rule brings the substitute before the House as an original bill for the consideration of the House.

Mr. SINNOTT. Mr. Speaker, if the gentleman will permit, this procedure is the same procedure as was adopted when this matter was up at the last Congress under unanimous consent.

Mr. RAKER. Mr. Speaker, will the gentleman yield for another question?

Mr. CAMPBELL of Kansas. I yield.

Mr. RAKER. In the Senate bill are provisions that were not included in the House bill. Now, under the rule the debate is confined to the substitute. Is that intended to exclude debate in relation to the Senate bill?

Mr. CAMPBELL of Kansas. Oh, no; the intention was to prevent the gentleman from California and other gentlemen

from making political speeches. The purpose of this rule is to confine the debate to the subject matter under consideration.

Mr. FERRIS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. FERRIS. As a matter of fact we will do under the rule precisely what we did by unanimous consent when the bill was considered before.

Mr. CAMPBELL of Kansas. Exactly so. We shall follow exactly the procedure that was followed when this bill was considered at another time by the House.

Mr. CARTER. Under unanimous consent?

Mr. CAMPBELL of Kansas. Yes.

Mr. RAKER. I call the attention of the gentleman to this difference: Formerly the bill did not contain different provisions in the original bill and in the substitute. At the present time there are provisions in the Senate bill that are not in the House bill.

Mr. CAMPBELL of Kansas. Oh, the gentleman from California can discuss any question that was raised in the Senate bill. The purpose is to confine the debate to the subject matter under consideration.

Mr. BUTLER. To oil leasing, and so forth.

Mr. CAMPBELL of Kansas. Yes; to oil leasing and coal leasing and phosphates and sodium and other questions dealt with by the bill.

Mr. WINGO. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Certainly.

Mr. WINGO. Can the gentleman give the House any idea about how long it is contemplated this will be a continuing order?

Mr. CAMPBELL of Kansas. I can not. The thought of the gentleman in charge of the bill was that he would be able to conclude its consideration in a couple of days.

Mr. WINGO. The reason I ask is that there are at least two matters that I have in mind, that I feel sure the Rules Committee will be inclined to give rules for their consideration next week, especially if we are going to adjourn on November 10; and I wanted to know whether or not this bill was to be used as a means of taking up all the time between now and November 10, to prevent the consideration of emergency matters.

Mr. CAMPBELL of Kansas. Oh, no; the purpose of the committee is to expedite the consideration of the bill as rapidly as possible.

Mr. RAKER. I should like to ask the gentleman one more question in regard to his statement about the debate being confined to the subject of the bill. In section 1 the House has not included that provision in regard to alien ownership that the Senate has included.

Mr. CAMPBELL of Kansas. That is a matter that is inherent in this whole subject, and, of course, will be under consideration.

Mr. RAKER. Very well. One other question. Sections 40 and 41 relate to entirely different matter, in regard to the anti-trust law. Now, as I understand the gentleman's explanation of the rule, it does not prohibit a full discussion, if Members so desire, as to the provisions of sections 40 and 41 of the Senate bill.

Mr. CAMPBELL of Kansas. Certainly not.

Mr. MAPES. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Michigan.

Mr. MAPES. Referring to the question of the gentleman from Ohio [Mr. GARD] and the answer of the gentleman from Kansas relative to the effect of this rule on District business, I understand that this rule has no further effect than to give this oil-leasing bill a privileged status.

Mr. CAMPBELL of Kansas. A privileged status.

Mr. MAPES. The same as an appropriation bill, and does not in itself dispense with District business on District day.

Mr. CAMPBELL of Kansas. Oh, no; that is a question for the House to decide on Monday, when the gentleman from Oregon [Mr. SINNOTT] moves to go into Committee of the Whole for the consideration of this bill.

Mr. MAPES. Of course, the gentleman is assuming that the gentleman from Oregon will make that motion.

Mr. CAMPBELL of Kansas. I am assuming that he will make that motion. If he does not make it, then the gentleman from Michigan will have a clear field.

Mr. MAPES. Whether he makes it or not, the chairman of the Committee on the District of Columbia will have the right to move to go into Committee of the Whole for the consideration of District business.

Mr. CAMPBELL of Kansas. Undoubtedly.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. This rule makes it in order for the House to go into the Committee of the Whole House on the state of the Union for the consideration of S. 2775. Then it further provides that the substitute shall have a privileged status until the conclusion of its consideration.

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Does not the gentleman think that sentence should read that S. 2775 shall have a privileged status until the conclusion of its consideration?

Mr. CAMPBELL of Kansas. No.

Mr. WALSH. You are going into Committee of the Whole House on the state of the Union to consider a certain bill.

Mr. CAMPBELL of Kansas. We are going into the Committee of the Whole House on the state of the Union to consider the action of the House Committee on the Public Lands rather than the action of the Senate.

Mr. WALSH. But you are not going into Committee of the Whole House on the state of the Union to consider the substitute. The only reason this is before the House is because the Committee of the Whole House on the state of the Union is to consider the Senate bill as amended by the House Committee on the Public Lands.

Mr. CAMPBELL of Kansas. The House Committee on the Public Lands have brought in a substitute for the Senate bill.

Mr. WALSH. They have done no such thing. They have brought in a Senate bill with House amendment, but we are still considering the Senate bill.

Mr. CAMPBELL of Kansas. If that is the view of the gentleman from Massachusetts, he is entitled to it. I am taking the parliamentary view of the situation in which this bill comes before the House under this rule.

Mr. WALSH. But I want to ask the gentleman if he thinks it is wise to establish the precedent of bringing a rule to go into Committee of the Whole to consider a Senate bill and in the same rule making provision that a substitute shall have a privileged status when there is no question of a substitute involved? And I submit that under the rules of the House and under any rule that the committee have reported we have never given any substitute a privileged status.

Mr. CAMPBELL of Kansas. Oh, the House by unanimous consent did exactly this thing a year ago, and the gentleman no doubt was here and consented to it.

Mr. WALSH. I was here; and I know that the unanimous consent a year ago was simply that the House should consider the House amendment in lieu of the Senate bill.

Mr. CAMPBELL of Kansas. And that is exactly what we are doing to-day.

Mr. WALSH. I beg the gentleman's pardon. You are wiping out consideration of the Senate bill altogether, and you are going into the Committee of the Whole House on the state of the Union to consider a Senate bill, and then, instead of giving the Senate bill a privileged status, you are giving the substitute a privileged status, and there is no substitute involved, but simply a House amendment.

Mr. CAMPBELL of Kansas. The gentleman has confused the action of the Committee on the Public Lands in bringing a substitute before the House rather than the Senate bill.

Mr. WALSH. Will the gentleman yield further? He has been very kind in yielding for questions.

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Will the gentleman say what it is about an oil-leasing bill that makes it necessary to present a unanimous-consent request or bring in a rule to handle it in this novel way?

Mr. CAMPBELL of Kansas. It is not a novel way.

Mr. WALSH. It has not been done with any other bill except an oil-leasing bill.

Mr. CAMPBELL of Kansas. Matters are considered under special rule, as the gentleman from Massachusetts knows, if he will consult the precedents of this and similar character of bills throughout the history of Congress.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CLARK of Missouri. The gentleman from Massachusetts is thoroughly wrong. This thing has practically been done time and again—to consider a substitute instead of a bill, or one amendment instead of a bill, or a House bill in the nature of an amendment, instead of the bill itself.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. I want to say to the gentleman from Missouri that "the gentleman from Massachusetts" has not controverted that proposition at all.

Mr. CLARK of Missouri. I thought that was what the gentleman was controverting.

Mr. WALSH. The confusion contributed by the gentleman from Kansas is apparently contagious. [Laughter.]

Mr. CAMPBELL of Kansas. The purpose of the rule making the substitute in order as the original bill was to give a wider latitude for amendment under the five-minute rule.

Mr. FERRIS. If you proceeded otherwise, there only being one amendment, you could not consider it section by section.

Mr. WALSH. That is taken care of in another part of the rule. You are giving a substitute a privileged status instead of the bill upon which you go into Committee of the Whole to consider.

Mr. FERRIS. The whole thought was to have this considered section by section.

Mr. MONDELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MONDELL. I think the form of the rule is the correct one in order to give a wide latitude for amendment. I want to make this suggestion or inquiry: Line 11 of the rule provides that the debate shall be confined to the substitute. I suppose what it means is that it shall be confined to the subject matter under discussion; not necessarily the language in the substitute, but to the subject matter. In other words, if there is anything in the Senate bill that relates to the subject matter that was modified by the House, that general provision could be discussed.

Mr. RAKER. Will the gentleman yield? The suggestion of the gentleman from Wyoming would eliminate the discussion of the Senate bill which the House struck out.

Mr. MONDELL. On the contrary, my suggestion was with a view of making it clear that these matters could be discussed.

Mr. CAMPBELL of Kansas. I stated to the gentleman from California that the rule was for the purpose of preventing him and others from making political speeches.

Mr. RAKER. I never made a political speech in my life in discussing a bill, if I discussed it at all.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LONGWORTH. As a matter of fact, the subject treated of in the two bills is the same, so what difference does it make?

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the rule.

The previous question was ordered.

The resolution was agreed to.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and pending that motion I wish to see if we can not agree on some time for general debate.

Mr. FERRIS. Has the chairman any suggestion to make?

Mr. SINNOTT. Requests for time on this side will not consume over an hour.

Mr. FERRIS. I think we can accommodate ourselves to that.

Mr. RAKER. Reserving the right to object, I would like 40 minutes on the bill. There are vital matters in the bill which I wish to discuss.

Mr. SINNOTT. Perhaps the gentleman from Oklahoma will yield the gentleman from California 40 minutes.

Mr. RAKER. I want it understood in advance that I want an opportunity to be heard on these important matters in this legislation.

Mr. SINNOTT. I think the debate will be very liberal under the five-minute rule.

Mr. RAKER. I want it on general debate. This is important legislation and there are four important amendments eliminated by the House.

Mr. FERRIS. I would like to state to the gentleman from California that one hour on a side seems ample. This bill has been through the House four times, and I will be liberal and give the gentleman more time than I use myself. I do not like to promise the gentleman 40 minutes out of 60 minutes to make a speech on a subject that comes up later in the bill. The chairman has stated that the five-minute debate will be liberal. If the gentleman from California speaks 40 minutes there will not be four souls left here to hear him.

Mr. RAKER. That is a gratuitous statement on the part of the gentleman from Oklahoma. If they stay to hear me, all right; and if they do not, it is all right. I have the right to be heard on the merits of the bill, and I want the promise of that time and not lose my rights by consenting in advance. There are important matters that I will discuss when I get the time, and state why I did not file a minority report.

Mr. SINNOTT. I only expect to take 10 minutes myself in debate.

Mr. RAKER. I want 40 minutes.

Mr. SINNOTT. I will give the gentleman 10 minutes of my time.

Mr. MONDELL. Mr. Speaker, it occurs to me, in view of the fact that all other gentlemen here sacrifice themselves in this matter and only propose to take a few minutes, that the gentleman from California could conclude his remarks in 30 minutes.

Mr. RAKER. May I say this to the gentleman: I have always deferred my right. I have not taken the time of the House. I have been considerate about imposing upon the House, but here is one time where matters of importance are involved. I have been upon the Committee on the Public Lands for a number of years, during which time this subject has been considered. I think this is a time when certain statements should be made from the floor in respect to certain phases of the bill, whether there be 400 Members present, 200 Members present, or only 3, so that the matter may be brought to the attention of the House.

Mr. FERRIS. Mr. Speaker, I do not feel that the gentleman from California [Mr. RAKER] ought to ask for nearly all of the time that is allotted. I feel that his modesty ought to overcome his desire, but evidently it does not. If gentlemen on the other side are willing to grant the gentleman from California 10 minutes, we will give him 30 minutes, which will make 40 minutes, and although I have been chairman of the committee for several years, or was until the House changed its complexion, I will content myself with 5 or 10 minutes.

Mr. DYER. Mr. Speaker, does not the gentleman think that is unfair to the gentleman from California?

Mr. FERRIS. I think it is fair.

Mr. DYER. Can not the gentleman give him all of the time?

Mr. RAKER. Oh, the gentleman from California has not taken any more time than have the rest of the Members of this House.

Mr. DYER. I know that the gentleman from California is of a very sacrificing nature.

Mr. RAKER. Mr. Speaker, I am entitled to represent my constituents on this floor.

Mr. McARTHUR. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Oregon asks unanimous consent that general debate be confined to two hours, one hour to be controlled by himself and one by the gentleman from Texas [Mr. FERRIS]. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Oregon that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2775.

Mr. BLANTON. Mr. Speaker, I withdraw the objection if the gentlemen are willing to divide the time equally.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that there be two hours of general debate, one hour on a side? [After a pause.] The Chair hears none, and it is so ordered. The question is on going into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2775.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with Mr. MADDEN in the chair.

The Clerk reported the title of the bill.

Mr. SINNOTT. Mr. Chairman, I wish to be notified when I have consumed 10 minutes of time. I feel at this time that it is not necessary to enter into a very long or elaborate discussion of this measure for the reason that it is very familiar to the older Members of the House. Legislation similar to this, or bills practically molded upon the same principles as are contained in the substitute before the House, with a few slight changes, generally conceded to improve the bill, have been passed by this House. Practically this measure has been before the House, and the House has passed it at least three times. The subject has been pending before Congress for the past seven years, and has received a great deal of attention and a great deal of discussion. I feel, however, that some of the features of the legislation should briefly be called to the attention of the House. It is a common thing for sponsors of legislation to designate the particular legislation which they may have before the House as legislation of great and supreme importance, and I think it may be said of this bill that it is a measure of supreme importance to the people of this country. In a general way it involves, according to the statement of the Secretary of the Interior, the releasing of enormous areas of our public lands that have been withdrawn from development and exploitation for several years. Approximately 6,500,000 acres of

possible oil lands have been withdrawn from development in our Western States; 2,700,000 acres of phosphate lands have been withdrawn; 3,500,000 acres of oil-shale land have been classified and will become subject to development under this bill, and 70,000,000 acres of coal land are involved; 29,000,000 acres of those coal lands have already been classified. The Secretary of the Interior tells us that while the classified lands may be acquired under existing law, that law is admittedly inadequate and unsuited to the development of coal deposits, because it limits the area which may be acquired to an amount too small for successful mining. The importance of this measure in a general way is exemplified by these figures of enormous areas, in our Western States, withheld from development. The importance of the legislation in a specific way as it relates to oil lands is emphasized by Dr. Manning, the Director of the Bureau of Mines. He tells us in his last report that a review of the American petroleum industries shows that the industrial development and general prosperity of the United States depends upon an adequate supply of petroleum. He says further:

Faced with this growing need for petroleum, we have to consider seriously the means whereby an adequate supply for the future can be obtained. We know that the domestic output does not meet the present consumption, and that the amount of this deficit will probably continue to increase. Of the original available supply under ground, it is estimated by the United States Geological Survey that we have consumed 40 per cent that is unreplaceable. A diminishing output, with increased consumption, will make the United States more dependent upon foreign fields. It is true that there are vast oil reserves in foreign countries, and if those fields could be developed without hindrance they could, even though consumption continues to increase at the present rate, probably meet the world's demand for the next 10 years at least. Production beyond the 10-year period is not safe, for too many certainties are involved.

Another important feature of this bill relates to the unlocking of lands that have been withdrawn in California and Wyoming. In California lands aggregating from thirty to forty thousand acres of oil lands were withdrawn. In Wyoming from five to ten or twenty thousand acres of land have been withdrawn, and these particular lands in California and in Wyoming were withdrawn from operation after a number of oil claimants had gone upon the lands at the express invitation, the statutory invitation, of the Government of the United States.

Had these withdrawals not taken place in California and Wyoming——

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. SINNOTT. Mr. Chairman, I yield myself three minutes additional. Had these withdrawals not taken place in those States many of these oil claimants under the law would have been able to receive patents for their land, if they so desired. Their patents were withheld on account of the withdrawals. Most of these lands are now all in litigation. Something like from twenty to twenty-five or thirty million dollars as a result of the oil production in the land in those two States have been impounded. This bill will enable the Secretary of the Interior to settle all these litigations and will enable further production of oil to be made. That matter will be gone into at length when we come to section 18. One important feature of this bill that should be commented upon is that this bill inaugurates a change of policy in our disposition of our public lands. Heretofore public lands or lands containing minerals described in this bill were disposed of by patenting. That procedure has been eliminated in this bill, and no further public lands containing such minerals will be patented, except under section 37. Those making the necessary discovery will be given a lease to the land. The Government reserves the title, and the Government also reserves the right to establish rules and regulations to prevent waste in the production of oil and in the production of coal and the other minerals. The lessee must sell his product at reasonable prices. A new feature in this bill is the reservation of all helium that may be found in the leased lands. Helium gas is the gas that is necessary to employ in dirigibles in order to prevent combustion. Helium gas is a noncombustible gas. There is more of it in the United States than any other country. During the war we paid to one concern in Texas $1,500,000 for the right to extract helium gas from the oil land owned by the party in question.

Mr. GRIFFIN. Will the gentleman yield there?

The CHAIRMAN. The gentleman has used the three additional minutes.

Mr. GRIFFIN. Will the gentleman yield for one minute?

Mr. SINNOTT. I will take an additional minute.

Mr. GRIFFIN. I want to ask the gentleman whether there is any case on record where helium has been discovered in the raw state?

Mr. SINNOTT. Well, some contend that the gas known in Kansas as "wind gas" is really a helium gas [laughter], because it is not inflammable.

Mr. BLANTON. Is that the kind we have here so frequently?

Mr. BAER. From the gentleman from Texas; yes.

Mr. BLANTON. On the other side.

Mr. SINNOTT. The gentleman does not care to make the obvious answer.

Mr. GRIFFIN. I also want to ask the gentleman——

The CHAIRMAN. The additional minute has expired.

Mr. GRIFFIN. Just one minute. Is the expenditure——

Mr. SINNOTT. When we get to the five-minute rule.

Mr. GRIFFIN. Just one minute. I want to ask this question. I want to get it in the RECORD here.

Mr. SINNOTT. Not out of my time. I will answer when we get under the five-minute rule.

Mr. GRIFFIN. Mr. Chairman——

The CHAIRMAN. The gentleman declines to yield.

Mr. SINNOTT. I will gladly answer when we get to the discussion of the bill under the five-minute rule.

Mr. GRIFFIN. Mr. Chairman, I am to get five minutes myself and I will yield one minute from my time to the gentleman from Oregon to answer the question.

The CHAIRMAN. The gentleman from Oregon and the gentleman from Oklahoma have control of the time and the gentleman will have to make arrangements with them.

Mr. GRIFFIN. I am willing to yield one minute of my time, as I wish the gentleman to answer the question now in its context.

The CHAIRMAN. But the gentleman is not recognized; the gentleman from Oregon has not yielded the floor, and he has control of the time. The Chair desires to ask the gentleman from New York if he has control of the time, as he understood the gentleman from Oklahoma had?

Mr. SINNOTT. If the gentleman from Oklahoma will yield that time.

Mr. FERRIS. I will yield the gentleman one minute to enable him to answer, so we can get along.

Mr. SINNOTT. Then I will yield.

Mr. GRIFFIN. I want to ask the gentleman how you propose to separate the helium from the natural gas and the reservation of that gas to the United States Government for the people?

Mr. SINNOTT. The experts of the War Department spoke to me about that matter, and they say it will be very easily done without in any way jeopardizing the operation of the mine or oil production; that the extraction of this gas makes the ordinary gas it is mixed with more inflammable and a better lighting medium.

Mr. GRIFFIN. It involves both a mechanical and chemical operation?

Mr. SINNOTT. It involves an operation that will not interfere with the oil production.

Mr. GRIFFIN. The United States Government divests its control of the gas in order that helium may be procured?

Mr. SINNOTT. No; the United States Government reserves the right to this gas under the bill.

Mr. GRIFFIN. It divests itself in the first instance of the gas in order to have this operation performed?

Mr. SINNOTT. It never divests itself of the right to extract helium gas.

The CHAIRMAN. The gentleman from Oklahoma is recognized for one hour.

Mr. FERRIS. Mr. Chairman, I think I shall consume about 10 minutes, and I desire the Chair to call my attention to the fact when I have used that much time. Mr. Chairman and gentlemen of the House, this is the fourth time the House of Representatives has sought to enact a leasing bill for the development of coal, oil, gas, and phosphate ores of the United States. On three former occasions the House has passed practically by unanimous consent a bill providing a leasing law whereby the Government might get some revenue for the Treasury of the United States and for the reclamation fund of the United States, and in a way supplant the old laws that have grown antiquated and out of date. The bill each time has gone to the Senate, and the Senate has modified it to such an extent that either in conference or by reason of attacks of the public press the bill has been defeated. In the last Congress the bill passed the House. In fact, I think it passed without a dissenting vote, and then it went over to the Senate. It passed the Senate, was sent to conference, came back here, and the conference report was adopted by more than 3 to 1.

It went to the Senate, and 65 Senators signed a round robin that they would pass the bill if they had a chance to vote on it, but it was in the closing days of the session, and some of the Senators made objection to it and took up the time, and so it could not be voted on. It died for want of consideration.

Everybody was for it. It was needed. It was recommended by the Interior Department. It ought to have been passed then. It ought to be passed now. It is a supplanting of old and antiquated laws, and substituting a general lease law that will be orderly, workable, and will develop the West, with a royalty to the Treasury.

Mr. BAER. That bill, though, patented the land, and this only leases it, I understand.

Mr. FERRIS. It had a fourth patent as a bonus to the prospector who discovered the oil. This gives a preference right to a lease. It was not on that proposition that it was defeated at all. It was a filibuster by one Senator. This year the Senate took the initiative and passed the bill first, and in my opinion they passed a pretty good bill. It had some defects as I viewed it; we have remedied some of them; we will remedy a few more of them in the House. I think it is the best bill the Senate has ever passed on the subject.

Some have said that it was a better bill than either House has passed. There were some provisions in it that the Committee on the Public Lands have changed and some provisions I think they had a right to change. There are a few changes yet that I would like to make if I had the power. The House Committee on the Public Lands reported a bill here, and I think in the main it is a good bill. There are a few little amendments I hope we will adjust as we go along and improve upon. But in the main this bill in all things conserves the interests of the Government. It makes it possible to settle up a mass of complicated litigation over which the courts have been scrambling for a number of years and really brings settled conditions out of chaotic conditions in the West. It should be passed soon. It is what is desired by the department. It is desirable all around. It provides for a royalty to the Government on these minerals. Heretofore the Government has received nothing.

The Nation is yet rich in natural resources. It is not impoverished at all. For example, we have between 600,000,000 and 700,000,000 acres of public lands yet the property of the Government; we have about 70,000,000 acres of coal lands yet the property of the Government; we have about 6,000,000 acres of oil lands still the property of the Government; we have 165,000,000 acres of forest reserves still the property of the Government; and some two or three million acres of phosphate land producing phosphate to improve the impoverished soils of the Government are still the property of the Government. And this proposed law makes possible the use, the development, and conservation of those great resources.

The great and boundless West is entitled to something in connection with this. They are entitled to have this bill considered and have it passed. The entire country is entitled to have it passed. Under the old law the Government gets nothing by way of royalties. Under the old law there is no limit as to the amount of land the claimant can get. Under the old law fraud and disturbance and disgraceful conditions have prevailed. This proposed bill, if passed, will put it on a decent, fair basis, so that the States can be developed, so that the Government may collect a royalty, and so men may proceed in an orderly manner under a contract, so that men may know what their rights are and not have them swept away by withdrawal orders, changed rulings, and other changes in policy which the poor prospector can neither fathom nor understand. The claimants and the Government are both entitled to this much.

Mr. RICKETTS. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. RICKETTS. The gentleman stated that we have 7,000,000 acres of oil lands——

Mr. FERRIS. About 6,000,000 acres.

Mr. RICKETTS. Now, is the purpose of this bill to give to the Department of the Interior the right to lease all the land the Government has without any reservation at all?

Mr. FERRIS. They have the power to divide this up into leasing areas of not more than 2,560 acres, and the Secretary of the Interior has the power to grant a permit to the several oil applicants or developers, and when they strike the oil they then have the right to convert that preliminary permit into a lease and go on and mine the oil. Of course there is oil reserved as naval reserves that this law does not apply to. In all cases the Government has the whip hand. There is no instance where the Government's hands are tied. There is no maximum royalty. The sky is the limit.

Mr. RICKETTS. What royalty is fixed in the bill, if you please?

Mr. FERRIS. The minimum royalty is one-eighth, or 12½ per cent, and if the House stands by the committee there will be no maximum. In other words, they can get as much beyond that as they like. In the Senate bill they had a minimum of 12½ per cent and a maximum of 25 per cent beyond which they can not go. I think the House committee very properly struck out the maximum, so that the Secretary of the Interior, or the Government, can get as much as the facts in a given case would warrant. I do not state this with the purpose of inviting the Interior Department to practice extortion on the claimants, but I do not want to tie the Government's hands.

Mr. HULINGS. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Pennsylvania.

Mr. HULINGS. The permittee can get 2,560 acres?

Mr. FERRIS. Yes. In wildcat territory. That seems to be the correct area. That is the view of the Interior Department, Geological Survey, and all experts.

Mr. HULINGS. Where he can develop——

Mr. FERRIS. Yes; make investigations and develop.

Mr. HULINGS. Now, how many such tracts can he take up?

Mr. FERRIS. The gentleman is probably better in mathematics than I am. It is estimated there are about 6,000,000 acres, and these tracts are 2,560 acres, if they are full, although many may be less than that acreage, as that is the maximum area.

Mr. HULINGS. Could one man take them all up?

Mr. FERRIS. Oh, no.

Mr. HULINGS. Is he confined to 2,560 acres?

Mr. FERRIS. He is in a given field and can not take more than three leases in the entire State.

Mr. SNELL. Is not one of the principal reasons for passing this legislation to settle up a large amount of litigation that is going on at the present time?

Mr. FERRIS. That is true as to section 18. It is the relief section of the bill. It is to straighten tangles that exist by reason of the change from a patenting system to a lease system.

Mr. SNELL. And there is no question but what the Government's interests are amply protected by this bill?

Mr. FERRIS. I think they are. There may be instances where the House may wish to amend it and change it, and I may offer one or two slight amendments myself. But in the main I feel sure every member of the committee has done his full duty, in the main the Senate of the United States has striven hard for a good bill, and in the main there is no selfishness or greed or caprice or fraud or overreaching of any kind in this legislation.

The gentleman from Oregon [Mr. SINNOTT] is entitled to the very greatest credit. He spent nights and nights and nights, and tedious nights they were, in the most thorough investigation in connection with this bill. The gentleman has always been active on the committee, but this year he has assumed the responsibility of the chairmanship with all the term implies, and is really the best chairman the committee has ever had. [Applause.]

Mr. KELLER. The gentleman who spoke previously mentioned the fact that we are now consuming more than our production. He says we ought to lease more land so that we can produce more oil. It seems to me that is a reason why we ought to conserve it and buy oil outside, all that we can get, and save this for later years.

Mr. FERRIS. Who stated that?

Mr. KELLER. The gentleman from Oregon.

Mr. FERRIS. The gentleman may have some figures on that that I do not have. I do not think that is the case. In any event, that would vary as the days go by, as new fields are being opened up all the time.

Mr. KELLER. Does not the gentleman think we ought to conserve the oil under those conditions for later years?

Mr. FERRIS. Every week and every month in the year new fields are being opened, for example, in my own State. And this bill has no application to my State, for we have no public lands there, and I am not personally interested in it in any way, or vitally interested, because my people are not interested, unless propositions are put in here which are general in character.

Mr. KELLER. The gentleman ought to be interested in the whole proposition.

Mr. FERRIS. I am. I am getting to the point where I can answer the gentleman. They are opening new fields all the time, and they are bringing in new production all the time, and no one would be able to say, I think, that we were using more or less oil at any time than we are producing. On the contrary, steamers are carrying oil every day across the sea, helping to supply the European market, and steamers are being used for that purpose.

Mr. KELLER. Does not the gentleman think we ought to conserve it now in the interest of the Government?

Mr. FERRIS. There are different ways of conserving oil.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. It is not always possible to conserve the oil in the ground. Of course, the oil fields are a great deal like a checkerboard. Here is a private holding by the Southern Pacific Railroad or some one else. Here is Government land beside it. If the Government does not proceed with its development, the land is drained by an adjoining owner, and the Government loses everything. The gentleman will recall that several years ago the Congress of the United States gave to the Southern Pacific Railroad and the Union Pacific Railroad grants of alternate sections of land, so that the railways now own alternate sections, and the Government should always be on the alert lest its oil holdings between those sections should be drained. There may be some areas that should be reserved.

Some years ago ex-President Taft withdrew some large areas for a naval reserve. Those, as far as possible, are being conserved within the ground. Why? Because the bulk of this oil is in areas where there is not so much private ownership. But where the land owned by the Government lies side by side with land privately owned, the Congress can not conserve the oil in the private lands, and therefore it is impossible to conserve it in the public lands adjoining them.

There are many things to consider in connection with this great estate. It deserves care, caution, and study by every Member. Your Committee on Public Lands for eight years has been working on this. Your Interior Department has been working on it. Your Geological Survey has been working on it. Your Department of Justice has been working on it. The press has been active. Every line, yes, every section, has been scrutinized by lawyer and layman; by those in and out of Congress; by experts and those who feel they are experts. The law is so much better than existing law that if there be an occasional error the Congress will still be here, probably a better Congress than this one. In any event they, as we, will have done their best. We should now go forward; we should act; we should act now. I am proud of the committee. I am proud of Secretary Lane. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. SINNOTT. Mr. Chairman, I now yield my 10 minutes to the gentleman from California [Mr. RAKER].

Mr. FERRIS. And I yield 30 minutes to him, if the gentleman still insists on it. We hope the gentleman will send something back.

The CHAIRMAN. The gentleman from California is recognized for 40 minutes.

Mr. RAKER. Mr. Chairman, I thank the gentlemen for their courtesy. I ask unanimous consent that I may revise and extend my remarks.

The CHAIRMAN. Without objection, the gentleman will have that privilege.

There was no objection.

Mr. RAKER. Mr. Chairman and gentlemen of the House, I think it is but fair that I should recite a few facts relative to this legislation. As a member of the Committee on the Public Lands for some eight years and more, I have been participating in the committee's work upon this legislation. I have assisted in reporting the bill out of the committee three times and assisted in passing it through the House. The Senate bill passed twice, and I was on the conference committee for some six months last year, when the conferees finally agreed, and their report was adopted by the House. Then there was an objection made on the ground that there was some particular wording in regard to Alaska. We put "outside of Alaska" in the bill, and the committee struck it out and objection was made, and again a conference was had, and it was agreed upon.

I want to say, generally speaking, that I have been in favor of this legislation. I have given every consideration that a Member of the House could give to the proper adjustment of the mineral-land laws as they related to these methods, and when the conferees agreed, their agreement carried out, generally speaking, the judgment of those who had given a great deal of consideration to this particular legislation.

When the Congress convened in special session bills were introduced in the House by the distinguished ex-chairman of the committee [Mr. FERRIS], the gentleman from Oregon [Mr. SINNOTT], the gentleman from Colorado [Mr. TAYLOR], and myself; bills with little difference from the conference report. In the Senate was introduced the bill S. 2775, and reported out, and it passed the Senate with but slight modification, except on the question of making it an entirely leasing bill without any right of ownership as compared with the conference report, and with the addition of a section as to the right of alien ownership, and authorizing the leasing not only of the minerals, which the former bill had provided for, and that exclusively without the surface of the land, but only the mineral deposits, nothing more and nothing less, with the authorization of the Secretary of the Interior to lease the surface when necessary. The Senate bill added "and mineral lands and lands containing such minerals," and, of course, that carried the mineral lands of this character described in the bill as well as the minerals. The Senate placed on the bill sections 40 and 41 and changed the section relating to the disposition of the proceeds.

That bill came before the House Committee on the Public Lands and was considered. The committee amended it, to my mind, as to the general leasing feature and added some splendid amendments to it, and made it more workable and better for the Government, and thus better for the operators, locators, and applicants, because they might know just exactly where their rights were.

With the exception of the alien-ownership feature, the question of the distribution of the funds, and the question of sections 40 and 41, known as the Harris amendment, and the disposition of the public funds, which is changed now from the bill reported three times from the committee to the House and which passed the House and was adopted twice in conference reports, the committee report is now an entire change in the disposition of the money coming from the sale of these lands and minerals, upon which I can not concur.

The rest of the bill, I believe, provides a good way to dispose of the public mineral lands. While it has been asserted—I do not believe that assertion is founded upon all the facts—that the mineral laws were not applicable to the disposition of the mineral lands, of course there have been some valuable oil deposits discovered on worthless lands, and then some desired to obtain the lands, and it became a contest between private individuals, and then a contest between the Government and private individual claimants, that the claim did not comply with every particular letter of the law. That, then, brought about the question of whether or not we would go from the right to dispose of the land to the individual, title in fee, or whether we would have a leasing system.

Now, that is practically all there is in this bill. As to the question of getting revenue for the Government, there is practically no more provision here to obtain revenue to the National Government, so far as the National Government is concerned, than there is under the laws as they exist at the present time.

Now, here is a peculiar thing—and I do not say it for the purpose of criticism, but I think I ought to refer to it. I have here a "confidential" print of the Committee on Public Lands. That means "confidential" to the committee and to the House for their use. In that print the committee amended the Senate bill, and as you make all reports, those amendments ought to have been specified in the report, to the end that the House might act upon each amendment individually and see whether or not they should be adopted or rejected. After the bill was gone through with, at the last end, the committee, in their wisdom and judgment—by a majority, of course, always—said, "Now, we will strike out all after the enacting clause and put in this substitute." Now, that avoided an affirmative vote upon the committee amendment and put it in as a substitute, and now you have the same thing back. A man has to offer an amendment and get an affirmative vote on it, whereas before each amendment that the committee put in, or each amendment by which they struck out anything, required an affirmative vote from the floor of the House, or the committee, before it could become a part of the bill.

Then the rule came in, and until the question was asked, the rule said that we could only discuss the provisions of the substitute and not of the bill. Of course, it does not affect the merits, but it makes its status in the House somewhat complicated and a little difficult to anyone who might be opposed to any of the amendments or who desired to place an amendment in the bill. I take the stand that where you have a larger number of votes everything helps to pass the thing along nicely. I want the committee to understand distinctly that I am not opposed to this legislation, but have been a strong proponent of it; but there are amendments that ought to be placed upon this bill, and in my feeble way I will try to present those amendments to the committee.

The committee can see by comparing the bill that section after section of the substitute is identical with the Senate bill, without the change of the crossing of a "t" or the dotting of an "i," but we have substituted the whole thing.

The first amendment is on the question of leasing the mineral deposits and the land, which I think is all right. I think we

ought to lease the minerals and the land containing such minerals.

The first amendment placed on the bill in the Senate is—

Provided, That no alien shall, by stock ownership or otherwise, own any interest in a lease acquired under the provisions of this act, except with a specific provision in such lease authorizing the President, in his discretion, to take over and operate such lease, paying just compensation to the owner for the use of tools, appliances, machinery, and products; or to acquire at the market price all or any portion of the products of such leased property: *And provided further*, That the Secretary of the Interior may require the sale for consumption in the United States of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise, and all certificates for stock hereafter issued in any corporation having such a lease shall specifically and clearly show this provision on the face thereof.

The House committee struck out that provision and added a provision never enacted in any of the laws that I have been able to run across. That provision is this:

Provided further, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

I wanted to call the attention of the House to the fact that up to the present time, in all our legislation with reference to the public lands, we have never permitted alien ownership of our lands or minerals of any character in the first instance. Of course transfers can be made afterward.

Mr. SINNOTT. What does the gentleman mean by "in the first instance"?

Mr. RAKER. No alien can obtain or acquire ownership in the public domain of the United States as the law now stands.

Mr. SINNOTT. They can by virtue of corporate stock ownership.

Mr. RAKER. No; they can not.

Mr. SINNOTT. I call the gentleman's attention——

Mr. RAKER. I have the authority here.

Mr. SINNOTT. The gentleman's attention was called to the fact, and the specific statute was read to him.

Mr. RAKER. I have that here, and I still say that is not the law and never has been, and it ought never to be.

Mr. VAILE. Will the gentleman yield further?

Mr. RAKER. Yes.

Mr. VAILE. Does not the law regarding mining locations provide that the privilege of such location shall be granted to citizens of the United States or to those who have declared their intention to become such?

Mr. RAKER. I think not. I think it is limited to citizens——

Mr. VAILE. And those who have declared their intention to become such?

Mr. RAKER. I think not.

Mr. VAILE. I think the gentleman will find he is misinformed.

Mr. RAKER. That may be so. I happen to be unfortunate in not having my book before me.

Mr. SINNOTT. If the gentleman will permit an interruption there——

Mr. RAKER. I yield to the gentleman from Oregon.

Mr. SINNOTT. I call his attention to the statute which permits alien stock ownership at the present time.

Mr. RAKER. I yield for a question.

Mr. SINNOTT. This matter was submitted to Judge Finney, of the board of appeals, and he writes me as follows—and it is on the other matter that the gentleman is contending that no alien corporation could get any ownership——

Mr. RAKER. I do still contend that.

Mr. SINNOTT. Judge Finney writes me as follows:

The section of the Revised Statutes which shows that corporations are entitled to locate and enter mining claims is section 2321. The Supreme Court of the United States in McKinley *v.* Wheeler (130 U. S., 630) squarely held that a corporation organized under the laws of one of the States is competent to locate or join in the location of a mining claim on the public lands. The ruling of the department that a domestic corporation whose stockholders may be largely aliens is nevertheless entitled to acquire title to mining land is found in 28 L. D., 178.

Mr. RAKER. Exactly. I have that same memorandum in my hand and I remember when it was presented to the committee, and I still say, without fear of successful contradiction, that no alien or alien corporation under any of the public-land laws up to the present time, mineral or otherwise, is permitted to acquire ownership in the public domain of the United States.

Now, there is an instance, and it has been used to some extent, where a man who had filed his first papers as a declarant could file on a homestead, but he never could make his final proof or receive his patent until his final papers had been issued and he was a citizen of the United States.

Mr. SINNOTT. Will the gentleman yield there for a brief question?

Mr. RAKER. I will.

Mr. SINNOTT. So that the matter may be cleared up?

Mr. RAKER. Surely.

Mr. SINNOTT. Of course, the gentleman is not contending that aliens are permitted to lease under this bill, is he?

Mr. RAKER. Oh, no.

Mr. SINNOTT. That matter is clear, that only a citizen of the United States may secure a lease.

Mr. RAKER. Or a corporation.

Mr. SINNOTT. I do not want the House to be befuddled on that.

Mr. RAKER. No. They will not be befuddled when I make my statement on it. Now, this provision in the Senate bill prohibited aliens acquiring large interests, say 95 per cent of all the leaseholding interests in the oil of this country, as it stands to-day. This Senate provision prohibited and does prohibit aliens acquiring this stock ownership and authorizing the Secretary of the Interior to require the certificate of stock to show these matters and keep this oil in the country.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINNOTT. Did I understand the gentleman to say that the Senate provision prohibited an alien from acquiring stock?

Mr. RAKER. No. I said no alien shall by stock ownership or otherwise acquire any interest in oil except under the specific provision in the oil lease authorizing the President, in his discretion, to take over and operate such lands.

Mr. SINNOTT. That provision is that they may under the Senate bill acquire such interest.

Mr. RAKER. Sure; but that prohibits and prevents exportation of the oil. If a man wants to come and participate in this country in the development of oil, extracting the oil from the bowels of the earth, he ought not to be permitted, under the circumstances of the oil situation, to obtain at least 95 or 98 per cent of the oil for the use in this country to be leased under this bill and then transport the oil somewhere else.

Mr. SINNOTT. Will the gentleman further yield?

Mr. RAKER. Yes.

Mr. SINNOTT. I understood the gentleman to convey the impression to the House that the Senate provision prohibited the transportation of oil from this country?

Mr. RAKER. No; it does not; it puts it in the discretion of the President——

Mr. SINNOTT. The matter rests with the President, and until the President acts, until he puts an embargo, or until the Secretary of the Interior directs that the oil shall be consumed in this country, it may be transported abroad?

Mr. RAKER. That is in the provision, and it gives us the protection we ought to have.

Now, in addition to what I have said, under the public-land laws a lease of one claim, or one claim only, can be obtained by a domestic corporation. That is the only instance where they can obtain title to public land. As the law now stands to-day, that must be a domestic corporation. In a land decision they held that the stockholders might be aliens, but not directors, and only in one instance could a corporation obtain a title.

What does this bill do? This bill opens up to corporations in this country every bit of the oil land undeveloped, every bit of phosphate land, every bit of sodium land in this country to-day. So we have gone beyond the limit.

Mr. ELSTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. ELSTON. In regard to the restrictions of alien stockholders in corporations in America getting an interest in oil land, that restriction the gentleman speaks of refers only to the initial application by the corporation. After the corporation acquires the right any alien can purchase any stock he pleases. Is not that true?

Mr. RAKER. I am discussing—and I will make it plain—that corporations can not obtain title to public domain, domestic or otherwise, save and except in one instance, where they can obtain one claim of coal land. No alien up to the present time has ever been able to acquire public domain; but when the title in fee has been transferred to an individual, there is no law or restriction that he can not sell it to an alien. He sells it to anybody that he pleases.

Mr. ELSTON. After the initial claim has been patented, aliens can buy if they please?

Mr. RAKER. Everybody knows that there is no restriction on alienage when a man gets a title in fee. But I am talking about the public domain; I am talking about the Government changing its entire policy and authorizing corporations, 95 or 98 per cent of whom may be aliens, obtaining title under this bill. There is no question about it, no use in denying it. You can organize a corporation of three citizens and 97 aliens and

acquire oil lands under this bill. The Senate provision stepped in and said that if the stockholders were aliens the President could say, "I will take it over and you can not transport it." It ought to be so.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Is it the gentleman's contention that the provisions of the House amendment would permit a corporation 98 per cent of which was alien, Japanese aliens, to acquire some valuable mineral, oil, or phosphate lands in California?

Mr. RAKER. Sure. It will do this: Three American citizens in California and the rest Japanese or Chinese can form a corporation and obtain leases on these lands, where they could not do it now.

Mr. WALSH. In the initial instance?

Mr. RAKER. In the first instance; and obtain Government lease. Let us make that plain. If this bill obtains, they can absorb practically all of the oil interests of this country, because there is no limitation upon the title that the corporation may hold or who shall be its stockholders.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Having acquired the fee, is there any statute of the State of California that would prohibit them from transferring it to other aliens?

Mr. RAKER. I do not quite understand the gentleman's question.

Mr. WALSH. Having acquired the fee to this land—such a corporation as the gentleman describes—is there any local law of the State of California which would prohibit it from conveying that fee to other aliens in that State?

Mr. RAKER. It is my impression that the present alien land-ownership law in California would prohibit that transfer.

Mr. WALSH. But there is no Federal statute to that effect?

Mr. RAKER. No.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield? No lease can be transferred under this act without the consent of the Secretary of the Interior.

Mr. RAKER. But the gentleman did not say anything about a lease. I am answering questions and not assuming something.

Mr. BARBOUR, Mr. SINNOTT, and Mr. TAYLOR of Colorado rose.

Mr. RAKER. Oh, just a minute; one at a time. I yield to my colleague from California first and then I will yield to the other gentlemen.

Mr. BARBOUR. The question I was about to ask has probbaly been answered by the information brought out by the gentleman from Massachusetts [Mr. WALSH]—that is, as to the restrictions, under the California alien land law, on Japanese owning and leasing lands in that State. I think the answer of the gentleman from California to the gentleman from Massachusetts threw some light on that.

Mr. RAKER. The gentleman agrees with me?

Mr. BARBOUR. Under the alien land law of California, as I understand it, a corporation composed of 97 per cent, as I understand the percentage to be, of Japanese could not take title to land in that State; and, furthermore, they could not take a lease under the alien land laws for more than three years.

Mr. RAKER. But that was not the gentleman's question as he put it to me. He stated it when the corporation obtained the title.

Mr. TAYLOR of Colorado. In fee.

Mr. RAKER. Which was an American corporation, although all of the stockholders except three and all the directors of which except three were aliens—whether that corporation could transfer its title to other aliens.

Mr. BARBOUR. Under the California alien land law they could not transfer to Japanese, though they might to English or French.

Mr. RAKER. They can not if they are individuals, but this is a corporation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Is it the gentleman's contention that under the House amendment a corporation composed of 98 per cent of aliens can acquire fee to this land?

Mr. RAKER. No; they can not acquire the fee.

Mr. WALSH. Then what is the danger?

Mr. RAKER. They get the right to the lease, and can dispose of its products and send the oil where they please.

Mr. WALSH. But they can acquire the lease?

Mr. RAKER. They can acquire the lease. That is the point. Having a lease of the land, all of our phosphate, all of our sodium, all of our borax, all of our oil, all of our coal, 95 per cent of them being aliens, they could, under the bill without any restrictions send it abroad if they wanted to; and why should there not be some control placed upon that if there is alien ownership in the lease—I mean under the stock ownership—and that this provision of the Senate bill should remain in the bill instead of the House provision?

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINNOTT. The gentleman speaks about this corporation being composed of Japanese and Chinese. I do not know but what the question I have in mind has already been answered by the gentleman's colleague [Mr. BARBOUR], but the question I want to ask is whether or not the laws of California permit such a corporation to be organized, to become a citizen of the State, with a majority ownership in these aliens?

Mr. RAKER. My recollection is, and my understanding is now—and I want to appeal to my colleague from California [Mr. BARBOUR] to that effect—that that is the one imperfection in the alien land law of California to-day, that a corporation of Japanese aliens can acquire title to lands in California, and we have been trying to amend that act. There was a provision of that kind up last year, but telegrams were sent from somewhere to somewhere and the bill was withdrawn, but 99 per cent of the people of California are anxious to amend that law.

Mr. SINNOTT. Is such a corporation organized under the laws of the State of California with a majority of stockholders aliens under that law a citizen of the State of California?

Mr. RAKER. My recollection is that it is.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; for a question.

Mr. BARBOUR. My recollection of the alien land law is that any corporation the majority of the stock of which is held by aliens who can not become citizens—in other words, Japanese, for that is what is meant—can not acquire title to land in the State of California, nor can it acquire a lease for a longer peried than for three years.

Mr. RAKER. They are acquiring it, but just under what technicality at this time I would not like to state.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. ELSTON. As a matter of fact, under the Senate provision, which the gentleman seems to prefer, corporations having 90 per cent of alien control of stock ownership can acquire a lease?

Mr. RAKER. Yes.

Mr. ELSTON. The only restriction on such a corporation obtaining a lease under this act is that it subjects itself to the possibility of an embargo, if the President decides to lay it, upon the exportation of their products. Is not that true?

Mr. RAKER. Yes.

Mr. CARTER. Is that in the House bill?

Mr. ELSTON. No; that is in the Senate draft. It permits the alien ownership the gentleman speaks of, except that it provides that the President, under certain conditions, may lay an embargo upon the product. I will ask the gentleman this:

The House provision provides the same thing, except a reciprocal arrangement by which any foreign country, where Americans are permitted to the full extent in the way of production, the same privilege shall be granted to the nationals of those countries in this country. There is reserved always the right to Congress, on the representation of the President, to lay an embargo on exports at any time, which can be invoked in case of an emergency.

Mr. RAKER. I have called the attention of the committee to the House provision of the bill; but after you have acquired 90 per cent of all the oil lands in the country, stock ownership of which is alien, those leases run practically ad libitum, ad infinitum, forever, if they comply with the rules and regulations.

Mr. CARTER. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CARTER. The gentleman contends here that the Senate bill does one thing and the House bill another, and there seems to be some confusion about it. Can the gentleman give the committee the section involved?

Mr. RAKER. I have read both of them, and they are in my remarks.

Mr. CARTER. What are the numbers of the sections?

Mr. RAKER. Section 1 of the Senate bill and section 1 of the substitute House bill, and the House provision is found on page 39 of the substitute. Here is what I am getting at. It says:

That citizens of another country the laws, customs, or regulations of which deny—

And so forth. In other words, we can not legislate for our own people; we can not legislate for ourselves; we can not legislate to protect our own oils, our own phosphates, and our own coal; but we have to wait and depend upon whether another country shall permit like ownership. There is not any reason, there is not any justice, in it; and while the Senate provision does not go as far as I would like it to go, there ought not to be any lease where there is any stock ownership——

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. In a moment when I finish this—stock ownership of aliens in our natural resources such as oil, coal, phosphates, and sodium. I will yield.

Mr. WALSH. Do I understand that the gentleman concedes that the statement of his colleague from California [Mr. ELSTON] is correct?

Mr. RAKER. Part of it, but he did not get clear through.

Mr. WALSH. The gentleman is in favor of that? Is the gentleman in favor of the plan which is authorized under his interpretation of the Senate bill?

Mr. RAKER. In reference to imposing an embargo——

Mr. WALSH. Permitting these aliens to hold these leases?

Mr. RAKER. Why, no; but I can not get any more.

Mr. WALSH. The gentleman is going to offer some amendments, I understand.

Mr. RAKER. I know, but I will have to take the best I can get in this House. It has been offered repeatedly and I failed several times in the committee in getting a majority vote to prohibit alien stock ownership as is the California law and as it ought to be.

Mr. WALSH. But the gentleman can offer an amendment to the House substitute to cover what he desires?

Mr. RAKER. I can do a good many things, but I see it would be foolish and useless, because I know beforehand how much good that does. No matter how good or just the proposition may be you can get nowhere unless you have the votes. Is not that right? [Laughter.]

Mr. WALSH. If the gentleman is correct in his interpretation of these two measures, and has sound reason for denouncing their provisions in the vigorous manner in which he has done, I submit that he ought to try to remedy it in the committee and suggest some restrictions that he would like to see placed in it.

Mr. RAKER. I will say to my colleague from Massachusetts I have fully presented that matter, and again repeat that I did not have the votes.

Mr. WALSH. The gentleman has not repeated it here, nobody knows——

Mr. RAKER. I did not get the votes in the committee and I would not get them upon the floor of the House, and I am going to take as much as I can get and hope that the Senate amendment will be adopted.

Mr. WALSH. But this is a different membership that the gentleman is trying to operate upon than the one he had before, and if the gentleman will only submit the remedy it should receive some consideration.

Mr. RAKER. I want to say to the gentleman in reference to its being a different membership, I think the gentleman will observe that the House too often follows the committee reporting the bill.

Mr. WALSH. That might be because somebody was a little fearful the gentleman's persuasive eloquence might succeed in disintegrating this bill that has been offered.

Mr. RAKER. It is very delightful for the gentleman to say that.

Mr. WALSH. But I would like to hear the gentleman's proposition as to how he would cure the manifest impropriety which is contained in both propositions of permitting aliens to control these lands.

Mr. RAKER. I can tell the gentleman——

Mr. WALSH. I would like to hear the gentleman.

Mr. RAKER. It can be done by an amendment here prohibiting leases to aliens. It can be done by prohibiting leases to aliens that have any stock ownership belonging or owned by aliens, and though this bill changes the fundamental principle of our public-land laws, we still can put a provision in here that if any stock ownership is held by aliens that within so many months the Attorney General shall commence an action to forfeit the stock to the United States Government just like we have done in a dozen bills that have been passed here in regard to title going to certain parties or individuals, that after they were held a certain length of time that they should be forfeited to the United States.

Mr. WALSH. Is the gentleman of the opinion that this important public interest has reached such a stage that it can not be developed unless we pass legislation to permit aliens to come in and acquire leases or ownership?

Mr. RAKER. No. Let me tell the gentleman something——

Mr. WALSH. Yes; I will.

Mr. RAKER. All right, sir; does the gentleman know—I do not like to state what occurred before the committee—no; I am going to withdraw that; I am not going to state that.

Mr. WALSH. I am very sorry I am not going to be told.

Mr. RAKER. The gentleman will not be told, because under the rules of the House a man can not tell what occurs in a committee; that is all.

Mr. BLANTON. Will the gentleman from California yield?

Mr. RAKER. Not just at this time.

That is enough for that. I am going on to the other two matters—on the question of sections 40 and 41 of the Senate bill. Section 40 of the Senate bill reads as follows. Now, I want to get this to the House:

SEC. 40. That section 7 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is hereby amended by adding thereto the following paragraph:

"No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months."

That is known as the Harris amendment to the Senate bill, for the purpose of relieving the unjust and illegal conditions now existing in regard to the handling and disposition of the products of oil, to prevent this disintegrated corporation that was dissolved by the United States Supreme Court from owning and controlling and practically dominating the oil markets of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. The 40 minutes?

The CHAIRMAN. Yes, sir.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may have read to the House a letter from Senator HARRIS on this question.

The CHAIRMAN. The time has been fixed by the rule, and is in control of the gentleman from Oregon [Mr. SINNOTT] and the gentleman from Oklahoma [Mr. FERRIS], and the Chair has no jurisdiction. The gentleman from Oregon is recognized.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, in one aspect all of the mineral lands of the United States are either withdrawn lands or unwithdrawn lands. As to the present right of anyone to go on the unwithdrawn lands, it is practically unlimited. A man can go on and aggregate his claims to an almost unlimited extent, and when he discovers mineral he is entitled to a patent on the whole thing. As to withdrawn lands, except as to those who went on the lands prior to withdrawal, he can do nothing. We have had a relation here by the chairman as to how much the withdrawn lands amount to. Those withdrawn lands are supposed to contain minerals. Nobody knows whether they do or not. Take the 6,000,000 acres of supposed oil lands; not more than 50,000 acres, approximately, have ever been shown to contain any oil, so that practically 6,000,000 acres still remain of wildcat territory. We are not permitting anybody under this act to go out and explore or exploit any public domain containing known riches. We are giving an opportunity to our own citizens to explore over 5,000,000 acres of possible oil territory which nobody can positively say contains oil. We are sending them out to risk failure, because the statistics show that 90 per cent of the men who sink wells in wildcat territory lose their money. All we are doing in this withdrawn area in regard to oil is to say, "Go forth and find, and if you find you can not do what you can do now—take the whole thing. If you find, we, representing the Government, will take one-eighth of the whole production and anything more that we desire." One-eighth I take as the ordinary commercial royalty. That is the minimum royalty the Government may take; as to maximum royalty the sky is the limit. You are permitting them to go out into the Government domain and find out whether there is value, and if they find it the Government gets the "velvet."

The House committee has struck from the Senate bill a feature which might be objectionable to the House. The Senate bill says, "Go forth and find, and the royalty which the Government will exact will be not less than one-eighth and not more than one-fourth." We have struck out the maximum, leaving the minimum not less than one-eighth, and the maxi-

mum may be as high as the traffic will bear. The Government can take the whole thing if it chooses.

I want to bring this fact before the House, that the first time in the history of conservation legislation we have now a pure leasing bill. As to all these millions and millions of acres of the public domain, no patent under the act is given to a single individual. The absolute ownership is always in the Government and the Government receives its royalty. That, in the main, is the administrative feature which the Government has adopted with regard to mineral deposits. I spoke before as to certain withdrawn areas and certain claimants having been on those withdrawn areas in full enjoyment of their rights at the time the withdrawals were made. It has been recognized by the Government that those claimants had a perfect right to go on the land; that they were in lawful prosecutions of discoveries at the time the withdrawals were made; that in some instances they have made discoveries. When these withdrawals were made they were advised by counsel that the withdrawals were illegal. Several district courts in the West decided in their favor, which fortified their course with regard to spending millions and millions of dollars in the prosecution of the work. Finally the matter got up to the Supreme Court, and it was held that the withdrawals were valid. Thereupon these claimants were placed in a position where they had spent millions of dollars, produced a great deal of oil after an immense amount of work, and found themselves involved in litigation with the Government.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ELSTON. Will the gentleman give me two minutes more?

Mr. SINNOTT. I will yield to the gentleman another minute.

The CHAIRMAN. The gentleman from California is recognized for one minute more.

Mr. ELSTON. The major part of the lands in California are practically out of consideration by reason of favorable decisions rendered in favor of the claimants by the Federal courts.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I regret I can not yield. I have only a minute. The Government in the settlement of the disputed California and Wyoming claims permits the claimants to come in and relinquish their claims, taking one-eighth royalty on all past production and a royalty on all future production limited only by the discretion of the Secretary of the Interior. In the naval reserves this right is limited to the producing wells only, and the remainder of the claim is subject to disposition by the President under such terms as he may prescribe. This is certainly a most favorable settlement for the Government. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman from Colorado [Mr. VAILE] five minutes.

The CHAIRMAN. The gentleman from Colorado is recognized for five minutes.

Mr. VAILE. Mr. Chairman, it has been suggested here several times in this discussion that we are now entering upon a departure from our former policy in relation to the public lands. I want to indicate in a way what that departure is, and I want also to emphasize the point that we entered upon this departure 16 or 18 years ago, along about the beginning of President Roosevelt's administration, and that our entrance upon that departure at that time was the reason why a large part of this country is now forced to be content with a leasing policy and is asking for a leasing bill, instead of for the retention of the former system.

I do not know exactly what the reason was for the policy which prevailed for a very short time after the inception of our Government in connection with the holding of public lands as the absolute property of the Government. At all events that policy was very early abandoned. Possibly the motive for that policy is indicated by a curious report which I find was submitted to the House of Representatives by Mr. Clay, of Alabama, in 1834, from the Committee on the Public Lands, explaining why the public lands were regarded as the property of the Government. In that report he says, speaking of our debts to domestic creditors and to foreign countries:

> The inducements to cessions, held out by Congress to those States having western territory, were to aid in supplying the means of extinguishing the national debt created by the War of the Revolution, and "to promote the harmony of the Union," and "the stability of the general confederacy." On the one hand, it seems to have been considered not only desirable to obtain means of payment but to gain the confidence of the public creditors, by appearing to possess them.

But he argues in this report for a reduction in the price of public lands. It may be instructive to refer back to the very wise words of a wise man some 85 years ago, when he said in this report of his committee to Congress:

> The high price of land inevitably retards the population of a country, and, taken in connection with the want of power to tax it, must postpone the maturity of its resources.

> In the opinion of the committee, it is due to the people of the new States that the existing state of things should be terminated as soon as practicable. It is certainly desirable that every acre of land should, if possible, be rendered productive; and this can never be done till it is in the hands of individual proprietors. Population is emphatically the strength of a State; and to render a people free, prosperous, and happy, they should be the owners of the soil they cultivate.

That doctrine prevailed virtually from the time that report was submitted to Congress, or very soon afterwards, by the adoption of the preemption law of 1841, until the Roosevelt administration. You gentlemen have doubtless read, until the matter seems a commonplace of history, of the tide of immigration which poured West under the stimulus of this doctrine. In the late thirties Federal troops were employed to keep people off the public lands, but finally the plowshare proved more potent than the bayonet. In 1866 that policy, as part of the permanent policy of the Government, was extended to mining claims, allowing the acquisition of title by individuals who entered upon the land and developed it and made it productive.

That policy remained unbroken, as I said, until a few years ago, when, by the system of withdrawal of lands from entry and by harassing the entries which had been made, and by the attempt to cancel not only entries but patents, it became increasingly difficult and finally almost impossible to acquire title to the public lands.

As an instance of this we have the spectacle, now presented, of the mining prospector being regarded almost as a criminal. When he starts to make a location, in a forest reserve, for example, he must conclusively prove that he is innocent or else he is presumed to be attempting to perpetrate a fraud on the Government. I have in my office a number of files representing instances of cancellation of entries made in the best of good faith and followed by hard labor, the investment of considerable capital, and the performance of annual assessments by the locator. In one such case the situation is presented of one who located mining ground as a placer and was refused a patent for the assigned reason that it should have been located as a lode, although on appeal the land office expressed the opinion that, under the evidence, the ground was properly subject to entry as placer ground, but that it did not desire to depart from previous rulings of the department in that respect. No injury could possibly come to the Government from allowing the placer location. A lode location confers greater rights upon the locator than a placer location, and it would seem that the refusal of patent in this case was a highly technical ruling intended to deprive the locator of rights initiated in good faith under the laws of the United States. In recent years and to this day in the oil fields we have presented to us the spectacle of the Government's agent following the oil prospector, who, by his own enterprise or insight or geological skill, has located oil discoveries. The agent represents a Government which has expended no money in drilling holes or making geological investigations, but as soon as the man who has done those things strikes oil the agent of the Government renders a report and immediately thereafter the Government causes all the surrounding land to be withdrawn from entry.

The principle that the United States was a trustee of the public lands, holding the title temporarily for the use and benefit of those who might later convert the property to a beneficial use, at which time the title could be established in those performing such development, has been repeatedly declared and reffirmed by our Supreme Court, and it is based on fundamental conceptions of land ownership which have been a part of the political conscience of English-speaking peoples since the days of the Magna Charta.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Colorado is recognized for one minute more.

Mr. VAILE. If it should be my fortune, gentlemen of the House, to be sent here for a few more terms, I expect to stand before you urging a return to the principle which we have lately disregarded and which we are now abandoning—a return to the individual of the right to secure title to public land.

And I expect that that proposition will then be eagerly and enthusiastically supported by a Congress which will have become convinced by actual experience that a Federal feudalism has no place in our theory of government, that absentee landlordism is not rendered more beneficent because the Government is the landlord, and that the individual thrift and energy which peopled and developed our country from the Alleghenies to the Pacific are best preserved by encouraging individual ownership of land. This was a truth perceived by Mr. Clay and the patriots of his time as far back as 1834. It was the light which guided our footsteps to national great-

ness. It is obscured now by the clouds of national ownership, but I believe that light is only hidden and not extinguished.

Let me, in closing, leave with you this further thought: The lands heretofore acquired under the laws of the United States are not to be regarded as public lands. The lands involved, for instance, in section 18 of this bill, are lands to which title has been established or on which claim of title is made by virtue of locations authorized by our present laws. And I desire to call your attention to the nature of these titles, a point which has now grown hazy to people living in States where public-land questions never existed or have long since gone out of existence, but entirely familiar to people in all of our States known as the "public-land States." For purposes of ownership, the possessory title has practically all the incidents of a fee; it is, indeed, a fee title, subject only to forfeiture or defeasance by abandonment or by failure to perform conditions exacted by the Government for its continuance. These conditions vary according to the nature of the property, but involve improvement and either constant or periodical occupation. For example, a mining claim located under the laws of the United States, as they have heretofore existed, is a freehold. It descends to a man's heirs; it can be sold at execution in settlement of his debts; it can be conveyed, subject, indeed, to certain restrictions, but with practical freedom for all ordinary business purposes. It is important that this point should not be overlooked in dealing with lands embraced within the provisions of the present leasing bill. Do not consider the relief sections of this bill as if you were dealing with Government lands. These claims are not in any sense public lands; they are private lands. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. BARBOUR].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. BARBOUR. Mr. Chairman and gentlemen of the committee, it is my purpose during the time allotted to me to endeavor to tell you something about the conditions that have confronted the oil men of California and Wyoming during the past 10 years, the conditions that this legislation now before the House is intended to relieve.

The history of that situation is in a way bound up with the laws and the decisions of the courts during the past 10 years.

Prior to the year 1897 there had been no law passed by Congress under which a locator could make an entry upon oil land and perfect his claim. In the year 1897 Congress enacted a statute which provided that the locator on oil or gas lands should make his location and his entry and prove up on his land under the provisions of the placer-mining law. This situation continued for a great many years, and thousands of acres of land in the West were located under the placer law. Corners were marked, boundaries were laid out, notices were posted and recorded in the office of the recorder of the county in which the land was situated. The locators built roads on these lands, put up buildings, constructed reservoirs, and brought water in many cases for many miles, sunk their wells, made their discoveries, and were then entitled to their patents. The oil locators during that time, operating under the placer-mining laws, had certain vested rights in their locations so long as they complied with the law. The courts had recognized the doctrine that a bona fide entryman, faithfully and diligently prosecuting the work of development on his claim, had a vested property right in his location.

With that condition existing, and with many thousands of acres entered under the placer-mining laws in the West, suddenly and without any warning or notice whatsoever, on the 27th day of September, 1909, President Taft issued his now famous withdrawal order. This order recited that, in aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, the lands enumerated therein were temporarily withdrawn from all form of entry under mineral or nonmineral public-land laws.

But the withdrawal order contained this saving clause:

> All locations and claims existing and valid on this date may proceed to entry in the usual manner after full investigation and examination.

You can perhaps realize something of the consternation and uncertainty that this order created among the oil men. Immediately the oil locators, who had not fully perfected their claims and had not received patents, sought legal advice; and almost unanimously the lawyers of the West—among them some of the best mining lawyers in the United States—advised these oil men, who had been operating under the placer-mining laws, that they were absolutely safe in proceeding with their work.

While the Supreme Court, in the case of the United States against Midwest Oil Co., later decided that the presidential withdrawal order was binding and effective, the lower Federal courts rendered decisions in accordance with the opinions given to the locators by their attorneys.

District Judge Dooling held, in the suit of the United States against Midway Northern Oil Co., that the power to dispose of the public lands was expressly conferred by the Constitution upon Congress, and that no power was by that instrument conferred upon the President in derogation of the power given to Congress. The circuit court of appeals, in Consolidated Mutual Oil Co. against United States, held that the saving clause in the withdrawal order directly applied to lands held by the locators at the time of the order, and who were at that time in good faith developing the same.

In deciding the case of United States against Midwest Oil Co., the Supreme Court was divided. Justices Day, McKenna, and Van Devanter dissented. Justice McReynolds did not sit. The majority opinion held that, while the decision was not based upon the question as to whether the President originally had the power to withdraw public lands from entry, owing to long-continued practice acquiesced in by Congress, the presumption was raised that the Congress had given its consent to such withdrawals. In the dissenting opinion Justice Day laid down the rule that the Constitution vests in Congress the power to dispose of public lands, and this implies the exclusion of all other power or authority over such lands. Furthermore it was declared that Congress having expressly subjected these lands to the placer-mining laws, and authorized their location, entry, and purchase thereunder, the executive power to withdraw lands in some cases did not attach in this case.

Some of the locators, relying upon the advice of counsel and upon the decisions of the lower courts, proceeded with the work of development. Others, fearing further losses, refrained from proceeding until their legal status could be determined.

In 1910 Congress passed the Pickett Act. The purpose of this legislation was to give statutory authority for withdrawals and to relieve the situation created by former withdrawals. The Pickett Act contained the provision that the rights of any persons who, at the date of any withdrawal previously or thereafter made, were bona fide occupants or claimants of oil or gas bearing lands, and who, at such date, were in diligent prosecution of work leading to discovery, should not be affected by such order so long as such claimants or occupants should continue in the diligent prosecution of such work. Under this legislation the oil men believed that their interests were to be protected, and a feeling of relief went over the oil fields of California and Wyoming.

But relief did not come. The Government filed many suits against operators to compel a forfeiture of their lands. It was alleged that the locators had no rights, that discovery had not been made prior to withdrawal, that work was not being diligently prosecuted at the time of withdrawal, that the claimants did not continue to diligently prosecute the work of development. Injunctions were prayed for and receivers asked. The Government was in the anomalous position of attacking locators for obeying the very order the Government sought to enforce.

Practically all of these cases that have reached a decision have been decided against the Government and in favor of the claimants. The courts have held that the Pickett Act gave a legal status to good-faith claimants who, at the date of the act, were in diligent prosecution of work leading to discovery.

The oil men of California and Wyoming, who are not looters of the public domain, but who are as honest and patriotic American citizens as can anywhere be found, have waited for 10 years for relief from these unwarranted conditions. This legislation will settle their status for all time, will enable the adjustment of litigation now pending, will guarantee vested rights, increase production of oil which is now so badly needed, and for all time end a campaign of interference on the part of the Government. This bill does not grant to the oil men all that they would desire, but it does grant them relief from an intolerable situation, and to such relief they are by every right entitled.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HADLEY having taken the chair as speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and

providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdiction, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. MCCUMBER, and Mr. HITCHCOCK as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

MINING OF COAL, OIL, PHOSPHATE, ETC.

The committee resumed its session.

Mr. TAYLOR of Colorado. I yield four minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I feel somewhat humiliated that we should be compelled to become practically inarticulate upon a bill of this importance. We spent three days discussing the budget bill that everybody agreed to. We took up the time in political discussions, comments, criticisms upon public men, and now we devote to this most important measure a miserable two hours. [Applause.] Yet this bill amends the Senate bill out of existence. Let me read the title: "To promote the mining of coal, phosphate, oil, gas, and sodium on the public domain." It might better be called a bill to surrender the coal, phosphate, oil, gas, and sodium on the public domain to the Coal Trust and the Standard Oil Co. If you want the proof of that, look at sections 40 and 41, which were aimed at those trusts, and which you have cut out of the bill.

Section 40 prevents interlocking or community ownership in more than one of the corporate units into which a trust has been broken up by a court judgment of dissolution or where the trust has been dissolved to avoid prosecution. This is a highly commendable provision in the Senate bill. Please tell us why it has been omitted in the House substitute?

Section 41 regulates and controls the price of petroleum or any by-product thereof. It is aimed to prevent the Standard Oil subsidiary companies from discriminating against consumers in different sections of the country. I would like to have the committee explain why they have eliminated from the bill that very obvious safeguard. If the Senate language was deemed inadequate, why was not the language amended and the idea preserved?

Why should the United States Government give up its rights in oil or in coal to private ownership at all? If the leases would go to individual citizens for honest development and competition, I would not object, but you know where those rights will go. The oil rights are going to be taken up by the Standard Oil Co. and the coal rights will go to a few men who have brought about a condition in this country in which we are almost faced with revolution. The Coal Trust and the Oil Trust are largely responsible for the conditions which prevail in this country to-day. Yet here we are surrendering our rights to them, with hardly a protest. Your committee comes in, practically unanimous. No time is given to the other side. Is there any other side in this House?

Mr. SINNOTT. Will the gentleman yield for a question?

Mr. GRIFFIN. Yes.

Mr. SINNOTT. Does not the gentleman know that no coal company can get more than one lease in a State under this bill? That being so, why does the gentleman say that we are surrendering the coal lands to the Coal Trust?

Mr. GRIFFIN. Does not the gentleman know that the Standard Oil Co. is permitted to have only one corporation, but that since its dissolution by the courts it has divided up into a score of corporations?

Here are a few of them, showing their capitalization and the amounts of their surplus.

Standard Oil subsidiaries.

Leading companies.	Capital.	Surplus.
Atlantic Refining	$5,000,000	$50,952,881
Ohio Oil	15,000,000	63,839,643
Prairie Oil & Gas	18,000,000	70,435,441
Solar Refining	2,000,000	3,861,465
Standard Oil of Indiana	30,000,000	87,509,465
Standard Oil of Kansas	2,000,000	4,295,555
Standard Oil of New Jersey (common)	98,338,382	468,712,409
Standard Oil of New York	75,000,000	110,028,634
Standard Oil of Ohio	7,000,000	12,507,184
Vacuum Oil	15,000,000	43,546,799

This will give some idea of the stock dividend possibilities of these companies. Most of them have in contemplation increases in their capitalization which will enlarge the sphere of their speculative operations. Among the companies just mentioned two of them have carried out this purpose. The Atlantic Refining Co. has increased its capital from $5,000,000 to $50,000,000. The Standard Oil Co. of Indiana has raised its capital from $30,000,000 to $100,000,000. Some of the smaller subsidiary companies have also joined in the grand rush for investors' money. The Continental Oil Co. has raised its capital from $3,000,000 to $18,000,000. The Standard Oil Co. of Nebraska has increased its capital from $1,000,000 to $5,000,000, and the Mid-West Refining Co. has increased its capital to $50,000,000.

HOW OIL PROFITS ARE JUGGLED.

The Federal Trade Commission, of which Senator HARRIS, of Georgia, was then chairman, made a report to the President, under date of April 17, 1917, upon the price of gasoline, in which we find this very illuminating statement—page 107:

> The rates of dividends are based on investment, not on capital stock. The Standard companies being undercapitalized, the rates actually paid on stock were higher than the rates on investment. The rate of dividends paid on investment varied considerably, ranging from nothing up to as high as 62.6 per cent. The average rate was 7 per cent. In the case of the three Standard marketing concerns the average dividend was 9.5 per cent, the Standard of Nebraska actually paying 13.4 per cent. On the other hand, the small Pennsylvania refiners, except one, made but a poor showing.
>
> Indeed, the additions to surplus made during 1915 have to be considered carefully in judging the profitableness of the refiners' operations. Thus the Atlantic Refining Co. only paid 3.9 per cent on its investment as of the beginning of the year, but over 80 per cent of its net earnings went into its surplus.

This well illustrates the method of juggling with its finances resorted to by this stupendous organization, with its many ramifying branches, to defraud its stockholders in order to put at the disposal of the few men who control its affairs vast surpluses to enable them to venture into and control banks and industries of every kind throughout the country.

SIXTEEN PERSONS CONTROL PRICES.

After a thorough investigation the Federal Trade Commission found that about 52 per cent of all the stock of all the Standard Oil companies was owned by about 16 persons, and that 70 per cent of all stock of all the oil companies was owned by one group. In other words, there has been found to be a community of stock holding in all of the subsidiaries of the Standard Oil Co. Nominally, they are separate companies, incorporated under the laws of different States; but 70 per cent of their stock is held by the same interests; united, notwithstanding the dissolution of the original Standard Oil Trust, in an invisible but nevertheless powerful bond of unity.

WHAT IS IN ISSUE?

The public lands proposed to be thrown open to the public under the measure before us embrace the most valuable coal and oil lands in the world. They embrace from 25 to 90 per cent of the areas of many of our Western States. These lands were withdrawn from public entry by President Taft on September 27, 1909, to conserve the mineral and oil wealth of the country for future generations. The fear was then well grounded that if not withdrawn they would be gobbled up by greedy speculators, who would exploit them for their own aggrandizement and against the public weal. That menace still exists and, if anything, it is even more accentuated. I am willing that these lands should be once more opened to public entry; but if that is done the measure providing for it should properly safeguard the interests of all the people. As the Senate bill came over to us I believe those safeguards were provided. The bill passed the Senate with only one dissenting vote. It would not have passed at all without sections 40 and 41, which our House Committee on the Public Lands has seen fit to eliminate. The House substitute bill before us throws the doors wide open to the Coal Trust and the Oil Trust.

The amount and value of these lands stagger the imagination—6,500,000 acres of possible oil lands, 2,700,000 acres of phos-

phate lands, 3,500,000 acres of oil-shale lands, and 70,000,000 acres of coal lands.

If this bill is passed, to whom do you suppose they will go? Not to the average citizen, but to the large corporations which are already in the field. They alone have the capital and the organization to possess themselves of and profitably exploit this tremendous acreage.

MOST PERFECT TRUST IN EXISTENCE.

Gentlemen profess to be confident that there is no danger to be apprehended from the Standard Oil Co. in the monopolization of these lands. If that is true, why put ourselves at its mercy? If there is any doubt, let us at least be on the safe side. But such blind faith in the future betrays foolish contentment or gross ignorance of the past. We know that the Standard Oil can no more change its character than the leopard can change his spots. Ida M. Tarbell, in her "History of the Standard Oil Co.," published in 1904, said:

It is the most perfectly developed trust in existence; that is, it satisfies most nearly the trust ideal of entire control of the commodity in which it deals. Its vast profits have led its officers into various allied interests, such as railroads, shipping, gas, copper, iron, steel, as well as into banks and trust companies, and to acquiring and solidifying of these interests it has applied the methods used in building up the Oil Trust. It has led in the struggle against legislation directed against combinations. Its power in State and Federal Government, in the press, in the college, in the pulpit, is generally recognized.

The same spirit that moved it then actuates it to-day.

John D. Rockefeller, jr., in an address on trusts to the students of Brown University said:

The American Beauty rose can be produced in its splendor and fragrance only by sacrificing the early buds which grow up around it.

In other words, all competitors must die.

TRUST DID NOT LOWER PRICE OF OIL.

Since this bill has been under discussion I have heard it whispered that even if this bill should open the door wider to the Standard Oil Co. it would not be such a bad thing. That it is a beneficent trust, for did it not lower the price of oil to the consumer? To those gentlemen I would say, "Please read what Miss Tarbell has to say on that subject":

As a result of the Standard's power over prices, not only does the consumer pay more for oil where competition has not reached or has been killed but this power is used steadily and with consummate skill to make it hard for men to compete in any branch of the oil business. This history has been but a rehearsal of the operations practiced by the Standard Oil Co. to get rid of competition. It was to get rid of competition that the South Improvement Co. was formed. It was to get rid of competition that the oil-carrying railroads were bullied or persuaded or bribed into unjust discriminations. It was to get rid of competition that the Empire Transportation Co., one of the finest transportation companies ever built up in this country, was wrested from the hands of the men who had developed it. It was to get rid of competition that war was made on the Tidewater Pipe Line, the Crescent Pipe Line, the United States Pipe Line, not to mention a number of similar smaller enterprises. It was to get rid of competition that the Standard's spy system was built up; its oil wars instituted; all its perfect methods for making it hard for rivals to do business developed.

GULLIBLE PEOPLE STILL LIVE.

The most curious feature, perhaps, of this question of the Standard Oil Co. and the price of oil is that there are still people who believe that the Standard has made oil cheap. Men look at this chart and recall that back in the late sixties and seventies they paid 50 and 60 cents a gallon for oil, which now they pay 12 and 15 cents for. This, then, they say, is the result of the combination. Mr. Rockefeller himself pointed out this great difference in prices. "In 1861," he told the New York Senate committee, "oil sold for 64 cents a gallon, and now (1900) it is 6¼ cents." The comparison is as misleading as it was meant to be. In 1861 there was not a railway into the oil regions. It cost from $3 to $10 to get a barrel of oil to shipping point. None of the appliances of transportation or storage had been devised. The process of refining was still crude, and there was great waste in the oil. Besides, the markets were undeveloped. Mr. Rockefeller should have noted that oil fell from 61¼ in 1861 to 25¾ in the year he first took hold of it, and that by his first successful manipulation it went up to 30. He should point out what the successive declines in prices since that day were due to—to the seaboard pipe lines, to the development of by-products, to bulk instead of barrel transportation, to innumerable small economies. People who point to the differences in price, and call it combination, have never studied the price-line history in hand. They do not know the meaning of the variation of the line; that it was forced down from 1866 to 1876, when Mr. Rockefeller's first effective combination was secured by competition, and driven up in 1876 and 1877 by the stopping of competition; that it was driven down from 1877 to 1879 by the union of all sorts of competitive forces—producers, independent refiners, the developing of an independent seaboard pipe line—to a point lower than it had ever been before. They forget that when these opposing forces were overcome, the Standard Oil Co. was at last supreme, for 10 years oil never fell a point below the margin reached by competition in 1879, though frequently it rose above that margin. They forgot that in 1889, when for the first time in 10 years the margin between crude and refined oil began to fall, it was the competition coming from the rise of American independent interests and the development of foreign oil fields that did it.

To believe that the Standard Oil combination or any other similar aggregation would lower prices except under the pressure of the combination they were trying to kill, argues an amazing gullibility. Human experience long ago taught us that if we allowed a man or group of men autocratic powers in government or church, they used that power to oppress and defraud the public. For centuries the struggle of nations has been to obtain stable government, with fair play to the masses. To obtain this we have hedged our kings and emperors and presidents about with a thousand constitutional restrictions. It has not been possible for us to allow even the church, inspired by religious ideals, to have the full power it has demanded in society. And yet we have here in the United States allowed men practically autocratic powers in commerce. We have allowed them special privileges in transportation, bound in no great length of time to kill their competitors, though the spirit of our laws and of the charters of the transportation lines forbade these privileges.

PRICES IN CONTROL OF SMALL GROUP.

We have allowed them to combine in great interstate aggregations, for which we have provided no form of charter or publicity, although human experience long ago decided that men united in partnerships, companies, or corporations for business purposes must have their powers defined and be subject to a reasonable inspection and publicity. As a natural result of these extraordinary powers, we see, as in the case of the Standard Oil Co., the price of a necessity of life within the control of a group of nine men, as able, as energetic, and as ruthless in business operations as any nine men the world has ever seen combined. They have exercised their power over prices with almost preternatural skill. It has been their most cruel weapon in stifling competition, a sure means of reaping usurious dividends, and, at the same time, a most persuasive argument in hoodwinking the public. (Pp. 227, etc., Tarbell's History of Standard Oil Co.)

FEDERAL TRADE COMMISSION'S REPORT.

The practice of discrimination in prices and of unfair competition has been consistently adhered to through all the years. In the investigation conducted by the Federal Trade Commission these charges were sustained. Though the Standard Oil Trust has been adjudged out of existence by the courts, it has divided itself up like a monstrous worm into 12 living vital parts, and to each of these organisms is assigned a definite territory to feed upon and devour. They are as follows: The Standard Oil Cos. in California, Indiana, Kansas, New Jersey, New York, Ohio; the Vacuum Oil Co., Atlantic Refining Co., Solar Refining Co., Galena-Signal Oil Co., Standard Oil Co. of Louisiana, and the Magnolia Petroleum Co.

It was found that the Indiana company was selling gasoline in its allotted territory cheaper than the other Standard Oil companies. In Ohio they were selling 2 cents on the gallon higher than in Indiana. In New Jersey, Pennsylvania, New York, and Georgia 5 cents higher, and in Tennessee 3 cents higher than in Indiana. What was the reason for this discrepancy? It had competition, and when its competitors, like the early buds on the rosebush, were killed off, the great American Beauty rose—the Standard Oil Co.—blossomed forth in full beauty and strength and vigor and proceeded to overwhelm the guileless consumer with a resumption of its odoriferous exactions.

CLAYTON ACT HAS FAILED.

In short, we find that the Clayton Act falls short of its purpose. The Standard Oil octopus is both ingenious and ubiquitous. The House Land Committee excuses its elimination of the sections of the Senate bill which were planned to meet this situation by saying that the sections thus struck out were an amendment of the Clayton Act and, as such, were within the domain of the Judiciary Committee. Suppose they were? They were in the Senate act as it came to us. They would not be subject to a point of order. Why has the House committee so framed its report that the sections now become subject to a point of order? The fact is the committee is opposed to these sections. That is why they excluded them, and not because they were afraid of treading on the corns of the Judiciary Committee.

THE REMEDY.

These two sections only follow out the recommendations of the Federal Trade Commission (see p. 163 of their report), as follows:

(2) Abolition by legislation in certain cases of common-stock ownership in corporations which have been members of a combination dissolved under the Sherman law. (The several Standard Oil companies.)

(4) Legislation which, while recognizing common ownership, would fix upon such common owners the responsibility for the acts of the several companies so owned, which prevent competition. (Require the Standard companies to all have the same price after allowing charges for selling and transportation.)

This is the legislation called for by a body which has conducted a thorough and painstaking investigation of the subject in all its ramifications. They are not the wild, unbalanced deductions of half-baked philosophers or radicals. They are the suggestions of practical men, and we, as practical men, and as honest men, deeply concerned for the economic prosperity of our country and the welfare of posterity, should retain them unweakened and undisturbed in the measure we are about to pass.

Mr. BLANTON. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. GRIFFIN. I should be glad to yield if I had the time.

Mr. TAYLOR of Colorado. Mr. Chairman, I will yield to myself five minutes at this time, and I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, for many years the West has been earnestly appealing to Congress for some legislation to unlock the many millions of acres of Government withdrawn coal and oil lands and open up that vast public domain to development. This bill in some form has four times passed the House and several times passed the Senate in former sessions, and I regret to say that every bill that has ever heretofore passed has been more liberal to the West than this one. But the active propaganda that has been so constantly carried on for years by the ultraconservationists has made it utterly impossible at this time to secure a more liberal bill than this one. So we of the West are faced with the alternative of continued stagnation in the development of our many millions of acres of coal, oil, oil shale, gas, and phosphate lands or the passage of this bill, which, while extremely stringent in its terms, will nevertheless, I think, release, under drastic restrictions, these millions of acres and bring about a very much needed and wonderfully important development.

The criticism by a few people that this bill is in some respects in the interest of the large operators and contrary to those of the public and the small producers is utterly without any foundation, and those who make it have either never read the bill or are absolutely reckless in their statements.

Mr. GRIFFIN. Why did you not retain the provisions regulating the price which is contained in the Senate bill?

Mr. TAYLOR of Colorado. The amendments that we on the Public Lands Committee have put on this Senate bill make its provisions much more harsh and drastic on price and royalties, and in many other respects, than it was as it passed the Senate.

This bill more completely, in every possible way, protects the rights of the Government and the public, and yet fairly guards the legitimate vested rights of everybody concerned, than any bill on the subject that has ever heretofore passed either branch of Congress. This bill is purely a leasing measure and, practically speaking, does not permit title to pass into private ownership. While probably fully 90 per cent of the people in the public-land States would prefer to see a more liberal land law permitting the securing of patents to lands in order that they might go upon the tax rolls and help bear the burden of maintaining schools, roads, and local government in the counties and States where they are located, yet this bill retains in the Government forever the title to all these lands. The bill limits the acreage of the various kinds of lands which can be acquired by any one individual or corporation to such an extent as to make monopoly impossible, while allowing sufficient acreage to justify development.

Minimum royalties are in each instance prescribed, and the maximum are left to the discretion of the Secretary of the Interior, who is the guardian of the rights of the Government and of the public. The Secretary may take all of the product, if he desires, and may always reject any and all bids, and may also prescribe by general regulations the operation of the lands leased under this bill so as to not only protect the property but to protect those employed in the operations. It gives him an opportunity to take into consideration the equities of those who in good faith, and without fraud, settled on lands now withdrawn, and allows the President, through agencies designated by him, to settle and compromise matters of controversy over title between bona fide claimants and the Government, thus avoiding very great expense and delay and ruinous litigation.

After years of effort I have succeeded in including in this bill a provision permitting all cities and towns to locate, open up, and operate municipal coal mines free of any charge or royalty. And as probably the largest body of oil shale in the world is in my congressional district I may say that I am very largely chargeable with the responsibility for the provisions of that section of the bill, and while they will not be entirely satisfactory they are many times more liberal than the provisions regarding oil and coal, and are the very best I can possibly obtain after three years of hard work; and I am confident that a marvelous oil-shale development will ultimately be brought about under this bill.

If the bill is passed as reported, 45 per cent of the money received from sales, bonuses, royalties, and rentals, under the provisions of this act, are to be paid directly to the respective States in which they occur; and another 45 per cent goes to the reclamation fund; and 10 per cent to the Government. In common fairness to the States in which these resources are principally located, I hope that provision will not be materially changed.

With the four or five million acres of coal land in Colorado, and the marvelous and almost inconceivable possibilities for oil land and oil shale, the amount thus paid to the State in the near future will be a very large sum annually. So that the people of our State will not only get large benefits from these payments, but the much greater benefits from the activity and value of the development of our resources that have long lain idle because of the lack of adequate laws under which they could be developed.

With 700,000,000 acres of public domain in the Western States and Alaska, with possibly one-tenth of all that land being coal land, of which 29,000,000 has already been classified as coal land, and with fully 7,000,000 acres of oil and oil shale lands, all lying out there in the barren, idle, and undeveloped condition in which they have remained for millions of years, and, practically speaking, not one single acre of all that vast domain of coal and oil land has been allowed to be patented during the past 10 years, owing to the withdrawals and classifications preventing anyone from entering it; and as there is no law under which it can be leased or operated in any businesslike or safe way, all that imperial domain of resources remains undeveloped waiting for Congress to pass some law that will not only permit but we hope encourage its development.

While this bill is not as fair to the Western States as it should be, it is the best we can get. It is a start in the right direction, and it will at least permit, even if it does not very much encourage, a great development throughout the West of these resources that have been hermetically sealed up for all these years.

There are so many stringent and drastic restrictions against combinations and monopolies that the most rabid conservationist need have no fear about the operations of this bill. There can be no monopoly or extortion under this bill. Absolute control of all these resources is always retained by the Government. The leases are strictly limited by acres, by time limit, and by rate of royalty, and are always subject to all kinds of regulations and supervision by the Interior Department. In fact, the Government's rights are everywhere so fully and absolutely guarded and protected that I feel no fair-minded person can justly criticize the bill on account of its possible liberality.

All former bills authorized bona fide claimants under existing laws to have a patent to all, or at least one-fourth, of their lands, while this bill is intended to permit no patents. In other words, this is purely a radical conservation leasing proposition. The West will not be satisfied with this measure, yet we are accepting it with the belief that if it proves impractical we may be able to amend it at future sessions of Congress, and I hope the bill will pass and be given a fair trial.

President Wilson has for five years been very earnestly, repeatedly, and forcibly urging the passage of this measure as a matter of national importance in the development of our resources throughout the West. In his second annual message delivered before Congress in joint session on December 8, 1914, the President said:

> We have year after year debated, without end or conclusion, the best policy to pursue with regard to the use of the ores and forests and water powers of our national domain in the rich States of the West when we should have acted, and they are still locked up. The key is still turned upon them, the door shut fast, at which thousands of vigorous men, full of initiative, knock clamorously for admittance. The water power of our navigable streams outside the national domain also, even in the Eastern States, where we have worked and planned for generations, is still not used as it might be, because we will and we won't; because the laws we have made do not intelligently balance encouragement against restraint. We withhold by regulations.
>
> I have come to ask you to remedy and correct these mistakes and omissions, even at this short session of a Congress which would certainly seem to have done all the work that could reasonably be expected of it. The time and the circumstances are extraordinary, and so must our efforts be also.
>
> Fortunately, two great measures, finely conceived, the one to unlock, with proper safeguards, the resources of the national domain, the other to encourage the use of the navigable waters outside that domain for the generation of power, have already passed the House of Representatives, and are ready for immediate consideration and action by the Senate. With the deepest earnestness I urge their prompt passage. In them both we turn our backs upon hesitation and makeshifts and formulate a genuine policy of use and conservation in the best sense of those words. We owe the one measure not only to the people of that great western country for whose free and systematic development, as it seems to me, our legislation has done so little, but also to the people of the Nation as a whole; and we as clearly owe the other in fulfillment of our repeated promises that the water power of the country should in fact as well as in name be put at the disposal of great industries which can make economical and profitable use of it, the rights of the public being adequately guarded the while, and monopoly in the use prevented. To have begun such measures and not completed them would, indeed, mar the record of this great Congress very seriously. I hope and confidently believe that they will be completed.

And again in accepting the renomination, in his address delivered at Long Branch, N. J., on September 2, 1916, President Wilson made the following statement:

> We ought both to husband and develop our natural resources, our mines, our forests, our water power. I wish we could have made more progress than we have made in this vital matter; and I call once more, with the deepest earnestness and solicitude, upon the advocates of a careful and provident conservation, on the one hand, and the advocates

of a free and inviting field for private capital, on the other, to get together in a spirit of genuine accommodation and agreement and set this great policy forward at once.

Mr. Chairman, for the purpose of more fully expressing the sentiment of the West on this subject, and also showing the moral, equitable, legal, and constitutional right upon which we are appealing for liberal and fair treatment at the hands of Congress in our efforts to develop the new States of the arid West, I am going to avail myself of the privileges of extending my remarks in the RECORD by inserting an address delivered by the Hon. Clyde C. Dawson, of Denver, president of the Colorado Bar Association, at its annual meeting on the 11th of July, 1919, at Colorado Springs, Colo. Mr. Dawson is one of the most eminent lawyers our State has ever produced, and is a public-spirited loyal son of the West who has made a profound study of the rightful relations of the Federal Government to our Western States in regard to our public-domain policy and the proper development of our natural resources. His address is as follows:

ADDRESS OF CLYDE C. DAWSON AS PRESIDENT OF THE COLORADO BAR ASSOCIATION.

THE CONSTITUTION AND THE TIMES.

The tendency of recent years has been for the Federal Government to encroach upon that of the States and for the executive department of the Federal Government to encroach upon all other departments. This is fast leading to a bureaucracy centered in Washington reaching out for the permanent domination of innumerable great activities heretofore left to the States and to individual initiative.

This all makes for a breaking down of our constitutional form of government and the substitution therefor of a form of governmental socialism controlling the great means of transportation, communication, and even production. The advocates of this new theory of government are not confined to any one political party, to any section of the country, or to any single class of people.

The question may well be asked whether the form of government under which we have developed from a few million people scattered along the eastern coast to a Nation of over a hundred million people—a form of government under which we have lived so happily and prospered so marvelously—should be abandoned or even mutilated for the purpose of embarking upon this new experiment, and whether the experience and traditions of the past should be set aside because certain people say the new must be better than the old, the untried better than the tried.

In the consideration of this question let me first disclaim any thought of criticism of the extension of either Federal or Executive power for purely war purposes. It may be taken for granted that every loyal American was willing, for the period of the war, to strengthen the arm of the Federal Executive and the power of the Nation itself in any and every manner that would make for the winning of a conflict in which the very life of civilization itself was at stake; but, happily, the war is now over and we are facing the dawn of a new day. Are we to go forward into this new day, and those that are to follow, as a Nation living under the terms of that great document which the illustrious Gladstone characterized as "the most wonderful work struck off at a given time by the brain and purpose of man," or are we to countenance and possibly abet those tendencies which are seeking to break down the limitations contained in that charter of our liberties?

I do not wish to be understood as saying that the Constitution is to be considered as absolutely fixed for all time. A method for its change is found within its own terms. That method has in the past proved workable, notwithstanding the claims of impatient reformers that it was too slow and cumbersome, failing to recognize that government is essentially a matter of slow growth.

The Constitution may contain limitations that should now, or at some future time, be changed, but all such changes should be approached thoughtfully, carefully, and prayerfully. As was said by that great lawyer and statesman, Elihu Root:

"The system of limitation must be continued if our governmental system is to continue, if we are not to lose the fundamental principles of government upon which our Union is maintained and upon which our race has won the liberty secured by law for which it has stood foremost in the world.

"Lincoln covered this subject in one of his comprehensive statements that can not be quoted too often. He said in the first inaugural:

"'A majority held in restraint by constitutional checks and limitations and always changing easily with deliberate changes of popular opinion and sentiment is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or despotism.'"

The statesmen who framed our Constitution were not building for a day, a year, or a generation. They sought to achieve a well-balanced structure, which would stand the strain of time and meet the ever-broadening needs of their posterity. In an effort to avoid the errors that had caused the downfall of many a great and powerful nation, they drew lavishly upon the history of the past and looked far into the future.

The members of the convention were mostly men of vision, understanding, scholarly attainments, and practical wisdom. They had no false notions about the infallibility of the people if left unrestrained by self-imposed constitutional checks and limitations.

They knew that time would bring changes, and that if the document they were framing was to stand the test it must have sufficient resilience and elasticity to adapt itself to the ever-widening activities of a people set upon the subjugation of a wild and untamed continent.

Mr. Madison said:

"In framing a system which we wish to last for ages we must not lose sight of the changes which ages will produce."

Mr. Hamilton said he concurred with Mr. Madison:

"We were now to decide forever the fate of republican government, and if we did not give to that form due stability and wisdom it would be disgraced and lost among ourselves, disgraced and lost to mankind forever."

It will thus be seen that the framers of the Constitution well knew what they were doing and for what time they were building, as did its great interpreter, Chief Justice Marshall, who said:

"A constitution is framed for ages to come, and is designed to approach immortality as near as mortality can approach it, as far as its nature will permit, with the means of self-preservation from the perils it is sure to encounter."

It was early urged by those who feared the power of the Supreme Court of the United States that the legislative branch of the Government was itself the judge of the constitutionality of its enactments. In recent years the question is again being raised—not as to the power of the Supreme Court to determine the constitutionality of congressional enactments, but as to the policy of permitting it to do so. And some of our State constitutions have been amended as to deny to the courts the right of declaring acts of the legislature unconstitutional.

It would seem that upon this question the answer of Chief Justice Marshall in Marbury v. Madison, setting forth the view upon which our Government has ever since proceeded, should be conclusive, not only as a matter of law, but as a matter of policy. He said:

"The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten the Constitution is written. To what purpose are powers limited, and to what purpose is that limit committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it, or that the legislature may alter the Constitution by an ordinary act.

"Between these alternatives there is no middle ground. The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act, contrary to the Constitution, is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable.

"Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be that an act of the legislature repugnant to the constitution is void. This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society."

While the law is thus settled, the policy of the law in this regard is still under attack by those who chafe at this and other restraints of the Constitution.

There has probably never been a time in our history when our form of government and the traditions that have grown up under it have been subjected to assault from so many different angles as at the present time. This would seem extraordinary with the world just emerging from the chaos in which other forms of government have failed to stand the strain, were it not for the fact that the spirit of anarchy, Bolshevism, and all the milder forms of discontent and disorder are abroad in the world.

The situation is most clearly illustrated by the astounding collapse not only of the Russian Government, but apparently of the Russian people's ability to govern themselves. They have been led into the abyss of disorganization by false prophets and demagogues who, drunk with power, are now seeking to spread their pernicious doctrines throughout the world, and even here in free America their agents are busy, aided and abetted by the discontented and turbulent among our own people.

The discontented ones among us seem either to forget or do not know that never in the history of the world has there been a nation comparable to ours in size, where the people, taken as a whole, have been as well fed, as well clothed, as well housed, as well educated and circumstanced in all that goes to make life worth the living as have the people of the United States.

Never in the world's history has any race of men in a like period of time developed such a vast area of the earth's surface to such a degree of perfection as we have done under that form of government which the discontented now say has outworn its usefulness. They seem to forget how well the Constitution has stood the strain of our mighty growth in population, territory, wealth, and all the innumerable activities of a strong and virile race.

Our Constitution is to-day the oldest form of government in existence. It was many years after our Constitution was adopted that the Government of England was radically [illegible] the King ceased to govern, and "the Crown became the House of Commons"; that the Spanish Government changed; that the German Empire was brought into existence, only to be shattered by the recent war; that United Italy was admitted into the family of nations; that Japan was converted from a despotism to a constitutional monarchy, and that there sits in China a President instead of an Emperor as of old.

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Neither in the shock of civil or foreign war have the colors of our Republic ever been lowered in ultimate defeat, nor has our Constitution failed to bear the strain cast upon it.

With such record as this, why should any among us be seeking a change in the fundamentals of our form of government? Who are those seekers, and what would they have, and how would they accomplish it?

(1) PROPOSED GATEWAY AMENDMENTS.

There is a group composed of many elements—good, bad, and indifferent—who would change the present method of amending the Constitution so as to make the process much easier than at present. Amendments to this effect have been many times proposed in Congress. They differ in form, but all have the same purpose. Such amendments have come to be known as "gateway amendments."

It is said that the National Popular Government League, claiming something like 2,000,000 adherents, advocates some form of "gateway amendment" to the Constitution of the United States so as very greatly to facilitate the making of all future amendments to the Constitution. No doubt many of its members favor the general introduction and use of the initiative and referendum and the recall or unseating of judges who declare acts of Congress unconstitutional. For example, Senator ROBERT L. OWEN, of Oklahoma, says, in the Congressional Directory of April, 1918, that he is:

"President of the National Popular Government League. Advocate of cloture, short ballot, preferential ballot, initiative and referendum, and a gateway constitutional amendment."

From a very interesting published article by Joseph R. Long, professor of law, Washington and Lee University, I learn that there is a society which calls itself a "Committee on the Federal Constitution," which advocates an amendment providing easier modes of amendment to the Constitution than those prescribed in Article V. They propose to carry on a campaign of education in favor of such measure through

Mr. TAYLOR of Colorado. Mr. Chairman, for many years the West has been earnestly appealing to Congress for some legislation to unlock the many millions of acres of Government withdrawn coal and oil lands and open up that vast public domain to development. This bill in some form has four times passed the House and several times passed the Senate in former sessions, and I regret to say that every bill that has ever heretofore passed has been more liberal to the West than this one. But the active propaganda that has been so constantly carried on for years by the ultraconservationists has made it utterly impossible at this time to secure a more liberal bill than this one. So we of the West are faced with the alternative of continued stagnation in the development of our many millions of acres of coal, oil, oil shale, gas, and phosphate lands or the passage of this bill, which, while extremely stringent in its terms, will nevertheless, I think, release, under drastic restrictions, these millions of acres and bring about a very much needed and wonderfully important development.

The criticism by a few people that this bill is in some respects in the interest of the large operators and contrary to those of the public and the small producers is utterly without any foundation, and those who make it have either never read the bill or are absolutely reckless in their statements.

Mr. GRIFFIN. Why did you not retain the provisions regulating the price which is contained in the Senate bill?

Mr. TAYLOR of Colorado. The amendments that we on the Public Lands Committee have put on this Senate bill make its provisions much more harsh and drastic on price and royalties, and in many other respects, than it was as it passed the Senate.

This bill more completely, in every possible way, protects the rights of the Government and the public, and yet fairly guards the legitimate vested rights of everybody concerned, than any bill on the subject that has ever heretofore passed either branch of Congress. This bill is purely a leasing measure and, practically speaking, does not permit title to pass into private ownership. While probably fully 90 per cent of the people in the public-land States would prefer to see a more liberal land law permitting the securing of patents to lands in order that they might go upon the tax rolls and help bear the burden of maintaining schools, roads, and local government in the counties and States where they are located, yet this bill retains in the Government forever the title to all these lands. The bill limits the acreage of the various kinds of lands which can be acquired by any one individual or corporation to such an extent as to make monopoly impossible, while allowing sufficient acreage to justify development.

Minimum royalties are in each instance prescribed, and the maximum are left to the discretion of the Secretary of the Interior, who is the guardian of the rights of the Government and of the public. The Secretary may take all of the product, if he desires, and may always reject any and all bids, and may also prescribe by general regulations the operation of the lands leased under this bill so as to not only protect the property but to protect those employed in the operations. It gives him an opportunity to take into consideration the equities of those who in good faith, and without fraud, settled on lands now withdrawn, and allows the President, through agencies designated by him, to settle and compromise matters of controversy over title between bona fide claimants and the Government, thus avoiding very great expense and delay and ruinous litigation.

After years of effort I have succeeded in including in this bill a provision permitting all cities and towns to locate, open up, and operate municipal coal mines free of any charge or royalty. And as probably the largest body of oil shale in the world is in my congressional district I may say that I am very largely chargeable with the responsibility for the provisions of that section of the bill, and while they will not be entirely satisfactory they are many times more liberal than the provisions regarding oil and coal, and are the very best I can possibly obtain after three years of hard work; and I am confident that a marvelous oil-shale development will ultimately be brought about under this bill.

If the bill is passed as reported, 45 per cent of the money received from sales, bonuses, royalties, and rentals, under the provisions of this act, are to be paid directly to the respective States in which they occur; and another 45 per cent goes to the reclamation fund; and 10 per cent to the Government. In common fairness to the States in which these resources are principally located, I hope that provision will not be materially changed.

With the four or five million acres of coal land in Colorado, and the marvelous and almost inconceivable possibilities for oil land and oil shale, the amount thus paid to the State in the near future will be a very large sum annually. So that the people of our State will not only get large benefits from these payments, but the much greater benefits from the activity and value of the development of our resources that have long lain idle because of the lack of adequate laws under which they could be developed.

With 700,000,000 acres of public domain in the Western States and Alaska, with possibly one-tenth of all that land being coal land, of which 29,000,000 has already been classified as coal land, and with fully 7,000,000 acres of oil and oil shale lands, all lying out there in the barren, idle, and undeveloped condition in which they have remained for millions of years, and, practically speaking, not one single acre of all that vast domain of coal and oil land has been allowed to be patented during the past 10 years, owing to the withdrawals and classifications preventing anyone from entering it; and as there is no law under which it can be leased or operated in any businesslike or safe way, all that imperial domain of resources remains undeveloped waiting for Congress to pass some law that will not only permit but we hope encourage its development.

While this bill is not as fair to the Western States as it should be, it is the best we can get. It is a start in the right direction, and it will at least permit, even if it does not very much encourage, a great development throughout the West of these resources that have been hermetically sealed up for all these years.

There are so many stringent and drastic restrictions against combinations and monopolies that the most rabid conservationist need have no fear about the operations of this bill. There can be no monopoly or extortion under this bill. Absolute control of all these resources is always retained by the Government. The leases are strictly limited by acres, by time limit, and by rate of royalty, and are always subject to all kinds of regulations and supervision by the Interior Department. In fact, the Government's rights are everywhere so fully and absolutely guarded and protected that I feel no fair-minded person can justly criticize the bill on account of its possible liberality.

All former bills authorized bona fide claimants under existing laws to have a patent to all, or at least one-fourth, of their lands, while this bill is intended to permit no patents. In other words, this is purely a radical conservation leasing proposition. The West will not be satisfied with this measure, yet we are accepting it with the belief that if it proves impractical we may be able to amend it at future sessions of Congress, and I hope the bill will pass and be given a fair trial.

President Wilson has for five years been very earnestly, repeatedly, and forcibly urging the passage of this measure as a matter of national importance in the development of our resources throughout the West. In his second annual message delivered before Congress in joint session on December 8, 1914, the President said:

> We have year after year debated, without end or conclusion, the best policy to pursue with regard to the use of the ores and forests and water powers of our national domain in the rich States of the West when we should have acted; and they are still locked up. The key is still turned upon them, the door shut fast, at which thousands of vigorous men, full of initiative, knock clamorously for admittance. The water power of our navigable streams outside the national domain also, even in the Eastern States, where we have worked and planned for generations, is still not used as it might be, because we will and we won't; because the laws we have made do not intelligently balance encouragement against restraint. We withhold by regulations.
>
> I have come to ask you to remedy and correct these mistakes and omissions, even at this short session of a Congress which would certainly seem to have done all the work that could reasonably be expected of it. The time and the circumstances are extraordinary, and so must our efforts be also.
>
> Fortunately, two great measures, finely conceived, the one to unlock, with proper safeguards, the resources of the national domain, the other to encourage the use of the navigable waters outside that domain for the generation of power, have already passed the House of Representatives, and are ready for immediate consideration and action by the Senate. With the deepest earnestness I urge their prompt passage. In them both we turn our backs upon hesitation and makeshifts and formulate a genuine policy of use and conservation in the best sense of those words. We owe the one measure not only to the people of that great western country for whose free and systematic development, as it seems to me, our legislation has done so little, but also to the people of the Nation as a whole; and we as clearly owe the other in fulfillment of our repeated promises that the water power of the country should in fact as well as in name be put at the disposal of great industries which can make economical and profitable use of it, the rights of the public being adequately guarded the while, and monopoly in the use prevented. To have begun such measures and not completed them would, indeed, mar the record of this great Congress very seriously. I hope and confidently believe that they will be completed.

And again in accepting the renomination, in his address delivered at Long Branch, N. J., on September 2, 1916, President Wilson made the following statement:

> We ought both to husband and develop our natural resources, our mines, our forests, our water power. I wish we could have made more progress than we have made in this vital matter; and I call once more, with the deepest earnestness and solicitude, upon the advocates of a careful and provident conservation, on the one hand, and the advocates

of a free and inviting field for private capital, on the other, to get together in a spirit of genuine accommodation and agreement and set this great policy forward at once.

Mr. Chairman, for the purpose of more fully expressing the sentiment of the West on this subject, and also showing the moral, equitable, legal, and constitutional right upon which we are appealing for liberal and fair treatment at the hands of Congress in our efforts to develop the new States of the arid West, I am going to avail myself of the privileges of extending my remarks in the RECORD by inserting an address delivered by the Hon. Clyde C. Dawson, of Denver, president of the Colorado Bar Association, at its annual meeting on the 11th of July, 1919, at Colorado Springs, Colo. Mr. Dawson is one of the most eminent lawyers our State has ever produced, and is a public-spirited loyal son of the West who has made a profound study of the rightful relations of the Federal Government to our Western States in regard to our public-domain policy and the proper development of our natural resources. His address is as follows:

ADDRESS OF CLYDE C. DAWSON AS PRESIDENT OF THE COLORADO BAR ASSOCIATION.

THE CONSTITUTION AND THE TIMES.

The tendency of recent years has been for the Federal Government to encroach upon that of the States and for the executive department of the Federal Government to encroach upon all other departments. This is fast leading to a bureaucracy centered in Washington reaching out for the permanent domination of innumerable great activities heretofore left to the States and to individual initiative.

This all makes for a breaking down of our constitutional form of government and the substitution therefor of a form of governmental socialism controlling the great means of transportation, communication, and even production. The advocates of this new theory of government are not confined to any one political party, to any section of the country, or to any single class of people.

The question may well be asked whether the form of government under which we have developed from a few million people scattered along the eastern coast to a Nation of over a hundred million people—a form of government under which we have lived so happily and prospered so marvelously—should be abandoned or even mutilated for the purpose of embarking upon this new experiment, and whether the experience and traditions of the past should be set aside because certain people say the new must be better than the old, the untried better than the tried.

In the consideration of this question let me first disclaim any thought of criticism of the extension of either Federal or Executive power for purely war purposes. It may be taken for granted that every loyal American was willing, for the period of the war, to strengthen the arm of the Federal Executive and the power of the Nation itself in any and every manner that would make for the winning of a conflict in which the very life of civilization itself was at stake; but, happily, the war is now over and we are facing the dawn of a new day. Are we to go forward into this new day, and those that are to follow, as a Nation living under the terms of that great document which the illustrious Gladstone characterized as "the most wonderful work struck off at a given time by the brain and purpose of man," or are we to countenance and possibly abet those tendencies which are seeking to break down the limitations contained in that charter of our liberties?

I do not wish to be understood as saying that the Constitution is to be considered as absolutely fixed for all time. A method for its change is found within its own terms. That method has in the past proved workable, notwithstanding the claims of impatient reformers that it was too slow and cumbersome, failing to recognize that government is essentially a matter of slow growth.

The Constitution may contain limitations that should now, or at some future time, be changed, but all such changes should be approached thoughtfully, carefully, and prayerfully. As was said by that great lawyer and statesman, Elihu Root:

"The system of limitation must be continued if our governmental system is to continue, if we are not to lose the fundamental principles of government upon which our Union is maintained and upon which our race has won the liberty secured by law for which it has stood foremost in the world.

"Lincoln covered this subject in one of his comprehensive statements that can not be quoted too often. He said in the first inaugural:

"'A majority held in restraint by constitutional checks and limitations and always changing easily with deliberate changes of popular opinion and sentiment is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or despotism.'"

The statesmen who framed our Constitution were not building for a day, a year, or a generation. They sought to achieve a well-balanced structure, which would stand the strain of time and meet the ever-broadening needs of their posterity. In an effort to avoid the errors that had caused the downfall of many a great and powerful nation, they drew lavishly upon the history of the past and looked far into the future.

The members of the convention were mostly men of vision, understanding, scholarly attainments, and practical wisdom. They had no false notions about the infallibility of the people if left unrestrained by self-imposed constitutional checks and limitations.

They knew that time would bring changes, and that if the document they were framing was to stand the test it must have sufficient resilience and elasticity to adapt itself to the ever-widening activities of a people set upon the subjugation of a wild and untamed continent.

Mr. Madison said:

"In framing a system which we wish to last for ages we must not lose sight of the changes which ages will produce."

Mr. Hamilton said he concurred with Mr. Madison:

"We were now to decide forever the fate of republican government, and if we did not give to that form due stability and wisdom it would be disgraced and lost among ourselves, disgraced and lost to mankind forever."

It will thus be seen that the framers of the Constitution well knew what they were doing and for what time they were building, as did its great interpreter, Chief Justice Marshall, who said:

"A constitution is framed for ages to come, and is designed to approach immortality as near as mortality can approach it, as far as its nature will permit, with the means of self-preservation from the perils it is sure to encounter."

It was early urged by those who feared the power of the Supreme Court of the United States that the legislative branch of the Government was itself the judge of the constitutionality of its enactments. In recent years the question is again being raised—not as to the power of the Supreme Court to determine the constitutionality of congressional enactments, but as to the policy of permitting it to do so. And some of our State constitutions have been amended as to deny to the courts the right of declaring acts of the legislature unconstitutional.

It would seem that upon this question the answer of Chief Justice Marshall in Marbury *v.* Madison, setting forth the view upon which our Government has ever since proceeded, should be conclusive, not only as a matter of law, but as a matter of policy. He said:

"The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten the Constitution is written. To what purpose are powers limited, and to what purpose is that limit committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it, or that the legislature may alter the Constitution by an ordinary act.

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the daily and periodical press, book and pamphlet publication, letter and circular, pulpit and platform.

I make reference to these associations and committees to show how widespread is the effort to bring about by amendment to Article V of the Constitution a situation whereby the passing notions of the day may be more readily written into the Constitution of the United States. By permission I make use of some of the valuable data contained in the excellent article by Prof. Long.

The theory, of course, upon which this radical change in our fundamental law is being urged is that the Constitution does not now express the real will of the people, and that it is practically unamendable in the modes now provided. It is urged that the people of the United States have not control over their fundamental law at the present time, save in a minor degree. On the contrary, I believe that the Constitution of the United States does in the main express the real will of the people of this country; that the people have control over their fundamental law at the present time, and that the existing provision for amending the Constitution adequately lends itself to the change of our fundamental law whenever a real majority of the people desire to see that law changed; and this belief is based on the history of the Constitution and the amendments thereto.

While the Constitution was still before the people for adoption, numerous proposals for amendments were made by the conventions of seven of the ratifying States, and in the first session of Congress, in 1789, nearly 200 such proposals were introduced. Since that time resolutions proposing amendments have been introduced in one or more of the sessions of practically every Congress.

Of the hundreds of amendments that have been introduced in the two Houses of Congress only 22 have received the required two-thirds vote of both Houses and been submitted to the States, and of the 22 only 18, including the prohibition amendment, have been adopted.

Twelve amendments were proposed by the First Congress, in 1789, and 10 of these were adopted by 1791 as the first 10 amendments. Then followed the eleventh (1798), twelfth (1804), thirteenth (1865), fourteenth (1868), fifteenth (1870), sixteenth (1913), seventeenth (1913), and eighteenth in 1919. Regarding the first 10 amendments as practically a part of the original document, it thus appears that the Constitution has been amended only eight times since its adoption.

From the adoption of the twelfth amendment, in 1804, until 1913, a period of 109 years, there were but three amendments, and these were adopted only as a result of the Civil War. Moreover, for nearly 40 years after the adoption of the war amendments no proposed amendment had succeeded even in passing both Houses of Congress.

It is no doubt due to these facts that many had come to deem the Constitution as practically unamendable. But in 1895 the Supreme Court held the income-tax law of 1894 unconstitutional. This decision was very unpopular, and quickly developed a sentiment in favor of an amendment to the Constitution authorizing the imposition of such a tax, and before the close of the year 1895, in which the decision was rendered, resolutions were introduced in both Houses of Congress proposing such an amendment. From time to time other resolutions to the same end were offered, and in July, 1909, the sixteenth amendment, as we now have it, was passed by both Houses of Congress and submitted to the States, and on February 25, 1913, Secretary of State Knox certified that it had been ratified by the required number of States and was a part of the Constitution.

The seventeenth amendment, providing for the election of Senators by the people, passed the Senate on June 12, 1911, and the House on May 13, 1912, on which day it was submitted by Congress to the States. It received the ratification of the last necessary State on May 9, 1913, and on May 31 became a part of the Constitution. Thus the seventeenth amendment was ratified in four days less than one year from the day on which it was proposed, and in less than four years two independent and unrelated amendments were added to the Constitution. The celerity with which the prohibition amendment was adopted is well known to all.

The action upon these amendments clearly demonstrates that whenever the sentiment of the country has become so crystallized upon any given proposition that a majority of the people of the country really desire to have it incorporated in the Constitution of the United States it can be done, and done as speedily as anything should be done, which is of such vital importance as amending the fundamental law of a great country like this of ours.

The present method of amendment well guards our institutions against what Carl Schurz described as "the dangerous tendency of that impulsive statesmanship which will resort to permanent changes in the Constitution of the State in order to accomplish temporary objects."

Happily the Federal Constitution has so far been a fairly stable document. It has never been revised as a whole and has been changed by amendment in only a few particulars. It has escaped the fate which has overtaken many of our State constitutions, which have been converted from documents stating general and fundamental principles of the law into a conglomeration of such principles embedded in a vast mass of purely legislative matter.

I have taken pains to go to some length in discussing this question of amending the Constitution of the United States for the reason that if such an amendment is adopted, it places in the hands of those ever-active individuals who are insistent upon trying their experiments in government upon the people the ready means to make the trial.

No sooner would an amendment of this kind be written into the Constitution than we should find an active group of propagandists endeavoring to further amend the Constitution so as to provide for Federal legislation under the initiative system, for the referendum upon acts passed by Congress, and for the recall of judges or judicial decisions.

Surely our experience in Colorado, and that of other States which have tried these cure-alls, affords no warrant that they should be written into the Constitution of the United States. They have not yet been given an adequate trial in the lesser field of State action and should not be adopted by the General Government—to which they are much less adapted than to the smaller field of the States—until time and experience have demonstrated beyond any reasonable question their value in the smaller field.

There are many other particulars in which zealous reformers would doubtless seek to amend the Constitution of the United States if the method were made less difficult. The foregoing have only been suggested as illustrative.

I am convinced that reform in our institutions is not so much needed as reform in the standards of citizenship and in the civic ideals and practices of the individual citizen.

Within the year I have been shocked to hear a speaker say to an intelligent audience within this State that the advice of "the Father of his Country" was no longer of importance to the citizens of this generation who had come into a new era, where such advice might be considered as old-fashioned and as having no application to the problems of modern times.

Notwithstanding this extraordinary statement, I beg leave to call attention to Washington's Farewell Address, in which, among other things, he said:

"The basis of our political system is the right of the people to make and to alter their constitutions of government; but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. * * * Toward the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual changes from the endless variety of hypothesis and opinion."

(2) BUREAUCRACY AS APPLIED TO THE PUBLIC-LAND STATES.

I come now to a discussion of the encroachment of the Federal Government upon the rights of the States. This is another method by which our form of government, as established by the Constitution, is being broken down.

I am making no plea for "State rights" in the sense in which that term was used prior to and at the time of the Civil War. I am of the school of thought that believes in a strong Federal Government, and I find no objection to the expansion of Federal power in those matters which concern the welfare of all of the people of the United States. Federal authority is best adapted to the handling of such questions, and therefore the authority for doing so is to be found in the terms of the Constitution itself; but it was never intended by the framers of the Constitution that the Federal authority should interfere with the management of those affairs within the State which are purely local to the people of that State.

From the foundation of our Government until within very recent years it has been conceded as axiomatic that the best results, both for the people of the States and the Nation as a whole, could be obtained by keeping clearly in mind that all things which were local in their nature could best be done and should be done by the States, and that only those things which were general in their nature and for the benefit of the people as a whole should be undertaken and performed by the Federal Government, and that it was of prime importance that the constitutional division of powers as between the States and the Federal Government should be maintained, ever bearing in mind that the Federal Government is one of delegated powers brought into existence by the suffrage and the sufferance of the States and their people, and that all powers not so delegated are reserved to the States and to the people. Those who would now seek to override this distinction necessarily seek to rend the very fabric of the Constitution and the dual system of government established by it.

I trust there are many among us who are old-fashioned enough to believe that this should not be done; that our advancement and accomplishments under true constitutional construction have justified us in saying that for a people such as ours the framers of our Constitution struck upon the best form of government that could be devised.

It is true that Chief Justice Marshall said more than 100 years ago, that:

"In war we are one people. In making peace we are one people. In all commercial relations we are one and the same people."

But he further said, in Gibbons v. Ogden:

"The genius and character of the whole Government seem to be that its action is to be applied to all external concerns of the Nation, and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of government."

In No. 32 of the Federalist Hamilton said:

"An entire consolidation of the States into one complete national sovereignty would imply an entire subordination of the parts, and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had and which were not by that act exclusively delegated to the United States."

And in No. 14 of the Federalist Mr. Madison said:

"In the first place it is to be remembered that the General Government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects which concern all the members of the Republic but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other objects which can be separately provided for, will retain their due authority and activity. Were it proposed by the plan of the convention to abolish the governments of the particular States, its adversaries would have some ground for their objection, though it would not be difficult to show that if they were abolished the General Government would be compelled by the principles of self-preservation to reinstate them in their proper jurisdiction."

And in No. 45 he further said:

"The powers delegated by the proposed Constitution of the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

In Pollock v. Farmers' Loan & Trust Co. (158 U. S., 601, 627) Chief Justice Fuller said:

"In our judgment the construction given to the Constitution by the authors of the Federalist * * * should not and can not be disregarded."

The importance of the States in our scheme of government was not only recognized by the framers of the Constitution, by the Supreme Court of the United States from earliest times, but by the great thinkers of every generation since the adoption of the Constitution.

John Fiske says (Critical Period of American History, 239):

"If the day should ever arrive (which God forbid!) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the departments of France, or even so far as that of the counties of Eng-

land, on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

And that great modern statesman, Elihu Root, has recently said, speaking of the authority which should properly lie in the Federal Government on the one hand and in the States on the other:

"It is of very great importance that both of these authorities, State and National, shall be preserved together, and that the limitations which keep each within its proper province shall be maintained. If the power of the States were to override the power of the Nation, we should ultimately cease to have a Nation and become only a body of really separate although confederated State sovereignties continually forced apart by diverse interests and ultimately quarreling with each other and separating altogether.

"On the other hand, if the power of the Nation were to override that of the States and usurp their functions, we should have this vast country, with its great population inhabiting widely separated regions, differing in climate, in production, in industrial and social interests and ideas, governed in all its local affairs by one all-powerful, central Government at Washington, imposing upon the home life and behavior of each community the opinions and ideas of propriety of distant majorities.

"Not only would this be intolerable and alien to the idea of free self-government but it would be beyond the power of a central government to do directly. Decentralization would be made necessary by the mass of government business to be transacted, and so our separate localities would come to be governed by delegated authority—by proconsuls authorized from Washington to execute the will of the great majority of the whole people.

"No one can doubt that this also would lead by its different route to the separation of our Union.

"Preservation of our dual system of government, carefully restrained in each of its parts by the limitations of the Constitution, has made possible our growth in local self-government and national power in the past, and, so far as we can see, it is essential to the continuance of that government in the future."

This same view was expressed in different words by then Justice Hughes, of the Supreme Court of the United States, in an address before the New York Bar Association in 1916. He said:

"If we did not have States we should speedily have to create them. We now have them, with the advantages of historic background, and in meeting the serious questions of local administration we at least have the advantage of ineradicable sentiment and cherished traditions. And we may well congratulate ourselves that the circumstances of the formation of a more perfect Union has given us neither a confederation of States nor a single centralized government, but a nation—and yet a union of States, each autonomous in its local concerns. To preserve the essential elements of this system—without permitting necessary local autonomy to be destroyed by the unwarranted assertion of Federal power, and without allowing State action to throw out of gear the requisite machinery for unity of control in national concerns—demands the most intelligent appreciation of all the facts of our interrelated affairs and far more careful efforts in cooperation than we have hitherto put forth."

With this importance of the States emphasized by the leading thinkers of the country from the days of Hamilton and Madison to the present, it is somewhat startling to find in a recent book the statement that "with marked persistency we are building up a centralized Federal Government, reducing the States to mere nonentities," particularly, when we realize, that the statement is, in large measure, true, especially as applied to the State of Colorado and all of the public-land States, in the welfare of which we at the West have a particular and a personal interest.

The whole tendency of the past 15 years has been for the Federal Government to keep an iron grasp upon all the unappropriated natural resources of the West, the coal, the oil, the phosphate lands, the great potential water powers, and those vast areas, timbered and untimbered, which have been withdrawn as national forests.

In 11 of the Western States there is an aggregate of over 471,000,000 acres of public land. This is more than double the total area of 218,000,000 acres which composed the original 13 States constituting the American Union.

The former liberal land policy of the Government which made possible settlement and development in that great territory lying beyond the Mississippi River has been abandoned, and for years the West has been marking time while awaiting congressional legislation or the slackening of the bureaucratic grip of Washington which would permit of the further development of her natural resources.

There is no one in this enlightened day who objects to true conservation within its proper limits, but there are many who object to that false conservation which has in fact been naught but reservation and has resulted in stagnation throughout the public-land States. Nothing is conserved by withdrawing and reserving from use millions of potential water horsepower; nothing is conserved by tying up perpetually or for long periods of time those things which the people could properly use to advantage.

Every horsepower that runs to waste to-day that might be used represents the destruction of so much coal, oil, or other fuel; and this agency of creating power which might be the means of saving these other destructible agencies can be used over and over again without any loss whatever.

During the 33-year period between 1885 and 1918 only 6,000,000 water horsepower were developed out of a total available amount of over 60,000,000 horsepower.

The United States Geological Survey estimates in excess of 44,000,000 horsepower, or 71 per cent of the total potential available horsepower in the United States, is contained within the States of Washington, Oregon, California, Montana, Wyoming, Idaho, Colorado, Utah, and Nevada, and that of this vast amount but 1,622,021 horsepower, or 3.68 per cent, is now being utilized.

With this statement, gentlemen, you can realize the importance of the attitude of the Federal Government toward this mighty natural resource of the Western States, and it is of vital importance whether legislation is to be had, followed by administrative action, which will permit of the development of this resource, or whether, as in recent years, the dead hand of bureaucracy is to decree that for years and perhaps generations to come this indestructible method of producing great potential energy is to lie idle within the borders of the States where it is found until it can be brought under the absolute and permanent domination of the departments in far distant Washington.

Instead of placing restrictions upon the development of water powers and the laying of a tax upon the same, the Federal Government should be glad to recognize rights of way free of cost, as it did in earlier days, under a more enlightened system, which would encourage the development of every possible horsepower for which use could be found.

In regard to handling the public lands and natural resources of the West three schools of thought have been developed:

First. One based upon the belief that the Federal Government's chief interest should be in the adequate development of all of the natural resources to be found within the borders of all of the States going to make up the Union; that such development can best be secured by a liberal policy as to these lands and natural resources; that the States are able to control the industries and properties which are brought into existence within their borders by the development of such lands or resources, and that the States within which the public lands lie should have the right to have these lands and resources go into private ownership where they would be subject to the taxing power of the State for the purpose of maintaining those agencies of local government which are essential if the State is to maintain its existence.

Those who hold this thought believe that as the older States were developed under a liberal policy as to the lands and resources within their borders, the newer States should not be penalized by different and more rigorous treatment. They believe, as has been declared by the Supreme Court of the United States, that this is an "indestructible Union composed of indestructible States," and also that "this Union was and is a union of States, equal in power, dignity, and authority." While new States have been admitted to the Union "upon an equal footing with the original States," the Supreme Court has also said that the acts of admission, recognizing their coequal rights, were merely declaratory; also that "equality of constitutional rights and power is the condition of all the States of the Union, old and new"; and, furthermore, that "the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized."

Second. Are those who claim that all the unappropriated lands and resources lying within the public-land States belong to all of the people of the United States and should be administered by the Federal Government for the benefit of all the people, and that, except as to certain classes of land and resources, title should not be parted with by the Federal Government, but that such lands and resources should be indefinitely held and administered by departments and bureaus at the National Capital.

This claim that the lands and resources in the public-land States belong to all of the people is a specious one. They do belong to all of the people who are willing to come into the States where such lands and resources exist and cast their lot with the people of that State, and who acquire, develop, and pay taxes upon said lands and resources; and it has ever been true that any citizen of the country, coming from wherever he might, had the same right to acquire such lands and resources as the citizen within the State where they were located.

It is not true, however, and it was never intended by the framers of the Constitution or by the original States which ceded their wild and waste lands to the Federal Government, that the Federal Government should perpetually hold and administer said lands. It is true that the legal title to the public domain rests in the United States, but that title is simply held in trust with the ultimate object that it shall be transferred to the people who will develop it and thereby make possible the creation and maintenance of independent States of the Union.

It was said in Shively v. Bowlby (152 U. S., 1, 49):

"The territory is held by the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of that territory."

Those of this second school of thought have been responsible for the withdrawal from settlement of immense areas within the Western States.

There have now been withdrawn over 190,000,000 acres under the forest reserve act, and this great domain is administered from Washington by an army of Federal employees. The lands are not subject to State taxation, and yet the Federal Government draws a revenue therefrom by charging the highest price obtainable for the timber growing thereon and for grazing privileges allotted to the citizens of the States within which the reserves are located.

In our own State of Colorado something like 15,000,000 acres of land have been set aside as forest reserves. Some 10,000,000 acres of coal lands within our State have also been relieved from the operation of the laws under which they could formerly be entered, and in many instances have been classified as to price at such an exorbitant figure as to make it impossible for the citizen to purchase and operate them at a profit.

Third. There is a group much larger than you would suspect who would have all these resources of the West which are still under the control of the Federal Government permanently reserved by the Government, and as to such things as water powers, coal lands, phosphate lands, oil lands, and like resources, would embark the Government upon a pretentious scheme of governmental development and operation in competition with its own citizens.

This school of thought is of more or less recent growth, but is active in endeavoring to so change our plan of government as to reverse the old order of leaving everything to be done by the citizen which could be done by him and to have everything done by the Government which by any possibility could be operated under departments and bureaus centered in the National Capital.

A bill was introduced in Congress last winter which sought to establish a $50,000,000 revolving fund to be used by the Federal Government in the development and operation of water powers within the public-land States.

Those of this school of thought do not believe in the statement of Thomas Jefferson wherein he said:

"It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority."

They would concentrate and consolidate the control and management of the vast public domain, double in area that of the original thirteen States, in the ever-arbitrary hands of the departments and bureaus of Washington, unmindful of the statement of Justice Matthews, of the United States Supreme Court (118 U. S., 356, 369), wherein he said:

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

I am of those who strongly hold to the line of thought of the first group hereinabove referred to. I believe it more nearly comports with the genius of our institutions, the provisions of our Constitution, and that marked individual initiative of our people which has made it possible for them to subdue this vast continent within so short a period of time.

I do not believe, however, that at any time in the immediate future there is a chance of our returning to the more liberal land policies of earlier days, nor do I believe that there is any immediate danger of the notions espoused by the third group referred to being written upon the statute books of our country.

We are, therefore, in my judgment, confronted with the alternative of suffering the stagnation of the past few years as to the development of the natural resources of the West or of submitting to the establishment of what is commonly designated as the leasing or permit system. I for one have become convinced that it is the part of wisdom to submit on the theory that by such submission we may get some development, and upon the other hand, that the working of the system will prove so inadequate that we shall within a few years be able to convince Congress and the people at large that the system is wrong and that the true theory for the development of our country is that entertained by those of the group first above mentioned.

I have cited these encroachments by the Federal Government upon the rights of the Western States because in a practical sense they come more nearly home to us of the West. We all know, however, of the tremendous growth in Federal activity in all the States of the Union as affecting almost all lines of endeavor. A large part of this was due to the war, and wherever it was necessary or even desirable, it should meet with no criticism from any patriotic American.

But there is a large and persistent element in the country carrying on an active propaganda to retain under Federal control practically all those agencies which it was deemed necessary to control for the purpose of effectually conducting the war. They would thus encroach both upon the constitutional rights of the States and of the individual. They menace our constitutional form of Government by seeking to impair and destroy the autonomy of the States, and to establish a semisocialistic paternalism supported by the crutch of bureaucracy for its administration.

Bureaucracy and efficiency never went together under a democratic form of government. It may be possible under an autocratic régime. Nor did paternalism and liberty ever travel as yokemates; they pull in opposite directions.

We have been preeminently a nation of individualists, and with all our faults that has been our strength. It is the most outstanding thing in our history and fundamentally it was the underlying reason for our boys in France showing, with but a few months' preparation, that they, man for man, were the equals if not the superiors of any other soldiers in the world.

As was recently well said, it would be a tragedy if, while our boys were fighting for liberty in France, we should permit the splendid structure of our own ordered and enlightened freedom to be undermined by that most insidious foe of liberty—paternalism, with its allies and close relatives, bureaucracy and socialism.

As stated by a distinguished western Senator:

"It may be possible to devise some system of government more deadening to individual initiative, more destructive to human progress, more burdensome to the people than a bureaucracy, but so far God, in His infinite mercy, has not permitted it to curse the human family."

The menace is a real one. Bureaucracy has ever grown by what it feeds upon. This was pointed out by that eminent statesman, Daniel Webster, as early as 1837, and that more modern statesman, James G. Blaine, said:

"There is nothing of which a public officer can be so easily persuaded as to the enlarged jurisdiction which pertains to his office. If the officer be of bold mind, he arrogates power for purposes of ambition; and even with timid men power is often assumed as a measure of protection and defense."

I have had occasion to be in the city of Washington much in the past 10 years, and I have ever marveled at the increase of departments, bureaus, and boards of the Federal Government, and still more have I marveled at the growth of a board or bureau after once brought into existence.

The personnel of many of these is above reproach. It is made up of delightful gentlemen, happily employed, but the system is that of which I complain. Added force is given to this complaint, because there is an increasing tendency on the part of all department heads and bureaus to insist that legislation conferring powers upon the respective departments and bureaus should grant wide discretionary power to departmental and bureau chiefs.

The evil of such a situation was well covered by a statement contained in an address by then Justice Hughes, wherein he said:

"There is also apparent at times the tendency in a desire for the play of administrative discretion, to preserve opportunities for arbitrary action without responsibility. The requirement of a fair hearing, of action upon evidence, of a disclosure of the basis of action that all parties interested may have suitable opportunity to challenge it, in no way trammels the just administrator who is loyal to the standards of democracy, but are very important safeguards against the development of bureaucratic despotism under democratic forms."

And in the words of Senator Root:

"Unlimited official power concentrated in one person is despotism, and it is only by carefully observed and jealously maintained limitations upon the power of every public officer that the workings of free institutions can be continued."

I have never been able to bring myself to believe that everybody should work for the Government, and if they did, I have been constrained to wonder where would be found the taxpayers to support the army of Federal employees.

Take, for instance, the Department of Agriculture. In a recent work by Henry Litchfield West, of the District of Columbia, it is stated that in 1894, the division of botany in the Department of Agriculture cost $8,600 per annum, while 20 years later the appropriations for the Bureau of Plant Industry aggregated over $2,000,000. The expenditures of the Bureau of Forestry increased during the same period from $7,280 to considerably in excess of $5,000,000. The Bureau of Chemistry, a comparatively new creation, spends $1,000,000 a year.

There are scores upon scores of bureaus in connection with the 11 departments of government, and Government inspectors or officials of various kinds now number thousands, where a few years ago they could be counted by the score. And as Mr. West aptly says:

"In view of this it is impossible not to recall the fact that one of the complaints against King George III in the Declaration of Independence was in these words:

"'He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out our substance.'

"Ten years ago official figures obtained from the Government departments, not including the War and Navy Departments, showed that the President directly controlled appointments which paid salaries amounting to approximately $20,000,000 a year. Since that time the number of Federal officers has been so greatly increased as a natural accompaniment of the growth of Federal power that the total is now of appalling magnitude.

"Statistics compiled by the Civil Service Commission show that on June 30, 1917, the number of officers and employees in the Federal civil service was 517,805. Excluding employees who are within the scope of competitive examination, or who are laborers engaged in Panama Canal work and elsewhere, as well as mail contractors, there were on the date mentioned 125,129 persons who came within the presidential power of appointment or were directly or indirectly named by heads of departments selected by the President. The annual salaries paid to these appointed employees would certainly aggregate a quarter of a billion dollars."

Ours is a large country and necessarily must do things in a large way. No one would have them done otherwise, but we should recognize that the tendency of every department is to magnify its own importance, to reach out for larger appropriations and the employment of more people. This tendency should be held in check. It would comport with both economy and justice to reduce the number employed and raise the pay of many who do not receive adequate compensation.

(3) REVOLUTIONARY METHODS PROPOSED.

The attacks upon our constitutional form of government which I have been discussing pursue established methods and can only be met by convincing a majority of the people that the aims sought by their advocates would not make for the welfare or betterment of the people as a whole.

There is, however, another group, composed of many elements, that seeks by direct action to overthrow our form of government. It is made up of the Bolsheviki, the I. W. W., the revolutionary socialists, and all those who preach that doctrine of discontent which can be satisfied only by the utter destruction of the present order of things as established by our constitutional form of government. These people are the followers of and the would-be imitators of the leaders of the Bolsheviki in Russia, whose high-handed outrages have brought that great people to the very abyss of despair and who now seek to envelop the whole world with the red pall of anarchy.

It will not do for us to sit idly by, nursing the fatuous belief that the United States is so far removed in miles, in thought, education, and traditions as to make us safe from their unholy activities. Who shall set the limit to the ambitions of such men as Lenin and Trotski?

In a very interesting article by the editor of the Constitutional Review is collected much information as to their activities. It is stated that a recent dispatch from London advises that:

"The Russian Bolshevik government for a long time has been organizing an extensive propaganda for revolution in China, India, and Persia, and is now ready, as soon as the opportunity offers, to send agents with large sums of money to stir up trouble throughout Asia."

It may seem that such activities are a long way from America, but we have ample evidence that their propaganda is being scattered broadcast in this country, and it finds fertile soil among the I. W. W. and those of like character within our midst.

In the article above referred to it is said that the State Socialist Convention in Illinois demands that the American Government shall immediately recognize the Bolshevik government of Russia. The State Socialist Convention in Minnesota adopts resolutions indorsing the policies of the Russian Bolsheviki. The State Socialist Convention in New York "greets with joy and confidence the Russian Soviet Socialist Federated Republic, the first socialist republic in the world." And the Pennsylvania State Socialist Convention cables to Lenin and his associates: "Your achievement is our inspiration."

And let it not be forgotten that in spite of the withdrawal from the Socialist Party of many men who could not stomach such utterances as those quoted, the Socialist Party grew enormously during the war. The Russian propaganda is in our midst and is actively at work.

It was recently boasted by one of their leaders that the money sent to Berlin to finance the revolution was as nothing compared to the funds transmitted to New York for the purpose of spreading Bolshevism in the United States.

A witness before the Senate committee described a meeting in the Chicago Coliseum, where an audience cheered the names of Lenin and Trotski for five minutes and also every comment by speakers to the effect that America would be the next nation to adopt the soviet system of government.

But the climax of audacity was reached while I was in the city of Washington, when one of the largest theaters, within sight of the Capitol and within a stone's throw of the White House, was packed with those who enthusiastically cheered speakers devoting themselves to the praise of Bolshevism in preference to the American system of democracy. Our institutions and form of government were the subject of pointed disparagement, and the principal speaker at the meeting declared that the people would want a soviet system instituted in America when it was seen how admirably it worked.

The incident last referred to aroused a storm of popular and congressional indignation. Almost immediately the matter was made the subject of strong denunciation in the Senate, and a searching investigation by a special committee was ordered, and our own Senator THOMAS, in the course of debate, gave the American people plain and solemn warning of the danger that besets them. He said:

"Unless the people of this country, the plain, law-abiding, middle-class people, realize, and realize very soon, the fact that there is a conspiracy, usually secret but frequently open, working for the overthrow of the Government of the United States and to erect upon its ruins a so-called government of murderers, anarchists, thieves, and criminals, with here and there some honest but deluded individual among them, the avalanche may be upon them in the near future."

The activities of this class of revolutionists should not be tolerated for a moment in this country. They are, in almost every instance, led by the discontented from other lands, aliens to our thought, institutions, and traditions. These alien agitators should, without delay, be sent back to the lands from whence they came. That their deportation will be wholesome is shown by the recent removal of a group of 54 to Ellis Island under a guard of soldiers while they rent the air with their

shouts of "three cheers for the Bolsheviki!" and "to hell with America!"

To those of our own citizens who would by force destroy the free institutions of a country that has given them greater and broader opportunities for individual development than were ever given by any country of the world, there should be meted out punishment that would prove a deterrent to them in the future and prove a wholesome lesson to all who would by such means seek the destruction of our country.

There can be no excuse, in a country with institutions such as ours, where the ballot of every citizen is equal to that of every other, for seeking to change the form of our institutions by any method other than that of the peaceful use of the machinery provided by our laws.

As Mr. Justice Brewer said, in the earlier Debs case:

"In this Government of and by the people the means of redress of all wrongs are through the courts and at the ballot box, and no wrong, real or fancied, carries with it legal warrant to invite as a means of redress the cooperation of a mob with its accompanying acts of violence."

This is not an affair for Congress alone, nor for the Commissioner of Immigration, nor for the governor of any State, the mayor of any city, or the policeman on his beat. They need our aid. It is your affair; it is my affair; and the affair of every citizen of the United States. If we love our country, its institutions and traditions; if we believe, as I do, that under our form of government we have grown a people and builded a Nation that stands as the mightiest force for good the world has ever known, there should be no sacrifice too great for us to make in sustaining that Government, those institutions, and traditions.

I believe in all that makes for the betterment of mankind. I believe in every man's right to advance. I would not rob the people of that blessed discontent which ever leads them to seek for that which may better the lot of all the people, but I would have them give expression to this discontent and this seeking for better things in an orderly, peaceful manner that will permit of the retention of that which is good in the old while seeking for that which may be better in the new.

We, the lawyers of Colorado, the lawyers of America, should stand in the very forefront of all the people in endeavoring to lead them in just and righteous paths.

Lawyers made the Federal Constitution and the State constitutions. Lawyers have interpreted, construed, and given those charters of the people's liberties their vitality; but the lawyer of to-day is not as carefully trained in the fundamental principles of constitutional law as were those of an earlier day. He has become a specialist, more of a business man, and less of a lawyer, and by that same token the bar of the country has lost much of its leadership of the people which marked its earlier history.

Instead of acting as the adviser and leader of the people; instead of taking an active interest in every question which affects the welfare of the people, we concern ourselves more with the special interests of some business aggregation and the building of our individual fortunes.

The war which has closed was less dangerous to this country and its institutions than the revolutionary propaganda which is being carried on among our people. The war menace could be and was met and overcome by our boys in khaki who went into the fight with the same stout hearts, the same individual initiative and courage that have ever characterized the soldiers of this great Republic. The other danger is more insidious. With the great mass of our well-meaning people it should be met by reason and not by force, so long as they do not resort to violent and revolutionary methods.

The members of our profession should be better equipped to meet this situation than the men of any other calling. We should better understand what it would mean to lose the liberties guaranteed by that greatest of all political documents, the Constitution of the United States, of which William Pitt, after reading it, exclaimed:

"It will be the wonder and admiration of all future generations and the model of all future constitutions."

At the celebration of the one-hundredth anniversary of the Constitution in Philadelphia, it was beautifully and appropriately recited that:

"The adoption of the Constitution of the United States is the most important event in the history of the American people, and the instrument itself the sublimest achievement of mankind. It has taught the world that liberty can exist without license and authority without tyranny. How completely the principles upon which it is based have met every national need and every national peril!"

Under its beneficent provisions we have gone forward for more than 100 years, holding out the promise of freedom, liberty, and opportunity for all. We have gone on absorbing people from many lands. We have grown from a few millions, scattered along the Atlantic coast, to a mighty nation of more than 100,000,000, extending from the Atlantic to the Pacific, the Great Lakes to the Gulf and the far-flung islands of the sea.

We have crossed mountains and great plains; have felled forests and caused the desert to blossom as the rose; and wherever we have gone we have carried our faith in God, our institutions, and ourselves. We have builded homes, churches, and schools and have laid deep the foundations of human liberty which should stand unshaken throughout the centuries that are to come.

It is for the maintenance of these institutions, the preservation of these ideals that we, the lawyers of America, should be willing to put forth our mightiest endeavor.

Mr. FERRIS. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the gentleman from New York [Mr. GRIFFIN] a few moments ago stated that the oil companies and the coal operators were responsible for the fearful condition and situation which exists in this country at this time. I hold no brief for any oil company or for any coal operator, but I do hold a brief for and have a personal interest in the welfare of the American people. I want to say that a man must be very much misinformed or uninformed not to see the present concerted effort in this country, in France, in Italy, and in England, influenced by German and Russian Bolshevism of the Lenin and Trotski type, through the threatened strike of the coal miners on November 1 and the existing strikes of the steel employees and the longshoremen and expressmen in New York, to overthrow, if possible, all government and to establish a state of anarchy. Because of such strikes tons of food have rotted in New York. Thousands of families have suffered privations, and this, too, when each and all of these employees have been receiving larger wages than ever known before in the history of this country, but who to-day are asking for things which under the industrial life of any country are impossible. These miners, the majority of them foreigners who can not speak English, are now asking, among other things, that the workday be decreased to six hours, and, as I said the other day, that means diminishing the production of coal in the country a flat 25 per cent. They ask that the work week be reduced from six days to five days, and that means that the production of the country be decreased another 16⅔ per cent, making in all a decreased production of coal, with winter approaching, with the possibility of thousands of poor women and innocent children freezing to death, of 41⅔ per cent. Yet these miners, under the whip and lash of autocratic, anarchistic, cold-blooded, radical leaders, agree to and arrange this wholesale murder of innocent, helpless women and little children with a cold, calculating precision. This is not a fight between labor and capital. It is an attempt to destroy our Government.

Why, if we do not wake up, and if we do not pass a proper law that will protect the interests of the whole people of this country, God knows what is going to happen to this Congress and the people we represent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Will the gentleman yield me one minute more?

Mr. FERRIS. I yield the gentleman one minute more.

Mr. BLANTON. I thank the gentleman from Oklahoma. I asked permission this morning to insert in the RECORD several thousand letters I have received, some from every congressional district in the United States, asking and demanding that Congress do something to protect the American people from this existing and threatened anarchy, and if you men could see those letters coming from your districts you would not object to their going into the RECORD, because your constituency is going to ask you about it when you get home.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLANTON. I thank you for the time consumed.

Mr. FERRIS. I yield to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman, 47 years ago a man, wife, and six sons, whose ages ranged from 2 to 13 years, drove three covered wagons from Illinois, crossing the Missouri River at Plattsmouth, Nebr., upon a ferryboat, and proceeded 100 miles westward into York County, locating a homestead, where four daughters were afterwards born. Habits of industry were induced with those 10 children by example of parents, and urgent need to break the prairie for planting; each year came many increasing acres for cultivation, sometimes experimental, to prove the value of soil and climate, setting a standard for others to follow of sowing and reaping.

The geography at that period of our history showed across the map of Nebraska in ragged lines, as where land and water meet, upon which was printed "the great American desert," and so it was then, and so it would be now except that our Government offered intrepid men, who would brave privation, toil, and hardship of producing crops where none had ever grown, 160 acres of land. Beyond doubt no new section has rewarded pioneer equal to Nebraska, with deep, rich, black soil, over which God drives his sprinkling cart, then comes sunshine and generous harvest.

In memory of those hard and happy years, deprived of ease and comfort, destitute of luxury, defying rigorous weather, those pioneers and native born, by life's work, earned the land twice over.

Now comes the farther West, from a section still harder to conquer, with rocks and desert, devoid of rainfall or rich prairies, but men from each State, proud to be part of this great Nation, note the State's numbered star in Old Glory, asking laws which encourage the pioneer.

The East seeks to protect those lands from imaginary foes, when its only foe is law, which denies title to the toiler who would improve it, who would give his life's work to reclaim it.

The people of those States love Uncle Sam, asking in return the trust of eastern men and the law which says to them, "Make this soil produce." If there was danger, the western man would first see and sound alarm.

What man of you, if owning a hundred wild mustangs, would not give some wrangler one of them for breaking all of them to saddle?

This legislation is guaranteed by men whose loyalty to our Government is beyond measure, and is introduced here with rugged honesty and sincerity of purpose for our Nation's good.

Mr. FERRIS. Mr. Chairman, is the chairman of the committee pressed for time? Can we help him by giving him some time?

Mr. SINNOTT. I am going to yield nine minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for nine minutes. [Applause.]

Mr. MONDELL. Mr. Chairman, I want to congratulate the committee and I want to congratulate the country on the legislation which the committee has presented to the House. I do not mean to say that I think the bill is perfect. I have about made up my mind I am very hard to please in the matter of an oil and coal leasing bill. This bill or a bill similar to this in the main passed the House about six years ago and regularly during each of the last three Congresses we have passed an oil and coal leasing bill along the general lines of this bill. I think it has been a better bill every time it has been reported, and I think this bill, with its faults—and it has some faults, in my opinion—is the best bill that has been reported. It is similar in the main to the bill of the last Congress, and where changes have been made I think in the main the changes are improvements. Progress was made in improvement of the bill this time, as it has been each time the bill has been reported. I want to emphasize one fact. This bill is at last just what it purports to be, a leasing bill. I am very glad of that, because I am one of those who have insisted from the beginning that this leasing legislation should provide for leasing exclusively and should contain no provision for the passing of title. I was very greatly surprised at the statement of the gentleman from New York [Mr. GRIFFIN] in regard to the bill. I hope he has read it, but I am not sure, from what he said, that he ever has. I hope he has given it some consideration, but I doubt it. Whatever criticism may be legitimately made against this legislation, it can not be legitimately criticized on the ground that it is legislation aiding or encouraging monopolies. On the contrary, if that were true, then all the reformers calling themselves conservationists, all of the good people who have wanted to cure the evils which they insist arise out of private ownership of these lands, have been wrong from the beginning, and it is rather late in the day for gentlemen to urge that legislation, demanded not by the people in the West where these lands are but by well-meaning gentlemen mostly in the East calling themselves conservationists and believing themselves reformers, is legislation that aids and abets and encourages monopoly.

Under this law every acre of the public domain containing coal and oil now in public ownership, or the title to which has not passed into private ownership, is held perpetually in the Government, and with the control over the land and its products that the retention of title in the Government insures. The leases are carefully guarded and the areas that may be leased limited—rather too limited, some folks think. The control over the mining operations is constant and the public interest safeguarded as far as it is humanly possible to do so in legislation of this sort. Some gentlemen complain because the House committee did not retain in the bill two sections placed hurriedly on the bill at the eleventh hour by the Senate without debate or consideration—two sections claimed to be aimed at monopoly and monopolistic control. I am frank to say that I do not know how much virtue there may be in those two propositions, as they were written in the Senate bill separate and apart from this legislation, but I do know that when the Congress goes into the question of attempting to further limit and control the activities of those carrying on large operations, it should be done after consideration by the proper committee of the House and in connection with legislation dealing with and related to such matters and not as an eleventh-hour adjunct of a bill relating to the leasing of the public domain.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. In a moment. Bills similar to this have passed the House three times, when there was a Democratic majority, without any legislation of that sort; so it seems to me at least gentlemen on that side, who might at any time within the past six years have advanced that sort of a legislative proposal, are estopped now from complaining because the fourth time the House is asked to consider and pass legislation of this character the committee has not seen fit to take up questions that have never been considered heretofore in connection with the legislation.

Mr. RAKER. Will the gentleman now yield?

Mr. MONDELL. I yield.

Mr. RAKER. Will the gentleman inform the committee how the House can legitimately dispose of a provision placed on a bill by the Senate by just simply shutting their eyes and saying, "We will not act on it"? Is that the way to do?

Mr. MONDELL. Well, I do not know that the House has done anything of the kind. I do not know just what considerations influenced the committee, but I know what had I been a member of the committee. I would have felt that whatever may be the merits of these propositions—and, in my opinion, in their present form they have little merit—whatever may be their merits this is no time or place to pass on them, because when we pass on questions of that kind we should pass on them as they relate to industry generally and not to one limited class of operations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. If the gentleman will permit me to suggest to him, we have testimony covering 87 pages here of hearings which the committee gave to this very amendment.

Mr. MONDELL. I have no doubt the committee gave it careful consideration.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. FERRIS] has six minutes remaining.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the balance of our time to the gentleman from Oregon [Mr. SINNOTT].

The CHAIRMAN. The gentleman from Oregon is recognized for six minutes.

Mr. SINNOTT. Mr. Chairman, comment, insinuations, and imputations have been made by various Members about the elimination of sections 40 and 41 of the Senate bill. As chairman of the committee I feel it my duty to answer these insinuations. Let me tell the House briefly why those amendments were eliminated.

In the first place, the committee hearings disclosed that these amendments were put on in the Senate with practically no consideration, although far-reaching in their character, on the last day, when the matter was under consideration, with a debate, including comments and copies of the amendment that did not occupy a column and a half of the CONGRESSIONAL RECORD. We set aside our rule not to have hearings on the bill and invited before the committee the author of these amendments, so that he might explain them. The first amendment declares arbitrarily that stock which is held to-day by virtue of the decree of the Supreme Court can no longer be held. The holding of that stock to-day is a valid and vested right by virtue of the decision of the Supreme Court of the United States. The author of this amendment was asked upon what principle of law he predicated the right to compel a man to divest himself of his vested property. His sole reply was that he was not a lawyer.

As to section 41, let me skeletonize it to you by striking out the parenthetical phrases between the first and last. Read it in its bare skeleton form, and what does it say? It says:

> It shall be unlawful for any corporation * * * to sell * * * at a different price than * * * is sold * * * by any other corporation * * * when the stockholders of such corporation * * * own or control 25 per cent * * * of the stock of such other corporation.

So under that if the stockholders of corporation A own 25 per cent of the stock of corporation B the oil sold by corporation A has to be at the price sold by corporation B. Let us say that corporation B is the Standard Oil Co.; one shareholder in the Standard Oil Co. owing 25 per cent of its stock or a group of Standard Oil stockholders owning 25 per cent of the stock could buy one share of corporation A, a competitor of the Standard Oil Co.; then the stockholders of corporation A would own 25 per cent of the stock of the Standard Oil Co., and the competitor of the Standard Oil Co. would have to sell at the same price as the Standard Oil Co. throughout this country. There never was a provision designed to give the Standard Oil Co. a greater instrument in fixing prices than section 41. It was not so designed by the author. His purposes were commendable and laudable, but he has placed an instrument, should this section 41 be enacted, in the hands of the Standard Oil Co. or any other great company to raise the price over the entire Nation up to the price the Standard Oil desires to fix.

Mr. GRIFFIN. Will the gentleman yield?

Mr. SINNOTT. No; I will not yield now. My time is too short.

That is one of the reasons why the committee eliminated these. These amendments sought to amend the Sherman antitrust law and sections 2 and 7 of the Clayton Act, which are to-day under consideration before the Judiciary Committee. They have these sections under consideration to amend. I saw the chairman of the Judiciary Committee. The Committee on the Public Lands has no original jurisdiction over these matters. The chairman of the Judiciary Committee told me that he would give consideration and heed to these amendments,

that he would investigate them, and if there is any merit in them they will receive the proper consideration. But we felt that these were improperly before our committee. And there is the further reason that, as the author of the measure stated, under section 40 he was seeking to amend the decree of the Supreme Court of the United States in the matter of the Standard Oil dissolution. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act of March 1, 1911 (36 Stats., p. 961), known as the Appalachian forest act, and those in national parks and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas to municipalities: *Provided*, That all right, title, and interest to all helium in the lands or deposits subject to disposition under this act are hereby expressly reserved and shall remain in the Government of the United States: *Provided further*, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry before the Clerk reads the amendment. The committee has stricken out of the Senate bill lines 4 to 19, inclusive, on page 2, and now that it comes before the House does it require an amendment to put it back in the bill or must not the House vote upon it affirmatively?

The CHAIRMAN. The only question under consideration is the substitute offered for the Senate bill. If the gentleman offers an amendment, he will offer it to the House substitute. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 39, line 2, after the words "United States," strike out the following House amendment:

"*Provided further*, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act."

And insert in lieu thereof the following Senate provision:

"*Provided*, That no alien shall, by stock ownership or otherwise, own any interest in a lease acquired under the provisions of this act, except with a specific provision in such lease authorizing the President, in his discretion, to take over and operate such lease, paying just compensation to the owner for the use of tools, appliances, machinery, and products; or to acquire at the market price all or any portion of the products of such leased property: *And provided further*, That the Secretary of the Interior may require the sale for consumption in the United States of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise, and all certificates for stock hereafter issued in any corporation having such a lease shall specifically and clearly show this provision on the face thereof."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. It is not germane to the substitute offered by the committee.

Mr. RAKER. Mr. Chairman, I want to be heard on the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order that the amendment of the gentleman from California is not germane to the substitute.

Mr. RAKER. I want to be heard. That would present the anomalous situation which I felt, my friends, would be the result—that the bill from the Senate, passed by the Senate, referred to the House, to the proper committee, and by—I know the word to use, but I do not want to be harsh—they could say to return the bill to the House, and the Rules Committee would bring in a rule in that that provision that the Senate put in the bill and passed would not be germane to the original bill. We anticipated that that point would be raised, Mr. Chairman, when we got to sections 40 and 41, and I want to take this opportunity now just to call the chairman's attention and the attention of the Members to the anomalous position that we would be in, namely, that you could not act upon a bill passed by the Senate and sent to the House for its consideration.

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield.

Mr. MAYS. Did the gentleman arrange that the point of order should be made?

Mr. RAKER. I did not.

Mr. MAYS. Why does not the gentleman wait, then, until the Chair rules?

Mr. RAKER. I assumed that I had the right to argue on the point of order as anyone might if he desired, and the Chairman consented; and while I may not be as smooth in presenting it, and while I may be as deep, and may not understand all the parliamentary law covering the subject as well as certain other gentleman, I do at least have my opinion on the matter, and I wanted to call it to the attention of the House and of the country if it becomes necessary, if perchance the Chair is compelled to rule—I do not think he ought to be—but if he is compelled to rule that you can so manipulate and so shape legislation that you can not be heard on it by a vote of the Members of the House——

Mr. MAYS. Does the gentleman admit that the point of order is well taken?

Mr. RAKER. Surely, I do not.

Mr. BLANTON. Mr. Chairman, I want to be heard on the point of order.

Mr. RAKER. I am not through yet. It is up to the Chairman.

The CHAIRMAN. The gentleman from California will be heard.

Mr. RAKER. I want to say further, Mr. Chairman, that this is simply a statement as to the condition, and I anticipate and believe it is a fact that the Rules Committee did not intend to bring in a rule of this kind. I am going to assume that, and take it for granted, until I hear to the contrary that such an effort was made.

Of course, Mr. Chairman, the rule is peculiar. The rule says we shall consider the House substitute. Then it uses other language, to the effect that the debate shall be confined to the substitute.

The CHAIRMAN. Will the gentleman reply to a question of the Chair?

Mr. RAKER. I will if I can.

The CHAIRMAN. Does the gentleman contend that the Members of the House have lost any rights under the rule reported by the Committee on Rules?

Mr. RAKER. I do not think so.

The CHAIRMAN. Then nobody contends that they have.

Mr. RAKER. A point of order is made against it.

The CHAIRMAN. A point of order is made against the germaneness of the amendment.

Mr. RAKER. The germaneness to what?

The CHAIRMAN. To the bill before the House.

Mr. RAKER. Why, Mr. Chairman, that is the bill before the House. That is the point. That is the Senate bill 2775, the bill before the House; and if it was put in the proper form in which every other bill comes before the House, that provision of the bill would have been stricken out by the committee, and the House would have been compelled to vote on that amendment—to vote whether it would retain it in the bill or strike it out.

But clearly the Committee on Public Lands can not come before the Committee on Rules and exclude the consideration of the very Senate bill that is now under consideration before the House. Why, if that should be the rule, they should at least have given the House an opportunity to discuss and act upon it this morning, to be fair and frank and open. This is not a question of germaneness. This is the germ itself. [Laughter.] This is the thing itself, the Senate bill, with every word and syllable in it, and the question is, What will you strike out of that Senate bill?

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Not now; in a moment.

The CHAIRMAN. The Chair is ready to rule. The gentleman from California [Mr. RAKER]——

Mr. BLANTON. Mr. Chairman, I rise on a question of privilege, on behalf of the point of order I have made, in view of the fact that the gentleman from Utah [Mr. MAYS] indicated that there might be a frame-up between the gentleman from California [Mr. RAKER] and the gentleman from Texas. I want to deny any such assertion. If I could, I would not frame up. I will say that to the distinguished gentleman from California.

The CHAIRMAN. The Chair will state to the gentleman from California [Mr. RAKER] that he understands the gentleman to contend that it is not within the province of the Committee on the Public Lands or any committee of the House to strike out an entire Senate bill and substitute another bill. The Chair dissents from that view. The Chair thinks it is perfectly in order and within the power of the committee to strike out anything and provide anything in its place, and that what is substituted becomes the subject matter for the consideration of the House.

On the point of order the Chair holds that the amendment of the gentleman from California opens up a new subject. The provision of the bill which he undertakes to amend provides—

That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to the citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

The gentleman from California seeks to amend that provision by providing—

That the Secretary of the Interior may require the sale, for consumption in the United States, of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise, and all certificates for stock hereafter issued in any corporation having such a lease shall specifically and clearly show this provision on the facts thereof.

It clearly appears to the Chair that the provision of the amendment just read, offered by the gentleman from California [Mr. RAKER], opens up a subject that is not provided for in the section of the bill which he seeks to amend, and hence the Chair sustains the point of order.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. Are we to understand, then, that it is your ruling——

The CHAIRMAN. You do not have to get an explanation of the ruling of the Chair. It has already been made.

Mr. GRIFFIN. I am making a parliamentary inquiry.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. GRIFFIN. I will put it in the form of a parliamentary inquiry. I want to know from you, sir, whether you can not offer to substitute the language of the Senate, the original Senate bill, in the place of the substitute bill that comes from this committee?

The CHAIRMAN. That is not a parliamentary inquiry. The Chair decided that question when the gentleman offered it.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I wish to call attention to the provisions of this paragraph with reference to helium. I doubt very much whether in its present form it will accomplish what is evidently desired by the committee. Helium in its pure state is found only in the form of a gas. As the members of the committee well know, it is a noninflammable gas. It is expected that the Government may at some time make use of it to inflate dirigible balloons, and that it will be useful in warfare for the reason that it will not take fire from explosive bullets. But in its natural state it is always found combined with other elements, and in substances of which it is never, so far as I know, the principal component part. In fact it is only a very small part of the substance in which it is combined.

Mr. SINNOTT. The statement which the gentleman has just made is correct, and that fact is acknowledged and recognized in section 38 of the bill. The matter of the extraction of it is taken care of.

Mr. GREEN of Iowa. I thank the gentleman for the information.

Mr. SNELL. I move to strike out the last two words, for the purpose of asking a question of the chairman of the committee. Under the provisions of this bill—

Citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this act.

As I understand it, the British Government does not allow any alien to own any oil lands under the control of that Government. According to this act, what would be the result if a British subject owned stock in any one of our oil companies? What would be the situation in which he would find himself?

Mr. SINNOTT. If the British Government discriminates against us, we meet that discrimination by denying to its citizens the rights that are withheld from us.

Mr. SNELL. If I were a British subject and held some stock in one of these oil companies, would I be forced to sell it?

Mr. SINNOTT. The stock could be declared forfeited, under the forfeiture clause in the bill.

Mr. SNELL. There is no protection then for any foreigner who happens to own stock in one of our oil companies, is there?

Mr. SINNOTT. Not if his Government denies us the same rights.

Mr. SNELL. I understand the British Government forbids aliens to own or control any of their oil lands.

Mr. SINNOTT. That representation has been made to the committee, and to individual members of the committee.

Mr. SNELL. Does the gentleman know whether it is true or not?

Mr. SINNOTT. I have no reason to doubt the representation.

Mr. SNELL. Then a British subject would be obliged to forfeit or sell his stock, and get out of the company as quickly as possible.

Mr. SINNOTT. That would be the interpretation I would place upon the law.

Mr. WALSH. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Under the rule which provides for the consideration of this bill, if a motion is made to strike out section 1 of the House substitute, as it is called, and if that motion prevails, does that of its own force put into the bill section 1 of the Senate bill?

The CHAIRMAN. Certainly not. It simply strikes out what the motion provides shall be stricken out.

Mr. WALSH. If you strike out section 1 of the substitute, what becomes of the section for which it was a substitute?

The CHAIRMAN. The rule provides—

That the reading of the Senate bill shall be dispensed with and for the purpose of amendment the House committee substitute shall be considered as an original bill.

So that there is nothing before the Committee of the Whole except the House substitute, which is considered as an original bill.

Mr. WALSH. And in order to preserve a section in the Senate bill some other language must be included in the motion, if a motion is made to strike out?

The CHAIRMAN. Without a doubt.

Mr. WALSH. I wanted that to be made clear at this stage of the proceedings.

Mr. RAKER. Mr. Chairman, I offer an amendment, in line 2, page 39, to strike out all after the words "United States" down to and including line 7.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 39, line 2, after the word "States," strike out the remainder of the paragraph.

Mr. RAKER. Mr. Chairman, we are in an anomalous position, and I say without fear of successful contradiction that no such thing as this has ever occurred in nine years. It may have occurred before, but I do not believe it ever did, that when a bill is considered by the House the provisions of that bill are considered not germane to the matter before the House.

This amendment changes the present law. There is no reason for it; there is no justification for it, and I ask any member of the committee if there was one word of testimony or one word in the way of a hearing, except statements presented——

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. Not for a moment. As I stated a while ago, I want to state again, on this motion to strike out you are saying under the provisions of this amendment that citizens of any foreign country that permits foreigners to own mineral lands may, by owning stock in corporations, obtain control of the vast mineral resources of this country. Then you discriminate. There is no need of saying now that the question of stock ownership is not involved, because the bill says that a citizen of a country that does not permit mineral ownership by an American citizen can not own stock in a corporation of the United States that applies for a lease. That is what you say. Guatemala does not permit an American citizen to own any of its sodium or phosphates.

Mr. BAER. Will the gentleman yield?

Mr. RAKER. Not for a moment. Therefore a citizen of Guatemala can not own any interest in these mines in this country. Venezuela does permit any alien, including citizens of the United States, to own an interest in the minerals of that country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time may be extended for five minutes. Is there objection?

Mr. SINNOTT. Mr. Chairman, we have been very indulgent to the gentleman from California, and I object.

Mr. RAKER. You have not been indulgent to me, and, Mr. Chairman, I make the point of no quorum. You will have to have a quorum here all the time. I want to say that we want this matter considered.

The CHAIRMAN. The gentleman from California makes the point of no quorum, and the Chair will count.

Mr. RAKER. Mr. Chairman, there seems to be more here than I thought at first, and I withdraw the point of order. I ask unanimous consent that I may have two minutes, because there is one matter that I did not have time to mention.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may proceed for two minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, the gentleman from California has had 40 minutes, and I object.

Mr. FERRIS. Mr. Chairman, the gentleman from California has received generous treatment as to time. The House has always been generous to the gentleman from California. They have always rewarded his very great industry. The gentleman should not show temper when he does not always have his own way. He is so much more fortunate than most of us in always having his own way. He is a strong Member of the House. His services are always faithful and earnest.

Mr. SINNOTT. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. SINNOTT. Is it not a fact that we are providing for the consideration of the bill exactly in the same form in which it was considered last year by unanimous consent?

Mr. FERRIS. Precisely; and I was going to come to that. Many, many times in every Congress since I have been here this procedure has been had; usually by unanimous consent, it is true, but nevertheless the same procedure. And for the gentleman from California to be railing against this procedure seems to me is not well taken.

Mr. RAKER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. RAKER. Would not the gentleman say to the House that there has never an instance occurred, by unanimous consent or otherwise, where a Senate bill was eliminated and you could not go back and offer a part of the Senate bill as an amendment?

Mr. FERRIS. I say that that very thing has happened, not once but many times, in the 14 years I have been here. There is nothing new or novel about this procedure to have a House bill considered instead of a Senate bill.

Mr. CARTER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. CARTER. I will say that when the bill was passed for the sale of the segregated mineral lands of the Choctaw and Chickasaw Nations, exactly that procedure was adopted and no amendment was permitted of any Senate provision when the bill was brought in.

Mr. FERRIS. My colleague is right. It has been done so many times that it is almost the rule, instead of the exception, usually by unanimous consent, and the records of the Public Lands Committee will show that fact. The procedure is what happens all the time. The Senate passes a bill, sends it over here, the House amends it, and when it comes up for consideration as an original bill it gives the House the opportunity to amend it, gives the House the opportunity to change it, gives the House the opportunity to do the very thing they want to do, and we are following that course. This is the best way to do it. This is the way to let the House offer any and all germane amendments, otherwise it would be but a simple amendment, and the House could not consider it section by section, which is the correct way.

Mr. GRIFFIN. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. GRIFFIN. This is to prevent the offering of any amendment——

Mr. FERRIS. Oh, not at all; the gentleman from California and the gentleman from New York can now or any time offer any amendment or as many amendments as they like. This procedure enables them to do what they like. Of course, they must be germane amendments, and I submit that is the way it should be. So far as I am concerned, I would prefer to vote on the gentleman's proposal and dispose of it in that way.

Mr. GRIFFIN. You are preventing us from going back to the Senate language and offering that as an amendment.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. EVANS of Nebraska. What is the object in restricting persons who may be members of corporations in the latter part of section 1, in the last proviso?

Mr. SINNOTT. That merely relates to the alien stock ownership; there is no restriction in section 1 on corporations securing a lease.

Mr. EVANS of Nebraska. Why not let in alien stockholders?

Mr. SINNOTT. Some foreign countries discriminate against citizens of the United States in stock ownership.

Mr. EVANS of Nebraska. The general purpose of the bill is for exploitation?

Mr. SINNOTT. We hope so.

Mr. EVANS of Nebraska. Then why is it not the money of the aliens as good as the money of the citizens?

Mr. SINNOTT. We think our own citizens are entitled first to the development of the oil fields.

Mr. EVANS of Nebraska. Why not strike out the provision that permits any alien to become interested?

Mr. SINNOTT. Because those who discriminate against us, if we retaliate, perhaps they may do away with the discrimination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 12, strike out the words "and lands containing such deposits."

Mr. RAKER. Mr. Chairman, I am going to confine myself to this amendment. I am a little disappointed, although I take it in good nature. I have been active on the committee. I have sought amendments and I have secured many. I have tried to do my duty as a Representative. I was given only 40 minutes on a bill where I should have had enough time to present it fully to the committee. I will get the parliamentarian to look and see if I am not right, but I think there has never been a rule in nine years whereby a Senate provision in a bill could not be considered in the House in considering a Senate bill that it would be ruled out of order because it was not germane. I remember the unanimous-consent agreement last year——

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Not just now. I am not going to take up any more time when I get through. I am going to offer my amendments and get along as rapidly as we can. There was no condition of that kind existing then, but the only purpose was to get it to the House. My 40 minutes were on general debate. I have taken only 10 minutes of the time under the five-minute rule, and as a member of the committee I was disappointed, and I say this with all sincerity.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I withdraw the amendment.

Mr. WALSH. The gentleman can not do it except by unanimous consent.

Mr. RAKER. I ask unanimous consent to withdraw the amendment.

Mr. BLANTON. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

COAL.

SEC. 2. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding 2,560 acres in any one leasing tract; and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding, or by such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this act, prospecting permits for a term of two years for not exceeding 2,560 acres; and if within said period of two years thereafter the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this act for all or part of the land in his permit: *Provided further*, That no lease of coal under this act shall be approved or issued until after notice of the proposed lease or offering for lease has been given for 30 days in a newspaper of general circulation in the county in which the lands or deposits are situated: *Provided further*, That no company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of this act for any coal deposits except for its own use for railroad purposes, and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each 200 miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *Provided*, That nothing herein shall preclude such a railroad of less than 200 miles in length from securing and holding one permit or lease hereunder.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Mr. GRIFFIN offers the following amendment: Page 39, line 9, strike out the whole of section 2 and insert in lieu thereof section 2 of the Senate bill on page 2, lines 21 down to line 20, page 3.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not germane to the substitute now under consideration. It is not germane to the subject as brought in here under the rule.

Mr. GRIFFIN. Mr. Chairman, I desire to be heard on the point of order.

Mr. SINNOTT. Mr. Chairman, I reserve the point of order that the amendment is not in writing.

Mr. BLANTON. I have made the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. GRIFFIN. Mr. Chairman, the proposed amendment inserts, instead of the language of the committee for section 2, the language contained in the Senate bill, as it came over here for our action. In other words, we want to substitute section 2 of the Senate bill as it was passed in the Senate.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. SINNOTT. I wish the gentleman would explain the difference between the two.

Mr. GRIFFIN. It is immaterial what the difference is between the two sections. The gentleman is just as familiar with it as I am, and a great deal more so. The material point is this, that the language of the House committee is sought to be stricken out by the amendment and the language of the Senate bill inserted. It is submitted to the judgment of the Chair that the amendment is not germane. Not germane? What becomes of the rule that anything that pertains to the subject matter of the section may be proposed as an amendment? I am aware that the Chairman has already passed upon the subject, or one phase of it in the amendment to section 1, offered by the gentleman from California [Mr. RAKER]. The Chairman has already committed himself on that proposition, and I presume, if he is to be consistent, he will make a similar ruling here; although a distinction might well be made. The language of section 2 of the Senate bill is nearer to the subject matter than the language of section 1, which the gentleman from California proposed to substitute for section 1 of the House bill.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. So that in that regard I think, perhaps, the Chairman has a chance to escape from his own ruling; but whether the language is similar or not, whether the matters contained in any section of the Senate bill may be more numerous or less numerous than those provided for in the committee substitute, whether or not there is this difference, or any difference, the substitution of a Senate section for the corresponding committee section is in order.

Several gentlemen rose.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's argument is not to the germaneness of his amendment.

A MEMBER. The gentleman is not addressing the Chair.

Mr. GRIFFIN. I am trying to do so, Mr. Chairman, but there are gentlemen standing on the other side who seem to be anxious to interrupt me. However, let me appeal to the Chairman on this matter as a parliamentary proposition.

The CHAIRMAN. The Chair desires to hear the matter discussed from a parliamentary standpoint.

Mr. GRIFFIN. I maintain that there is a difference between my amendment and that which was proposed by the gentleman from California. In the case of section 1 of the Senate bill, which he proposed to introduce in place of——

Mr. BAER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Dakota can not take the gentleman from New York off his feet with a parliamentary inquiry.

Mr. GRIFFIN. In place of the committe bill, both language and the matter varied; but in this section, if the Chairman will observe, not only is the matter identical but almost the language as well. There is very little variation between the two, but independent of that I still maintain this proposition, that an amendment is germane so long as it adheres to the general subject matter.

The CHAIRMAN. The Chair is ready to rule.

Mr. GRIFFIN. Will the Chair pardon me for a moment?

The CHAIRMAN. Certainly.

Mr. GRIFFIN. I want to make one statement. The gentleman from Oklahoma stated that the method by which this bill has been substituted for the Senate bill gives us an opportunity to amend. My amendment is an illustration, if you please, as to whether or not we can amend this bill by substituting the language of the Senate bill.

The CHAIRMAN. The point of order is made. As the Chair understood the gentleman from New York, he was trying to convince the Chair that the point of order should not be sustained. The Chair begs to say to the committee that he has read both these sections—the section provided in the Senate bill and stricken out by the House committee and the section reported by the Committee on Public Lands in the House bill—and the matter contained in the section of the Senate bill is all contained in the section of the House bill; but the House bill contains more than the Senate bill. The gentleman from New York offered an amendment to strike out all of the House section and substitute for it the Senate section, which the Chair believes is in order and overrules the point of order. The question now is on the adoption of the amendment.

Mr. WELLING. Mr. Chairman, a point of order that the amendment offered by the gentleman from New York has never been reported to the House, and we do not know what we are voting on.

The CHAIRMAN. The Chair thinks the gentleman is mistaken.

Mr. BLANTON. Mr. Chairman, I took it for granted the Chair, in not giving me a chance to be heard for a moment, was going to rule in favor of the point of order, and I would like to be heard for just a moment.

The CHAIRMAN. It is not fair for the gentleman or any other gentleman on the floor to take for granted what the Chair is going to do. The Chair has already ruled and the question now is on the amendment which the Clerk will report.

The Clerk read as follows:

Page 39, line 9, strike out the whole of section 2 and insert in lieu thereof the following: Section 2 of the Senate bill, on page 2, line 25, down to line 23 on page 3.

Mr. BLANTON. Now, Mr. Chairman, I make the further point of order that the amendment is not in order, because it is not germane to the legislation which is brought before the House under the rule and which is now under consideration.

The CHAIRMAN. The Chair has just ruled it is in order and, of course, the gentleman's point of order would not be proper just now. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That any person, association, or corporation holding a lease of coal lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I simply desire to call attention that this section of the House bill is identical with the section of the Senate bill so as to show that practically all the bill except the particular amendments to which I have called the attention of the committee is legislation which passed the House before——

Mr. BLANTON. Mr. Chairman, I regret to do it but I make the point of order that the distinguished gentleman from California is not speaking to his amendment, which is to strike out the word "acres."

The CHAIRMAN. The gentleman from California will proceed in order.

Mr. RAKER. Now, Mr. Chairman, I ask unanimous consent that I may print in the RECORD the Senate bill as it passed the Senate and the House bill as reported, paralleling each other section by section.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of 2,000 pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine

or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring contitnuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss.

Mr. SINNOTT. Mr. Chairman, I offer an amendment on page 43, line 16, to strike out the word "may," where it first occurs, and substitute therefor the word "shall."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 43, line 16, strike out the word "may," at the beginning of the line, and substitute therefor the word "shall."

The question was taken, and the amendment was agreed to.

Mr. EVANS of Nebraska. Mr. Chairman, I move to amend by inserting after the word "time," in the second line on page 44, the words "in any 18 months' period."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Evans of Nebraska: Page 44, line 2, after the word "time," insert the words "in any 18 months' period."

Mr. SINNOTT. Mr. Chairman, I see no particular objection in that amendment, except I think the matter ought to be left to the discretion of the Secretary. Certain contingencies might arise, and I do not think that his discretion should be limited. That is the only objection I have.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to municipal corporations to prospect for, mine, and take for their use coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this act as in his opinion will safeguard the public interests: *Provided*, That the Secretary of the Interior may issue such limited license or permit, for not to exceed 320 acres for a municipality of less than 100,000 population, and 1,280 acres for a municipality of not less than 100,000 and not more than 150,000 population; and 2,560 acres for a municipality of 150,000 population or more, the land to be selected within the State wherein the municipal applicant may be located, upon conditions that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the holding of such tract or operation of such mine under said limited license.

Mr. SINNOTT. Mr. Chairman, I offer an amendment to clarify the section. Line 16, after the word "and," page 44, insert "not to exceed," and also in line 19, after the last "and," insert "not to exceed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Page 44, line 16, after the word "and," insert the words "not to exceed," and page 44, line 19, after the second "and," insert the words "not to exceed."

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment:

Page 44, lines 21, 22, and 23, strike out the following words: "The land to be selected within the State wherein the municipal applicant may be located."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 21, after the word "more," strike out the following language: "The land to be selected within the State wherein the municipal applicant may be located."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RAKER. Mr. Chairman, the only purpose of this amendment is that I think it will clarify the section and avoid any clouding of the real condition. The way it is now, a city in Nebraska would have to get its coal in Nebraska. If you strike out this language, and I think it ought to go out, there would be no limitation, and there ought not to be. Any city that desired to obtain coal under the provisions of this act could obtain it and have a municipal coal supply, instead of limiting it to any particular State. In other words, a city in Utah would get coal in Utah. A city right over the line, in Idaho, could not get any coal in Utah. In Colorado, a city in the West outside of Colorado would get none of the benefits of the act. And there is no reason why the large cities in the particular States where they are located should be given an exclusive right to have the benefits of this, whereas if there are other cities in the United States that provide a municipal coal supply for their people in order to keep them warm and give the necessary heat and light, and the necessary comforts to make them happy, they ought to have the opportunity, and they should not be cut off by State lines. It is not a State-line proposition. It has no relation to the States. The property belongs to the Government and not to any particular locality and not to any particular district. But I repeat again, that any city that is up to date and progressive and desires to furnish its poor people with heat and light and things to live on would not be able to get them according to the provision of this section. The provision ought to be taken out so as to leave it as clear as it can be, without confusion or otherwise.

Mr. KINKAID. Mr. Chairman, I am heartily in favor of the amendment. It seems to me it would be unfair to restrict it to States where the municipalities exist, because there are some States where no coal can be found at all, and in most of the States there are no public lands at all. Nebraska is a State without a single coal mine. I think that in order to be fair the amendment ought to be adopted so as to allow municipalities in all of the States equal rights. So I shall vote in favor of the amendment, if I understand it correctly.

Mr. TAYLOR of Colorado. Mr. Chairman, the Public Lands Committee has thrashed this matter out exhaustively. If there is any one provision in this bill that I have been most interested in, it is this section 8. I have been fighting for a law that would allow cities and towns to locate and open up and operate a municipal coal mine for 10 years in this House. But we have always limited it to the towns and cities within States in which the coal mines are situated. If any outside city wants to come into Colorado or Utah or North Dakota, or into any other public-land State that has coal in it, and buy patented coal lands and operate a coal mine, there is nothing to prevent it from doing so. But Secretary of the Interior Fisher and Secretary Lane were both opposed to and deemed it contrary to public policy to allow all of the cities of the United States to go and make a location of the public coal lands within the States that have coal. This is a local matter. To prevent local extortions and give the municipalities in the immediate vicinity of large coal areas an opportunity to obtain cheap coal for their own domestic consumption——

Mr. SINNOTT. Will the gentleman yield there?

Mr. TAYLOR of Colorado. I will.

Mr. SINNOTT. What effect will the elimination of this provision have upon the rental the Government will get and the States will get?

Mr. TAYLOR of Colorado. Why, nobody else would develop the coal mines. It would make the whole provision absurd. That is all there is to it. It simply means it will kill that section and prevent any municipality from obtaining any benefit from being located near vast quantities of idle Government coal. The committee, as I say, has so thoroughly considered this subject, I hope the amendment will be voted down. I have always had to fight the big coal companies on this matter. I am trying to give poor people cheap coal, where they live near millions of tons of coal, and it ought to be furnished to them cheap. If coal companies will be halfway reasonable, the municipalities will not go into the coal business.

Mr. RANDALL of California. This bill does not attempt to dispose of any coal that belongs to the State of Colorado.

Mr. TAYLOR of Colorado. No; but it allows people to open up and operate coal mines under the protection of Colorado's laws and use Colorado's good roads and courts and schools, and pay mighty little taxes on the land that they merely lease.

Mr. RANDALL of California. It belongs to the Government of the United States, and belongs to the State of Nebraska just as much as to Colorado.

Mr. TAYLOR of Colorado. It does not belong to either the State of Nebraska or to the municipalities throughout the United States.

Mr. RANDALL of California. It belongs to the municipalities of Nebraska as much as to the municipalities of Colorado.

Mr. TAYLOR of Colorado. Mr. Chairman, we have never adopted a policy——

Mr. RANDALL of California. You had better adopt one now.

Mr. TAYLOR of Colorado (continuing). Of allowing residents of one State to be Federal tenants of the public domain within some other State.

Mr. SINNOTT. And this would make a municipality amenable to the laws of another State.

Mr. TAYLOR of Colorado. This amendment is entirely illogical, impracticable, and ridiculous. It can not benefit anyone but the big coal operators and will prevent any municipality from getting coal at a fair price, and I ask that the amendment be rejected.

Mr. RAKER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. RAKER. This amendment was never in that bill before until it came from the Senate, and the House simply took this out of the Senate amendment. Is not that right?

Mr. TAYLOR of Colorado. No; it is not right.

Mr. RAKER. I am talking about this provision as to 100,000 and 200,000 population.

Mr. TAYLOR of Colorado. The Senate has made various amendments of my bill. This section 8 of this bill that you are trying to amend is what is left of my original municipal coal bill, the same bill that Secretary Fisher and Secretary Lane both favorably recommended and the Public Lands Committee has three times given us a favorable report upon.

Mr. RAKER. I am talking about these municipalities being confined in the States. That is a new provision in this bill, is it not?

Mr. TAYLOR of Colorado. No; it is not. I have had it in the bill always. The Interior Department always required that, and our committee always did, and I can not understand why the gentleman sees so many mare's-nests in this bill that we have so carefully prepared. In fact, we have gone over and over and over this bill and this identical provision until it has become hoary and bald-headed, and all the rest of us want to pass this bill and have it become a law sometime.

Mr. RAKER. I want to say that it has not been in any other bill that has passed the House.

Mr. TAYLOR of Colorado. It would be ridiculous to permit every city and town in the United States—New York, Boston, Philadelphia, and all other cities—to be locating and operating a coal mine out on the public domain in some of the Western States. None of those cities are asking for this amendment. If any Member wants that kind of a law, let him introduce such a bill and work as long and hard as I have toward trying to help relieve the cities and towns of my State from the extortions of the big coal companies. But do not try to kill this measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. RAKER) there were—ayes 12, noes 32.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt.

MINING OF COAL, PHOSPHATE, OIL, ETC.

The committee resumed its session.

The Clerk read as follows:

PHOSPHATES.

SEC. 9. That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt.

Mr. BAER. Mr. Chairman, I was called out for a moment. I ask unanimous consent to return and add a separate section after section 8, to be numbered as section 9.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to return to section 8 for the purpose of offering a separate section at the end of section 8. Is there objection?

Mr. SINNOTT. I understand it is not an amendment to section 8, but it is for the purpose of adding an additional paragraph?

Mr. BAER. An additional section.

Mr. SINNOTT. A subsection?

Mr. BAER. Yes; a subsection.

Mr. BLANTON. Reserving the right to object, Mr. Chairman, will the gentleman tell us what it is?

Mr. BAER. It is an amendment giving the States the same rights under the provisions of this act as the municipality has.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman will send up his amendment, and the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BAER: On page 45, at the end of section 8, following line 4, insert a new section, as follows:

"SEC. 8a. That, subject to the provisions, limitations, and conditions of this act, the Secretary of the Interior is authorized to issue leases for coal owned by the United States and the lands containing same to any State of the United States the constitutional laws of which authorize it to engage in the business of mining, extracting, treating, and disposing of such mineral deposits."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BAER. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 8, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That each lease shall be for not to exceed 2,560 acres of land to be described by the legal subdivisions of the public-land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior for the survey of public lands, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form.

Mr. RAKER. Mr. Chairman, I move to amend on page 45, line 18.

The CHAIRMAN. The gentleman will send his amendment up.

Mr. RAKER. That is all right. Strike out "prescribed by the Secretary of the Interior for" and insert in lieu thereof "governing the survey."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: On page 45, line 18, after the word "regulations," strike out the words "prescribed by the Secretary of the Interior for" and insert in lieu thereof the words "governing the survey."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, since the beginning or the adoption of the public-land laws the law has stood as I have offered the amendment, that it shall be governed by the laws, rules, and regulations governing the survey of public lands.

This amendment of the House committee, which I believe should be changed, authorizes the prescribing of rules and regulations by the Secretary of the Interior for this survey. There is no reason for it except to make additional expense and cost. The House passed it three times, the Senate passed it twice, the conferees agreed upon it, and it is only natural and proper that the survey should be made according to the rules and regulations governing the survey of public lands instead of in each particular instance allowing the Secretary of the Interior on each particular application, or by general rules, if you please, to make regulations governing the surveys of these particular phosphate claims, instead of following the rules and regulations for public-land surveys.

Mr. MAYS. Will the gentleman yield?

Mr. RAKER. I do not yield just now. That being the case, you had unnecessary trouble and complications and you make the matter uncertain. There are rules and regulations already established that everybody knows, and you continue the survey of the remaining public lands according to the mode and method of surveying the public lands which now prevails. This matter was gone into fully before in the committee, and in the hearings the question was asked of Mr. Finney, who always appeared before the committee; but this time, for some reason, this provision has unfortunately crept into the substitute.

Mr. TILSON. Is the gentleman sure that his amendment is correct? As I heard it read from the Clerk's desk it seems to me that the gentleman will have a duplication of language, certainly of the word "survey," unless he omits that word.

Mr. RAKER. I think the gentleman is right on that, and I ask to modify my amendment by striking out the word "survey." Then it will read:

Under the laws, rules, and regulations governing public-land surveys.

The CHAIRMAN. The gentleman's time has expired.

Mr. SINNOTT. Mr. Chairman, this matter was thoroughly considered in the committee. This language was placed in the bill because some of the laws for the survey of the public lands are misfits and can not be made workable, and we want to give the Secretary of the Interior the right to establish rules and regulations.

Mr. RAKER. Will the gentleman yield, in his time, for a question?

Mr. SINNOTT. I have yielded the floor.

Mr. TAYLOR of Colorado. Mr. Chairman, the object of the committee in putting this language into the bill is to avoid the very thing that the gentleman from California [Mr. RAKER]

says it will cause. The language of the bill as it is will avoid the utterly unnecessary and useless expense, prolonged delay, and useless hardships which the gentleman's amendment would cause.

Mr. RAKER. Will the gentleman yield?

Mr. TAYLOR of Colorado. Not just now. I did not interrupt the gentleman at all, notwithstanding he has talked for an hour and a half here to-day.

Mr. RAKER. That is all right. The gentleman can be courteous and yield if he wants to, but he does not have to.

Mr. TAYLOR of Colorado. I do not mean to be discourteous, but I do not want to be interrupted before I get started. Under the present elaborate and obsolete system of conducting public-land surveys, if a person wants to go and take up a piece of unsurveyed land—I do not care if it is only 40 acres—under the volume of rules and regulations of the United States Land Office and the United States surveyors general he will have to wait probably from one to three years, and then have a whole township surveyed, which would bankrupt any ordinary man, in order to get the one little piece of ground. Under the provision which we have in this bill the Secretary of the Interior can authorize a United States deputy surveyor to go ahead and run out this particular land, just as he would a mining claim, and allow his permit or lease within a very short time and at very little expense.

Mr. EVANS of Nebraska. Under what theory would he have to survey a whole township in order to get 40 acres run out?

Mr. TAYLOR of Colorado. If the gentleman is familiar with all the surveying regulations of the Government in surveying in the mountains he will find out.

Mr. EVANS of Nebraska. I know about them.

Mr. TAYLOR of Colorado. If a homesteader on unsurveyed public domain wants to get his numbers so he can file or prove up on his 160-acre claim on the public domain, the chances are that the United States surveyor will start from some point 20 or 30 miles away to get a starting point.

Mr. EVANS of Nebraska. There is a stone on every corner.

Mr. TAYLOR of Colorado. Oh, there are no stones or any other corners there. The public domain throughout the mountainous portions of the West, where most of this coal and oil and gas will be found, are largely not surveyed at all, and even where it was once surveyed the corners are largely gone. The idea of this provision is that if we are compelled to comply with the regular surveyor's manual and with all the department rules and red tape and delay with regard to surveying the public domain throughout that portion of the country wherever a claim is located it will entirely prevent most poor people from getting any leases at all. The object of this language is to avoid that situation and allow the Secretary to adopt some simple, expeditious, inexpensive, and practical course that will fit the situation.

The CHAIRMAN. The question is on the amendment of the gentleman from California. Those in favor will say "aye."

The affirmative vote was taken.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Those opposed will say "no." The noes appear to have it, the noes have it, and the amendment is rejected. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I was on my feet demanding recognition.

The CHAIRMAN. The Chair did not see the gentleman, and the question was being put, and has been put and decided. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word and is recognized.

Mr. MONDELL. Mr. Chairman, I have been trying for a long time to have all the provisions contained in this bill with regard to the survey of the unsurveyed public lands made the same and to have them of a character to fit the situation. The amendment offered by the gentleman from California [Mr. RAKER] would not improve the language now in the section. It would, rather, confuse a provision that is not really clear. As a matter of fact, in line 19 the words "for the survey of public lands" should be stricken out, and the language that should be used, not only in this case but in all cases with regard to these surveys, should be—

In accordance with rules and regulations prescribed by the Secretary of the Interior.

There are no rules and regulations now prescribed by the Secretary of the Interior with regard to the survey of the public lands that would fit these conditions, but the Secretary of the Interior must prescribe rules and regulations under which these surveys shall be made, and the committee have so provided; but I think they have inadvertently left in the bill the words "for the survey of public lands." If those words were stricken out in this provision and in all the other provisions of the bill having to do with surveys, it would then leave the Secretary with full authority to make such rules and regulations as in his opinion were necessary to make these surveys.

Mr. TAYLOR of Colorado. That is what the committee wants to do.

Mr. MONDELL. I agree with the committee; but what the committee proposes to do could, in my opinion, be done more clearly and definitely and beyond question if the words "for the survey of public lands," in line 19, were stricken out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. I ask unanimous consent that the words referred to by the gentleman from Wyoming, in line 19, "for the survey of public lands," be stricken out.

The CHAIRMAN. The gentleman will have to go back to the section before he can do that.

Mr. SINNOTT. I ask unanimous consent to return to the section for that purpose.

Mr. RAKER. I object.

Mr. MONDELL. We have not passed that section; the Clerk has not read the next section. It is not necessary to move to go back to it. I was on my feet demanding recognition at the time and before the amendment was voted on.

Mr. BLANTON. A point of order, Mr. Chairman. The gentleman is clearly mistaken, because the Clerk had already read the succeeding section.

The CHAIRMAN. The Chair begs the pardon of the gentleman from Wyoming. The Chair does not agree with the statement just made that the Clerk read section 11. The question was on an amendment offered by the gentleman from California, and it was voted upon. It was rejected, and the Clerk was directed to begin the reading of section 11.

Mr. MONDELL. The Clerk was directed to begin the reading, but he had not begun the reading; and I was on my feet demanding recognition. I was on my feet demanding recognition before the vote upon the amendment offered by the gentleman from California. So the Clerk did not proceed with the reading.

The CHAIRMAN. The gentleman from Wyoming may have been on his feet, but the gentleman from California had taken his seat before the vote on his amendment was taken. The gentleman from Wyoming will concede the right of the Chair not to have seen the gentleman from Wyoming until after the amendment was voted on?

Mr. MONDELL. No; I do not concede that; but certainly I was on my feet demanding recognition.

The CHAIRMAN. The gentleman from Wyoming does not claim the right to the floor until he is recognized, does he?

Mr. MONDELL. I do not think that I ought to discuss that with the Chair, but I think a Member has a right to the floor when the amendment is before the House and debate is not exhausted, as it was in this case.

The CHAIRMAN. There is no need of a controversy about it. The Chair did not recognize the gentleman from Wyoming until after the amendment was voted on.

Mr. MONDELL. And then the Chair did recognize him.

The CHAIRMAN. Yes.

Mr. MONDELL. So we are still on that section.

Mr. LONGWORTH. Mr. Chairman, I am inclined to think that a bill of this importance demands a larger attendance than we have here.

Mr. HUDDLESTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. LONGWORTH. Well, Mr. Chairman, I will not make the point now.

Mr. SINNOTT. Mr. Chairman, I understand that we are on section 10 at the present time?

The CHAIRMAN. Yes.

Mr. SINNOTT. Mr. Chairman, I move to strike out, in line 19, page 45, the words "for the survey of public lands."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 19, after the word "interior," strike out the words "for the survey of public lands."

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. I hope the amendment will not be adopted. It is bad enough the way it is in the bill. The committee said in accordance with the rules and regulations prescribed by the Secretary of the Interior, in substance, shall be for the survey of public lands. It was not necessary for the survey of a particular claim to survey an entire section or township, but this allows an entirely new procedure, allows the Secretary of the

Interior to go out on the public domain, authorize the survey of a claim whereby there might be, as to surrounding public lands, no regard as to connecting up with other surveys, but designating one particular tract for a survey; whereas the policy heretofore has been to keep the public survey in uniform condition. This entirely eliminates the uniformity which now prevails, so that everybody may know what the public-land surveys are and where the land is, so that you can describe it by metes and bounds.

Under this legislation you allow the Secretary of the Interior to make laws and regulations in regard to the survey, and do not even suggest that he shall comply with any regard to the public-lands survey, or any method or any sort of system with reference to the disposition of the remaining public domain. I do not believe that authority ought to be given, or that this new innovation ought to be practiced, as to the remaining part of the public domain.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The question was taken, and the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the section. I do that to submit some general observations on the bill, and I ask leave to extend and revise my remarks after I have used five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I confess that I view this bill with apprehension. I might say that I view it with suspicion. The Government of the United States within a hundred years, with what it received in the way of grants from Mexico and the Louisiana and Alaskan Purchases, has owned more in the way of public lands than was ever possessed by any government or by any people in the previous history of all the world.

We have frittered away those lands until now almost nothing remains. We gave to the railroads enough of our public domain to equal the area of all the States north of the Ohio and east of the Mississippi Rivers. The people of the United States got very little, if anything, in return. The lands went into the capitalization of the railroads. They and their proceeds are yet being carried as railroad assets where they have not been stolen by railroad promoters, and the people of the country are required to pay taxes in the way of rates to pay an income to the railroads on those lands.

The vast public domain carried deposits of gold and silver, and of iron, coal, and other minerals rich beyond the dreams of imagination. What have the people of the United States received of benefits for all those splendid resources of rich surface and priceless minerals?

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Excuse me, please. Of course, we have received very little, if any, benefits. I admit that I do not like to think of our Government as a great landlord of either the surface or of the minerals in the lands, and I should have no great grief if this great wealth of the Nation had been evenly divided out among the people. If the people of the United States who were here then or who have come since, or who are now here, had had divided among them with any sort of equity or equality this great natural wealth, I should not feel so much distressed. But the fact is that nearly all of this, our national resources, has gone into the hands of a few—the few have been the chief beneficiaries. The fact is that nearly all of this wealth of fertile soil and minerals has been monopolized by a few men, who use it not for the honor and greatness of our country, but who use these resources collected into their hands by unjust, oppressive, and frequently dishonest methods as a means of further oppression. They use the resources which were once the common property of all as a further means of exploiting labor and grinding the faces of the poor, as a further means of heaping up greater stores of wealth and aggregating the riches of America into the hands of the few, while the great multitude sinks deeper into despair.

The great concern which fills my heart is, who shall get the benefits of this bill, who shall get the minerals that will be granted under this bill? If they are to go into the hands of the monopolists, who now control practically all the minerals not on public lands, then I would see in the passage of this bill the fall of a calamity on this country.

I shall vote against this bill. I view it with perhaps what some may call unreasonable suspicion, but in the light of the past experience of the people of this country I fear the resources granted by it will eventually go into the hands of the monopolists. I regard these men and their methods as a danger to American institutions, as a danger to the welfare of our Republic, to the future of this country, and to the liberties of the people, and I would not add one hair's weight to their strength or influence. They are not content merely to take for themselves our natural resources, but they usurp the right to dictate to men in public office, to the representatives of the people—they assert the right to rule our country and control its public affairs. They do not dare to try to govern by open and public means, but resort to conspiracy and hidden methods.

I am unwilling to make further grants of our resources to the men who are now abusing what we have granted heretofore. Captains of industry must show a new spirit before I will consent to add to their opportunities for evil. Even to-day I have had brought before me a new illustration of the lust for power of those who dominate the great coal-mining industry. The chief purpose of my speaking to-day is to lay the situation before Congress and the Nation.

Big business acts for business reasons, not upon considerations of altruism or patriotism. Big business is cold and selfish. It knows neither religion, country, nor sentiment. It bends its every thought to obey the precept, "Put money in thy purse." Its god is profits, its country wherever good returns may be had from investments, its humanitarianism is how to get the greatest amount of labor for the smallest outlay.

The evil mainsprings of big business are so universally detested that men interested in public questions are quick to charge big business with opposing them. The support of big business is a liability, not an asset, when public sentiment is involved, so that great financiers and captains of industry, when seeking to control public action, operate through parasite newspapers and secret channels.

FIGHTING THE LEAGUE OF NATIONS.

The enemies of the league of nations have been bold in charging that certain great financial interests are working for the adoption of the league. So far as I can learn no proof of this charge has been offered. It has not been commonly known that certain powerful business interests are secretly fighting the league of nations. The charge that such is a fact should not be lightly made, and I should not make the charge except for the fact that I hold proofs to sustain it in my hands. I now charge with all deliberation that certain of the great employers of the United States are fighting the league of nations because of the labor clauses contained in its covenant. The fight is being made in secret. It wears the hypocritical cloak of patriotic opposition. No doubt much of the opposition to the league of nations is sincerely on patriotic grounds, but the particular opposition of these captains of industry is inspired by the base love of gain and of brutal autocratic power over their employees.

I am reminded of the opposition of these powerful employers by the adoption on yesterday by the Senate Committee on Foreign Relations of the fourth reservation to the covenant of the league of nations, from which reservation I quote:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including * * * labor * * * are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

"LABOR'S GREAT CHARTER."

In order to understand the significance of this reservation it is necessary to refer to Article 23 of the covenant, from which I quote:

ARTICLE 23.

> Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league—
>
> (a) Will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations.

I also quote from Part XIII of the annex to the covenant, being the provision relating to labor:

> Whereas the league of nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;
>
> And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled, and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the inter-

ests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education, and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries:

The high contracting parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

Following this preamble are Articles 387 to 427, which provide generally for the organization of a labor conference, international labor office, and so forth, and prescribe the rules and principles which shall govern in labor matters, including Article 427, which I quote:

ARTICLE 427.

The high contracting parties, recognising that the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the league of nations.

They recognise that differences of climate, habits, and customs, of economic opportunity and industrial tradition make strict uniformity in the conditions of labor difficult of immediate attainment. But, holding, as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit.

Among these methods the principles the following seem to the high contracting parties to be of special and urgent importance:

First. The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second. The right of association for all lawful purposes by the employed as well as by the employers.

Third. The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth. The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth. The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth. The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh. The principle that men and women should receive equal remuneration for work of equal value.

Eighth. The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth. Each State should make provision for a system of inspection, in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the high contracting parties are of opinion that they are well fitted to guide the policy of the league of nations, and that, if adopted by the industrial communities who are members of the league and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage earners of the world.

The labor provisions of the covenant have been called "Labor's Great Charter." They have met the approval of the leading thinkers and humanitarians of all the world as constituting one of the greatest things in the league of nations and as justifying its adoption though nothing else were accomplished.

The fourth reservation to which I have referred is directly aimed at the labor provisions of the covenant. It is clear to my mind that this reservation is intended to nullify them as far as possible and to leave the toiling masses of the nations a fair prey to all employers strong enough to exploit them. It is clear that it is proposed in response to a demand from some source for such action. The demand is not a public demand. It has not been voiced in the press. Its source is evidently in the oppressive employers who would rob labor of the protection which the covenant gives. Who are these employers who are secretly fighting the league of nations? I think I can answer that query in part at least. *They are the coal operators of the United States.*

COAL BARONS RAMPANT.

The National Coal Association is the organization of bituminous coal operators. It comprises some three-fourths of the total soft coal production. It is composed of representatives of various coal-producing districts. The directors of the National Coal Association held a meeting at Hotel Sinton in Cincinnati, Ohio, on June 19, 1919. There were present President H. N. Taylor, of Kansas City, and the following: George H. Barker, C. H. Jenkins, C. E. Bockus, J. C. Layne, jr., D. C. Botting, F. M. Lukins, J. G. Bradley, E. C. Mahan, John S. Brophy, A. M. Ogle, Ira Clemens, Philip Penna, J. D. Francis, Robert M. Randall, W. K. Field, S. H. Robbins, E. M. Gray, C. W. Taylor, A. R. Hamilton, J. J. Tierney, W. M. Henderson, F. C. Honnold, J. D. A. Morrow, and others. Erskine Ramsay, representing the Alabama Coal Operators' Association of my own State, was present at the meeting.

Practically the first order of business at this meeting of the directors of the National Coal Association was the consideration of the labor provisions of the covenant of the league of nations. I will quote the exact words spoken by various directors upon said subject, omitting for brevity statements not strictly germane:

President TAYLOR: * * * I have brought over with me and distributed among our members, so far as I had a sufficient number of copies of the pamphlet to do so, the labor plank in the league of nations program, which if it is adopted by the Congress in the league of nations, or rather by the Senate, will become practically the same as the Constitution of the United States and will not be subject to repeal or revision at any time. In that plank the right to organize and regulate working hours, the number of days per week and in vocational occupations of all kinds, is placed in the hands of a committee to be practically controlled by labor; and unless we as employers take some action we are going to find ourselves greatly handicapped in the running of our business. It has occurred to the chair that there should be a committee on industrial relations appointed, but the chair did not wish to take upon himself appointing that committee until he got the consent of this body as to the advisability of such appointment. The committee if appointed should be not a majority nonunion, but as these rights are being given to labor through that plank in the league of nations, it goes beyond anything that has been accomplished by the union in past years, everybody is vitally interested, both union and nonunion in this league. I wish we had enough pamphlets here so that everybody would have a copy of them on the floor, but we have not, but those who have them can loan them to such others of the members as wish to see them. Not wanting to do something that was in any way unpleasant or against the wishes of any part of our organization, I thought I had better bring this up to-day and get the sense of this meeting, and if it was the wish of the meeting that we then appoint a committee on industrial relations, so that somebody would be directly responsible for whatever effort this association cared to make in combating such a wholesale surrendering of our rights as that clause in that plank contains. It takes away most of our rights. If you read that you will see that the delegate has a right to deputize any agitator he wants to. In other words, they can bring in all kinds of agitators and vote away your rights. *Something should be done to bring it before our Congressmen and Senators or else we are going to lose all our rights for the rest of our lives and for many generations to come.* * * *

CALLS IT "WORLD-WIDE SOCIALISM."

J. D. FRANCIS: *In going over this labor program of the league of nations, it seems to me to contemplate a world-wide socialism, a socialism of a kind and character and extent that even the socialists of five years ago would have thought most drastic.* We can not depend upon the political officers of this country to look after our interests in this matter unless we stand behind our own interests. Our Representatives in Congress rarely hear from us on any of these subjects; we all wait for the other fellow to take the matter up with his Congressman, and we expect a little bit too much from him. While we are sitting idle the representatives of labor and the representatives of various organizations who are interested in having these things put through are carrying on year by year and day by day constant propaganda. We can not blame our Congressmen so much if they feel that the word that they get from these organizations is the correct view of the American people if that is the only word they get from their home associations. I think this association should take an active interest in matters of this kind, which are in their very nature political, and that we must, if we are to protect the interests not only of the coal industry but the interests of the United States of America, keep the form of our Government as it is to-day. We must get right down to these matters and fight for our rights. I think that this association, representing very largely the employing interests in these United States, should take an active interest in this matter and appoint a committee that will stand up and fight for the rights of the employer and the rights of the American citizen who believes in individual initiative and individual effort.

President TAYLOR: *I might say that the National Lumbermen's Association, which is similar to the National Coal Association, is an organization composed of the different lumber associations all over the country, and they took action on this matter last week and have appointed a committee to represent the entire lumber industry of this country from the Pacific coast to the Gulf in their protest against this plank in the league of nations.* The lumber mills, with very few exceptions, are nonunion and they figure that this plank absolutely takes their business out of their hands. They are very much worked up over it. I have a letter from their general council advising of their action and suggesting that this matter be laid before us. I think the lack of interest we have so far shown in it is due to the fact that none of us have received this matter before. I have not found anybody that has ever seemed to realize what was going on. It might be well, inasmuch as only a few of us have seen that, for our secretary to read at least the preamble.

The Secretary, Mrs. H. S. Taylor, then read an excerpt from the CONGRESSIONAL RECORD, issue of June 9, 1919, page 852, the preamble, under "Part XIII, Labor," which I have already quoted.

President TAYLOR: The preamble covers about every phase of it about as wide as it can go; I do not know of anything that is left out of it. * * *

SUGGESTS A DISGUISE.

F. S. PEABODY: In discussing the problem of the league of nations if we pick out of this one plank particularly in the league of nations and come out as an association against that particular plank we are going to solidify, in my opinion, public opinion for the league of nations. I think we have got to look at the question in a very broad light. There is nothing that will bring the *league of nations to a focus and get the approval of the people of the United States more quickly than by organizations of employers coming out against the league of nations on that particular plank.* My feeling is that if we come out against the league of nations it wants to be on very much broader and bigger grounds. We want to come out on account of the Monroe doctrine or some other thing that will appeal to the people of the United States rather than solidifying the people of the United States for the league of nations. Personally, with as little knowledge as I have and as little knowledge as any one of the ordinary citizens of the country has in regard to the league of nations, I am definitely opposed to the league of nations being put in the peace treaty. If the league of nations goes through, I think it should be only after we have heard the reasons for it from Mr. Wilson and Mr. LODGE's reasons against it, and not until after we have had an opportunity to make a thorough analysis and to have analyses made by the leading and principal men of this country as

to what the meaning of the league of nations is. If we come out now as the National Coal Association against the league of nations only on account of that labor plank, I think we are going to hasten our doom.

T. T. BREWSTER: If I understand it from what has been said, the action of this committee will be with reference to the preamble concerning labor in that league of nations document—that this committee is to report in regard to that clause or preamble in the league of nations. * * * If it is as I gathered from the language of the speaker who was talking when I came in, it was in reference to some influence or control upon legislation that the committee was to be appointed. If that be the fact, I believe that the committee on governmental relations could handle this question. If it is for the purpose of modifying or influencing legislation, it seems to me the matter should also be in the hands of the committee on governmental relations. * * *

IRA CLEMENS: I think it very essential that this committee should be appointed. We have to have some one who will look after the interests of this association and be able to keep them advised from time to time; and, as I understand it, this motion contemplates having somebody to do the work and be ready to report at any time that they deem advisable. * * *

F. C. HONNOLD. Since this is decidedly a governmental question, it belongs particularly to our governmental relations committee. If in the judgment of the meeting a similar committee would be more effective, let it be selected on the basis suggested of union and nonunion from the governmental relations committee. *This probably is only one item out of numerous items that will come up during the next six months, all of which should be centered in the activities of the governmental relations committee, which, as a committee, has been definitely representative and thoroughly capable.* I will sustain Mr. Brewster's motion to refer it to the governmental relations committee. * * *

President TAYLOR. As I understand it, there was a motion to appoint a committee, to be known as the industrial relations committee. Dr. Honnold now offers as a substitute motion to make reference of this matter to the governmental relations committee. * * *

"THOSE WITH ONE EYE ARE KINGS."

PHILIP PENNA. * * * I do not want the union operators, without the permission and consent and invitation from the nonunion operators, to interfere with the nonunion operators' rights in the matter; nor do I want them to interfere with the union operators' rights. At the present writing, because of the seeming competitive and complicated questions in the coal business, a great many of us are apt to think that the union operators' and nonunion operators' interests are crosswise, whereas if we would get behind the facts and get down to the last analysis, we shall find that all these relationships, instead of being crosswise, are identical, perhaps not to-day or to-morrow, but our industry is something that is going to last for long years, and our interests are not so opposed to each other as a mere glance at the situation would indicate. I can not but believe that the time has come from outside pressure, governmental pressure, public opinion, when we are going to have to revise to a very great extent our personal views of the industrial situation not only in this country but of the world; and we are going to have to recognize that fact, whether we like it or whether we dislike it. *Some of these things that are so repugnant to-day that our President referred to, and which seem so offensive to any man that likes to feel that he is independent, we are going to have to swallow, gentlemen, as an industry, sooner or later.* * * *

F. M. LUKINS. * * * So far this association has not had practically any labor troubles, but we can not expect that that is going to continue. The union operators are going to have their troubles, and probably the nonunion operators are going to have theirs. It would be very strange if they didn't. If Mr. Penna's proposition is correct, why, the nonunion operators are going to have plenty of them, because they are going to be unionized, according to that document there.

Personally, I do not think that this country is going to accept the league of nations as it is now drawn. I believe that they will adopt Mr. Peabody's view, and that it ought to be separated from the peace treaty and treated on its merits. If it is a good thing for the country, it will be adopted. If it is not a good thing, it will not be adopted. I believe there are so many different things about it that will be bad for this country that I do not believe the people will be for it. * * *

CALLS IT "TIN CAN ON DOG'S TAIL."

J. G. BRADLEY. * * * It would not make any difference to me if every member of it were a union operator, because this question is of so much importance not only to our coal industry but to every other business in which we are interested, and we are most of us interested in other businesses. We had no idea when President Wilson went abroad to negotiate a treaty that he was going to put into that treaty provisions which would give organized labor the status which it is proposed to give it here. I have great respect for the Constitution of the United States. * * * *And here comes labor under the treaty clause of the Constitution and tacks this tin can onto the dog's tail, and that is the objection.* * * *

J. J. TIERNEY. * * * If labor is given this chance under this treaty there are probably more hidden parts in there on which other legislation can be enacted. * * * Are we willing to part with the rights that we have under the Constitution and accept a treaty that means taking away from our rights or are we going to stand up and say that the Constitution is good enough for us and let this treaty go by the board? * * * *I am bitterly opposed to it. I think the sooner this association—and every other association in the United States—gets to work and kills the thing, the better off we will all be.* I think to-day that the lumber people and the manufacturers are taking the same view that we are. * * *

RUSH C. BUTLER. I do not rise to debate the question but merely to call your attention to the fact that inasmuch as the opinion, with reference to that provision of this league of nations seems to be unanimous as to the point involved here, it is up to us now to consider the manner in which you will handle this particular proposition. I say we seem to be a unit on the main idea. How shall we act upon it? * * * The question seems to be whether or not it is advisable to create a special committee to deal with this matter or whether it would be better to cover it up, so to speak, by referring it to the governmental relations committee. * * *

PHILIP PENNA. Let me ask you a question. Isn't it a fact that it is forced upon us now by governmental interference—by the league of nations, for instance, by our representatives in France, and isn't it a fact that that question is forced upon us now?

RUSH C. BUTLER. Yes; I think you are correct in that. * * *

PARLOR SOCIALISTS AND THE WHITE HOUSE.

PHILIP PENNA. * * * If I understand the situation at all, the labor unionists of the world have captured the French conference, and they have manipulated the whole proposition until their platform has practically suspended the Constitution of the United States. It very nearly gives them authority to go over there and agree upon their own appointees and their own conference and then come over here and tell the American Congress what to do and how to do it. There is no use for us to attempt for a moment to ignore the fact that we can not deal with this question without raising the issues of unionism or nonunionism. There is no other issue here except whether unionism shall control the legislature of the members of the league of nations, whether unionism shall control the industries of the countries that are parties to this league of nations, or whether the employers of labor shall control it. * * * As I see it, the issue is whether unionism is going to dominate the nations that are members of the league of nations or whether our legislatures and our constitutions are going to dominate. I hope that I am mistaken in saying that this league of nations is going to be accepted by the American people, but I do believe it, because *it is so tied up and interwoven by the parlor socialists of America together with the White House at Washington that it is difficult to resist or reject the league of nations unless you turn down the peace treaty, too.* * * *

F. M. LUKINS. I want to say that I am not in sympathy with Mr. Butler's idea of putting this thing off or covering it up, so far as that is concerned. My policy usually is not to cover up things, but to do them out in the open if we have to; but the thing that I want to emphasize right now is that something ought to be done about this thing, and done now. * * *

A. J. MALONEY. *I want to say that certain phrases in there sound like some of the labor conventions.* * * *

President TAYLOR. The question has been called for. * * * The entire matter will be referred to the governmental relations committee and the proper action will be taken by that committee, and I judge from the remarks here that action will be taken promptly. * * *

"AMERICANISM!"

The Government relations committee of the National Coal Association is as follows: A. R. Hamilton, chairman; T. T. Brewster, W. J. Carney, Ira Clemens, T. B. Davis, W. K. Field, W. H. Huff, A. J. Maloney, Philip Penna, Robert M. Randall, S. H. Robbins, W. J. Sampson, J. H. Wheelwright, and to this committee the opposition to the league of nations was committed. The committee held its meeting in Pittsburgh on July 30, and there took action upon the subject. I have no verbatim report of what was said and done at this meeting of the committee, but I am reliably informed that it was then decided to oppose the league of nations, and particularly the labor provisions of the covenant, in every way possible. I am informed that the committee agreed to act upon the suggestion which had been made by Mr. Peabody at the Hotel Sinton meeting of the directors, to place its objection to the league of nations ostensibly upon the broad ground of "Americanism" and opposition to the "internationalization of the United States."

Profiteers and patrioteers, exploiters of men, worshippers of mammon, drivers of industrial serfs! The czar of the steel industry arrogantly refuses to arbitrate differences with employees! An employers' group at the industrial conference stands like iron against granting one jot or tittle toward labor's just aspirations! Coal barons refuse to treat with their workers, and answer with Shylock's cynical legalism "It is so nominated in the bond," the appeal of those who toil under mountains to bring forth light and warmth for mankind!

How long, O Lord!

The Clerk read as follows:

SEC. 13. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than 500 feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public-land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of 30 days following such marking and posting be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit

upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet, unless valuable deposits of oil or gas shall be sooner discovered within three years from date of the permit and to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *And provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

Mr. WALSH. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question. How does the total available area permitted to be granted under the provision of the bill for oil and gas compare with that which may go for coal? In either case it does not exceed 2,560 acres. For oil and gas are they limited to any particular sized tract?

Mr. SINNOTT. Under this section 13 the applicant gets a permit for not more than 2,560 acres. The size of that is discretionary with the Secretary of the Interior. He may not give him that much, but if he gives him that much, then on the discovery of oil he is entitled to a lease for one-fourth of that, and then he is entitled to certain preference rights in the balance over the one-fourth.

Mr. WALSH. Why in the case of coal was it limited to 40-acre tracts or multiples thereof?

Mr. SINNOTT. He can get as high as 2,560 acres under coal, but that is an outright lease. This is a permit, really an oil-prospecting permit, and under the coal proposition, if the land is known coal land, it is leased outright under a royalty bid. The multiples are made so that the Secretary may have convenient forms under the 2,560 acres. Section 13 is on unknown or wildcat territory.

Mr. WALSH. For the purpose of going in and drilling wells and finding out if there is oil or gas under the surface somewhere?

Mr. SINNOTT. The gentleman is correct.

Mr. WALSH. But in the case of coal lands, the Secretary's discretion is limited somewhat by the size of the tracts being restricted to 40 acres or multiples thereof?

Mr. SINNOTT. He can make any multiple of 40 acres—that is, on land that is already classified as coal lands—and dispose of it by leasing.

Mr. WALSH. In 40-acre blocks?

Mr. SINNOTT. Yes; lease it.

Mr. WALSH. The oil lands are not platted, as I understand it.

Mr. SINNOTT. No.

Mr. WALSH. And the Secretary, in his discretion, can give a man a permit to prospect on 2,560 acres all in one tract?

Mr. SINNOTT. That is the maximum.

Mr. WALSH. And if he strikes oil in one corner of that, he can get a lease for one-quarter of it?

Mr. SINNOTT. That is correct.

Mr. WALSH. Why is so large a proportion of the 2,560-acre tract permitted to be leased?

He may find oil in just one corner of that 2,560-acre tract, and the Secretary's discretion is limited to giving him a lease for one-fourth of the tract or not at all?

Mr. SINNOTT. Yes.

Mr. WALSH. Why is that done? Now, if there is a tract of 2,560 acres, and he wanders around there in the wilderness——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. And finds oil in one corner, why do they have to give him a lease for that number of acres?

Mr. SINNOTT. Now, he may be right upon the edge of what is called the oil structure. He may be over in the corner, and he may make a discovery of oil down here in very small quantities. The body of the oil may be over here at another place upon the 2,560 acres. This is to encourage men to go out in the undeveloped and wildcat territory and assure them of enough oil land to justify them in going ahead and making these enormous expenditures that they do have to make in exploring for oil.

Mr. WALSH. They do not have a prospecting privilege for coal?

Mr. SINNOTT. In certain cases they have for coal.

Mr. WALSH. But not on such a plan as this?

Mr. SINNOTT. No; not on such a plan as this.

Mr. WALSH. Why is it that they give this privilege of prospecting for oil——

Mr. SINNOTT. It is necessary to encourage people to go out. This is a very hazardous game. For instance, in the State of California $300,000,000 have been expended without the return of a dollar. In the State of Wyoming some 60 or 70, possibly more, of what are called oil structures or domes have been drilled, and there are only 3 or 4 that pay.

Mr. HOWARD. Mr. Chairman, I move to strike out the last two words for the purpose of directing the attention of the chairman of the committee to the language of line 23, page 49. I note there that you require drilling to a certain depth unless valuable deposits of oil or gas shall be sooner discovered. I want to call the attention of the chairman to the fact that the universal custom in preparing oil and gas leases and providing for the depth or such conditions as you have here, both in the Interior Department on Osage leases of restricted Indian lands and in private business, is to make the language read, "that unless oil and gas deposits in paying quantities shall be sooner discovered." And I submit, Mr. Chairman, that language is more definite because that language would bring the measure of the value of the deposit, whereas there would always be some question under the language as it exists.

Mr. SINNOTT. That language was put in with a great deal of consideration, and we would not like to change from "valuable" to "paying." There is quite a distinction. We are in line with the decisions of the courts as to what is a discovery, and I think it would be a very dangerous matter to experiment with this language at this time.

Mr. JEFFERIS. Mr. Chairman, I move to strike out the last three words, for the purpose of getting some information from the committee. I desire to call the attention of the committee to line 25, page 47, where it reads, "such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field." I would like to inquire how these fields are known and designated, so that a person who wanted to go and prospect in this wildcat country would know that he was in that kind of a territory?

Mr. SINNOTT. Well, he would ascertain that when he made application of the Secretary of the Interior, and the Secretary of the Interior would inform him, "You are applying for a permit in what we deem to be a known geological structure, and you are not entitled to a permit in that kind of a structure, but you have to apply for a lease on a bidding proposition."

Mr. JEFFERIS. Well, on these known geological structure fields, so called, are there any wells in existence now?

Mr. SINNOTT. There are a number of wells in the known geological structure. But this section 13 refers to what is not in a known geological structure. I think your provision comes up in another section, relating to known geological structure of producing fields.

Mr. JEFFERIS. Are these known geological sections already being operated, or are they just pushed to one side for the present?

Mr. SINNOTT. Some of them are being operated fully and some of them are only being partially operated, because they are within withdrawn territory.

Mr. JEFFERIS. Would not the committee think it would be proper to give the prospectors the right to prospect within a certain distance of wells that are already located in these fields, so as to open up the territory?

Mr. SINNOTT. We had that in the bill last year, and that would result in this, in giving a prospecting permit on a known geological structure of a producing field; and the Government desires, and it is the desire of the committee where there is a known structure, to make that a leasing proposition, and not a prospecting-permit proposition.

Mr. JEFFERIS. In other words, that would be taken care of in another portion of the bill?

Mr. SINNOTT. That is taken care of in section 17.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as 160 acres of said lands, if there be that number of acres within the permit. The area, to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of

surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this act, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the distinguished chairman of the committee if, in view of the fact, which I think is the fact, that this is the natal day of one of our distinguished Members, the gentleman from Texas [Mr. BLANTON], if he does not think, perhaps, it also being Saturday, the committee ought to rise?

Mr. KING. Mr. Chairman, I make the point of no quorum.

Mr. SINNOTT. I recognize the importance of the first reason assigned by the gentleman, but I was in hopes that we could run until 5 o'clock, or until we reached section 18—just another page.

Mr. WALSH. If the gentleman from Texas [Mr. BLANTON] has no objection to desecrating his birthday, all right.

Mr. BLANTON. Mr. Chairman, I think this question ought to be recognized, and I make the point of no quorum.

The CHAIRMAN. The Chair will count.

Mr. BAER. Will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. BAER. Because it is his natal day?

Mr. BLANTON. No; but because there are about 100 men in this Capitol who are in the employ of this country, and who have got to do their marketing this evening for to-morrow, and we ought to think of them at least once a week.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the House substitute for the bill S. 2775, and had come to no resolution thereon.

ENTRY OF ALIENS INTO THE UNITED STATES.

Mr. ROGERS, from the Committee on Foreign Affairs, submitted a conference report on the bill (H. R. 9782) to regulate further the entry of aliens into the United States, for printing under the rule.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks on the bill H. R. 10156, a bill that I introduced, for the purpose of creating foreign trade zones.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. What bill is that, Mr. Speaker, may I ask?

Mr. NOLAN. A bill for the creation of foreign trade zones.

The SPEAKER pro tempore. A bill for the creation of foreign trade zones, introduced by the gentleman from California [Mr. NOLAN].

Mr. BLANTON. If they are the gentleman's own remarks, I shall not object; but if it is the insertion of other matter, I shall object.

Mr. NOLAN. They are my own remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

THEODORE ROOSEVELT.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until 1 o'clock on Monday, in honor of the birthday of the great American, Theodore Roosevelt.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that when the House adjourns to-day it adjourn to meet at 1 o'clock on Monday, in honor of the birthday of the late Theodore Roosevelt. Is there objection?

Mr. MAPES. Reserving the right to object, is there any exercise proposed in connection with that?

Mr. UPSHAW. I do not know that there is any in the House. There is to be an exercise in one of the theaters here in the city.

Mr. MAPES. It seems to me it would be more appropriate for the House to meet at the regular time and adjourn earlier than usual in the afternoon, if it is thought best.

Mr. BLANTON. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is, Is there objection to the request of the gentleman from Georgia [Mr. UPSHAW]?

Mr. MAPES. I object, Mr. Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. CAMPBELL of Kansas, for the remainder of the day.

To Mr. HARDY of Texas, for 10 days, on account of campaign work and attention to personal affairs.

To Mr. GALLIVAN, indefinitely, on account of the serious illness of his brother.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3076. An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdiction, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until Monday, October 27, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MICHENER, from the Committee on Expenditures in the Department of Justice, to which was referred the bill (S. 597) providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana, reported the same without amendment, accompanied by a report (No. 416), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 222) directing the Secretary of War to dispose of surplus dental outfits, reported the same with amendments, accompanied by a report (No. 415), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8918) granting a pension to Janet Millage; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma projects, Ariz.; Committee on the Public Lands discharged, and referred to the Committee on Irrigation of Arid Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN of South Carolina: A bill (H. R. 10180) authorizing the Secretary of War to donate to the cities of Sumter and Orangeburg, and to the towns of Lexington, St. Matthews, and Bishopville, all in South Carolina, each a German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10181) authorizing the Secretary of War to donate to the city of Columbia, S. C., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 10182) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 10183) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN of South Carolina: A bill (H. R. 10184) for the purchase of a post-office site at Bishopville, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10185) for the purchase of a post-office site at St. Matthews, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10186) for the purchase of a post-office site at Batesburg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER of Illinois: A bill (H. R. 10187) to change the place of holding the United States district court for the western division, northern district of Illinois, and for maintaining the clerk's office therein; to the Committee on the Judiciary.

By Mr. SCOTT: A bill (H. R. 10188) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. ALMON: A bill (H. R. 10189) to authorize the enlargement, extension, and remodeling the Federal building at Huntsville, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. GARLAND: Joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 10190) granting an increase of pension to William Ralston; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10191) granting a pension to Philip White; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 10192) granting a pension to Samuel Baker; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10193) granting an increase of pension to Emma M. Johnson; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 10194) granting a pension to Lizzie C. Lefavor; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 10195) for the relief of John G. Barnard; to the Committee on Military Affairs.

Also, a bill (H. R. 10196) granting a pension to Robert Herron; to the Committee on Pensions.

Also, a bill (H. R. 10197) granting a pension to Margaret Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10198) granting a pension to Fanny Stewart; to the Committee on Invalid Pensions.

By Mr. MANN of Illinois: A bill (H. R. 10199) granting a pension to George Crago; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 10200) for the relief of Sanford Kirkpatrick; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 10201) granting a pension to Alvina Sanders; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10202) granting a pension to Calvers T. Biddle; to the Committee on Pensions.

Also, a bill (H. R. 10203) granting an increase of pension to Lazarus W. Johnson; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 10204) for the relief of John Baker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Petition of Ukrainian National Committee of United States Branch, of Philadelphia, praying that the troops of Poland, Roumania, and any other power foreign to Ukraine be ordered withdrawn immediately from all Ukrainian territories; to the Committee on Foreign Affairs.

Also, petition of J. L. Sturtevant, of Milwaukee, Wis., favoring the establishment of an independent and adequate news service across the Pacific with a low word rate; to the Committee on Interstate and Foreign Commerce.

Also, petition of Montana State Press Association, of Great Falls, Mont., protesting against the repeal of the zone system of postage on newspapers and periodicals; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of Chicago Wheel & Manufacturing Co. and Cotta Transmission Co., of Rockford, Ill., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. GALLIVAN: Petition of Boston Chapter, Knights of Columbus, protesting against the ruling made by the Secretary of War relative to the chaplains who served during the recent war; to the Committee on Military Affairs.

By Mr. MacGREGOR: Petition of Board of Supervisors of Erie County, Buffalo, N. Y., favoring the passage of the bill introduced by Representative DALLINGER, of Massachusetts; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: Petition of Board of Supervisors of Erie County, Buffalo, N. Y., favoring the passage of the bill introduced by Representative DALLINGER, of Massachusetts, in re sugar embargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of David Metzger, of New York, urging the importance of providing adequate transportation facilities and uninterrupted transportation for the public; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. H. Bleistein (Inc.), of New York, favoring the passage of House bill 9778; to the Committee on Ways and Means.

Also, petition of G. W. Berry, of New York, favoring the passage of House bill 9694; to the Committee on Naval Affairs.

Also, petition of Daniel T. O'Connell and Anne Kearns, of New York, urging that the Congress of the United States by resolution ask the President of the United States to recognize the Republic of Ireland as a member of the nations of the world; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Petition of sundry citizens of Boston, Mass., protesting against sending of troops of the United States Army to Europe; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *October 27, 1919.*

(*Legislative day of Wednesday, October 22, 1919.*)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	McKellar	Sherman
Bankhead	Harris	McLean	Simmons
Borah	Harrison	McNary	Smith, Ariz.
Brandegee	Henderson	Moses	Smith, Ga.
Capper	Hitchcock	Myers	Smith, Md
Chamberlain	Johnson, Cal.	Nelson	Smoot
Colt	Jones, N. Mex.	New	Spencer
Culberson	Jones, Wash.	Newberry	Sterling
Cummins	Kellogg	Norris	Sutherland
Curtis	Kenyon	Nugent	Thomas
Dial	Keyes	Overman	Townsend
Dillingham	King	Page	Trammell
Edge	Kirby	Penrose	Underwood
France	Knox	Phipps	Wadsworth
Frelinghuysen	La Follette	Poindexter	Walsh, Mass.
Gay	Lenroot	Pomerene	Walsh, Mont.
Gerry	Lodge	Ransdell	Warren
Gronna	McCormick	Robinson	Watson
Hale	McCumber	Sheppard	Williams

Mr. KING. I desire to announce that the senior Senator from Delaware [Mr. WOLCOTT] is absent on official business. I ask that this announcement may stand for the day.

I wish also to announce that the Senator from Missouri [Mr. REED] is detained from the Senate by illness.

Mr. TRAMMELL. The senior Senator from Florida [Mr. FLETCHER], the Senator from Oklahoma [Mr. GORE], the Senator from Wyoming [Mr. KENDRICK], the Senator from California [Mr. PHELAN], the Senator from Tennessee [Mr. SHIELDS], and the junior Senator from Arizona [Mr. ASHURST] are absent on official business.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained by illness in their families. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], and the Senator from Oklahoma [Mr. OWEN] are detained from the Senate on public business.

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole, and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. The pending question is upon the first amendment proposed by the Committee on Foreign Relations.

The VICE PRESIDENT. That is the pending question.

GEORGIA RESOLUTION OF 1852.

Mr. SMITH of Georgia. Mr. President, I have here a resolution passed in 1852 by the Legislature of the State of Georgia. It is a little old, but there are some suggestions in it that some of us may consider wise. I bring it to the attention of the Senate particularly on account of the fact that it was approved by Howell Cobb, who was then governor of Georgia, and who had been Speaker of the House of Representatives, and was afterwards Secretary of the Treasury. It was presented to the House of Representatives by Alexander H. Stephens, afterwards Vice President of the Confederacy. Gov. Howell Cobb and Alexander H. Stephens were two of Georgia's greatest sons. Although I do not claim that the resolution is entirely applicable, and although I do not myself profess to attempt to follow it entirely, yet it does carry a line of thought that may be valuable to us even in these progressive days, and I desire to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"Alexander H. Stephens, a Representative from Georgia, March 9, 1852, presented joint resolutions of the Georgia Legislature, approved by Gov. Howell Cobb, to wit:

"'It has been the policy of the American Government from its earliest existence to maintain friendly relations with all but entangling alliances with none. Our true mission is not to propagate our opinions or impose upon other countries our form of government, by artifice or by force, but to show by our success, moderation, and justice the blessings of self-government and the advantages of free institutions. Let every people choose for themselves, and make and alter their political institutions to suit their own condition and circumstances. In proclaiming and adhering to the doctrine of neutrality and non-intervention the United States have not followed the lead of other civilized nations, but have taken the lead and been followed by others. These great principles proclaimed in the days of Washington and Jefferson are the great American principles upon which our Government has ever stood. The fame and distinction to which we have attained as a people, the great blessings which we have dispensed to the world in affording an asylum for the oppressed everywhere, forbid that we should for a moment cherish the idea of abandoning those principles. We sympathize with the oppressed, we tender them a home, but never will we join with the ambitious or the revengeful in a crusade against other nations, whatever may be their domestic policy.

"'A departure from this safe and correct rule would involve our Government in endless disputes and endless wars, the result of which the wisest statesmanship can not foresee. Our policy should be to observe good faith and justice toward all nations, cultivate peace and harmony with all. Against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of a republican government. In extending our commercial relations we should have as little political connection as possible with foreign nations. Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?'"

THREATENED STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, on Saturday last I introduced a joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States, and I at that time announced that I would call it up and submit some remarks to the Senate in support of it this morning. In the interval the President has issued a very heartening, commendable, unmistakable, and patriotic announcement committing the administration to the preservation of law and order and to the enforcement of the right of every man in the country to enjoy the privileges and rights of citizenship. Hence I do not think that any discussion is necessary. I ask unanimous consent, however, to call up the joint resolution for passage.

Mr. LODGE. I will be very glad to have the joint resolution taken up and acted on at once, if it involves no debate.

Mr. THOMAS. I assure the Senator that if it does involve discussion I will withdraw it.

Mr. BORAH. May I ask to have the joint resolution read?

Mr. LODGE. I reserve the right to object.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Whereas the officers of the United Mine Workers of America have ordered all miners in the bituminous coal mines of the United States to strike on Saturday, the 1st day of November next, notwithstanding efforts of the Secretary of Labor to secure some basis of negotiation suspending or preventing same; and

Whereas the representatives of said organization have arbitrarily rejected the President's earnest counsel for compromise; and

Whereas strikes in other fields of industry heretofore ordered and still unsettled threaten to continue indefinitely; and

Whereas demands for increased wages and shorter hours, accompanied by expressed or implied determination to enforce such demands, if necessary, by strikes in other fields of industry, have been and are being made; and

Whereas the threatened strike of the bituminous coal miners will, if carried into effect, interfere with, injure, or suspend nearly all the national pursuits and industries, inflict continued and incredible hardship and suffering upon all the people of the United States and provoke disorder, violence, bloodshed, and insurrection throughout the land; and

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. BORAH. Mr. President, I do not know what the program of the administration is. With the statement of the general principles which are embodied in the resolution which has just been read for the maintenance of law and order, of course, we all agree; but as to how that shall be effectuated is a very serious proposition. I repeat, I do not know what the program is; neither do I understand that the administration has put out any program. I do not want to indorse a program until I know what it is.

Mr. THOMAS. Mr. President——

Mr. BORAH. If the Senator from Colorado will state what he understands the program to be, I might entirely agree with him.

Mr. THOMAS. I am not concerned with programs so much as I am with the protection of the people of the United States, the preservation of order, and the enforcement of law. The Senator from Idaho has read the President's statement, I have no doubt.

Mr. BORAH. Yes, I have; and, as a general statement, I agree with it.

Mr. THOMAS. The joint resolution was introduced prior to the appearance of that statement. The purpose which I had in mind was to give assurance to those in authority whose duty it is to execute the law that the Congress of the United States was behind them in such action. If the Senator from Idaho desires to offer any suggestion by way of amendment or change in phraseology, I shall gladly accept that. I care nothing for phraseology so long as it outlines what I have in mind and accomplishes the purpose intended, that purpose being to place behind those in authority the moral support, and, if necessary, the actual support of the Congress of the United States in this emergency, which I regard as quite as serious as any which ever confronted us. That is my purpose.

Mr. BORAH. Of course, this is a Government of law and order; we are all in favor of maintaining law and preserving order; and, so far as that general proposition is concerned, I presume there can be no difference of opinion in this Chamber. If the time arrives when violence is used or disorder is relied upon by the labor forces to accomplish their ends, we shall certainly be a unit; but the program as to how this difficulty should be settled is a program which has not yet been divulged, so far as I have seen; and I am thoroughly out of harmony with the program which has been announced by Mr. Gary and his friends. When a gentleman who represents the highest form of organized capital in the world refuses even to meet with organized labor, I am not in sympathy with him. I do not believe that either labor or capital can take the position of refusing to meet the representatives of the other.

Mr. THOMAS. Mr. President, I do not care, as I stated, to take up the time of the Senate if any discussion is to be had of the joint resolution upon the floor. I have twice criticized and condemned the attitude of Mr. Gary in the strike to which the Senator from Idaho refers; I wish his position had been otherwise; but, Mr. President, we have got beyond that, and we are now confronting a situation which makes a consideration of the causes which produced it secondary to the need for providing against it. We can, of course, wait until there are a number of overt acts; but prevention is better than cure; indeed, an ounce of prevention is said to be worth more than a pound of cure; and I had hoped that the moral effect of a positive declaration by Congress upon this question might be deterrent, and by that means prevent the occurrence of conditions which I

gravely apprehend will develop in the next few days. That was my purpose.

Mr. BORAH. Well, Mr. President, how does the Senator from Colorado understand that the administration is going to effectuate the protection of citizens?

Mr. THOMAS. I do not know, Mr. President.

Mr. BORAH. I want to know before I indorse the program.

Mr. THOMAS. Neither do I know how tumults, disorder, insurrection, the assaults on nonstriking workmen, the infliction of cold and hunger upon the people are going to be effectuated; I do not know what the details are going to be; but I feel that we are confronted with that situation; and that it is the duty of the American Congress to take an American stand upon the subject.

Mr. BORAH. If I knew what the stand was, I might agree that it was an American stand; but I do not know what the program is; I do not know how it is intended to do this. If it is intended simply to call out the militia and to start in at once to decimate the people with whom there is a controversy, I am opposed to it. If there is a program on hand under which we are to bring the forces together and undertake to arrange the matter upon a basis of settlement which is just and fair to all, of course, I am in favor of it; but I do not know what the program is. It is stated this morning that the Attorney General has a program which has not yet been announced. It may be entirely in accord with my views; but the pending resolution indorses a program as yet unknown.

Mr. THOMAS. Mr. President, the resolution indorses whatever the authorities whom the people have placed in charge of this Government have determined to do.

Mr. BORAH. I will not indorse that kind of a program.

Mr. THOMAS. They do not propose to decimate any portion of the public; we know that. We have the history of America before us; we know what the constitutional prerogatives of men are; we know what the constitutional limitations of the Government are. Surely the Senator from Idaho does not for a moment assume that any program of decimation is going to be instituted either by way of anticipation or otherwise; but a program of protection is essential. If the Government fails, as I now believe it will not fail, it is an essential program in this emergency. Of course, if the Senator desires to have the matter go over, my promise to the chairman of the Committee on Foreign Relations stands good, and I will withdraw the request for unanimous consent.

Mr. MYERS. Mr. President, on Saturday I introduced a Senate resolution with relation to the abduction of Mr. William O. Jenkins, American consular agent at Puebla, Mexico.

Mr. THOMAS. Mr. President, may I say a word?

Mr. MYERS. I yield.

Mr. THOMAS. I shall endeavor to secure favorable consideration of the joint resolution to-morrow morning.

Mr. POMERENE. Mr. President, if the Senator from Montana will yield to me, I assume under the circumstances the joint resolution of the Senator from Colorado will lie on the table?

Mr. THOMAS. I so understand.

WILLIAM O. JENKINS.

Mr. MYERS. Mr. President, I repeat that on Saturday last I introduced Senate resolution No. 220, with reference to the abduction of William O. Jenkins, American consular agent at Puebla, Mexico, and I announced that I should ask for action on the resolution to-day. However, inasmuch as there is to be no morning hour to-day, and in view of the fact that it is reported in a morning newspaper of this city to-day that Mr. Jenkins has been restored to his freedom, I will not at this time ask for action on the resolution. I will wait until I learn if the report of Mr. Jenkins's rescue is true. I hope it may be true; and, if true, of course, there would be no need for action on my resolution at any time.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Montana if in withdrawing his resolution——

Mr. MYERS. I am not withdrawing the resolution; I am merely saying that I will not ask for action on it to-day. I could not do so in any event, because there is to be no morning hour to-day.

Mr. POINDEXTER. Then, in passing over his resolution for the time being, I should like to ask the Senator whether it would not be a good idea to amend the resolution by making it a joint resolution of Congress, appropriating a sum of money to constitute a fund out of which from time to time ransoms may be paid for United States citizens and officials who are captured and held for tribute in Mexico?

Mr. MYERS. No; I am not in favor of that. The Senator apparently has not read my resolution. My resolution is of directly an opposite character. I suggest simply that the resolution lie on the table for further developments, and I may or may not at some time in the future call it up, according to what the developments may be. I will not, however, call it up to-day.

EXEMPTION OF LABOR ORGANIZATIONS UNDER ANTITRUST ACT.

Mr. EDGE. Mr. President, I should like to ask unanimous consent to insert in the RECORD, without reading, a short statement upon the labor situation. I do not care to take the time of the Senate to read it, but would like to have unanimous consent to insert it in the RECORD.

Mr. LODGE. I have no objection.

Mr. President, I wish to go on with the subject before us and I shall be forced to object to ordinary morning business.

Mr. JONES of Washington. Mr. President, I wish to ask what is the nature of the statement presented by the Senator from New Jersey.

Mr. EDGE. It is a statement of my own, prepared by me, giving a notice of an intention to introduce a bill later.

Mr. JONES of Washington. It is against the universal practice of the Senate to print such a statement in the RECORD without reading.

Mr. EDGE. I merely made the request that it be inserted in the RECORD in order to save time.

Mr. LODGE. Mr. President, I supposed that it was a statement from the outside. Under the rules of the Senate the Senator can not introduce into the RECORD a statement or a speech written by himself without reading it.

Mr. EDGE. If I had the floor, I could read the statement, I presume.

Mr. LODGE. Certainly.

Mr. EDGE. My only object was to save the time of the Senate.

The VICE PRESIDENT. The Senate is not a time-saving institution.

Mr. LODGE. We can not save time in that way. I am afraid the Senator will have to read the statement when he addresses the Senate.

Mr. EDGE. I bow to the rule.

Mr. LODGE. Under the rules of the House the printing of addresses and speeches by Members without reading is allowed, but it has never been permitted in the Senate.

Mr. EDGE. But when a Senator gets the floor at any time he may read such a statement?

Mr. LODGE. Unquestionably; but it is not possible under the rules of the Senate to print such a statement without reading. That is one of their defects, perhaps.

Mr. EDGE. If the Senator objects——

Mr. LODGE. I do not object to its being read on the floor. Of course, I could not avail anything by such an objection, even if I desired to object.

Mr. EDGE. It will take only about three minutes to read the statement.

Mr. NORRIS. It would not do any good for any Senator to object.

Mr. LODGE. Of course it would not do any good to object.

Mr. FRELINGHUYSEN. Mr. President, I understood that my colleague was recognized, and that he presented a statement and was given permission to print it in the RECORD without objection.

Mr. LODGE. I did not know, and I do not think anybody knew, that it was a statement of his own; I supposed it was a statement prepared by outside parties.

The VICE PRESIDENT. The Chair could not permit it to go into the RECORD at any event. There is a rule of the Senate that a Senator can not print his remarks in the RECORD without reading. He must read them or deliver them from the floor of the Senate. That is all there is to it.

Mr. EDGE. Mr. President, if I can get the floor——

The VICE PRESIDENT. The Senator can speak on the pending amendment of the treaty. That would be in perfect order.

Mr. EDGE. Then I desire to take about three minutes speaking on the amendment now pending.

Mr. President, a few days ago the Senate, with scarcely more than a majority present, and with little debate and apparently still less consideration as to its effect, defeated by the close vote of 28 to 31 a proposed amendment to a pending appropriation bill, which amendment would have prevented the exemption of labor union and agricultural organizations from prosecution even on evidence or indication that such organizations were violating the provisions of the Clayton or antitrust laws.

Since that action the conference participated in by representatives of the public, of labor, and of the employers has broken up through their inability to agree on a form of so-called collective bargaining. A natural result of this unfortunate disagreement would seem to indicate further combat between at

least two of these groups, the seriousness of which hardly can be estimated.

To the rank and file of the people, I believe, it will at least seem strange that at the very time when labor was squaring off—in some cases, I fear, taking the law into its own hands—the United States Senate should pass legislation exempting it from punishment if it violate the antitrust law or any statutes prohibiting combinations "in restraint of trade." Of course, I appreciate that it can be said that labor is not exempt if it actually violate any law; but the mere exemption from prosecution, even though to some extent qualified, is, in my judgment, a very dangerous indication of the Senate's willingness that labor or any other class or group should be practically immune from the provisions of this act. Of course, it can not be gainsaid that combinations in restraint of trade are just as possible on the part of one class as on the part of another.

And right here it may be well to emphasize the fact, of which both labor and capital seem ignorant or intolerant, that labor is not the employee of capital but of the people at large, of the whole United States, and that the people are the employer of capital also. The people pay capital for the use of its money and its services; they pay labor for its manual work and its time. When labor imposes unwarranted wages on capital through threats or coercion, it does not wring such wages from capital, but from the ultimate consumer—the people. To such an extreme did capital once go that State and national legislation was enacted to restrain it from oppression. Especially in these times it seems to me that the other employee of the people also should be held within reasonable bounds.

It is no argument to advance that the antitrust law has been disregarded in other directions. I do not doubt that this is true. But, Mr. President, two wrongs do not make a right, and when Congress deliberately legislates that a special class shall be exempt from the law or any investigation of possible infractions of the law, then it seems to me that Congress directly infers that the classes so exempted are to be beyond control by legislation and immune from investigation or prosecution and deliberately invites a disregard of the law. Certainly the very terms of the section in the appropriation bill which is providing a fund for just such investigation justify this view.

Of course there are many combinations of farmers and laboring men which in no way trespass on the antitrust act; if they do not, then they have nothing to fear; but if they do, they certainly should not be exempt. Surely, at this critical time above all others, even to state by inference that they are to an extent beyond the purview of investigation furnishes that much official encouragement for those who are not impressed with the law to become just that much bolder.

Under the circumstances it has appealed to me as being of such tremendous importance, with the miners threatening to strike, with shipping tied up, the steel men out, the railroad men restless, and the labor conference disrupted by disagreement, that surely the people of this country deserve from their representatives in Congress more positive help and affirmative cooperation than such an act would seem to give. I therefore give notice that at the proper time, unless some better method be devised, I shall introduce a bill to repeal that section of the deficiency appropriation bill, if it becomes a law, which would recognize any class as having a special privilege through an act of Congress.

I was very much impressed with the exposé of related conditions as recently portrayed by my colleague from New Jersey [Mr. FRELINGHUYSEN], and I trust through the deliberations of the special committee of which he is chairman a still more permanent solution may be effected.

THE LEAGUE OF NATIONS.

Mr. SMITH of Georgia. Mr. President, I had intended, in connection with the resolution which I presented, to call attention also to quite an interesting cablegram from Paris that has appeared in the press within the last few days. It is from Louis Edgar Browne. It is a description of the condition of affairs in Arabia, and calls attention to the fact that Ebin Sooud has gathered around him three-quarters of the Arabian tribes and is moving with military power through the Provinces of Yemen and Aser; but the important, the material part of the cablegram, is the fact that he has invaded Hedjaz, that he has overrun the northern part of Hedjaz, and is threatening the holy city of Mecca.

I call attention to this fact and ask that the cablegram be printed in the RECORD in order that we may clearly understand by this illustration the attitude we would occupy under article 10 if the treaty and the covenant of the league were adopted without reservation. If we were in the league with no reservation as to article 10, the moral obligation would be upon us to take action at once to help preserve the territory and political independence of Hedjaz, for Hedjaz is one of the countries included in the league, and under the covenant we would at once send our men to Arabia to help protect Hedjaz from these Arabian forces.

It may be that we all wish to do so. It may be that the American people are in favor of it, but as we move along I only thought it well that we should know of this event, brought to our attention through the press, as it helps to make us appreciate just what we are about to do if we adopt the covenant of the league without reservations.

Mr. BORAH. I suppose the Senator will agree that it is fortunate that the disturbance takes place before the league is adopted, rather than afterwards.

Mr. SMITH of Georgia. I am not discussing that. I am asking the public generally to think about it, and to see how they feel about it. Will not the people of this country prefer to avoid a committal in advance to enter war, and, understanding the situation, will they not prefer for Congress to be left, without prior moral obligation to enter war, but free to act as each trouble arises?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

BRITAIN'S PROGRAM FOR ISLAM UPSET—PLANS FOR DOMINATING INTELLECTUAL ELEMENTS DISJOINTED BY PURITAN ARAB.

[By Louis Edgar Browne.]

PARIS, FRANCE, *October 22.*

British plans for dominating the intellectual elements of the Mohammedan world through the shifting of the moral forces of Islam from the Ottoman caliphat to the sherif of Mecca have been rudely disjointed by a virile religious revival led by a Puritan Arab, Ebin Sooud, to whom three-quarters of the Arabian Tribes have already sworn allegiance. It is reported that his military forces, largely armed by the Turks, have swept through various oases of the Arabian desert and conquered and obtained the allegiance of the Provinces of Yemen and Aser, as well as the northern half of Hedjaz. It also is said that the city of Mecca itself is about to be besieged.

HUSSEIN SUPPORTED BY BRITISH.

Sherif Hussein was supported in his movement to break away from Constantinople by the British. The independence of the Kingdom of Hedjaz, of which he is temporal and spiritual head, was strongly aided by certain British colonial pioneers, who undoubtedly saw in the maneuver a possibility of controlling the Mohammedans of the world, as well as protecting the Suez Canal and the route to India. Though it was the British who brought Emir Feizal, son of Sherif Hussein, to Paris to make his plea before the peace conference for an Arabian confederation in the Ottoman Empire, certain Arab and Turkish intellectuals believe that Great Britain's policy regarding Arabia was created to offset trouble among the separatists in British Mohammedan colonies.

For a long time the world has known that England has been having trouble with her 60,000,000 Mohammedans in India and the millions of Mohammedans in Egypt. Certain Arabs and Turks say the British charge that this trouble is not due to misrule, but to machinations of the Ottoman Sultan, the committee of union and progress, and, in general, the new Persian movement. They declare that to destroy this spiritual influence over the unruly Mohammedans in the British colonies the English foreign policy has sought to discredit, ridicule, and destroy the power of the Turkish caliphat and to upbuild in its place the caliphat of Mecca, over which Great Britain herself could hold virtual power of dictation.

METHODS ADOPTED BY EBIN SOOUD.

While Ebin Sooud is not allied or subservient to the Turkish Government—as a matter of fact, he is hostile to it—he has made this argument to discredit throughout the Arabian Peninsula, England and Sherif Hussein simultaneously. Millions of proclamations have been printed and distributed alleging the above supposition to be a fact. These proclamations accuse Hussein of being nothing more nor less than a hireling, a British agent, a scoundrel, and a traitor, who sold his country for a certain stipulated quantity of British gold per month.

Whether the assertions of Ebin Sooud regarding the British-Arabian intrigue are true or not, it makes little difference, because the accusations have been published broadcast. Many Arabians believe them to be true, and consequently the number of adherents to Ebin Sooud's movement is increasing by leaps and bounds.

ADVOCATES RELIGIOUS REFORM.

In addition to the patriotic appeal to his country to save Arabia from becoming a vasal State of England, Ebin Sooud had adopted a formula of religious reform. Turks and Arabs with whom I have talked in the Orient say that his movement corresponds largely to the early Protestant movements in Christianity. These Turks and Arabs alike hope that the movement will result in the purification and simplification of Islam, which will give it renewed life and vigor.

AMERICANIZATION OF ALIENS.

Mr. KENYON. Mr. President, I should like to ask the Senator from Massachusetts a question. The Committee on Education and Labor have formulated a bill which is known as the Americanization bill as a substitute for the bill which is now before that committee. I am anxious to present the bill and the report, but in doing so I should like about 10 minutes to explain the purposes of the bill, and to make a few remarks. I could present the report, if the Senator would consent, at this time, and later submit my remarks, or, if the Senator is going to object, I will refrain until he is out of the Chamber, and then ask permission to make the report.

Mr. LODGE. Mr. President, I have objected to morning business. The object of taking a recess is to avoid the delays caused

by morning business. If we are to press this treaty, which I desire to do, I am obliged to object to the introduction of morning business. In fairness, if I object to one, I must object to all. Of course I can put no restraint on what the Senator may choose to say on any subject, whether I am in the Chamber or out, so long as he is addressing himself to the amendment now pending.

Mr. KENYON. I should certainly address myself to that amendment, but I was anxious that what I might say should be coupled up with the bill and with the report, so I will wait a while longer, until the Senator leaves the Chamber.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The message also announced that the House had passed a bill (H. R. 8272) to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt; and

H. J. Res. 151. Joint resolution to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

HOUSE BILL REFERRED.

H. R. 8272. An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry, was read twice by its title and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of the Forest Park and Union Course Taxpayers' Association of Woodhaven, N. Y., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. MOSES presented a petition of the Educational Council of New Hampshire, praying for the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Women's Republican Club of New York City, N. Y., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the Technical Association of the Pulp and Paper Industry, of Chicago, Ill., praying for an appropriation for a special investigation into the decay of pulpwood and woodpulp, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Women's Republican Club of New York City, N. Y., and a memorial of the Cook County Ladies' Auxiliary, Ancient Order of Hibernians, of Chicago, Ill., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, reported it with amendments and submitted a report (No. 277) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 2912) to appropriate funds for the immigration inspection of the Department of Labor, asked to be discharged from its further consideration and that it be referred to the Committee on Immigration, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3309) to correct the military record of William N. Buck (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 3310) granting an increase of pension to Fanny M. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 3311) to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.; to the Committee on Commerce.

By Mr. RANSDELL:

A bill (S. 3312) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Isabella Ann Fluker; to the Committee on Claims.

By Mr. HALE:

A bill (S. 3313) granting a pension to William A. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3314) for the relief of Robert C. Wilcox (with accompanying paper); to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 3318) for the relief of Willis B. Cross; to the Committee on Military Affairs.

PAY OF OFFICERS AND ENLISTED MEN.

Mr. THOMAS. I desire to introduce, as in legislative session, the bill which I send to the desk, and ask that it be read and referred to the Committee on Military Affairs. It is very short.

The bill (S. 3316) to provide for the pay of officers and enlisted men of the Army when engaged in work essential to the continuance of the facilities of interstate or foreign commerce, and for other purposes, was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

A bill (S. 3316) to provide for the pay of officers and enlisted men of the Army when engaged in work essential to the continuance of the facilities of interstate or foreign commerce, and for other purposes.

Be it enacted, etc., That section 35 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, is hereby amended to read as follows:

"SEC. 35. Enlisted men prohibited from civil employment: Hereafter no enlisted man in the active service of the United States, in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions; but the President may assign or detail officers or enlisted men to perform work or labor essential to the continued operation of the facilities or instrumentalities of interstate or foreign commerce which has been abandoned, or substantially obstructed, prevented, or interfered with, as the result of a strike, lockout, or other labor disturbance. An officer or enlisted man so detailed or assigned, under rules and regulations to be prescribed by the Secretary of War, shall, in addition to his usual pay and allowances, be entitled to and may receive from the person, association, or corporation for whose direct benefit such work or labor is performed the prevailing rate of wages in the locality for the same or similar work."

PUNISHMENT OF SEDITION.

Mr. STERLING. As in legislative session, I ask unanimous consent to introduce a bill from the Committee on the Judiciary. I ask that the bill may be read twice and referred to the Committee on the Judiciary, after which reference I ask leave to make a further report.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, was read twice by its title and referred to the Committee on the Judiciary.

Mr. STERLING. I am directed by the Committee on the Judiciary to make a favorable report on the bill just referred to it, and I ask that the bill go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

ENTRY OF ALIENS—CONFERENCE REPORT.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following: "and shall continue in force and effect until and including the 4th day of March, 1921"; and the Senate agree to the same.

H. C. LODGE,
G. M. HITCHCOCK,
P. J. McCUMBER,
Managers on the part of the Senate.

JOHN JACOB ROGERS,
H. D. FLOOD,
Managers on the part of the House.

The report was agreed to.

FIRST DEFICIENCY APPROPRIATION—CONFERENCE REPORT (S. DOC. NO. 144).

Mr. WARREN. I submit the conference report on the first deficiency appropriation bill, and ask that it be printed and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) "making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 10, 12, 28, 31, 34, 35, 40, 42, 43, 44, 45, 46, 55, 62, 63, 64, 72, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 36, 37, 38, 39, 48, 49, 50, 51, 52, 53, 54, 57, 58, 66, 67, 68, 69, 70, 71, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"COMMITTEE ON PUBLIC INFORMATION.

"Authority is hereby granted the director of the Council of National Defense to expend during the fiscal year 1920 the sum of $32,000 from the funds now to the credit of the committee on public information for necessary expenses incurred therefor since July 1, 1919, and for the expenses of auditing and closing the accounts and affairs of said committee. All unexpended balances of appropriations for and allotments to the committee on public information shall remain available for payment under the direction of the director of the Council of National Defense of such liabilities as were actually and necessarily incurred by the committee prior to June 30, 1919: *Provided*, That $1,000,000 of such appropriations and allotments shall be covered into the Treasury immediately upon the passage of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In line 2 of the matter inserted by said amendment strike out the word "continuing" and insert in lieu thereof the word "completing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In line 4 of the matter inserted by said amendment strike out the word "ten" and insert in lieu thereof the word "five," and in line 6 strike out "$1,600" and insert in lieu thereof "$800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Strike out all of the matter inserted by said amendment after line 15; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$200,000"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,863,176"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"ORDNANCE DEPARTMENT.

"Ordnance reservation civilian schools: Authority is granted for the expenditure during the fiscal year 1920 of not to exceed $45,000 from appropriations heretofore made for the 'purchase, manufacture, and test of ammunition for mountain, field, and siege cannon,' for the operation and maintenance on ordnance reservations at Amatol and Mays Landing, N. J., Nitro, W. Va., Jacksonville, Tenn., Penniman, Va., Sheffield and Muscle Shoals, Ala., and Tullytown, Pa., of schools for children of persons employed thereon, where public schools are not conveniently available for such children, including salaries, supplies, stationery, and industrial work, replacement and repair of books and equipment, and all incidental and necessary expenses in connection therewith."

And on page 11 of the bill, in line 10, strike out "1919" and insert in lieu thereof "1910."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"NAVY DEPARTMENT.

"RENT.

"For rental of additional quarters for the Navy Department, fiscal year 1919, $175."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$500," and in line 4 strike out "$666.67" and insert in lieu thereof "$333.34"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out "$1,000" and insert in lieu thereof "$600," and, in line 5, strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, strike out "$1,000" and insert in lieu thereof "$600," and, in line 3, strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65 and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$45,000"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL CONFERENCE OF LABOR.

"For salaries and expenses of the international conference of labor, as follows:

"United States Government executive staff: For two and one-half months, at monthly compensation as follows: assistant to the secretary, $450; first assistant, $300; three executive assistants, at $200 each; two assistants at hotels, at $200 each; private secretary, $200; two stenographers, at $150 each; typist, $125; and two messengers, at $75 each; in all, $6,312.50.

"Conference staff, for two months, at monthly compensation as follows: Two stenographers, at $150 each; two deputy secretaries, at $300 each; four subsecretaries (for commissions), at $200 each; four interpreters, at $200 each; three English-French translators, at $200 each; three French-English translators, at $200 each; six French stenographers, at $83.33 each; six English stenographers, at $150 each; chief messenger, $125; eight messengers, at $75 each; expenses, at not exceeding $10 per diem for each person, $12,000; in all, $23,649.96.

"Chief clerk's office, for two months, at monthly compensation, as follows: Chief clerk, $200; assistant chief clerk, $150; and stenographer, $150; in all, $1,000.

"Expenses: For reporting proceedings, $20,000; printing proceedings, $10,000; paper, $2,500; contingent expenses, $1,000; in all, $33,500.

"Total, International conference of labor, $64,462.46: *Provided*, That all accounting in connection with the conference shall be done by the disbursing officer of the Department of Labor: *Provided further*, That no part of the money herein appropriated for the international conference of labor shall be available for the payment of an allowance for per diem expenses in lieu of subsistence to any person residing in the District of Columbia: *Provided further*, That this sum shall not be supplemented by expenditures from any other appropriation nor shall any part of this or any other appropriation be used for telegraphing or cabling the proceedings of the said conference."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 75, and agree to the same with an

amendment as follows: In lieu of the sum named in said amendment insert "$1,075"; and the House agree to the same.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

J. W. GOOD,
J. G. CANNON,
J. F. BYRNES,
Managers on the part of the House.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. McCUMBER. Mr. President, to those who believe in the efficacy of a counterirritant as a remedy for any affliction, I would suggest that those who are suffering from a case of acute and chronic indignation at the bargain that Japan has struck with China should also read, in connection with it, the very strong and equally dictatorial treaty that was made between the United States and China and other nations in 1901.

I use the word "treaty." It was hardly a treaty. It was a protocol signed by the representatives of all of the nations who were engaged in putting down the Boxer rebellion and was never submitted to the Senate for ratification. The Senators, of course, all well remember that the Boxer rebellion grew out of the treaty of 1898 between China and Germany, whereby Germany obtained her Chinese concessions and Chinese leasehold; and the action of military Germany, and the treatment by that great nation of the Chinese people in general, acting upon the Chinese mind, brought about this sentiment of hatred toward all foreigners in China which resulted in the Boxer rebellion.

At the close of the Boxer rebellion the United States agreed with other nations what punishment ought to be inflicted upon China for the offense of attempting to rid herself of all of the foreign elements and foreign influence in China.

Mr. BORAH. Mr. President, will the Senator permit me an interruption?

Mr. McCUMBER. Certainly.

Mr. BORAH. The Senator does not contend that it was the German aggression alone which led to the Boxer uprising, does he?

Mr. McCUMBER. I think it was practically the German aggression. In other words, that was the last straw that broke the camel's back.

Mr. BORAH. No, Mr. President.

Mr. McCUMBER. That was the cause of the acute indignation of the Chinese people against all foreign interference.

Mr. BORAH. The Senator may have refreshed his recollection about it since I have; but my remembrance is that the uprising occurred because the German aggression was followed by aggression upon the part of England and France in taking a part of the Chinese Empire, and then finally the demand of Italy, which never was allowed, but which nevertheless was made. It was the combined action of all of these powers which led China to believe that they had combined for the purpose of dismembering the Chinese Empire. So far as the German aggression was concerned, of course it had its responsibility, because it was the first step taken; but it was not until after these other nations had participated and undertaken to join with Germany in dismembering China that the Boxer uprising took place.

Mr. McCUMBER. Others of these nations, Mr. President, had seized and held Chinese territory long before that, and still there was no uprising. There had been no uprising particularly against the holding of the Shanghai Provinces and control of that section by Great Britain; but I agree with the Senator that it was one after another of these seizures of Chinese territory that so influenced the Chinese mind that they organized their Sinn Fein societies in China to oust the foreigners, and created an intense feeling against them which culminated in the Boxer Rebellion.

Before I proceed to quote from this protocol, I want to call attention to the fact that the United States never objected in the slightest degree to the German aggression and the German treaty. All that the United States did at all was to ask Germany what her purposes were, and whether or not she intended to continue the "open-door" policy. We very abjectly made the inquiry of her, and Germany replied that she would not interfere with that policy of trade with other nations; and then we thanked Germany for being so kind to us and to the Chinese people as to allow us to trade with the Chinese, and that was the extent of any protest upon our part.

Mr. BORAH. The open-door policy had not been established at the time Germany seized Tsingtau.

Mr. McCUMBER. I understand, but it had been agreed upon long before that. No one had attempted to close the door.

Mr. BORAH. I beg the Senator's pardon, the open-door policy was established by John Hay, and John Hay was not Secretary of State until after the treaty between Germany and China had been closed more than six months.

Mr. McCUMBER. The Senator will find that the only note we sent in reference to the German leasehold interest and claim was a request to know what that was, and also whether it interfered with our trade in China, and Germany replied that it did not, and also replied that she claimed no sovereign rights over the territory.

But, Mr. President, I want to quote the protocol entered into with China and the several other countries that were engaged in putting down the Chinese revolt. This was entered into on the 7th day of September, 1901, and, first, I want to read article 2. I will read two or three of these articles upon the Shantung question, because I think they ought to go into the RECORD:

ART. 2. Imperial edicts of the 13th and 21st days of February, 1901 (Annexes Nos. 4, 5, and 6), inflicted the following punishments on the principal authors of the outrages and crimes committed against the foreign Governments and their nationals:

Tsai-I Prince Tuan and Tsai Lan Duke Fu-Kuo were sentenced to be brought before the autumnal court of assize for execution, and it was agreed that if the Emperor saw fit to grant them their lives they should be exiled to Turkestan and there imprisoned for life, without the possibility of commutation of these punishments.

Tsai Hsün Prince Chung, Ying Nien, president of the court of censors, and Chao Shu-Chiao, president of the board of punishments, were condemned to commit suicide.

In other words, the United States envoy signed a protocol and an agreement whereby it was agreed with all these powers that two of these men should proceed forthwith to commit suicide because they organized societies of Chinese to expel the foreigners; and the others were to be brought before the assizes and there publicly executed.

Yü Hsien, governor of Shanhshi, Chi Hsin, president of the board of rites, and Hsü Cheng-yu, formerly senior vice president of the board of punishments, were condemned to death.

That was not all. They still seemed to believe in the efficacy of degrading the dead, and so the United States became a party to an agreement which reads as follows:

Posthumous degradation was inflicted on Kang Yi, assistant grand secretary, president of the board of works; Hsü Tung, grand secretary; and Li Ping-heng, formerly governor general of Szu-ch'uan.

An imperial edict of February 13, 1901 (Annex No. 7), rehabilitated the memories of Hsü Yung-yi, president of the board of war; Li Shuon, president of the board of works; Hsü Ching-cheng, senior vice president of the board of works; Lien Yuan, vice chancellor of the grand council; and Yuan Chang, vice president of the court of sacrifices, who had been put to death for having protested against the outrageous breaches of international law of last year.

Prince Chuang committed suicide the 21st day of February, 1901, Ying Nien and Chao Shu-chiao the 24th, Yü Hsien was executed the 22d, Chi Hsin and Hsü Cheng-yu on the 26th. Tung Fu-hsiang, general in Kan-su, has been deprived of his office by imperial edict of the 13th of February, 1901, pending the determination of the final punishment to be inflicted on him.

Imperial edicts dated the 29th of April and 19th of August, 1901, have inflicted various punishments on the provincial officials convicted of crimes and outrages of last summer.

This article, Mr. President, deals with the punishments that were inflicted upon those who, of course, had committed, according to the view of the foreign nations, crimes against the western nations.

Mr. BORAH. Mr. President, do I understand that the Senator thinks the punishments were too severe?

Mr. McCUMBER. Mr. President, the matter of compelling people to commit suicide is a little novel, at least to western ideas.

Mr. BORAH. I understand. I had some sympathy with the Boxer uprising. I think they had a perfect right to throw those people out of their country, and I am still in favor of keeping those people out of their country.

Mr. McCUMBER. Mr. President, I think we agree upon two things; first, that they had no business to go in there against the wishes and desires of the Chinese people; and, secondly, that if we can not get them out, we will prevent them from getting in any farther. How we are to accomplish that result is a matter on which, perhaps, the Senator and myself may differ; but I do not think we differ at all as to what ought to be done.

Mr. BORAH. No; I think not.

Mr. McCUMBER. Now I come, Mr. President, to article 5, and I want Senators to think of it a moment:

ART. V. China has agreed to prohibit the importation into its territory of arms and ammunition, as well as of materials exclusively used for the manufacture of arms and ammunition.

An imperial edict has been issued on the 25th of August, 1901 (Annex No. 11), forbidding said importation for a term of two years. New edicts may be issued subsequently extending this by other successive terms of two years in case of necessity recognized by the powers.

In other words, the powers determined not only that they would execute those who were instrumental in this uprising against foreign aggression in China, but to make it certain that Germany and every other country that had a foothold in China should not be interfered with in the future, they proceeded to prevent the importation of any arms or ammunition into China which would enable her people to make a war for the independence of that country; and this country was a party to that agreement.

Again:

ART. VI. By an imperial edict dated the 29th day of May, 1901 (Annex No. 12), His Majesty the Emperor of China agreed to pay the powers an indemnity of 450,000,000 Haikwan taels. This sum represents the total amount of the indemnities for States, companies, or societies, private individuals, and Chinese referred to in article 6 of the note of December 22, 1900.

I believe that a tael amounts to somewhere about 76 cents. But it was an enormous sum to be levied against that poor, decrepit country, that has made the only fight she knew how to make to defend herself, without having armies and without having munition plants.

Here is another beautiful article:

ART. VII. The Chinese Government has agreed that the quarter occupied by the legations shall be considered as one specially reserved for their use and placed under their exclusive control, in which Chinese shall not have the right to reside, and which may be made defensible.

We are now going into spasms, Mr. President, because Japan, in her treaty with China, makes the demand that she shall be given a concession where Japanese may settle and carry on their business. We forget that the United States entered into an agreement with all of these other powers whereby they compelled China to grant concessions of certain quarters where no Chinaman could live in that section of China, and which would be entirely under the control of foreign countries.

Mr. BORAH. The United States did not claim any concessions for herself.

Mr. McCUMBER. Yes; she claimed the same concession. I must say here that it related to those sections in which the diplomats of the several countries were to reside, and the section where the United States diplomats resided, wherever it was, would be under the control of the United States, and no Chinaman could live there if we saw fit to enforce this provision.

Mr. BORAH. We undertook to protect our embassy, but we did not ask for such concessions as Germany and Great Britain and France were attempting to secure. We did not seek any concessions of that kind.

Mr. McCUMBER. No, Mr. President; I stated that this related to those sections that were occupied by the several embassies, and may have been thought necessary in order to protect the embassies. But I am sure that if any foreign country—Great Britain, for instance—were to claim that inasmuch as she had an embassy in Washington she should control Washington, and that no American should live in Washington, there would be some complaint that would be made by this country; or if she were given a portion of Washington to be occupied by her embassy, she should control whatever section she thought it was necessary to include for diplomatic purposes.

Mr. BORAH. I recall that when we had the prohibition bill up there was an attempt to exclude the British Embassy from the operation of the prohibition law.

Mr. McCUMBER. I have an idea that inasmuch as the embassies are practically considered as under the control of the foreign countries, they can bring the wines of France to the French Embassy and can possibly bring the ales of Great Britain to the British Embassy. But that is hardly applicable to this protocol.

That is not all. It reads further:

The Chinese Government has consented to raze the forts of Taku and those which might impede free communication between Peking and the sea; steps have been taken for carrying this out.

Peking being some distance from the sea, it was necessary that these foreign powers, in order that they might cope with any kind of Chinese uprising, should have the channel of the river deepened and forts should be razed so that we could reach the interior of China and make war upon China. There is no offense in that. That was by the United States of America. But if Japan suggests the idea that she might have a controlling influence or an equal influence with China, if she furnishes the money to build a railway in China, we immediately say that there is some purpose on the part of China to hold and control the Chinese Government, which becomes criminal, but if we do the same thing with all the powers joining us, it is not even a proper subject for discussion.

Now I want to read article 9:

The Chinese Government has conceded the right to the powers in the protocol annexed to the letter of the 16th of January, 1901, to occupy certain points, to be determined by agreement between them, for the maintenance of open communication between the capital and the sea.

That is a concession, Mr. President, exactly the same as Japan was asking of China in her treaty.

The points occupied by the powers are, I believe, 10 in number.

They are not satisfied with 1, but they name some 10 different points that will be occupied by them.

Now we come to article 10:

ART. 10. The Chinese Government has agreed to post and to have published during two years in all district cities the following imperial edicts:

(a) Edict of the 1st of February (annex number 15), prohibiting forever, under pain of death, membership in any antiforeign society.

How does that sit upon the stomach of the Senator from Idaho or the Senator from California? Let me read it again——

Mr. BORAH. I will state to the Senator, before he reads it, that I was not here when that thing happened, and I am not one of those who believe that four wrongs make a right. I think that the action of Great Britain and France and Germany with reference to China was based upon immoral principles, and I do not think the action of Germany rests alone upon immoral principles.

Mr. McCUMBER. Nor do I.

Mr. BORAH. Although she includes with her Great Britain and France.

Mr. McCUMBER. I have included them all.

Mr. BORAH. I know the Senator includes them all. The only place where the Senator from North Dakota and the Senator from Idaho differ is as to whether or not we shall stop that program. I do not hesitate to say that Japan, upon the precedents of the past, has a perfect right to make her demand. She is not asking anything except what Great Britain asked for and what France asked for. I concede that proposition, but I do not want myself to be a party to a program to continue that kind of a wrong.

Mr. McCUMBER. And, Mr. President, I want myself to be a party to a program that will stop it.

Mr. BORAH. I agree with the Senator.

Mr. McCUMBER. How we are to stop it is the only question, I think, on which the Senator and I disagree. But what I wanted to point out to the Senator was that we entered into an agreement whereby we made it mighty hard for the Sinn Feiner to exist in China, because we provided that if he organized a society in China for the purpose of protecting the Chinese nationality he was forthwith to be executed.

Mr. BORAH. If there was anything in the agreement that was against the Sinn Feiners, I would be against the agreement.

Mr. McCUMBER. I am certain the Senator would be; and I will ask him if he does not think that this really was against them?

Edict of the 1st of February, * * * prohibiting forever, under pain of death, membership in any antiforeign society.

In other words, if there is a society formed in China for the purpose of creating a solidarity of sentiment on the part of the Chinese people against the aggressions of Germany or Great Britain or Japan or any other country, the United States has compelled the Chinese people to proceed forthwith to execute every man engaged in creating that sentiment, and the United States was a party to that agreement. The United States came in and upheld the arm of Germany by entering into an agreement that no Chinaman could live who would dare raise his voice against this aggression; and now, 20 years afterwards, we find that it is a heinous crime for any other country even to suggest that it should have a concession where its own nationals might live, and have an agreement that Germany had, that if Japanese people furnished the money to build a certain railway they, together with China, should join in the operation of that railway.

Mr. BORAH. All these things of which the Senator is speaking——

Mr. McCUMBER. I am not holding the Senator responsible for the protocol. I want the Senator to understand that. I do not mean that he should come to his own defense in any way on it. I am certain he is earnestly opposed to it, as I am.

Mr. BORAH. But permit me to say that the things which the Senator is now speaking of were the things which led John Hay to adopt the policy which was intended to stop all these things and which it was believed would do so. At the time that John Hay introduced his policy with reference to China the dismemberment of China was proceeding at a rapid pace. Would the Senator object to my reading a statement from the Life of John Hay, by William Roscoe Thayer, with reference to the matter he is discussing?

Mr. McCUMBER. Is it long or short?

Mr. BORAH. It is only a paragraph.

Mr. McCUMBER. The Senator may read it. I think it will conform to both our views.

Mr. BORAH. I think it does. The Senator is pointing out something here which I do not defend; but what I do say is that John Hay stopped that program, and in so far as it was stopped the honor is due to the United States. The paragraph which I read is as follows:

> The Boxer upheaval interrupted and made more difficult Hay's endeavor to preserve the Chinese Empire. After the Japanese defeated the Chinese in 1894 China lay like a stranded whale apparently dead or dying, and the chief powers of Europe came, like fishermen after blubber, and took here a Province and there a harbor, and were callous to the fact that their victim was not dead. They not only seized territory but forced from the Chinese concessions for mines, railways, commercial privileges, and spheres of influence. From the time that Hay became Secretary he strove to keep intact the political integrity of China and to persuade all the powers to maintain there the policy of the "open door."

So Hay saw the wrong and the evil which the Senator is portraying and, in so far as was possible for him to do so, he put a check upon the program. What I want to do is to follow up that program as nearly as I can to protect the integrity of China.

Mr. McCUMBER. Mr. President, I say there is no disagreement at all between the Senator and myself upon what we ought to do. I want to stop the dismemberment of China. The German concessions did not stop the dismemberment. We did not protest against that seizure. All on earth that we did was to ask Germany whether she would allow us to trade in that territory, and Germany very magnanimously said yes, and we very modestly said thank you, and that was the end of the correspondence, and that is all the protest there was against it.

That is not all. When Germany got her control Great Britain saw that she would have to look out for her interests a little more, and so she seized another section of the country, and we did not make any protest against that. Neither John Hay nor anyone else opposed it.

There was no protest on the part of the American people against any of these seizures, but on the contrary, years after those seizures, and in 1901, we entered into an agreement with the other nations whereby we compelled China, of her own volition, to inflict a penalty of death upon any one of her citizens who would have the audacity to attempt to create a public sentiment against foreigners for the purpose of protecting China. I say, after having done that, that we are not in a very good position to cry "thief" at Japan.

Mr. BORAH. Does not the Senator believe there is a place for repentance?

Mr. McCUMBER. Yes, Mr. President, I do.

Mr. BORAH. The Senator is here and the rest of us are here now, and we disagree with that program of the past. Why not inaugurate a new program and put our seal of disapproval upon the further dismemberment of China?

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. McCUMBER. Certainly.

Mr. ROBINSON. I desire to ask the Senator from Idaho a question. When he talks about repentance, does he propose to make restitution and require France and Russia and Great Britain to restore to China what they took from her with our consent?

Mr. BORAH. No; I would not enter upon that task, but I would do this: I would not permit the United States to put itself in a position where it will guarantee the continuance of those holdings in China, which we are doing under the league of nations.

Mr. McCUMBER. I say I must disagree with that proposition that we are doing this under the league of nations. On the contrary, I hold that we are doing just exactly the opposite of that. On the contrary, I hold that Japan has an agreement with China whereby she agrees to return whatever Germany had in Shantung, at least, subject to the conditions that I have enumerated heretofore. The Senator would not have the United States go to war for the purpose of wresting Chinese territory from Great Britain or from France or from Japan.

Mr. ROBINSON. Will the Senator yield again?

Mr. McCUMBER. Certainly.

Mr. ROBINSON. If the Senator from Idaho encourages China to hold out and refuse to carry out her alleged treaty with Japan, made in 1915, by which Japan is obligated—that is, by the note accompanying it—to return the leased territory, then he might leave China worse off than she is now. He might deprive her of the opportunity of securing a return of the leased territory and prompt Japan to rely upon what she regards as her claim of conquest; and having prompted China to violate her treaty with Japan and thus encourage Japan to rely upon her conquest, he might find China compelled to go to war with Japan, and then leave the United States in the attitude of having encouraged the war and of being unwilling to assist China.

Mr. BORAH. The Senator is in error as to the position which the Senator from Idaho occupies. I am not seeking to have China disregard her treaty of 1915——

Mr. ROBINSON. But the——

Mr. BORAH. Just wait a minute. I am opposed to the United States underwriting that treaty and maintaining it and upholding it. I think that treaty was absolutely void on its face; but if China wants to perform the treaty, so far as I am concerned as a citizen of the United States I am not going to object to her doing it. But what I do object to is the United States guaranteeing, confirming, and underwriting that treaty, and that is what we are doing in this league of nations.

Mr. ROBINSON. I disagree with the Senator from Idaho. That is exactly what we are not doing.

Mr. LENROOT. Mr. President, this discussion has nothing to do with the pending amendment.

Mr. McCUMBER. It has not; that is true.

Mr. LENROOT. I wish to say to the Senator from North Dakota that unless the discussion is confined to the pending amendment, I shall object to his yielding for speeches by others.

Mr. McCUMBER. All right. I did not know but the Senator was going to change the rules of the Senate.

Mr. BORAH. As I have got to go, I do not object to that.

Mr. ROBINSON. Mr. President, I had no objection to the Senator from North Dakota yielding to the Senator from Wisconsin [Mr. LENROOT], who has just availed himself of the same privilege of which the Senator from Idaho [Mr. BORAH] and I have availed ourselves.

Mr. McCUMBER. Mr. President, I quoted the protocol not for the purpose of justifying anything in the Japanese-Chinese treaty, but as throwing some light upon the attitude of the United States, and the very changed attitude at the present time, if we are to assume the attitude advocated by those in favor of this amendment is to be taken as the present purpose of the United States, I am not going again into the arguments which have been made relative to Shantung further than to restate in a single sentence the view that I have with reference to the effect of bringing both China and Japan into the league.

The Senator says that if we adopt this treaty we have got to underwrite whatever rights Japan has secured. Mr. President, we underwrite nothing. Japan secures no territory, she secures no sovereignty, because the German treaty itself declared that Germany renounced any claim of sovereignty over this territory, and whatever the Japanese received they received from Germany. Therefore, inasmuch as article 10 could not, even if adopted in its present form, cover anything but territorial rights, instead of underwriting Japan, the effect of article 10 would be to underwrite the claim of China, because China can present her claim to the council or league of nations that Japan, contrary to her agreement, is attempting to hold Chinese territory. Then the efficacy of the league of nations will be put to the test, and the test will be whether or not the league of nations will protect Chinese territory. Mr. President, they will have to protect it if they do not dishonor themselves, and each and every one of them, under the terms of the league of nations.

So in determining the best method by which we shall secure the result which the Senator from Idaho, as well as myself, wishes to secure, we are forced to the conclusion that the only way absolutely to protect Chinese territory from future aggression is to bring Japan and all countries which are inclined to seize territory into a league where all of them not only agree that they will cease their predatory habits, but, in addition, that they will protect the territorial interests of any country against whom any other nation attempts to make a war of aggression.

As suggested by the Senator from Arkansas, Japan can stand upon one of two rights—either upon her treaty with China or upon her right of conquest. If we take her into the league, if we bind her by the terms of the league, then we bind her to return to China whatever she seized from Germany. If we do not bind her by the league, if we throw her out of the league, then she holds by virtue of her right of conquest, and that right we will never attempt to gainsay.

So I repeat, Mr. President, that it might be a good thing for those who are so affected by what Japan has done in her treaty with China to refer back to article 10 of the protocol to which I have referred and there read what the United States has done

not in protection of China but in protecting every country that has attempted to dismember China, including the German Shantung leasehold interests.

Mr. KENYON. Mr. President, if we could vote right now on the pending amendment, I should not take the floor; but if we are to go on everlastingly in the discussion of propositions that have been disposed of, I shall take a little time to speak on another subject.

Mr. HITCHCOCK. Will the Senator from Iowa ask unanimous consent that we shall vote on the amendment, say before 1.30 o'clock?

Mr. KENYON. I do not want to ask unanimous consent for a vote; I am only going to take about 10 minutes; but if we can vote upon the pending amendment now, I shall not take a minute.

Mr. HITCHCOCK. Will the Senator permit me to make the request?

Mr. KENYON. I will.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that the Senate may agree to proceed to a vote on the two pending amendments to-day not later than 1.30 o'clock.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gronna	McCormick	Sherman
Bankhead	Hale	McCumber	Simmons
Borah	Harding	McKellar	Smith, Md.
Brandegee	Harris	McLean	Smoot
Capper	Harrison	McNary	Spencer
Chamberlain	Henderson	Moses	Sterling
Colt	Hitchcock	Nelson	Sutherland
Culberson	Johnson, Calif.	New	Swanson
Cummins	Jones, N. Mex.	Newberry	Thomas
Curtis	Jones, Wash.	Norris	Townsend
Dial	Kellogg	Overman	Trammell
Dillingham	Kenyon	Page	Underwood
Edge	Keyes	Penrose	Wadsworth
Fall	King	Phipps	Walsh, Mont.
France	Kirby	Poindexter	Warren
Frelinghuysen	Knox	Pomerene	Watson
Gay	Lenroot	Robinson	Williams
Gerry	Lodge	Sheppard	

Mr. GERRY. I wish to announce that the Senator from Delaware [Mr. WOLCOTT] is detained from the Senate by illness in his family.

The VICE PRESIDENT. Seventy-one Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. Mr. President, I see no occasion for fixing an hour. I see no reason why we should not vote at once, so far as I am aware.

The VICE PRESIDENT. The question is on the amendment of the committee, which will be stated.

The SECRETARY. On page 19, insert the following proviso at the end of article 3:

(1): *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I understand, however, that if he were present he would vote as I shall vote. So I am at liberty to vote. I vote "nay."

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SWANSON (when Mr. MARTIN's name was called). I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness. He is paired with the junior Senator from West Virginia [Mr. ELKINS]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. MOSES (when his name was called). On this question I have a pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is absent on account of sickness in his family. He is paired with the Senator from South Dakota [Mr. STERLING]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. STERLING (when his name was called). As announced by the Senator from South Carolina [Mr. DIAL], I have a general pair with his colleague. On the statement of the Senator from South Carolina I am at liberty to vote. I therefore vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the senior Senator from Missouri [Mr. REED], who is ill and unable to be present and vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT], who is detained on official business. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the absence of the Senator from New York [Mr. CALDER]. He is paired with the Senator from Georgia [Mr. HARRIS]. If the Senator from New York were present, he would vote "yea."

I wish also to announce the absence of the Senator from Maine [Mr. FERNALD]. He is paired with the Senator from South Dakota [Mr. JOHNSON]. If the Senator from Maine were present, he would vote "yea."

Mr. WALSH of Massachusetts (after having voted in the affirmative). Owing to illness in my home, I found it necessary last week to make a pair on this question in case of my unavoidable absence when the vote should be reached. I find that the junior Senator from Kentucky [Mr. STANLEY], who was to pair with me in case of my absence, has been called to his home, and requested me to pair with him, as he would have done for me had I been necessarily absent. Therefore I announce that on this question I am paired with the junior Senator from Kentucky [Mr. STANLEY]. If he were present, he would vote "nay" and I would vote "yea." I therefore withdraw my vote.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON], the Senator from Delaware [Mr. WOLCOTT], and the Senator from South Dakota [Mr. SMITH] are detained from the Senate by illness in their families. If present, these Senators would vote "nay." The Senator from Wyoming [Mr. KENDRICK], the Senator from Oklahoma [Mr. OWEN], the senior Senator from Kentucky [Mr. BECKHAM], and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business. If present, these Senators would vote "nay."

The result was announced—yeas 38, nays 40, as follows:

YEAS—38.

Ball	Gore	McCormick	Sherman
Borah	Gronna	McLean	Shields
Brandegee	Harding	Moses	Smoot
Capper	Johnson, Calif.	New	Spencer
Cummins	Jones, Wash.	Newberry	Sutherland
Curtis	Kenyon	Norris	Townsend
Dillingham	Knox	Page	Wadsworth
Fall	La Follette	Penrose	Warren
France	Lenroot	Phipps	
Frelinghuysen	Lodge	Poindexter	

NAYS—40.

Bankhead	Harris	McKellar	Simmons
Chamberlain	Harrison	McNary	Smith, Ariz.
Colt	Henderson	Myers	Smith, Md.
Culberson	Hitchcock	Nelson	Sterling
Dial	Jones, N. Mex.	Nugent	Swanson
Edge	Kellogg	Overman	Thomas
Fletcher	Keyes	Pomerene	Trammell
Gay	King	Ransdell	Underwood
Gerry	Kirby	Robinson	Walsh, Mont.
Hale	McCumber	Sheppard	Williams

NOT VOTING—18.

Ashurst	Johnson, S. Dak.	Pittman	Walsh, Mass.
Beckham	Kendrick	Reed	Watson
Calder	Martin	Smith, Ga.	Wolcott
Elkins	Owen	Smith, S. C.	
Fernald	Phelan	Stanley	

So the amendment of the committee was rejected.

Mr. SMITH of Georgia subsequently said: Mr. President, just before 12 o'clock I went down to Keith's Theater to attend the Roosevelt memorial service. The service was not alone to pay tribute to a great American but also had in view raising funds to purchase in Georgia the home in which President Roosevelt's mother was born and the dedication of that home to use as a school for mountain boys. I was away about half an hour and had no idea a vote would take place at this time. Had I been present, I should have voted against the amendment of the Senator from California [Mr. JOHNSON].

Mr. ASHURST. Mr. President, I was assured that there would be no vote during this hour. So I went to the Interior Department with some gentlemen from Arizona who desired to be introduced there. To my surprise I was informed upon reaching the department that, notwithstanding the assurance

that came to me that there would be no vote, a vote was taken on the Johnson amendment. I wish to state that if I could have been present I would have voted "nay." I ask unanimous consent to be recorded as voting "nay."

Mr. FALL. Mr. President, I do not like to object to a request of that kind from a Senator, but if the request is granted the same courtesy should be accorded to any Senator who telegraphs here under similar circumstances. The Senator from Arizona has made his statement and made his record.

Mr. ASHURST. I withdraw the request.

Mr. PHELAN. Mr. President, it seems that during my absence on official business, in common with several of my colleagues, the unexpected happened. I have no one to blame but myself, however, but I plead that I have been diligently waiting for this event. However, I desire to have it recorded, as long as the tally sheet can not be changed, that if present I would have voted "nay" upon the Johnson amendment. I desire also to state that I am thoroughly in sympathy with the purpose which the Johnson amendment sought to attain, but that I did not believe it would accomplish the very worthy purpose which was in the mind of my colleague. I think that a reservation, without disrupting the league, can very properly be devised by which substantially the same purpose can be attained, and therefore I will support such a reservation.

Mr. LODGE. Mr. President, I have had, for many years, a general pair with the Senator from Georgia [Mr. SMITH], but I thought it was understood between us that on questions relating to the treaty the pair was off, and therefore I voted. If there should be the slightest sort of misunderstanding about it, or if the Senator thought the pair was still holding, I can only say that, if I had the power, I should withdraw my vote.

Mr. JOHNSON of California. Mr. President, I offer the amendment which I send to the desk.

Mr. LODGE. If the Senator will allow me one moment, there is one more committee amendment to be disposed of.

The VICE PRESIDENT. There is one more committee amendment.

Mr. JOHNSON of California. May I be permitted to offer this amendment and have it read?

Mr. LODGE. Certainly. I only wanted to conclude the consideration of the committee amendments in order.

Mr. JOHNSON of California. Then, subsequently, with the disposition of the other committee amendments——

Mr. LODGE. Then it will be in order.

The VICE PRESIDENT. Does the Senator from California desire his amendment to go in at the same place where this amendment was just rejected?

Mr. JOHNSON of California. Yes, sir.

The VICE PRESIDENT. It does not so state on the amendment. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. On page 19, after line 17, it is proposed to insert the following:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have representatives in the council or assembly or any organization of labor or labor conference under the league numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league or organization of labor or labor conference under the league, and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire, and upon all matters whatsoever the United States shall have votes in the council and assembly and any organization of labor or labor conference under the league numerically equal to the aggregate vote cast or registered by any such member of the league and its self-governing dominions and colonies and parts of empire. The intent and purpose of this amendment is to give to the United States representation upon council or assembly and in any labor organization or labor conference under the league, a voting power in every respect and upon all questions equal to the aggregate representation and voting power of any member of the league and such member's self-governing dominions and colonies and parts of empire, and this amendment shall be literally applied and construed to effectuate fully said intent.

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Mr. LODGE. Mr. President, I now ask that the Senate proceed to consider amendment No. 2, the last of the committee amendments, after which this amendment will, of course, be at once in order.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gronna	McCumber	Sherman
Bankhead	Hale	McKellar	Shields
Borah	Harding	McLean	Simmons
Brandegee	Harris	McNary	Smith, Ariz.
Capper	Harrison	Moses	Smith, Md.
Chamberlain	Henderson	Myers	Smoot
Colt	Hitchcock	Nelson	Spencer
Culberson	Johnson, Calif.	New	Sterling
Cummins	Jones, N. Mex.	Newberry	Sutherland
Curtis	Jones, Wash.	Norris	Swanson
Dial	Kellogg	Nugent	Thomas
Dillingham	Kenyon	Overman	Townsend
Edge	Keyes	Page	Trammell
Fall	King	Penrose	Underwood
Fletcher	Kirby	Phipps	Wadsworth
France	Knox	Poindexter	Walsh, Mass.
Frelinghuysen	La Follette	Pomerene	Walsh, Mont.
Gay	Lenroot	Ransdell	Warren
Gerry	Lodge	Robinson	Watson
Gore	McCormick	Sheppard	Williams

Mr. GERRY. I wish to announce that the Senator from Delaware [Mr. WOLCOTT] is detained from the Senate by illness in his family.

Mr. MYERS. Mr. President, I understand the Senator from Arizona [Mr. ASHURST] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty Senators have answered to the roll call. There is a quorum present. The question is on the second committee amendment.

The next amendment of the Committee on Foreign Relations was, in article 8, on page 31, after line 8, to insert:

(2) Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Mr. LODGE. Mr. President, I am going to take no time on this amendment. This is the amendment which provides that where Great Britain or one of her colonies or parts of empire is a disputant the other self-governing dominions, parts of empire, or colonies, or Great Britain herself, shall be excluded, so that she shall not herself have five votes when she is engaged in a dispute. On that question I ask the yeas and nays.

Mr. McCUMBER. Mr. President, it ought to be stated, in reference to this amendment, that there is no question but what we are in accord with the principle. It agrees entirely with proposed reservations, and I do not think there will be a vote against its equivalent as a reservation. The only question is whether that declaration should be put in as an amendment or as a reservation. I shall vote against it as an amendment, because I am certain that with probably not a dissenting vote something very similar will go in as a reservation.

Mr. SHIELDS. Mr. President, I offer a substitute for the amendment, and I ask to have it read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

In lieu of the words proposed to be inserted by the committee, on page 31, after line 8, insert: "*Provided further*, That when imperial and federal governments and their self-governing dominions, colonies, or states are members of the league, as originally organized or hereafter admitted, the empire or federal government and the dominions, colonies, or states shall, collectively, have only one membership, one delegate, and one vote in the council and only three delegates and one vote in the assembly."

Mr. SHIELDS. Mr. President, I wish to say only a few words upon this amendment.

The amendment offered by the Senator from California [Mr. JOHNSON], and just voted upon, provided that the United States should have six votes in the assembly, so as to equalize it with the six votes which the British Empire and its five self-governing dominions and colonies are allowed in that body. The Senator from Wisconsin [Mr. LENROOT] has announced that he would offer a reservation to take the place of the Johnson amendment providing that in disputes between the British Empire or any of its dominions and colonies and the United States the empire and its dependencies should have but one vote, thus equalizing the voting power of the British Empire and the United States where the United States is interested.

The amendment I offer applies to all nations and places them upon the equality to which they under well-recognized principles of international law are entitled.

The objection to the Johnson amendment is that it gives the United States the same undue representation and power allowed the British Government as against all other nations, and the Lenroot reservation merely corrects the inequality between the British Empire and the United States in the decision of disputes between them and does not meet the objection that the British Empire is given precedence over the United States and is an affront to the dignity of the national honor, and, further, that it does not correct the preponderance in influence and power that the British Empire will have in disputes between any two other nations of the world over that of the United States.

and which would, of course, induce all other nations to favor the British Empire in disputes in order to get a return of support upon any question that might come up between them and the United States.

Mr. BORAH. Mr. President, the substitute offered by the Senator from Tennessee [Mr. SHIELDS] covers a wider question, as I understand it, than the amendment on which we were about to vote. The amendment upon which we were about to vote covers the proposition where there is a dispute directly between the British Empire and the United States. As I understand the substitute offered by the Senator from Tennessee, it goes further and reduces the vote of the British Empire under all circumstances and in all instances to the same vote as the United States; that is, it reduces it to one. I should like very much to vote for both of them. I do not desire to suggest to the Senator what he shall do with his proposition, but I should be glad if he would offer it not as a substitute but as an amendment to the pending amendment or else withhold it until we dispose of the pending amendment and give us an opportunity to vote on it separately.

Mr. MOSES. Mr. President, the Senator from Idaho is slightly in error in his construction of the application of this amendment. It is an amendment offered by me in committee and appearing with the other committee amendments and is designed to equalize the voting strength among disputants in all cases, whether the dispute should be between the British Empire and the United States or between the British Empire and any other disputant. In any such case the British Empire would be deprived of the right to enjoy the votes of its five colonies, dependencies, or parts of empire, in the same way that a single member of the league would be deprived of its single vote.

I have no especial hope, in view of the vote just taken, that the amendment will be agreed to. The tender susceptibilities of Great Britain, of course, must be preserved upon the floor of the Senate, but I wish to point out before the vote is taken that even those Senators who are willing that Great Britain should have six votes in the assembly to the one vote of the United States might find in my amendment an opportunity to equalize the chances between the United States and the British Empire in case of dispute between us.

Mr. JONES of Washington. I wish to ask the Senator, if the substitute of the Senator from Tennessee [Mr. SHIELDS] should be adopted, would not that make absolutely unnecessary the amendment offered by the Senator from New Hampshire?

Mr. MOSES. I think the substitute offered by the Senator from Tennessee goes further than my amendment. I think that it covers substantially the matter contained in my amendment, together with the matter covered by the amendment just disposed of, and I think a much more satisfactory method of dealing with the substitute offered by the Senator from Tennessee would be to make it an amendment to the amendment. Then we would be certain that all phases of the subject had been covered. However, every phase of the subject has been covered in the admirably drawn amendment which the Senator from California [Mr. JOHNSON] has presented and which will presently come before us for discussion. So, I suppose all the questions, my amendment, that of the Senator from Tennessee, and that of the Senator from California can be discussed simultaneously.

Mr. JONES of Washington. May I make this suggestion to the Senator? As I understand the substitute of the Senator from Tennessee, it reduces the vote of the British Empire to one; in other words, it puts it upon an equality with every other member of the league.

Mr. MOSES. Certainly.

Mr. JONES of Washington. If it were adopted, then this other situation could not possibly arise.

Mr. MOSES. Certainly; and I think that covers the matter.

Mr. JONES of Washington. So, if we adopt the substitute of the Senator from Tennessee, it covers the whole proposition.

Mr. MOSES. It could be readily disposed of, I assume, if the Senator in charge of the treaty were to accept the proposal of the Senator from Tennessee as a substitute for the amendment offered by the committee. Unhappily, I am not in that position and can not make the acceptance; but I would much prefer to have a vote on it.

Mr. SHIELDS. Mr. President, I think the substitute which I offer covers the whole situation, and if it is adopted there will be no cases to which the amendment proposed by the Senator from New Hampshire can apply, and therefore its provisions will be wholly unnecessary. That amendment does not meet the whole case like the one which I have submitted, which goes to the very root of the proposed inequality of representation of the several nations in the council and assembly of the league.

Mr. LODGE. Mr. President, I do not feel warranted in accepting the amendment without some action by the committee, which I have not had, and without an opportunity to consult them. I have not had that opportunity. Personally, I should prefer the method proposed by the Senator from Idaho [Mr. BORAH] of voting on them separately, but I am perfectly willing to vote upon them in any form.

Mr. MOSES. It is perfectly evident, in view of the vote already taken, that we shall vote on them separately. Undoubtedly we shall vote upon the proposal of the Senator from Tennessee as a substitute for the amendment presented by the committee, and we shall then have an opportunity to vote upon the committee amendment.

Mr. HITCHCOCK. Mr. President, I shall vote against the substitute offered by the Senator from Tennessee [Mr. SHIELDS] and I shall, of course, vote against the committee amendment now before the Senate. The substitute offered by the Senator from Tennessee practically disqualifies, and bars from useful membership in the league, the great Dominion of Canada to the north of us. It also bars Australia, another great self-governing dominion, made a member of the league and a member of the assembly, as many other lesser countries are. It bars the Union of South Africa. It bars every self-governing dominion of the British Empire. It is a radical, drastic, and destructive amendment of the league of nations, and if it should be adopted, either as a substitute for the amendment offered by the Senator from New Hampshire, or as an independent amendment, it would practically destroy the treaty.

Mr. President, I am unable to understand why it is that Senators view the membership of these great self-governing dominions of the British Empire with so much misgiving and so much opposition. Senators have stood here upon the floor and declared that Great Britain had six votes. They have stood here and declared that the British Empire had six votes. It is not possible that intelligent people should believe either statement. Great Britain is not a member of the league. The British Empire is specifically given one vote for the council and one vote for the assembly. To say that the British Empire has six votes is to say that the fight which Canada, Australia, New Zealand, and the Union of South Africa have made for independent recognition and independent representation in the assembly is a farce. Each has secured a vote for itself because it is not willing to be represented by the Empire.

We all know that these great self-governing dominions of the British Empire have been slowly but steadily progressing toward independence. Everyone knows that these great self-governing dominions have sometimes chafed at the idea of not being independently represented in international affairs. I can not doubt that people also know that when votes were given to these self-governing dominions, it was not at the request of London, it was not at the desire of the Imperial British Government, but it was at the insistence of Canada, New Zealand, South Africa, and Australia. It was a part of their settled purpose to increase still more their independent position in the world. It is a part of the policy which they have pursued for many years toward having complete independence. It was due to the fact that they were not willing to be represented by the Imperial Government that they refused to have the Imperial Government speak for them and bind them in the assembly. Now, why should the United States view such an attitude on their part with apprehension?

Mr. President, here is Canada to the north of us, a great democracy, a sister nation. Canada does more business with us than with any nation in the world, many times over. Canada's population, virtually already American, comes into the United States, and constitutes a large percentage of the population of Maine, New Hampshire, Vermont, and Massachusetts. Are we jealous of Canada, a great Anglo-Saxon nation, having the same traditions and aspirations that we have and having progressed so far toward independent government? Can not we trust them to be members of the assembly and vote for the representation of their interests and their rights?

Mr. President, we all know that there are radical differences between the Imperial British Government and the Government of Canada, Australia, New Zealand, and South Africa. We all know that Canada will not admit to her borders the immigration of British citizens natives of India. We know that South Africa has enacted rigid legislation against immigrants from India, although citizens of the British Empire; has refused to permit those British citizens to come into the Union of South Africa to carry on business except on license from the Government of South Africa. Even within the last few years the Union of South Africa has enforced still more rigidly legisla-

tion and regulation against the people of India, British citizens, coming into the South African Union.

Mr. MOSES. Mr. President——

Mr. HITCHCOCK. We know that Canada will not permit, as I say, immigration either from India or from Japan or from China, and that in that respect Canada sympathizes much more closely with the United States than with the imperial Government of Great Britain.

Mr. President, I say that I can not see why there should be any honest sentiment in America against having Canada cast a vote in the assembly of the league of nations. I am not saying that it would not be proper to exclude Canada and the other dominions of the British Empire from a vote in case an interest exists. I am not saying that it might not be proper, and I believe in fact it is the correct interpretation of the league of nations that neither Canada nor the dominions nor any part of the British Empire should vote in any case in which the empire is interested as a whole, but I do say, Mr. President, that it is entirely out of harmony with American institutions that we in the United States should be jealous of Canada or Australia, or even of the Union of South Africa or of New Zealand.

Mr. MOSES. May I ask the Senator a question?

Mr. HITCHCOCK. They are a part of the great Anglo-Saxon race like ourselves, and if France does not object and Italy does not object and Japan does not object, and the neutral nations of Europe that are to become members of the league do not object, why in heaven's name should we, closely related to them in brotherhood, sympathy, and tradition, as well as in interest and aspiration, object to these great self-governing dominions being represented in the league of nations?

Mr. MOSES. Mr. President, I regret that the Senator from Nebraska [Mr. HITCHCOCK] closed his splendid panegyric upon the people of Canada, whom I think I know better than he does, inasmuch as no less than 28 per cent of the population of my State are of Canadian origin and among the best citizens of New England—I regret that he closed his panegyric upon that portion of the population of the British Empire which rightfully, I will say, have representation in the league of nations, without pausing to pass an equal encomium upon the subject people of the Indian empire, who are not citizens, as he has stated, but a subject race, and who equally have a vote in the assembly of the league of nations with Canada, a situation to which I object.

Mr. SHERMAN. Mr. President, I, too, am surprised at the Senator from Nebraska. The floor of the Senate is the only place in the civilized world where such an interpretation as that contended for by the Senator from Nebraska prevails. It does not prevail in Canada; it does not prevail in New Zealand; neither does it prevail in Australia and South Africa. What they may think of it in India I do not know; but India is a member of the league, although, as the Senator from New Hampshire [Mr. MOSES] has stated, it is a subject race. There is no more self-government in most of the districts of India than there is in Japan. The greater part of the inhabitants of the British East Indies are a subject race, even those of ancient lineage, the Brahmins, and the priests of the primeval temples. They were a powerful race of people and were civilized before Christ came on earth, even long before the Anglo-Saxon was known in human history. Their fathers and their gods are not as ours, but they are more ancient than any other nation in the world save the Chinese. When the seers and prophets of ancient Irsael made known the law to their people India was civilized and was known in written history; yet, Mr. President, it is a subject race. There is not an educated Hindu of the Brahmin class who ever traveled, lectured, or conversed with an American citizen in the United States who did not regard himself as a subject, and one without a voice in the regulation of his own local affairs, and a subject of the Kingdom of Great Britain.

When it comes to Canada, Mr. President, it is peculiarly unfortunate that Sir Robert Borden in a recent article takes issue with the Senators who claim that there is no numerical excess in the vote of the British Empire over that of the United States. Sir Robert Borden, in an article of October 7, 1919—not yet three weeks ago—takes violent issue with the Senator from Nebraska. It would not be contended that Sir Robert Borden does not represent Canada; it would not be insisted by the most zealous advocate of the league in its present form that he does not understand the status of the Dominion of Canada or its relation to the United Kingdom of Great Britain. I do not hope to convert any Senator on the minority side of the Chamber, least of all the Senator from Nebraska; but in order that it may remain as a part of the permanent record of this discussion, let me read some of the opinions expressed by Sir Robert Borden.

First, in the second paragraph of an article published in the New York Sun of the date I have given, he delivers this opinion on the status of the Dominion of Canada:

> Early in December preliminary conversations on the making of peace took place in London between representatives of the British Empire, of France, and of Italy, and the proposal which I had already put forward was accepted in principle. The preliminary peace conference began at Paris on January 12, 1919, and the question of procedure, including that of representation, was immediately taken up by the representatives of the principal allied and associated powers, afterwards commonly known as the Council of Ten.
>
> At first strong objection was made to the proposed representation of the British dominions. Subsequently there was a full discussion in the British Empire delegation at which a firm protest was made against any recession from the proposal adopted in London. In the end that proposal was accepted.

I should like to have the Senator from Nebraska—although he is absent now from his seat—answer Sir Robert Borden, the premier of the Dominion of Canada. This matter is not new. In several debates that have occurred, especially those participated in by the Senator from California [Mr. JOHNSON], and in matter incorporated in the CONGRESSIONAL RECORD some days ago, by my colleague [Mr. MCCORMICK], the position referred to has been fully outlined. It has not been adverted to by the Senator from Nebraska or by any of those who insist that the laws of mathematics from time immemorial have been repealed. It has not been discussed by the senior Senator from North Dakota [Mr. MCCUMBER]. Their arguments are equal to some other mathematical efforts in politics. We were once regaled with a long discussion of 16 to 1, and we now have it in the form of 6 to 1. Since the Arabic system of notation was invented every time anybody undertakes to prove that the integer or unit, which is simply a multiplication when larger numbers are involved, is equal to any larger number of units combined, profound philosophical discussion is required. The casuists of the Middle Ages have been rivaled in this Chamber by those who have sought to draw fine distinctions between the British Empire, the United Kingdom of Great Britain, and her colonial possessions; but, after all, their contentions, when reduced to the final analysis, regardless of the interpretation of authorities in Canada, New Zealand, Australia, and South Africa, are all summed up in the assertion that 6 must be equal only to 1 in the government ordained by the league of nations. But no answer has been made to the statement of Sir Robert Borden.

It is argued, Mr. President, that the amendment offered by the Senator from California [Mr. JOHNSON] and defeated a few moments ago in its original form would not accomplish the desired purpose. The motive, however, is there. I shall not argue that question, because that amendment has been disposed of. It is possible that the idea embodied in the reservation offered by the Senator from Wisconsin [Mr. LENROOT] will reach the desired end or that the substitute offered by the Senator from Tennessee [Mr. SHIELDS] for the amendment of the Senator from New Hampshire [Mr. MOSES] will reach it. What I wish particularly to refer to is that neither the Senator from Nebraska, the Senator from North Dakota, nor any other Senator has answered the statements made by those in authority in the Dominion of Canada or any of the other colonial possessions of Great Britain. Neither have eminent English and French authorities been answered.

It is assumed, I presume, that the Senators who adopt this view know more about the relations of the colonial possessions of Great Britain to the parent country than the parent country and those possessions themselves know. I will proceed with my reading from that article, or such portions of it as are material to this question. The council of 10 includes the British Empire, her five colonies that are signatory nations to the league, and four other nations. They constituted the council of 10 in the peace conference, and when the council of 10 is referred to in this article it should be so interpreted:

> The adoption of the panel system gave the dominions a peculiarly effective position. At plenary sessions there were sometimes three Canadian plenipotentiary delegates, two as representatives of Canada and one as representative of the Empire. Moreover, throughout the proceedings of the conference the Dominion delegates, as members of the British Empire delegation, were thoroughly in touch with all the proceedings of the conference and had access to all the papers recording its proceedings.

Mr. President, I should like to remind the Senate that while the authorities of Canada have access to the papers recording the proceedings before the peace conference the Foreign Relations Committee of the Senate and no Member of the Senate have access to them. The contemporary documents and opinions of delegates to the peace conference that are material to the interpretation of the league covenant are not open to the Senate nor to the Foreign Relations Committee. In the history of our own country, and especially its constitutional history, all that was said at the Philadelphia Convention, the addresses made by those who favored the Federal plan as well as by

those who favored the league plan in the adoption of our present form of government, were preserved—the Madison Papers, all of the addresses of Hamilton, the debates before the several conventions or State legislatures of the thirteen original States are all preserved. Elliott's Debates contain at length the record of the proceedings, not only of the Federal convention but of the conventions or legislatures of the several States called on to ratify or reject the Constitution. The Supreme Court opinions are full of citations from these records of the early time in connection with the interpretation of paragraphs, of phrases, of articles, and of the preamble and purpose of the Constitution. The record of the remarks of the delegates to the convention have for more than 130 years been a part of the imperishable heritage of this country in the construction of constitutional provisions. Why is it that in this crisis of our country we are denied access to the archives giving the information as to the different sections of the league covenant and furnishing the reasons why they were adopted? These records, which in this crisis of our country would be invaluable in the interpretation of these articles, are not forthcoming. When the Committee on Foreign Relations sought some of the papers, such as the different drafts of the league of nations that were offered by the representatives of various countries, they could not be had. When they asked for the records of the discussions had, for the use of the Foreign Relations Committee—not necessarily for publication, if it should be deemed incompatible with the public interest—those records were not produced. The reply was made that unless by consent of the other 23 nations represented at the peace conference those records could not be given to the Foreign Relations Committee, or made accessible to the Senate, even if in executive session. So we are without them; but I apprehend from the reading of this paragraph in Sir Robert Borden's article, referred to, that all those records are known to him and to the representatives of the British Empire or her several colonial possessions.

> At plenary sessions there were sometimes three Canadian plenipotentiary delegates, two as representatives of Canada and one as representative of the empire.

That refers particularly to the representation of Canada and the other colonial possessions.

> Moreover, throughout the proceedings of the conference the Dominion delegates, as members of the British Empire delegation, were thoroughly in touch with all the proceedings of the conference and had access to all the papers recording its proceedings.

Why this mystery and silence? Why is it that that information is denied to the Senate or to the Foreign Relations Committee? Why have we not had access to all the records and the debates that would enlighten us upon the meaning of these several articles? Great Britain, both her representatives of the United Kingdom and the representatives of her five colonial possessions—I will make this statement, and I think I am justified in making it in view of some other evidence I have, which I do not care to quote at present—all of them have been thoroughly conversant with every step of the discussion, and every means afforded to enlighten themselves on why these articles were framed as they are or what led to the adoption of the league as a whole. We are denied the customary documents that go along with great constitutional creations. We are denied here all that might enlighten us and put us on an equality of knowledge with the Dominion of Canada or with Australia.

There is a purpose in this. There is hidden away in these records such indubitable evidence that Great Britain, when this league is in working order, will have five votes in her colonial possessions and one of her own; that it could not be even debated on the opposite side of this Chamber; it could not even be contended by the most subtle casuist, in all the forensic discussion that might be invented, that there was any question about what Great Britain understood in the practical operation of the league. I believe that is why those records are denied us.

Continuing:

> This enabled them to watch and check those proceedings effectively in the interest of their respective dominions.

He is speaking now of the whole five of the colonial possessions; and he says it enabled them effectively, in the interest of their respective dominions, to watch and check any proceedings to change the program. I will further show in a minute that that program was to give each of these colonial possessions the status of an integral nation and to stand in the league with one vote representing their sovereignty.

> Dominion ministers were nominated to and acted for the British Empire on the principal allied commissions appointed by the conference from time to time to consider and report upon special aspects of the conditions of peace.
>
> On several occasions I was charged with the duty of attending as one of the British Empire representatives on the council of five. Mr. Lloyd-George called upon me to put forward before the council of four the British Empire case in respect of the clauses on economic questions, on the international control of ports, waterways, and railways, and on submarine cables. During the last month of my stay in Paris I acted regularly as chairman of the British Empire delegations in the absence of the prime minister of the United Kingdom, whose duties as a member of the council of four constantly prevented his attendance.
>
> It is desirable to note an important development in constitutional practice respecting the signature of the various treaties concluded at the conference. Hitherto it has been the practice to insert an article or reservation providing for the adhesion of the dominions. In view of the new position that had been secured, and of the part played by dominion representatives at the peace table, we thought this method inappropriate and undesirable in connection with the peace treaty. Accordingly, I proposed that the assent of the King as high contracting party to the various treaties should, in respect of the dominions, be signified by the signature of the dominion plenipotentiaries, and that the preamble and other formal parts of the treaty should be drafted accordingly.

Here is an express understanding that the five colonial nations, a part of the British Empire, shall be represented among the signatory nations by the delegates of these several colonies, and that their signatures shall represent the signature of their King. George V, therefore, as a colonial proxy signs the various documents connected with the peace treaty, with the league of nations, and any other treaties with the country, like that for the preservation of France in case of another attack, like the treaty with Poland, or the treaty with Italy. The signature of the delegate from Canada represents George V. Lloyd-George and the British Parliament evidently made no objection to that procedure. Having been carried out in that way, the British Crown's signature to a public document represents the Dominion of Canada, and the other four as well by their consent. That is a sovereign act.

No objection being made, no criticism by any authority in the United Kingdom of Great Britain to that method adopted by her several colonies to represent themselves, I am justified in the conclusion I draw that that was the method adopted by these different nations for each to receive the status of an independent sovereign power.

Now, let me read from the league:

> These powers—
>
> After enumerating them—
>
> being described in the present treaty as the principal allied and associated powers.

They are the United States of America, the British Empire, France, Italy, and Japan.

Then, again, the remainder of the 32 signatory nations are recited below in the same paragraph or article, and it is defined further that these latter powers constitute, "with the principal powers mentioned above, the allied and associated powers."

Mr. President, at the end of Part I, which is the league of nations, we find in the annex these descriptive words:

ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE.

United States of America.
Belgium.
Bolivia.
Brazil.
British Empire.

Then follow, after the signature "British Empire," on page 43 of the treaty:

Canada.
Australia.
South Africa.
New Zealand.
India.

Does any other country so sign? Down below a short way I come to the signature of France, one of the principal allied and associated powers. There does not follow after the signature of France Algiers, any part of the Franco-African settlement, any of the territorial possessions of the French Republic anywhere in the world. Why, after the signature of Great Britain, do her five colonies follow? It seems to me that there is a purpose in attaching their names in the annex to the treaty. It must be for the purpose of fitting in with the interpretation of Sir Robert Borden that Canada has the status of a foreign nation, that the signature of its delegate, or when attached in the name of the British King, is to be considered as the signature of Canada, and no objection is made anywhere, either by the United Kingdom or by any of its authorities.

I can not see, Mr. President, why the signatures of these five nations are had in the league. Neither can I understand why they are included as 5 of the 32 signatory nations. To me, and to any other Senator who is disposed to exercise his thinking apparatus, there is no answer for it. If the thinking is done upon the White House hill, if we are mere Executive echoes, I can understand how six is equal to one, and why these signatures to the league of nations—five of them—are of no avail. They are alleged to be mere formalities.

It seems to me, however, that on the face of the league of nations there is evidence of bad faith, evidence of furtive interpretation. There is abundant reason to believe that the articles of the league, when interpreted, will bear the provision for six-to-one voting strength upon all questions affecting the British Empire.

Why not leave that out? Why does the Dominion of Canada insist upon being considered one of the 32 signatory nations if there will be no vote upon any vital question after the league shall become operative?

I continue now, reading from the Borden article:

This proposal was adopted in the form of a memorandum by all the Dominion prime ministers at a meeting which I summoned and was put forward by me on their behalf to the British Empire delegation, by whom it was accepted.

That is referring to the status of Canada as an independent nation in the league.

The proposal was subsequently adopted by the conference and the various treaties have been drawn up accordingly, so that the dominions appear therein as signatories and their concurrence in the treaties is thus given in the same manner as that of other nations.

If their concurrence is given "in the same manner as that of other nations," to use the language of Mr. Borden, then their power in the league, and their voting strength, regardless of the specious interpretations put upon it in this Chamber, continue in the league, and will upon proper occasions be exercised.

This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by His Majesty, so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

CANADA AND THE LEAGUE.

The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league.

I would very much like to have Senators, especially the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from North Dakota [Mr. MCCUMBER], explain this portion of Sir Robert Borden's article. It is only carrying out what was said in debate in the Canadian Parliament, read into the RECORD by the Senator from California [Mr. JOHNSON], and referred to in discussion here by other Senators. It is only in substance saying that the status of those colonies is that of any other nation in the league. Are other nations denied powers of voting? Are they disfranchised because they are members or connected with some colony? These colonies are claiming the independent, sovereign powers of other nations. I wish to find out, Mr. President, whether in the ballot box in this league six ballots for a candidate will be equal to one for some other candidate. Not in American politics or in the science of American Government will that be so. They do not vote that way in the stockyards. They do not vote that way in Delaware or Rhode Island. They will not vote that way in the Mississippi Valley from that river's source in Minnesota to the Delta in the Gulf.

Senators will not be so facetious in any State where there is a reasonably close political fight. In those where there is nothing after the nomination no fears need be entertained. But in every State in the Union outside of those where free self-government does not exist and where government is not by oligarchy, Mr. President, it will not be so much a matter of idle comment or of political comedy as it appears now.

The new and definite status of the Dominion at the peace conference, it is said, is manifested by the league of nations—manifested by the signatures on page 43. Treaties are not signed by subject powers. Treaties are signed by sovereigns. There is no such thing as a treaty among subject powers. Treaty making is a sovereign act. Of itself it imports sovereignty. It requires no interpretation when a treaty is signed to say that the signatures represent sovereignties and not subjects. Therefore when it is said, in referring to the league of nations here, that it is significant, I turn to the 5 signatures of these 32 signatory nations and find already there Great Britain's colonial possessions. All the interpretation, all the specious reasoning, all the casuistry, I repeat, if you went back to the days when it was an exact science, can not interpret the signatures of these powers, except as independent, sovereign powers, entitled to all the rights to vote upon vital questions that every other nation has.

Under the rules and regulations they will have that power except when they are parties to the dispute, and thereby excluded by the express terms of the league itself. The statement continues:

The league of nations' commission—

As near as I can understand, I think that was the subcommittee, if we might so phrase it, having in charge the preparation in due form of the league to present to the full conference—

The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany the status of the dominions—

That is, speaking of all of them—

the status of the dominions as to membership and representation in the assembly and council was fully recognized.

They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members.

The prime minister of Canada so interprets it. It remains for Senators in this Chamber to interpret it otherwise. It does not require any vivid imagination to foresee that when Great Britain and Canada interpret this question or this power they will interpret it as Canada's prime minister suggests. What will we do? We will come in with a reservation, certainly, and say that a reservation gave as our interpretation only one vote to the British Empire. Of what avail will that be after we are in?

Although neither of the Senators from Virginia is here, one being unfortunately ill, I want to talk a moment about the State of Virginia, not in any sense of criticism but to refer historically to the ratification of the Federal Constitution by the State of Virginia nearly 132 years ago.

The Old Dominion, as the State was called then, attached a reservation to their ratification of the Federal Constitution. It was at that time the first State in the Union in population. In commercial importance it excelled even New York. It was greater in its statesmanship at that time than any of the other States of the Union. Of the whole thirteen it was the leader.

When the Constitution was presented to be ratified they attached a reservation. Jefferson Davis referred to that many times in his public life. The reservation made by Virginia was referred to many times during "the war between the States," as they called it. In Pollard's History of the Lost Cause it is commented on. Alexander H. Stephens quoted it in his debate on the right of a State to withdraw from the Union. In the many arguments upon that question it was said that that was an implied right and required no reservation, but Virginia expressly reserved it. That was a reserved interpretation put upon the document itself.

When the ordinances of secession were passed and when Virginia passed her ordinance, did that save her? Did that keep her from being regarded as an enemy of the Federal Government? Did that reservation save her from having the Army and Navy of the United States employed against her and taking the field against the armies of the State that were put in operation against the powers of the Union? Nobody paid any attention to it in the clash of arms. The day of argument had passed, and when the Civil War was over the right to withdraw from the Union, however it might have been a matter of forensic discussion, ceased in all parliamentary bodies in this country to be a subject of sober discussion. Whatever might have been the force of it as a reservation, it has been condemned both by the Supreme Court and in arguments in every parliamentary body outside of those concerned in withdrawing from the Union; it has been put to rest finally by force of arms and by the onward march of events.

As far as a reservation in a constitutional document or anything of its character, like the league of nations, is concerned, when once you are in the reservations adopted are of no consequence, and none of the members are bound to observe them. It will be our interpretation. The only way it will be of value to us will be to free us from the imputation of bad faith. When we go in, like Virginia, we will have our interpretation attached to the ratification, making it a part of our approval of the league and the treaty. If we are afterwards asked, through Congress or the Executive, to act otherwise than in accordance with our reservations we can reply that we became members on those conditions. It will free us from any imputation of bad faith, from any charge of a breach of our obligations. It will enable us to pursue our course nationally, but if the force of arms is applied it will be no answer to us if the league of nations of the world send their armies and navies to our shores.

I shall vote for the reservations in order to free us of any charge of breaking faith in the event our interpretations become material in our foreign relations. Upon our domestic questions, it can accomplish nothing. Our domestic affairs will move on without regard to the league of nations. Whatever the resolution of ratification may amount to in the Senate; whatever any Executive order published may be, there is a greater power than the Senate; there is a superior governmental power to that of the Executive. It will be the sober second thought of the American people; it will act along the established channels of peaceable, orderly government. But they will make themselves felt when we resolve ourselves into the good Samaritan of the world, to give of our wealth and of our blood, and, all without money and without price, only to be thanked and called the easiest power to approach in the world and get something for nothing. When we are asked to continue this course, after awhile the American people will be heard.

A similar question arose—

Continues Mr. Borden—

in respect of the constitution of the international labor organization. Corresponding to the council of the league, there is a labor governing body consisting of delegates nominated by a limited number of governments. The original form of the labor convention did not adequately recognize the status of the dominions, and at the plenary session of April 11, 1919, when a resolution was proposed that the peace conference approve of the draft convention, I moved that the resolution be amended by adding a provision which authorized the drafting committee to make such amendments as were necessary to have the convention conform to the league of nations in the character of its membership and in the method of adherence. As a result the labor convention was finally amended so that the dominions—

"The dominions," speaking of all of them—

were placed on the same footing as other members of the international labor organization, becoming eligible like others to nominate their government delegates to the governing body.

The recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues.

For the first time, in anything we have been able to ascertain in any document submitted to us, we learn that the British prime minister and his colleagues favored unwaveringly the separate sovereign representation of the dominions, and until the letter that has been quoted many times was read on the floor of this Chamber we had nothing to indicate what the prime minister and his colleagues thought of this power. But here Canada, speaking through its prime minister, informs us in matter that is corroborative of the letter of Lloyd-George, Clemenceau, and others. So we are gradually gathering the circumstantial evidence that gives to Great Britain six votes on all vital questions that may arise under the league.

I read again:

The constitutional structure of the British Empire is imperfectly understood by other nations, even by a nation so close in kinship, in language, and in the character of its institutions as the United States of America.

There has been but one lucid statement of the constitution of the British Empire and the relations of self-governing colonies of the United Kingdom, and that was made last week by the Senator from Tennessee [Mr. SHIELDS], where he stated in unanswerable terms the conditions under which the British Empire holds its various colonies and their relations to the home Government in London.

It is said here in a patronizing sort of way that we do not understand the structure of the British Empire. That may be so. That may be the cause of much criticism that has been made by visiting Englishmen. Some of the Englishmen who are here now, in a superior sort of way, say that America does not understand the principles of colonial empire; that the United States does not understand the great principles of constitutional government; that England has had 700 years of experience in constitutional government, while we have only had 132 years. We appear to be uninformed, callow, local, and subject to criticism by English authorities.

I am reminded that there is a gentleman in Washington who represents a newspaper of London who has in letters said that Senators were guilty of treason in opposing the orders issued by the Executive of this country to ratify the treaty and the league out of hand as sent to them and make no sacrilegious criticism; that it is a species of legislative blasphemy to question anything the Executive demands to be done in this Chamber.

That same newspaper man has been in the country for 20 or 25 years. Of course he keeps his allegiance intact to Great Britain, or to the United Kingdom rather, because of his persistent crusade in this country for the superiority of everything English in character, and of the crudeness and unfitness of this country to govern itself without help from London. During the administration of a former President he asked the President to intervene with the King of England that he might have an order of knighthood conferred upon him for his distinguished services here. The gentleman is still in Washington. I see him sometimes in the press gallery of the Senate. He has all the privileges there of any other newspaper correspondent, but he has arrogated to himself the privilege of writing down Senators as guilty of treason in this body for not obeying Executive orders in this country.

I only refer to this supercilious snob to show to what advanced lengths our British cousins have now gone in telling us how to govern ourselves and how to ratify treaties in the Senate. It is not by the advice of such as he, or any of his kind that come to this country, that we are an independent power to-day.

I have said many times that I have great respect for the Kingdom of Great Britain. The United Kingdom is one of the greatest countries in the world. Any country with 46,000,000 population that can govern around the world, that can make ill-concealed criticisms and covert sarcasm and thrusts at this country, and then have the sublime assurance, through the house of J. P. Morgan & Co., to carry an advertisement in to-day's paper urging the taking of a loan of $250,000,000 at 5½ per cent—any country that has the supreme arrogance to do this, certainly, if her nerve is her asset, exceeds in resources that of any other country in the world. I say I respect them, but I do not follow their advice. If such as he or his kind are to give us advice and we follow it, it would be vastly better that we were a colonial possession of Great Britain yet. It is only because of the Declaration of Independence, of George Washington, and of George III, who was not an English King, who was of German blood, as Oliver Wendell Holmes said, a snuffy old drone from the German hive, with the usual obstinacy that goes with his kind, with his stupid vacillating ministry, and against the protest of Edmund Burke and the elder Pitt, regarding not at all their statements of the justice of the claims of these colonies—we can thank those agencies that we are independent. We might otherwise have been like Canada and Australia.

Why, even New Zealand and Australia come across to us with advice, and by the daily papers that are controlled by the international bankers of New York, Chicago, and Philadelphia we are regaled nearly every Sunday with long articles about what a beautiful country Australia is, what a great territorial dominion it is, nearly equal in the island alone to the whole area of the United States, and with about six and one-half or seven million population. They tell us about their great resources, of their methods of government, superior to those of any other country in the world.

One of my friends of English descent, a neighbor of mine, was talking to me about it. He is always quoting what New Zealand and Canada are doing, and that we ought to take their advice on the league of nations, because they are so much wiser, both of them, than we are. I dispose of Australia in one sentence, that Australia might be superior, but all of the first families of Australia were descended from the convicts that left their country for their country's good. Of course, when they arrived there was plenty of fresh air and liberty, and they were free from temptation. It was originally a convict colony. I do not mean that all of them are now descended from convicts. It has had, since it developed, a very great immigration from that and other countries, but I still decline to take advice from Australia. I prefer to follow the traditions of my own country.

Let me read the rest of this:

The constitutional structure—

They say—

of the British Empire is imperfectly understood by other nations—

I repeat that—

even by a Nation so closely allied in kinship, in language, and in the character of its institutions as the United States of America. Such lack of comprehension need excite no surprise, because the association between the mother country and the great self-governing dominions has been for years in a condition of development, and that development is not yet complete.

The British North America act of 1867, referred to by the Senator from Tennessee [Mr. SHIELDS] on last Friday, set forth at some length the relations between the United Kingdom of Great Britain and her colonies. That, following the acts of 1915 and 1916, of the fifth, sixth, and seventh years of the reign of George V, further defining the relations between the United Kingdom of Great Britain and certain of her colonies, especially Canada, a kind of Canadian settlement act, very definitely established the sovereignty of these colonies. They became independent nations, with full right of home rule, and only in the foreign relations of peace and war, in matters of diplomacy with foreign countries, are they bound to consult the mother country.

The future relationship of the nations of the empire must be determined in accordance with the will of the mother country and of each Dominion in a constitutional conference to be summoned in the not distant future. Undoubtedly it will be based upon equality of nationhood. Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britannic commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

On behalf of my country, I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American continents. Her resolve had given inspiration, her sacrifices had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable—

And the closing words are most significant—

of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty and far less conspicuous in their sacrifice.

I now ask, Mr. President, to insert the whole of this article by Sir Robert Borden, taken from the New York Sun of October 7, 1919, in the CONGRESSIONAL RECORD without reading.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Without objection, it is so ordered.

The article referred to is as follows:

[From the New York Sun, Oct. 7, 1919.]

CANADA'S STATUS AS A NATION WITHIN THE BRITISH EMPIRE TOLD BY PREMIER—SIR ROBERT BORDEN EXPLAINS DIPLOMATIC POSITION ACHIEVED BY DOMINION AT THE PEACE CONFERENCE—TELLS OF ITS RELATION, AS A SELF-GOVERNING BRITANNIC COUNTRY, TO THE TREATY.

(By the Right Hon. Sir Robert Laird Borden, G. C. M. G., P. C.)

The status of the Dominions at the peace conference was the subject of long and earnest discussion. Various methods, which it is not necessary to explain, were suggested. In the end I proposed that there should be a distinctive representation for each Dominion similar to that accorded to the smaller allied powers, and, in addition, that the British Empire representation of five delegates should be selected from day to day from a panel made up of representatives of the United Kingdom and the Dominions. This proposal was adopted by the imperial war cabinet.

Early in December preliminary conversations on the making of peace took place in London between representatives of the British Empire, of France, and of Italy, and the proposal which I had already put forward was accepted in principle. The preliminary peace conference began at Paris on January 12, 1919, and the question of procedure, including that of representation, was immediately taken up by the representatives of the principal allied and associated powers, afterwards commonly known as the council of ten. At first strong objection was made to the proposed representation of the British Dominions. Subsequently there was a full discussion in the British Empire delegation, at which a firm protest was made against any recession from the proposal adopted in London. In the end that proposal was accepted.

CANADA'S REPRESENTATION.

The adoption of the panel system gave to the Dominions a peculiarly effective position. At plenary sessions there were sometimes three Canadian plenipotentiary delegates, two as representatives of Canada and one as representative of the Empire. Moreover, throughout the proceedings of the conference, the Dominion delegates, as members of the British Empire delegation, were thoroughly in touch with all the proceedings of the conference and had access to all the papers recording its proceedings.

This enabled them to watch and check those proceedings effectively in the interest of their respective Dominions and placed them in a position of decided advantage. Dominion ministers were nominated to and acted for the British Empire on the principal allied commissions appointed by the conference from time to time to consider and report upon special aspects of the conditions of peace.

On several occasions I was charged with the duty of attending as one of the British Empire representatives on the council of five. Mr. Lloyd-George called upon me to put forward before the council of four the British Empire case in respect of the clauses on economic questions, on the international control of ports, waterways, and railways, and on submarine cables. During the last month of my stay in Paris I acted regularly as chairman of the British Empire delegations in the absence of the prime minister of the United Kingdom, whose duties as a member of the council of four constantly prevented his attendance.

A STEP FORWARD.

It is desirable to note an important development in constitutional practice respecting the signature of the various treaties concluded at the conference. Hitherto it has been the practice to insert an article or reservation providing for the adhesion of the dominions. In view of the new position that had been secured, and of the part played by dominion representatives at the peace table, we thought this method inappropriate and undesirable in connection with the peace treaty. Accordingly, I proposed that the assent of the King as high contracting party to the various treaties should in respect of the dominions be signified by the signature of the dominion plenipotentiaries, and that the preamble and other formal parts of the treaties should be drafted accordingly. This proposal was adopted in the form of a memorandum by all the dominion prime ministers at a meeting which I summoned, and was put forward by me on their behalf to the British Empire delegation, by whom it was accepted. The proposal was subsequently adopted by the conference and the various treaties have been drawn up accordingly, so that the dominions appear therein as signatories and their concurrence in the treaties is thus given in the same manner as that of other nations.

This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by His Majesty so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

CANADA AND THE LEAGUE.

The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany the status of the dominions as to membership and representation in the assembly and council was fully recognized.

They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members. An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me, and is of record in the archives of the peace conference.

A similar question arose in respect of the constitution of the international labor organization. Corresponding to the council of the league, there is a labor-governing body consisting of delegates nominated by a limited number of Governments. The original form of the labor convention did not adequately recognize the status of the dominions, and at the plenary session of April 11, 1919, when a resolution was proposed that the peace conference approve of the draft convention I moved that the resolution be amended by adding a provision which authorized the drafting committee to make such amendments as were necessary to have the convention conform to the league of nations in the character of its membership and in the method of adherence. As a result the labor convention was finally amended so that the dominions were placed on the same footing as other members of the international labor organization, becoming eligible like others to nominate their Government delegates to the governing body.

The recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British Prime Minister and his colleagues. The constitutional structure of the British Empire is imperfectly understood by other nations, even by a nation so closely allied in kinship, in language, and in the character of its institutions as the United States of America. Such lack of comprehension need excite no surprise, because the association between the mother country and the great self-governing dominions had been for years in a condition of development, and that development is not yet complete.

FUTURE RELATIONS.

The future relationship of the nations of the empire must be determined in accordance with the will of the mother country and of each dominion in a constitutional conference to be summoned in the not distant future. Undoubtedly it will be based upon equality of nationhood. Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britannic commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

On behalf of my country I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American Continents. Her resolve had given inspiration, her sacrifices had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty, and far less conspicuous in their sacrifice.

Mr. SHERMAN. I now come, Mr. President, to interpretations put upon the membership in the league of the five British colonies. On the 26th day of May, 1919, during an address by the senior Senator from Missouri [Mr. REED], a colloquy took place between the Senator from Missouri and the Senator from Nebraska [Mr. HITCHCOCK]. The Senator from Nebraska, interrupting the Senator from Missouri, used the following language, partly in the form of a statement and partly as an interrogatory:

My judgment is that if Great Britain and France do not object to these small nations, that are practically under the protection of the United States, being financed by the United States, and largely controlled by the United States, coming into the league, it is not likely that we will suffer very much from them.

This is found on page 238 of the CONGRESSIONAL RECORD of that date. The Senator from Missouri said:

I am asking the Senator if he is willing to consent to the proposition? Can we not have a categorical answer? Is the Senator willing to put these 50,000 negroes—

Speaking of Liberia—

up as the equals of the 110,000,000 people of the United States?

Each having an equal vote in the league.

Mr. HITCHCOCK. I should like to ask the Senator whether he has named any country that is not practically under the protection of the United States?

Not long ago the President of the Republic of Liberia was in Washington. Was he here in order to discover some method of reclaiming the cannibals and the voodoo worshipers in the back country of Liberia? Was he here for purposes of consultation, to ascertain if some method could be devised to bring about greater progress in his country than he or his agents are making at the present time? He was here for the purpose of obtaining the balance of a loan made available under taxes levied and bond issues raised from American taxpayers. Liberia has not exhausted herself in war. She may occasionally have some trouble with the snake charmers in the back country; it is barely possible that some of the barbarian dances indulged in by the voodoo worshipers require a little discipline at times; but beyond that matter of domestic administration and the restraining the conduct of some of his constituents toward missionaries—beyond a few domestic questions of that kind, no great overpowering necessity for funds has descended upon the Liberian Republic. But still we are loaning Liberia money, and the President of Liberia came here to collect the last installment of the loan. When that had been properly provided for he took his departure to that distant land of the free and the home of a great variety.

Further on the Senator from Nebraska asked:

Will the Senator explain what they—

Referring to the smaller nations—

can vote on? I think that would be interesting.

The Senator from Missouri replied:

On anything that America can vote on in the league of nations.

Mr. HITCHCOCK. The Senator is entirely mistaken.

Mr. REED. Ah, does the Senator claim that the league of nations has nothing to do? Let us have it out. Does it have nothing to do, or does it have something to do?

Mr. HITCHCOCK. The league has very little to do.

Mr. REED. Then the league is a fake, is it not?

Mr. HITCHCOCK. Practically all of its powers, as the Senator well knows if he has studied the constitution of the proposed league, are in the hands of the executive council, and the only five permanent members of that executive council are the United States, Great Britain, France, Italy, and Japan.

Later on the Senator from Nebraska said:

He has stated—

Referring to the Senator from Missouri—

that the small nations which he has named will have as great a vote as the United States, when he knows as a matter of fact that no nation, not one of the five permanent members of the executive council, can have as much vote, influence, and power as the five members named on the executive council permanently; he knows that.

Now, let me read further from another colloquy in the same speech as a foundation for some subsequent comment at length. I read from page 243. The senior Senator from California [Mr. PHELAN] said:

* * *

Mr. President, I did not raise the question for the purpose of discussing the merits of the people of Siam, but the hereditary monarch and the ruling classes, according to their form of government, are educated and well-informed persons, like the Senator from Missouri. I think, therefore, that, representing their Government, they can speak with intelligence and knowledge of the world. But that he is a monarch does not interest me, nor should it interest us in the effort to create a league of nations. We must accept the nations as they are, and possibly under the inspiration of the league there will be a broader democracy in the future.

Further, he said:

In so far as they are members of the league they will vote. I do not know how far it will affect the destinies of the United States; but very little, I imagine. They are civilized.

* * * * * * *

There is no question of equality involved in the organization of the league, so far as control is concerned, because the larger nations, four or five of them, are established permanently in control.

I have read these quotations from the remarks of Senators who are now active in supporting the league as presented to us in its original form without reservation or amendment in order to comment upon a peculiar feature presented by their statements.

It has been said here repeatedly that under the form of the league it is not a league of nations; it is a mere alliance of some of the principal powers of the world. The senior Senator from New York [Mr. WADSWORTH] in a very able address made some time ago on the league and treaty reminded us of one vital defect in the league. He showed by reference to its various articles that it is a league of men; that, so far as it becomes operative as a government or as a restraining influence upon sovereign powers, it is a government of men and not a government of principles or of law. It does not lay down any great international code; it declares no great principles to regulate the nations in their relations with each other; it simply undertakes to create instrumentalities, and then to say what the instrumentalities through their human agencies may do. It is vastly inferior to either of The Hague conventions, especially the latter one of 1907. That convention declared the great international principles that should govern nations at peace and during war. It laid down new and humanizing doctrines; it prohibited brutal practices even in the stress of war; it regulated the conduct of nations and their navies on the high seas; it prohibited the inhuman acts that were ushered in by the submarine warfare of the Germans. The pending league covenant lays down no such great code of principles. It provides a government purely of men.

I now return to the statements made by the Senators to whom I have referred that it is an alliance of nations, a combination of large powers in which 5 out of the 32 original signatory nations are the controlling powers; or, to use the language of one Senator, "Four or five of them are established permanently in control." The permanent control, therefore, according to the interpretation of the league by some Senators, is limited to five of the great powers, of which the United States is one. Such a league, such an alliance, such a congress composed of five powers, two of which have taken vast areas of territory from the defeated enemy, can not be more than any other alliance or congress of nations; it can not be a league to guarantee permanent peace.

Further, when we speak of the six votes of the British Empire as opposed to the one vote of the United States, the Senator from Nebraska interprets it, and limits that fatal ratio of six to one by saying that the United States will vote such nations as Liberia and others over whom we exercise influence.

Liberia is practically in receivership by the United States now. Haiti and San Domingo are in receivership. We exercise what is practically not a British protectorate, but a preserving protectorate, both for the preservation of domestic peace and of security against external aggression by other countries, over Cuba under the five points in the Platt amendment adopted in this Chamber some years ago. In all the Caribbean Basin, in Central and South America, it is presumed by the inferences of this argument that we will exercise a large influence over all of the Republics, members of the league, in the Western Hemisphere.

It is sought to mitigate the fatal ratio by calling attention to the great number of member nations of the league that will vote, and by the intimation that by going out and gathering in those amenable to our influence we will vote as many or more nations than Great Britain. Great Britain will vote His Majesty the Sultan of Hedjaz; she will vote Persia; she will vote Siam; she will vote Tibet; she probably will vote every other separate principality or power in Asia and Africa, outside of those influenced by whatever government Germany may finally adopt. It will then become a question of influence over other member nations of the league.

I remember in years past the criticisms of many reformers. I have heard it from both sides of various conventions where both parties have been represented. They came along and told us that the bad political boss had to go. He had become persona non grata in public affairs. You know, the habit was charged to be, with various political authorities, that they went out in the counties and districts and States and gathered a great number of delegates. If the delegate did not come himself, if his mother-in-law was ill, or he wanted to go to a baseball game worse than he did to a convention, he just wrote out his proxy and gave it to the political authority who came to him, especially if there was some inducement offered. We all know about it. We have all been guilty. We only raised a tremendous hullaballoo when the other fellow beat us to it.

But magazine writers and various moralists and university professors animadverted at great length on the sinfulness of such practices, and so in time public opinion began to gather strength, and the political boss was denounced as a vicious influence in politics because he went out and gathered a whole State, or a majority, in proxies.

Then there was another practice that was often criticized. It was that the State committee would get together, and sometimes other committees, and they would pass a resolution, and they would frame up as many delegates as they needed to tide over a crisis in their affairs, 5 or 6 in a county, 8 or 10 in another county, and they would all be gathered in, and after a while the bad man would have a majority in the convention. That was creating new proxies when he did not have enough of the crop already in existence. I never had any particular criticism to make of that myself, because I have done as much of it as my enemy has; but public opinion changed, and the reformer came along, and we all decided that there would be no more of it.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to his colleague?

Mr. SHERMAN. Yes, sir.

Mr. McCORMICK. Does my colleague mean to insinuate that somebody might get a proxy from the Hedjaz?

Mr. SHERMAN. I fear that my colleague anticipates my argument. I do mean to insinuate that very thing.

Mr. McCORMICK. I apprehended something of the sort, for I was a novice when my colleague was a priest in the temple of politics.

Mr. SHERMAN. I thank the Senator for the allusion. The Sultan of Hedjaz may be a novice, but the British authorities are no novices in gathering proxies. They are old hands in the proceeding. They began as far back as the time of Warren Hastings, the first governor general of British India, and they have been at it ever since. Once in a while they send a gatherer of proxies to the penitentiary, but seldom. For all the plunder of Warren Hastings, who exercised for the British East India Co. for many years vast governmental as well as commercial powers, upon a great historic occasion, upon a theatrical presentation of the articles of impeachment, upon the six weeks' speech of Edmund Burke, there resulted at last no punishment save that of publicity of this great gatherer of proxies.

They have had more useful experience in it than we have, Mr. President. We can not for a moment suppose that we can go out in the world-wide procedure and gather proxies in competition with the British Empire. What I am interested in, though, is to know that the reformers at last had their way. The day of direct primaries came. Through many national conventions and much dispute the change came. Why, I remember quite well, in 1908, the time when the distinguished ex-President, Mr. Taft, was nominated. I think so great a man as the then President of the United States was not only vigilant but well informed on how to gather proxies in a national convention. I remember that Speaker CANNON at that time offered an amendment to the rules of the national convention. The amendment would have reduced the representation of delegates from the Southern States to conform to the actual votes cast in those States instead of the census returns every 10 years. It provided, further, that when delegates were selected under the primary laws of the States the returns so made from those primaries, properly certified by the State authorities, should be the credentials entitling the delegates to sit in the convention. The President then, controlling at that time the national committee, voted down those amendments, because the seating of delegates from the Southern States in the Republican convention and the unseating of certain other delegates in Northern and Western States, held under primaries or under no primary at all, gave additional delegates in the convention, and all those delegates were needed to nominate Taft as the candidate upon the dictation of the then President of the United States.

In 1912 the same rules were still in force. The same political forces gathered proxies in the same way that they did in 1908. That was contrary to the aroused public sentiment of the age. It caused a great schism in the Republican Party. I think they were wrong both times, in 1908 and in 1912. The change has been made under the rules of the national convention by amendment made in 1914 or 1915, or prior to the convention of 1916. The rules ought to have been changed in 1908. They were not. They ought to have been changed in 1912. They were not. The punishment came in 1912 for a failure to meet the situation either in 1908 or in 1912. The sentiment had been aroused, through the various agencies I have enumerated, until the political boss was no longer tolerated in his harvesting of proxies to control conventions and consequently control nominations. He was to be exterminated by direct primaries. But he rises serene and triumphant amid the sea of ballots gathering majorities and placing his candidates on the ticket. The reformers go down, as usual.

See how we progress, how history repeats itself; how we come along now, and what we are doing in this progressive age, when we are framing a league of nations that shall prevent war perpetually, a reign of universal peace!

This is not a league of nations; it is a league of proxies. It is not a league of sovereign powers; it is a league of international bosses. It is not a progressive movement in its practical operation. As Senators admit on the floor of this Chamber, it is not progressive, but it is reactionary in the deepest sense.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to his colleague?

Mr. SHERMAN. I do.

Mr. McCORMICK. There is one phase of it which makes for efficiency, which I would not have my colleague overlook. My friend Sir Eric Drummond—a sort of corporation soul, a wise, prudent, and fair-minded Scotchman—himself, and himself alone, constitutes the credentials committee of the league of nations, for he is the chief of the secretariat. That is an improvement on anything which has been devised at home.

Mr. SHERMAN. That is so. I thank my colleague for the timely reminder of the progressive character of the document in actual operation. It is progressive in the sense that everything of this character, when it once begins to operate, always works out its natural result. It is intended to be that way. It is intended to be a corporation soul. It is admitted by Senators who support the league in its original, sacred, unadulterated form that five great nations will control the league.

Sir Eric Drummond, to whom my colleague opportunely referred, is a subject of the United Kingdom of Great Britain. He is now named as the secretary of the secretariat. It is the permanent body which never adjourns; it is always in existence; and Sir Eric is always present where he can function upon every needed occasion. My colleague calls attention to the progressive character of vesting such vast powers in one official. Even evil, Mr. President, is progressive in character. It is like the principle of good. There is no evil where the principle is intrinsicially vicious that is ever content with its original damage inflicted upon the public or upon people. The longer an evil principle once set in operation continues in operation the more vicious it becomes. It works out with heroic fidelity to the logical conclusion of the principle in practice. It is seldom in the history of nations that such vicious principles appear in their extreme forms so early. My colleague and myself want to congratulate the Senate that it appears at this time before we have even taken a vote upon the ratification of this treaty.

Sir Eric Drummond is the most concentrated inhabitant known to history. I remember one time in "Roughing It," Mark Twain found a concentrated inhabitant out on the slope of the Rocky Mountains. He held 10 or 12 offices. He was the one inhabitant of the village who amounted to anything. Besides being blacksmith, agent of an express company, and everything else, he was justice of the peace, notary public, sheriff of the county, and other things which he went on to enumerate. He was the concentrated inhabitant of that whole Rocky Mountain country.

There was the genesis of the league of nations. Sir Eric Drummond is the concentrated inhabitant of the world. With the five principal nations controlling the league of nations, as the Senator from Nebraska [Mr. HITCHCOCK] says they will, and the league of nations controlling the world, and Sir Eric Drummond functioning for the league of nations, the circle is complete, and we have reached the age of benevolent despotism in world government.

So we have gotten to the point where, in the control within the league of nations itself, it will be a question of gathering proxy nations. We will go down in the Caribbean Sea. Naturally we would expect Cuba to vote with us. She is one of the 32 original signatories to this treaty. Outside of some of the nations of South America that do not feel kindly toward us, because of our refusal to pay money upon various claims they have made against us, we would expect a large number of those Republics to vote with us. In Central America more than likely we would vote the greater part, it is assumed. Mexico very likely would vote with Japan and England. It is not too much to say that we could not claim Mexico as one of our proxies. Our usefulness to Mexico is to furnish our citizens to be kidnapped for ransom. But outside of that country and Colombia, and one or two others, we possibly have a fair chance of having proxies out of all the other nations of the New World, except the Dominion of Canada. Then in Europe, Asia, and Africa the plot will grow interesting when the United Kingdom of Great Britain starts after proxy nations. She already has her five colonial dependencies with local self-government. But she will want more.

Jamaica in the Caribbean Basin is a very promising subject for future exploitation in the league. Next to Costa Rica it is the great banana belt of the world. Probably they will get many of us on the banana proposition, and start a domestic schism in the United States upon that question.

Jamaica can soon be elevated into a self-governing dominion. Take away the bananas that come from Costa Rica from the world's market, and Jamaica dominates one-third the banana market and Great Britain controls.

Why can we not take Cyprus and Malta and Gibraltar in the Mediterranean Basin? It would be a great historical completion of affairs if we were to take Gibraltar as a separate government. It cost Great Britain as much as the independence of these colonies cost us. When she fortified it, when she drilled into the everlasting rock of Gibraltar the places for lodging

food and ammunition and planted herself as solidly as the "Rock of Ages" to stay, she spent money, and to-day she holds the British grip as tightly on Gibraltar as any other of her possessions in the world. It has great tactical advantages. Historically how inspiring it would be to say that the Pillars of Hercules, known in classical history, have become a self-governing dominion, and were admitted to the league of nations and had a vote—another proxy for the home country.

The Isthmus of Suez is cut across, and the two cities at either terminus of the canal are the most cosmopolitan places in the world. An old-time classmate of mine, who is a sailor and goes through the canal at Suez on his round-trip voyages to and from a Scottish port, is always telling of the cosmopolitan character of Port Said. It cost a world of money, and these two cities, with this great improvement that connects the oriental waters with the Mediterranean, could well be taken as a self-governing colony. Great Britain will interpret and will settle that question. Her influence will be enough. Of course it takes a vote of the league, a majority or two-thirds of it, I do not recall now which; but the majority or two-thirds, as the case may be, will be within the grasp of Great Britain on admitting new members. There is no reason why the colonies in East Africa, taken from the Germans, that become a part of the Cape-to-Cairo Railroad, may not be admitted. A protectorate over Egypt is now exercised, and has been from the days of Chinese Gordon. No reason appears why Egypt ought not be admitted as one of the colonies of Great Britain, that nation exercising a protectorate over her after she becomes a member of the league.

I will not pursue the subject further. It is enough to say that if this interpretation is right, Mr. President, then it becomes a struggle in the internal affairs of the league to gather proxy nations and vote them, when any controversy arises, especially between this country and Great Britain.

Our own country, Mr. President, ought to concern us somewhat. It has become fashionable to lose sight of our own country. We have become the good Samaritan of the world. We are sending food and money and soldiers every place. We are exhausting our resources, we are attempting to settle the disputes of every country in the world that appeals to us, and finally we will be in the condition that our own house will no longer be in order, and then we will be of no value to anybody else.

I have heard it said here, Mr. President, speaking of unanimous consent, that nothing can be done except by unanimous consent; that no disarmament can be had except by unanimous consent; that no action under article 10 can be had except by unanimous consent; that nothing can be referred to the league of nations that affects the peace of the world, under article 11, except by unanimous consent; that under article 16, the ipso facto declaration of war by the action of any covenant-breaking State requiring the league, through its council, to recommend steps to be taken against the covenant-breaking State, can only be by unanimous consent; that if war be declared under article 10 and external aggression against the territorial boundaries of any member nation be had, any action to repel the threatened invasion or to protect the nation member of the league can only be had by unanimous consent. The political independence of any country can only be protected by unanimous consent of the council; that in the league, except where otherwise specified, certain majorities shall be had, and that in those matters of vital concern, when they are examined, action can only be had by unanimous consent.

Mr. President, if you analyze it with an eye single to that feature, then it is a government of the world by unanimous consent. You can not govern the United States by unanimous consent. You can not govern the first ward in Chicago by unanimous consent, although it is as near a unanimous-consent government as any I know, represented by Mr. Coughlin and by Mr. Michael Kenna, it is nearly unanimous. But there are always some foolish reformers who insist on running somebody against them for aldermen in the first ward in the loop.

In my home town, where a similar element gathers in a certain ward, you would think it would be by unanimous consent, and still vain and impractical men, some of them preachers, some moralists, some merely decent citizens, insisted all the time we had ward government on running somebody in that ward.

In the supposed happiest conditions of mankind I know, even in the days when this prohibition Sahara had not smitten us; in the days when in many places there were wet oases, where the weary pilgrim might have rest and refreshment; in those days when saloons were upon every doorstep, where for block upon block every thirsty soul could find stimulants fitting his requirements; in those days when the saloons named everything in the ward—in Peoria, in Chicago, in Springfield, Quincy, and elsewhere; in those days when to be a dry disciple was to invite destruction politically, even in their own wards and their own cities, you could not govern them by unanimous consent, because there was always somebody who claimed that the reign of the antisaloon folks ought to begin, and they always persisted in running somebody against a saloonkeeper for alderman in his ward.

I remember one time, the only time I was ever defeated at the polls in a political experience of 31 years, just as a protest, after they had had a race riot in Springfield in 1908, I was a candidate for mayor in 1909. I had no ambition to be mayor, the Lord knows. I would just as lief be constable out in a village alongside of the Sangamon River. But we had had a riot extending for four or five blocks, there had been 17 people killed in the riot, and I saw an unnaturalized alien leading a mob of white men in Springfield. A Russian, a riotous creature known to local fame, not to be forgotten, led a mob over across the street in southwestern Springfield, took an old negro cobbler 74 years of age out of his house and hung him to a tree in front of an American schoolhouse across on the other block, as inoffensive an old negro as ever lived in the world. They hung him upon the limb of a tree and shot him full of revolver bullets for no reason under Heaven except that he was a negro living in Springfield, and his lifeless bullet-riddled body lay under the tree in front of an American schoolhouse in Springfield, Ill., in sight of the tomb of Abraham Lincoln, whose mortal hand wrote the emancipation proclamation that gave this murdered man his freedom. When I saw it I said, "If you men of Springfield," and I had only lived there at that time three years, "do not protest against this I will."

I ran for mayor and was beaten by 132 votes by the 215 saloons of Springfield. We could not have unanimous-consent government in Springfield with 215 saloons, and still my distinguished friends want to have unanimous-consent government of the world with not only many nations all over the world but some practicing polygamy and a variety of customs alien to us.

Government by unanimous consent? I remember that a very large saloon keeper came out on the curbstone during that campaign, when they were talking about a dry government. They had governed Springfield for many years. He took me by the lapel of the coat and said, "I want to know, if you are elected mayor of Springfield, what you will do to the saloons of Springfield." I said, "I can enlighten you, my dear sir. As long as Springfield, under the local-option law, votes wet, you can sell liquor under the statutes and the ordinances of the State and the city. If it votes dry, you will sell none. If it remains wet and you do not sell under the laws and ordinances, I will revoke your license, and you will never get it back again while I am mayor." He said, "You are dry. You can never be elected."

That is what beat the saloon keepers of the United States. Whenever you did not give them license to violate every statute and every ordinance, and go scot free over and above the laws of the land, they put you down as a hated dry.

Whenever anybody talks about collective bargaining, whenever a union comes along and says, "Are you in favor of collective bargaining? And you say, "Under proper restrictions and application; yes." "Are you in favor of the open or the closed shop?" "I am in favor of the open shop." "Then you are against organized union labor." I therefore say that collective bargaining, used now in the late industrial conference or in those to come, is an alias for the closed shop. Whenever union labor say, as they say now, that they will not obey an act of Congress if it is passed, and the brotherhoods and their spokesmen say they will not obey, and Mr. Gompers says he will not obey, and will not advise those affiliated with the American Federation of Labor to obey an act of Congress if it becomes the law of the land, they are placing themselves just where the saloon keeper of America placed himself, and they are destined to the same melancholy, but justifiable end.

There is nobody superior to the law of the land, and the brewers and the distillers and saloon keepers found it out, and the labor unions and their leaders, who pervert their sentiments and their leadership, will find it out in this country that there are some hundred millions of people in this country who are not members of the labor unions, that out of nearly 30,000,000 engaged in occupations for pecuniary gain no more than 5,000,000 are members of unionized labor, and they are destined to the same restrictive legislation that came to other men who have declined to obey the laws of the land.

I refer to these two particular instances, Mr. President, because men say we can govern the world by unanimous consent. Some men are savages. The Bedouin Arab does not follow our code. He does not think as we think or act as we act. Even the Turkish Government may become a member of the league of

nations. I can think that if the delegate representing the United States should be Bishop Fallows, of the Methodist Church, sitting in a conference, in a council, or the league assembly, and somebody from Constantinople having a harem of 42 wives—as I was reading the other night one has—were representing Turkey and a question came up of international morals, of polygamy or otherwise, how the good bishop would be shocked and with what effort he might endeavor to adjust his ideas of the marital relations in accordance with the plurality practiced by the Sultan and Sultanas of Turkey. It would be indeed a great strain upon the morality of the Christians represented through the bishop.

If, again, property rights represented in the international conference of labor should be attacked, how would they be defended? If the administration of justice in labor controversies should be under attack, how would it be explained? The method of administering justice in the Latin races is very different from that of the Anglo-Saxon races. The procès-verbal of the French court and police forces of Paris and the other principal cities of the French Republic, their process of trial, their methods and laws of evidence are so widely different that it is next to impossible in a labor conference, when the customs of administering justice in controversies of a national or international character is involved, to come together with any degree of unanimity.

And still we are expected, Mr. President, to govern the world by unanimous consent.

I have only the opportunity here, and in a very friendly spirit I make the comment upon my friend in Chicago who was chairman of the purchasing committee and the service of supply in the rear, rendering an invaluable service. He said unanimous consent among purchasing agents of the principal powers, the allied and associated powers, was obtained in the buying of supplies for the Army and supplies of all kinds. He said it was possible to avoid duplicating service and going out in the market outside of the military area and competing among the several nations in the purchases. That is true, but that is under the overpowering necessity of war. Unanimous action must be had in the face of an advancing enemy and with the great powers that faced the allied nations and the United States, it was indispensible that prompt action be had and that it be made effective to meet the emergency presented. Unanimous consent, however, in time of peace is a vastly different subject. We can remember the commission form of government, to illustrate further, for municipalities, when some great calamity—a fire, a flood, an earthquake—visited some city, and men of public spirit have organized themselves and framed a temporary government to meet the emergency. Out of that grew the commission form of government, with three or five men substituted for the city council. Many cities have tried it. They thought because it worked in a great emergency, it would work all the time. But the truth is, Mr. President, we tried it in many cities in Illinois, we tried it in my home city and various other of the municipalities, and it drifts back finally, in times of peace, with no great emergency, to the same old political status, the same old political combination that we have had under the aldermanic form of government, with a numerous city council.

Therefore, what works in a great emergency will not work in the ordinary times of peace. It is said here that unanimous action is a guaranty against any abuse. It will only be during peace in the most formal things that unanimous action can be had.

In all the great events that are vital to the progress or advance of nations, in the development of their national life, in all of those actions where there is the sharp shock of discussion and difference, there is no more possibility of government by unanimous consent than there is in the private affairs of men or in the domestic affairs of nations.

Mr. President, there is another thing that I think is extremely unjust in this overrepresentation. Let me give, offhand, just one illustration: Porto Rico has a population of 1,119,000. New Zealand has a population of 1,099,000. The population of Porto Rico is 732,000 white population and the balance of various other races. The population of Porto Rico is as ancient as that of New Zealand, if not more so. It dates back to the days of the Spanish occupation and during the period of voyage and discovery and subsequently of colonial exploitation. It is a colonial possession of this Government, so far as the United States has one. It is administered as a territorial area, similar to the country before the various States were admitted into the Union after the original thirteen States. There is no more reason why a self-governing colony like Porto Rico should not have its name signed to the league of nations as an original signatory and be entitled to one vote than New Zealand itself should have a separate and distinct vote.

Leaving, now, the question of population, let me read the estimates of the wealth of the various countries of Europe, Asia, and the New World:

The United States is estimated, July 30, 1919, by the Bureau of Statistics, to have $250,000,000,000 of private taxable wealth. The British Empire—Great Britain—which comprises the United Kingdom, composed of England, Ireland, Scotland, and Wales, has a total of $85,000,000,000, barely more than one-third of that of the United States. Canada has $19,000,000,000; Australia has $7,700,000,000—about $112,000,000,000 altogether for the entire Empire of Great Britain, not taking into account British India, whose estimated private taxable wealth can not be ascertained with any degree of accuracy even by British authority. We have, therefore, more than twice the private taxable wealth of the whole British Empire, not including British India; and still six votes are to be given to British representation to our one vote.

In governmental matters, and especially in times of war, as I have several times remarked in this Chamber, the two great factors were the number of men and the ability to pay taxes or to borrow money. The British Empire, outside of British India, with a population of 315,000,000, does not run to more than two-thirds of the population of the United States.

Therefore the military man power of the United States in time of war, either volunteer or draft service, exceeds 33⅓ per cent that of the British Empire, outside of British India. We, therefore, have more private taxable wealth and more potential strength for war than Great Britain and all her colonies, with the exception named.

France has private taxable wealth of $65,000,000,000; Germany of $85,000,000,000; Russia, $60,000,000,000; and Austria-Hungary, $40,000,000,000. That of other nations I will not stop to read. The total for the various nations I have tabulated amounts to $731,000,000,000 of private taxable wealth, of which the United States has more than one-third of all the aggregated wealth of Europe, Asia, and Africa. Still we are asked to go into such a league upon an arrangement of this kind.

When it comes to population, Mr. President, Australia has a population, in round figures, of 5,000,000; she has an area of about 3,000,000 square miles; New Zealand has an area of 103,581 square miles and 1,099,000 population. The Union of South Africa has an area of 473,096 square miles and a population, in round numbers, of 6,000,000. Canada has 3,603,000 square miles and 7,200,000 population. India has 1,802,000 square miles and 315,000,000 population, being the most densely populated of all the British Colonies. The United Kingdom of Great Britain has 121,300 square miles—just about double the area of my own State—and has 45,516,000 population. Those are the areas and the populations, and from them it is easy to estimate the potential military strength.

It is a mistake, Mr. President, that we have 48 States leagued in a single Federal Government at this crisis in our affairs. If the sympathy of the British politicians from 1861 to 1865 had been executed and the war between the States had succeeded, we would have had at least two American powers instead of one. If we had not been so shortsighted in 1787 as to create a Republic with a Federal Government under the present Constitution, we would have had 48 powers or governments instead of one, and we could then well afford to engage in a contest with Great Britain in gathering proxies, for instead of one vote we could have had from 40 to 50 votes. As it is, New York, with 11,000,000 population—twice the population of Australia—has no vote; Pennsylvania, with between seven and eight million population, has no vote; Illinois, with 6,000,000 population, has no vote; while New Zealand, with 1,000,000 population, has a vote in the league. As for the Sultan of Hejaz, nobody knows, for they have not taken the census of his Arabs yet, what the population of his country is, or what his potential military strength may be; but he has one vote. Persia has one vote; the smaller nationalities all have one. Canada, with 7,200,000 population, has a vote, as its prime minister, Sir Robert Borden, exhaustively and conclusively argues from the record of the peace conference and from his own deductions of the relations of the Canadian Dominion to the United Kingdom of Great Britain. So, therefore, we made a mistake in having but a single Government.

I now ask, Mr. President, to have inserted in the RECORD, without reading, the tabulated list which I hold in my hand, showing the taxable private wealth of various countries in the New and Old Worlds.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, permission to do so is granted.

The list referred to is as follows:

Estimated wealth of various countries.

United States [1]		$250,000,000,000
British Empire [2]		130,000,000,000
Great Britain [3]	$85,000,000,000	
Canada [4]	19,002,788,128	
Australia [5]	7,786,400,000	
France [6]		65,000,000,000
Germany [6]		85,000,000,000
Russia [6]		60,000,000,000
Austria-Hungary [6]		40,000,000,000
Belgium [2]		9,000,000,000
China [2]		10,000,000,000
Italy [6]		30,000,000,000
Japan [2]		15,000,000,000
Portugal [2]		2,500,000,000
Roumania [2]		1,000,000,000
Serbia		
Brazil [2]		15,000,000,000
Turkey [2]		3,000,000,000
Bulgaria		
Argentina [7]		13,865,000,000
Denmark [7]		2,000,000,000
Total		731,365,000,000

Mr. SHERMAN. I wish to read, Mr. President, from the proceedings of the House of Commons. Lloyd-George was speaking before the House of Commons. He used the language which I shall read in reference to the league of nations. Preceding it, he used this language—and I only interpolate this to explain his remarks:

The Allies have unanimously decided—

This was on the 4th day of July—

unanimously decided that the German Kaiser shall be tried by an international tribunal which shall sit in London.

Some irreverent members of the House of Commons on the labor benches said:

So the Kaiser is going to get to London after all!

There was a rattle of laughter from the benches; that was all. Lloyd-George then proceeded to speak of the league of nations in the following language:

I beg no one in Great Britain to sneer at the league of nations. I look on it as a great and a hopeful experiment. I beg that this country may give it a fair and honest trial. Let us try it. It will not stop all trouble. It may stop some.

Undoubtedly it will stop some trouble for Great Britain under article 10 if it remains unimpaired. If the military strength and the taxing power of 110,000,000 people in the United States are understood to be back of Great Britain and her colonial possessions, there is no country in the world but will hesitate a long time to attack her or her dominions if they understand that we are to stand under article 10 as the guarantor in time of war to protect the boundaries and the territorial limits of Great Britain.

Mr. President, there are many other observations I should like to submit on China; but I have already been heard on Shantung. I should like to make some comment in reply to the Senator from North Dakota [Mr. MCCUMBER], but I will reserve that for another occasion.

Mr. McCORMICK. Mr. President, herewith I offer certain of Theodore Roosevelt's utterances as appropriate to be incorporated in our proceedings to-day, the anniversary of his birth.

The PRESIDING OFFICER. Without objection, the matter referred to will be inserted in the RECORD.

Mr. McCORMICK. At the time when the country is threatened with disorders—aye, when already it has suffered from outbreaks of lawless violence engendered by wild doctrines voiced by mellifluous philosophers—it is wholesome to recall the blunt and homely sentences which fell from his lips:

"Whenever I have the power," he said in Memphis, in 1907, "I will use every resource of this Nation to stamp out murderous and lawless violence of the kind that breeds the anarchy of which you, Gov. Patterson, spoke. And I shall no more stay my hand if the wrongdoer masquerades as a labor leader than I shall stay my hand if he masquerades as a captain of industry. I have expressed myself once definitely on the subject of undesirable citizens, and I stand by what I said—alike when the undesirable citizen is a great capitalist who wins a fortune by chicanery and wrongdoing to the hurt of his fellows and the damage of the public conscience, and when he is a man who, under the guise of standing for labor, preaches and encourages violence and murder. I think that my position has at least the merit of being easily understood."

And on another occasion, "The triumph of the mob is just as evil a thing as the triumph of the plutocracy, and to have escaped one danger avails nothing whatever if we succumb to the other. Fundamentally they are alike in their selfish disregard of the rights of others; and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all."

Contrast with these, the dizzy phrases and distraught sentences calculated to show that now is the hour when the people—or, more exactly, certain elements of the people—are to climb in the saddle to override the very governments chosen by themselves. We Americans are not yet ready to agree to the surrender of representative government to a dictator or to submit to the will of any organized minority, whether of capital or of labor. There was a time when certain barons of the plutocracy would have had us believe that the railroads made the sun to shine and the rain to fall; that it was to them and not to Providence that we owed our plenty, and that to them therefore we should make obeisance. Roosevelt broke their growing domination of public life.

Now another minority threatens the vast majority of the people. Nay, since expediency and panic combined to enact the Adamson law the American people have been threatened with the tyranny of any minority organized and ruthless, ready to raid the country. Thus the coal miners have their program and the international bankers want article 10 of the league covenant.

The plain people, workmen; men and women in the liberal professions, small business men, and the farmers—the farmers of America, Mr. President, are going to save her from the tyranny of the minority as they did under Theodore Roosevelt's leadership. I would to God that he were with us in this hour of peril to the Republic—peril to all that was dear to him. You sow the wind and reap the whirlwind. The Adamson law epitomized the surrender of the Government of all the people to a minority of the people. We are reaping its fruit to-day. Now, we have hearkened to the wild cant that the mooted compact between the nations is greater than the Government of the Constitution. Herein were the auguries of lawlessness and sovietism—unnatural monsters to be born in America. Whites and blacks in mob hysteria have murdered one another. Since we celebrated the birth of Jesus, the Christ, last December, 50 persons, black and white, have been lynched in America—some of them burned at the stake. This madness must end. It will end. The American people will end it.

Mr. President, we know that democracies may err. We know that from time to time majorities decide wrongly. But a people long schooled in the government of its own affairs has a profound consciousness of elemental measures necessary for its own protection. We speak of ours as a government of law. But it is more than that. It is a government of custom, of tradition, of men, a few of them great and many of them devoted to the health and safety of the Commonwealth. Law! You have law in Mexico! You have law and dictatorial oppression and revolution. What is the skeleton of the law unless it be clothed with the flesh of the people among whom it has grown through the ages and unless it be animated by their spirit? That which we have to-day is not perfect. Justice is not so sure, so cheap, and so swift as we would have it. Public administration manifests abuses of waste and favoritism which we condemn and which we would cure. But who would change it, at its worst anywhere in America, for the socialist theory of Karl Marx as applied in Russia by the dictator, Nicholai Lenin?

At the moment when certain conspicuous figures in the world are engendering schemes for a fantastic internationalism, America breathes the spirit of a more fervent and pure nationalism than ever before in her life.

It must needs be so, for it is the history of great peoples, as it is of men, that they come to their full spiritual stature only through pain and effort. America to-day is not merely a vast settlement of mankind upon a new continent, governed upon the legal maxims of democratic doctrinaires. We have strained, tried, tested our theory of the state as have no other democratic people. In six score years the Union has grown from 3,000,000 to over 100,000,000 souls. During the last years before the outbreak of the Great War nearly a million people from the four corners of Europe settled upon our shores every year, in the belief that they and their children were to become bone of our bone and flesh of our flesh, to be animated by the spirit of our fathers. In this newest of great countries we have the oldest Constitution in the modern world. We have conserved our inheritance unhurt and undiminished. We live in a Federal Republic, within our continental frontiers secure from the

[1] United States Treasury Department, in Official Bulletin for July 30, 1919.

[2] Theodore H. Price, editor and proprietor of Commerce and Finance, in New York Outlook, May 2, 1917, p. 26.

[3] Leonard P. Ayres, colonel, General Staff and Chief of Statistics Branch of General Staff, in The War with Germany, p. 148.

[4] Business Digest and Investment Weekly, p. 825.

[5] Statesman's Yearbook for 1919, p. 344.

[6] Mechanics and Metals National Bank, New York City. The Cost of the War, Feb. 4, 1918, p. 43.

[7] World Almanac, 1919, p. 449; statistics compiled by Prof. E. L. Bogart for the Carnegie Endowment for International Peace.

turmoil of Europe and from the dangers of Asia, unless we bring them down upon ourselves. We know that what we are, we know that the institutions which we uphold, are the gifts of devoted men and of great men now dead; above all of them stand Washington, the Father of his Country; Lincoln, its savior; and Theodore Roosevelt, the foremost American of our own day.

America lived and breathed and spoke through the lips of each. They were the fruit of her womb. Her simple virtues and perhaps her rude defects were found in them. Washington was reviled, Lincoln was despised, Roosevelt was hated, each in his own time. Long since America has acclaimed Washington and Lincoln as the greatest among her sons. Now there can be but few envenomed critics of Theodore Roosevelt who would not cry out in protest if by a miracle he could be snatched from America and his genius and manhood awarded to any of the old northlands of Europe from which his forbears came.

I shrink from naming that one proponent of the covenant who publicly has thanked God that Roosevelt is no longer here to join in the debate upon the league of nations.

Beside this corpse, that bears for winding sheet
The Stars and Stripes he lived to rear anew,
Between the mourners at his head and feet,
Say, scurrile jester, is there room for you?

How did Theodore Roosevelt speak upon our foreign policy before he died? I heard him say that we must never submit the control of immigration to international arbitrament. I heard him say that by no equivocation must we abandon our exclusive determination of the Monroe doctrine. A few days later he died. We have the lines, almost prophetic, which he wrote as he neared his end:

"There is not a young man in this country who has fought, or an old man who has seen those dear to him fight, who does not wish to minimize the chance of future war.

"But there is not a man of sense who does not know that in any such movement if too much is attempted the result is either failure or worse than failure.

"Let each nation reserve to itself and for its own decision, and let it clearly set forth, questions which are nonjustifiable.

"Let nothing be done that will interfere with our preparing for our own defense by introducing a system of universal obligatory military training, modeled on the Swiss plan.

"Finally, make it perfectly clear that we do not intend to take a position of an international Meddlesome Matty. The American people do not wish to go into an overseas war unless for a very great cause and where the issue is absolutely plain.

"Therefore we do not wish to undertake the responsibility of sending our gallant young men to die in obscure fights in the Balkans or in Central Europe or in a war we do not approve of.

"Let us put our trust neither in rhetoric nor hypocrisy," said he. "Let us be honest with ourselves. Let us look the truth in the face. * * * Let us trust for our salvation to a sound and intense American nationalism.

"No paper scheme designed to secure peace without effort and safety without service and sacrifice will either make this country safe or enable it to do its international duty toward others."

Here spoke the patriot—eager to defend peace, more eager to defend the honor of his country. He was ready to join the other powers to take measures against war and he was opposed to the creation of a superstate. He had spoken for the conscience and courage of America when others faltered or were dumb.

Silent in death, still he calls us who followed him to follow in the way along which he had led in life.

APPENDIX.

[From an address on "The trusts and the tariff," delivered in the Music Hall, Cincinnati, Ohio, Sept. 20, 1902.]

"Therefore I personally feel that ultimately the Nation will have to assume the responsibility of regulating these very large corporations which do an interstate business. The States must combine to meet the way in which capital has combined, and the way in which the States can combine is through the National Government. But I firmly believe that all these obstacles can be met if only we face them, both with the determination to overcome them, and with the further determination to overcome them in ways which shall not do damage to the country as a whole, which, on the contrary, shall further our industrial development and shall help instead of hindering all corporations which work out their success by means that are just and fair toward all men."

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[From an address on "What the Government can do for the wage-earners," delivered at Sioux Falls, S. Dak., Apr. 6, 1903.]

"Very much of our effort in reference to labor matters should be by every device and expedient to try to secure a constantly better understanding between employer and employee. Everything possible should be done to increase the sympathy and fellow feeling between them and every chance taken to allow each to look at all questions, especially at questions in dispute, somewhat through the other's eyes. If met with a sincere desire to act fairly by one another, and if there is, furthermore, power by each to appreciate the other's standpoint, the chance for trouble is minimized. I suppose every thinking man rejoices when by mediation or arbitration it proves possible to settle troubles in time to avert the suffering and bitterness caused by strikes.

"Moreover, a conciliation committee can do best work when the trouble is in its beginning, or, at least, has not come to a head. When the break has actually occurred, damage has been done, and each side feels sore and angry; and it is difficult to get them together, difficult to make either forget its own wrongs and remember the rights of the other. If possible, the effort at conciliation or mediation or arbitration should be made in the earlier stages, and should be marked by the wish on the part of both sides to try to come to a common agreement which each shall think in the interests of the other as well as of itself."

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[From an address on "The coal-strike commission," delivered in Omaha, Nebr., Apr. 27, 1903.]

"Any man who tries to excite class hatred, sectional hate, hate of creeds, any kind of hatred in our community, though he may affect to do it in the interest of the class he is addressing, is, in the long run, with absolute certainty, that class's own worst enemy."

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[From an address on "Class government," delivered at the State fair in Syracuse, N. Y., Sept. 7, 1903.]

"There is no worse enemy of the wageworker than the man who condones mob violence in any shape or who preaches class hatred; and surely the slightest acquaintance with our industrial history should teach even the most shortsighted that the times of most suffering for our people as a whole, the times when business is stagnant and capital suffers from shrinkage and gets no return from its investments are exactly the times of hardship and want and grim disaster among the poor. If all the existing instrumentalities of wealth could be abolished, the first and severest suffering would come among those of us who are least well off at present. The wageworker is well off only when the rest of the country is well off, and he can best contribute to this general well-being by showing sanity and a firm purpose to do justice to others."

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[From an address on "The use of violence in labor troubles," delivered to a strike committee of the Teamsters' Association, presenting a petition in regard to a dispute with the Employers' Association and the suggested calling out of Federal troops in Chicago, May 10, 1905.]

"In upholding law and order, in doing what he is able to do to suppress mob violence in any shape or way, the mayor of Chicago, Mayor Dunne, has my hearty support. I am glad to be able to say this to you gentlemen before I say it to any other body. Now, let me repeat that I know nothing of the facts of the situation. I know nothing of the rights or wrongs of the points at issue. What I have to say is based purely upon what I regard as the unfortunate phrasing of a letter presented to the President of the United States. I have not been called upon to interfere in any way, but you must not misunderstand my attitude. In every effort of Mayor Dunne to prevent violence by mobs or individuals, to see that the laws are obeyed, and that order is preserved he has the hearty support of the President of the United States, and, in my judgment, he should have that of every good citizen of the United States.

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"The PRESIDENT. Mr. Shea, I can only repeat what I have said. I am a believer in unions. I am an honorary member of one union. But the union must obey the law just as the corporation must obey the law; just as every man, rich or poor, must obey the law. As yet no action whatever has been called for by me, and most certainly if action is called for by me I shall try to do exact justice under the law to every man, so far as I have power. But the first essential is the preservation of law and order, the suppression of violence by mobs or individuals."

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[From President Roosevelt's message at the opening of the Fifty-ninth Congress, first session, Dec. 5, 1905.]

"The question of securing a healthy, self-respecting, and mutually sympathetic attitude as between employer and employee, capitalist and wageworker, is a difficult one. All phases of the labor problem prove difficult when approached. But the underlying principles, the root principles, in accordance with which the problem must be solved are entirely simple. We can get justice and right dealing only if we put as of paramount importance the principle of treating a man on his worth as a man

rather than with reference to his social position, his occupation, or the class to which he belongs. There are selfish and brutal men in all ranks of life. If they are capitalists, their selfishness and brutality may take the form of hard indifference to suffering, greedy disregard of every moral restraint which interferes with the accumulation of wealth, and cold-blooded exploitation of the weak; or, if they are laborers, the form of laziness, of sullen envy of the more fortunate, and of willingness to perform deeds of murderous violence. Such conduct is just as reprehensible in one case as in the other, and all honest and far-seeing men should join in warring against it wherever it becomes manifest. Individual capitalist and individual wageworker, corporation and union, are alike entitled to the protection of the law, and must alike obey the law. Moreover, in addition to mere obedience to the law, each man, if he be really a good citizen, must show broad sympathy for his neighbor and genuine desire to look at any question arising between them from the standpoint of that neighbor no less than from his own; and to this end it is essential that capitalist and wageworker should consult freely one with the other, should each strive to bring closer the day when both shall realize that they are properly partners and not enemies. To approach the questions which inevitably arise between them solely from the standpoint which treats each side in the mass as the enemy of the other side in the mass is both wicked and foolish. In the past the most direful among the influences which have brought about the downfall of republics has ever been the growth of the class spirit, the growth of the spirit which tends to make a man subordinate the welfare of the public as a whole to the welfare of the particular class to which he belongs, the substitution of loyalty to a class for loyalty to the Nation. This inevitably brings about a tendency to treat each man not on his merits as an individual but on his position as belonging to a certain class in the community. If such a spirit grows up in this Republic, it will ultimately prove fatal to us, as in the past it has proved fatal to every community in which it has become dominant. Unless we continue to keep a quick and lively sense of the great fundamental truth that our concern is with the individual worth of the individual man, this Government can not permanently hold the place which it has achieved among the nations. The vital lines of cleavage among our people do not correspond, and, indeed, run at right angles, to the lines of cleavage which divide occupation from occupation, which divide wageworkers from capitalists, farmers from bankers, men of small means from men of large means, men who live in the towns from men who live in the country; for the vital line of cleavage is the line which divides the honest man who tries to do well by his neighbor from the dishonest man who does ill by his neighbor. In other words, the standard we should establish is the standard of conduct, not the standard of occupation, of means, or of social position. It is the man's moral quality, his attitude toward the great questions which concern all humanity, his cleanliness of life, his power to do his duty toward himself and toward others, which really count; and if we substitute for the standard of personal judgment which treats each man according to his merits, another standard in accordance with which all men of one class are favored and all men of another class discriminated against, we shall do irreparable damage to the body politic. I believe that our people are too sane, too self-respecting, too fit for self-government, ever to adopt such an attitude. This Government is not and never shall be government by a plutocracy. This Government is not and never shall be government by a mob. It shall continue to be in the future what it has been in the past, a government based on the theory that each man, rich or poor, is to be treated simply and solely on his worth as a man; that all his personal and property rights are to be safeguarded; and that he is neither to wrong others nor to suffer wrong from others.

"The noblest of all forms of government is self-government; but it is also the most difficult. We who possess this priceless boon, and who desire to hand it on to our children and our children's children, should ever bear in mind the thought so finely expressed by Burke:

"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites; in proportion as they are disposed to listen to the counsels of the wise and good in preference to the flattery of knaves. Society can not exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there be within the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds can not be free. Their passions forge their fetters."

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[From an address on "Division of State and Federal Powers," delivered Oct. 4, 1906, at the dedication ceremonies of the new State capitol of Pennsylvania, in Harrisburg.]

"In the exercise of their profession and in the service of their clients these astute lawyers strive to prevent the passage of efficient laws and strive to secure judicial determinations of those that pass which shall emasculate them. They do not invoke the Constitution in order to compel the due observance of law alike by rich and poor, by great and small; on the contrary they are ceaselessly on the watch to cry out that the Constitution is violated whenever any effort is made to invoke the aid of the National Government, whether for the efficient regulation of railroads, for the efficient supervision of great corporations, or for efficiently securing obedience to such a law as the national eight-hour law and similar so-called 'labor statutes.'

"The doctrine they preach would make the Constitution merely the shield of incompetence and the excuse for governmental paralysis; they treat it as a justification for refusing to attempt the remedy of evil, instead of as the source of vital power necessary for the existence of a mighty and ever-growing nation."

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[From an address on "Preachers of Discontent and Class Hatred," from the message of the President, read at the opening of the second session of the Fifty-ninth Congress, Dec. 3, 1906.]

"The triumph of the mob is just as evil a thing as the triumph of the plutocracy, and to have escaped one danger avails nothing whatever if we succumb to the other. In the end the honest man, whether rich or poor, who earns his own living and tries to deal justly by his fellows, has as much to fear from the insincere and unworthy demagogue, promising much and performing nothing. * * * There are at this moment wealthy reactionaries of such obtuse morality that they regard the public servant who prosecutes them when they violate the law, or who seeks to make them bear their proper share of the public burdens, as being even more objectionable than the violent agitator who hounds on the mob to plunder the rich. There is nothing to choose between such a reactionary and such an agitator; fundamentally they are alike in their selfish disregard of the rights of others; and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all."

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[From an address delivered at Milwaukee, Wis., October 14, 1912.]

PROGRESSIVE CAUSE GREATER THAN ANY INDIVIDUAL.

Just before entering the auditorium at Milwaukee an attempt was made on Col. Roosevelt's life. The speech which follows is from a stenographic report, differing considerably from the prepared manuscript:

"Friends, I shall ask you to be as quiet as possible. I don't know whether you fully understand that I have just been shot, but it takes more than that to kill a Bull Moose. But fortunately I had my manuscript, so you see I was going to make a long speech, and there is a bullet—there is where the bullet went through—and it probably saved me from it going into my heart. The bullet is in me now, so that I can not make a very long speech, but I will try my best.

"And now, friends, I want to take advantage of this incident and say a word of solemn warning to my fellow countrymen. First of all, I want to say this about myself: I have altogether too important things to think of to feel any concern over my own death; and now I can not speak to you insincerely within five minutes of being shot. I am telling you the literal truth when I say that my concern is for many other things. It is not in the least for my own life. I want you to understand that I am ahead of the game anyway. No man has had a happier life than I have led; a happier life in every way. I have been able to do certain things that I greatly wished to do, and I am interested in doing other things. I can tell you with absolute truthfulness that I am very much uninterested in whether I am shot or not. It was just as when I was colonel of my regiment. I always felt that a private was to be excused for feeling at times some pangs of anxiety about his personal safety, but I can not understand a man fit to be a colonel who can pay any heed to his personal safety when he is occupied as he ought to be occupied with the absorbing desire to do his duty.

"I am in this cause with my whole heart and soul. I believe that the Progressive movement is for making life a little easier for all our people; a movement to try to take the burdens off the men and especially the women and children of this country. I am absorbed in the success of that movement.

"Friends, I ask you now this evening to accept what I am saying as absolutely true, when I tell you I am not thinking of my own success. I am not thinking of my life or of anything connected with me personally. I am thinking of the movement. I say this by way of introduction, because I want to say something very serious to our people and especially to the newspapers. I don't know anything about who the man was who shot me tonight. He was seized at once by one of the stenographers in

my party, Mr. Martin, and I suppose is now in the hands of the police. He shot to kill. He shot—the shot, the bullet went in here—I will show you.

"I am going to ask you to be as quiet as possible, for I am not able to give the challenge of the bull moose quite as loudly. Now, I do not know who he was or what party he represented. He was a coward. He stood in the darkness in the crowd around the automobile, and when they cheered me, and I got up to bow, he stepped forward and shot me in the darkness.

"Now, friends, of course, I do not know, as I say, anything about him; but it is a very natural thing that weak and vicious minds should be inflamed to acts of violence by the kind of awful mendacity and abuse that have been heaped upon me for the last three months by the papers in the interest of not only Mr. Debs but of Mr. Wilson and Mr. Taft.

"Friends, I will disown and repudiate any man of my party who attacks with such foul slander and abuse any opponent of any other party; and now I wish to say seriously to all the daily newspapers, to the Republican, the Democratic, and the Socialist Parties, that they can not, month in and month out and year in and year out, make the kind of untruthful, of bitter assault that they have made and not expect that brutal, violent natures, or brutal and violent characters, especially when the brutality is accompanied by a not very strong mind; they can not expect that such natures will be unaffected by it.

"Now, friends, I am not speaking for myself at all. I give you my word, I do not care a rap about being shot; not a rap.

"I have had a good many experiences in my time, and this is one of them. What I care for is my country. I wish I were able to impress upon my people—our people—the duty to feel strongly but to speak the truth of their opponents. I say now, I have never said one word against any opponent that I can not—on the stump—that I can not defend. I have said nothing that I could not substantiate and nothing that I ought not to have said—nothing that I—nothing that, looking back at, I would not say again.

"Now, friends, it ought not to be too much to ask that our opponents [speaking to some one on the stage]—I am not sick at all; I am all right—I can not tell you of what infinitesimal importance I regard this incident as compared with the great issues at stake in this campaign, and I ask it not for my sake, not the least in the world, but for the sake of our common country, that they make up their minds to speak only the truth, and not to use the kind of slander and mendacity which if taken seriously must incite weak and violent natures to crimes of violence. Don't you make any mistake. Don't you pity me. I am all right. I am all right, and you can not escape listening to the speech either.

"And now, friends, this incident that has just occurred—this effort to assassinate me—emphasizes to a peculiar degree the need of this Progressive movement. Friends, every good citizen ought to do everything in his or her power to prevent the coming of the day when we shall see in this country two recognized creeds fighting one another, when we shall see the creed of the 'Havenots' arraigned against the creed of the 'Haves.' When that day comes, then, such incidents as this to-night will be commonplace in our history. When you make poor men—when you permit the conditions to grow such that the poor man as such will be swayed by his sense of injury against the men who try to hold what they improperly have won, when that day comes, the most awful passions will be let loose and it will be an ill day for our country.

"Now, friends, what we who are in this movement are endeavoring to do is to forestall any such movement by making this a movement for justice now—a movement in which we ask all just men of generous hearts to join with the men who feel in their souls that lift upward which bids them refuse to be satisfied themselves while their countrymen and countrywomen suffer from avoidable misery. Now, friends, what we Progressives are trying to do is to enroll rich or poor, whatever their social or industrial position, to stand together for the most elementary rights of good citizenship, those elementary rights which are the foundation of good citizenship in this great Republic of ours.

"My friends are a little more nervous than I am. Don't you waste any sympathy on me. I have had an A–1 time in life, and I am having it now.

"I never in my life was in any movement in which I was able to serve with such whole-hearted devotion as in this; in which I was able to feel as I do in this that common weal. I have fought for the good of our common country.

"And now, friends, I shall have to cut short much of the speech that I meant to give you, but I want to touch on just two or three of the points.

"In the first place, speaking to you here in Milwaukee, I wish to say that the Progressive Party is making its appeal to all our fellow citizens without any regard to their creed or to their birthplace. We do not regard as essential the way in which a man worships his God or as being affected by where he was born. We regard it as a matter of spirit and purpose. In New York, while I was police commissioner, the two men from whom I got the most assistance were Jacob Riis, who was born in Denmark, and Oliver Van Briesen, who was born in Germany—both of them as fine examples of the best and highest American citizenship as you could find in any part of this country.

"I have just been introduced by one of your own men here—Henry Cochems. His grandfathers, his father, and that father's seven brothers all served in the United States Army, and they entered it four years after they had come to this country from Germany. Two of them left their lives, spent their lives, on the field of battle. I am all right; I am a little sore. Anybody has a right to be sore with a bullet in him. You would find that if I was in battle now I would be leading my men just the same. Just the same way I am going to make this speech.

"At one time I promoted five men for gallantry on the field of battle. Afterwards in making some inquiries about them I found it happened that two of them were Protestants, two Catholics, and one a Jew. One Protestant came from Germany and one was born in Ireland. I did not promote them because of their religion. It just happened that way. If all five of them had been Jews I would have promoted them, or if all five had been Protestants I would have promoted them, or if they had been Catholics. In that regiment I had a man born in Italy who distinguished himself by gallantry. There was a young fellow, a son of Polish parents, and another who came here when he was a child from Bohemia, who likewise distinguished themselves; and friends, I assure you, that I was incapable of considering any question whatever but the worth of each individual as a fighting man. If he was a good fighting man, then I saw that Uncle Sam got the benefit from it. That is all.

"I make the same appeal in our citizenship. I ask in our civic life that we in the same way pay heed only to the man's quality of citizenship, to repudiate as the worst enemy that we can have whoever tries to get us to discriminate for or against any man because of his creed or his birthplace.

"Now, friends, in the same way I want our people to stand by one another without regard to differences of class or occupation. I have always stood by the labor unions. I am going to make one omission to-night. I have prepared my speech because Mr. Wilson had seen fit to attack me by showing up his record in comparison with mine. But I am not going to do that to-night. I am going to simply speak of what I myself have done and of what I think ought to be done in this country of ours.

"It is essential that there should be organizations of labor. This is an era of organization. Capital organizes and therefore labor must organize.

"My appeal for organized labor is twofold; to the outsider and the capitalist I make my appeal to treat the laborer fairly, to recognize the fact that he must organize, that there must be such organization, that the laboring man must organize for his own protection, and that it is the duty of the rest of us to help him and not hinder him in organizing. That is one-half of the appeal that I make.

"Now, the other half is to the labor man himself. My appeal to him is to remember that as he wants justice, so he must do justice. I want every labor man, every labor leader, every organized union man, to take the lead in denouncing crime or violence. I want them to take the lead in denouncing disorder and in denouncing the inciting of riot; that in this country we shall proceed under the protection of our laws and with all respect to the laws, and I want the labor men to feel in their turn that exactly as justice must be done them so they must do justice; that they must bear their duty as citizens, their duty to this great country of ours; and that they must not rest content unless they do that duty to the fullest degree.

"I know these doctors, when they get hold of me, they will never let me go back, and there are just a few things more that I want to say to you.

"And here I have got to make one comparison between Mr. Wilson and myself, simply because he has invited it and I can not shrink from it.

"Mr. Wilson has seen fit to attack me, to say that I did not do much against the trusts when I was President. I have got two answers to make to that. In the first place, what I did, and then I want to compare what I did while I was President and what Mr. Wilson did not do while he was governor.

"When I took office the antitrust law was practically a dead letter and the interstate-commerce law in as poor a condition. I had to revive both laws. I did. I enforced both. It will be easy enough to do now what I did then, but the reason that it is easy now is because I did it when it was hard.

"Nobody was doing anything. I found speedily that the interstate-commerce law, by being made more perfect, could be made a most useful instrument for helping solve some of our industrial problems. So with the antitrust law. I speedily found that almost the only positive good achieved by such a successful lawsuit as the Northern Securities suit, for instance, was in establishing the principle that the Government was supreme over the big corporation, but that by itself that law did not accomplish any of the things that we ought to have accomplished; and so I began to fight for the amendment of the law along the lines of the interstate-commerce law, and now we propose—we Progressives—to establish an interstate commission having the same power over industrial concerns that the Interstate Commerce Commission has over railroads, so that whenever there is in the future a decision rendered in such important matters as the recent suits against the Standard Oil, the sugar—no, not that—tobacco—Tobacco Trust—we will have a commission which will see that the decree of the court is really made effective; that it is not made a merely nominal decree.

"Our opponents have said that we intend to legalize monopoly. Nonsense. They have legalized monopoly. At this moment the Standard Oil and Tobacco Trust monopolies are legalized; they are being carried on under the decree of the Supreme Court.

"Our proposal is really to break up monopoly. Our proposal is to put in the law—to lay down certain requirements, and then require the commerce commission—the industrial commission—to see that the trusts live up to those requirements. Our opponents have spoken as if we were going to let the commission declare what the requirements should be. Not at all. We are going to put the requirements in the law and then see that the commission requires them to obey that law. * * *

"I ask you to look at our declaration and hear and read our platform about social and industrial justice, and then, friends, vote for the Progressive ticket without regard to me, without regard to my personality, for only by voting for that platform can you be true to the cause of progress throughout this Union."

[A speech made before the Illinois Bar Association at Chicago, April 29, 1916.]

NATIONAL DUTY AND INTERNATIONAL IDEALS.

"A year and three-quarters have passed since the opening of the Great War. At the outset our people were stunned by the vastness and terror of the crisis. We had been assured by many complacent persons that the day of great wars had ended, that the reign of violence was over, that the enlightened public opinion of the world would prevent the oppression of weak nations. To be sure, there was ample proof that none of these assurances were true, and far-seeing men did not believe them. But there was good excuse for the mass of the people being misled. Now, however, there is none. War has been waged on a more colossal scale than ever before in the world's history; and cynical indifference to international morality and willingness to trample on inoffensive, peace-loving people who are also helpless or timid have been shown on a greater scale than since the close of the Napoleonic wars over a century ago. Alone of the great powers we have not been drawn into this struggle.

"A twofold duty was imposed upon us by the fact of our prosperity and by the fact of our momentary immunity from danger. This twofold duty was, first, to make our voice felt for the weak who had been wronged by the strong, and for international humanity and honor, and for peace on terms of justice for all concerned; and, second, immediately and in thoroughgoing fashion to prepare ourselves so that there might not befall us on an even greater scale such a disaster as befell Belgium. We have signally failed in both duties. Incredible to relate, we are not in any substantial respect stronger at this moment in soldiers or rifles, in seamen or ships, because of any governmental action taken in consequence of this war; and moreover we have seen every device and provision designed by humanitarians to protect international rights against international wrongdoings torn into shreds, and have not so much as ventured to speak effectively one word of protest.

"The result is that every nation in the world now realizes our weakness, and that no nation in the world believes in either our disinterestedness or our manliness. The effort to placate outside nations by being neutral between right and wrong, and to gain good will along professional pacifist lines by remaining helpless for self-defense, has resulted, after two fatuous years, in so shaping affairs that the nations either already feel, or are rapidly growing to feel, for us not only dislike but contempt.

"This is not a pleasant truth, but it is the truth; and as a people we will do well to remember Emerson's saying that in the long run the most unpleasant truth is a safer traveling companion than the pleasantest falsehood. Our duty is to face the facts, and then to take the thoroughgoing action necessary in order to meet the situation that these facts disclose.

"Our prime duty, infinitely our most important duty, is the duty of preparedness. Unless we prepare in advance we can not when the crisis comes be true to ourselves. If we can not be true to ourselves, it is absolutely certain that we shall be false to everyone else. If we are not able to safeguard our own national honor and interest, we shall make ourselves an object of scorn and derision if we try to stand up for the rights of others. We have been sinking into the position of the China of the Occident, and we will do well to remember that China—pacifist China—has not only been helpless to keep its own territory from spoliation and its own people from subjugation but has also been helpless to exert even the most minute degree of influence on behalf of right dealing among other nations.

"There are persons in this country who openly advocate our taking the position that China holds, the position from which the best and wisest Chinamen are now painfully trying to raise their land. Nothing that I can say will influence the men and women who take this view. The holding of such a view is entirely incompatible with the right to exercise the privileges of self-government in a democracy, for self-government can not permanently exist among people incapable of self-defense.

"But I believe that the great majority of my fellow countrymen, when they finally take the trouble to think on the problem at all, will refuse to consent to or acquiesce in the Chinafication of this country. I believe that they will refuse to follow those who would make right helpless before might, who would put a pigtail on Uncle Sam and turn the Goddess of Liberty into a pacifist female huckster, clutching a bag of dollars which she has not the courage to guard against aggression. It is to these men and women that I speak. I speak to the mass of my fellow countrymen. I speak to all men and women who are loyal to the principles of those who in the Revolutionary War made us a Nation and who have in their souls the high qualities possessed by the men who in the iron days of the Civil War followed the banners of Grant and of Lee, and of the mothers and wives of these men. My appeal may not be heeded; if so, then either our people will pay heed in time to the appeal of some other man, able to speak more strongly and more convincingly, or else they will when it is too late learn the lesson from some terrible gospel in which it is written by an alien conqueror in letters of steel and of flame.

"The first necessity is that we shall in good faith and without reservation undertake to be a nation, and not merely to call ourselves a nation. I make my especial appeal to the national spirit here in Chicago, here in the great Middle West, here in the territory stretching from the Alleghenies to the Rockies. The prophets of gloom have said that the West, prosperous and indifferent, secure in her fancied safety because she is in the middle of the continent, cares nothing for the dangers that might befall the cities on the Atlantic or the Pacific coast, cares nothing for what has befallen the dwellers along the Mexican boundary, and is as indifferent to what befalls elsewhere, as Peking once was to what befell its outlying Chinese Provinces—to the ultimate ruin of Peking, by the way. This I do not for one moment believe. If I did I should despair of the Republic. This is to a peculiar degree the democratic, the intensely and characteristically American, section of our land. The West produced for the service of the whole Nation Abraham Lincoln and Andrew Jackson, and I know that their spirit is still the spirit of her sons.

"I appeal to the men of the West to take the lead in the movement for the genuine nationalization of our people. If the Republic founded by Washington and saved by Lincoln is to be turned into a mere polyglot boarding house, where dollar hunters of 20 different nationalities scramble for gain, each nationality bearing no real allegiance except to the land from which it originally came, then we may as well make up our minds that the great experiment of democratic government on this continent will have failed. No less will it have failed if each section thinks only of the welfare of that section, and with crass blindness believes that disaster to some other section will not affect it. And the failure will be the greatest of all if foolish men are persuaded by wicked men that one caste or class is the prime enemy of some other class or caste. I appeal to the men of the East to prepare so that the men of the Pacific slope shall be free from all menace of danger. I appeal to the men of the West to prepare so that the men of the Atlantic coast shall be free from all danger. I appeal to the North, South, West, and East alike to hold the life of every man and the honor of every woman on the most remote ranch on the Mexican border as a sacred trust to be guaranteed by the might of our entire Nation—and the life of every man, woman, and child who should

be protected by the United States on the high seas likewise. I appeal to every good American, whether farmer or merchant, business man or professional man, whether he works with brain or hand. Anything of disgrace or dishonor that befalls our people anywhere is of vital moment to all of us wherever we live; and any deed that reflects credit on the American name is a subject of congratulation for every American of every section of this country.

"I speak of the United States as a whole. Surely it ought to be unnecessary to say that it spells as absolute ruin to permit divisions among our people along the lines of creed or of national origin as it does to permit division by geographical section. We must not stand merely for America first. We must stand for America first and last; and for no other nation second—except as we stand for fair play for all nations. There can be no divided loyalty in this country. The man who tries to be loyal to this country and also to some other country is certain in the end to put his loyalty to the other country ahead of his loyalty to this. The politico-racial hyphen is the breeder of moral treason. We are a new nation, by blood akin to but different from all the nations of Europe. In the veins of our people runs the blood of German, Englishman, and Irishman, of Scandinavian, Slav, and Latin. Any one of these people can bring something of value to our common national life. Each can contribute social and cultural traditions and customs of value; and all must join in cordial mutuality of respect for whatever is valuable that each brings; but each must put the contribution at the service of our common and unified citizenship, and by utilizing all that is thus contributed, and by adapting and developing it so that it shall meet and express our common needs, we shall build our own distinctive national culture. * * *

"No form of government will survive unless it can justify its existence. Boasting about democracy won't make democracy succeed. We are the greatest democratic Republic and we are false not only to our own country but to democracy everywhere if we do not seriously endeavor to show, by our actions and success, that with us the many men can make a nation as efficient as elsewhere nations have been made efficient by a few men. We must make America efficient within its own borders, efficient to repel attack from beyond its own borders, and yet a friend and not a menace to other peoples. We must make ourselves serviceable to democracy, to the cause of popular rights and popular duties in national and also in international matters. A happy-go-lucky belief that we can become serviceable by combining sentimental speeches with selfish actions will bring us to futility. Serviceableness comes only through preparedness, and both the training and the service—through economic, social, and military efficiency—imply courage, sustained effort, clear vision, and the power for self-sacrifice.

"I speak for military preparedness. I speak for industrial preparedness. I speak for the performance of international duty, which can only come when we fit ourselves to do our duty to ourselves, and when we have made up our minds never to make a promise to any other nation which can not be kept, which ought not to be kept, and which will not be kept. I speak of all this in the interest of national unity and manhood, of international peace, and of the service of our country and of the world at large. It is our duty to secure justice and well-being at home; but we live in a fool's paradise if we think that we shall be permitted to secure such justice and well-being, as the world now is, unless we are prepared to hold our own against all alien enemies. I appeal to the men of the West; I appeal to Americans everywhere to stand against the crass materialism which can show itself just as much in peace as in war. I appeal to our people to prepare in advance so that there shall be no hideous emergency which renders it necessary to submit to inordinate profit making by the few simply because, when the emergency comes, we must improvise at whatever cost the things that for our sins we have failed to provide beforehand. We can not afford to leave this democracy of ours inefficient. If we do it will assuredly some day go down in ruin. We can not afford to tolerate with cynical indifference the pork-barrel theories of government so dear to the hearts of politicians of the baser sort. With a wealth of billions of dollars, and a population of 100,000,000, we can not afford to be in a condition of utterly unstable social and industrial equilibrium, nor to see our sons grow up steeped in a spirit of mere selfish individualism, without self-control or discipline or sense of cooperation, or firmness of purpose. We have great individual capacity. This we must keep. But we must train it so that we shall have great collective capacity, so that there may be that collective democratic power and discipline without which no great modern democracy can permanently subsist.

"We must not only do away with sectionalism, but we must see that our land really is a melting pot of citizenship and that all peoples who come here become Americans and nothing else. We have equally to dread the sleek, well-fed materialist whose be-all and end-all in life are ease and comfort; and the base, selfish man who thinks only of his individual aggrandizement; and the foolish, boastful, wordy, sentimentalist who with amazing ignorance fancies that Americans armed only with words can successfully oppose strong and brutal men with rifles.

"Our national character is in the balance. Americanism is on trial. If we produce merely the self-seeking, ease-loving, duty-shirking man, whether he be a mere materialist or a mere silly sentimentalist; if we produce only the Americanism of the grafter and the mollycoddle and the safety-first, get-rich-quick, peace-at-any-price man, we will have produced an American faithful only to the spirit of the Tories of 1776 and the Copperheads of 1861, and fit only to vanish from the earth."

[From newer Roosevelt messages on "Fear God and take your own part," June, 1917.]

"Peace is not the end. Righteousness is the end. When the Savior saw the money changers in the temple He broke the peace by driving them out. At that moment peace could have been obtained readily enough by the simple process of keeping quiet in the presence of wrong. But instead of preserving peace at the expense of righteousness, the Savior armed Himself with a scourge of cords and drove the money changers from the temple. Righteousness is the end, and peace a means to the end, and sometimes it is not peace, but war which is the proper means to achieve the end. Righteousness should breed valor and strength. When it does breed them, it is triumphant; and when triumphant, it necessarily brings peace. But peace does not necessarily bring righteousness. * * *

"Let this Nation fear God and take its own part. Let it scorn to do wrong to great or small. Let it exercise patience and charity toward all other peoples, and yet at whatever cost unflinchingly stand for the right when the right is menaced by the might which backs wrong. Let it furthermore remember that the only way in which successfully to oppose wrong which is backed by might is to put over against it right which is backed by might. Wanton or unjust war is an abhorrent evil. But there are even worse evils. Until, as a Nation, we learn to put honor and duty above safety, and to encounter any hazard with stern joy rather than fail in our obligations to ourselves and others, it is mere folly to talk of entering into leagues for world peace or into any other movement of like character. The only kind of peace worth having is the peace of righteousness and justice; the only nation that can serve other nations is the strong and valiant nation; and the only great international policies worth considering are those whose upholders believe in them strongly enough to fight for them. The Monroe doctrine is as strong as the United States Navy, and no stronger. A nation is utterly contemptible if it will not fight in its own defense. A nation is not wholly admirable unless in time of stress it will go to war for a great ideal wholly unconnected with its immediate material interest.

"Let us prepare not merely in military matters, but in our social and industrial life. There can be no sound relationship toward other nations unless there is also sound relationship among our own citizens within our own ranks. Let us insist on the thorough Americanization of the newcomers to our shores, and let us also insist on the thorough Americanization of ourselves. Let us encourage the fullest industrial activity, and give the amplest industrial reward to those whose activities are most important for securing industrial success, and at the same time let us see that justice is done and wisdom shown in securing the welfare of every man, woman, and child within our borders. Finally, let us remember that we can do nothing to help other peoples, and nothing permanently to secure material well-being and social justice within our own borders, unless we feel with all our hearts devotion to this country, unless we are Americans and nothing else, and unless in time of peace by universal military training, by insistence upon the obligations of every man and every woman to serve the Commonwealth both in peace and war, and, above all, by a high and fine preparedness of soul and spirit we fit ourselves to hold our own against all possible aggression from without.

"We are the citizens of a mighty Republic consecrated to the service of God above, through the service of man on this earth. We are the heirs of a great heritage bequeathed to us by statesmen who saw with the eyes of the seer and the prophet. We must not prove false to the memories of the Nation's past. We must not prove false to the fathers from whose loins we sprang, and to their fathers, the stern men who dared greatly and risked all things that freedom should hold aloft an undimmed torch in this wide land. They held their worldly well-being as dust in the balance then weighed against their sense

of high duty, their fealty to lofty ideals. Let us show ourselves worthy to be their sons. Let us care, as is right for the things of the body; but let us show that we care even more for the things of the soul. Stout of heart, and pledged to the valor of righteousness, let us stand foursquare to the winds of destiny, from whatever corner of the world they blow. Let us keep untarnished, unstained, the honor of the flag our fathers bore aloft in the teeth of the wildest storm, the flag that shall float above the solid files of a united people, a people sworn to the great cause of liberty and of justice for themselves and for all the sons and daughters of men."

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[From sayings of Theodore Roosevelt.]

"There is a homely old adage which runs: 'Speak softly and carry a big stick; you will go far.' If the American Nation will speak softly, and yet build, and keep at a pitch of the highest training a thoroughly efficient Navy, the Monroe doctrine will go far." (From addresses and messages.)

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WHAT HE SAID IN EUROPE.

"The deadening effect on any race of the adoption of a logical and extreme socialistic system could not be overstated; it would spell sheer destruction; it would produce grosser wrong and outrage, fouler immorality, than any existing system. But this does not mean that we may not with great advantage adopt certain of the principles proposed by some given set of men who happen to call themselves Socialists; to be afraid to do so would be to make a mark of weakness on our part." (From the Sorbonne address, April 23, 1910.)

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"If you think that the people of the United States want universal peace arbitration I suggest that you go to California and investigate conditions. I have no use for liars—national, international, or those found in private life." (From a speech in Arlington Cemetery, May 31, 1911.)

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"During the last half of the nineteenth century the leaders of reaction in the United States, political and financial alike, gradually grew to recognize in the judiciary their most powerful potential ally. There was very little actual corruption on the bench; on the contrary, our judges have been, on the whole, both able and upright public servants, standing on a level probably higher than that of any other civil servants of the Government. But their whole training and the aloofness of their position on the bench prevent their having, as a rule, any real knowledge of, or understanding sympathy with, the lives and needs of the ordinary hard-working toiler." (From a speech at Santiago, Chile, November 22, 1913.)

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"It seems to me that we should realize with the keenest gratitude how much we owe to the fact that by steady application of the Monroe doctrine this country has succeeded in preventing the colonization of this continent by the great military Old World powers. If it had not been for the existence of that doctrine and its support by this Government under Presidents of all shades of political belief, the great military nations of the Old World would unquestionably long ere this have possessed masses of territory in the Western Hemisphere. In such case nothing under heaven could have prevented our being involved in European struggles like the present. We would also in such case be under the crushing burden of immense armaments in time of peace, a burden the bearing of which has grown more enormous year by year in Europe. Well-meaning and amiable but shortsighted persons have from time to time protested against the Monroe doctrine and said it was outworn. I wish these good persons would seriously consider the present contest and realize that if it had not been for the Monroe doctrine in the past, and if the Monroe doctrine were at this moment abandoned, the United States would, in all probability, have been drawn into the present dreadful struggle." (From a speech at Hartford, Conn., August 15, 1914.)

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"It is the country's duty to put itself into such shape that it will be able to defend its rights if they are invaded. I myself have seen the plans of at least two empires now involved in the war to capture our great cities and hold them for ransom because our standing Army is too weak to protect them. I have seen plans prepared deliberately to take both San Francisco and New York and hold them for ransom that would cripple our country and give funds to the enemy for carrying on the war." (From a speech a Tretnon, N. J., October 30, 1914.)

ROOSEVELT EXPOUNDS NEW NATIONALISM—SPEECH AT OSSAWATOMIE TAKEN BY MANY TO BE PLATFORM OF NEW PARTY—SOME SAY "SOCIALISM"—EX-PRESIDENT'S PRONOUNCEMENT DELIGHTS AUDIENCE OF 15,000 PERSONS AT JOHN BROWN BATTLE FIELD.

THE EX-PRESIDENT'S SPEECH.

Mr. Roosevelt's speech follows:

"There have been two great crises in our country's history—first, when it was formed, and then again when it was perpetuated. The formative period included not merely the Revolutionary War, but the creation and adoption of the Constitution and the first dozen years of work under it. Then came 60 years during which we spread across the continent—years of vital growth, but of growth without rather than growth within.

"Then came the time of stress and strain, which culminated in the Civil War, the period of terrible struggle, upon the issue of which depended the justification of all that we had done earlier, and which marked the second great period of growth and development within. The name of John Brown will be forever associated with this second period of the Nation's history, and Kansas was the theater upon which the first act of the second of our great national life dramas was played. It was the result of the struggle in Kansas which determined that our country should be in deed as well as in name devoted to both union and freedom, that the great experiment of democratic government on a national scale should succeed and not fail.

"It was a heroic struggle and, as is inevitable with all such struggles, it had also a dark and terrible side. Very much was done of good and much also of evil; and, as was inevitable in such a period of revolution, often the same man did both good and evil. For our great good fortune as a Nation we, the people of the United States as a whole, can now afford to forget the evil, or at least to remember it without bitterness, and to fix our eyes with pride on the good that was accomplished.

"Even in ordinary times there are very few of us who do not see the problems of life as through a glass, darkly; and when the glass is clouded by the murk of furious popular passion the vision of the best and the bravest is dimmed. Looking back, we are all of us now able to do justice to the valor and the disinterestedness and the love of the right, as to each it was given to see the right, shown both by the men of the North and the men of the South in that contest which was finally decided by the attitude of the West.

"DEBT TO THE VETERANS.

"We can admire the heroic valor, the sincerity, the self-devotion shown alike by the men who wore the blue and the men who wore the gray; and our sadness that such men should have had to fight one another is tempered by the glad knowledge that ever hereafter their descendants shall be found fighting side by side, struggling in peace as well as in war for the uplift of their common country, all alike resolute to raise to the highest pitch of honor and usefulness the Nation to which they all belong. As for the veterans of the Grand Army of the Republic, they deserve honor and recognition such as is paid to no other citizens of the Republic, for to them the Republic owes its all, for to them it owes its very existence.

"I do not speak of this struggle of the past merely from the historic standpoint. Our interest is primarily in the application to-day of the lessons taught by the contest of half a century ago. It is of little use for us to pay lip loyalty to the mighty men of the past unless we sincerely endeavor to apply to the problems of the present precisely the qualities which in other crises enabled the men of that day to meet those crises. It is half melancholy and half amusing to see the way in which well-meaning people gather to do honor to the men who, in company with John Brown, and under the lead of Abraham Lincoln, faced and solved the great problems of the nineteenth century, while at the same time these same good people nervously shrink from or frantically denounce those who are trying to meet the problems of the twentieth in the spirit which was accountable for the successful solution of the problems of Lincoln's time.

"Of that generation of men, to whom we owe so much, the man to whom we owe the most is, of course, Lincoln. Part of our debt to him is because he forecast our present struggle and saw the way out. He said:

"'I hold that while man exists it is his duty to improve not only his own condition, but to assist in ameliorating mankind.' And again, 'Labor is prior to and independent of capital; capital is only the fruit of labor, and could never have existed but for labor. Labor is the superior of capital and deserves much the higher consideration. Capital has its rights which are as worthy of protection as any other rights. * * * Nor should this lead to a war upon the owners of property. Property is the fruit of labor; property is desirable; is a positive good in the world. Let not him who is houseless pull down the house

of another, but let him work diligently and build one for himself, thus by example showing that his own shall be safe from violence when built.'

"DESTROY SPECIAL PRIVILEGE.

"It seems to me that in these words Lincoln took substantially the attitude that we ought to take; he showed the proper sense of proportion in his relative estimates of capital and labor, of human rights and property rights. Above all in this speech, as in many others, he taught a lesson in wise kindliness and charity; an indispensable lesson to us of to-day. But this wise kindliness and charity never weakened his arm or numbed his heart. We can not afford weakly to blind ourselves to the actual conflict which faces us to-day. The issue is joined, and we must fight or fall.

"In every wise struggle for human betterment one of the main objects, and often the only object, has been to achieve in larger measure the quality of opportunity. In the struggle for this great end, nations rise from barbarism to civilization, and through it people press forward from one stage of enlightenment to the next. One of the chief factors in progress is the destruction of special privilege. The essence of any struggle for healthy liberty has always been and must always be to take from some one man or class of men the right to enjoy power, or wealth, or position, or immunity, which has not been earned by service to his or their fellows.

"Practical equality of opportunity for all citizens, when we achieve it, will have two great results. First, every man will have a fair chance to make of himself all that in him lies, to reach the highest point to which his capacities, unassisted by special privilege of his own and unhampered by the special privileges of others, can carry him, and to get for himself and his family substantially what he has earned. Second, equality of opportunity means that the Commonwealth will get from every citizen the highest service of which he is capable. No man who carries the burden of special privileges of another can give to the Commonwealth that service to which it is fairly entitled.

"I stand for the square deal. But when I say that I am for the square deal I mean not merely that I stand for fair play under the present rules of the game, but that I stand for having those rules changed so as to work for a more substantial equality of opportunity, and of reward for equally good service.

"This means that our Governments—National and State—must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics. That is one of our tasks to-day. Every special interest is entitled to justice—full, fair, and complete. Now, mind you, if there were any attempt by mob violence or in any other way to plunder and work harm to the special interests, whatever it may be that I most dislike, to the wealthy man, whomsoever he may be, for whom I have the greatest contempt, I would fight for him, and so would you, if you are worth your salt. He should have justice. Every special interest is entitled to justice. But not one is entitled to a vote in Congress, a voice on the bench, or to representation in any public office. The Constitution guarantees protection to property, and we must make that promise good. But it does not give the right of suffrage to any corporation.

"MUST CURB CORPORATIONS.

"There can be no effective control of corporations while their political activity remains. To put an end to it will be neither a short nor an easy task, but it can be done.

"We must have complete and effective publicity of corporate affairs, so that the people may know beyond peradventure whether the corporations obey the law and whether their management entitles them to the confidence of the public. It is necessary that laws should be passed to prohibit the use of corporate funds directly or indirectly for political purposes; it is still more necessary that such laws should be thoroughly enforced. Corporate expenditures for political purposes, and especially such expenditures by public-service corporations, have supplied one of the principal sources of corruption in our political affairs.

"It has become entirely clear that we must have Government supervision of the capitalization not only of public-service corporations, including particularly railways, but of all corporations doing an interstate business. I do not wish to see the Nation forced into ownership of the railways if it can possibly be avoided, and the only alternative is thoroughgoing and effective regulation, which shall be based on a full knowledge of all the facts, including a physical valuation of the property. This physical valuation is not needed, or at least is very rarely needed, for fixing rates; but it is needed as the basis of honest capitalization.

"We have come to recognize that franchises should never be granted except for a limited time, and never without proper provision for compensation to the public. It is my personal belief that the same kind and degree of control and supervision which should be exercised over public-service corporations should be extended also to combinations which control necessaries of life, such as meat, oil, and coal, or which deal in them on an important scale.

"I believe that the officers, and especially the directors, of corporations should be held personally responsible when corporations break the law.

"COMBINATIONS INEVITABLE.

"Combinations in industry are the result of an imperative economic law which can not be repealed by political legislation. The effort at prohibiting all combination has substantially failed. The only way out lies not in attempting to prevent such combinations, but in completely controlling them in the interest of the public welfare. For that purpose the Federal Bureau of Corporations is an agency of the first importance. Its power, and therefore its efficiency, as well as that of the Interstate Commerce Commission, should be largely increased. We should be as sure of the proper conduct of interstate railways and the proper management of interstate business as we are now sure of the conduct and management of the national banks.

"There is a widespread belief among our people that under the methods of making tariffs which have hitherto obtained the special interests are too influential. Probably this is true of both the big interests and the little interests. These methods have put a premium on selfishness, and naturally the selfish big interests have got more than the selfish small interests.

"The duty of Congress is to provide a method by which the interest of the whole people shall be all that receives consideration. To this end there must be an expert tariff commission, wholly removed from the possibility of political pressure or of improper business influence. Such a commission can find out the real difference between cost of production, which is mainly the difference of labor costs here and abroad. As fast as its recommendations are made I believe in revising one schedule at a time. A general revision of the tariff almost inevitably leads to logrolling, and the subordination of the general public interest to local and special interests.

"The absence of effective State and especially National restraint upon unfair money getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power. The prime need is to change the conditions which enabled these men to accumulate power which it is not for the general welfare that they should hold or exercise. We grudge no man a fortune which represents his own power and sagacity, when exercised with entire regard to the welfare of his fellows. But the fortune must be honorably obtained and well used. It is not even enough that it should have been gained without doing damage to the community. We should permit it to be gained only so long as the gaining represents benefit to the community. This, I know, implies a policy of a far more active governmental interference with social and economic conditions in this country than we have yet had, but I think we have got to face the fact that such an increase in governmental control is now necessary.

"FAVORS AN INCOME TAX.

"No man should receive a dollar unless that dollar has been fairly earned. Every dollar received should represent a dollar's worth of service rendered. The really big fortune, the swollen fortune, by the mere fact of its size acquires qualities which differentiate it in kind as well as in degree from what is possessed by men of relatively small means. Therefore I believe in a graduated income tax on big fortunes and in another tax, which is far more easily collected and far more effective, a graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing rapidly in amount with the size of the estate.

"The people of the United States suffer from periodical financial panics to a degree substantially unknown among the other nations which approach us in financial strength. There is no reason why we should suffer what they escape. It is of profound importance that our financial system should be promptly investigated, and so thoroughly and effectively revised as to make it certain that hereafter our currency will no longer fail at critical times to meet our needs.

"It is hardly necessary for me to repeat that I believe in an efficient Army and a Navy large enough to secure for us abroad that respect which is the surest guaranty of peace. Justice and fair dealing among nations rest on principles identical with

those which control justice and fair dealing among the individuals of which nations are composed, with the vital exception that each nation must do its own part in international police work. National friendships, like those between men, must be founded on respect as well as on liking, on forbearance as well as upon trust. In all this it is peculiarly the duty of the United States to set a good example.

"I have spoken elsewhere of the great task which lies before the farmers of the country to get for themselves and for their wives and children not only the benefits of better farming, but also those of better business methods and better conditions of life on the farm. The burden of this great task will fall, as it should, mainly upon the great organizations of the farmers themselves. I am glad it will, for I believe they are well able to handle it.

"In particular, there are strong reasons why the departments of agriculture of the various States, the United States Department of Agriculture, and the agricultural colleges and experiment stations should extend their work to cover all phases of life on the farm, instead of limiting themselves, as they have far too often limited themselves in the past, solely to the question of the production of crops.

"THE REGULATION OF WEALTH.

"Nothing is more true than that excess of every kind is followed by reaction; a fact which should be pondered by reformer and reactionary alike. We are face to face with new conceptions of the relations of property to human welfare, chiefly because certain advocates of the rights of property as against the rights of men have been pushing their claims too far. The man who wrongly holds that every human right is secondary to his profit must now give way to the advocate of human welfare, who rightfully maintains that every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it.

"But I think we may go still further. The right to regulate the use of wealth in the public interest is universally admitted. Let us admit also the right to regulate the terms and conditions of labor, which is the chief element of wealth, directly in the interest of the common good. The fundamental thing to do for every man is to give him the chance to reach a place in which he will make the greatest possible contribution to the public welfare. No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so that after his day's work is done he will have time and energy to bear his share in the management of the community to help in carrying the general load.

"We keep countless men from being good citizens by the conditions of life with which we surround them. We need comprehensive workmen's compensation acts, both State and National laws to regulate child labor and the work of women, and especially we need in our common schools not merely education in book learning, but also practical training for daily life and work. We need to enforce better sanitary conditions for our workers and to extend the use of safety appliances in industry and commerce, both within and between the States.

"Also, friends, in the interest of the workingman himself we need to set our faces like flint against mob violence just as against corporate greed; against violence and injustice and lawlessness by wage workers just as much as against lawless cunning and greed and selfish arrogance of employers.

"I do not ask for overcentralization, but I do ask that we work in a spirit of broad and far-reaching nationalism when we work for what concerns our people as a whole. We are all Americans. Our common interests are as broad as the continent. I speak to you here in Kansas exactly as I would speak in New York or Georgia, for the most vital problems are those which affect us all alike.

"The National Government belongs to the whole American people, and where the whole American people are interested that interest can be guarded effectively only by the National Government. The betterment which we seek must be accomplished, I believe, mainly through the National Government.

"NATIONALISM DEMANDED.

"The American people are right in demanding that new nationalism without which we can not hope to deal with new problems. The new nationalism puts the national need before sectional or personal advantage. It is impatient of the utter confusion that results from local legislatures attempting to treat national issues as local issues. It is still more impatient of the impotence which springs from the overdivision of Government powers, the impotence which makes it possible for local selfishness or for legal cunning, hired by wealthy special interests, to bring national activities to a deadlock. This new nationalism regards the executive power as the steward of the public welfare. It demands of the judiciary that it shall be interested primarily in human welfare rather than in property, just as it demands that the representative body shall represent all the people rather than any one class or section of the people.

"I believe in shaping the ends of government to protect property as well as human welfare. Normally, and in the long run, the ends are the same, but whenever the alternative must be faced I am for men and not for property.

"NEED OF DIRECT PRIMARY.

"If our political institutions were perfect, they would absolutely prevent the political domination of money in any part of our affairs. We need to make our political representatives more quickly and sensitively responsive to the people whose servants they are. More direct action by the people in their own affairs under proper safeguards is vitally necessary.

"The direct primary is a step in this direction if it is associated with a corrupt-practices act effective enough to prevent the advantage of the man willing recklessly and unscrupulously to spend money over his more honest competitor.

"It is particularly important that all moneys received or expended for campaign purposes should be publicly accounted for, not only after election but before election as well. Political action must be made simpler, easier, and freer from confusion for every citizen. I believe that the prompt removal of unfaithful or incompetent public servants should be made easy and sure in whatever way experience shall show to be most expedient in any given class of cases.

"One of the fundamental necessities in a representative government such as ours is to make certain that the men to whom the people delegate their power shall serve the people by whom they are elected, and not the special interests. I believe that every national officer, elected or appointed, should be forbidden to perform any service or receive any compensation directly or indirectly from interstate corporations, and a similar provision should not fail to be useful within the States.

"The object of government is the welfare of the people. The material progress and prosperity of a nation are desirable chiefly so far as they lead to the moral and material welfare of all good citizens. Just in proportion as the average man and woman are honest, capable of sound judgment and high ideals, active in public affairs—but first of all sound in their home life, and the father and mother of healthy children—just so far and no further we may count our civilization a success.

"We must have—I believe we have already—a genuine and permanent moral awakening, without which no wisdom of legislation or administration really means anything; and, on the other hand, we must try to secure the social and economic legislation without which any improvement due to purely moral agitation is necessarily evanescent. The prime problem of our Nation is to get the right type of good citizenship; and to get it we must have progress and all our people must be genuinely progressive."

AMERICANIZATION OF ALIENS.

As in legislative session,

Mr. KENYON. Mr. President, earlier in the day I sought to secure unanimous consent to introduce a report from the Committee on Education and Labor on the Americanization bill. I did it largely because of the sentiment of the day, as expressed by the Senator from Illinois [Mr. MCCORMICK], and because of the well-known desire of the former President of the United States, Theodore Roosevelt, for some kind of a plan of Americanization.

This bill is reported by the Committee on Education and Labor unanimously, as a substitute for a number of bills pending before that committee on this subject. It seeks to deal with one of the most serious questions in our American life, illiteracy, and foreign-born aliens; and the problem as presented by this bill is to give every American resident and also alien a chance to learn the American language—I prefer to use the term "American language" instead of the term "English language," because it is the American language—and to make foreigners learn it if they desire to remain in this country; in other words, to Americanize America.

Mr. President, there are over 8,000,000 people in this country over 10 years of age who can neither read, write, nor speak the English language, and at least 55 per cent of them are native born. That is certainly a problem that challenges the attention of the American people.

Mr. WATSON. How many did the Senator say?

Mr. KENYON. Over 8,000,000.

Mr. Herbert Kaufman has been an assistant to Secretary Lane in this work for the last year, giving up his own business and serving the Government without price in order to formulate an organization which now is ready to act on this great proposition

all over this country. Mr. Kaufman is entitled to the thanks of all lovers of America.

Mr. WARREN. What does the Senator name as the percentage of foreigners born in this country who could not read or write?

Mr. KENYON. I put it conservatively at least 55 per cent of the total number.

Mr. WARREN. Are those young children, who will yet be educated?

Mr. KENYON. No; above 10 years of age. The figure of 8,000,000 is of those above 10 years of age.

Mr. WARREN. I can hardly conceive that to be in this country of schools. Perhaps the Senator will elucidate it further along.

Mr. KENYON. If the Senator had been with the committee in the Pittsburgh district and out among the mills, he would have been astounded, I think, at the facts which came to the attention of the committee.

In the town of Clarenton, where 150 men were gathered around Senator McKELLAR and myself, through interpreters we got the word that we wanted to get to them, and asked all of those who were American citizens to raise their hands. There were only three among the 150. A good many of them could speak the English language, but many of them could not.

Mr. WARREN. Those were adults?

Mr. KENYON. All adults. I wish an article written by Mr. Herbert Kaufman in the New York Tribune something over a week ago could be made into a public document. It is a wonderful article. It challenges the attention of the Nation to this problem. I read here and there from it. He says:

> Discontent is mumbling and violence is ranting on all sides. America is on trial before 10,000 soap boxes; chaos is everywhere seeking recruits from the ranks of misunderstanding and illiteracy.

Again he says:

> Illiteracy is a pick-and-shovel estate, a life sentence to meniality. Democracy may not have fixed classes and survive.

Again:

> An outbreak of hoof and mouth disease would compel instant remedial laws and funds to contain the menace within bounds. It is even more incumbent upon us to defend healthy citizenship against civic incapables.

And again:

> If a hundred million of us stand together, we must think together and that without foreign accent.

Mr. President, if the illiterates and the foreign born who can not speak our language should be reviewed from a stand in front of the White House, marching by two abreast, and marching 25 miles a day, it would take two months of solid marching for them to pass the reviewing stand.

Early in the war Mr. Samuel Gompers predicted, quoting his language:

> An even greater misunderstanding between Government and labor than that which arose in England may arise in a more acute form because of the racial diversity of our working classes.

That prophecy seems about to be fulfilled.

Secretary Lane has said:

> An uninformed democracy is not a democracy.

These startling facts will be presented to the Senate in due time. The purpose of this bill is to give these illiterates and give these aliens a chance to learn the American language and to become good Americans, and after having had that chance, if they will not do it, then the aliens ought to be compelled to leave this country.

Mr. President, this is the birthday of the man who was our supreme American. With him America—its thoughts, its purposes, its ideals—was a supreme passion. Never faltered he in devotion to his country. It is appropriate that an Americanization bill start on its journey through the Congress upon the birthday of this man, for every purpose, thought, action, inspiration of his life was for a greater, a better, and a more American America.

The old ship of state in this hour is floating on troublesome seas. Whitecaps of anarchy are battling its voyage, but—

> We know what Master laid thy keel,
> What Workman wrought thy ribs of steel.

So we fear not the sudden sound and shock. We know the old ship will safely weather the storm—

> In spite of rock and tempest roar,
> In spite of false lights on the shore.

There are misguided men in American to-day—thousands, and even millions, of them. They are to be pitied. They do not know the purposes of America, for they have had no opportunity to learn. They do not know that this is in fact the land of the poor boy; that men have given their lives that the doors of opportunity might ever be open to the children of to-morrow; that the opportunities for their children are the best of any nation of earth. Our country is to blame because the chance has not been presented for them to know. Many of them are eager to know America for themselves and for their children. If they can not read or speak or understand the American language, how can they know the wonderful stories of opportunity in this country? How can they understand the heights to which their children may attain in this land of freedom? To them the story of the humble, poor boy's pathway from the log cabin of Kentucky to the Presidency of the United States, the inspiration of the towpath followed by Garfield, the struggles of Theodore Roosevelt, the advancement to the Presidency of Woodrow Wilson from the humble Presbyterian parsonage are closed books. While they are in the Nation, they know not of the Nation. There would be no menace to the future of America from these men if they really knew what America meant. Boys of foreign birth have gone out to fight for the Nation just as loyally as those who were born in this country. The long rolls of honor of those who have been left on the fields of France contain the names of nearly every nationality on earth. There is good material here for Americanization. The melting pot can not boil unless there is fuel under it, and that fuel is education. The purpose of this bill is to help furnish the fuel for the great American melting pot. And out of it will come those who now are toiling mentally in the ignorance and superstition of past ages into the glorious sunlight of American intelligence. Is such a work worth while? Long may be the road, but it is time to start. There should be a rallying to the proposition of Americanization on the part of States, municipalities, governments, societies, and individuals, and I predict there will be such rallying and a tremendous wave of patriotism sweep this bill on to final success.

There are other spirits in this country trying to lead these deluded mortals—the spirits of darkness—determined to overthrow the best government that ever has existed under the sun, but they mistake the spirit and purpose of America also. America will not hesitate to deal with them with an iron hand; America will not tolerate anarchy. But America must awaken to the dangers and America must not falter or equivocate. An awakened nation of over 100,000,000 people does not propose that a few hundred thousand anarchists and Bolshevists shall overthrow this nation of hope and this land of opportunity.

Americanization will not only mean getting rid of these impossible characters and bringing the light of intelligence to some of their blind followers, but Americanization will mean the development of more brotherly feeling, help to make impossible contests of capital and labor. The teaching of the American language is only a step in the plan of Americanization.

The man who cares for his fellow man only as he can use him as he would a piece of iron or coal, to increase his dividends, needs Americanization. He loves himself better than his country, and the problem of Americanization is to instill into the hearts of our people a love of their country above a love of themselves; it is time for every American to search his own heart and honestly ask himself what sacrifices he is making for this country and how much of self he is willing to give up for the good of his country. Give every resident alien a chance to become an American. Some of them have not had it. Give them the opportunity to be good citizens. Let them know that the great Republic is builded on the rock of justice. If they will not become good Americans, let them get out of the country. Let the anarchist understand that his doctrines have no more effect upon the structure of this Government than the waves lapping the rock of Gibraltar. But let him know that if he desires to advance those doctrines he will have to seek other shores. America is no place for him. Let him know that there is but one flag in this country, the Stars and Stripes, and there is no place for the red flag of anarchy.

It is no time to be pessimistic in all the turmoil through which we are passing. It is time to follow the doctrine of the beautiful Psalm of David:

> I will lift up mine eyes unto the hills from whence cometh my help.

Upon the hills of America shines the vision of national perpetuity.

A nation that can produce a Theodore Roosevelt ought never to waver, be pessimistic, or cowardly. Never have we needed his spirit as we need it to-day. The spirit of Roosevelt is a conquering spirit over wrong, injustice, oppression, disloyalty. The spirit of Roosevelt makes for a courageous brotherhood of man, recognizing the rights and relationships of men to one another. That brotherhood shall yet conquer all the enemies of the Republic—a brotherhood that is kind, but that can be stern; a

brotherhood that rallies to the call of America, ready to do or die for the Republic.

America! America! God shed His grace on thee,
And crown thy good with brotherhood from sea to shining sea.

The last public words of Roosevelt were a call for Americanization. He said:

I can not be with you, and so all I can do is to wish you Godspeed. There must be no sagging back in the fight for Americanism merely because the war is over. There are plenty of persons who have already made the assertion that they believe the American people have a short memory and that they intend to revive all the foreign associations which most directly interfere with the complete Americanization of our people. Our principle in this matter should be absolutely simple. In the first place, we should insist that if the immigrant who comes here does in good faith become an American and assimilates himself to us he shall be treated on an exact equality with everyone else, for it is an outrage to discriminate against any such man because of creed or birthplace or origin.

But this is predicated upon the man's becoming in very fact an American, and nothing but an American. If he tries to keep segregated with men of his own origin and separated from the rest of America, then he isn't doing his part as an American. There can be no divided allegiance here. Any man who says he is an American, but something else also, isn't an American at all.

We have room for but one flag, the American flag, and this excludes the red flag, which symbolizes all wars against liberty and civilization, just as much as it excludes any foreign flag of a nation to which we are hostile. We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding house; and we have room for but one soul loyalty, and that is loyalty to the American people.

Faithfully, yours, T. ROOSEVELT.

God grant that the spirit of Theodore Roosevelt may inspire the citizenship of the great Republic in this hour of stress to be firm, yet just, and to make any sacrifice needed to maintain this as a government where law, order, and justice shall prevail.

I ask unanimous consent, Mr. President, to present the report of the Committee on Education and Labor with the bill as agreed upon by that committee.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent, as in legislative session, to present the report of the Committee on Education and Labor. The Chair hears no objection, and the report will be received.

The bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English speaking persons and the assimilation of foreign-born residents, and for other purposes, was read twice by its title.

The PRESIDING OFFICER. The bill will be placed on the calendar and the report (Rept. No. 276) will be printed under the rule.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed consideration of the treaty of peace with Germany.

Mr. KNOX. Mr. President, I wish to express in a very few words the attitude that I entertain toward the pending amendment.

I will vote for the pending amendment giving the United States mutual equality with Great Britain in the league of nations because it gives me the opportunity to express my conviction that my country is as great and as good and is as much to be considered and reckoned with as any upon this earth if it is to be drawn into the maelstrom of world politics.

I will vote for the amendment because it gives me the opportunity to express my protest against Great Britain's willingness to assert for the British Empire a preponderance of influence in the counsels of the world as against the United States—a preponderance of 6 to 1 for the English-speaking peoples of British allegiance as against the English-speaking peoples of American allegiance, who are the more numerous of the two in the world, in the ratio, I suppose, of something like 10 to 7.

For the other branch of the English-speaking peoples to offer us, with a population of 10 to their 7, 1 vote to their 6 upon questions wherein they and we may be of different opinion is not calculated to foster salutary understanding between the heirs of Magna Charta and of a rich, common inheritance of law, language, and freedom. It is not by the assertion, but by the disavowal, of any such claim in case of difference of view between the Empire, or a part of the Empire, and the Republic, that the British Empire might advance good understanding with the American Nation.

In 1870 Great Britain failed to make the same sacrifices to check the growth of the German menace that we made in 1917. If in 1870 Britain had gone to the relief of France as we went to the relief of France and England in 1917, Bismarck's ambitions would have been thwarted and the German Empire would not have been created at Versailles, where 50 years later it was destroyed by the throwing of the weight of America's arms and resources into the scale against it.

If America is to be penalized for going to the rescue in 1917—and to the rescue of the British as well as the French—what should have been the punishment of Britain for failing to do so in 1870? We did go to the rescue. I am proud that we did so for the right, and without the spur or the chain of entente or alliance or league. As I have said before, I believe we shall always do so in a world crisis, and without the need of any agreement or league whatsoever on the subject; and, as I have said before, I should favor a broad American doctrine in such sense. But I should expect in return generous consideration from the nations with which we should be expected to cooperate—very generous consideration, not 6 to 1 consideration.

I am unwilling to submit to the slightest implication or appearance of implication of inferiority or of inequality of voice between the divisions of the English-speaking people in questions upon which they may hold differing views. I shall be content with no face-saving device to give assurance that after all this inequality that may be asserted in the opposed vote of the two peoples amounts to but little.

I will vote for this amendment as an expression of my willingness to do directly, if need be, what it is proposed to do indirectly by reservations. I shall not be diverted from my purpose to vote for this amendment by the fallacious argument that to adopt it will send the treaty back to the peace conference and entail delay in bringing peace to the world.

The proponents of the league have talked so much about the necessity for the coming into force of this treaty, our relationship to such a situation, and the need for reconvening the peace conference in case the Senate does not obey the behest of the Executive and approve the ratification of this treaty without any change whatsoever, that a brief discussion of that proposition may be timely.

I have already in previous addresses called attention to the last clause of the preamble of the treaty of Versailles, which reads:

From the coming into force of the present treaty the state of war will terminate. From that moment and subject to the provisions of this treaty official relations with Germany, and with any of the German States, will be resumed by the allied and associated powers.

I have also noted that the later clauses of the last clause of the treaty provide:

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers on the other hand.

From the date of this first procès verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

In all other respects—and, Mr. President, I call particular attention to those words—in all other respects the treaty will enter into force for each power at the date of the deposit of its ratification.

In the earlier stages of the discussion of this treaty the proponents of the league sought to lead the public to believe that the only way in which the status of war between ourselves and Germany could be terminated would be through our ratification of this treaty. They have, however, abandoned that position and now seemingly agree with those who are standing for ratification with changes in the contention that the status of hostilities between ourselves and Germany will terminate so soon as any three of the principal allied and associated powers have been deposited in Paris.

Driven thus from the position that we must ratify in order to get peace, they are now seeking to intrench themselves behind the argument that unless we ratify this treaty as it is drawn a reconvening of the peace conference is inevitable, with all the tedium, delay, and dangers attendant upon new negotiations.

So much is made of this argument that it is worth while carefully to trace to its end the exact situation which would arise in case we shall ratify this treaty with the fundamental and far-reaching reservations and amendments which have been proposed.

We must start with the fact always to be kept in mind and to which, seemingly, all are now agreed, that hostilities with Germany will terminate for all the world so soon as the treaty is ratified by Germany and three of the principal allied and associated powers.

As showing how fully it is designed that the deposit of the first procès verbal shall terminate hostilities, I shall refer to a few of the matters which are to take place within the time calculated from the date this first deposit is made and which go forward and are concluded under the treaty, and inevitably so, without any reference to further ratification by powers other than the three first ratifying powers. As will be apparent, most of these things I list not only contemplate the

termination of the state of war against Germany but they would be difficult, if not impossible, of fulfillment if there were between Germany and any other power even a legal status of war without any hostilities being actually conducted.

German troops and authorities are to be withdrawn from prescribed portions of east Prussia and from certain prescribed areas near the Nogat and the Vistula within 15 days from the coming into force of the present treaty, and within 10 days from the same date German troops and likewise workmen's and soldiers' councils are to retire from Schleswig. Furthermore, German military forces are to be demobilized and German armament, munitions, and materials are to be reduced to specified limits within two months from the coming into force of the treaty. The naval forces and personnel of the German Navy are to be reduced to a specified size within the same period. Within three months from the coming into force of the treaty certain named war-material manufactories are to be closed down and fortifications named are to be dismantled. The ownership of German surface warships not in German ports is renounced by Germany from the date of the coming into force of the treaty, and certain named warships are to be surrendered within two months of that date. German warships now under construction are to be broken up upon the coming into force of the treaty, and German submarines, docks, and salvaged vessels are to be surrendered at the expiration of one month from that time. Germany is to mine sweep, beginning with the date when the treaty comes into force, certain named areas. On the same date she is to surrender all military and naval aeronautical materials beyond amounts specified, and may not for a period of six months from the coming into force of the treaty import any aircraft materials.

The repatriation of prisoners of war and interned civilians takes place as soon as possible after the treaty comes into force. From the same date Germany may not send or accredit military or naval attachés to other governments and must prevent the enrollment of Germans in armies and navies of other powers. At the expiration of two months after the treaty comes into force stringent restrictions are made operative as to German military schools and other educational and like institutions.

The commissions for delimiting the boundaries of the free city of Danzig, for determining the boundary of the Saar Basin and of Schleswig, are to be appointed within 15 days from the date the treaty comes into force, and from the nature of their duties it is evident that the interallied commissions of control and the great reparation commission must be appointed at once. And so of other commissions I need not pause to name.

The citizenship of Alsace-Lorrainers will be settled within one year from the coming into force of the treaty and the citizenship of Germans in Poland within two years. German nationals ordinarily resident in the free city of Danzig lose their German nationality immediately upon the coming into force of this treaty, and German residents in adjacent territories have two years from that time to elect their citizenship.

As to treaties, certain designated treaties touching China are applicable from the coming into force of the treaty; designated articles of this treaty itself are operative merely for certain named periods beginning from the same date; certain enumerated multilateral treaties only are to be effective as between the powers and Germany from the coming into force of the treaty; and the allied and associated powers are to have advantage of certain other clauses of German treaties from the same date.

Without delay from the coming into force of the present treaty Germany undertakes to restore all articles, money, securities, and documents which have belonged to nationals of the allied and associated powers and which have been retained by German authorities, and all private securities of the allied and associated powers held in Germany must be delivered to such powers within six months from the coming into force of the present treaty.

Certain gold deposits in Germany are to be turned over to the principal allied and associated powers within one month from the coming into force of the treaty.

From the date of the coming into force of the treaty all the deposits of coal situated within the Saar Basin become the complete and absolute property of the French State. From the same date and for a period of 10 years German electrical supply works must furnish service to any establishment the working of which passes under this treaty permanently or temporarily to France.

Goods of specified origin are to be imported into Germany free from duty for specific periods, beginning on the date of the coming into force of the treaty; likewise goods have most-favored-nation treatment for periods beginning at the same date.

Property rights and interests claimed by the allied or associated powers against Germany on account of property located and dealt with in Germany must be satisfied, and industrial property rights are to be vindicated within one year from the coming into force of the treaty. Lastly, and almost primarily significant, German laws are to be harmonized with the provisions of this treaty within a period of three months from the same date.

Many of these matters are vital as affecting the very life and substance of the treaty itself; they will all become operative as against Germany upon the ratification of this treaty by any three of the great powers no matter what our action on the matter may be. For the language of the treaty is that * * * "from the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it." That is, the treaty as it is written and ratified is operative as between the powers so ratifying wholly irrespective of the action which may be taken by any other power. The balance of the powers may ratify or not ratify; they may ratify unreservedly or with reservations; but whatever their action, it can have no effect whatever upon the treaty or its provisions as between and among Germany on the one hand and the three ratifying powers on the other. As to them the treaty stands as it is written.

Considering the great number of powers signatory to the treaty and their divers interests therein, it was indispensable that a provision of this kind should be in the treaty in order that some power, seeking purely for further selfish ends, might not postpone peace to the world until the end sought was reached, to the consequent economic, social, and moral detriment of the whole world. Furthermore, if Germany is to meet the terms of the treaty as written she must enjoy profound peace within her borders. She can not carry on a war with any power with the resulting disarrangement of her industries and finances, which must all be brought to bear upon war indemnities. Moreover, a glance at the map will show that no power could engage in a war with Germany without threatening the peace of some other power, and in most cases a war would not be possible, except the belligerent power used the territory of a third power as a base from which to make an attack on Germany. This is conspicuously true in our own case. For we could hardly conduct a successful war against Germany save by continuing our stay in France, who obviously will not want us carrying on hostilities from her territories while she herself is at peace and desiring the German indemnity which peace alone can bring. Nor would she want the internal disarrangement which would come to her from such an enterprise on our part.

Therefore, when this treaty comes into force, through ratification by Germany and three allied and associated powers, it stands as between those ratifying powers in the precise form in which written.

The treaty furthermore provides that "in all other respects"—that is, all respects other than the termination of hostilities, and the resumption of official relations with Germany, and the determination of periods of time provided for in the treaty—"the treaty will enter into force for each power at the date of the deposit of its ratifications." Under this provision, if any power desires to secure the benefits other than the termination of hostilities and the resumption of official relations, conferred upon that power by this treaty, it must ratify the treaty in order to secure them.

But if any power to which advantage is to flow from this treaty desires to augment or alter those benefits, it would probably be necessary for such a power to gain the consent of all powers signatory to the treaty, and this action, whatever form it might take, would be virtually a new peace conference. But I ask what signatory power is there which could sanely entertain the slightest hope that a reconsideration of its claims as recognized in this treaty would result in augmenting them? The action of the French Chamber of Deputies is fairly indicative that France is convinced the treaty contains her maximum of advantage, and so of Great Britain; and even Italy, who has her Fiume difficulties, seems willing if not anxious to accept immediately what this treaty gives her. As for Japan, I have not heard that she was denied anything substantial for which she asked at the conference, and therefore it is not to be expected that she will decline ratification in order again to go to a peace table where our representative, if we sit at the table, would be already aware of the strength of opinion in this country against certain of the benefits granted to Japan by the present treaty.

So far as the smaller powers are concerned, those immediately concerned—Poland, Czechoslovakia, and the Serb-Croat-Slovene State—all owe their existence in whole or in part to this treaty; and it is scarcely to be thought that they would jeopardize

their very existence by inviting a new peace conference. Belgium asked for and deserved more than she got, yet I am sure that the wisdom of her statesmen would not care to subject her to the uncertainties of a new conference.

Thus it is difficult to see how any of the powers could hope to gain further advantages from a reconvening of the peace conference, and the most if not all of them would scarcely wish to jeopardize what they already have to the monumental uncertainties of a new negotiation.

But we are not among those who get benefits from the treaty; burdens are our sole treaty heritage. Moreover, these burdens we must believe were self-imposed, because it can not be that we found ourselves under the compulsion of our allies in these matters. We sat at the peace table as associated victors, not as cobelligerent vanquished. Moreover, there is no single burden or collection of burdens imposed upon us by this treaty which, if we disavow them, will in any way affect a due carrying out of the provisions of the document, save only in this one respect, that the treaty will lack the pledge, and the obligation inevitably flowing from our full participation, that we use our full military and material resources for the enforcement of the treaty provisions in their infinity of detail.

So that it is idle to speak of the necessity of reconvening the peace conference and blindly optimistic to speak of the possibility of doing so. Once this treaty is ratified by three of the great powers there will be no new negotiations, and I assure you it will be so ratified if our diplomacy shall not continue successfully to thrust itself into world politics, with a view to forcing this Senate willy-nilly to bow to an Executive fiat to advise and consent to the ratification of this treaty without amendment. And I doubt whether even our suave and herculean colonel could for long impede the aspirations or ambitions of our European allies. And why, sir, should the powers which have ratified and are satisfied with the treaty reconvene in conference and open up the whole negotiations merely to arrange for us to throw off our self-imposed obligations? For as to us, the prime if not the only thing over which the great powers are anxious is the power to command the assistance of our military and naval forces in case of difficulties in Europe, and since we are under no compulsion from them to render such assistance outside the undertakings we make in this treaty, it is self-evident that they will gladly accept whatever amount of such promises and undertakings we in our wisdom or unwisdom may see fit to assume. It is the veriest nonsense for us under these circumstances to speak of the necessity of reconvening the peace conference and reopening its negotiations merely to note that we are to curtail the voluntary and self-imposed obligations under the treaty which our negotiators ill-advisedly thought we would be willing to assume.

Inasmuch as the ratification of this treaty by three of the principal allied and associated powers and Germany brings a full peace status between Germany and the whole opposing world—and of this there can be no doubt, because the treaty distinctly says that "from that moment"—the coming into force of the treaty—"and subject to the provisions of this treaty official relations with Germany and with any of the German States will be resumed by the allied and associated powers"—that is, by all of them, not merely those who ratify the treaty—since this is the status, the situation left thereafter is similar to, if not, indeed, exactly like, that which obtained with reference to The Hague conventions, where each power signatory ratified with reservations and amendments such as it desired. If a power wished for the complete benefits of a Hague convention, it ratified the document as it stood. If it did not desire such advantages in toto, or if it were unwilling to accept the burdens imposed by the covenant, it ratified with reservations or amendments. In such case there was no talk or thought of reconvening The Hague conference in order that reservations or amendments might be made, and no necessity therefor existed, because it dealt with peace-time conditions.

Another analogous case that well illustrates the point I am making is that of the ratification of the general act for suppression of African slave trade, signed at Brussels on July 2, 1890, by the plenipotentiaries of 17 powers, including the United States. The protocol regarding the deposit of the American ratification sets forth the acceptance of a partial ratification, with various stipulations made by France and of ratification by the United States, with a disclaimer of interest and responsibility as to parts of the international engagements of the act in question. This well illustrates the lack of any necessity in such cases to reopen the whole of a negotiation.

Mr. President, if there be no objection, I shall insert as part of my remarks copies of the ratifications and protocols of those cases for the guidance of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOX. And so here with this document. The status of peace being created by ratification by three great powers, and those powers having the right, under the treaty they have thus ratified and put into force, to disarm Germany and obtain the commercial and other advantages which the treaty gives to them, they will be quite willing to let the rest of the world accept or reject the treaty benefits as they may wish. Indeed, if the other powers should forego the indemnities paid under the treaty, the great powers would have some advantages because it would leave the more German assets for them. Of course, as I have said, the great powers hope for the mighty strength of this Nation to enforce the indemnity—mellifluously termed "reparation" in the treaty—and will go any lengths to get it short of losing the treaty itself, for that, when the pinch comes, they will surely save.

Moreover, it is interesting to observe that even should we ratify this treaty with amendments and reservations and deposit our ratification in Paris, and even if we were the third power so to do, this would not necessarily mean that the treaty as written would not go into force. Indeed the chances are many to one that the treaty will go into force as written in spite of such a ratification by us or of any other action we might take, because if we ratified it with reservations and amendments before three other powers had unreservedly ratified, we should stand in a class by ourselves and all that need be done in order to put the treaty as written into effect between Germany and the great European powers would be for a third power, Italy, for example, to ratify it unconditionally, whereupon the treaty would then go into force as written and we would still stand on the outside without our amendments or reservations affecting the situation in any way whatsoever. And in this connection it is well to remember that our Executive is the only one whose heart will be broken if the league is touched; the powers are looking not at the league but at the rest of the treaty, and there is every reason to believe we may have our way about the league whatever that may be, if we will but put our military force and material resources behind the balance of the treaty.

Thus the status of peace being created by the ratification of the treaty by three great European powers, as it can and in all probability will be, no matter what we do, the question of any other power's accepting or rejecting its benefits or incurring its obligations is a matter in which that power is practically alone concerned.

That the foregoing is an accurate statement of the real situation is borne out to the fullest extent by the attitude which, according to the press, the Executive recently took through his personal and unofficial but all-powerful representative in Europe. The press then carried the information as to the President's colonel that "for the last four weeks in a quiet way he has been working to insure the league not starting without the United States as long as there was a chance that America could be the third power to ratify the Versailles treaty"; that he "has been working against considerable opposition to prevent the league plans from proceeding too rapidly"; and that he had induced Great Britain and France to bring pressure to bear upon Italy and Japan to the end that they should not ratify the treaty and thus put it into operation.

Mr. McCORMICK. Mr. President, to whom does the Senator refer?

Mr. KNOX. I supposed everybody knew who the President's colonel was—the silent House.

Mr. McCORMICK. The silent statesman from Texas?

Mr. KNOX. Exactly so. I accept the amendment. That is to say, the President's colonel has been deliberately intermeddling in this situation in order to force the Senate to ratify this treaty without amendment or reservation, by allowing the Executive to continue to hold over this body as a club a false public opinion of the country built up and sustained on the erroneous supposition that peace can not come to us without our ratification of the treaty and that ratification with amendments or reservations on our part would require the reassembling of a new peace conference, and therefore the indefinite delay of peace.

May I digress long enough to observe that we have here before our eyes an example of the way in which our domestic affairs may be operated when we join the league? Here are two great powers of Europe joining in a conspiracy with our own Executive and aiding and abetting him in his deliberate and avowed intention of imposing upon the American people the treaty burdens and obligations which a great part of them are unwilling to undertake and which a majority of this very body is unwilling to sanction. If coercion such as this can be brought to bear

before the league goes into effect, may we not pause, consider, and ask ourselves what may happen after the league is established?

We have also had pictured for us the sorry, even decrepit, figure we shall cut when "hat in hand" we humbly beseech Germany for her consent to modify this treaty in accordance with the reservations and amendments we may make. Assuming, as I feel I may and indeed as I must assume from the course events are taking, that three of the great powers will ratify this treaty as it is written without any changes whatsoever, and that, therefore, under the terms of the treaty it will thus go into effect, then what is there, I ask you, sir, that Germany can possibly consent to that will in any way, even the slightest, modify her obligations under this treaty? We can not by such a course change her indemnity, we can not change one important commission, we can not change one obligation which runs from Germany to the great powers under this treaty. And what obligation, pray—let but one be named—is there which runs from us to Germany to which her assent is needed for modification or to ameliorate which we need to approach as a suppliant either the German people or a German Government? It is certain, for example, that we can mitigate the provisions which run in our favor from Germany if we care to, but we probably should not have to crawl into the German presence upon our hands and knees, or even upright with "hat in hand," in order to get consent to this.

I repeat, it is not possible for us to force otherwise than by arms or by economic measures as potent as arms any change in this treaty as against either the allied powers or Germany, and it is not possible for any action which we take here to affect any of the obligations which run from Germany to the allied and associated powers if three of the powers ratify the treaty as written except in the one particular which I have already suggested in an earlier speech, namely, if we release in favor of Germany or of the powers the indemnities and the rights which Germany by this treaty has granted in our favor.

Why, then, this absurdity about reconvening the peace conference? Or can a majority of the people be fooled all the time?

In so far as the reestablishment of our commercial relations with Germany is concerned, I again advert to the fact that when this treaty goes into effect the status of war will be terminated and we shall be on a basis of peace with all its attendant rights and privileges. I also again call attention to the fact that so soon as the status of war is ended, "official relations with Germany and with any of the German States will be resumed by the allied and associated powers." All our consuls will reenter, our diplomatic representatives will be sent to Germany, and we shall be in the same position we were before the war, and this will happen when the treaty goes into effect, whether we ratify this treaty unamended, whether we ratify it with reservations and amendments, or whether we do not ratify it at all. Here again the people of the United States have been deliberately misled by the proponents of this league.

RESOLUTION OF RATIFICATION BY THE SENATE OF THE CONVENTION FOR THE SETTLEMENT OF INTERNATIONAL DISPUTES, SIGNED AT THE HAGUE, 1907.

APRIL 2, 1908.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes, subject to the declaration made by the delegates of the United States before signing said convention, namely:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention to exclude the formulation of the "compromis" by the permanent court and hereby excludes from the competence of the permanent court the power to frame the "compromis" required by the general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the "compromis" required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

"SENATE RESOLUTION OF RATIFICATION.

"IN EXECUTIVE SESSION,
"SENATE OF THE UNITED STATES,
"January 11, 1892.

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the general act signed at Brussels July 2, 1890, by the plenipotentiaries of the United States and other powers for the suppression of the African slave trade, and for other purposes.

"Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said general act on the part of the French Republic and to the stipulations relative thereto as set forth in the protocol signed at Brussels January 2, 1892.

"Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expression in the said general act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of the ratification of this treaty on the part of the United States.

"Attest:

"ANSON G. MCCOOK, *Secretary.*
"By CHAS. W. JOHNSON, *Chief Clerk.*"

DEPOSIT OF THE RATIFICATION BY THE UNITED STATES.

[Protocol—Translation.]

February 2, 1892, conformably to article 99 of the general act of July 2, 1890, and to the unanimous decision of the signatory powers which prorogued to February 2, 1892, for the United States the term provided for in the same article 99, the undersigned envoy extraordinary and minister plenipotentiary of the United States of America has deposited in the hands of the minister of foreign affairs of Belgium the ratifications of the President of the United States of the said general act.

At the request of his excellency, the following resolution, by which the Senate of the United States consented to the ratification of the President, has been inserted in the present protocol:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the general act signed at Brussels July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African slave trade, and for other purposes.

"Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said general act on the part of the French Republic and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2, 1892.

"Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said general act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of the ratifications of this treaty on the part of the United States."

This resolution of the Senate of the United States having been preparatively and textually conveyed by the Government of His Majesty the King of the Belgians to the knowledge of all the signatory powers of the general act, the latter have given their assent to its insertion in the present protocol, which will remain annexed to the protocol of January 2, 1892.

Acknowledgment of this is given to the minister of the United States.

The ratification of the President of the United States having been found in good and due form, acknowledgment of their deposit is equally given to his excellency Mr. Edwin H. Terrell; they will be preserved in the archives of the ministry of foreign affairs of Belgium.

At the moment of proceeding to the signature of the present protocol, the minister of foreign affairs of His Majesty the King of the Belgians made it known that the representative of Russia, in the note expressing the assent of his Government, expressed the opinion that it would have been desirable that a translation into the French language accompany in the protocol the English text of the resolutions of the Senate of the United States of America and that at all events the absence of this translation is not to form a precedent.

A certified copy of the present protocol will be addressed by the Belgian Government to the signatory powers of the general act.

Done at Brussels, February 2, 1892.

(Signed) THE PRINCE DE CHIMAY,
The Minister of Foreign Affairs.

(Signed) EDWIN H. TERRELL,
The Envoy Extraordinary and Minister Plenipotentiary, of the United States of America.

Copy certified conformable to the original.

[SEAL.] THE PRINCE DE CHIMAY,
The Minister of Foreign Affairs.

Mr. WATSON. Mr. President, I am not much given to digging into the musty tomes of the CONGRESSIONAL RECORD for the purpose of proving inconsistency on the part of my fellow Senators or any other man in public life. I realize fully the strength of the old saw, "Consistency is for small minds," altogether too frequently invoked to prove wisdom on the part of those who constantly shift their position. But I am also aware of the fact that changing conditions bring changing minds; and therefore, except for the very remarkable shift in the mental attitude of my friend, the Senator from Nebraska [Mr. HITCHCOCK], with reference to equality of votes as between England and the United States, I would not advert to speeches made by him on the same subject upon a former occasion.

There is perhaps another reason which would make my remarks at this time peculiarly appropriate. The Senator has constantly maintained in speeches on the floor of the Senate that those of us who are opposed to this treaty as the President brought it back from France are animated solely by partisan reasons. The truth about it is that we have not believed that there was partisanship in this great question, and there was no reason why the Republican Party at any time should have sought to inject this question into politics or politics into this question. I have never seen a Republican in the United States

in my much traveling and much speaking who has not believed that the Republican Party had the next campaign already fought and the next victory won. I have never seen a Democrat with whom I have talked in private conversation but that admitted that his party was at least at a very great disadvantage in the approaching campaign. We believed that we had the victory already won—won upon the administration of the Democratic Party, won upon its railroad administration, upon its mismanagement of the telegraph and the telephone lines, upon its vast expenditures, and upon the general record, as we believed, of incompetency as displayed by the administration in Washington.

Therefore it was not essential in the mind of any Republican that any new issue should arise in order to enable the Republican Party to win, and it is wide of the mark to assert that the Republican Party insisted upon injecting this new question into the campaign in order that it might have a winning issue.

Upon the other hand, it might with far greater truthfulness be charged that the Democratic Party created a new issue; that they were seeking for some new light to be shed around them that might lead them out of the wilderness in which they have been wandering for the last three or four years. Why, Senators, we all recall that similar conditions existed in 1916, when we believed that on the economic problems presented the Democratic Party was destined to a sure defeat, and that a new issue was invoked which at that time enabled them to win the victory; and it might be charged that they are now seeking to adopt the same methods and pursue the same policy as brought them the administration in 1916; and yet, while we might with greater truthfulness charge that upon Members upon the other side, yet I never choose to attribute such motives to them. I believe that in proposing this course they have been guided by nothing but the highest and most patriotic impulses, and I ascribe to them no motives other or lower than those I claim for myself and for my associates.

Upon this side we have not had party harmony. There has been something of division, something of discord, something of dissent. Here there has been absolute independence of thought and of feeling and of action upon this problem, far more so than over upon the other side.

Therefore, so far as partisan politics is concerned, certainly it does not lie in the mouth of the Senator from Nebraska [Mr. HITCHCOCK] to charge that we are guilty of partisanship in the attitude we have assumed upon this question. So I think, although I do not directly charge it upon the Senator, that if any man can be said to be animated by partisan bias in this conflict, it is the Senator from Nebraska.

My reason for this assertion is that in 1911 there was brought here for ratification an arbitration treaty between Great Britain and the United States. That treaty was pending in this body from the 3d of August, 1911, until the 5th of March, 1912, or seven long months. This treaty has been here a scant four months, and yet we are charged with delay and with procrastination, and even with filibustering. That was simply a proposition to submit to arbitration future disputes between Great Britain and the United States, each side to select three for the purpose of establishing a tribunal to which controverted questions might be referred.

I call attention, in order to show the marked change that has come over the spirit of the dreams of my friend from Nebraska, to some of the provisions of that very modest treaty. Article 1 recites:

> All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise—

And mark this language—

> and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague by convention of October 18, 1917—

It will be observed, Senators, that this provided for the submission of all justiciable questions. This left out altogether every question of national honor and all those other things that we have constantly held could not be arbitrated, because our national rights, our national honor, might be involved in the controversy. This omitted it, and the Senator from Pennsylvania [Mr. KNOX], who conducted the negotiations upon the part of the United States, he then being the Secretary of State in the Cabinet, has informed me that he purposely wrote those words in that treaty. So that, broadly considered, this treaty resolved itself into a proposition to appoint three men upon the part of Great Britain and three upon the part of the United States to act as a court of arbitration, to which might be referred all questions of dispute having no reference to national honor or to national life.

Now, let me proceed. The treaty continues:

> or to some other arbitral tribunal, as shall (may) be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.
>
> The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.
>
> Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE 2.

> The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1 before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of article 1: *Provided, however*, That such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.
>
> Whenever a question or matter of difference is referred to the joint high commission of inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purposes of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and the terms of reference to be determined in each case by an exchange of notes.

ARTICLE 3.

> The joint high commission of inquiry, instituted in each case as provided for in article 2, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

What power, then, had this joint high commission of inquiry? Listen to the definition as conferred by the terms of article 3:

> The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law and shall in no way have the character of an arbitral award.

In other words, this was nothing more nor less, as the terms disclose, than a proposition to appoint a commission of three upon the part of England and three upon the part of the United States who should sit and listen to and inquire into disputed propositions between the two nations, with no power to determine and no authority to decide.

Yet, after my friend had made his speech, to which I shall refer, in which he expressed grave alarm as to the future dominance of Great Britain over the United States, they proposed and voted into this almost insipid agreement this safety clause.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
(*Legislative day, Mar. 5, 1912; calendar day, Mar. 7, 1912.*)

> *Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy with the following amendments:

I call my friend's attention to this as a remarkable reservation to preserve the independence and maintain the sovereignty of the United States, even as against a court of arbitration, with no power to decide and no authority to determine. Listen to it once more and see how nearly some of the reservations proposed to the pending treaty harmonize with it:

> *Provided*, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States—

Having reference to the bonds of Southern States—

> or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

So, even with that mild and pacific agreement, which provided nothing more than the selection of three upon each side, three upon the part of Great Britain and three upon the part of the United States, to which should be submitted all questions of dispute with no power to decide, the Senator announced that he would not vote for such a treaty because it would mean the domination of England over America without these very reservations, most of which we now seek to incorporate into this treaty.

Now, I want to call the attention of the Senate very briefly to some of the remarks made by my honorable friend, in order that I may compare them, I trust for the edification of the Senate, to the remarks made by the Senator to-day. He voted against the Johnson amendment, which was designed to give us as many votes as Great Britain and her colonies. He has announced that he would vote against these other amendments, one of which brings England's vote down to ours, the other of which gives us an equal vote with England and her colonies.

Now, bearing that in mind, I want to call attention to some remarks made by the Senator in his utterances at that time, as recently as March, 1912. At that time that treaty was under discussion, and the Senator used this language with reference to its inspiration:

I quoted from the speech of Sir Edward Grey in the House of Commons, in which he said that if the treaty should be ratified it would, in his opinion, probably be followed by other agreements between the United States and Great Britain, the effect of which would be that if Great Britain became embroiled in hostilities with another country having no such arbitration agreement the United States would go to the aid of Great Britain.

Because he thought there was involved in that treaty a possibility of the United States being compelled to go to the aid of Great Britain, he rose up to say that he would have none of it, and spewed it out of his mouth as an unworthy proposition. But let me proceed. He continued:

But my purpose to-day is to demonstrate to the Senate that the same purpose which Sir Edward Grey expressed as prevailing in Great Britain, that this treaty shall be only the first step toward an alliance between the two countries, exists in this country, existed in the initiation of the treaty. Moreover, I shall prove that it now dominates those who are attempting to influence the Senate of the United States by arousing the public opinion of the country in favor of the ratification of the treaty without the dotting of an "i" or the crossing of a "t."

The Senator waxed eloquent as to the danger that would come to the United States because the ominous shadow of Great Britain's greatness would be thrust across the coming pathway of the Republic. Then he proceeds:

So, Mr. President, I feel warranted in saying that the broadening language of this treaty is not what is sought by those who are pushing it. What they seek is the creation of the commission by which the Senate, representing the American people, shall lose in part, at least, its power to control the interpretation of the treaty.

Yet he would have none of it. That gnat he could not swallow. This present camel walks in with no impediment to its ingress.

He said further:

I might quote from some Americans who have openly declared themselves as in favor of an alliance with Great Britain; I might quote from our ambassador to Great Britain, who recently, in a banquet speech, has proclaimed his hope that there might be a unity of the English-speaking races, but I go by them. I say here, now, that the power behind the throne—

Here is the invidious force that my friend discovered:

the power which is forcing these treaties upon the Senate in their present form, which is arousing, or attempting to arouse, public sentiment for them, is the power of Andrew Carnegie's money.

There was the ominous power that thrust this combination, unholy in character, unpatriotic in nature, upon the Senate of the United States—Andrew Carnegie's money. He continued:

Not only has he created a board of trustees, consisting of some 27 members, and turned over to it $10,000,000, but he has directly, through that organization, and also personally for himself, contributed to the support of all the leading organizations in the country which are at the present time, and have been for months, engaged in stirring up the people of the United States to petition the Senate to ratify these treaties—

Listen to this old language—

without dotting an "i" or crossing a "t."

Mr. McCORMICK. Stirred up the people to petition the Senate?

Mr. WATSON. To petition the Senate. What a monstrous proposition. And it called forth all the language of wrath of which my friend was capable, and he hunted the dictionary to find new adjectives in which to inveigh against the men who were seeking to influence the people to control the Senate of the United States, as I shall further show.

Then followed a description of the various institutions that had been organized in the United States and the various societies that had been incorporated for the purpose of stirring up public sentiment to control the Senate of the United States. Then he concluded by saying:

I say that it is brought to bear for this treaty, not because the treaty proposes arbitration—

Although that is all there was to it, I may say in passing—

not because it broadens the scope of arbitration, because the Senator from Massachusetts said yesterday that, with all those desirable provisions, still the treaty would probably be rejected if the Senate were to cut out of it that provision which creates the joint high commission and permits it to supersede the Senate in the interpretation of the terms of the treaty itself. It is the joint high commission which is desired. It is the Carnegie idea to bring together the two Governments of the United States and Great Britain into one official body.

And so the Senator saw in the womb of the future this awful threat of a union of Great Britain and the United States, involved and wrapped up in the feeble terms of that mere arbitration treaty, that proposed, and I repeat because it is worthy of repetition, only three men from England and three men from the United States, to constitute a board of arbitration to which all questions of dispute might be submitted, save only questions of national honor and questions of national life. After they had fully determined upon it, what was their power? It was only to report, but with no authority to enforce their decree.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. WATSON. Certainly.

Mr. McCORMICK. Was it proposed at that time that the British members of the board should be 18, and 3 for the United States? I am seeking the real basis of the objection of the Senator from Nebraska. Perhaps the failure to make such a provision led to his opposition to the treaty.

Mr. WATSON. I think not. I think my friend from Illinois will conclude later on that even three to three aroused the Senator's alarm, lest Great Britain might overreach us by their diplomacy, as I shall show by a remark later on.

It is influences of this sort, influences due to the money of Mr. Andrew Carnegie, which inflict upon Senators such postal-card communications as I have here—

Evidently holding one up—

Something like a hundred received this week, within a few days, with my name printed upon the front of the postal card and a request upon the back of the postal card that I vote for these treaties.

Heaven spare the mark! Mr. President, I forbear from further comment, but the Senator himself has gotten up on the floor from time to time and read letters and presented newspaper articles and has read innumerable telegrams from the State of the Senator from California—what for?

With my name printed upon the front of the postal card and a request upon its back that I vote for this treaty.

So the Senator has seen fit to resort to the methods to force this treaty that he then so forcefully denounced and so bitterly characterized. He goes on further and says, after speaking of these various petitions that came to him from his constituency and from other parts of the Republic:

And I pay as much attention, when I receive a communication in the cramped, trembling hand of a farmer as I would to a communication dictated in the office of a banker or a business man; but I do not bow to a public opinion aroused in this artificial way, simply by the use of money, to carry out a purpose to make a false union a real alliance between the United States and Great Britain.

Let me go on, because if I get to commenting I will take too much time. So many things spring to one's mind when he reads a speech of that kind, and contrasts the remarks with those made by the Senator to-day and other remarks made by him upon the pending treaty in the days gone by, that language fails to draw the parallel or the imagination to compass the conversion of the Senator from Nebraska.

Then, in another speech, on the 14th, the Senator said:

This fear of an alliance between England and the United States is not my own fear. It was the interpretation placed upon these treaties by the secretary for foreign affairs of Great Britain, not in interviews, nor as a matter of rumor, but in a reported speech in the House of Commons, and I said that if Great Britain were entering into these treaties with that understanding of their ultimate result, it was something which we in the United States—

Listen to this—

It was something which we in the United States, who want no entangling alliance, should take into account very seriously.

He was speaking only of that mild arbitration treaty.

He said in a further speech:

There has been a good deal of a disposition on the part of orators who have appeared before various public meetings, and on behalf of writers who have put forth their printed arguments, to arrogate to themselves a monopoly of the particular custody of the dove of peace, a disposition to assume that they, and only they, favor the idea of the peaceful settlement of international differences. The people have been led to believe that unless they arouse themselves to influence the Senate of the United States to ratify these treaties in the exact form that they come from the State Department and the President, without the dotting of an "i" or the crossing of a "t," we would probably be involved in hostilities with Great Britain.

Think of it, Senators. Think of the fear that the fancy of my friend engendered, and think of the spooks and goblins with which his imagination peopled the air, if they ratified that simple treaty between Great Britain and the United States providing for a commission of three, and three simply to investigate, with no power to report with authority.

We are told that it is perfectly constitutional for the Senate of the United States to ratify this treaty, and thus abdicate for the future its right to pass upon the application and rule on the interpretation of the treaty. Mr. President, it may be constitutional, but I do not think it wise—

Listen to this—

Because I believe that it will involve us in future trouble. I do not believe it safe, because I believe it will embroil us in innumerable international difficulties in the future in the application of the treaty.

And yet the Senator takes this new treaty, the council with its power, the assembly with its authority, the league with its scope—takes it all, and not only that but insists that not to take it is unpatriotic. The Senator from Nebraska continued:

It certainly is not American. There is at the present time, and always has been, this radical difference between the treaty-making power of the monarchies of Europe and the treaty-making power of the United States. In the United States the President can not make a treaty and have it approved and executed by his Cabinet or appointees after the European fashion, but he is required, under the Constitution, to submit it to the Senate for its ratification. That—

Said the Senator—

is not the American idea.

And yet, my friends, when we stop to consider the manner in which this treaty was formulated and brought into the United States and contemplate the meekness—and I do not say it offensively—of the Senator in accepting it, we can not but believe his conversion between then and now is more astounding than that of Paul on his way to Damascus.

It is the American idea that the representatives of the people shall have a voice in the ratification of a treaty, but if this proposed clause of section 3 becomes a part of the treaty, that difference disappears as far as our relations with Great Britain are concerned. Hereafter the interpretation of that treaty and the application of it pass from the hands of the Senate into the control of the commission, whose American members are appointed by the President of the United States.

Then the Senator from Nebraska was not willing to submit these questions, wholly for debate, to a joint commission of inquiry where three men were appointed by the President of the United States; but now without a grimace swallows the proposition to submit to a council, where but one man represents the United States, all the mighty power conferred upon this league by article 10, article 12, article 15, and the other articles that bestow jurisdiction and confer authority.

Mr. FALL. Mr. President, will the Senator yield for a question?

Mr. WATSON. Certainly.

Mr. FALL. The Senator is quoting from a speech delivered to the Senate by the Senator from Nebraska on January 4, 1912, I think. I should like to ask the Senator if the Senator from Nebraska at that time did not refer to the fact that the then existing arbitration treaty guarded the vital interests and the national honor of the United States, and that there was nothing in the then pending treaty which he was discussing which did guard such interests, and did he not give that as one of his objections to it?

Mr. WATSON. He certainly did. Will the Senator kindly read that part of it?

Mr. FALL. The Senator from Nebraska said:

The existing treaty—

That was the Roosevelt-Root treaty—

left it for the President and the Senate to decide, on behalf of the United States, what were vital interests, what is involved in the term national honor, and what was meant by third parties. The pending treaty, however, does not leave the decision of what is justiciable difference to the President and the Senate. It creates a joint high commission and empowers this joint high commission of six members to decide what questions are justiciable and what are not justiciable.

I call the attention of the Senator to the language used at that time by the Senator from Nebraska, because the now pending treaty, which the Senator from Nebraska is so vigorously supporting, provides for a commission of nine, of whom the United States has one member, for the decision of questions in which the United States is interested.

Mr. WATSON. I thank the Senator for his interruption, because it throws additional light upon the very remarkable change of the Senator from Nebraska. But I call attention to one or two other quotations from his speech, and I am especially anxious that Senators may listen to this, because I think it is the very crux of his argument and goes to the very core of the question.

But, Mr. President, there is another objection to this particular clause of the treaty which creates this joint high commission. It will involve us in an entangling alliance with Great Britain.

I have already called attention to the very feeble character of the proposed commission and the fact that it possessed no power and exercised no authority, and have recited how all of the reservations I have read were proposed—reservations like unto those pending here now, which the Senator from Nebraska is fighting with might and main, and yet at that time he voted for those and vehemently declared that if they were rejected from that treaty he would not support it, because it would endanger the future of the country and establish an alliance with Great Britain. And then the Senator continued:

I have a great admiration, Mr. President, for the British people, but I am not in favor of departing from the old American idea of isolation.

I warmly commend my friend's words to him now.

I do not believe in an entangling alliance with any country, and I believe it is capable of demonstration that this treaty is regarded—in England, at least—as the first step toward an English-American alliance. * * * Mr. President, that language is peculiarly significant—

Speaking of certain language to which he refers—

coming at a time when the relations between Great Britain and Germany were strained—as, to some extent, they still are strained—coming from the secretary of state for foreign affairs of Great Britain, and having particular reference to the treaty with the United States, can we put any other interpretation upon that language than to say that, in the opinion of Sir Edward Grey, if the treaty were made between Great Britain and the United States and Germany refused to enter into such a treaty of arbitration and had a quarrel with Great Britain the next natural step would be for the United States and Great Britain to join each other as against Germany? There is no other possible interpretation that can be placed upon the speech of Sir Edward Grey.

Mr. FALL. Will the Senator yield for a moment?

Mr. WATSON. Certainly.

Mr. FALL. Is that the same Sir Edward Grey who is now the ambassador of Great Britain to the United States of America?

Mr. WATSON. That is my understanding—the same Sir Edward Grey. Yet the Senator from Nebraska was not willing to accept the modest treaty then pending containing mild provisions and limited in power, because if there was trouble between Great Britain and Germany the United States, under its provisions, would be compelled in honor to fly to the succor of Great Britain; but now he is entirely willing to accept a treaty which compels the United States to guarantee the territorial integrity and the political independence of all the members of the league and places the burdens of the world upon the shoulders of the people of America. The Senator from Nebraska continued:

It is in accord with a widespread desire in Great Britain for an alliance between the United States and Great Britain. That this desire is harbored also by many people in the United States may be true, but it is certainly not the American idea and it is certainly not in accord with the traditions of this country. It is evident that this speech, so interpreted, affords ample ground for the belief that England, for her own purposes, desires this treaty as a basis for an alliance in the future with the United States. We certainly want no alliance with any country and must avoid becoming so involved.

How heartily I commend the language and the wisdom of my friend to him in this time of turmoil and doubt.

Mr. FALL. Mr. President, probably, as suggested by the Senator from Illinois, the difficulty was that under the proposed alliance which was then so vigorously denounced, England had only an equal vote with the United States, while now it is proposed that she shall have six votes to our one.

Mr. WATSON. Which the Senator from Nebraska favors. I quote further from the remarks of the Senator from Nebraska on the occasion referred to:

The distinguished Senator from Mississippi [Mr. WILLIAMS] has recently published a small document, which he has distributed undoubtedly to all Members of the Senate, in which he argues that while the joint high commission has the power, in the first place, to decide what questions are justiciable, yet the Senate can exercise a restraint over the joint high commission, and can modify or nullify its act by refusing to give consent to the agreement which must be made for each specific case before it is submitted to arbitration. That of itself is an argument against the creation of the commission. It involves a doubt. It is likely to place the Senate of the United States in a position where it must either recognize the authority of the joint high commission and accept its interpretation, however obnoxious, or it must repudiate the decision of the joint high commission, and leave us open to the charge of bad faith in entering into this treaty; in other words, the provision giving the joint high commission that power is either a danger or, as the Senator from Mississippi would argue, it is a humbug. In either case it is likely to involve us in future controversies as to its interpretation.

Mr. President, the simple language of that treaty the Senator could not accept because it involved a doubt; and yet all of the murky sentences, all of the involved phrases, and all of the doubtful constructions involved in the interpretation of every section of the pending treaty he accepts, and insists that it is unwise and unpatriotic to change even the dotting of an "i" or the crossing of a "t," to use his own language, to which I respectfully refer him.

Now, let me go on to the finality.

Mr. FALL. Mr. President, before the Senator from Indiana skips, as he has just suggested that he might do——

Mr. WATSON. I am skipping a great deal.

Mr. FALL. I ask him if he does not find the following language also, which, it strikes me, is very significant, coming from the tongue of the Senator from Nebraska:

Mr. President, anyone looking onto the future, I believe, must admit that if this treaty, as it comes to us, is ratified by the Senate and goes into effect Great Britain will have ten times the number of demands upon us for arbitration of questions in which she is interested as the proponent that we will have upon her. That is the natural course of

events. Her interests are such, her policies are such, that she will be constantly seeking to restrain us and interfere with the American policies of this country.

Mr. WATSON. I was about to read that, I will say to the Senator.

Mr. FALL. I beg the Senator's pardon.

Mr. WATSON. That is all right; go right on and finish the sentence.

Mr. FALL. The Senator from Nebraska continued:

For that reason I think this country would be unwise to put itself, by an ironclad and practically unlimited treaty, in the position of promising to submit everything to arbitration that is justiciable, and then leave the question of justiciability to a mixed commission whose three American members are appointed by the President and responsible only to him.

Mr. WATSON. "And responsible only to him."

Mr. FALL. The Senator from Nebraska continued:

The interests of the country will be safer in the care of the Senate, and its restraint on the President should be maintained as provided in the Constitution.

Mr. WATSON. Which is a very significant clause in the speech of the Senator from Nebraska. I think it might be well if Senators would to-morrow read the part of the speech of the Senator which the Senator from New Mexico has read into the RECORD, because it is peculiarly appropriate at this time. And, that the Senate may catch the full significance of these statements, I repeat them:

Any one looking into the future, I believe, must admit that if this treaty as it comes to us is ratified by the Senate and goes into effect Great Britain will have ten times the number of demands upon us for the arbitration of questions in which she is interested as the proponent that we will have upon her. That is the natural course of events. Her interests are such, her policies are such, that she will be constantly seeking to restrain us and interfere with the American policies of the country.

If that were true then, how much more true is it now? If it were simple then, how complex has it now become? If it were one thing then, how multiplied the danger that arises from the document which now demands our attention? But that does not in the slightest degree affect the complacency of our friend from Nebraska.

Mr. FALL. Mr. President, I should like to have the Senator from Indiana emphasize the fact that with all the dangers staring us in the face and which we must confront at that time Great Britain had only an equal number of votes with the United States.

Mr. WATSON. Certainly.

Mr. FALL. While now she has six to one.

Mr. WATSON. I think I have called attention, or tried to call attention, over and over again to the fact that the Senator from Nebraska saw all of those dangers and that ominous cloud upon the horizon threatening to swoop down upon us and paralyze us with its terror under a proposed treaty where England had but three votes and we had three, and yet he accepts without a tremor with perfect complacency and supreme self-confidence the proposition now before us under which England has six votes and we have but one.

To resume reading from the address of the Senator from Nebraska:

Mr. President, the question raised by the Senator from Maryland as to the interpretation of this particular clause gives added force to what I have said, that it is proposed here to adopt a treaty and to incorporate in it a new idea concerning which there must inevitably be differences of opinion. I will quote, however, in order to make my remarks understandable, the exact language of the treaty at this point.

Then occurred a colloquy between the Senator from Nebraska and the Senator from Maryland, following which the language of the treaty was quoted; but I hurry on.

Now, I wish to call the attention of the Senate to this language in the speech of the Senator from Nebraska which was his climax, and I will make it mine. The Senator said:

But, to resume, I think if we look over the history of the United States in recent years we will conclude that we are in more danger from the diplomats of Great Britain than we are from her dreadnoughts, and I object to any treaty which is likely further to complicate the relations between the countries and which is likely to open the door to further diplomatic concessions of an international nature.

* * * * * * *

I am in favor of the pending treaty, providing the last portion of article 3, which empowers the high joint commission to supersede the Senate of the United States in the interpretation of treaties, is stricken out; and I also favor some declaration in the resolution of ratification that we except specifically from further arbitration such questions as involve our permanent national policies or such questions as relate purely to matters of American government.

Senators, I have thought it worth while to go back into the CONGRESSIONAL RECORD and dig up the speeches made by the Senator from Nebraska when that mild treaty was pending before the Senate of the United States—and it was pending here for seven months—upon which the Senator from Nebraska made three different assaults, and for which he would not consent to vote unless it was so radically modified as to leave it absolutely insipid. It must not be forgotten, for that is the main point of the controversy, that there were provided but three representatives of the British Empire and three representatives of the United States, constituting merely a court of arbitration, with no final power to decide and no ultimate authority to determine; and yet the Senator saw in that instrument an ominous danger to the institutions of the United States, because it was a document, no doubt, subject to future interpretation, and because in it might lurk the ultimate dominance of Great Britain over the United States, and because he saw in it the handiwork of British statesmen more direful and dangerous than her dreadnoughts. And now, in unbelievable contrast, he cheerfully—aye, gleefully—champions a proposition to place all the resources of the United States at the disposal of the same Great Britain to maintain her territorial integrity and her imperial unity throughout all coming time.

And now the Senator comes into the Senate every day and in language vehement and denunciatory assails those of us who are not willing to accept the pending proposition without—to use his favorite phraseology—the dotting of an "i" or the crossing of a "t." I stand with the Senator of 1912; I am against the Senator of 1919.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. WATSON. I yield.

Mr. FALL. There is so much good material and so much Americanism in the speech which the Senator from Indiana has been referring that naturally it is difficult for one Senator to select from the great abundance——

Mr. WATSON. Of rich material.

Mr. FALL. It is difficult to select those beautiful jewels of American thought which fell at that time with such eloquence from the lips of the Senator from Nebraska. For that reason I have been assisting the Senator in a slight degree.

Mr. WATSON. I thank the Senator very much.

Mr. FALL. However, before the Senator closes the quotation, I should like to call attention to these words:

Are we, under these circumstances, proposing to submit the interpretation of the treaty to three Americans, nominated by the President, and associated with three British commissioners, rather than to have it remain where it has remained for all time—in the Senate of the United States—and where the Constitution intended it should remain?

Mr. President, I might suggest that under the direct provision of the league covenant it is distinctly provided that among the subjects of which the council shall have cognizance are disputes concerning treaties. The Senator from Nebraska at that time, when arbitration was suggested, thought that no power except the Senate should speak upon such a question, and repudiated, with some degree of heat, I might say, the suggestion that even in a preliminary way the commissioners of the United States and three commissioners of Great Britain could pass upon it.

Mr. WATSON. Mr. President, there are so many nuggets of wisdom and patriotism in the three speeches of the Senator from Nebraska, from which I have taken certain excerpts, that I think they should be published connectedly, and I ask unanimous consent to insert in the RECORD those addresses as they have been compiled in the document from which I have read.

Mr. FALL. Mr. President, in connection with this subject, before the Senator closes, in view of the disposition shown by the Senator from Nebraska to question the good faith of the Senators who are opposed to the treaty, and rather to insist that they have been attempting to delay final action upon it, it might be pertinent to suggest that the pending treaty came into this body about three months ago, and that the treaty which the Senator was so vigorously opposing at that time was in course of ratification seven months.

Mr. WATSON. I will say to the Senator that I have already adverted to that fact.

Mr. FALL. I am glad the Senator did.

The PRESIDING OFFICER. Without objection the addresses referred to by the Senator from Indiana will be printed in the RECORD.

The matter referred to is as follows:

[CONGRESSIONAL RECORD, 62d Cong., 2d sess. (Feb. 15–Mar. 9, 1912), vol. 48, pt. 3, pp. 2943, etc.]

"IN THE UNITED STATES SENATE,
"*March 7, 1912.*

SPEECH OF SENATOR HITCHCOCK.

"Mr. HITCHCOCK. Mr. President, several weeks ago, speaking on the subject of the pending arbitration treaty with Great Britain, I undertook to show that in Great Britain the pending treaty was regarded as the first step toward an alliance between the United States and Great Britain. I quoted from the speech of Sir Edward Grey in the House of Commons, in which he said that if the treaty should be ratified it would, in his opinion, probably

be followed by other agreements between the United States and Great Britain the effect of which would be that if Great Britain became embroiled in hostilities with another country having no such arbitration agreement the United States would go to the aid of Great Britain. The speech of Sir Edward Grey had a peculiar significance at the time, because it was delivered when relations between Great Britain and Germany were strained to the breaking, and it had a peculiar significance also because Sir Edward Grey stood then and now stands at the head of the great department of foreign affairs of Great Britain. Not only that, but he had been one of those who had initiated the negotiations for the treaty.

"Mr. President, my purpose to-day is to demonstrate that there exists in the United States a similar purpose to that which Sir Edward Grey describes. If the Senator from New York [Mr. Root] is right in saying that the speech of Mr. Secretary Knox, delivered before a public meeting in an American city, shall be taken as a means of interpreting this treaty, how much more, from the British standpoint at least, shall we say that the speech of Sir Edward Grey, delivered in his official capacity in the House of Commons, has the same effect as placing the British interpretation upon that treaty?

"But my purpose to-day is to demonstrate to the Senate that the same purpose which Sir Edward Grey expressed as prevailing in Great Britain, that this treaty shall be only the first step toward an alliance between the two countries, exists in this country, existed in the initiation of the treaty. Moreover, I shall prove that it now dominates those who are attempting to influence the Senate of the United States by arousing the public opinion of the country in favor of the ratification of the treaty without the dotting of an "i" or the crossing of a "t."

"Mr. President, what is the importance of this treaty? Does it lie in the fact that the treaty does away with certain exceptions in the old treaty? The treaty which we have now provides that we shall arbitrate all questions with Great Britain that do not involve national honor, vital interests, or third parties. One might think that doing away with these exceptions would give us a new treaty to be hailed with delight by those who stand for universal arbitration; but we heard upon the floor of the Senate yesterday a statement made by the Senator from Massachusetts [Mr. LODGE] that, in his opinion, the treaty would fail and be rejected by Great Britain if the Senate of the United States should strike out a part of article 3, which gives to the commission the power to interpret the treaty; that is, that Great Britain would not want the treaty with all its broad provisions; would not want the treaty with its enlarged powers for the arbitrators; would not want the treaty with its broader scope of arbitration unless the Senate consented to have the joint high commission remain as the feature of the treaty—the commission, which able lawyers have asserted and which they to-day believe, will supersede the Senate of the United States in interpreting the treaty.

"So, Mr. President, I feel warranted in saying that the broadening language of this treaty is not what is sought by those who are pushing it. What they seek is the creation of the commission by which the Senate, representing the American people, shall lose in part, at least, its power to control the interpretation of the treaty.

"I might quote from some Americans who have openly declared themselves as in favor of an alliance with Great Britain; I might quote from our ambassador to Great Britain, who recently, in a banquet speech, has proclaimed his hope that there might be a unity of the English-speaking races; but I go by them. I say here now that the power behind the throne, the power which is forcing these treaties upon the Senate in their present form, which is arousing, or attempting to arouse, public sentiment for them, is the power of Andrew Carnegie's money. Not only has he created a board of trustees, consisting of some 27 members, and turned over to it $10,000,000, but he has directly, through that organization, and also personally for himself, contributed to the support of all the leading organizations in the country which are at the present time, and have been for months, engaged in stirring up the people of the United States to petition the Senate to ratify these treaties without the dotting of an "i" or the crossing of a "t."

"We have, first, the American Peace Society, with its branches in all parts of the United States, a powerful body, and if it would devote its energies to the securing of international peace and the increase of the practice of arbitration, I would acclaim it a patriotic organization.

"There is, second, the Federal Council of the Churches of Christ in America, which is busily at work among the religious organizations, using Andrew Carnegie's money, arousing the people of the churches to take action, without even knowing whether there is an existing arbitration treaty or not or what the terms are of the proposed new arbitration treaty.

"There is, third, the American Association for International Conciliation, a great organization, which boasts that it sent out at one time 250,000 copies of a document.

"Fourth, there is the American Peace Arbitration League of New York.

"Fifth, there is the National Committee to Celebrate the Peace Anniversary Between the United States and Great Britain.

"Referring to the last of these, I want to read some of the objects that are to be attained by this peace-celebration committee of which Andrew Carnegie was the chairman. One of them is:

"That an unlimited arbitration treaty between Great Britain and the United States shall be negotiated and signed, a project which bids fair to be accomplished before the anniversary.

"Another object is:

"That a special textbook devoted to the relations of the United States with Great Britain, and especially with Canada, for the last century, shall be prepared under the direction of competent historians in both countries and used in all schools where the English language is spoken during the period preceding the centennial anniversary of the signing of the treaty of Ghent, and that the schools shall then join in its celebration.

"A textbook to rewrite the history of relations between the United States and Great Britain as though history was not already correct, as though it must be censored and amended!

"Another of the objects of this association is:

"That Sulgrave Manor, in Northamptonshire, England, the home of George Washington's ancestors, shall be purchased by popular subscription in both countries as a visible monument to the cordial relations existing between the two great branches of the English-speaking peoples.

"I shall not stop to read all of the other purposes, many of which are foreign to the legitimate purpose of a celebration, but which have been brought in there as expressing the personal desires of Andrew Carnegie.

"But, now, Mr. President, I am going to read from an article written by Andrew Carnegie 20 years ago, when he was in his prime, which expresses, as is evident, the passionate desire of his heart that the United States shall again become an integral part of the British Empire. I read from the North American Review of 1893 the following most astonishing language. I had a faint recollection of it, but I was amazed recently on sending for the volume to read the exact language. I only quote certain paragraphs in the article.

"Mr. Carnegie says, in opening his article:

"Until a little more than a hundred years ago the English-speaking race dwelt together in unity, the American being as much a citizen of Britain as the Scotchman, Welshman, or Irishman. A difference, unhappily, arose under the British constitution, their common heritage, as to the right of the citizens of the older part of the State to tax their fellows in the newer part across the sea without their consent; but separation was not contemplated by Washington, Franklin, Adams, Jefferson, Jay, and other leaders. On the contrary, these great men never ceased to proclaim their loyalty to, and their desire to remain part of, Britain; and they disclaimed any idea of separation, which was indeed accepted at last, but only when forced upon them as a sad necessity from which there was no honorable escape if they were to maintain the rights they had acquired, not as American but as British citizens.

"Think of it! The author of the Declaration of Independence is pictured as never having ceased to proclaim his loyalty to, and desire to remain a part of, Britain! The great patriot at the head of our armies is described as always proclaiming his loyalty to Great Britain.

"I turn to page 690 of the same volume and find this:

"Both Briton and American being now fully agreed that those who made the attempt to tax without giving the right of representation were wrong, and that in resisting this the colonists vindicated their rights as British citizens, and, therefore, only did their duty, the question arises: Is a separation thus forced upon one of the parties, and now thus deeply regretted by the other, to be permanent? I can not think so, and I crave permission to adduce some considerations in support of my belief that the future is certainly to see a reunion of the separated parts and once again a common citizenship.

"I turn now to page 702 of the same volume. He had, prior to this, been discussing the various objections, which he proceeds to remove by a very careful argument of minute detail and particularity. He then gives this little review of a reunited empire:

"Numerous as would be the States comprising the reunited nation, each possessing equal rights, still Britain, as the home of the race, would ever retain precedence—first among equals. However great the number of the children who might sit around her in council, there could never be but one mother, and that mother Britain.

"I turn now to page 708 of the same volume:

"Let no man imagine that I write as a partisan in dealing with these questions. I know no party in this great argument, either in America or in Britain. Whatever obstructs reunion I oppose; whatever promotes reunion I favor. I judge all political questions from this standpoint. All party divisions sink into nothingness in my thoughts compared with the reunion of our race.

"And then I turn, in conclusion, to the last paragraph of the article:

"Let men say what they will, therefore; I say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon, and greet again 'the reunited States'—the British-American union.

"Mr. President, I have read parts of that article by Andrew Carnegie in order to show his life's purpose. In a great Republic like the United States the opinion of an individual, however great, might not amount to much; the influence which he may exercise may not be great, but consider that this man, animated by this purpose, is the possessor of three or four hundred million dollars, wrung from the industry of the American people by the favor of law; that he is in a position to devote $10,000,000 here and $20,000,000 there to educational purposes; that this money can be used to influence churches, to hire orators, to organize press bureaus. To thus mold public opinion his wealth is sufficient to bring considerable influence to bear upon the Senate. I say that it is brought to bear for this treaty, not because the treaty proposes arbitration, not because it broadens the scope of arbitration, because the Senator from Massachusetts said yesterday that, with all those desirable provisions, still the treaty would probably be rejected if the Senate were to cut out of it that provision which creates the joint high commission and permits it to supersede the Senate in the interpretation of the terms of the treaty itself. It is the joint high commission which is desired. It is the Carnegie idea to bring together the two Governments of the United States and Great Britain into one official body.

"It is well, Mr. President, when we are on the eve of voting upon this treaty to take an account and to realize that all the so-called public opinion which has been brought to bear upon the Senate in favor of this treaty containing, as it does, that commission provision is not chiefly in the interest of arbitration. That is not the motive behind the mighty power which has aroused this public sentiment, so called. The motive behind that purpose is to bring about an alliance, at least, as Sir Edward Grey himself said, between the United States and Great Britain, and force the United States to abandon its position of isolation, friendly with all nations, but having no entangling alliances with any.

"It is influences of this sort, influences due to the money of Mr. Andrew Carnegie, which inflict upon Senators such postal-card communications as I have here—something like a hundred received this week, within a few days, with my name printed upon the front of the postal card and a request upon the back of the postal card that I vote for the treaties.

"I have a great respect, Mr. President, for the opinions of my constituents. I am perhaps more ready than the average Senator to recognize the power of public opinion when it is a real public opinion and the right of my constituents to command my vote to meet their views, and I pay as much attention when I receive a communication in the cramped, trembling hand of a farmer as I would to a communication dictated in the office of a banker or a business man; but I do not bow to a public opinion aroused in this artificial way, simply by the use of money, to carry out a purpose to make a false union, a real alliance between the United States and Great Britain."

[CONGRESSIONAL RECORD, 62d Cong., 2d sess. (Jan. 18–Feb. 14, 1912).]

"IN THE UNITED STATES SENATE,
"*February 8, 1912.*

NOTE.—Senator Works (California) having said that Senator HITCHCOCK is afraid that the arbitration treaties between England and the United States then pending before the United States might lead to an alliance between Great Britain, France, and the United States, Senator HITCHCOCK replied as follows:

"Mr. HITCHCOCK. I think if the Senator from California will recall what I said in that connection he will realize that I did not simply express my own fear that these treaties, if entered into, would lead to an alliance between Great Britain and the United States. What I did was to quote from the speech delivered by Sir Edward Grey, the minister for foreign affairs in Great Britain. In that speech Sir Edward Grey made the distinct declaration that these treaties, if entered into, would probably lead to such an arrangement between the United States and Great Britain that if either nation were attacked or brought into conflict with another power having no arbitration treaty, the other nation would support it.

"The interpretation I placed upon what Sir Edward Grey said was the very obvious interpretation that if these treaties were entered into and Great Britain should have the anticipated trouble with Germany, the United States would be expected, from the English point of view, to come to the assistance of Great Britain.

"That was not simply my own fear. It was the interpretation placed upon these treaties by the secretary for foreign affairs of Great Britain, not in an interview nor as a matter of rumor but in a reported speech in the House of Commons. And I said that if Great Britain were entering into these treaties with that understanding of their ultimate result, it was something which we in the United States, who want no entangling alliance, should take into account very seriously."

QUOTATIONS FROM THE SPEECH OF SENATOR HITCHCOCK ON THE ARBITRATION TREATY WITH GREAT BRITAIN.

[CONGRESSIONAL RECORD, vol. 48, pt. 1, p. 646, etc., Jan. 4, 1912.]

"Mr. HITCHCOCK. Mr. President, on yesterday I gave notice that I would claim the attention of the Senate to-day for some remarks on the pending arbitration treaty proposed to be ratified between Great Britain and the United States. Throughout the country for some time there has been a growing agitation which has enlisted the interest of many of the good people of the United States, but an agitation, Mr. President, which has apparently been carried on without much of an effort to enlighten the people as to the facts in the case. The sole object seems to be to create, artificially if necessary, a public sentiment in support of ratification.

"There has been a good deal of a disposition on the part of orators who have appeared before various public meetings, and on behalf of writers who have put forth their printed arguments, to arrogate to themselves a monopoly of the particular custody of the dove of peace, a disposition to assume that they, and only they, favor the idea of the peaceful settlement of international differences. The people have been led to believe that unless they aroused themselves to influence the Senate of the United States to ratify these treaties in the exact form that they come from the State Department and the President, without the dotting of an 'i' or the crossing of a 't,' we would probably be involved in hostilities with Great Britain."

[Mr. HITCHCOCK then goes on to say that the United States already has an arbitration treaty with England so broad that "both countries have agreed to arbitrate all differences which may arise between them, except those involving national honor, vital interests, or third parties. He explains that the then pending new arbitration treaty proposes to arbitrate all differences in the future that are justiciable, and that justiciable means those questions which may be settled by recognized principles of law or equity. He criticizes this in the following words:]

"The pending treaty, however, does not leave the decision of what is a justiciable difference to the President and the Senate. It creates a joint high commission and empowers this joint high commission of six members to decide what questions are justiciable and what are not justiciable. It provides that any five of the six members of that commission may decide the question. It authorizes three members appointed by the President to decide on the treaty's interpretations for the country, and that, to my mind, is the objectionable part of this treaty. That is the trap in the treaty. It is the open door to future troubles in the treaty.

"We are told that it is perfectly constitutional for the Senate of the United States to ratify this treaty, and thus abdicate for the future its right to pass upon the application and rule on the interpretation of the treaty. Mr. President, it may be constitutional, but I do not think it is wise, because I believe it will involve us in future trouble. I do not believe it safe, because I believe it will embroil us in innumerable international difficulties in the future in the application of the treaty.

"It certainly is not American. There is at the present time, and has always been, this radical difference between the treaty-making power of the monarchies of Europe and the treaty-making power of the United States: In the United States the President can not make a treaty and have it approved and executed by his Cabinet or appointees after the European fashion, but he is required, under the Constitution, to submit it to the Senate for its ratification. That is the American idea. It is the American idea that the representatives of the people shall have a voice in the ratification of a treaty; but if this proposed clause of section 3 becomes a part of this treaty that difference disappears, as far as our relations with Great Britain are concerned. Hereafter the interpretation of that treaty and the application of it pass from the hands of the Senate into the control of a commission, whose American members are appointed by the President of the United States. They can interpret the treaty; they can widen the treaty; they can apply the treaty; and, appointed as they are by the President, they will express, undoubtedly, the President's views without any restraint from the Senate of the United States. So, instead of having an American plan, a democratic plan, to control our international relations by representatives of the people, we will have a mon-

archical plan, under which the President will practically be able to treat directly with responsible ministers.

"But, Mr. President, there is another objection to this particular clause of the treaty which creates this joint high commission. It will involve us in an entangling alliance with Great Britain.

"I have a great admiration, Mr. President, for the British people, but I am not in favor of departing from the old American ideas of isolation. I do not believe in an entangling alliance with any country, and I believe it is capable of demonstration that this treaty is regarded in England, at least, as the first step toward an English-American alliance.

"Mr. RAYNER. Will it place us in an entangling alliance with France?

"Mr. HITCHCOCK. Well, Mr. President, I have purposely avoided the discussion of both of these treaties, for the reason that I feel that the initiative in this matter is in Great Britain; I feel that there would have been no treaty with France if it had not been preceded by a treaty with her close ally, Great Britain; and I am discussing only to-day the proposed treaty with Great Britain because I have made more of a study of its effects, its dangers, and its inspiration.

"Mr. President, I have made the statement that this is the first step in a possible entangling alliance of the United States in the policies of Great Britain. Possibly I have made that statement too strong; possibly I should merely allege what I can prove, which is that in Great Britain it is regarded as the first step in such an entangling alliance. To prove my assertion, let me read from a speech by Sir Edward Grey in the House of Commons, delivered last March. The President of the United States has recently quoted Sir Edward Grey as an authority in expounding British sentiment and British ideas on this question, and I think I may, therefore, well be excused if I also quote from a speech of Sir Edward Grey, the British secretary of state for foreign matters. Speaking on a proposition to reduce the English Navy and giving the reasons why the Government could not consent to it, he drifted into a comment upon the relations between the United States and Great Britain. After quoting with approval some statements of President Taft, he came to a consideration of the proposed arbitration treaty between the United States and Great Britain. In the course of his remarks he used this language:

"But supposing it took place, and two of the greatest nations in the world were to make it clear to the world that by agreement such as that, that in no circumstances were they going to war again, I venture to say that the effect on the world at large of the example would be one which would be bound to have beneficial consequences. It is true that the two nations who did that might still be exposed to attack from a third nation who had not entered into such agreement. I think it would probably lead to their following it up by an agreement that they would join with each other in any case in which one only had a quarrel with a third power by which arbitration was refused.

"Mr. President, that language is peculiarly significant. Coming at a time when the relations between Great Britain and Germany were strained—as, to some extent, they still are strained—coming from the secretary of state for foreign affairs of Great Britain, and having particular reference to the treaty with the United States, can we put any other interpretation upon that language than to say that, in the opinion of Sir Edward Grey, if the treaty were made between Great Britain and the United States, and Germany refused to enter into such a treaty of arbitration and had a quarrel with Great Britain, the next natural step would be for the United States and Great Britain to join each other against Germany? There is no other possible interpretation which can be placed upon the speech of Sir Edward Grey. It is in accord with a widespread desire in Great Britain for an alliance between the United States and Great Britain. That this desire is harbored also by many people in the United States may be true; but it is certainly not the American idea, and it is certainly not in accord with the traditions of this country. It is evident that this speech, so interpreted, affords ample ground for the belief that England, for her own purposes, desires this treaty as the basis for an alliance in the future with the United States. We certainly want no alliance with any country, and must avoid becoming so involved.

"Mr. President, it is evident also that this treaty, instead of guarding against differences between this country and Great Britain, is likely to lead to controversy. We have already heard in this country enough dispute on the interpretation of the clause creating the joint high commission to indicate that it is involved in doubt.

"The distinguished Senator from Mississippi [Mr. WILLIAMS] has recently published a small document, which he has distributed undoubtedly to all Members of the Senate, in which he argues that while the joint high commission has the power in the first place to decide what questions are justiciable, yet the Senate can exercise a restraint over the joint high commission and can modify or nullify its act by refusing to give consent to the agreement which must be made for each specific case before it is submitted to arbitration. That of itself is an argument against the creation of the commission. It involves a doubt. It is likely to place the Senate of the United States in a position where it must either recognize the authority of the joint high commission and accept its interpretation, however obnoxious, or it must repudiate the decision of the joint high commission and leave us open to the charge of bad faith in entering into this treaty; in other words, the provision giving the joint high commission that power is either a danger or, as the Senator from Mississippi would argue, it is a humbug. In either case it is likely to involve us in future controversies as to its interpretation.

"Mr. President, anyone looking into the future, I believe, must admit that if this treaty as it comes to us is ratified by the Senate and goes into effect, Great Britain will have ten times the number of demands upon us for arbitration of questions in which she is interested as the proponent that we will have upon her. That is the natural course of events. Her interests are such, her policies are such, that she will be constantly seeking to restrain us and interfere with the American policies of this country. For that reason I think this country would be unwise to put itself, by an ironclad and practically unlimited treaty, in the position of promising to submit everything to arbitration that is justiciable, and then to leave the question of justiciability to a mixed commission, whose three American members are appointed by the President and responsible only to him. The interests of the country will be safer in the care of the Senate, and its restraint on the President should be maintained as provided in the Constitution.

"Mr. RAYNER. This treaty does not leave everything that is justiciable to the commission. That is not the language of the treaty.

"Mr. HITCHCOCK. I think——

"Mr. BORAH. Then, Mr. President, what is the exception?

"Mr. RAYNER. The exception is found in the clause 'in accordance with the principles of law or equity'—justiciable in accordance with the principles of law or equity.

"Mr. BORAH. That is simply the definition of 'justiciable' as put in the treaty.

"Mr. RAYNER. Not at all. I disagree with the Senator from Idaho on that point. The language of the treaty is 'in accordance with the principles of law or equity.'

"Mr. BORAH. No; susceptible of settlement in accordance with those principles.

"Mr. RAYNER. No; the word 'settlement' is not used there, as I think the Senator will see if he will look at the treaty. To say 'everything that is susceptible of being treated according to the principles of law and equity' is one thing, and to say that 'a thing is justiciable' is another. Things may be justiciable but take a broader range than controversies that must be decided according to the principles of law or equity. The phraseology 'in accordance with the principles of law or equity' is a limitation upon the word 'justiciable' and does not enlarge it. I merely suggest that, if the Senator will permit me. That is one of the arguments I have made in my minority report, and I do not care to enlarge upon it.

"Mr. BORAH. Has the Senator got the treaty before him?

"Mr. HITCHCOCK. I have it here.

"Mr. President, the question raised by the Senator from Maryland as to the interpretation of this particular clause gives added force to what I have said, that it is proposed here to adopt a treaty and to incorporate in it a new idea concerning which there must inevitably be differences of opinion. I will quote, however, in order to make my remarks understandable, the exact language of the treaty at this point.

"Mr. RAYNER. Mr. President, before the Senator does that, let me say one word to get down to the particular point. My proposition is that neither the Monroe doctrine, nor the immigration laws, nor territorial integrity, nor the indebtedness of the States, for which the United States is in no way responsible under its Constitution, could come under any definition of equity that you could give. Those questions could not possibly arrange themselves under the definition of 'law or equity.' I thought I would take the liberty of stating that to the Senator, because that is my position in the minority report I have made to the Senate.

"Mr. HITCHCOCK. I have no doubt that is the position taken by the Senator from Maryland, whose views are generally clear and decided, and I have no doubt also that other gentlemen, perhaps equally eminent in the law, might differ from him.

"Mr. RAYNER. There is no doubt of that.

"Mr. HITCHCOCK. I think that difference presents one of the reasons why the creation of this proposed irresponsible com-

mission to decide these delicate and dubious points is a matter of bad policy for the United States. The safe plan is to leave their interpretation in the hands of the Senate, which represents the people of the United States, and not to intrust them to three unknown Americans, whom the President upon occasion might appoint. But to quote——

"Mr. BORAH. Mr. President——

"Mr. HITCHCOCK. I yield to the Senator from Idaho, if he desires.

"Mr. BORAH. I wish to quote the exact language of the treaty, if the Senator is not going to do so.

"Mr. HITCHCOCK. I had intended to do so, but I will be very glad to have the Senator from Idaho do it.

"Mr. BORAH. Article 1 reads:

"All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

"The application of legal or equitable principles is the simple definition put in there of the word 'justiciable.'

"Mr. HITCHCOCK. I thank the Senator from Idaho for interjecting at this point the exact language of the treaty, which, I think, I gave in substance before.

"But to resume, I think if we look over the history of the United States in recent years we will conclude that we are in more danger from the diplomats of Great Britain than we are from her dreadnoughts, and I object to any treaty which is likely further to complicate the relations between the countries and which is likely to open the door to further diplomatic concessions of an international nature.

"We are now at work upon the great enterprise of constructing the Panama Canal. What was the greatest obstacle that we met in undertaking that enterprise? It was not of a physical character. Neither mountains nor rivers nor any other physical obstacles were our greatest obstacle. The great obstacle we encountered in that enterprise was the Clayton-Bulwer treaty of 1850, in which the United States had become entangled with Great Britain by concessions which should never have been made and which remained for years to plague us an obstacle to that great work.

"Even in the Hay-Pauncefote treaty, which succeeded the Clayton-Bulwer treaty and which was a great advance and a great improvement over it, we still find obstacles and difficulties of the present day which may well serve to warn us that British diplomacy has dangers which we may well avoid.

"We think we have a right to fix the tolls upon the vessels that go through the Panama Canal. Yet the reading of that treaty may well raise serious doubts on this side of the ocean, while upon the other side of the ocean to-day we know claims are made that we have not the right to fix those tolls so as to give a preference to our own vessels. We think we have a right to fortify the Panama Canal and the only restraint or limitation upon it is to be found in the terms of the Hay-Pauncefote treaty and found in still stronger language in the treaty which it superseded, made in 1850. Many serious questions involved in the future of the Panama Canal are bound to confront our country, and they will be presented to this country by Great Britain. Are we, under these circumstances, proposing to submit the interpretation of the treaty to three Americans, nominated by the President and associated with three British commissioners, rather than to have it remain where it has remained for all time—in the Senate of the United States—and where the Constitution intended it should remain?

"Mr. President, I have already consumed more time than I had intended. I desire to say, in conclusion, that I am in favor of arbitration. I am in favor of the peaceful settlement of disputes. I am in favor of the pending treaty, providing the last portion of article 3, which empowers the joint high commission to supersede the Senate of the United States in the interpretation of treaties, is stricken out; and I also favor some declaration in the resolution of ratification that we except specifically from future arbitration such questions as involve our permanent national policies or such questions as relate purely to matters of American government."

RECESS.

Mr. LODGE. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. HITCHCOCK. Mr. President, is it not possible to come to a vote to-night? Does not the Senator think we could take a vote to-night?

Mr. LODGE. I have no objection to taking a vote.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Smith, Ariz.
Bankhead	Harding	McNary	Smith, Ga.
Brandegee	Harris	Moses	Smith, Md.
Capper	Harrison	Nelson	Smoot
Chamberlain	Henderson	New	Spencer
Colt	Hitchcock	Newberry	Sterling
Cummins	Johnson, Calif.	Norris	Sutherland
Curtis	Jones, Wash.	Nugent	Swanson
Dial	Kellogg	Overman	Thomas
Dillingham	Kenyon	Owen	Townsend
Edge	Keyes	Penrose	Trammell
Fall	King	Phelan	Underwood
Fletcher	Kirby	Phipps	Wadsworth
France	Knox	Pomerene	Walsh, Mass.
Frelinghuysen	La Follette	Ransdell	Walsh, Mont.
Gay	Lenroot	Robinson	Warren
Gerry	Lodge	Sheppard	Watson
Gore	McCormick	Shields	Williams
Gronna	McCumber	Simmons	Wolcott

The PRESIDING OFFICER. Seventy-six Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Massachusetts that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. LODGE. Mr. President, the Senate has been in session now for something more than seven hours, devoted entirely to the treaty. There are some other Senators who wish to speak briefly on this amendment. It seems to me not unreasonable that we should take a recess at this time until 11 o'clock to-morrow.

The PRESIDING OFFICER (Mr. NEWBERRY in the chair). The question is on the motion of the Senator from Massachusetts.

Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired for the day with the senior Senator from Texas [Mr. CULBERSON]. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from New York [Mr. CALDER]. In the absence of that Senator I withhold my vote.

Mr. MOSES (when his name was called). Until the disposition of the pending amendments I have a pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS], and vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I desire to announce the necessary absence of my colleague [Mr. SMITH of South Carolina]. He has a general pair with the Senator from South Dakota [Mr. STERLING]. If my colleague were here, he would vote "nay."

Mr. STERLING (when his name was called). I am paired with the senior Senator from South Carolina [Mr. SMITH] and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Illinois [Mr. SHERMAN] and vote. I vote "yea."

Mr. BRANDEGEE. I announced that I was paired with the senior Senator from Texas [Mr. CULBERSON]. I desire to inquire whether the Senator from Vermont [Mr. PAGE] has voted?

The PRESIDING OFFICER. He has not.

Mr. BRANDEGEE. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote. I vote "yea."

Mr. FLETCHER (after having voted in the negative). I have a pair with the Senator from Delaware [Mr. BALL]. He has not voted, but I transfer my pair to the Senator from New Mexico [Mr. JONES] and let my vote stand.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN] which I transfer to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. GERRY. The Senator from Nevada [Mr. PITTMAN] and the Senator from New Mexico [Mr. JONES] are necessarily detained from the Senate. If present, they would vote "nay."

The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Dakota [Mr. SMITH] are detained on account of illness in their families.

The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business. The Senator from Missouri [Mr. REED] is detained on account of illness.

The result was announced—yeas 43, nays 36—as follows:

YEAS—43.

Borah	Gronna	Lodge	Poindexter
Brandegee	Hale	McCormick	Shields
Capper	Harding	McCumber	Smoot
Colt	Johnson, Calif.	McNary	Spencer
Cummins	Jones, Wash.	Moses	Sterling
Curtis	Kellogg	Nelson	Sutherland
Dillingham	Kenyon	New	Townsend
Edge	Keyes	Newberry	Wadsworth
Fall	Knox	Norris	Warren
France	La Follette	Penrose	Watson
Frelinghuysen	Lenroot	Phipps	

NAYS—36.

Ashurst	Harrison	Owen	Smith, Md.
Bankhead	Henderson	Phelan	Swanson
Chamberlain	Hitchcock	Pomerene	Thomas
Dial	King	Ransdell	Trammell
Fletcher	Kirby	Robinson	Underwood
Gay	McKellar	Sheppard	Walsh, Mass.
Gerry	Myers	Simmons	Walsh, Mont.
Gore	Nugent	Smith, Ariz.	Williams
Harris	Overman	Smith, Ga.	Wolcott

NOT VOTING—17.

Ball	Fernald	Martin	Smith, S. C.
Beckham	Johnson, S. Dak.	Page	Stanley
Calder	Jones, N. Mex.	Pittman	
Culberson	Kendrick	Reed	
Elkins	McLean	Sherman	

So the motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, October 28, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 27, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we rejoice with the high minded and patriotic American citizen that we are permitted to live under a Government of the people, by the people, for the people, which our fathers sacrificed their lives and fortunes to establish.

Now we are threatened with a crisis which defies our Government and would overthrow its sacred institutions, inaugurated by a few hundred thousand people and bring about untold misery, sorrow, grief, and even death, to the one hundred and ten millions involved in an unwarranted dispute between labor and capital.

Interpose we beseech Thee with all the strength of Thy holy influence and so move upon the minds and hearts of those engaged in the contest, that law and order may obtain and peace and happiness reign in our midst, through Him who lived and died that love might live in the hearts of men. Amen.

The Journal of the proceedings of Saturday, October 25, 1919, was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. ASWELL rose.

The SPEAKER. The gentleman from Louisiana.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that on Saturday morning next I may be permitted to address the House for 40 minutes.

The SPEAKER. The Chair did not recognize the gentleman for that purpose at this time.

Mr. BLAND of Missouri. Mr. Speaker, I ask unanimous consent to proceed for four or five minutes, to make an announcement concerning a liberty memorial erected to the memory of the American dead.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MONDELL. On what subject does the gentleman desire to address the House?

Mr. BLAND of Missouri. It is relative to a memorial campaign which opens in Kansas City to-day and closes on November 1, to erect a monument and a building in which will be deposited war relics, and in which patriotic gatherings, such as the American Legion, the Sons of the American Revolution, the Daughters of the American Revolution, and others will be held to the memory of the 403 boys who died from Kansas City.

Mr. MONDELL. Well, Mr. Speaker, that sort of thing is being done all over the country. It is very commendable on the part of the people of Kansas City, and we wish them very great success in their patriotic efforts; but it seems to me we can hardly pause every morning in our work to hear statements of that sort. The gentleman has made his statement, so that the country is now informed in regard to this splendid work.

Mr. BLAND of Missouri. I am sorry if the gentleman objects to such a holy purpose.

Mr. BLANTON. Regular order, Mr. Speaker!

The SPEAKER. Objection is made.

ENTRY OF ALIENS INTO THE UNITED STATES—CONFERENCE REPORT.

Mr. ROGERS. Mr. Speaker, I call up conference report on the bill H. R. 9782.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the bill H. R. 9782, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The SPEAKER. Without objection, the conference report will be read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "and shall continue in force and effect until and including the 4th day of March, 1921"; and the Senate agree to the same.

JOHN JACOB ROGERS,
H. D. FLOOD,
Managers on the part of the House.
H. C. LODGE,
G. M. HITCHCOCK,
P. J. MCCUMBER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, submit the following written statement explaining the effect of the action agreed on:

The agreement fixes March 4, 1921, as the date when the law shall cease to be operative. The House proposal provided that it should continue in force for a period of one year after the date when the act of May 22, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," should cease to be operative. The Senate proposal would have made the law permanent.

JOHN JACOB ROGERS,
H. D. FLOOD,
Managers on the part of the House.

Mr. ROGERS. Mr. Speaker, this conference report is on the passport-control bill, which passed the House about two weeks ago, and which passed the Senate last week.

In the form in which it passed the House, the law was to run for a period of one year after the promulgation of the treaty of peace with Germany, and was then automatically to die. The Senate struck out the limitation in time, so that the effect of the amendment was to make the law permanent legislation. The conferees have agreed to extend the law until March 4, 1921. In other words, instead of having the law run for just a year, as the House had originally proposed, the agreement reached probably means that it will run for a year and two or three months. The advantage in having the life of the law slightly longer than was proposed by the House is this, that it was at least possible that as the bill left the House the law would expire at a time when Congress was not in session. The agreement reached means that Congress will certainly be in session, because the date fixed is March 4, 1921. Furthermore, it gives a little more time for this Congress to work out its policy of permanent control over immigration coming to the United States.

Now, Mr. Speaker, if there are no questions——

Mr. CONNALLY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. CONNALLY. Other than that, there are no changes?

Mr. ROGERS. The Senate made only one amendment to the bill, and that, as I have stated, related to the element of time.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. ROGERS, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

LEAVE TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, is it the purpose to adjourn the House on account of the anniversary of the death of former President Roosevelt in pursuance of the national movement throughout the country?

Mr. MONDELL. My own thought was that we would best honor the memory of the man who taught the doctrine of the strenuous life by remaining in session and performing our duty in the transaction of the business before the House. But I am asking these two minutes for the purpose of saying a few words relative to the life and character of this great American.

Mr. GARD. In pursuance of the general policy throughout the Nation, would it not be a proper tribute for this House to adjourn at this time?

Mr. MONDELL. I repeat what I said a moment ago. The very best tribute that can be made to the life, character, service, and teachings of Theodore Roosevelt is to work, to perform the duty that we have before us.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming to address the House for two minutes?

Mr. BLANTON. Under that statement, would it not be a reflection upon the working capacity of other loyal American citizens in whose memory and honor the House has heretofore seen fit to adjourn from time to time?

Mr. MONDELL. I do not think that is true.

Mr. BLANTON. Because many of the men in whose memory we have adjourned before have been hard working, industrious citizens.

Mr. MONDELL. I do not know of any recent case where we have adjourned for an entire day in memory of anyone.

Mr. ASWELL. Mr. Speaker, reserving the right to object, I should like to know why other gentlemen can not have unanimous consent to address the House as well as the gentleman from Wyoming?

Mr. MONDELL. Mr. Speaker, if the gentleman desires to object to my speaking for two minutes on the subject of Col. Roosevelt, he can do so.

Mr. ASWELL. I just want to ask the gentleman why it is that he can get unanimous consent and not others?

The SPEAKER. Is there objection?

Mr. ASWELL. I object.

PROJECTED COAL STRIKE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to print in the RECORD the text of the statement issued Saturday evening by the President in regard to the threatened coal strike.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to print in the RECORD the letter of the President. Is there objection?

Mr. ASWELL. Mr. Speaker, reserving the right to object, I want to know if the gentleman from Wyoming indorses that statement of the President printed in Saturday's paper?

Mr. MONDELL. I do, most thoroughly and heartily.

Mr. BLANTON. And so does every other patriotic American.

The SPEAKER. Is there objection?

There was no objection.

The document referred to is as follows:

TEXT OF PRESIDENT'S STATEMENT WARNING OF FEDERAL ACTION.

President Wilson issued a formal statement last night with the approval of the full membership of his Cabinet, declaring the projected strike of bituminous-coal miners under present circumstances "not only unjustifiable; it is unlawful." The statement said:

"On September 23, 1919, the convention of the United Mine Workers of America at Cleveland, Ohio, adopted a proposal declaring that all contracts in the bituminous field shall be declared as having automatically expired November 1, 1919, and making various demands, including a 60 per cent increase in wages and the adoption of a six-hour workday and a five-day week; and providing that, in the event a satisfactory wage agreement should not be secured for the central competitive field before November 1, 1919, the national officials should be authorized and instructed to call a general strike of all bituminous miners and mine workers throughout the United States, effective November 1, 1919.

"RECALLS THE WAR AGREEMENT.

"Pursuant to these instructions, the officers of the organization have issued a call to make the strike effective November 1. This is one of the gravest steps ever proposed in this country, affecting the economic welfare and the domestic comfort and health of the people.

"It is proposed to abrogate an agreement as to wages which was made with the sanction of the United States Fuel Administration, and which was to run during the continuance of the war, but not beyond April 1, 1920. This strike is proposed at a time when the Government is making the most earnest effort to reduce the cost of living and has appealed with success to other classes of workers to postpone similar disputes until a reasonable opportunity has been afforded for dealing with the cost of living.

"It is recognized that the strike would practically shut off the country's supply of its principal fuel at a time when interference with that supply is calculated to create a disastrous fuel famine. All interests would be affected alike by a strike of this character, and its victims would be not the rich only, but the poor and the needy as well—those least able to provide in advance a fuel supply for domestic use.

"It would involve the shutting down of countless industries and the throwing out of employment of a large number of the workers of the country. It would involve stopping the operation of railroads, electric light and gas plants, street railway lines and other public utilities, and the shipping to and from this country, thus preventing our giving aid to the allied countries with supplies which they so seriously need.

"The country is confronted with this prospect at a time when the war itself is still a fact, when the world is still in suspense as to negotiations for peace, when our troops are still being transported, and when their means of transport is in urgent need of fuel.

"WITHOUT APPROVAL OF WORKERS.

"From whatever angle the subject may be viewed, it is apparent that such a strike in such circumstances would be the most far-reaching plan ever presented in this country to limit the facilities of production and distribution of a necessity of life and thus indirectly to restrict the production and distribution of all the necessaries of life. A strike under these circumstances is not only unjustifiable; it is unlawful.

"The action proposed has apparently been taken without any vote upon the specific proposition by the individual members of the United Mine Workers of America throughout the United States, an almost unprecedented proceeding. I can not believe that any right of any American worker needs for its protection the taking of this extraordinary step, and I am convinced that when the time and money are considered it constitutes a fundamental attack, which is wrong, both morally and legally, upon the rights of society and upon the welfare of our country.

"I feel convinced that individual members of the United Mine Workers would not vote, upon full consideration, in favor of such a strike under these conditions.

"INTEREST OF PUBLIC PARAMOUNT.

"When a movement reaches a point where it appears to involve practically the entire productive capacity of the country with respect to one of the most vital necessities of daily domestic and industrial life, and when the movement is asserted in the circumstances I have stated, and at a time and in a manner calculated to involve the maximum of dangers in the public welfare in this critical hour of our country's life, the public interest becomes the paramount consideration.

"In these circumstances I solemnly request both the national and the local officers and also the individual members of the United Mine Workers of America to recall all orders looking to a strike on November 1, and to take whatever steps may be necessary to prevent any stoppage of work.

"It is time for plain speaking. These matters with which we now deal touch not only the welfare of a class but vitally concern the well-being, the comfort, and the very life of all the people.

"I feel it is my duty in the public interest to declare that any attempt to carry out the purpose of this strike and thus to paralyze the industry of the country, with the consequent suffering and distress of all our people, must be considered a grave moral and legal wrong against the Government and the people of the United States.

"LAWS ARE TO BE ENFORCED.

"I can do nothing else than to say that the law will be enforced, and the means will be found to protect the interests of the Nation in any emergency that may arise out of this unhappy business.

"I express no opinion on the merits of the controversy. I have already suggested a plan by which a settlement may be reached, and I hold myself in readiness at the request of either or both sides to appoint at once a tribunal to investigate all the facts with a view to aiding in the earliest possible orderly settlement of the questions at issue between the coal operators and the coal miners, to the end that the just rights, not only of those interests but also of the general public may be fully protected."

REQUEST TO ADDRESS THE HOUSE.

Mr. MONDELL. Now, Mr. Speaker, I renew my request that I may address the House for two minutes in memory of ex-President Roosevelt.

Mr. ASWELL. I object, Mr. Speaker.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

The SPEAKER. This is District of Columbia day.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10137, the District of Columbia firemen's bill.

Mr. RAKER. Mr. Speaker, pending that will the gentleman yield for a question?

Mr. MAPES. Pending that, I should like to see if we can agree upon time for general debate.

Mr. RAKER. Before the gentleman takes that up, will he yield for a question?

Mr. MAPES. I will yield to the gentleman.

Mr. RAKER. Approximately how long will the District Committee operate to-day, and is it the intention to take up the oil-leasing bill following the disposition of this District of Columbia bill?

Mr. MAPES. We hope it will not take more than two hours to dispose of the firemen's bill. It is the intention to give way

to the Committee on the Public Lands as soon as this bill is disposed of.

Mr. RAKER. I will ask the gentleman from Oregon [Mr. SINNOTT] and the gentleman from Wyoming [Mr. MONDELL], the majority leader, if they intend to take up the oil-leasing bill following the District bill?

Mr. MAPES. I say we intend to yield to the Committee on the Public Lands, so that that committee can go ahead with the oil-leasing bill, as soon as we disposed of this one bill.

Mr. RAKER. Is that the intention of the gentleman from Oregon?

Mr. SINNOTT. The gentleman's statement is correct.

Mr. RAKER. It is intended to call up the oil-leasing bill?

Mr. SINNOTT. Yes.

Mr. MAPES. Mr. Speaker, if we can agree upon time for general debate, I shall be glad to do so.

Mr. WOODS of Virginia. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Virginia.

Mr. WOODS of Virginia. The ranking Member on our side is unavoidably absent, but I think 20 minutes on this side will be all we want.

Mr. MAPES. The gentleman from Virginia [Mr. WOODS] is a member of the subcommittee which framed the bill. I have had some requests for time on this side, and I ask unanimous consent that the general debate run not to exceed 1 hour, 30 minutes to be controlled by the gentleman from Virginia [Mr. WOODS] and 30 minutes to be controlled by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the general debate be limited to 1 hour, 30 minutes to be controlled by the gentleman from Virginia [Mr. WOODS] and 30 minutes by himself. Is there objection?

Mr. SEARS. Reserving the right to object, is the debate to be confined to the bill?

Mr. WALSH. The gentleman did not say so.

Mr. SEARS. Will the gentleman include that in his request?

Mr. MAPES. No; I do not include that.

Mr. SEARS. Then I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill mentioned.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10137, to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, with Mr. TILSON in the chair.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, this is what is known as the firemen's salary bill. Some time ago, at the request of the Commissioners of the District of Columbia, as chairman of the District Committee I introduced a bill looking toward the increase of the salaries of the members of the fire department of the District of Columbia. The bill, which was recommended by the commissioners, was referred to a subcommittee, of which the gentleman from New York [Mr. GOULD] was chairman, and after holding hearings a bill proposed by the subcommittee was introduced by Mr. GOULD. That is the bill we are now considering.

This bill proposes to increase the salaries paid to the members of the fire department, and to classify the privates by dividing them into three classes, the same as policemen are divided. It gives the same pay to the privates as was given to the privates in the police department in the police bill, which passed the House a short time ago.

The firemen in the District of Columbia are very much underpaid under any conditions, and especially is that so under the conditions as they exist at the present time. The salary schedule under which they are being paid was fixed by law in 1906. Speaking generally, they have received no increase in pay since that time. Some may criticize this bill as reported by the Committee on the District of Columbia as being too liberal. But in the consideration of that question it must be kept in mind that Washington is the most expensive place in the United States in which to live. We believe the salaries fixed in this bill are none too high.

The firemen are a very high-grade class of men, and it is almost impossible for them to live on their present pay. In fact, a great many of them are obliged to supplement the pay which they receive as firemen by seeking outside employment when they are off duty. Of course, they ought not to be obliged to do that. The Government ought to pay them enough on which to live. This bill seeks to give them enough on which to live and to bring up their families in a proper manner. The subcommittee considered the bill very carefully and reported it to the full committee unanimously, and I hope it will meet the approval of the House.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration H. R. 10137, the District of Columbia firemen's bill, had come to no resolution thereon.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 10137, and pending that I ask unanimous consent that general debate be limited to one hour—one-half of that time to be controlled by the gentleman from Virginia [Mr. WOODS] and one-half by myself.

The SPEAKER. The gentleman from Michigan, pending his motion, asks unanimous consent that general debate on this bill be limited to one hour—half the time to be controlled by himself and half by the gentleman from Virginia [Mr. WOODS]. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman from Michigan——

Mr. DYER. The regular order, Mr. Speaker.

Mr. BLANTON. I want to ask the gentleman from Virginia if I can have 5 minutes.

Mr. WOODS of Virginia. I have no doubt of it.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

Mr. MAPES. Mr. Chairman, I yield 5 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I think it fitting and appropriate that we should pause in our labors for a moment as an expression of our appreciation of the life, character, and public services of a great American, the anniversary of whose birth is being celebrated throughout the Nation this day.

Just at this period of the world's history and of the Nation's experience events and conditions emphasize the vital importance of certain principles and the absolute necessity of the practice of certain virtues which were peculiarly urged and exemplified in the life, the conduct, and the teachings of this great man.

The world and the Nation needs at this time, above all else, the stern virtues which he emphasized in word and deed. We need the practice of the virtues of the strenuous life, of devotion to duty, of self-sacrifice, and of uncompromising warfare against error in every form. [Applause.]

Above all else, we need that whole-hearted devotion to sound principles of justice and righteousness, and unrelenting warfare against political, social, and economic heresy which we have come to denominate as Americanism, which was so abundantly exemplified in the life, the teachings, and the character of Theodore Roosevelt. [Applause.]

Mr. Chairman, I ask to have read in my time a few extracts published in the Washington Post of this morning from the teachings of this great man.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to have read the matter referred to. Is there objection?

There was no objection.

The Clerk read as follows:

SOME ROOSEVELT EXPRESSIONS WHICH HIS LIFE EXEMPLIFIED.

I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life, the life of toil and effort, of labor and of strife; to preach that highest form of success which comes, not to the man who desires mere easy peace, but to the man who does not shrink from danger, from hardship, or from bitter toil, and who, out of these, wins the splendid ultimate triumph.

In peace and in war we must spend and be spent, in the endless battle for right against wrong; deeds, not words alone, shall save us.

No abundance of the milder virtues will save a nation that has lost the virile qualities.

In the really great man there must be both the heart of gold and the temper of steel.

Courage, hard work, self-mastery, and intelligent effort are all essentials to successful life.

Mr. MONDELL. Mr. Chairman, I yield back the balance of my time.

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GOULD].

Mr. GOULD. Mr. Chairman, the committee to-day has called up the bill H. R. 10137, which is a revision of H. R. 9626. The subcommittee appointed to investigate the question of the pay of the firemen in the District of Columbia held extensive hearings and received and filed in the committee report that is available to the Members of the House, as report 410, the basis which it recommends to the House for the pay of firemen. One or two changes in the present law have been made. At the present time privates serve in class 1 and class 2. Promotion is made from class 1 to class 2 under the present law only when a man in class 2 dies or resigns. The committee recommends a redivision of the members into class 1, class 2, and class 3 on the lines adopted for the police, with a probation of one year in class 1, two years in class 2, and automatically afterwards going to class 3 provided he has served efficiently and satisfactorily three years. The committee recommends that the pay of the firemen and the policemen be identical. This has practically been adopted to-day in most of the cities of the country, but in the committee report, Exhibit B, it shows that in six cities of the country the firemen of the highest grade and patrolmen of the highest grade are paid practically the same salary.

The committee in its report for the information of the House presents as Exhibit A the proposed increase over and above the present basic rates; and it shows the basis of the present personnel as authorized in the last bill of the appropriation for the District of Columbia; no increases in the personnel are provided, but the total additional expense would be $315,940 over and above the present rates.

Were all salaries $2,500 a year or less, the annual bonus in effect until June 30, 1920, of $240 per year would apply.

There was one injustice done in regard to the inspectors, and the committee in this legislation corrects that injustice which is referred to in the hearings. The committee also recommends for the consideration of the House similar provisions as that covered by section 3, page 3, be included, which would provide that no member of the fire department should become a member of any organization which holds, claims, or exercises the right to demand of the members any obedience to strike or to cease work.

Mr. MADDEN. Will the gentleman yield?

Mr. GOULD. I will.

Mr. MADDEN. Will the gentleman be kind enough to tell the House why it is that the committee proposes to pay the firemen of the District of Columbia more than they do in Chicago or Detroit or Minneapolis or Boston or Philadelphia, and where they do not have any bonus?

Mr. GOULD. The gentleman in his remarks says that it was deemed the best policy by those in charge of municipal affairs to pay the firemen and policemen the same rates. They both take the same oath of office, and they both are subject to the same examination, both physical and mental, and it is deemed better for the personnel to have the salaries the same.

As to whether or not the District of Columbia shall be authorized to pay better salaries than are paid in Chicago and other cities, that is up to the House of Representatives and the Senate to determine.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. GOULD. Certainly.

Mr. EVANS of Nebraska. Will it not be in effect if this bill is adopted in its present form that the highest paid firemen in the District of Columbia will during the next year receive $240 more than any other city in the country?

Mr. GOULD. I do not think so, Mr. Chairman, if comparison is made with New York City and, I think, Boston.

Mr. MADDEN. Will the gentleman yield?

Mr. GOULD. Yes.

Mr. MADDEN. I notice the maximum salary is $1,900, to which is to be added $240 bonus.

Mr. MAPES. The gentleman from Illinois is mistaken. The $240 bonus is to be deducted from the amounts in Exhibit B of the report, which would leave $1,660 as the basic salary for the highest paid private.

Mr. MADDEN. It does not say so. It says in the report:

> There is also inserted herewith for the information of the House a statement showing the present salaries that are being paid the firemen of the highest grade in seven cities of the United States, including the proposed new salaries plus $240 bonus for the city of Washington, D. C.

I just wanted to ask the gentleman from New York [Mr. GOULD] and the gentleman from Michigan [Mr. MAPES], if he cares to answer, whether or not they made any comparison between the amount of work and the risk run by the firemen of the city as compared with firemen in the city of Chicago, in view of the fact that you give the firemen here $100 and a $240 bonus, making $340 more than the firemen receive in Chicago, or with the city of Detroit, in view of the fact that you give the firemen here $200 more with the $240 bonus, making $440 more than the firemen in Detroit, or of the city of Minneapolis, in view of the fact that you give the firemen here $214 more with the bonus of $240, making $454 more, or with the firemen of the city of Boston, as to whom $275 more is given here, with a bonus of $240, than the firemen in that city, making $515 more?

Mr. MAPES. Oh, the gentleman is mistaken in his premise. There are two lists of figures in the report.

Mr. MADDEN. I am talking about the maximum.

Mr. MAPES. But the gentleman is wrong.

Mr. MADDEN. I am only quoting from the gentleman's figures.

Mr. MAPES. But the gentleman is not reading all of them. The first table that is given on page 2, Exhibit A, does not include the bonus of $240. The second list of figures, Exhibit B, does include the $240, so that in the consideration of that comparison the $240 should be deducted from the $1,900.

Mr. MADDEN. I can not read that the way the gentleman describes it.

Mr. MAPES. That is correct, I will say to the gentleman.

Mr. MADDEN. The report of the committee distinctly states otherwise.

Mr. MAPES. No; it does not. If the gentleman will read that full sentence, he will see it does not.

Mr. GOULD. Mr. Chairman, I yield back the balance of my time.

Mr. MADDEN. But I am not through yet.

The CHAIRMAN. The gentleman yields back one minute.

Mr. GOULD. Then I shall take the one minute for the purpose of answering the gentleman's question.

Mr. MADDEN. The note, as I observe it, says:

> To the above-proposed basic salaries of $2,500 or less will be added a bonus of $240 per annum, now provided for by the law, until July 1, 1920.

Not deducted, but added.

Mr. MAPES. But if the gentleman will read further, the paragraph——

Mr. MADDEN. So that, after all, the statement I made in the beginning is correct.

Mr. MAPES. No; the gentleman is mistaken. If he will read the paragraph immediately preceding Exhibit B, he will see that it says:

> There is also inserted herewith, for the information of the House, a statement showing the present salaries that are being paid the firemen of the highest grade in seven cities of the United States, including the proposed new salaries plus $240 bonus for the city of Washington, D. C., and comparison is made between these salaries and those that are being paid to the patrolmen of the police department of corresponding grade.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WOODS of Virginia. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND of Missouri. Mr. Chairman, I know of no better or more appropriate place for the announcement which I am about to make than in the Hall and in the presence of the House of Representatives of the United States of America, but before doing so I may diverge to direct attention for the moment to the fact that this is a day which is being memorialized throughout the country as the sixty-first birthday and in honor of one of the greatest Americans who has lived in the history of our Nation. He was a cowboy, author, historian, explorer, statesman, patriot, 100 per cent American, and President of the United States. His was a useful, distinguished, and glorious life, and he will live in the memories and hearts of his countrymen forever—that great American, Theodore Roosevelt. [Applause.]

On this day in Kansas City, a city he loved well and which he so often visited and to which he was always affectionately welcomed, there is inaugurated a campaign to raise a fund of $2,000,000 by private and voluntary subscription by the citizens of our city to build a lasting and enduring liberty war memorial to perpetuate the memory and names of her more than 400 sons who gave their lives in the services of our country.

The memorial will be a monument of dignified proportions, and in connection therewith a building which can be used as a repository for war relics, as a permanent meeting place for all patriotic societies, and for other patriotic purposes.

It will be the loving offering of Kansas City to commemorate through the ages the deathless heroism of her glorious sons who gave their all to their country and to humanity.

The campaign for the $2,000,000 fund commences to-day, October 27, and closes on November 1, and what Kansas City wills to do in that brief period for this great undertaking she will do.

And that splendid memorial in Kansas City, in which will be inscribed the names of her dead, will be a sacred and holy

shrine to which not only the fathers and mothers, sisters and brothers and relatives, friends, and fellow countrymen will go to do reverence but to which generations succeeding generations from our country at large, passing through our great gateway city from East to West, from North to South, will stop and go in pilgrimage to pay grateful, loving, and reverential tribute.

I know that other States and communities throughout the length and breadth of our beloved country will also evidence in a similar or in appropriate manner their veneration and love for their immortal dead "lest the ages forget."

Before I conclude, it is apropos to revert to the statement made by the distinguished ex-Speaker and distinguished Missourian, Mr. CLARK, a few weeks ago, that a fund of $5,000 had been proposed by the Kansas City Post for subscription by the people of Missouri to secure a sword and present the same to that widely acclaimed Missourian and general of the Armies of the United States, John J. Pershing. I am glad to announce that the sword is now being handmade in Kansas City of suitable, patriotic, and distinctly American design, and that the fund with which to purchase the same was oversubscribed [applause] by the people of Missouri. This sword, when occasion permits, will be presented to him as a tribute by his home people. [Applause.]

Mr. WOODS of Virginia. Mr. Chairman, I now yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, a moment ago the majority leader, Mr. MONDELL, obtained unanimous consent to insert in the RECORD a copy of the public statement which the President of the United States issued on Saturday, and which appeared in the papers yesterday, regarding the attitude of the President and his proposed action with reference to the threatened strike in the coal fields. I take it that the majority leader in asking the insertion of this statement in the RECORD gives to it his hearty approval. I believe that both houses of Congress feel that the President in giving voice to the sentiments, in his statement, giving expression to his intention to enforce and uphold the law against both parties to that controversy, is but echoing the sentiments of the American people.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. CANDLER. The gentleman from Wyoming [Mr. MONDELL], in response to a question, stated that he did indorse everything that was said in that statement.

Mr. CONNALLY. I thank the gentleman from Mississippi. That is correct. The majority leader did state that. He unreservedly indorsed every sentiment therein stated.

Mr. SNYDER. And along that line I wish to ask the gentleman from Texas if he knows of anyone in the House who does not subscribe to the sentiments therein expressed?

Mr. CONNALLY. I hope that the gentleman is correct. I know of no one and trust there is none, and I rose to suggest to the majority leader that in view of the fact that every Member of the House and Senate does approve the sentiments contained in that statement this body and the Senate should give public and official expression to their views.

And I want to inquire whether or not the majority leader will not later in the day ask unanimous consent to consider a concurrent resolution expressing the concurrence of the two bodies in the views of the President, and in case the gentleman does not I desire to offer later in the day the following concurrent resolution and ask unanimous consent for its immediate consideration:

Concurrent resolution approving the recent statement issued by the President of the United States regarding the threatened strike in the coal fields of the United States and pledging the support of the Congress to the President in the exercise of all his constitutional powers in the premises.

Whereas the President of the United States has made a public statement regarding his proposed course of action with reference to the threatened strike in the coal fields of the United States and his intended efforts to enforce the law and maintain the integrity of the Government of the United States: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the utterances of the President of the United States contained in said statement are approved by the Congress of the United States; and that the Congress hereby pledges to the President of the United States its support in all constitutional measures which the President may take in order to enforce and maintain the laws of the United States in their full integrity.

[Applause.]

I am not going into the merits of the controversy, because the President's statement does not go into the merits of the controversy. But if gentlemen will read the President's statement, it is an assertion that the powers of this Government even unto the utmost will be exerted in upholding and maintaining the law. We can not perhaps at this time solve immediately the questions at issue in this controversy, but we can give expression to the country that the stand of the President in this matter has the hearty concurrence of the Congress, and that his determination to uphold the laws whether they be violated by mine owners or miners will be approved and that the violators of law will receive the hearty condemnation and swift punishment of the law enforced by officers of the United States of America. [Applause.]

It is not possible at this time to solve these questions in all their phases, but we must uphold the laws that are already on the statute books and already capable of being enforced; and I trust that a little later in the day the majority leader will consent to the immediate consideration of this resolution. I will state that the acting minority leader has been consulted, and readily agrees therewith. Disaster immediately impends, and may break in a few days; rich and poor, women and children, all classes of the citizenship are threatened with intense suffering in the winter that faces us. Let us assure the country that the President will have our support. This is, and I hope may ever be, a land of law. Whether that law is violated by the rich or the poor, whether by the mine operator or the miner, the law must be upheld and vindicated. The law is supreme. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLAND of Missouri. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. WOODS of Virginia. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I desire to say in answer to the gentleman from Illinois [Mr. KING] that what the President of the United States does mean is that when miners enter into a contract with the coal operators requiring that they will work under certain conditions until the end of the war, not to extend beyond March 1, 1920, that the President of the United States wants them to keep their agreement just like every other person who contracts in this Nation.

Mr. KING. Will the gentleman yield at that point?

Mr. BLANTON. I regret I have not the time.

Mr. Chairman, I do not desire to see a bill like the present one pass the Congress with but an hour's debate without raising one voice against the policy which seems to have been adopted by this House and the Senate, that is of paying to police officers and paying to the firemen, if you please, or their chief officers, the same salary that the governors of nine different States of this Union receive to-day. There are nine governors of nine States in this Union who do not receive but $4,000 a year and we are seeking to pay the chief fireman in this bill the same salary. Not long ago we paid the chief police officer of this District, not $4,000, but $4,500. I have never said a word against the police department since I have been in Congress, having invariably defended it on the floor here against all attacks, but I do want to call the attention of this House to one incident which has happened since the raise in salary and which is a disgrace to the District and to the Nation. One of the finest young women in this land, coming from one of the finest families of the United States, living in my district, is employed in one of the departments here, 2,000 miles away from her friends, and a police sergeant, if you please, whose salary under the provisions of the other bill was raised to $2,100 with a bonus which would make it $2,340 a year, went to her house the other night and said that complaint had been made that a diamond ring had been stolen in that neighborhood and asked her if she did not have a diamond ring, and she showed him a ring on her finger, a ring she had worn every day in the 11 months she has been in Washington; a ring which every one of her girl friends and every man she has worked with in her department has seen upon her finger every day during those 11 months; a ring which I and my wife saw the day she landed in Washington, because we met her and helped to find her a room and a place to eat. This police sergeant scared that young lady nearly to death, and through threats of taking her to the police station, he humiliated her and made her give up her ring that he might take it off to have it weighed. It so happened the party who had lost a ring asserted that her diamond was five-eighths of a carat. This police sergeant, after I got in behind him for the treatment he had accorded this young lady, had her diamond weighed and it weighed over seven-eighths of a carat, or a little under a fraction of a whole carat, and I had him immediately give that ring back to her. Then Saturday she was again insulted

by a letter from an inspector, if you please, who gets $2,400 a year and gets $240 bonus, making $2,640 salary, asking that she again return her ring to him last Saturday. If he had asked that girl 10 proper questions he could have found out that the ring he took from her was her property, and yet he humiliated her before her friends and ordered her to come down to his office and bring that ring back again Saturday evening in order that he might make a further examination.

I want to say if this is the kind of service the police department of Washington give to innocent young girls, the very best in our land, who are strangers in Washington, 2,000 miles away from their homes, I say it is a disgrace to this District and a disgrace to this Nation.

We have been raising salaries entirely too high. I for one am going to raise my voice in this House against it and say that we are paying salaries that are entirely too high.

Mr. DENISON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Will the gentleman from Virginia yield me one minute in order to answer the gentleman from Illinois?

Mr. WOODS of Virginia. I will yield.

Mr. DENISON. I want to ask the gentleman from Texas if he does not think that this police sergeant that he has been referring to had not better try to spend more time catching automobile thieves that are infesting Washington?

Mr. BLANTON. They ought to spend their time in catching criminals and not in humiliating poor, innocent girls here in the city of Washington.

Mr. PARRISH. Will the gentleman give the names of the officers?

Mr. BLANTON. Yes; they were Detective Sergt. Sweeney and Inspector Grant. I give their names because the gentleman asks for them and has the right to know everything I know about it, and I am trying to get both of them to see that this young lady is not to be molested any further; and I called on Maj. Pullman this morning to see that this innocent young girl, who is 2,000 miles away from her mother and home, is not persecuted any more.

Mr. WOODS of Virginia. Mr. Chairman, I yield two minutes to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman and gentlemen of the committee, at this most particular period of our history, upon the birthday of our latest great American, we are pleased to recall with proud and tender memories his strongest appeal—that every man must respect and obey the law and aid in law's enforcement.

The man who placed character above all else, with certain vision, declared we should be at instant war with a nation which breaks its word upon Belgian invasion and sinking of the *Lusitania*.

Recalling his words is the best eulogy:

> Not once in a thousand times is it possible to achieve anything worth achieving except by labor, by effort, by serious purpose, and by the willingness to run risk. The persons who seek to persuade our people that by doing nothing, by passing resolutions that cost nothing, and by writing eloquent messages and articles that mean nothing, and by complacently applauding elocution that means less than nothing, some service is thereby rendered to humanity are not only rendering no such service but are weakening the spring of national character.
> Fear God and take your own part.

[Applause.]

Mr. WOODS of Virginia. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman and members of the committee, I desire to offer a word in commendation of the resolution that was suggested by my colleague [Mr. CONNALLY] indorsing the statement and position taken by the President of the United States. I believe the time has come when the Congress of the United States should let it be definitely known that they stand for law and order at any cost.

Now, this is a day when we are supposed all over the United States to take up a collection to establish a memorial to a former President. I believe it is estimated that several millions of dollars are thus to be raised and placed in a monument. I desire modestly and respectfully to submit that I believe, inasmuch as ex-President Roosevelt typified virile American citizenship and believed in and preached the doctrine of 100 per cent Americanism, it would be better to use the six or seven million dollar fund which it is proposed to be raised in stamping out Bolshevism and, if necessary, in deporting those foreign believers in and followers of the red flag. [Applause.] This would be a finer monument to the man who has been termed the typical American than any monument of stone or structure that might be erected, no matter how beautiful its form or how polished its surface.

I believe in freedom of speech and freedom of thought in this country. Nobody believes in that more than I do; but when a man comes to this country from some other country—or even when born in this country—and defends the doctrine that if he can not convince by persuasive methods the people of the United States that his doctrines are true he is going to take a bomb or some other sort of missile and force an unwilling people to accept his doctrine, he is unpatriotic, un-American, and an undesirable in this country. [Applause.] And I believe he ought to be deported, along with all the others of his class, and given a chance on some island or somewhere else, where such characters can live together and try out their absurd doctrines on each other, and not be left in a country that has grown great and powerful in recognition of law and constitutional rights.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. NEWTON of Minnesota. Does not the gentleman think that the present officers of our Government should do more than they are now doing to get rid of some of these men and to deport those that are now at Ellis Island awaiting deportation?

Mr. JONES of Texas. I do not care to go into the merits of that proposition. I know the officials of this country are very busily engaged because of the sentiment that is rising in the country at the present time. There is a great deal to be done; they, of course, are not infallible, but I know the officers of the Government are using all their power to destroy this absurd doctrine that has taken root in this country and which some people are foolish enough to believe. It can not be done in a moment, but I think the Congress of the United States by the passage of some sort of a resolution can, instead of criticizing the officials of the Government, show that they back those officials. We have had too much of carping criticism of some of the officials, and not enough of assurance to the effect that we are going to get behind them and see that they are protected in the exercise of their authority in carrying out the laws of this country. The President has declared his intention of seeing that the law is upheld and enforced. We should let him know that we intend to stand behind him and uphold his hands in employing the resources of this Nation to carry out the laws of the country.

Now, I want to add in this connection that it has been announced by various long-haired agitators in this country—and they have preached the doctrine to various groups of citizens in this country—that certain classes of our land should secure guns, should secure bombs, and other means of enforcing their rights. I do not believe in allowing any long-haired agitators to preach any such doctrine in America. [Applause.] I think it is time for this Congress to give notice to the world and to the country in general, and especially to those who are inclined to preach that doctrine, that we do not mean to stand for it.

Mr. PARRISH. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. PARRISH. Does not the gentleman from Texas think that the passage of a wholesome immigration law, rejecting undesirable immigration, would go far toward stabilizing conditions in this country at this time?

Mr. JONES of Texas. I am glad the gentleman suggested that, as I agree with him, and intended to mention it in this connection. I want to say that I believe we should have rigid immigration laws that would prevent any man who comes from soviet Russia or any other country and who believes in the doctrine that it is the right of any class or type of people to take over the property accumulation of centuries from entering this country.

Mr. BLANTON. Does not my colleague believe when we catch a man preaching revolution and bomb throwing that instead of deporting him we ought to hang him as high as Haman? That would get rid of him.

Mr. JONES of Texas. I am in favor of giving him a speedy and legal trial under our Constitution and laws. To do otherwise and to deal with him in disregard of law would be to adopt his own anarchistic doctrines. The American people can be trusted to see that he is condemned if he deserves to be.

Mr. BLANTON. What do we want to put him off on some other country for?

Mr. JONES of Texas. We have got to deal practically with this proposition. They should be hanged if they commit any overt act, and we have a law which makes provision for doing so.

Mr. BLANTON. And we ought to enforce a law of that kind.

Mr. JONES of Texas. Undoubtedly. However, there is no use of playing to the galleries on this proposition. We have a

right to deport them and to prevent their coming into this country under existing laws, and we ought not to delay until the passage of new laws, but should use existing laws. In the meantime we can pass any laws that may be necessary to adequately cope with this situation.

There has never been a time in the history of this Government when so many radical and revolutionary doctrines were being taught as now. These are being taught by men who believe in no flag except the red flag, and in many instances by foreigners, who do not believe in our form of government, if indeed they believe in any government.

I am willing to listen to any man express his opinion and give his views so long as he depends upon reason and persuasion, but when he wants to get a hand ax and a torch and pillage and destroy he becomes worse than a criminal.

When a man is unwilling to abide the wishes of the majority, but insists by processes of treachery and violence upon inculcating the doctrines of force and the saddling of his ideas upon the people through the medium of fear, he becomes a most dangerous character in a free republic.

Under these doctrines a few fanatics, anarchists, and long-haired ignoramuses in Russia have destroyed all property and practically destroyed property rights. Crying for a division of all wealth, all available wealth has been confiscated and wasted, thus exhausting the savings and accumulations of generations. Forgetting that all governments get their essence and life from the consent and support of the governed, they have tried to resuscitate that long-ago-disproven fallacy and heresy that wealth may be created by the passage of a resolution or the decrying of every man of thrift who possess any property. Forgetting that since the days when man lived in the Garden of Eden there has been no wealth production without toil and labor, they have gone to sea in a broken bowl of idleness, and they are too busy with their howling to notice that it is gradually sinking beneath their feet.

May God protect our country from looking on such doctrines with the least degree of allowance. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Virginia [Mr. WOODS] has seven minutes remaining. The gentleman from Michigan [Mr. MAPES] has 18 minutes remaining.

Mr. WOODS of Virginia. Mr. Chairman, I want to say, in addition to the statement of the chairman of the committee, that as to the question of the raise in salary of these firemen the committee, as I understand it, was unanimous upon the schedule reported in this bill.

I was impressed particularly with one line of evidence which was not exploited, but which I caught as the hearings proceeded in taking the testimony of the firemen, and that was the evidence that the men are practically on a par as to living expenses with the policemen. About 11 men testified. It struck me rather forcibly that not a single man of the 11 was able to employ or did employ a servant in his family, with one exception. That man had lost his wife, and had to have some one to take care of his children.

I think these salaries recommended by the committee are very moderate indeed, and barely sufficient to enable a man to maintain himself in respectability, as the firemen of Washington should do.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Texas?

Mr. WOODS of Virginia. Yes.

Mr. BEE. Is there any provision in this bill that permits the fireman to have one day out of seven that he spends at home, or is he compelled to remain on duty by the fire department for seven days?

Mr. WOODS of Virginia. I think there is no exception. He has to be there 12 hours in a day and 30 days in a month.

Mr. BEE. They have a different shift, then?

Mr. WOODS of Virginia. Yes.

Mr. BEE. I want to ask the gentleman another question.

Mr. WOODS of Virginia. Very well.

Mr. BEE. This provision in reference to strikes, is that parallel with the provision in the policemen's bill which we passed the other day?

Mr. WOODS of Virginia. It is in the same language, I will say to the gentleman. We considered that that could probably be better worded, but the House had voted for it and understood its meaning, and the men involved understood its meaning. We think our distinguished friend from Illinois about hit the nail on the head when he said that "affiliated" covered the thing we were aiming at.

Mr. BEE. There is another thing that I want to ask the gentleman about, and that is with reference to the word "claims"—"an organization affiliated with another organization which holds, claims, or exercises the right." To hold and exercise a right, I understand. What is the special significance of the word "claims" unless it is an existing fact? The mere fact that a man claims something would not be of any validity unless he holds to it as a right and exercises it.

Mr. WOODS of Virginia. That matter no doubt will be taken up fully——

Mr. MONDELL. This entire matter was discussed in the House at very considerable length on another bill. This is the exact language, and the House agreed to the language of the committee.

Mr. BEE. I will say to the gentleman from Wyoming that I asked the question if the language was the same, and I was told that it was not, but that it was substantially the same.

Mr. MONDELL. My understanding is that the language is identical.

Mr. WOODS of Virginia. The language is identical.

Mr. BEE. I asked that question and was told that it was not.

Mr. WOODS of Virginia. Mr. Chairman, since the question of the coal situation has been injected into this discussion, although I did not intend to say anything about it, I wish now to say something on that. The gentleman from Illinois asked a question in regard to whether the miners of Illinois were paid only $75 a month. I hold in my hand a statement of the pay of miners. I assume that these are the best-paid miners. I am going to take the risk of trespassing upon the patience of the House to read a few of the items. These men work in a non-union field. They are supplied with coal in their houses. They are supplied with a house with oak and parquet floors. Here is the account of Sidney Deskins, of Borderland, W. Va., for March, 1919. His gross receipts were $271.97, and after taking out his expenses the balance due him was $216.97. In the case of James Jones, his total for the month of March was $251.96 and his net was $190.96. That takes out his doctor's bill and his light and, in some cases, his insurance.

Mr. KITCHIN. His house rent and light?

Mr. WOODS of Virginia. Yes; house rent and light. Here is the account of Harry Pinson. For the month of March his total was $388.44, and his net was $240.94. Harrison Crum, total $420.70, balance or net $417.45. He is a single man. He did not pay any rent.

Mr. BLANTON. That is more than many Government officials receive.

Mr. WOODS of Virginia. A. Zimmerman, sr., total for the month of March, 1919, $421.74; net, $336.24.

Mr. CARSS. Mr. Chairman, will the gentleman yield?

Mr. WOODS of Virginia. Yes.

Mr. CARSS. What kind of duty was that man engaged on?

Mr. WOODS of Virginia. He is mining coal by the ton on the car.

Mr. CARSS. Is he a pick miner or does he work a mining machine?

Mr. WOODS of Virginia. All he has to do is to put in his little blast and load the coal on the car.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. WOODS of Virginia. Yes.

Mr. DENISON. What are his hours?

Mr. WOODS of Virginia. Seven hours; not over eight.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WOODS of Virginia. Yes.

Mr. BLAND of Indiana. Have you any account of the number of hours he worked to earn that $421.74?

Mr. WOODS of Virginia. I have not. April, 1919, Sidney Deskins, total, $344; net, $300.50. Account of A. Zimmerman, sr., April, 1919, total, $250.04; net, $113.04.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. WOODS of Virginia. May, 1919, Sidney Deskins, total, $390.03; net, $336.53.

Mr. MADDEN. The deduction of the house rent and electric light and things of that sort really ought not to be made, because the net earnings of an ordinary man will be what he gets, out of which he must pay his rent and other expenses.

Mr. WOODS of Virginia. All that he pays out of this is his smithing and powder bill. His powder bill is $2.50, and his rent is $9, and he pays for the blacksmithing of his tools. All the tools he needs are the pick and shovel and auger, and 50 cents a month is charged for keeping his tools in order.

Mr. KITCHIN. I understand some deductions were made for store account, scrip, in some cases amounting to $49.

Mr. MADDEN. I say it is not fair to say "net," as the amount he receives after paying his grocery bills and lights and other things. It ought to be confined only to his powder bill and tools.

Mr. WOODS of Virginia. His insurance is taken out.

I give the statement, which has been furnished me, as to wages earned for the months indicated for the miners named at the Borderland Coal Corporation mines at Borderland, W. Va.

This is not a union field, but my understanding is that prices corresponding to the union scale are paid. Mining conditions are not exceptional, and the miners are not paid higher, or at least not materially so, and the mining conditions are materially no better for the miner than generally prevail in that field. Miners are charged $2 per month per room for frame houses, most of which have bathrooms attached and are sewered, and $3 per month per room for brick houses. They pay for their own powder, which runs from $2 to $9; smithing bills, 50 cents per month; furnish their own tools, consisting of shovel, pick, coal auger, and perhaps an iron bar. They are not charged for timber or propping. Single men pay 75 cents for medical attention, and married men, with families, $1.25 per month.

It may be that a few of those listed below are contract miners; that is, they employ a helper and receive pay for the coal the miner and the helper both mine. The coal is cut at the footing by the company with cutting machines. The miner works as many hours as he chooses and is paid by the ton or car. Their average day is from seven to eight hours, but, of course, during the period shown by the following statement there were quite a number of days in which the miners were not working owing to car shortage. These cases may be exceptional, but are sufficient to show what can be earned by the steady miner. The list is as follows:

Name.	Month.	Gross amount.	Net amount.
Jno. Postuluk	April, 1918	$254.35	$240.75
Anthony Zimmerman	do	342.42	237.17
Bill Candill	do	303.03	164.53
B. H. McKee	May, 1918	259.50	172.10
Jno. Zebela	do	276.25	246.25
Bill Candill	do	354.25	236.75
Anthony Zimmerman	do	382.98	237.73
Bill Candill	June, 1918	376.74	276.98
Anthony Zimmerman	do	410.02	282.77
Geo. Bays	do	313.05	183.54
Martin Justice	do	268.20	224.95
Jno. Zebola	July, 1918	262.95	238.95
Thos. Alley	do	279.91	262.16
Bill Candill	do	456.95	313.94
Anthony Zimmerman	do	508.56	344.31
George Bays	do	297.52	203.40
Henry Rathff	do	293.76	241.51
Martin Justice	do	264.80	180.80
John Zebala	August, 1918	258.20	232.00
George Tice	do	258.30	212.05
Bill Candill	do	400.53	284.70
A. Zimmerman	do	547.82	412.57
George Bays	do	377.08	308.82
Henry Rathff	do	311.47	250.22
Bill Candill	September, 1918	423.67	252.77
A. Zimmerman	do	458.21	254.21
Bill Candill	October, 1918	365.30	246.57
A. Zimmerman	do	343.46	179.21
Floyd Muncy	November, 1918	275.41	158.86
Bill Candill	December, 1918	257.92	167.04
Mose Burgett	do	257.92	112.37
S. J. Childress	February, 1919	261.02	193.27
Richard Lemaster	do	260.55	205.55
Bill Candill	do	280.54	221.04
Mose Burgett	do	269.88	141.63
Do	March, 1919	291.59	176.34
Bill Candill	do	300.82	239.82
H. E. Booth	April, 1919	266.55	139.95
Bill Candill	May, 1919	285.61	221.11
Mose Burgett	do	301.60	157.20
Jake Kosen	August, 1919	253.60	218.85
R. E. McKee	do	283.17	234.42
Jacob Gran	September, 1919	292.36	202.85

The net is after deducting store account, scrip account, powder, rent, light, coal, smithing, doctor's fee, insurance, and in some instances cash and war campaign fund. These men are not starving.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WOODS of Virginia. I think it would possibly be interesting to the House to extend my remarks by inserting these figures and the extent to which these men are paid.

The CHAIRMAN. Is there objection to the gentleman's request to extend his remarks in the manner indicated?

There was no objection.

Mr. MAPES. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. Mr. Chairman, if it is to be an extension of the gentleman's own remarks, I will not object. If it is the interpolation of other matter, I do object. I do not object to the extension of the gentleman's own remarks.

Mr. BLAND of Indiana. That is all I am asking for.

Mr. BLANTON. I do not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the committee, on account of the apparent crisis in the sugar-supply problem I think it proper to give the House certain information I have collected, and especially some information that Subcommittee No. 3 of the Special Committee on Expenditures of the War Department obtained while recently in France. Much is being said now about the facts we gave out concerning the bulk-sales contract of property in the hands of the War Department in France. During the short time I have the privilege of the floor I would not attempt to go into the bulk-sales contract, except in so far as it may throw light upon the sugar question. Soon after this committee returned from France, where, as a part of its duty, it had investigated the activities of the liquidation commission, we gave out the statement that there were 22,000,000 pounds of sugar sold to France under the bulk-sale contract. Soon after that, in a speech in the other branch of this Congress, this bit of information was referred to, and I see in one of the Washington papers a statement by the Secretary of War which I understand to mean that he denied that any sugar had been sold there. I again went over the figures obtained from the inventories and invoices obtained from the liquidation commission and ascertained that the figures were substantially correct and that approximately 22,000,000 pounds of sugar was a part of the enormous quantity of food supplies sold to France under the bulk-sale contract, which was inventoried by the liquidation commission as amounting in all to something more than $259,000,000, and which was delivered to them in the month of August of this year.

Mr. EVANS of Nevada. In one statement the gentleman made he said there were 22,000,000 pounds sold and now he has just said that there were $22,000,000 worth sold. I should like to know which it is?

Mr. BLAND of Indiana. Twenty-two million pounds.

Mr. MONDELL. The gentleman speaks about giving away sugar in France. Is the gentleman entirely accurate? I understand we got 2 cents a pound for it or are to get 2 cents a pound when the debt is paid.

Mr. BLAND of Indiana. It is very difficult, indeed, to say what we got for that sugar. Personally I do not think we got anything for it. It is included in a $400,000,000 bulk or lump sale, of which $259,000,000 was the inventoried price of the food. Mr. Hoover said it was all good. It was worth more than it was when it was purchased. There were $315,000,000 of automobiles, appraised value, also $323,000,000 worth of clothing and textiles, to say nothing of the 10,000 different things included in the total of almost $2,000,000,000. They sold it for $400,000,000. So it is hard to determine what was received for the sugar. But I do not care what they received for it. It ought to have been brought back home, and the director of sales, Mr. Hare, promised me that when he went over there to sell this stuff he would bring this food back home, in order to reduce the cost of living here. But Mr. Hare was pulled off the boat when he started for France, and finally he was put back on the boat, and when he arrived in France with a great corps of experts he found nothing to sell, because the War Department had sold everything that was in France at this sacrifice sale. He maintained his organization there until he resigned a few days ago, for the purpose of finding buyers in Europe for the things we had to sell in America.

Later, when the Harriman National Bank published a statement containing these facts, Secretary Baker felt compelled to make another statement, part of which is as follows:

> The material was a miscellaneous assortment of removable and nonremovable property. A very large amount of the property, it should be said, was brought home and was not sold. What was left was what was not needed in this country and was of such a character as not to justify the expense of transporting it to the United States. If the whole had been brought home it would not have had any appreciable effect on the high cost of living. I approve of what the liquidation commission has done.

Now, gentlemen, 22,000,000 pounds of sugar in no sense represent the total amount of sugar sold and given out from the American Army supply, to say nothing of the enormous amounts of sugar that have been, by Mr. Hoover's activities and the activities of the Sugar Equalization Board, exported to Europe. If you have read the hearings in the Senate you will find that the sugar situation in America is a distressing one. Large consumers of sugar, in order to keep from closing down their plants, are paying as high as 20 cents per pound. In many

places you are already being rationed and in some instances it is impossible to get sugar at all. From the testimony before the Senate committee it is apparent that the shortage of sugar is to become more pronounced in the immediate future. The Sugar Equalization Board, through its representatives, Messrs. Glasgow and Zabriskie, testified that the representatives of the Cuban sugar producers early in August notified the Sugar Equalization Board that they were open for proposals for the Cuban 1920 crop. The Sugar Equalization Board being the creatures of the President of the United States, and he holding the $5,000,000 stock subscribed by the Government in this corporation, felt that they should not act in negotiating for this crop without the consent of the President. On the 14th day of August the Equalization Board requested the President to authorize them to acquire the 1920 crop, but for some reason action was not taken by the President, and on the 22d of September the request was renewed upon the President for consent. On the 27th of September the offer of the Cuban producers was withdrawn, and it is very difficult to say whether we will be enabled, at any price, to obtain any considerable portion of the Cuban 1920 crop. But one thing is definitely certain, and that is that we will not be able to obtain it now in competition with the countries of the world at any reasonable figure. I desire to quote from the testimony a few lines with reference to the cause of the shortage of sugar and what could have been done to have prevented it.

The CHAIRMAN. As a legal proposition, who would have the authority now to place an embargo on sugar?

Mr. GLASGOW. To-day?

The CHAIRMAN. Yes; some one has that authority.

Mr. GLASGOW. The War Trade Board would have the authority.

The CHAIRMAN. But that has not been done.

Mr. GLASGOW. It has not, so far as I know. We asked for it in July in a letter which Mr. Zabriskie exhibited here at the last hearing, and it has not been done. It is a useful thing.

I desire to insert into the RECORD a letter received from the United States Sugar Equalization Board (Inc.), addressed to me on October 22:

Hon. OSCAR E. BLAND,
Member Committee on Expenditures, Washington, D. C.

DEAR SIR: In reply to your wire to Mr. Hoover, which was forwarded to us, we have wired you as follows:

"Your wire to Mr. Hoover in regard to sale of Government sugars to Europe referred to us. No Government sugar sold to Europe. Refined sugar exported for account royal commission, 126,314 long tons in 1918; 339,338 long tons January to October 1, 1919."

We have no information here of any sugar sold directly by the United States Government to the countries of Europe, but we do know the amount of sugar that has been exported from the United States. The sugar exports from the United States consist of two distinct units. First, the sugar which is sent to Europe and other foreign countries from our own supply; second'y, the sugar which belongs to the English Government sent here to be refined. English sugars have amounted to 339,338 long tons for the period January through September, 1919.

The sugar exported from our own supply has amounted to 154,073 tons for the same period, making a total of 493,411 tons leaving the United States. These sugars were sent by individual refiners under the supervision of the Sugar Equalization Board, but were not sold by any Government agency.

Yours, very truly,

U. S. SUGAR EQUALIZATION BOARD (INC.),
Statistical Department,
By JOSHUA BERNHARDT.

You will note that there has been exported by this corporation, which is run by the Government, 493,411 tons of our own sugar. Mr. Hoover, of the Food Commission, informed me that the only figures he had available on the sugar question were those showing the amount shipped from this country to Europe to be used in connection with his activities there, which figure he placed at the sum of 3,800 tons.

The Sugar Equalization Board, if they continue their task of equalizing the distribution and price of sugar, will be required to seek additional legislation from Congress. They insist that it will be necessary, if they function properly, that they have the power to place an embargo upon the exportation of sugar, and that they should continue to have the right to distribute and fix the price of raw and refined sugar. They state that it will require for American consumption 4,000,000 tons per year, which is approximately 80 pounds per capita for every person in the United States. The Equalization Board says there is a shortage of sugar to meet this demand. It is contended by others that there is plenty of sugar in the United States. One thing we do know—it is not being handed out to the public if we have it, and the price is becoming threateningly high.

Mr. REAVIS. Will the gentleman yield?

Mr. BLAND of Indiana. I yield to the gentleman.

Mr. REAVIS. The gentleman says that the Equalization Board say that America needs 4,000,000 pounds a year. Did he mean 4,000,000 pounds or 4,000,000 tons?

Mr. BLAND of Indiana. The Equalization Board say we need 4,000,000 tons a year.

I have examined all of the available records we have as to the sales of sugar in the War Department. I have made inquiry by cablegram of Gen. Allen, commanding the Third Army, the army of occupation at Coblenz, Germany; I have cabled to Gen. Krauthoff, who has been in charge of the sales department of the American Expeditionary Forces at Paris; I have cabled to Judge Parker, of the Liquidation Commission; I have talked with the Chief of Staff, Gen. March; with the Quartermaster General, Gen. Rogers; with the Assistant Secretary of War, Mr. Crowell; and The Adjutant General's Department; and Mr. Hoover, of the Food Administration, with reference to information as to how much sugar has been sold of the enormous stock we held in France.

Judge Parker caused to be cabled the following information:

Following sales of sugar have been made during 1919:

	Pounds.
Jan. 28, American Red Cross	180,000
Mar. 16, American Relief Administration	400,000
Apr. 21, American Relief Administration	40,000
June 28, Italian Government	10,000
July 2, American Committee for Relief of Devastated Regions of France	20,000
July 5, Young Men's Christian Association	360,000
Total	1,010,000

Compilations of sales of surplus American Expeditionary Forces property in Europe, arranged by categories as well as by services and names of purchasers, not complete; hence, am not fully prepared to state absolutely that the foregoing constitutes all sugar sold.

I am of the opinion that it constitutes but a very little part of the sugar sold by the Liquidation Commission before it made the bulk sale to France, and, remember, the Liquidation Commission began its activities in February or March, and the Army had been selling sugar since the preceding November. Our committee was furnished by Gen. Krauthoff in Paris a statement showing a partial list of their sales of sugar by his organization prior to the beginning of the activities of the Liquidation Commission. The Sales Department of the American Expeditionary Forces, and no other authority in France, was not able to give this committee a complete detailed statement of the amount of property sold prior to the beginning of the activities of the Liquidation Commission, nor are they prepared to-day to give such statement. Neither the War Department here nor the records in France disclose these facts. I find, however, that some 25 different sales were made to governments, organizations, and individuals which totaled over 9,325,000 pounds of sugar. Mr. Hoover testified before our committee in France that he furnished from the Army supplies a great part of the provisions for which he spent most of the $100,000,000 appropriated by Congress for the relief of starving Europe and that he furnished buyers for the Liquidation Commission, chiefly from the liberated nations, of other great quantities of supplies. It is fair to assume, I should think, in view of the fact that there was a great sugar shortage in Europe and that the American Army had a great surplus supply, that considerable sugar was included in these enormous quantities of supplies sold to the liberated nations and to different philanthropic and rehabilitation organizations of Europe.

I have made inquiries at the War Department, in order to obtain figures as to how much sugar was sold to the Army, so persistently that I probably have made myself somewhat troublesome in that quarter. I elicited a few facts which may be of interest to the House, but which within themselves give very little idea of the amount of sugar sold in Europe. I think it entirely proper that I call your attention to the fact that during the war our patriotic impulses were appealed to in order that we would use but one lump, or no lump at all, in our cup of coffee or tea and that we were restricted very severely in reference to our purchase and use of sugar in order to give the "boys at the front" all they needed. It was a commendable thing to do and Mr. Hoover did his job well in that connection. Our patriotic people responded heartily and made great sacrifices. In the meantime the sugar piled up in France, the armistice came along, our boys came home with the exception of about 20,000 and some 6,000 or 7,000 that are now in Germany, but still the sugar shortage has been staring us in the face for many months, and yet the War Department has gone on heedless of the wants of the American people and even heedless of the wants of their own Army and have given out to Europeans this stock of sugar saved by the American people as recklessly as Santa Clause gives out candy to children on Christmas Eve. I want to insert here a letter from Col. Wood, of the Quartermaster General's Corps, addressed to Gen. Rogers, the Quartermaster General, under date of October 22, 1919.

Memorandum for Gen. Rogers:

1. Attached hereto is a concise statement of events leading up to the present sugar situation.

2. It is now necessary to procure immediately 2,550,000 pounds of sugar, and an additional 9,542,000 pounds to last through the third quarter of the present fiscal year.

3. It is suggested that Col. Point go to New York to-day for the purpose of arranging for this sugar with the United States Sugar Equalization Board.

4. This is the only known source from which the sugar can be obtained, and also the Sugar Equalization Board is morally bound to supply the War Department with its needs.

5. Again, the question of payment for this sugar should be given careful consideration. It is my opinion that the sugar should be returned at the same rate which the Sugar Equalization Board paid our department for the sugar which they took over. Also, inasmuch as the estimates for the present fiscal year were based on a sufficient supply of sugar to meet all requirements, and a shortage has now arisen, due to a portion of it having been turned over to the Equalization Board, the money so secured should, if possible, be made available for the necessary purchase and not turned into the Treasury, a transaction which is liable to leave this department with a shortage of funds requiring additional appropriations.

W. S. WOOD,
Colonel, Quartermaster Corps, Director of Purchase.

You will observe in this letter that the Army must have 12,000,000 pounds of sugar to last through the present quarter of this year, and that they are beseeching the Equalization Board to take the sugar away from the consumers of the country and give it to the Army. Not only has the War Department robbed the people of their sugar during the war and then sold it, but they have recklessly disposed of it to the extent that they have none for themselves and must now rob the people again in order to get a sufficient quantity to tide them over. I may be in error and out of sympathy with the spirit of the times in protesting against delivering anything that America has to suffering Europe if needed here, but it does seem to me that the American people at some time are going to demand that somebody in the administration somewhere raise his voice and hand them favors to the exclusion of all others. Aside from the sugar sold in Europe the War Department shipped the following amounts for the Third Army in Germany:

	Pounds.
March, 1919	2,160,000
April, 1919	4,392,000
May, 1919	4,000,000

Making a total of 10,552,000 pounds which went by way of Antwerp and, no doubt, a portion of it and a great amount in addition, from elsewhere, arrived at Coblenz.

We have long since reduced our Army there to 6,000 men. There is no information in France, there is no information in the War Department here, and I can obtain no information from Coblenz, Germany, as to what became of the sugar that went to Coblenz or what became of the sugar that went to Antwerp. I desire at this point to read to you a portion of a letter I received from Secretary Baker, touching upon this most important question, bearing date of October 23, 1919:

Hon. OSCAR E. BLAND,
House of Representatives.

DEAR SIR:

* * * * * * * *

I answer the questions, numbering the answers numerically to correspond with the numbers in your letter, as follows:

1. The War Department has no information as to the amount of sugar sold to the French Government by the American Expeditionary Forces or the Liquidation Commission. The supplies included in the sale made by the Liquidation Commission to the French Government were doubtless inventoried to Judge Parker, but those inventories have not been returned to this country, and are part of the records of Judge Parker's office, which will be returned to this country with him or shortly thereafter. The extent to which sugar was a part of these supplies is unknown to anybody else now in the United States. I this morning caused to be transmitted to you a cablegram from Judge Parker in response to a cablegram sent him by you covering sales of sugar, exclusive of the "bulk sales" eliminated from the inquiry in your cablegram.

2. Whether or not any sugar has been sold by the Third Army, or the Army of Occupation in Germany, I have not in this country the means of knowing. The best information I can secure on that subject is from the Quartermaster General, who appeared before you and testified and whose memorandum to me says: "It is not believed that any sugar will be available for sale by the Third Army, as shipments are being made for their use from the United States."

It seems strange to me that the War Department in Washington has no information as to what has been done or is being done by the Army in Germany and the Army in France with reference to selling products that they now find the Army out of and that they must go upon the market and buy at an extortionate figure in order to keep the Army running. Why does not the Secretary know; why does not the War Department have the information as to how much sugar its own Army is selling and has sold? Empty transports come back from France ballasted with sand, sugar at a low figure is sold to Europeans, and our Army goes to the Equalization Board here in America and demands sugar that they are trying to get out to the American people when sugar profiteers are selling to consumers at 20 cents per pound.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. LINTHICUM. Why is it that if we sold all this sugar in Europe we could not get any when we were over there? The gentleman was there. I had to use saccharine all the time with the little sugar that we took with us.

Mr. BLAND of Indiana. I am afraid that the gentleman boarded at the wrong hotel.

Mr. LINTHICUM. I admit that I did not board at the Crillon Hotel.

Mr. BLAND of Indiana. If the gentleman had put up where the peace commission was stopping he could have gotten all he wanted. [Laughter.]

Mr. LINTHICUM. If I had put up at the Crillon Hotel, where the gentleman from Indiana was, I might have got sugar, but I could not get it at any other place.

Mr. BLAND of Indiana. I will say to the gentleman that I had no trouble in getting sugar there at the Crillon and elsewhere.

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. MAYS. I desire to ask the gentleman what answer Gen. Pershing gave to the inquiries upon the details of these transactions?

Mr. BLAND of Indiana. Gen. Pershing was in this country, and therefore I could not get hold of him.

Mr. MAYS. The gentleman did get hold of him?

Mr. BLAND of Indiana. Not on this question in France.

Mr. MAYS. Is it not well known that Gen. Pershing's judgment was the ruling influence in these transactions?

Mr. BLAND of Indiana. If he did not know any more about sugar than he knew about what was going on at the front, I take it he would not know anything at all about the subject, so I would not ask him about sugar.

Mr. MAYS. Is the gentleman of the opinion that Gen. Pershing did not know what was going on at the front?

Mr. BLAND of Indiana. I found him 200 miles away when the Battle of Chateau-Thierry was being fought, riding in his woods of 2,000 acres, on the 19th day of July, 1918.

Mr. MAYS. Hunting deer or Germans?

Mr. BLAND of Indiana. He was riding in his woods.

Mr. BLANTON. Yet the gentleman voted to make him a permanent general?

Mr. BLAND of Indiana. I was in France at the time this was done. Did the gentleman from Texas vote to do it?

Mr. BLANTON. Yes, I did; and I will do it again, but I would not criticize him afterwards.

Mr. BLAND of Indiana. I did not have the opportunity to vote, but I am not criticizing anyone for doing or not doing it.

This may be the manner in which the War Department should be run, but I do not believe the sugar consumers of the country think so. I was informed by Gen. Rogers that the available supply of sugar in the United States for our Army was down to 7,151,083 pounds. We must have an Army in the United States of something like 225,000 men and officers. The War Department did furnish me the information that since April 6, 1919, the Army had disposed of 48,236,816 pounds of sugar in the United States, which they tabulated for me, as follows:

	Pounds.
Total to United States Sugar Equalization Board	41,674,216
United States Navy	1,251,000
United States Marine Corps	1,200,000
United States Shipping Board	36,000
Interior Department (Alaska)	72,000
J. Aron & Co., New York (sale)	4,000,000
J. B. La Garde, Anniston, Ala. (celebration for return of soldiers)	3,600

This sugar was sold at the price of 8.79 cents per pound f. o. b. I have been trying to find out who J. Aron & Co., of New York, are who received 4,000,000 pounds, but I have not been able to learn as yet. Mr. Herbert Hoover has promised to be before our committee next Wednesday forenoon to give us the details of the sales of sugar abroad, and I will be glad to furnish the House this information as soon as it is obtained. Judge Parker will be back from Paris within two or three weeks, and if his records can be located I may be able to obtain some additional facts with reference to the quantity sold in Europe. He may also have some information as to the amount sold by the Army since the armistice.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, is hereby amended by adding thereto the following proviso:

"*Provided further*, That the privates in said department shall be classified as follows: That privates of class 1 shall serve one year on probation, privates of class 2 shall serve two years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently three or more years. All original appointments of privates shall be made to class 1: *And provided further*, That the positions of engineer and assistant engineer in said department are hereby abolished, and those members of said department holding such positions and those vacancies existing in said positions at the time this amendment becomes effective shall be transferred to the positions of privates of class 1, 2, or 3, as may be determined by their length of service on August 1, 1919, in the same manner as hereby provided for the appointment and promotion of privates."

Mr. KELLY of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do this for the purpose of placing in the RECORD figures showing the compensation paid firemen in other cities compared with what is paid in the District of Columbia.

The gentleman from Illinois [Mr. MADDEN] made the point a moment ago that the present bill under consideration increased the pay of the firemen in the District of Columbia to a point higher than that paid in the city of Chicago. I call attention to the different classes of firemen of Chicago, and compare their pay with the pay carried in this bill. The chief in the city of Chicago gets $8,000 a year, and this bill gives the chief in the District of Columbia $4,000 a year. The deputy chief in Chicago gets $5,600 a year, and this bill gives the deputy chief $3,000. The battalion chief of Chicago gets $3,300 and in Washington $2,400 by this bill. The chief machinist in Chicago gets $3,000 a year and in Washington $2,500 a year. The engineer in Chicago gets $2,088 and in Washington $1,660. The assistant engineer in Chicago gets $1,820 and in Washington $1,650. Privates in Chicago get $1,800 and this bill gives $1,460, $1,560, and $1,660.

The fact is that even with the increase in this bill, even with the $240 bonus additional, there is not a position in Washington Fire Department that will be brought to the point of pay of the Chicago Fire Department, so that it seems to me that the real heart of this question is, Shall we pay the firemen a living wage in this city of Washington, where the cost of living is higher than almost anywhere else in America?

Recently a constituent of mine gave me figures which he had tabulated in an effort to secure the minimum amount necessary for the maintenance of a family in western Pennsylvania. Out of 1,380 families questioned and who gave their budget of expense, he arrived at the total of $1,593 for clothing, medicine, food, education, insurance, light, heat, car fare, rent, recreation, and taxes.

This bill gives approximately that figure. It is an effort to do a worthy thing—provide a living wage for the fire fighters of the District of Columbia. It does not bring the pay up to that of other cities. The bill should be passed as it stands, and its passage will help to show the remedy for some of the questions which are confronting this country to-day. One of the fundamentals of justice is that every worker is entitled to a wage which is sufficient to enable him to maintain his family in comfort, to educate his children, and lay something aside for old age. There is no half-way compromise between justice and injustice. Now is the time to do justice to these fire fighters, and also to show that Congress stands for a living wage for every worker in America.

The Clerk read as follows:

SEC. 2. That section 4 of such act of June 20, 1906, is hereby amended to read as follows:

"SEC. 4. That the salaries of the officers and members of said department herein provided shall commence for the purpose of this act August 1, 1919, and shall continue thereafter annually, unless changed by Congress, as follows: The chief engineer shall receive an annual salary of $4,000; deputy chief engineers shall each receive an annual salary of $3,000; battalion chief engineers shall each receive an annual salary of $2,400; the fire marshal receive an annual salary of $2,400; deputy fire marshal shall receive an annual salary of $2,000; inspectors shall each receive an annual salary of $1,660; the chief clerk shll receive an annual salary of $2,400; clerk (who shall be a stenographer and typewriter) shall receive an annual salary of $1,660; captains shall each receive an annual salary of $1,900; lieutenants shall each receive an annual salary of $1,760; sergeants shall each receive an annual salary of $1,700; the superintendent of machinery shall receive an annual salary of $2,500; the assistant superintendent of machinery shall receive an annual salary of $2,000; pilots shall each receive an annual salary of $1,700; marine engineers shall each receive an annual salary of $1,700; assistant marine engineers shall each receive an annual salary of $1,660; marine firemen shall each receive an annual salary of $1,460; privates of class three shall each receive an annual salary of $1,660; privates of class two shall each receive an annual salary of $1,560; privates of class one shall each receive an annual salary of $1,460; hostlers shall each receive an annual salary of $1,080; and laborers shall each receive an annual salary of $1,000."

Mr. GOULD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 2, line 23, after the word "marshal" insert the word "shall."

Mr. GOULD. This is just to correct the text.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 20, strike out "$4,000" and insert "$3,500"; on line 22, strike out "$3,000" and insert "$2,750, not exceeding two in number"; on line 24, strike out "$2,400" and insert "$2,160"; on line 25, strike out "$2,000" and insert "$1,760"; on page 3, line 1, strike out "$1,660" and insert "$1,420"; on line 2, strike out "$2,400" and insert "$2,000"; on line 3, strike out "$1,660" and insert "$1,420"; on line 4, strike out "$1,900" and insert "$1,660"; on line 5, strike out "$1,760" and insert "$1,520"; on line 6, strike out "$1,700" and insert "$1,460"; on line 7, strike out "$2,000" and insert "$2,260"; on line 9, strike out "$2,000" and insert "$1,760"; on line 10, strike out "$1,700" and insert "$1,460"; on line 11, strike out "$1,700" and insert "$1,460"; on line 12, strike out "$1,660" and insert "$1,420"; on line 13, strike out "$1,460" and insert "$1,220"; on line 14, strike out "$1,660" and insert "$1,420"; on line 15, strike out "$1,560" and insert "$1,320"; on line 17, strike out "$1,460" and insert "$1,220"; on line 18, strike out "$1,080" and insert "$820"; and on line 19, strike out "$1,000" and insert "$860."

Mr. BLANTON. Mr. Chairman, of course we all know, but the people in the country do not know it, although, as I say, we know it and the Treasury Department knows it, that each one of these salaries under $2,500 in this bill carries with it an additional $240 as a bonus. Now, the salaries provided for in this bill probably under existing conditions are proper and should be paid, without this $240 bonus added, and my amendment will merely strike out the bonus and permit all salaries except those over $2,500 to be paid according to the maximums stated in the bill and not pay this $240. Now, I called attention a while ago to the fact that we have nine States which see fit to pay their governors only $4,000 a year. For a man to be governor of a State he can not just live along and not make preparation for it in the years past. He must devote years of his life in most cases to prepare himself to hold that position, and in all the other technical and scientific positions in our land men have to prepare for years to hold such positions. A doctor, for instance, has to spend five or six years in special study in order to be prepared to deal out medicine to people when they are sick. A lawyer has to devote years of his life in order to be prepared to represent the rights of the citizen in a courthouse; the teachers and ministers spend years of study in special preparation, and yet we find men who have never devoted a moment of their lives to any special study or preparation for holding special positions receive to-day salaries larger than doctors or lawyers or teachers or ministers or governors of States. I say it is wrong; I say we ought to pay such men a living wage. We ought to place a premium upon the man or woman who devotes years of study in preparing for the ministry of the gospel, who prepare themselves for the life of the physician, for the life of a school-teacher who teaches the youth of the land, for the life of a lawyer, who represents the life, liberty, and property rights of the individual in the courthouse, and for the life of the minister of the gospel; and yet we are paying laborers, without any special preparation in life, salaries higher than all of those positions that I have mentioned. I say it is wrong. I say we ought to stop it. I say some of these days some of us are going to go home and we are going to look our constituents in their faces, the men who pay the bills, and they are going to ask us why we did it, and you can not answer that. Will you then say that "All the rest of the fellows wanted to do it, and, while I did not want to do it, I went with the gang"? You can not merely say, "Look at the RECORD and you will see that everybody voted for it except BLANTON of Texas; he is the only man who got up and said anything against it," and have your people accept that as a reasonable explanation, for then you are going to find out something about these numerous letters I have been getting from your districts approving the very positions I have taken on the floor of this House with respect to these matters. You are going to hear from the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, of course, there is no proper conclusion to be drawn from a comparison of the pay given to governors of the States and to firemen. Firemen have to live on their pay, whereas governors of States, as a rule, do not, especially in those States which only pay $4,000 a year. I would like to read just a word from the hearings on this bill comparing the pay that the firemen receive with the pay men receive in those lines of employment from which the fire department is obliged to get its men. The testimony is that in years gone by the fire department was recruited about one half from the men on the street cars—that is, motormen and conductors—and the other half from fellows outside of the city who came from farms and other places. Now, the testimony before the committee is that at present the fire department is not getting any men from the street car companies, that those companies are paying about 51 cents an hour to the lowest-paid man and the men in the fire department are paid something like 22 or 23 cents an hour. One of the employees in the fire department testified very forcibly:

A man who will come into the fire department, and I like the fire department, for $2.55 a day, who is now getting $6 a day, has not got sense enough to be a fireman.

Mr. BLACK. Will the gentleman yield for a question?

Mr. MAPES. I will yield to the gentleman.

Mr. BLACK. I notice in this bill that class 1 firemen will receive $1,460, and with the bonus of $240 that will be $1,700?

Mr. MAPES. Yes.

Mr. BLACK. The gentleman knows, does he not, that in the Post Office Department that even class 6 postal clerks and postal carriers, the most expert clerks in the Post Office Department, stop at $1,500. Now, does the gentleman think that we ought to pass a bill in here and put firemen in class 1 as high as $1,700?

Mr. MAPES. I certainly do. They live in Washington where the expenses are higher than they are in any other place in the United States, and they are a high-grade, fine class of men.

Mr. BLACK. I do not dispute that proposition, but they are Government employees——

Mr. MAPES. And we are paying them no more than—as the gentleman from Pennsylvania here a few moments ago showed—than the firemen are getting in a great many leading cities in the country even after we make the increase which this bill proposes.

Mr. BLACK. Does the gentleman contemplate that this $1,700 shall be permanent with the $240 bonus——

Mr. MAPES. The basic salary provided in the bill is to become the permanent salary.

Mr. BLACK. Now, does not the gentleman think that when you come to take off the bonus, which will be in effect a reduction of salary, that the minute you do that you will destroy the morale of the force and that the policy of the Congress now ought to be to pay these men whatever will be paid them as a permanent proposition?

Mr. MAPES. I will say to the gentleman that the subcommittee, according to my understanding, took up that matter with the chairman of the Committee on Appropriations and he felt that the exact opposite ought to be done to what the gentleman has said ought to be done, that this bill ought to fix a basic salary—let the bonus take care of the extraordinary condition which exists at the present time and let the policemen and firemen go back to their basic salaries the same as the other employees of the Government will have to do when the bonus is taken away.

Mr. GALLAGHER. Mr. Chairman——

Mr. MAPES. Mr. Chairman, I ask for a vote.

Mr. GALLAGHER. Mr. Chairman, I want to oppose the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. GALLAGHER. Mr. Chairman, it does not seem fair for a Member who has really no fire department to support to attempt to say what the wages of a fireman should be in a city like this. Now, a fireman is working at an extrahazardous job. Every time he goes to a fire he does not know, and his family does not know, whether he will ever come back again. His hours are not regulated. If he goes to a fire, he has got to fight that fire until it is out, no matter whether it takes 24 hours or 36 hours. He is out in all kinds of weather——

Mr. BLACK. Will the gentleman yield for a question?

Mr. GALLAGHER. I will.

Mr. BLACK. Speaking of the mortality of firemen, have you got any authentic figures that will show that the mortality rate of firemen is any greater than that of the railway mail clerks, for instance, in the Postal Service?

Mr. GALLAGHER. I have not any data. I know they are both dangerous jobs. I know something about a fire department, and I know something about how they operate in a large city. They are not like a fire department in a little town, that when the fire alarm strikes and the house is burning, they have to run home to get a red shirt and a fire hat before they go to the fire. They have always got to be on deck in Washington. So far as wages are concerned, I do not believe we can pay them any too much, and I am for the figures that are in this bill as printed.

I hope the amendment will not be adopted, because I think we ought to take care of the firemen and give them a decent salary on account of the hazardous work and duties they have to perform, and the way they labor to save life and property.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. MAPES. Mr. Chairman, I would like to see if we can not close debate on this. I ask unanimous consent that the debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the debate on this section and all amendments thereto shall close in five minutes. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I would like about three minutes.

Mr. BLACK. And I would like three.

Mr. MAPES. I will ask that the debate close in 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the debate on this section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Maryland [Mr. LINTHICUM] is recognized for three minutes.

Mr. LINTHICUM. Mr. Chairman, I have heard a great deal of comparison between these salaries and the salaries that some of the States pay their governors. I do not think it is a fair comparison. I saw in the papers the other day where it said an engineer on a locomotive got perhaps more salary than the governor of Texas.

Mr. BLANTON. And eight others.

Mr. LINTHICUM. And eight others. In my State we pay the governor $4,500. That is the salary. That does not mean all that he receives. When I was in the State senate we voted the governor $5,000 for entertainment and maintenance expenses, and we gave him a magnificent mansion to live in at Annapolis; we gave him a fine automobile so that he could look after the road system throughout the State, and things of that kind, and he was even then inadequately paid. I do not believe the salary of any governor, as specified in the constitution or the statute, is what he really receives, and it is not fair to compare the salaries of these firemen who have to pay for the rent of their homes and for everything they purchase for themselves and their families with the salary we provide them. I have seen that comparison used a great deal. It is obviously wrong; it is unfair and unjust, and we ought not to use it on the floor of this House and send it out to the hundred millions of people throughout this country. [Applause.] I hope it will not be done again.

And so it is with some other salaries. The gentleman from Texas [Mr. BLANTON] compares the salaries we are giving here to-day with what doctors and lawyers get. There are but few doctors and lawyers, who amount to anything, who do not make more than $4,000. Otherwise they could not live as the community in which they reside wants them to live. They could not pay the enormous rent they have to pay if they did not get more money than that. In Baltimore city our men make more money than that. They have to do it——

Mr. CARAWAY. How much is the average salary of the ministers of the gospel in this country?

Mr. LINTHICUM. There is no comparison. I saw a statement that the average salary of ministers throughout the country was $400, but everybody knows that any church of any importance in this country pays its minister a fair salary; if not, they should. They know, too, that in those churches where they do not get the large salaries, they have a parsonage, a home; they have many things given to them, and people look out for them in other ways besides paying them the salary.

Mr. CARAWAY. Does the gentleman think that is fair in comparison with the salaries paid to ministers?

Mr. LINTHICUM. I say that the ministers do not get money enough.

Mr. CARAWAY. That was not the statement the gentleman made. I think the gentleman ought to stay with his statement.

Mr. LINTHICUM. I say the ministers do not get money enough.

Mr. CARAWAY. That was not what the gentleman said.

Mr. LINTHICUM. Hear me through. I said that the salary they get does not constitute all they get, because they have a parsonage and lots of things, as the gentleman knows.

Mr. CARAWAY. I know they do not, lots of times——

Mr. LINTHICUM. I do not know what they do in your State.

Mr. CARAWAY. Or in your State, either.

Mr. LINTHICUM. I believe they will take care of them better now, when there is the high cost of living to care for.

Mr. BLACK. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Texas [Mr. BLANTON]. I would have no objection to offer to the basic salaries that are fixed in this bill if they were made to take effect on and after July 1, 1920, and until that time the basic salaries and the $240 bonus should only aggregate the rates provided in this bill. I believe in treating all Government employees as nearly as possible with an equal degree of justice, and any fair-minded man is bound to admit that the salary increases in this bill are a good deal more generous than we have given other employees.

I call your attention to the fact that when this law is passed these basic salaries will date from August 1, 1919, and added to the basic salary will be the $240 bonus, which will make the pay of grade 1, $1,700; grade 2, $1,800; and grade 3, $1,900. Present basic salary of firemen of class 1 is $960, and, therefore,

the present raise, including bonus of $240, is $740 per annum, and this raise is entirely out of proportion to increases which we have given Government employees.

Now, let me call your attention to this fact, that the salary increases that we have been making for the present fiscal year for other Government employees, so far as I now recall, outside of the Metropolitan police, have been temporary in their nature, and we have taken into consideration the fact that whatever these employees will draw now, even with these temporary increases, will be permanent, because there is not a Member of this House who does not know that nothing will destroy the morale of the men any more than to take off some of this salary after they begin drawing it.

Now, our Committee on the Post Office and Post Roads have been wrestling with this same salary-increase problem. We realize that the postal employees are having a hard situation to face so far as the high cost of living is concerned, and if we could move on up to the 71 per cent increase in the cost of living—as the Bureau of Labor Statistics has announced it to be—and then move on back when the pendulum begins to sway the other way, we would have a simple proposition; we would all be willing to do it. But we all know, every man on the committee knows, that whenever we fix a salary, even though we give it the name of a temporary salary, it is there permanently, because if we should fix, for instance, the salary of the present grade 1 in the Postal Service at $1,700, including temporary increases which have been given, as you propose in this bill, and other increases in proportion, we know that when we went to eliminate any of the salary we would destroy the entire morale of the Postal Service. Therefore we must be conservative. We must try to be just to the men, and yet take into consideration the real situation of the Treasury and not burden the Treasury with salaries which would be unreasonable.

Now, if Mr. BLANTON's amendment is adopted, grade 1 of the firemen will draw $1,460, grade 2 will draw $1,560, and grade 3, $1,660, and I submit this would be a good, liberal raise over the compensation which they are now receiving. I have no sort of criticism to offer of the firemen of the city of Washington; I am sure they are a high-class, worthy body of men; but I do earnestly believe that we ought not to fix this as a permanent basic salary at the present time, in view of the $240 bonus that is being paid. I think the basic salaries provided in this bill should begin July 1, 1920, at the expiration of the present bonus of $240, and therefore I shall vote for the amendment which has been offered.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEE rose.

The CHAIRMAN. The gentleman from Texas [Mr. BEE] is recognized for two minutes.

Mr. BEE. Mr. Chairman and gentlemen, I rise to oppose the amendment of my colleague from Texas. In the first place, it is true that the governor of Texas draws only $4,000 a year. There is no greater reflection on my beloved State than to pay its governor only $4,000. Its governor ought to receive $10,000 a year, and it would be reasonable at that.

I want to say a word in behalf of the firemen. The more a fireman is idle, the better it is for his community, because of the lesser danger of fire. But no soldier on the firing line takes his life in his hand when he goes out on the field of carnage more than a city fireman when he goes out to attend a fire. The lives of women and children are in his custody; their lives and their property are in his custody, and the histories of all the cities in this land are filled with accounts of the heroism of the fireman who goes where the danger is the greatest and who sacrifices oftentimes his life and limb and health for our safety.

In answer to the suggestion of my friend from Texas [Mr. BLACK] about the postal employees, I say to you frankly that the railway postal clerk out in the line of duty behind an engine is in just as much danger as the soldier on the battle field, and we do not pay him enough. I do not say it is a disgrace, but it is a reflection upon us that we do not compensate the railway postal clerk sufficiently. He is a soldier in the line of duty. We should compensate him so that he can provide for himself and his family in the constant danger in which he is living. We ought to do that; but that is no reason why a fireman should not be properly compensated and enabled to take care of his wife and children so that he and they could enjoy some of the beauties and happiness of home life like the rest of us who are drawing a great deal more money.

The gentleman from Texas [Mr. BLANTON] talks about lawyers. There is not a lawyer entitled to a license and who has been in the practice for years who is not making $4,000 or $5,000. If he does not earn something like that amount, then he ought to surrender his license or go to Congress or somewhere else. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WOODS of Virginia rose.

The CHAIRMAN. The gentleman from Virginia is recognized for two additional minutes.

Mr. WOODS of Virginia. Mr. Chairman, in addition to what the chairman has said, there is a matter that the committee took into consideration and felt we should act upon it, but for the fact that we wanted to put the firemen and the policemen on an equal basis. We considered very seriously giving these firemen some allowance on account of the uniforms which they must provide and which are ruined frequently at fires. We thought perhaps they ought to be furnished with helmets and rubber boots and a certain class of gum running suit, but we eliminated all that, so that the firemen, out of the allowance we give here, which is certainly moderate, have to provide all these things at their own expense.

In reply to what the gentleman from Texas [Mr. BLACK] has said, comparing the firemen with the Postal Service men, it may be true that the Postal Service men are not paid enough. I presume they are not. But we should not commit two errors. The fact is that the Postal Service man works 8 hours a day as a rule, but the fireman works 12 hours a day and 30 days a month.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. WOODS of Virginia. Yes.

Mr. BLACK. I understand they have the three-platoon system in this city?

Mr. WOODS of Virginia. Two, sir; 12 hours a day for each shift.

Mr. BLACK. Upon that question of compensation, the point I made was not to change the basic law, but I would like to have the gentleman's view as to the effect on the morale of the men when we came later on to take off this $240 bonus.

Mr. WOODS of Virginia. I think you would make a mistake to make any distinction between these two classes of service. They employ about the same character of men, and those men have about the same living expenses. We have fixed the pay of the policemen, as I think, correctly. I think we should fix the pay of the firemen the same.

Now, as to the $240, that will come off if living conditions come down. If they do not come down, it ought not to come off.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the motion of the gentleman from Texas [Mr. BLANTON].

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 5, noes 45.

Accordingly the amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. MAPES. I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and Mr. MADDEN having resumed the chair as Speaker pro tempore, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and amendment to the final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment reported from the Committee of the Whole House on the state of the Union.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BLANTON. Mr. Speaker, I make a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit. Is the gentleman opposed to the bill?

Mr. BLANTON. In the form in which it is drawn I am opposed to it.

The SPEAKER. The Clerk will report the gentleman's motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the District of Columbia with instructions to report the same back to the House forthwith with the following amendment, to wit:

Page 2, line 20, strike out "$4,000" and insert "$3,500"; on line 22, strike out "$3,000" and insert "$2,750, not exceeding 2 in number"; on line 24, strike out "$2,400" and insert "$2,160"; on line 25, strike out "$2,000" and insert "$1,760"; on page 3, line 1, strike out "$1,660" and insert "$1,420"; on line 2, strike out "$2,400" and insert "$2,000"; on line 3, strike out "$1,660" and insert "$1,420"; on line 4 strike out "$1,900" and insert "$1,660"; on line 5, strike out "$1,760" and insert "$1,520"; on line 6, strike out "$1,700" and insert "$1,460"; on line 7, strike out "$2,500" and insert "$2,260"; on line 9, strike out "$2,000" and insert "$1,760"; on line 10, strike out "$1,700" and insert "$1,460"; on line 11, strike out "$1,700" and insert "$1,460"; on line 12, strike out "$1,660" and insert "$1,420"; on line 13, strike out "$1,460" and insert "$1,220"; on line 14, strike out "$1,660" and insert "$1,420"; on line 15, strike out "$1,560" and insert "$1,320"; on line 17 strike out "$1,460" and insert "$1,220"; and on line 19, strike out "$1,080" and insert "$820"; on line 19, strike out "$1,000" and insert "$860."

Mr. MAPES. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. BLANTON. Mr. Speaker, I demand a division, and pending the division I make the point of no quorum.

The SPEAKER. The gentleman makes the point of no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify Members. As many as favor the motion to recommit will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 9, nays 222, answered "present" 1, not voting 199, as follows:

YEAS—9.

Black	Connally	Kraus	Rayburn
Blanton	Jones, Tex.	Quin	Steagall
Buchanan			

NAYS—222.

Almon	Elliott	Lee, Ga.	Romjue
Anderson	Ellsworth	Linthicum	Rose
Andrews, Nebr.	Elston	Luce	Rubey
Anthony	Evans, Mont.	Luhring	Sanders, Ind.
Ashbrook	Evans, Nebr.	McArthur	Schall
Aswell	Evans, Nev.	McDuffie	Sherwood
Ayres	Fairfield	McFadden	Sinnott
Baer	Ferris	McGlennon	Smith, Idaho
Bankhead	Fisher	McKinley	Smith, Mich.
Barbour	Focht	McLaughlin, Mich	Smithwick
Bee	Foster	McPherson	Snell
Begg	Freeman	MacGregor	Snyder
Benham	French	Madden	Stedman
Blackmon	Fuller, Ill.	Mann, S. C.	Steenerson
Bland, Ind.	Gallagher	Mansfield	Stephens, Ohio
Box	Gard	Mapes	Stiness
Brand	Garland	Martin	Strong, Kans.
Briggs	Glynn	Mays	Strong, Pa.
Brinson	Godwin, N. C.	Mead	Summers, Wash.
Brooks, Ill.	Goodall	Merritt	Sumners, Tex.
Browne	Gould	Michener	Sweet
Burdick	Green, Iowa	Miller	Taylor, Colo.
Butler	Greene, Vt.	Monahan, Wis.	Taylor, Tenn.
Byrnes, S. C.	Griffin	Mondell	Thompson
Byrns, Tenn.	Hadley	Montague	Tilson
Campbell, Pa.	Hardy, Colo.	Moore, Ohio	Timberlake
Candler	Hastings	Morgan	Tinkham
Carss	Haugen	Nelson, Mo.	Vaile
Carter	Hawley	Nelson, Wis.	Vestal
Casey	Hayden	Newton, Minn.	Vinson
Christopherson	Hays	Nolan	Volstead
Clark, Fla.	Hernandez	O'Connor	Walters
Clark, Mo.	Hersey	Oldfield	Ward
Classon	Hersman	Oliver	Wason
Cleary	Hickey	Osborne	Watkins
Coady	Hoch	Overstreet	Watson, Va.
Collier	Howard	Padgett	Weaver
Crisp	Hull, Iowa	Park	Webb
Currie, Mich.	Hull, Tenn.	Parker	Webster
Curry, Calif.	Humphreys	Parrish	Welling
Dale	Igoe	Phelan	Welty
Darrow	James	Platt	Whaley
Davis, Tenn.	Johnson, Miss.	Porter	Wheeler
Denison	Juul	Pou	White, Kans.
Dickinson, Mo.	Kahn	Purnell	Williams
Dickinson, Iowa	Kearns	Raker	Wilson, Ill.
Dominick	Keller	Ramseyer	Wilson, La.
Doremus	Kelly, Pa.	Randall, Calif.	Wingo
Doughton	Kettner	Randall, Wis.	Woods, Va.
Dowell	King	Reavis	Woodyard
Dunbar	Kinkaid	Reber	Wright
Dunn	Knutson	Reed, W. Va.	Young, N. Dak.
Dupré	Lampert	Rhodes	Young, Tex.
Dyer	Lanham	Ricketts	Zihlman
Echols	Lankford	Robinson, N. C.	
Edmonds	Larsen	Rogers	

ANSWERED "PRESENT"—1.

Sears

NOT VOTING—199.

Ackerman	Barkley	Boies	Browning
Alexander	Bell	Booher	Brumbaugh
Andrews, Md.	Benson	Bowers	Burke
Babka	Bland, Mo.	Britten	Burroughs
Bacharach	Bland, Va.	Brooks, Pa.	Caldwell
Campbell, Kans.	Griest	McClintic	Rowe
Cannon	Hamill	McCulloch	Rucker
Cantrill	Hamilton	McKenzie	Sabath
Caraway	Hardy, Tex.	McKeown	Sanders, La.
Carew	Harrison	McKinley	Sanders, N. Y.
Chindblom	Haskell	McLane	Sanford
Cole	Heflin	McLaughlin, Nebr.	Saunders, Va.
Cooper	Hicks	MacCrate	Scott
Copley	Hill	Magee	Scully
Costello	Holland	Maher	Sells
Crago	Houghton	Major	Shreve
Cramton	Huddleston	Mann, Ill.	Siegel
Crowther	Hudspeth	Mason	Sims
Cullen	Hulings	Minahan, N. J.	Sinclair
Dallinger	Husted	Moon	Sisson
Davey	Hutchinson	Mooney	Slemp
Davis, Minn.	Ireland	Moore, Pa.	Small
Dempsey	Jacoway	Moore, Va.	Smith, Ill.
Dent	Jefferis	Moores, Ind.	Smith, N. Y.
Dewalt	Johnson, Ky.	Morin	Steele
Donovan	Johnson, S. Dak.	Mott	Stephens, Miss
Dooling	Johnson, Wash.	Mudd	Stevenson
Drane	Johnston, N. Y.	Murphy	Sullivan
Eagan	Jones, Pa.	Neely	Swope
Eagle	Kelley, Mich.	Newton, Mo.	Tague
Emerson	Kendall	Nicholls, S. C.	Taylor, Ark.
Esch	Kennedy, Iowa	Nichols, Mich.	Temple
Fess	Kennedy, R. I.	O'Connell	Thomas
Fields	Kiess	Ogden	Tillman
Flood	Kincheloe	Olney	Tincher
Fordney	Kitchin	Paige	Towner
Frear	Kleczka	Pell	Treadway
Fuller, Mass.	Kreider	Peters	Upshaw
Gallivan	LaGuardia	Radcliffe	Vare
Gandy	Langley	Rainey, Ala.	Venable
Ganly	Layton	Rainey, H. T.	Voigt
Garner	Lazaro	Rainey, J. W.	Walsh
Garrett	Lea, Calif.	Ramsey	Watson, Pa.
Goldfogle	Lehlbach	Reed, N. Y.	White, Me.
Good	Lesher	Riddick	Wilson, Pa.
Goodwin, Ark.	Little	Riordan	Winslow
Goodykoontz	Lonergan	Robsion, Ky.	Wise
Graham, Pa.	Longworth	Rodenberg	Wood, Ind.
Graham, Ill.	Lufkin	Rouse	Yates
Greene, Mass.	McAndrews	Rowan	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. GREENE of Massachusetts with Mr. ALEXANDER.

Mr. CRAMTON with Mr. JOHN W. RAINEY.

Mr. KLECZKA with Mr. SMALL.

Mr. LANGLEY with Mr. FIELDS.

Mr. TREADWAY with Mr. BOOHER.

Mr. BOIES with Mr. SEARS.

Mr. ACKERMAN with Mr. McLANE.

Mr. TINCHER with Mr. JOHNSON of Mississippi.

Mr. VOIGT with Mr. HARDY of Texas.

Mr. MAGEE with Mr. THOMAS.

Mr. RAMSEY with Mr. LAZARO.

Mr. LUFKIN with Mr. HUDDLESTON.

Mr. McCULLOCH with Mr. HOLLAND.

Mr. McLAUGHLIN of Michigan with Mr. HEFLIN.

Mr. MACCRATE with Mr. HARRISON.

Mr. MASON with Mr. HAMILL.

Mr. MOORE of Pennsylvania with Mr. GOODWIN of Arkansas.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. HILL with Mr. MOONEY.

Mr. HOUGHTON with Mr. MOON.

Mr. BACHARACH with Mr. WILSON of Pennsylvania.

Mr. HUTCHINSON with Mr. MINAHAN of New Jersey.

Mr. HUSTED with Mr. MAHER.

Mr. ROWE with Mr. DONOVAN.

Mr. SANDERS of New York with Mr. DEWALT.

Mr. SCOTT with Mr. DENT.

Mr. YATES with Mr. PELL.

Mr. IRELAND with Mr. MAJOR.

Mr. JEFFERIS with Mr. McKINLEY.

Mr. JOHNSON of Washington with Mr. McKEOWN.

Mr. BOWERS with Mr. VENABLE.

Mr. BRITTEN with Mr. UPSHAW.

Mr. BROOKS of Pennsylvania with Mr. TILLMAN.

Mr. MOORES of Indiana with Mr. GOLDFOGLE.

Mr. JONES of Pennsylvania with Mr. McCLINTIC.

Mr. SELLS with Mr. DAVEY.

Mr. SHREVE with Mr. CULLEN.

Mr. SIEGEL with Mr. CAREW.

Mr. KELLEY of Michigan with Mr. McANDREWS.

Mr. MOTT with Mr. GARRETT.

Mr. MUDD with Mr. GARNER.

Mr. BROWNING with Mr. TAYLOR of Arkansas.

Mr. BURKE with Mr. TAGUE.

Mr. BURROUGHS with Mr. SULLIVAN.

Mr. CANNON with Mr. STEVENSON.

Mr. CHINDBLOM with Mr. STEPHENS of Mississippi.

Mr. COLE with Mr. STEELE.

Mr. COPLEY with Mr. SMITH of New York.
Mr. COSTELLO with Mr. SISSON.
Mr. CRAGO with Mr. SIMS.
Mr. CROWTHER with Mr. SCULLY.
Mr. DAVIS of Minnesota with Mr. SAUNDERS of Virginia.
Mr. DEMPSEY with Mr. SANDERS of Louisiana.
Mr. EMERSON with Mr. SABATH.
Mr. KENNEDY of Rhode Island with Mr. LONERGAN.
Mr. KIESS with Mr. LESHER.
Mr. ESCH with Mr. RUCKER.
Mr. MURPHY with Mr. GANLY.
Mr. KREIDER with Mr. LEA of California.
Mr. NICHOLS of Michigan with Mr. GANDY.
Mr. OGDEN with Mr. GALLIVAN.
Mr. PAIGE with Mr. EAGLE.
Mr. LAGUARDIA with Mr. JOHNSTON of New York.
Mr. LAYTON with Mr. JOHNSON of Kentucky.
Mr. SINCLAIR with Mr. CARAWAY.
Mr. SWOPE with Mr. CANTRILL.
Mr. PETERS with Mr. EAGAN.
Mr. TEMPLE with Mr. CALDWELL.
Mr. RIDDICK with Mr. DRANE.
Mr. FESS with Mr. ROWAN.
Mr. FORDNEY with Mr. ROUSE.
Mr. TOWNER with Mr. BRUMBAUGH.
Mr. VARE with Mr. BLAND of Virginia.
Mr. WALSH with Mr. BLAND of Missouri.
Mr. WATSON of Pennsylvania with Mr. BENSON.
Mr. FULLER of Massachusetts with Mr. RIORDAN.
Mr. GOOD with Mr. H. T. RAINEY.
Mr. ROBSION of Kentucky with Mr. DOOLING.
Mr. GRAHAM of Pennsylvania with Mr. RAINEY of Alabama.
Mr. GRAHAM of Illinois with Mr. OLNEY.
Mr. WHITE of Maine with Mr. BELL.
Mr. MANN of Illinois with Mr. KITCHIN.
Mr. LEHLBACH with Mr. JACOWAY.
Mr. GREEN of Iowa with Mr. O'CONNELL.
Mr. HAMILTON with Mr. NICHOLLS of South Carolina.
Mr. HASKELL with Mr. NEELY.
Mr. LONGWORTH with Mr. HUDSPETH.
Mr. WINSLOW with Mr. BARKLEY.
Mr. WOOD of Indiana with Mr. BABKA.
Mr. HICKS with Mr. MOORE of Virginia.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MAPES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE RAILROADS.

Mr. SWEET, from the Committee on Interstate and Foreign Commerce, presented a conference report on the disagreeing votes of the two Houses on the bill S. 641, an act to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, for printing under the rule.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn in honor of that great American, Theodore Roosevelt.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 6 ayes and 102 noes.

So the motion was lost.

MINING OF COAL, OIL, PHOSPHATE, ETC.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775 provided for in House resolution 358.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

An act (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The CHAIRMAN. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods.

Whenever the average daily production of any oil well shall not exceed 10 barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act.

Mr. WALSH. Mr. Chairman, I move to amend by inserting, in line 8, page 53, before the word "twenty," the words "not exceeding," and in line 10, same page, before the word "ten," the words "not exceeding."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 53, line 8, before the word "twenty," insert the words "not exceeding," and in line 10, on the same page, before the word "ten," insert the words "not exceeding."

Mr. WALSH. Mr. Chairman, I assume that this period of leasing has been agreed upon by the committee and probably all leases will be for the full terms of years, but it seemed to me that it would be better to vest some discretion in the Secretary of the Interior, as circumstances might possibly arise which would make it unwise not to make it compulsory to lease for 20 years or not to make it compulsory to lease for 10 years.

Mr. FERRIS. Mr. Chairman, I do not pretend to speak for the committee, of course, but it would seem to me that the gentleman is entirely right, and it might be an illogical thing to force the Secretary to make a full 20-year lease.

Mr. WALSH. That was the idea, and I would like to ask the chairman of the committee if he does not think occasions might arise when it would be unwise to say that the Secretary can lease for only a certain stated term of 20 years or a subsequent term of 10 years?

Mr. SINNOTT. Mr. Chairman, I think it would be unwise to have a limitation in there. The Secretary puts these leases up at competitive bidding and the oil bidder must have some assurance that he is going to have a definite period, and at least 20 years, before undertaking the large expenditures which he must undertake to develop his property. I think it would have a tendency to lower and depress the bids and that you would get better bids by having it for a period of 20 years.

Mr. WALSH. Does the gentleman think that in writing a statute we should have solely in mind the benefits to the lessees?

Mr. SINNOTT. The gentleman does not think so, and he has had in mind both the lessor and the lessee, both the Government and the prospective bidder.

Mr. WALSH. If the gentleman will yield further, might not occasions arise whereby the Secretary of the Interior in calling for bids would think it better to call for a lease of 15 years rather than for 20 years, and should he not have the opportunity to do so?

Mr. SINNOTT. No; 20 years is the ordinary life of the ordinary well.

Mr. WALSH. Perhaps it might be of wells that have been discovered thus far.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. RAKER. If the well is not producing or if nothing can be done, the contract can be canceled by the Government and the claimant, and if it gets down to a small amount of 10 barrels they can reduce the royalty. It can be put from 1 to 20 years. In most of these instances a man will have expended enough money in getting his equipment, so that he can not afford to take the thing for five years, but if he gets a going well he ought to have that well until the oil is exhausted.

Mr. WALSH. Of course, if the gentleman's argument is the basis upon which this section is drawn, then there ought not to be any limitation, because you will find if this plan is inaugurated that these people will get these wells in perpetuity, and there ought not to be any limitation. We ought simply to give them a lease for 999 years.

Mr. RAKER. Mr. Chairman, will the gentleman yield further?

Mr. WALSH. Yes.

Mr. RAKER. There is a limitation of 20 years?

Mr. WALSH. Yes.

Mr. RAKER. Then there is an extension of 10 and 10 years, and, as a matter of fact, he has the preferential right, and it is in substance a perpetual lease, with a right vested in the Secretary to fix the royalties at stated periods.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, in other words, it is intended that the man paying a proper royalty for 20 years is going to have a preferential right against everyone else. Then the Secretary, at these stated periods, may readjust the royalty, but the man should have the well until it is exhausted, and that is really the purpose of the bill.

Mr. WALSH. Mr. Chairman, of course the gentleman's statement applies to the language of the bill, and the same statement and claim can be advanced for the bill if it were amended as I propose, because there may be a well in some section where the Secretary might deem it wise, instead of leasing it for 20 years to lease it for 10 years, and he would call for bids upon that basis. There might be occasions where instead of renewing it for a successive term of 10 years he might deem it wise to extend it for 5 years. Of course, the preferential right would go to the lessee; but I think in writing a statute here, inaugurating a new policy, it would be wise to put in language which would vest discretion in the Secretary of the Interior to take care of the occasions that might arise. He still would have the right under the language as amended as I propose to lease for 20 years, but if some peculiar circumstance should arise he could reduce that term either in the renewal or the initial lease, and he will not affect the authority that is vested in him under the law.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. MONDELL. Mr. Chairman, I think it is altogether possible that in the running of the years some conditions might arise somewhere under which it might be in the public interest for the Secretary to have authority to lease for a briefer period than 10 years and 20 years, provided in the act; but as against that is the general question of public policy. The 20-year period provided for is the shortest of commercial-lease periods. The second 10 years is a period shorter than is ordinarily known in commercial leases.

There is some difference of opinion whether it would not be better in the public interest, speaking now from the standpoint of public interest rather than that of the interest of the lessee, to have these leases for an indeterminate period, as we have in the case of coal. In this case, section 17, we are adopting a plan which, I think, is questionable. Gentlemen who have been talking about monopolies, generally because of lack of knowledge of the provisions of the bill, curiously never refer to this particular provision, which is the one provision in the bill which it may be argued tends to monopoly—that is, that the bidding is to be competitive. In the case of competitive bidding, the longest pole gets the persimmon—the fellow with the longest purse pulls down the lease. We have discussed all that at one time and another in the House and in committee, and the majority has been of opinion that, everything considered, that is the wise thing to do. I have never agreed with that view. But the plan of competitive bids having been adopted, the public interest, I think, would hardly be served if we made the lease period so brief that we would not be likely to get the best results from bidding.

Mr. ELSTON. Mr. Chairman, I can suggest one of the main considerations that fixed this period at 20 years, and that was this: If you fix it at a less period it will be a mere invitation upon the part of the operator to skim the cream off the production—to rush the production to the detriment of the well itself.

The ordinary length of period is the period that would be required to drain the well of every bit of oil that it has, and therefore it provides here that a man shall prosecute and drill to the extent of getting every bit of value there is. Now, ordinarily 20 years will do that; and if you fix a less period the Secretary of the Interior might be disposed to fix a less period. It will be merely an invitation to this man to get the cream of the stuff and turn back a ruined well to the Government.

Mr. RAKER. Mr. Chairman, I move to strike out the last five words so as to discuss this subject. I desire to get the attention of the gentleman from Massachusetts. This lease is provided for under known productive territory within a geological survey that will produce oil or gas so far as their physical demonstration is concerned that no wells have been bored. Now, here is a 640-acre tract; no wells there. It is in a known geological structure where there are oil and gas. A man rents 640 acres. He may have to bore one, two, or five wells before he strikes oil. He may bore one that costs $20,000. Is he going to take his chance on a lease for five years at the same royalty that the other man may obtain his well within 500 feet of him, and at the end of five years yield up the question of the rental, all his casings, and all the material, and he has not yet been able to obtain enough oil to pay back the original costs at the end of the first four years, when his lease expires, and then the Secretary may extend him another lease for one year? But on this kind of a property the Secretary fixes the royalty. He fixes it for 20 years. Then at the end of that period he fixes it again, and in substance the man is entitled to a lease by complying with the rules and regulations and pay the royalty until the well is exhausted. Any other effort would be a waste of material, the oil and gas, would be a destruction of a man's property put into the well, and no good come from it.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. I will.

Mr. WALSH. Will not the Secretary of the Interior or some of his subordinates have some knowledge of the character and capacity of this land which he is going to lease?

Mr. RAKER. No; it is a physical impossibility. The testimony before the committee is that the only way they determine the oil in the ground is by boring a well, and even if he is in this known geological structure, a quarter of a mile from a producing well, another well may be sunk and no oil obtained, and you may then go in another 300 feet from the dry well and obtain a gusher. While they know from all indications there from the general geological structure that there should be oil there, no man can tell, or has been able to tell, so far as the testimony shows before the committee, that any particular well sunk at any particular spot is going to produce oil.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. WALSH) there were—ayes 5, noes 22.

So the amendment was rejected.

Mr. GRIFFIN. Mr. Chairman, I make the point of order that there is no quorum here. I think a bill as important as this ought to be heard by the Members of this House.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

The Clerk read as follows:

SEC. 18. That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this act, of all right, title, and interest claimed and possessed continuously since prior to July 3, 1910, by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced, except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds 640 acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than 3,200 acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or

his successor within the limited area of 660 feet theretofore provided for upon such terms and conditions as he may prescribe.

No fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the act of August 25, 1914 (38 Stat. L., p. 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons on or prior to September 1, 1919, claiming through or under him by lease, contract, or otherwise, as their interests may appear; subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, shall secure a lease thereon under this section: *Provided further*, That not more than one lease shall be granted or inure to any applicant under this section.

That whenever the validity of any gas or petroleum placer claim under preexisting law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within 12 months after the approval of this act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation.

Mr. GRIFFIN. Mr. Chairman, I desire to offer an amendment.

Mr. VAILE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VAILE: Page 56, line 19, after the word "further," strike out the balance of said line and all of lines 20 and 21 and in lieu thereof insert the following: "That no lease or leases under this section shall be granted or inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for."

Mr. VAILE. Mr. Chairman, I take it that the purpose of this provision for which I have offered a substitute was merely to limit the total acreage which should be acquired by one surrendering his possessory title to the maximum provided in this section. The lines which I ask to strike out are "*Provided further*, That not more than one lease shall be granted or inure to any applicant under this section." I can not see the advantage of providing that the lessee should have his title evidenced by only one document. This would seem to be as unnecessary and as awkward as to require that the documents by which all of any man's real estate titles are evidenced should be combined in a single instrument.

It must be remembered that in the Wyoming field people began locating these claims back in the eighties under the placer mining laws, and the titles are in every degree of complexity. Some of them are still contested by different claimants. I appreciate that this section confers power upon the Secretary in case of conflicts to grant leases to one or more of the claimants as shall be deemed just, but he may not be able to make his decision in regard to claim A, the title to which is doubtful, as soon as he can to claim B, the title to which is clear. But must the present owner, whose right to B is determinable at once, wait months and perhaps years for his lease to B because it takes that long to determine his right to A? Or must he take his lease to B and forego his right to a lease of A? Or must the lease which he has been given for B be later enlarged to include A?

It seems to me that the provision as now drawn will involve both the Government and the locators in a maze of cumbersome and contradictory detail. One result which would be pretty sure to follow is that the locator will endeavor to continue to hold by his possessory title the claims upon which his rights can not be speedily adjudicated, while taking a lease for the remainder. This would force a situation which it is the very purpose of this bill to avoid, namely, titles held in part as placer locations under the preexisting laws and in part as leaseholds. And there is nothing whatever to be gained by this confusion. If you limit the leaseholds to a specified total area, you accomplish your object, whether they are held under one lease or under a dozen leases.

The physical conditions of oil territory would make a further confusion. The unit of the placer entries under which the possessory titles have already been acquired was 40 acres. We provide in this bill that an applicant surrendering his possessory titles may in lieu thereof take by lease a maximum of half the whole geological structure, when it is over 640 acres, but not to exceed 3,200 acres in all. Now, then, these 40-acre claims lie often in different geological structures within the same general vicinity. For instance, you may have one of the claims within territory where drilling goes to the first sand, and oil is developed within a depth of from 900 to 1,000 feet. A very short distance farther, there may be a claim of the same owners, where they have to drill through the first sand and come to the second sand. Obviously the royalties which must be paid are different, and the conditions of the lease that the Government will have to exact must be different, and since the purpose of limiting the total holdings is accomplished by having the general limitation, there could be no useful purpose in requiring these to be evidenced by a single lease.

Furthermore, as already indicated, the history of possessory titles is that each one is different. It would often result in a lease being tied up for quite a period while rights in litigation were waiting to be adjusted or while the Secretary could determine which of several kinds of partitions of interests should apply. Your lease would be a patchwork of differing provisions. It might be of 100 pages for a lease of 1,000 or 1,500 acres.

I do not try to enlarge the lessee's right under this amendment, but only to clarify it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. VAILE. I will.

Mr. GREEN of Iowa. I am not sure that I entirely understand this, but if I correctly understand the gentleman, the Secretary of the Interior might be willing to grant the lease for a certain portion, but the other part might be held up if this provision is in force?

Mr. VAILE. Might be held up until the rights of previous locators were determined. In a great many cases there are conflicts between these possessory titles as to who is entitled to them.

Mr. SINNOTT. Mr. Chairman, I have no objection to the gentleman's amendment. I think it really clarifies the intent of the section. The language that he seeks to strike out was a committee amendment to the Senate bill. The Senate had a limitation of 3,200 acres to any individual. Then they had the inuring clause, commencing in line 11, page 56, "that all leases hereunder shall inure to the benefit of the claimant and all persons," and so on, claiming under him. Now, the committee felt that this inuring clause made vain and nugatory the limitation of 3,200 acres in the first part of the bill. So we endeavored to have language in here limiting the acreage that would inure to any individual and limiting it to the same area and acreage as is provided for in the first part of the section; and in endeavoring to do that I think we put in an amendment that may result in more or less administrative embarrassment and difficulty. With the amendment offered by the gentleman from Colorado [Mr. VAILE] we attain the object that we were endeavoring to attain by the language the House committee inserted, and also relieve the department from any embarrassment it might have should it desire to issue to any applicant more than one lease, not, however, for more than 3,200 acres in the aggregate. For that reason I approve of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. VAILE].

The amendment was agreed to.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GRIFFIN: Page 55, line 25, after the word "section," strike out all of that line, and, on page 56, line 1, strike out all of that line, and, on the same page, line 2, strike out all of that line.

Mr. GRIFFIN. Mr. Chairman and gentlemen, the paragraph that it is proposed to amend only consists of a few words. It reads:

No fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith.

Now, it is an ancient maxim of the law that a thief can give no better title than he has. That is embedded in our law. If there are equities in a case, that is what our courts of equity are provided for, namely, to do justice. But note what you are doing. You are giving sanctity to a tainted title. You are putting the burden upon the Government to show that the man did not have notice that the title was tainted. Does the committee really want to do that?

Mr. BARBOUR. Will the gentleman yield?

Mr. GRIFFIN. Has the committee given thought to that proposition? I have no more to say with regard to the amendment. It appears to be obvious that it changes the House bill, making it conform to the Senate bill, and simply provides that the claim of a fraudulent claimant shall not be recognized and can not be assigned, no matter whether the assignee has knowledge of the fraud or not. If he has no knowledge of the fraud, the burden should be put on him to show his innocence.

Mr. BARBOUR. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. BARBOUR. Is not the language of this provision now that the gentleman is seeking to strike out simply the well-known rule applicable to real estate transfers?

Mr. GRIFFIN. No; I do not think so. I think it is an anticipation of that rule. In a real estate deal a man has got to go to a court of equity in order to clear the title, and the court removes the cloud on the title. Here you permit a cloud to rest upon it and put the burden upon the Government, instead of on the claimant, to establish the fact as to claimant's knowledge of the fraud.

Mr. BARBOUR. This is simply on the ground of fraud. There are certain other clouds that have to be removed.

Mr. GRIFFIN. That is the door you open to fraud.

Mr. Chairman, I yield back the balance of my time. I would like to hear from the committee on this subject.

Mr. SINNOTT. Mr. Chairman, this language that we are writing into the law is what Judge Bean and a number of other judges have decided to be the law, that the innocent purchaser's right is not impaired by the fraud of his predecessor.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. TAYLOR of Colorado. Is it not true that certain cases of location on the public domain are held by certain courts to be fraud which do not contain elements of fraud and are no intentional violation of the law?

Mr. SINNOTT. That was the decision in the case of California against the Midway Oil Co., in last June, by Judge Bean.

Mr. GRIFFIN. Will the gentleman yield?

Mr. SINNOTT. For a question.

Mr. GRIFFIN. That is just the point. You do not need to state it in the act. It is in the law. It is in the decisions.

Mr. BARBOUR. Is not that the rule of law that is laid down in a case where real property is involved?

Mr. SINNOTT. Yes.

Mr. ELSTON. Mr. Chairman, I rise in opposition to the amendment and call this to the attention of the gentleman. The provision here is much more restrictive than if there was no reference to fraud. It states here that anyone coming before the department for a lease shall receive no recognition if he is guilty of fraud in any way. No man with unclean hands can come in and get anything; the law exempts a man who had no means of knowing that the claim which he acquired was tainted with irregularities. Suppose the gentleman bought a mining claim; he would have a search of title; the title so far as the abstract was concerned might be perfect, with nothing on the face of the record to show that it is tainted with fraud. If he is not chargeable in any way with the knowledge of any preceding fraud, he is outside of any charge of evasion of the section.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Certainly.

Mr. GRIFFIN. Do you consider a man who takes title without knowledge of a fraud as being culpable or chargeable with fraud?

Mr. ELSTON. I certainly believe he is not.

Mr. GRIFFIN. Certainly not. Is not the language of this section sufficient now when you say that "no fraudulent claimant shall be entitled to any lease provided for in this section," and stop there?

Mr. ELSTON. Does the gentleman suggest to strike that out?

Mr. GRIFFIN. No. Leave that in: "No fraudulent claimant shall be entitled to any lease provided for in this section."

Mr. ELSTON. That might do if the Secretary of the Interior did not try to carry it further and charge the claimant with knowledge of matters which he had no reasonable means of ascertaining.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ELSTON. Do you desire to charge him with any kind of constructive knowledge and impute fraud to him which he should not be chargeable with? This exception is carried into the decisions, and certainly it is proper.

Mr. GRIFFIN. You are trying to crystallize a judicial decision into a statute.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. VAILE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. VAILE: Page 56, line 22, at the beginning of the line, insert the word and figures "SEC. 18 a," so as to make the paragraph a new section.

Mr. VAILE. Mr. Chairman, the purpose of this amendment is to provide a better logical arrangement of this act. We are embarking upon an entirely new policy with reference to our public-land laws. This paragraph, in my judgment, is a most wise provision providing a reviewing authority to compromise and settle controversies relative to titles to placer lands acquired heretofore. As stated by the chairman of the committee in his report on this bill, the purpose of this paragraph, among other things, is to furnish an alternative method of compromising and settling litigation and controversies arising from withdrawal orders in which the Government is involved with claimants. It being designed for such purpose and to enable the Government to equitably adjust any matter that may be necessary to adjust in passing from the old patent system to the new leasing system, it seems to me the paragraph should be numbered as a separate section of the bill. Therefore, I offer this amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 19. That any person who, prior to any withdrawal order made subsequent to July 3, 1910, or who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands not withdrawn from entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of $250 for each location if application therefor shall be made within six months from the passage of this act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per cent of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That such lands are not reserved for the use of the Navy: *Provided, however*, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant, and all persons on or prior to September 1, 1919, claiming through or under him, by lease, contract, or otherwise, as their interests may appear: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, shall secure a permit or lease thereon under this section.

Mr. SINNOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Section 19, page 57, strike out all after the word and figures "Section 19," on line 8, all of line 9, all of line 10, and all of line 11 down to and including the word "entry," and insert in lieu thereof the following: "That any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry."

Mr. SINNOTT. Mr. Chairman, there has always been a great deal of confusion and ambiguity about the meaning of the first three lines in section 19. The committee has put in the language in several different ways, and finally adopted the language in the bill, but still the language is confusing. It refers to "any person who prior to any withdrawal order was an occupant of lands not withdrawn." It is really a confusion or a contradiction of terms. I think this language which I offer will clear it up, with the addition of an amendment which I expect to offer on the next page, in line 7, making it absolutely certain that this section does not in any way relate or refer to the naval reserves.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. SINNOTT. Mr. Chairman, I have another amendment, which ought to supplement this.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 58, line 7, strike out the word "such," also the words "are not," and insert after the word "that" the following: "The provisions of this section shall not apply to," so that the line will read as follows: "That the provisions of this section shall not apply to lands reserved for the use of the Navy."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I would like to make an inquiry of the chairman of the committee, if I may. The matter was called to my attention that we had in section 18 a particular fraud clause that was originally used in the House bill as it passed last year, and that in this section and the Alaska section we had adopted the particular clause inserted by the Senate of a different character. We have just passed and agreed to the particular clause originally employed in the House bill, and I was wondering if the chairman would be willing to offer amendments making it uniform. The Alaskan people thought we ought not to provide one particular clause for them and another for other sections of the country.

Mr. SINNOTT. It ought to be made uniform for conference purposes.

Mr. FERRIS. I hope that can be worked out in conference so that they will be the same. The amendment would be on page 58. Strike out the provision in lines 8 to 12 and insert the language of the House bill as it appears on page 55 and insert the same language as is found on page 55, line 24. This merely makes it uniform. The old language was drafted and approved by the Interior Department. It was carefully prepared.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield for a moment?

Mr. SINNOTT. If the gentleman offers that amendment I will have no objection to it.

Mr. FERRIS. Mr. Chairman, I move that on page 58 we strike out the following language from line 8 to line 12 and insert in lieu thereof the provision already agreed to on page 55, beginning on line 24, and on page 56, lines 1 and 2, in the interest of harmonizing these provisions. The chairman has just said he had no objection to it. The Alaska people feel the same clause should apply to all. I confess it seems to me they are right about it. If there is any advantage about it one way or the other it will be easy to care for it in conference.

Mr. EVANS of Nebraska. Will the gentleman yield?

The CHAIRMAN. Let the Clerk report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FERRIS: Page 58, beginning with line 8, strike out all of lines 8 to 12, inclusive, and insert in lieu thereof the following: "No fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith."

Mr. FERRIS. Now, if we may insert the words "*Provided, however*, That," that will be the amendment.

The CHAIRMAN. The Chair will suggest that the words "*Provided, however*, That," in line 8, page 58, be retained.

Mr. FERRIS. That will make it right.

The CHAIRMAN. Is there objection to the modification of the amendment suggested?

There was no objection.

Mr. FERRIS. Mr. Chairman, it has been suggested to me by the chairman of the Committee on the Territories, Judge WATKINS, and also by the Delegate from Alaska [Mr. GRIGSBY], and also by some other gentlemen who are here in the interest of Alaskan matters, that to have a fraud clause of one kind for the oil operators of the United States and another fraud clause applicable to Alaska did not seem quite right to them, and we have adopted the clause relating to fraud in section 18, which I desire to offer now. I think this modification ought to be made. It makes it uniform. It treats all classes of oil claimants alike. Personally I do not see any material difference. The amendment I offer is the language just agreed to in section 18. It is also identical with the House bill of last year which had the approval of this House, and also had the approval of all the departments. Personally I have no preference, but it ought to be uniform.

Mr. ANDERSON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. ANDERSON. If the gentleman wants a fraud clause in here at all, why does he take the weakest fraud clause there is in the bill to make the language uniform?

Mr. FERRIS. I do not concede that it is the weakest, although there is some controversy about that. The fraud clause that we had last year was very carefully drawn by the Interior Department and very carefully worked out by the committee. The House passed it. It is exactly the clause that we have had in former years. I do not think there is any advantage about it, and I do not think it is of any very great consequence; but the Alaskan people feel that if we are going to provide one fraud clause for the big oil operators in the United States, there should not be a different kind of a fraud clause applied to them, where they have little or no development in oil. Further than that I have no interest in it. It ought to be carried through the bill. It ought to be uniform.

Mr. GRIFFIN. Mr. Chairman, the concluding statement of the gentleman from Oklahoma puts the argument right in a nutshell. If you are not going to have a drastic fraud clause applicable to the big interests in the United States, why should you have a drastic fraud clause applicable to the poor folks in Alaska?

Now, just reverse that argument, if you please. We have turned about and given a weak fraud clause for the benefit of the big interests in the United States. The question before us is whether or not we shall now remove the drastic provision applicable to the Alaskans and give them the benefit of the weaker provision which you have given to the interests in the United States. When I offered my amendment, objecting to the weak, wishy-washy fraud clause that you stuck in this bill for the benefit of the big interests in the United States, I had it in mind that there were stronger fraud clauses in the bill which ought to stay in the bill. The Alaska clause is one of them.

The objection that the gentleman has to the language of the Alaska provision that the gentleman seeks to strike out is that it is drastic. Well, it ought to be drastic. If he is so much concerned about uniformity, why not apply uniformly the clause that has teeth in it? This provision provides that no claimant for a permit or lease who has been guilty of any fraud or who has knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith shall be entitled to any of the benefits of this section. That is perfectly fair and perfectly reasonable to all, Alaskan and American. We ought to vote against the amendment. If the gentleman wants uniformity, let us apply the drastic provision generally which is found on page 56.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question being taken; on a division (demanded by Mr. GRIFFIN) there were—ayes 35, noes 8.

Accordingly the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of no quorum present. The Chair will count.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question being taken, the motion of Mr. BLANTON was rejected.

The CHAIRMAN. One hundred and one Members present, a quorum.

Mr. ANDERSON. I ask for tellers, Mr. Chairman.

Mr. BLANTON. A point of order, Mr. Chairman. He is not entitled to tellers.

The CHAIRMAN. The gentleman is not entitled to tellers for the purpose of determining a quorum.

Mr. ANDERSON. I am not making it on the question of a quorum. I am making it on the last vote.

The CHAIRMAN. The demand comes too late. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Sharkey, one of his secretaries.

MINING OF COAL, PHOSPHATE, OIL, ETC.

The committee resumed its session.

The Clerk read as follows:

SEC. 20. In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns, holding restricted patents may combine their holdings not to exceed 2,560 acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 12½ per cent as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. On Saturday the gentleman from Wyoming [Mr. MONDELL] ventured the thought that I had not read this bill. Now, it may be that I had not, and, if I had not, I am not going to take any blame upon myself for not having read it, not being a mem-

ber of the committee and having this complicated bill put into our hands at a moment's notice.

The House committee bill looks like a substitute to the Senate bill, but, in fact, it is only an amendment which consists in taking the Senate bill and drawing a line through every section and then copying it section by section, practically in the same words, making no material changes until they came down to sections 40 and 41 of the Senate bill. And there we find the nigger in the woodpile. Those are the two sections which obviously the committee were anxious to get at.

I have taken the trouble to go through the Senate bill and compare it with the House committee substitute and show in the following table all the changes that have been made:

S. 2775.

The original Senate bill, 41 sections, 38 pages.
House committee bill, 38 sections, 75 pages.

COAL.

Section 1, same, except (a) exclusion of lands acquired under Appalachian Forest act; (b) provision as to helium; and (c) redrafting of alien provision. Adds 11 lines.

Section 2, same, except (a) providing for competitive bidding (20 lines); (b) providing for one lease to a railroad less than 200 miles in length (3 lines). Adds 23 lines.

Section 3, same.
Section 4, same.
Section 5, same.
Section 6, same.

Section 7, same, except (a) adds 5 words on line 21, page 42; (b) provides for suspension of operation (4 lines). Adds 5 lines.

Section 8, same, except (a) verbal change; (b) omits prohibition as to extension of privilege to corporation. Reduces 1 line.

Section 9, same; changes word "person" to "applicant."

Section 10, same, except (a) omission of Senate provision as to shape of land leased. Reduces 1 line.

Section 11, same, except (a) inserts "shall" instead of "may."

Section 12, same.

OIL AND GAS.

Section 13, same except (a) adds provision limiting Alaska prospecting permits to five. Adds 1 line.

Section 14, same, except (a) adds provision as to leases of 160 acres (3 lines); (b) transposes provision as to right of renewal; (c) omits six months' limitation (one-half line); (d) adds one-half line; (e) adds provision as to competitive bidding. Adds 4 lines.

Section 15, same.
Section 16, same.
Section 17, same.

Section 18, same, except (a) seven verbal changes; only one substantial change, and that adds the following: (b) "but the successor in interest of such claimant [fraudulent], without notice of fraud at the time such interest was acquired, shall not be chargeable therewith"; adds three lines; this is contrary to the spirit of our law. (c) Page 56, line 13, adds limitation as to time. (d) Adds provision for compromise of conflicting claims embraced in the Executive order of withdrawal of September 27, 1909. Adds 18 lines.

Section 19, same, except three verbal changes. (b) Adds new limitation as to time. Seven lines.

Section 20, same, except (a) adds word "assigns" in two places; (b) increases royalty to 12½ per cent.

OIL SHALE.

Section 21. Senate bill, 44 lines; House committee bill, 42 lines. Reduces two lines.

ALASKA OIL PROVISO.

Section 22. Senate bill, 30 lines; House committee bill, 30 lines.

SODIUM.

Section 23. Senate bill, 13 lines; House committee bill, 13 lines.

Section 24. Senate bill, 37 lines; House committee bill, 37 lines.

Section 25. Senate bill, 11 lines; House committee bill, 11 lines.

GENERAL PROVISIONS.

Section 26. Senate bill, 8 lines; House committee bill, 7 lines.

Section 27. Senate bill, 57 lines; House committee bill, 58 lines.

Section 28. Senate bill, 30 lines; House committee bill, 29 lines.

Section 29. Senate bill, 22 lines; House committee bill, 22 lines.

Section 30. Senate bill, 32 lines; House committee bill, 32 lines.

Section 31. Senate bill, 10 lines; House committee bill, 10 lines.

Section 32. Senate bill, 9 lines; House committee bill, 9 lines.

Section 33. Senate bill, 5 lines; House committee bill, 5 lines.

Section 34. Senate bill, 8 lines; House committee bill, 8 lines.

Section 35. Senate bill, 20 lines; House committee bill, 21 lines.

Section 36. Senate bill, 32 lines; House committee bill, 28 lines.

Section 37. Senate bill, 8 lines; House committee bill, 10 lines.

Section 38. Senate bill, 4 lines; House committee bill, 7 lines. (Omitted in House bill. New section 38 relates to helium.)

Section 39. Senate bill, 11 lines. (Omitted in House committee bill.)

Section 40. Senate bill, 18 lines. (Omitted in House committee bill.)

Section 41. Senate bill, 32 lines. (Omitted in House committee bill.)

RECAPITULATION.

In the entire House committee bill there are only 60 lines added, which, if added to the Senate bill in the form of amendments, would have increased its length about 3 pages, making it 41 instead of 38 pages. The House committee bill takes up 75 pages—a tremendous waste of printing and paper at a time when we hear so much about economy. Why, then, this laborious blotting out of the Senate bill only to repeat its provisions down to and excepting sections 40 and 41? If the committee wanted to strike those sections out, all they need have done was to draw lines through them, indicating that they desired to exclude them.

But, no, that would never do. If they amended the Senate bill section by section and struck out sections 40 and 41, that would have entitled the House to move to amend by restoring them. By reason of the aid given by the Rules Committee in bringing in the rule requiring the House to consider the House committee bill as an original bill we are now burdened with the task of reading the committee bill section by section, instead of reading the Senate bill section by section. If we want to read the Senate bill for comparison we have to overcome the difficulty of reading it through blotted lines. But that is not the worst. I am no prophet, but I venture the prediction that when an effort is made, as it will be made, to restore sections 40 and 41 to the bill, we will find the committee making the point of order that the amendments are not germane. The question naturally arises whether this was not their real purpose in camouflaging the Senate bill. Would it not have been much fairer to the House to let the House committee amendments stand or fall on their merits? I made the statement on Saturday that the title of this bill might well be changed to read "A bill to surrender to the Coal Trust and to the Oil Trust of this country all the valuable rights which are now lying dormant in the West."

Please understand me, gentlemen, in my position here to-day that I am resolutely in favor of the development of your great and glorious West. I want to see you develop it. I want to encourage the taking out of coal from the veins in the earth, and the finding of oil wells, but I want also to protect you and the consumers of the great United States as well, and to see that safeguards shall be thrown around the granting of these valuable rights. I do not want to see the wealth of this country, temporarily withdrawn from public use by President Taft for the protection of posterity, handed over now to the Standard Oil Co. and other big interests to enhance their present plethoric surpluses and enable them to further exploit the public.

Mr. TAYLOR of Colorado. Will the gentleman permit a question?

Mr. GRIFFIN. I yield back the remainder of my time.

The CHAIRMAN. The gentleman withdraws his pro forma amendment.

Mr. MONDELL. Mr. Chairman, section 20 in its present form is a new provision; that is, it is, rather, an extension of an old provision. I think the purpose of the section most excellent. I would like to ask the chairman his opinion in regard to the effect of the section. As I understand, the intent is to authorize the entrymen or patentees to combine in an application, or to make a combined application, as though they were one person, and that when the application is thus made a permit would issue as in the ordinary case. In case of a discovery, the lease would be made as provided for in section 14. In other words, this combined application, if made in combined

form, would be treated under section 14 exactly as though it was an individual application. Is that true?

Mr. SINNOTT. I think they would organize themselves either into an association or corporation and apply in that way. I think that is the intent of the section.

Mr. GRIFFIN. Mr. Chairman, I withdraw the pro forma amendment, and in doing so I want to say that there is no material change whatever in this section—only two verbal changes.

The Clerk read as follows:

OIL SHALE.

SEC. 21. That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this act, as he may prescribe; that no lease hereunder shall exceed 5,120 acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each 20-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall upon the relinquishment of such claim be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith shall be entitled to any of the benefits of this section: *Provided further*, That not more than one lease shall be granted under this section to any one person, association, or corporation.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I do so to call the attention of the chairman of the committee and the gentleman from Oklahoma to the fact that in this section is another one of those provisions with teeth in it, and it ought to be in order at this time to strike it out.

Mr. FERRIS. Mr. Chairman, without assenting to the implication of the gentleman from Minnesota, in the interest of uniformity I do move to strike out the language in lines 7 to 10, inclusive, and insert in lieu thereof the language that has been inserted in the two previous sections found on the bottom of page 55.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 23, after the word "corporation," strike out the words "*Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith shall be entitled to any of the benefits of this section" and insert in lieu thereof the following: "That no fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 32 ayes and 5 noes.

Mr. ANDERSON. Mr. Chairman, I make the point of no quorum.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the motion was lost.

The CHAIRMAN. The gentleman from Minnesota makes the point of no quorum, and the Chair will count. [After counting.] Eighty-five Members present, not a quorum.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chairman announced that the noes had it.

Mr. SINNOTT. Mr. Chairman, I ask for tellers.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The House is dividing and the gentleman can not make the point of order now.

Tellers were ordered, and the Chair appointed as tellers Mr. SINNOTT and Mr. CARTER.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The point of order was made by the gentleman from Minnesota that there was no quorum. While the Chair was counting I moved that the committee do now rise, That was pending while the Chair was counting a quorum. I moved that the committee rise, and the committee decided not to rise. Now, would another motion for the committee to rise, there having been in the meantime no business transacted, be in order before the Chair determines that a quorum was present?

The CHAIRMAN. Here is the parliamentary situation. The gentleman from Minnesota raised the question of no quorum. The gentleman from Texas made a motion that the committee rise. The committee declined to rise. The Chair then counted and disclosed the fact that there was no quorum; and then tellers were demanded, and the committee decided that it should have tellers.

Mr. BLANTON. And tellers are asked for on the question of the committee rising.

The committee again divided, and the tellers reported that there were 3 yeas and 85 noes.

So the motion that the committee rise was rejected.

The CHAIRMAN. The Clerk will read.

Mr. ANDERSON. Mr. Chairman, when the motion to rise was made there was pending a point of no quorum, and the vote just taken discloses that there is no quorum.

The CHAIRMAN. The gentleman is correct and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fuller, Mass.	Lea, Calif.	Reed, N. Y.
Alexander	Gallagher	Lehlbach	Riddick
Ayres	Gallivan	Lesher	Riordan
Babka	Gandy	Linthicum	Robsion, Ky.
Bacharach	Ganly	Little	Rodenberg
Barkley	Garner	Lonergan	Rouse
Benson	Garrett	Longworth	Rowan
Blackmon	Glynn	McAndrews	Rowe
Bland, Va.	Godwin, N. C.	McClintic	Sabath
Boies	Goldfogle	McCulloch	Sanders, Ind.
Booher	Gocdall	McDuffie	Sanders, N. Y.
Britten	Goodykoontz	McFadden	Sanford
Brooks, Ill.	Gould	McKenzie	Saunders, Va.
Brooks, Pa.	Graham, Pa.	McKeown	Scott
Browning	Graham, Ill.	McKinlry	Scully
Brumbaugh	Greene, Mass.	McLane	Sells
Burke	Griest	McLaughlin, Nebr.	Sherwood
Burroughs	Hamill	MacCrate	Shreve
Butler	Hamilton	Magee	Siegel
Caldwell	Hardy, Tex.	Maher	Sims
Campbell, Kans.	Haskell	Mann, Ill.	Sinclair
Cantrill	Haugen	Martin	Sisson
Carew	Heflin	Mason	Slemp
Carss	Hersey	Minahan, N. J.	Small
Casey	Hicks	Montague	Smith, Ill.
Chindblom	Hill	Mooney	Smith, N. Y.
Clarke, Fla.	Holland	Moore, Pa.	Steele
Cole	Houghton	Moore, Va.	Stephens, Miss.
Cooper	Hulings	Moores, Ind.	Sullivan
Copley	Husted	Morin	Sweet
Costello	Hutchinson	Mudd	Swope
Cramton	Ireland	Murphy	Tague
Crowther	James	Neely	Taylor, Ark.
Cullen	Jefferis	Newton, Mo.	Temple
Dallinger	Johnson, Ky.	Nicholls, S. C.	Thomas
Davey	Johnson, S. Dak.	Nichols, Mich.	Tincher
Davis, Minn.	Johnson, Wash.	Nolan	Towner
Dempsey	Johnston, N. Y.	O'Connell	Treadway
Dent	Jones, Pa.	O'Connor	Vare
Dewalt	Kearns	Ogden	Voigt
Doremus	Kelley, Mich.	Olney	Volstead
Drane	Kendall	Paige	Watson, Pa.
Eagan	Kennedy, Iowa	Pell	Webb
Eagle	Kennedy, R. I.	Peters	White, Me.
Emerson	Kettner	Porter	Wilson, Pa.
Esch	Kinchcloe	Radcliffe	Winslow
Fess	Kleczka	Rainey, Henry T.	Wise
Fields	Kreider	Rainey, John W.	Wood, Ind.
Flood	LaGuardia	Ramsey	Yates
Fordney	Langley	Randall, Calif.	Young, N. Dak.
Frear	Layton	Reavis	
Freeman	Lazaro	Reber	

The committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2775, and finding itself without a quorum he had directed the roll to be called, when 225 Members answered to their names, a quorum, and he handed in the list of absentees.

The committee resumed its session.

Mr. ANDERSON. Mr. Chairman, I submit that when the point of no quorum was raised the committee was dividing on the question of an amendment, and that the vote should now be taken on that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreeed to.

ALASKA OIL PROVISO.

SEC. 22. That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in

wells and who had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this act expended not less than $250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of 1,280 acres in each: *Provided*, That leases in Alaska under this act, whether as a result of prospecting permits or otherwise, shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each 20-year period of the lease, and may, in the discretion of the Secretary, include noncontiguous tracts: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith shall be entitled to any of the benefits of this section.

Mr. FERRIS. Mr. Chairman, I move to amend, on page 62, by striking out the language in the lines 7 to 10, inclusive, and inserting in lieu thereof the language on page 55, which has been inserted heretofore in the other amendments.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. FERRIS: On page 62, beginning with line 7, strike out all of lines 7, 8, 9, and 10, and insert in lieu thereof the following: "*Provided, however*, That no fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith."

The CHAIRMAN. The question is on the amendment.

Mr. ANDERSON. Mr. Chairman, the amendment of the gentleman from Oklahoma is one which, in common with other amendments which he has offered—and, I am sure, without any intent of that kind—has the effect of weakening the fraud provisions of the bill. The provision as it stands in the bill puts everyone on notice as to whether fraud has been committed or not. It requires every purchaser of lands embraced within the purview of this act to make a reasonable inquiry as to the title which his predecessor in interest had. If the amendment of the gentleman from Oklahoma be adopted, any purchaser may shut his eyes and, without making any effort at all to determine whether his predecessor's title was fraudulent or not, take the land absolutely without any taint of fraud. I am willing to grant that a man who takes land innocently after making due inquiry and after making every effort reasonable to ascertain that his predecessor's title was good ought to be protected, but I think you go a long way toward encouraging fraud in these matters when you undertake to invite people who come in as secondary owners of these lands to shut their eyes to the character of the title which their predecessor in interest had. I think you go a long way toward encouraging fraud when you say to a man, "All that is necessary for you to do in order to be absolutely secure in your title, as against any fraud which your predecessor in interest committed, is to shut your eyes and make no inquiry whatever as to the character of the title or the way in which he secured his interest."

I want to serve notice now that, while I would like to vote for this bill, if the Committee on Public Lands continues to put in provisions weakening the law, making its provisions against fraud absolutely nugatory, I shall find it very difficult, if not impossible, to vote for it; and I do not want the Committee on Public Lands to put me in that position, because I should like to vote for legislation which will permit the development of these lands under circumstances which will amply protect the public interest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. FERRIS) there were—ayes 57, noes 13.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of any of the substances enumerated in section 23 hereof has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with rules and regulations to be prescribed by the Secretary of the Interior. The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty to be fixed by the Secretary of the Interior. Lands known to contain such valuable deposits as are enumerated in section 23 hereof and not covered by permits or leases, except such lands as are situated in said county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding 2,560 acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each 20-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the committee a question in reference to this section. The first part of this section authorizes the permittee to operate his holding at a royalty of not less than one-eighth of the amount or value of the production. This part provides "that the permittee shall have a preferential right to lease the remainder of the land embraced within the limits of the permits at a royalty to be fixed by the Secretary of the Interior." Now, what I want to ask the chairman of the committee is, whether the last provision I have read is intended to permit the Secretary of the Interior to lease the remainder of the land to the permittee at a royalty less than that provided for the other half of the leasehold.

Mr. SINNOTT. No; the Secretary would not do that. He would probably go higher. He gets the prospecting permit and upon the discovery of sodium he is entitled to one-half of the land at a royalty of not less than one-eighth.

Mr. ANDERSON. If it were proper to put in a limitation of less than one-eighth in the first place it seems to me it would be clearly proper to put any such limitation with respect to the last half.

Mr. SINNOTT. There would not be any objection to that. Of course, the Secretary would not lease for any less royalty.

Mr. ANDERSON. I assume, and I think it would be a reasonable assumption, that the failure of Congress to put into this provision the limitation which is put into the other might indicate an intention on the part of Congress that the last half should be leased for less than the minimum royalty.

Mr. SINNOTT. The Secretary would read into it some limitation. He would probably exact a higher royalty for the balance, as is done in the oil wells.

Mr. ANDERSON. I want also to direct the attention of the gentleman to line 24, page 63, in which there appears to be no limit at all upon the royalty, because the provision provides that the lease shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease. Is there any differentiation there which resulted in the committee refraining from making a minimum in that case?

Mr. SINNOTT. No; there was not.

Mr. ANDERSON. Mr. Chairman, I offer an amendment. Page 63, line 14, after the word "royalty," insert "of not less than one-eighth of the amount or value of the production."

Mr. SINNOTT. I will accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. RAKER. A point of order—the Clerk has not reported the amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 63, line 14, after the word "royalty," insert "of not less than one-eighth of the amount or value of the production."

The question was taken, and the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the same amendment after the word "royalty," in line 24, page 63.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 63, line 24, after the word "royalty," insert "of not less than one-eighth of the amount or value of the production."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 25. That in addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding 40 acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I have to preface my question with respect to this section with the statement that I admit I do not know very much about this sodium proposition, but the

preceding section and section 23 authorize the total holding to one permittee of 2,560 acres. It would seem that the holding ought to be sufficient to cover the land necessary for camp sites, refining works, and other purposes of that sort, without the additional amount carried in section 25. I rose for the purpose of asking the committee what is the reason for this provision?

Mr. SINNOTT. A man may have a plant away and apart from the original leasehold. Now, in my State they are taking sodium salts and they are transporting them in a pipe line, or expect to transport them, 50 or 60 miles to the main plant, that may be on public land several miles from the leasehold, and that is to meet a case of that kind.

Mr. ANDERSON. Do I understand the gentleman that it is not necessary in working these sodium deposits that the plant should be contiguous to the deposit?

Mr. SINNOTT. It is not so in my State.

Mr. ANDERSON. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold at one time more than three oil or gas leases granted hereunder in any one State and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or are in any wise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out of lines 7 and 8, page 67, the words "with consent of lessee."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Nebraska: Page 67, line 7, after the word "trust," strike out the words "with consent of lessee."

Mr. EVANS of Nebraska. The purpose of this provision found on page 67 evidently is to prevent combinations, and yet with those words in it loses all force for that purpose. For instance, it has been stated here, and I presume it is a fact, that there are 27 corporations under the control of the Standard Oil Co., or known as Standard Oil corporations. Each of those corporations is entitled to buy and sell and own stock in other corporations. A corporation itself can only sin by the acts of the corporation or its officers acting within the purview of their duty. Therefore if one of these 27 corporations forms another corporation for the purpose of leasing, and it holds 51 per cent of the stock, the balance being held by other persons, it can control all of that territory, and the 27 corporations can control 27 leasing propositions, which will not be subject to the provisions of this act. If you strike out "with consent of the lessee," you then give virility to this provision. If you leave it in, it is absolutely useless.

Mr. SINNOTT. If you strike that out, a man's property and lease would be forfeited if some one does something without his consent.

Mr. EVANS of Nebraska. Not unless it is in the combination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. EVANS].

The question was taken, and the amendment was rejected.

Mr. VAILE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VAILE: Page 6, line 15, after the figures "18," insert the figures "18 (a)."

Mr. VAILE. Mr. Chairman, this is merely to cover the previous section, which we divided, so as to include them both.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question. The provision beginning on line 6, page 6, provides:

Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General.

And so forth.

I take it that under that language the holding is valid, and any operations conducted under it would be valid until after action brought by the United States. Am I correct in my construction of that language?

Mr. SINNOTT. That would relate to a lease, but not to a permit. The Secretary has certain rights under a permit, but after the permit is merged into a lease, then it will take court action.

Mr. ANDERSON. Well, Mr. Chairman, I want to ask what was the reason for that sort of a provision? Ordinarily a lease would be void ab initio, but here you put the entire burden on the Government to proceed to forfeit the lease before anything can be done in the way of showing fraud.

Mr. SINNOTT. It is in recognition of that legal, or equitable, principle that the law abhors a forfeiture, and there must be a showing made in court before the forfeiture can be secured.

Mr. ANDERSON. I assume a man could scarcely hold a larger amount of land under this act than the act permits, without knowing it. Therefore it seems to me that it ought to provide that the holding of an amount in excess of the amount permitted by the law should be void from the beginning.

Mr. SINNOTT. Well, a man might inadvertently secure more stock than he is entitled to; and it is in line with all court proceedings in relation to forfeiture.

Mr. ANDERSON. Mr. Chairman, I move to insert in line 7, page 66, after the word "be" the words "void and shall be." So that it will read:

Any interests held in violation of this act shall be void and shall be forfeited to the United States.

And so forth.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 66, line 7, after the word "be" insert "void and shall be."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ANDERSON. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 11, noes 33.

Mr. ANDERSON. Mr. Chairman, I make a point of no quorum.

The CHAIRMAN. The gentleman from Minnesota makes the point of no quorum. The Chair will count.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the Committee do now rise. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The committee refuses to rise.

Mr. ANDERSON. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The point of no quorum is withdrawn.

So the amendment was rejected.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last two words.

Mr. EVANS of Nebraska. Mr. Chairman, I would like to ask the chairman of the committee a question, calling his attention to lines 13 and 14, on page 66. What is the purpose of the lan-

guage "to be held for two years and not longer after its acquisition"?

Mr. SINNOTT. That is in case the property devolves upon some one by descent, will, judgment, or decree. They do not want to compel him to summarily dispose of it at once, but they give him a little grace.

Mr. EVANS of Nebraska. That is where he has too many acres? Is that it?

Mr. SINNOTT. Oh, no. If this property devolves upon him an excess amount, too many acres——

Mr. EVANS of Nebraska. That is what I meant.

Mr. SINNOTT. Yes.

The CHAIRMAN. The Clerk will read.

Mr. BAER. Mr. Chairman, I offer an amendment as a separate section, 27a.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Dakota.

The Clerk read as follows:

Amendment offered by Mr. BAER: Page 67, line 18, after the word "proceedings," insert a new section, 27a:

"SEC. 27a. That, subject to the provisions, limitations, and conditions of this act, the Secretary of the Interior is authorized to issue leases for coal, oil, oil shale, or gas deposits owned by the United States and the lands containing same to any State of the United States the constitution and laws of which authorize it to engage in the business of mining or extracting, treating, and disposing of such mineral deposits."

Mr. SINNOTT. Mr. Chairman, I make the point of order on that. It is not germane to the subject.

The CHAIRMAN. The point of order is sustained.

Mr. BAER. I want to make one remark. I made that amendment to the bill under the coal provision, and did not include oil and phosphates. While it may not be germane to the section, I will introduce it at the proper time.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this act to the extent of the ground occupied by the said pipe line and 25 feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company, not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

Mr. RAKER. Mr. Chairman, on line 23, page 67, I ask that the word "aet" be stricken out and the word "act" be substituted.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Strike out, in line 23, page 67, the word "aet" and insert the word "act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. ANDERSON. Mr. Chairman, apparently this section proposes to grant rights of way to every applicant under this act, and provides that the Government may in express terms reserve and provide that the owner "shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company, not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this act." I can not find in this section any place where any person is required to apply to the Secretary of the Interior for the right of way. His right of way is granted by the bill itself. I do not see any way by which he can get before the Secretary of the Interior so that the Secretary can impose any limitations on him.

Mr. SINNOTT. It is down at the bottom of page 67, "under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior."

Mr. ANDERSON. That is to say, that under general language it is contemplated that the Secretary will require an application in every case where the lessee under the provisions of this act desires to use any public lands. Is that correct?

Mr. SINNOTT. I think that is a reasonable construction of it.

Mr. ANDERSON. There was some doubt in my mind as to whether the general language to which the gentleman refers was sufficient to make it certain that the interest of the lessee to the right of way did not attach until after application, acceptance, and approval of the application by the Secretary. In other words, I had the general impression from reading the section that the section itself granted the right of way.

Mr. SINNOTT. Automatically?

Mr. ANDERSON. Yes.

Mr. SINNOTT. No; I think not.

Mr. ANDERSON. I may be in error about that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 29. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit, upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. May I ask the chairman of the committee if it is contemplated under this provision that the easements and rights of way over the public domain shall be granted without compensation?

Mr. SINNOTT. Yes; for this purpose.

Mr. ANDERSON. An easement under a general provision of this kind might be a very valuable right, might it not?

Mr. SINNOTT. It would only be valuable in connection with the operation of the property.

Mr. ANDERSON. And such an easement, of course, might very materially decrease the value of the public lands upon which it was granted.

Mr. SINNOTT. Of course the lessee is paying for that right of way when he leases his property, paying for it in his bid and his royalty. Like a railroad employee who gets a pass over the railroad, he really does not get a free pass. He pays for it in his daily employment.

Mr. ANDERSON. Then the gentleman asserts that the words "upon such terms as he may determine to be just," in line 25, on page 68, and line 1, on page 69, do not include a reasonable charge for the value of the use of the right of way?

Mr. SINNOTT. I think those words are broad enough to permit the Secretary to make a charge. My attention was not on that precise language.

Mr. ANDERSON. I wanted the gentleman's opinion that the language was broad enough to authorize a charge.

Mr. SINNOTT. I think it is.

Mr. ANDERSON. Because I desired to offer an amendment, unless I could have the gentleman's assurance that he did think that language was broad enough to cover a charge.

Mr. SINNOTT. I was called away while the section was being read, and did not have that exact language in mind. I think it is broad enough to cover that.

Mr. ANDERSON. With that assurance of the chairman of the committee, I withdraw my pro forma amendment.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Oregon if it is intended to have a night session on this bill?

Mr. SINNOTT. Not to-night.

Mr. WALSH. The shades of night are falling fast, and we have had a pretty good exemplification of a strenuous day——

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill under consideration in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks on the bill under consideration in Committee of the Whole. Is there objection?

There was no objection.

BANKS IN NORTH DAKOTA.

Mr. BAER. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to address the House for one minute. Is there objection?

Mr. RAKER. Reserving the right to object, on what subject?

Mr. BAER. In relation to an alleged bank failure at Fargo, N. Dak. I think it will be of interest.

Mr. GARD. Is the gentleman's request for a moment or for a minute?

Mr. BAER. For a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BAER. Mr. Speaker, about two weeks ago a press dispatch sent out from Fargo, N. Dak., and widely published under glaring headlines, proclaimed that the Scandinavian-American Bank of that city was closed because of being insolvent. Later the newspapers in the Northwest qualified the statement by saying the bank was "alleged" to be insolvent. The fact of the matter is that the bank was never insolvent.

At the outset, let me make it clear that the Scandinavian-American Bank is a private institution and must not be confused with the state Bank of North Dakota, which is now organized with a capital of $2,000,000 and has deposits amounting to $13,000,000. Many newspapers, intentionally or unintentionally, led the public to believe that the bank which was alleged to be insolvent was the State-owned Bank of North Dakota, established by a constitutional amendment, ratified at two elections by the majority of the people. I wish that I had the time to comment on the success of this new State institution, which embraces features of the Federal reserve bank and the farm-loan bank. It has a wonderful record. Mr. F. W. Cathro, director general of the bank, recently stated in a report that the bank has earned more than $40,000 in the seventy-odd days it has been doing business. It has not only made this profit but it has had a great tendency to reduce the interest of first farm mortgages throughout the State. This bank has been created solely for public service and makes no unsecured loans. Consequently any charges made against the State bank are absolutely false.

At the time that the Scandinavian-American Bank was closed, the State bank examiner was out of the State on official business at the request of the attorney general. The attorney general, allying himself with another member of the banking board, formed a political plot to close up the institution, in order to discredit the Nonpartisan League, many members of which had notes in this bank. In the absence of the State bank examiner they used an incompetent deputy to carry out their designs. I say "incompetent" because he overlooked thousands of dollars in collateral which was deposited in the bank. The reports of this deputy, whose name is Halldorson, either were the outgrowth of the grossest bias or the rankest incompetence, for when Mr. Thatcher, an expert auditor of the Equitable Audit Co., of St. Paul, checked up the Scandinavian-American Bank he declared that it was in sound going condition at the time it was closed. Without checking up the total amount of collateral, Mr. Halldorson said that the bank was "hopelessly insolvent." Mr. Thatcher pointed out that collections were $217,000 since Halldorson made his report, and that loans and discounts had been reduced by $191,000 since the attorney general's crew were ousted from the bank, proving the assets of the institution were exceptionally liquid. Mr. Thatcher showed the sound business policy accompanying the loans made by the bank and the manner in which the loans were paid out. "To-day the cash reserve of the bank is 220 per cent of the requirements," he said. "The total reserve is 160 per cent of the requirements. I wish to state that the bank is not only solvent, but it has its capital and surplus intact and it has accumulated net profits of $10,000."

I want to call the attention of the House to the fact that certain papers played up this false report of the bank being insolvent at the time, but they have been profoundly silent since dispatches came from Fargo stating that the bank had been reopened last Saturday, after a decision of the supreme court, which declared that the bank had never been insolvent. The court ousted the attorney general and his "pretenders." Upon his return, the State bank examiner, Mr. Lofthus, investigated the bank and in his report stated: "I am satisfied that this bank is not only solvent, but also retains its surplus and some undivided profits. Considering the interests of the bank patrons, the stockholders, and the credit of the State of North Dakota, and knowing that the bank is solvent and is in a condition to resume business, it is my opinion that it should be opened and allowed to resume business."

In addition to the reduction in the loans, Mr. Lofthus found the reserve of the institution $85,000 above the amount required in addition to the bank's holding of $50,000 in Liberty bonds. He asserted that Halldorson had sent out deceptive statements regarding the bank's condition because in the time he examined the institution "he could not have obtained a sufficient knowledge of the financial status to qualify him to properly pass judgment on the bank's solvency."

In view of these statements of such responsible officials I think it unnecessary for my going into details concerning this dastardly attempt to wreck a perfectly sound institution. The infamous effort of the obstructionists of a great movement of the people was an attempt to break its financial backbone by foreclosing just before harvest. It failed.

Last Tuesday a tremendous mass meeting was held in the huge auditorium at Fargo, which in spite of its great capacity was totally inadequate to accommodate the crowd, necessitating the holding of an overflow meeting. Hon. Lynn J. Frazier, governor of the State; President A. C. Townley, of the Nonpartisan League; and other prominent men addressed the enthusiastic multitude and were greeted time and time again with thunderous applause, in which were mingled cries of "We'll stick; we are not broke yet."

At midnight, at the conclusion of this tremendous gathering, there was presented the unusual spectacle of hundreds of farmers lined up in front of an institution alleged to be insolvent, not for the purpose of making a "run" on the bank, but for the purpose of making a run to deposit their thousands of dollars in actual cash, as an indication of their faith in the solvency of the institution. This is the most unique spectacle in American history, an example of a bank where depositors, in spite of false reports, showed their unswerving confidence in its stability and registered their contempt for the tactics of the conspirators.

While their sentiment was more substantially demonstrated by the bushels of money that were actually piled up on the bank floors the following resolutions well express the spirit of the meeting:

Be it resolved, That we, the farmers of North Dakota in mass convention assembled in Fargo on this 21st day of October, 1919, hereby unite in setting forth for the benefit of the people of the United States the facts in the plot which resulted in the temporary closing of the Scandinavian-American Bank of Fargo.

Five years ago there began in the State of North Dakota an organization which has continually, insistently, and successfully harassed and attacked the methods of the monopolistic business parasites, and during the past five years it has been the hope and the dream of the grain speculator, the unnecessary middle man, and the monopolistic business parasites that they might awake to find the Nonpartisan League had met with disaster; that its newspapers had been wiped out; that the farmers' banks had been wrecked; that the farmers' stores had been closed; and that the farmers' program of progress had been set back half a century. They have not only dreamed but they have organized and concentrated their publicity, political, and financial forces to bring about this result. Having tried the test of political strength, the test of economic strength, the test of false accusation, and every test which they could devise to destroy this great movement and having failed, they finally changed their plans and used the only weapon which has invariably proved successful for them and their kind—money power.

For some months past the chamber of commerce barons, the milling magnates, the railroad dictators, and the great financial kings have planned together day by day to bring upon the farmers' movement disaster from all sides. They have enlisted in their cause by fair means or foul three men in whom the people of North Dakota had placed their faith, and working with those men they have planned to refuse to cash paper issued by farmers' banks, to refuse to loan money to farmers' institutions, to make farmers' notes and farmers' checks valueless, to cause runs on farmers' banks, to destroy farmers' newspapers, to wipe out the Nonpartisan League and all it stands for, to stop the building of mills and elevators in North Dakota. They have prepared and sent out through all the news channels of the United States of America the message that a great fraud has been exposed, that the farmers' movement has failed, and that the State of North Dakota is bankrupt. They have been willing to go to any lengths to gain their ends, and in this malign attempt to crush the very heart of democracy in the State of North Dakota their chief work has been done by men who were trusted by the people of the State; men who have stooped to any act, no matter how low; men who stood ready to and did violate any law; men who are daily violating their oath of office; men who apparently retain no respect for themselves, their name, or their families; men who listen no longer to the desire of their constituents; men who are willing to destroy the whole future of true democracy in order to satiate their selfish political desires, and in their reckless pursuit of their program of destruction they have unlawfully and unjustly attempted to destroy this safe, sound, and solvent bank, the leading farmers' bank of North Dakota—the Scandinavian-American.

Now, therefore, we do hereby resolve:

First. That we call upon our fellow citizens, the people of the State of North Dakota to stand fast in support of their institutions and the program of progress to which their State has committed herself, to believe no false charges made against the State, to have faith in their

movement and stand unfaltering, shoulder to shoulder, to answer back the enemies of this great movement by coming forward and making the Scandinavian-American Bank of Fargo the biggest bank in the State, both in capital and surplus and in business conducted by it.

Second. That whereas in the face of the unfaithfulness of Langer, Hall, and Kositzky, in the face of all their political trickery, and in the face of all the obstacles that have been raised, Lynn J. Frazier, governor, and John N. Hagan, commissioner of agriculture and labor, have remained faithful to the cause of the people of the State and have made possible the splendid success which the State is achieving in its progressive work; Therefore be it further

Resolved, That we tender to Lynn J. Frazier, and John N. Hagan our most heartfelt thanks for the tireless, self-sacrificing fight they have made in spite of heart-breaking opposition and that we assure them of our unbounded love and admiration for what they have done and pledge them our devoted cooperation in carrying through to a finish the work they have so splendidly begun against such heavy odds; and be it further

Resolved, That engrossed copies of this resolution be made, attested as correct by the secretary of this convention, and presented to Gov. Frazier and Commissioner Hagan.

EXTENSION OF REMARKS.

Mr. GRIFFIN, Mr. CONNALLY, and Mr. JONES of Texas were granted leave to extend their remarks in the RECORD.

LEAVE OF ABSENCE.

Mr. JOHNSON of Washington, by unanimous consent, was given leave of absence for one day.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent that on Thursday next at 2 o'clock the House stand in recess not to exceed 30 minutes——

Mr. VOLSTEAD. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, where a veto message comes from the President of the United States to the House is it not in order to have it submitted at once?

The SPEAKER. It is; it is within the discretion of the Chair. The Chair was about to submit it, but thought that he would have these minor matters cleared up first.

Mr. HUMPHREYS. Mr. Speaker, may I submit my request, as the gentleman objected before he heard it? I ask unanimous consent that the House recess next Thursday at 2 o'clock for 15 minutes, the purpose being at that time to present to Gen. McCain a silver cup——

Mr. MONDELL. Mr. Speaker, I shall have to object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WALSH. Reserving the right to object, on what subject?

Mr. RAKER. On the rank for nurses in the Army. It is in reference to a bill I have before the Committee on Military Affairs.

Mr. SANFORD. I object.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt; and

H. J. Res. 151. Joint resolution to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1377. An act for the relief of Amherst W. Barber;

S. 2250. An act providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam;

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; and

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt; and

H. J. Res. 151. Joint resolution to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

PROHIBITION.

The Speaker laid before the House the following message from the President of the United States:

To the House of Representatives:

I am returning, without my signature, H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."

The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

It will not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country. In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

WOODROW WILSON.

THE WHITE HOUSE,
27 October, 1919.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

Mr. VOLSTEAD. Mr. Speaker, I move that the consideration of the message vetoing the bill H. R. 6810, the national prohibition bill, be postponed until next Thursday immediately after the reading of the Journal.

Mr. WALSH. Mr. Speaker, I move to lay the motion to postpone on the table.

The SPEAKER. The gentleman from Minnesota moves that the consideration of the veto message be postponed until next Thursday, and the gentleman from Massachusetts moves to lay that motion on the table.

Mr. WINGO. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. If the motion to lay on the table is not carried would that force an immediate vote on the matter?

The SPEAKER. The Chair thinks it would. The question is on the motion of the gentleman from Massachusetts to lay the motion of the gentleman from Minnesota on the table.

The question was taken; and on a division (demanded by Mr. WALSH) there were 14 ayes and 63 noes.

Mr. WALSH. Mr. Speaker, I make the point that no quorum is present.

Mr. MADDEN. I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MADDEN) there were 24 ayes and 46 noes.

So the House refused to adjourn.

The SPEAKER. The gentleman from Massachusetts makes the point that no quorum is present. It is obvious that no quorum is present, and the question is on the motion of the gentleman from Massachusetts to lay the motion of the gentleman from Minnesota on the table. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 30, nays 184, answered "present" 2, not voting 215, as follows:

YEAS—30.

Aswell	Good	McArthur	Snyder
Begg	Hastings	Madden	Stephens, Ohio
Condy	Hull, Iowa	O'Connor	Summers, Wash.
Crago	Humphreys	Phelan	Tinkham
Curry, Calif.	Jefferis	Platt	Walsh
Dominick	Jones, Tex.	Quin	Wingo
Dunbar	Juul	Rogers	
Garland	Larsen	Sanford	

NAYS—184.

Almon	Benham	Browne	Cleary
Anderson	Black	Buchanan	Collier
Andrews, Md.	Blackmon	Byrnes, S. C.	Connally
Andrews, Nebr.	Bland, Ind	Byrns, Tenn.	Crisp
Ashbrook	Bland, Mo.	Campbell, Pa.	Currie, Mich.
Ayres	Blanton	Candler	Dale
Baer	Bowers	Cannon	Darrow
Bankhead	Box	Caraway	Davis, Tenn.
Barbour	Brand	Carss	Denison
Bee	Briggs	Christopherson	Dent
Bell	Brinson	Clark, Mo.	Dickinson, Mo.

Dickinson, Iowa	Hernandez	Mondell	Stedman
Doremus	Hersman	Moon	Steenerson
Doughton	Hickey	Moore, Ohio	Stevenson
Dowell	Hoch	Morgan	Strong, Kans.
Dupré	Huddleston	Mott	Strong, Pa.
Echols	Hull, Tenn.	Nelson, Mo.	Sumners, Tex.
Edmonds	Igoe	Nelson, Wis.	Sweet
Elliott	Jacoway	Nichols, Mich.	Taylor, Colo.
Ellsworth	Johnson, Miss.	Nolan	Taylor, Tenn.
Elston	Keller	Oldfield	Thompson
Esch	Kelly, Pa.	Oliver	Tillman
Evans, Nebr.	Kendall	Olney	Tilson
Evans, Nev.	King	Osborne	Timberlake
Fairfield	Kinkaid	Park	Upshaw
Ferris	Knutson	Parker	Vaile
Fisher	Kraus	Parrish	Venable
Flood	Lampert	Purnell	Vestal
Focht	Lanham	Raker	Vinson
Fuller, Ill.	Lankford	Ramseyer	Volstead
Gallagher	Lee, Ga.	Randall, Calif.	Walters
Gard	Lufkin	Randall, Wis.	Wason
Garrett	Luhring	Rayburn	Watkins
Glynn	McGlennon	Reavis	Watson, Va.
Goodwin, Ark.	McLane	Reed, W. Va.	Webster
Gould	McLaughlin, Mich.	Ricketts	Welling
Graham, Ill.	MacGregor	Robinson, N. C.	Welty
Green, Iowa	Mann, S. C.	Rose	Whaley
Greene, Vt.	Mapes	Rubey	White, Kans.
Griffin	Martin	Sanders, La.	Williams
Hadley	Mays	Scott	Wilson, Ill.
Hardy, Colo.	Mead	Sherwood	Wilson, La.
Harrison	Merritt	Sinnott	Woods, Va.
Haugen	Michener	Smith, Mich.	Woodyard
Hawley	Miller	Smithwick	Wright
Hayden	Monahan, Wis.	Steagall	Zihlman

ANSWERED "PRESENT"—2.

Mudd	Sears

NOT VOTING—215.

Ackerman	Freeman	Lesher	Riordan
Alexander	French	Linthicum	Robsion, Ky.
Anthony	Fuller, Mass.	Little	Rodenberg
Babka	Gallivan	Lonergan	Romjue
Bacharach	Gandy	Longworth	Rouse
Barkley	Ganly	Luce	Rowan
Benson	Garner	McAndrews	Rowe
Bland, Va.	Godwin, N. C.	McClintic	Rucker
Boise	Goldfogle	McCulloch	Sabath
Booher	Goodall	McDuffie	Sanders, Ind.
Britten	Goodykoontz	McFadden	Sanders, N. Y.
Brooks, Ill.	Graham, Pa.	McKenzie	Saunders, Va.
Brooks, Pa.	Greene, Mass.	McKeown	Schall
Browning	Griest	McKinley	Scully
Brumbaugh	Hamill	McKinley	Sells
Burdick	Hamilton	McLaughlin, Nebr.	Shreve
Burke	Hardy, Tex.	McPherson	Siegel
Burroughs	Haskell	MacCrate	Sims
Butler	Hays	Magee	Sinclair
Caldwell	Heflin	Maher	Sisson
Campbell, Kans.	Hersey	Major	Slemp
Cantrill	Hicks	Mann, Ill.	Small
Carew	Hill	Mansfield	Smith, Idaho
Carter	Holland	Mason	Smith, Ill.
Casey	Houghton	Minahan, N. J.	Smith, N. Y.
Chindblom	Howard	Montague	Snell
Clark, Fla.	Hudspeth	Mooney	Steele
Classon	Hulings	Moore, Pa.	Stephens, Miss.
Cole	Husted	Moore, Va.	Stiness
Cooper	Hutchinson	Moores, Ind.	Sullivan
Copley	Ireland	Morin	Swope
Costello	James	Murphy	Tague
Cramton	Johnson, Ky.	Neely	Taylor, Ark.
Crowther	Johnson, S. Dak.	Newton, Minn.	Temple
Cullen	Johnson, Wash.	Newton, Mo.	Thomas
Dallinger	Johnston, N. Y.	Nicholls, S. C.	Tincher
Davey	Jones, Pa.	O'Connell	Towner
Davis, Minn.	Kahn	Ogden	Treadway
Dempsey	Kearns	Overstreet	Vare
Dewalt	Kelley, Mich.	Padgett	Voigt
Donovan	Kennedy, Iowa	Paige	Ward
Dooling	Kennedy, R. I.	Pell	Watson, Pa.
Drane	Kettner	Peters	Weaver
Dunn	Kiess	Porter	Webb
Dyer	Kinchelce	Pou	Wheeler
Eagan	Kitchin	Radcliffe	White, Me.
Eagle	Kleczka	Rainey, Ala.	Wilson, Pa.
Emerson	Kreider	Rainey, H. T.	Winslow
Evans, Mont.	LaGuardia	Rainey, J. W.	Wise
Foss	Langley	Ramsey	Wood, Ind.
Fields	Layton	Reber	Yates
Fordney	Lazaro	Reed, N. Y.	Young, N. Dak.
Foster	Lea, Calif.	Rhodes	Young, Tex.
Frear	Lehlbach	Riddick	

So the motion to lay on the table was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. POU (for) with Mr. ANTHONY (against).

Mr. ACKERMAN with Mr. VENABLE.

Mr. KAHN with Mr. WEAVER.

Mr. BRITTEN with Mr. RUCKER.

Mr. BROOKS of Pennsylvania with Mr. O'CONNELL.

Mr. BURDICK with Mr. MCKINLEY.

Mr. CAMPBELL of Kansas with Mr. YOUNG of Texas.

Mr. CLASSON with Mr. WEBB.

Mr. DALLINGER with Mr. PADGETT.

Mr. DEMPSEY with Mr. OVERSTREET.

Mr. DUNN with Mr. MONTAGUE.

Mr. DYER with Mr. MANSFIELD.

Mr. FOSTER with Mr. MCDUFFIE.

Mr. FREAR with Mr. LINTHICUM.

Mr. FREEMAN with Mr. KETTNER.

Mr. FRENCH with Mr. HOWARD.

Mr. GOODALL with Mr. GODWIN of North Carolina.

Mr. GOODYKOONTZ with Mr. EVANS of Nebraska.

Mr. GRIEST with Mr. CLARK of Florida.

Mr. HAYS with Mr. CASEY.

Mr. HERSEY with Mr. CARTER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question is on the motion of the gentleman from Minnesota to postpone until Thursday, immediately after the reading of the Journal——

Mr. VOLSTEAD. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota desire to be recognized?

Mr. VOLSTEAD. Mr. Speaker, I believe I will withdraw the motion at this time. There are so many——

Mr. SANFORD. Mr. Speaker, I make the point of order—— [Cries of "Vote!"] I make the point of order that the gentleman can not withdraw the motion at this time. The House has already made a decision on it by refusing to lay on the table, and therefore under the rule the gentleman is not in a position to withdraw it. If the Chair is in doubt, I can give him the authority.

The SPEAKER. The Chair has been referred to a precedent which sustains the point made by the gentleman from New York, and accordingly the Chair sustains the point of order that the gentleman from Minnesota has not the right to withdraw it; consequently the question is——

Mr. WINGO. Mr. Speaker, a parliamentary inquiry?

Mr. BLANTON. Mr. Speaker, I offer a substitute for the motion——

The SPEAKER. The Chair will state the question first. The question is on the motion of the gentleman from Minnesota to postpone until Thursday——

Mr. BLANTON. But I offer a substitute, Mr. Speaker——

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

Mr. BLANTON. For the gentleman's motion, that we vote on the President's veto now.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker——

Mr. BLANTON. Mr. Speaker, a point of order.

Mr. MONDELL. Mr. Speaker, I was on my feet and I was demanding recognition at the time.

The SPEAKER. The Chair recognized the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, the purpose of this motion to postpone——

Mr. WALSH. Mr. Speaker, I raise the point of order that a motion to postpone is not debatable.

Mr. MONDELL. A motion to postpone is debatable.

The SPEAKER. The Chair will hear the gentleman from Wyoming.

Mr. WALSH. Does the Chair overrule the point of order?

The SPEAKER. Can the gentleman from Massachusetts refer the Chair to any decision? The Chair is referred to a decision saying that a motion to postpone to a day certain is debatable within very narrow limits only and the Chair will recognize the gentleman from Wyoming within very narrow limits. [Laughter.]

Mr. MONDELL. Mr. Speaker, we have a very important matter before us for consideration, important in its bearing on the welfare of the Nation, important because of the fact that a bill long considered by the Congress has been vetoed by the President. Under these circumstances it is proper and fitting that we shall defer consideration of the matter long enough to allow the entire membership of the House to get here [applause] and to a time when we shall have sufficient opportunity properly to consider the matter before us and to pass upon it intelligently. If we attempt to take the bill up prior to the time suggested by the gentleman from Minnesota we shall first have the special order and proceedings for to-morrow interfered with. If we attempt to take the message up to-morrow we shall have the question of Calendar Wednesday raised. To avoid those questions and take up the measure at the very earliest moment, when it can be taken up in the presence of the full membership of the House and be fully considered——

Mr. RUBEY. Will the gentleman yield?

Mr. MONDELL. The consideration should be deferred to Thursday, as suggested by the gentleman from Minnesota, and I move the previous question on his motion.

Mr. WALSH. The gentleman was not recognized to move the previous question.

The SPEAKER. The gentleman from Wyoming moves the previous question on the motion of the gentleman from Minnesota [Mr. VOLSTEAD] to postpone until Thursday.

The question was taken, and the Speaker announced that he was in doubt.

The House divided; and there were—ayes 100, noes 66.

So the previous question was ordered.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. If the motion to postpone to a certain day is voted down, does that mean the immediate consideration of the President's veto message which the Speaker has laid before the House?

The SPEAKER. It does, unless some other action is taken.

Mr. WINGO. If that is voted down, the only motion that would be in order would be either to lay on the table or to refer to a committee?

The SPEAKER. Or to adjourn.

Mr. WINGO. Or to adjourn.

The SPEAKER. The Chair thinks so. The Chair does not wish to limit himself, however.

Mr. WINGO. Some of the gentlemen were in a quandary as to what the parliamentary situation was.

Mr. IGOE. Mr. Speaker, would those on the other side, besides the gentleman from Arkansas [Mr. WINGO], now have an opportunity to make a speech?

Mr. WINGO. I made no speech. The information is just as valuable to the gentleman from Missouri as to anyone else.

The SPEAKER. The question is on the motion to postpone until Thursday.

The question was taken and the Speaker announced that the noes seemed to have it.

Mr. IGOE. Division, Mr. Speaker.

The House divided; and there were—ayes 87, noes 98.

Mr. IGOE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

Mr. GRIFFIN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. GRIFFIN. I am judging by the vote.

The SPEAKER. That is not material. The Chair will count. [After counting.] Two hundred and four gentlemen are present, not a quorum. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. Those in favor of the motion of the gentleman from Minnesota [Mr. VOLSTEAD] to postpone until Thursday will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 136, answered "present" 1, not voting 211, as follows:

YEAS—83.

Andrews, Md.	Dent	King	Randall, Wis.
Aswell	Doremus	Knutson	Rayburn
Bankhead	Dupré	Lampert	Sherwood
Bee	Dyer	Lee, Ga.	Sinnott
Bell	Eagan	McGlennon	Steagall
Black	Echols	McLane	Stevenson
Blackmon	Edmonds	McLaughlin, Mich.	Taylor, Colo.
Bland, Mo.	Flood	MacGregor	Thompson
Bowers	Gallagher	Mann, S. C.	Tilson
Buchanan	Gard	Martin	Venable
Byrnes, S. C.	Garland	Mead	Vinson
Campbell, Pa.	Glynn	Mondell	Watkins
Cannon	Griffin	Moon	Watson, Va.
Carss	Harrison	Morgan	Welty
Clark, Mo.	Hays	Mott	Whaley
Classon	Hersman	Nelson, Mo.	Wilson, Ill.
Cleary	Huddleston	Nichols, Mich.	Wilson, La.
Collier	Hudspeth	Nolan	Woods, Va.
Connally	Hull, Iowa	Parker	Woodyard
Crago	Igoe	Phelan	Zihlman
Denison	Jefferis.	Platt	

NAYS—136.

Almon	Byrns, Tenn.	Ellsworth	Hastings
Anderson	Candler	Esch	Haugen
Andrews, Nebr.	Caraway	Evans, Nebr.	Hawley
Anthony	Christopherson	Evans, Nev.	Hayden
Ashbrook	Crisp	Fairfield	Hernandez
Ayres	Currie, Mich.	Ferris	Hickey
Baer	Curry, Calif.	Fisher	Hoch
Barbour	Dale	Focht	Howard
Begg	Darrow	Fuller, Ill.	Hull, Tenn.
Benham	Davis, Tenn.	Garrett	Humphreys
Bland, Ind.	Dickinson, Mo.	Good	Jacoway
Blanton	Dickinson, Iowa	Gould	Jones, Tex.
Box	Dominick	Graham, Ill.	Juul
Brand	Doughton	Green, Iowa	Keller
Briggs	Dowell	Greene, Vt.	Kelly, Pa.
Brinson	Dunbar	Hadley	Kendall
Browne	Elliott	Hardy, Colo.	Kiess
Kinkaid	Newton, Minn.	Ruhey	Timberlake
Kraus	Oldfield	Sanders, La.	Tinkham
Lanham	Oliver	Sanford	Upshaw
Lankford	Osborne	Scott	Vaile
Larsen	Park	Smith, Mich.	Vestal
Lufkin	Parrish	Smithwick	Volstead
Luhring	Purnell	Snyder	Walsh
McArthur	Quin	Stedman	Walters
Madden	Raker	Steenerson	Wason
Mapes	Ramseyer	Stephens, Ohio	Weaver
Mays	Randall, Calif.	Strong, Kans.	Webster
Merritt	Reavis	Strong, Pa.	Welling
Michener	Reed, W. Va.	Summers, Wash.	Wheeler
Miller	Ricketts	Sumners, Tex.	White, Kans.
Monahan, Wis.	Rogers	Sweet	Williams
Moore, Ohio	Romjue	Taylor, Tenn.	Wingo
Nelson, Wis.	Rose	Tillman	Wright

ANSWERED "PRESENT"—1.

Sears

NOT VOTING—211.

Ackerman	French	Little	Riddick
Alexander	Fuller, Mass.	Lonergan	Riordan
Babka	Gallivan	Longworth	Robinson, N. C.
Bacharach	Gandy	Luce	Robsion, Ky.
Barkley	Ganly	McAndrews	Rodenberg
Benson	Garner	McClintic	Rouse
Bland, Va.	Godwin, N. C.	McCulloch	Rowan
Boies	Goldfogle	McDuffie	Rowe
Booher	Goodall	McFadden	Rucker
Britten	Goodwin, Ark.	McKenzie	Sabath
Brooks, Ill.	Goodykoontz	McKeown	Sanders, Ind.
Brooks, Pa.	Graham, Pa.	McKinley	Sanders, N. Y.
Browning	Greene, Mass.	McKinley	Saunders, Va.
Brumbaugh	Griest	McLaughlin, Nebr.	Schall
Burdick	Hamill	McPherson	Scully
Burke	Hamilton	MacCrate	Sells
Burroughs	Hardy, Tex.	Magee	Shreve
Butler	Haskell	Maher	Siegel
Caldwell	Heflin	Major	Sims
Campbell, Kans.	Hersey	Mann, Ill.	Sinclair
Cantrill	Hicks	Mansfield	Sisson
Carew	Hill	Mason	Slemp
Carter	Holland	Minahan, N. J.	Small
Casey	Houghton	Montague	Smith, Idaho
Chindblom	Hulings	Mooney	Smith, Ill.
Clark, Fla.	Husted	Moore, Pa.	Smith, N. Y.
Coady	Hutchinson	Moore, Va.	Snell
Cole	Ireland	Moores, Ind.	Steele
Cooper	James	Morin	Stephens, Miss.
Copley	Johnson, Ky.	Mudd	Stiness
Costello	Johnson, Miss.	Murphy	Sullivan
Cramton	Johnson, S. Dak.	Neely	Swope
Crowther	Johnson, Wash.	Newton, Mo.	Tague
Cullen	Johnston, N. Y.	Nicholls, S. C.	Taylor, Ark.
Dallinger	Jones, Pa.	O'Connell	Temple
Davey	Kahn	O'Connor	Thomas
Davis, Minn.	Kearns	Ogden	Tincher
Dempsey	Kelley, Mich.	Olney	Towner
Dewalt	Kennedy, Iowa	Overstreet	Treadway
Donovan	Kennedy, R. I.	Padgett	Vare
Dooling	Kettner	Paige	Volgt
Drane	Kincheloe	Pell	Ward
Dunn	Kitchin	Peters	Watson, Pa.
Eagle	Kleczka	Porter	Webb
Elston	Kreider	Pou	White, Me.
Emerson	LaGuardia	Radcliffe	Wilson, Pa.
Evans, Mont.	Langley	Rainey, Ala.	Winslow
Fess	Layton	Rainey, Ill. T.	Wise
Fields	Lazaro	Rainey, J. W.	Wood, Ind.
Fordney	Lea, Calif.	Ramsey	Yates
Foster	Lehlbach	Reber	Young, N. Dak.
Frear	Lesher	Reed, N. Y.	Young, Tex.
Freeman	Linthicum	Rhodes	

So the motion was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. ACKERMAN with Mr. YOUNG of Texas.

Mr. BACHARACH with Mr. WISE.

Mr. BOIES with Mr. WILSON of Pennsylvania.

Mr. BRITTEN with Mr. WEBB.

Mr. FRENCH with Mr. O'CONNELL.

Mr. GOODYKOONTZ with Mr. NEELY.

Mr. GRIEST with Mr. MONTAGUE.

Mr. HAMILTON with Mr. MINAHAN of New Jersey.

Mr. HERSEY with Mr. MAJOR.

Mr. HICKS with Mr. MAHER.

Mr. HOUGHTON with Mr. MCKEOWN.

Mr. HULINGS with Mr. MCDUFFIE.

Mr. HUTCHINSON with Mr. MCANDREWS.

Mr. IRELAND with Mr. LONERGAN.

Mr. JOHNSON of South Dakota with Mr. LEA of California.

Mr. KAHN with Mr. KETTNER.

Mr. BROOKS of Illinois with Mr. THOMAS.

Mr. BROOKS of Pennsylvania with Mr. TAYLOR of Arkansas.

Mr. BROWNING with Mr. TAGUE.

Mr. BURDICK with Mr. SULLIVAN.

Mr. BURKE with Mr. STEELE.

Mr. BURROUGHS with Mr. SMITH of New York.

Mr. BUTLER with Mr. SMALL.

Mr. KEARNS with Mr. JOHNSTON of New York.

Mr. CHINDBLOM with Mr. SISSON.

Mr. COLE with Mr. SIMS.

Mr. KELLEY of Michigan with Mr. JOHNSON of Mississippi.
Mr. KENNEDY of Rhode Island with Mr. HOLLAND.
Mr. COOPER with Mr. SCULLY.
Mr. COPLEY with Mr. SAUNDERS of Virginia.
Mr. COSTELLO with Mr. SABATH.
Mr. CROWTHER with Mr. RUCKER.
Mr. DALLINGER with Mr. ROWAN.
Mr. KLECZKA with Mr. HEFLIN.
Mr. LANGLEY with Mr. HAMILL.
Mr. LAYTON with Mr. GOODWIN of Arkansas.
Mr. DAVIS of Minnesota with Mr. ROBINSON of North Carolina.
Mr. DEMPSEY with Mr. RIORDAN.
Mr. DUNN with Mr. JOHN W. RAINEY.
Mr. LONGWORTH with Mr. GODWIN of North Carolina.
Mr. LUCE with Mr. GARNER.
Mr. ELSTON with Mr. HENRY T. RAINEY.
Mr. MCFADDEN with Mr. GANDY.
Mr. EMERSON with Mr. POU.
Mr. FESS with Mr. PELL.
Mr. FORDNEY with Mr. PADGETT.
Mr. FOSTER with Mr. OVERSTREET.
Mr. FREAR with Mr. OLNEY.
Mr. FREEMAN with Mr. O'CONNOR.
Mr. GOODALL with Mr. NICHOLLS of South Carolina.
Mr. GREENE of Massachusetts with Mr. MOONEY.
Mr. HASKELL with Mr. MANSFIELD.
Mr. HILL with Mr. MCKINIRY.
Mr. HUSTED with Mr. MCCLINTIC.
Mr. JONES of Pennsylvania with Mr. LESHER.
Mr. JOHNSON of Washington with Mr. LAZARO.
Mr. KREIDER with Mr. HARDY of Texas.
Mr. MCKENZIE with Mr. GALLIVAN.
Mr. MCKINLEY with Mr. FIELDS.
Mr. MCPHERSON with Mr. EAGLE.
Mr. MACCRATE with Mr. DRANE.
Mr. MANN of Illinois with Mr. KITCHIN.
Mr. MASON with Mr. DONOVAN.
Mr. MOORE of Pennsylvania with Mr. DEWALT.
Mr. MORIN with Mr. CULLEN.
Mr. LEHLBACH with Mr. GOLDFOGLE.
Mr. MCCULLOCH with Mr. GANLY.
Mr. MCLAUGHLIN of Nebraska with Mr. EVANS of Montana.
Mr. MUDD with Mr. COADY.
Mr. MAGEE with Mr. DOOLING.
Mr. MOORES of Indiana with Mr. DAVEY.
Mr. OGDEN with Mr. CARTER.
Mr. PAIGE with Mr. CAREW.
Mr. PORTER with Mr. CALDWELL.
Mr. RADCLIFFE with Mr. BRUMBAUGH.
Mr. REBER with Mr. BENSON.
Mr. MURPHY with Mr. CASEY.
Mr. REED of New York with Mr. BABKA.
Mr. PETERS with Mr. CANTRILL.
Mr. RAMSEY with Mr. BOOHER.
Mr. RHODES with Mr. ALEXANDER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. IGOE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The motion before the House is, Will the House pass the bill on reconsideration, the objections of the President to the contrary notwithstanding?

Mr. IGOE. Mr. Speaker, is it in order to make a motion to adjourn?

Mr. VOLSTEAD. Mr. Speaker, I do not think it is necessary to say——

The SPEAKER. The Chair thinks he ought to recognize the gentleman from Missouri [Mr. IGOE]. The gentleman was addressing the Chair. The gentleman from Missouri moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" appeared to have it.

Mr. IGOE. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Missouri demands a division.

The House divided; and there were—ayes 67, noes 162.

So the motion was rejected.

Mr. VOLSTEAD. Mr. Speaker, I do not believe that this House is anxious to discuss this question. [Cries of "Vote!"] It has been discussed over and over again. It has been voted upon in this House time and time again, and in seems to me that in view of the situation there is no occasion for prolonging the discussion.

Mr. IGOE. Mr. Speaker, will the gentleman yield for a question?

Mr. VOLSTEAD. It is absolutely no new question. The same question has been decided before. It is the same question that we have decided here on the floor before.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. VOLSTEAD. Yes.

Mr. IGOE. The gentleman does not think there is any need for discussion. May I ask him why, a short while ago, if there is no reason for discussion or reconsideration, he asked that it be laid over until Thursday? Why did the gentleman ask a few moments ago that it be laid over until Thursday?

Mr. VOLSTEAD. Mr. Speaker, I move the previous question.

Mr. IGOE. Mr. Speaker, I was about to ask the gentleman a question.

Mr. VOLSTEAD. I move the previous question.

Mr. IGOE. Does the gentleman decline to answer?

The SPEAKER. Apparently the gentleman declines to answer.

Mr. IGOE. That is all right if the RECORD shows it.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] demands the previous question. The question is on agreeing to the motion for the previous question.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. IGOE. I demand a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 161, noes 38.

So the previous question was ordered.

Mr. GRIFFIN. Mr. Speaker, I make the point of no quorum.

Mr. BLANTON. Mr. Speaker, I make the point that the gentleman's point is dilatory.

Mr. GRIFFIN. No. It is obvious. [Laughter.]

The SPEAKER. The gentleman from New York [Mr. GRIFFIN] makes the point that there is no quorum present. The Chair will count. [After counting.] The Chair counts 223 gentleman. A quorum is present. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding? On this the Constitution requires a roll call. The Clerk will call the roll. Those in favor of passing the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 175, nays 55, answered "present" 3, not voting 198, as follows:

YEAS—175.

Almon	Dunbar	Kinkaid	Sinnott
Anderson	Echols	Knutson	Smith, Mich.
Andrews, Md.	Elliott	Kraus	Smithwick
Andrews, Nebr.	Ellsworth	Lanham	Snell
Anthony	Esch	Lankford	Steagall
Ashbrook	Evans, Nebr.	Larsen	Stedman
Aswell	Evans, Nev.	Lee, Ga.	Steenerson
Ayres	Fairfield	Luhring	Stevenson
Baer	Ferris	McLaughlin, Mich.	Strong, Kans.
Bankhead	Fisher	Major	Strong, Pa.
Barbour	Flood	Mann, S. C.	Summers, Wash.
Begg	Focht	Mapes	Sumners, Tex.
Benham	Foster	Mays	Sweet
Black	Fuller, Ill.	Michener	Taylor, Colo.
Bland, Ind.	Garrett	Miller	Taylor, Tenn.
Blanton	Good	Monahan, Wis.	Thompson
Bowers	Goodwin, Ark.	Mondell	Tillman
Box	Gould	Moore, Ohio	Timberlake
Brand	Graham, Ill.	Morgan	Upshaw
Briggs	Green, Iowa	Mott	Vaile
Brinson	Greene, Vt.	Nelson, Mo.	Venable
Brooks, Ill.	Hadley	Nelson, Wis.	Vestal
Browne	Hardy, Colo.	Newton, Minn.	Vinson
Byrnes, S. C.	Harrison	Oldfield	Volstead
Byrns, Tenn.	Hastings	Oliver	Walters
Candler	Haugen	Osborne	Wason
Cannon	Hawley	Park	Watkins
Caraway	Hayden	Parker	Watson, Va.
Carss	Hays	Parrish	Weaver
Carter	Hernandez	Purnell	Webster
Christopherson	Hickey	Quin	Welling
Collier	Hoch	Raker	Welty
Connally	Howard	Ramseyer	Wheeler
Crisp	Huddleston	Randall, Calif.	White, Kans.
Currie, Mich.	Hudspeth	Rayburn	Williams
Dale	Hull, Tenn.	Reavis	Wilson, Ill.
Darrow	Jacoway	Reed, W. Va.	Wilson, La.
Davis, Tenn.	Johnson, Miss.	Ricketts	Wingo
Denison	Jones, Tex.	Romjue	Woods, Va.
Dickinson, Mo.	Keller	Rose	Woodyard
Dickinson, Iowa	Kelly, Pa.	Rubey	Wright
Dominick	Kendall	Rucker	Young, Tex.
Doughton	Kiess	Sanders, La.	Zihlman
Dowell	King	Scott	

NAYS—55.

Bee	Edmonds	McArthur	Pou
Blackmon	Gallagher	McGlennon	Randall, Wis.
Bland, Mo.	Gard	McLane	Rogers
Buchanan	Garland	MacGregor	Sanford
Campbell, Pa.	Glynn	Madden	Sherwood
Clark, Mo.	Griffin	Martin	Snyder
Classon	Hersman	Mead	Stephens, Ohio
Cleary	Hull, Iowa	Merritt	Tilson
Curry, Calif.	Humphreys	Moon	Tinkham
Dent	Igoe	Mudd	Walsh
Doremus	Jefferis	Nichols, Mich.	Ward
Dupré	Juul	Nolan	Whaley
Dyer	Lampert	Phelan	Winslow
Eagan	Lufkin	Platt	

ANSWERED "PRESENT"—3.

Donovan	Sears	Stiness

NOT VOTING—198.

Ackerman	Freeman	Lesher	Reed, N. Y.
Alexander	French	Linthicum	Rhodes
Babka	Fuller, Mass.	Little	Riddick
Bacharach	Gallivan	Lonergan	Riordan
Barkley	Gandy	Longworth	Robinson, N. C.
Bell	Ganly	Luce	Robsion, Ky.
Benson	Garner	McAndrews	Rodenberg
Bland, Va.	Godwin, N. C.	McClintic	Rouse
Boies	Goldfogle	McCulloch	Rowan
Booher	Goodall	McDuffie	Rowe
Britten	Goodykoontz	McFadden	Sabath
Brooks, Pa.	Graham, Pa.	McKenzie	Sanders, Ind.
Browning	Greene, Mass.	McKeown	Sanders, N. Y.
Brumbaugh	Griest	McKinley	Saunders, Va.
Burdick	Hamill	McKinley	Schall
Burke	Hamilton	McLaughlin, Nebr.	Scully
Burroughs	Hardy, Tex.	McPherson	Sells
Butler	Haskell	MacCrate	Shreve
Caldwell	Heflin	Magee	Siegel
Campbell, Kans.	Hersey	Maher	Sims
Cantrill	Hicks	Mann, Ill.	Sinclair
Carew	Hill	Mansfield	Sisson
Casey	Holland	Mason	Slemp
Chindblom	Houghton	Minahan, N. J.	Small
Clark, Fla.	Hulings	Montague	Smith, Idaho
Coady	Husted	Mooney	Smith, Ill.
Cole	Hutchinson	Moore, Pa.	Smith, N. Y.
Cooper	Ireland	Moore, Va.	Steele
Copley	James	Moores, Ind.	Stephens, Miss.
Costello	Johnson, Ky.	Morin	Sullivan
Crago	Johnson, S. Dak.	Murphy	Swope
Cramton	Johnson, Wash.	Neely	Tague
Crowther	Johnston, N. Y.	Newton, Mo.	Taylor, Ark.
Cullen	Jones, Pa.	Nicholls, S. C.	Temple
Dallinger	Kahn	O'Connell	Thomas
Davey	Kearns	O'Connor	Tincher
Davis, Minn.	Kelley, Mich.	Ogden	Towner
Dempsey	Kennedy, Iowa	Olney	Treadway
Dewalt	Kennedy, R. I.	Overstreet	Vare
Dooling	Kettner	Padgett	Voigt
Drane	Kinchcloe	Paige	Watson, Pa.
Dunn	Kitchin	Pell	Webb
Eagle	Kleczka	Peters	White, Me.
Elston	Kreider	Porter	Wilson, Pa.
Emerson	LaGuardia	Radcliffe	Wise
Evans, Mont.	Langley	Rainey, Ala.	Wood, Ind.
Fess	Layton	Rainey, H. T.	Yates
Fields	Lazaro	Rainey, J. W.	Young, N. Dak.
Fordney	Lea, Calif.	Ramsey	
Frear	Lehlbach	Reber	

The SPEAKER. The Clerk will announce the pairs.

The Clerk announced the pairs, as follows:

On this vote:

Mr. NICHOLLS of South Carolina and Mr. McDUFFIE (yea) with Mr. HAMILL (no).

Mr. HEFLIN and Mr. RAINEY of Alabama (yea) with Mr. RIORDAN (no).

Mr. COOPER and Mr. MURPHY (yea) with Mr. SCULLY (no).

Mr. COLE and Mr. YOUNG of North Dakota (yea) with Mr. LONGWORTH (no).

Mr. TEMPLE and Mr. HULINGS (yea) with Mr. CRAGO (no).

Mr. STINESS and Mr. THOMAS (yea) with Mr. BURDICK (no).

Mr. WISE and Mr. OVERSTREET (yea) with Mr. CULLEN (no).

Mr. DEMPSEY and Mr. TAYLOR of Arkansas (yea) with Mr. BACHARACH (no).

Mr. HOLLAND and Mr. STEPHENS of Mississippi (yea) with Mr. MINAHAN (no).

Mr. TINCHER and Mr. LITTLE (yea) with Mr. LAZARO (no).

Mr. BURROUGHS and Mr. FESS (yea) with Mr. GALLIVAN (no).

Mr. SANDERS of Indiana and Mr. ALEXANDER (yea) with Mr. COADY (no).

Mr. BARKLEY and Mr. McKEOWN (yea) with Mr. DONOVAN (no).

Mr. SISSON and Mr. McCLINTIC (yea) with Mr. JOHNSON of New York (no).

Mr. WILSON of Pennsylvania and Mr. SIMS (yea) with Mr. McANDREWS (no).

Mr. MOORE of Virginia and Mr. Bell of Georgia (yea) with Mr. SMITH of New York (no).

Mr. HERSEY and Mr. WOOD of Indiana (yea) with Mr. KAHN (no).

Mr. TOWNER and Mr. WHITE of Maine (yea) with Mr. RODENBERG (no).

So, two-thirds voting in the affirmative, the bill was passed, the objections of the President to the contrary notwithstanding.

Mr. LONGWORTH. Mr. Speaker, I desire to vote "nay."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. LONGWORTH. Practically.

The SPEAKER. Unless the gentleman was present and listening when his name was called he does not qualify.

Mr. LONGWORTH. May I vote "present," Mr. Speaker?

The SPEAKER. The Chair has no discretion to allow the gentleman to vote at all.

SEVERAL MEMBERS inquired how they were recorded.

Mr. GARD. Mr. Speaker, what is the necessity of gentlemen who voted one way or the other coming up and asking how they are recorded?

The SPEAKER. It is quite irregular. There is no occasion to distrust the record. It can be changed in the morning, if necessary.

Mr. GARD. There are 30 or 40 of them doing that.

The SPEAKER. It takes the time of the House and is quite irregular. If gentlemen wish to change their votes, of course they have that privilege.

Mr. GODWIN of North Carolina. Mr. Speaker, I wish to know how I am recorded.

The SPEAKER. Did the gentleman vote?

Mr. GODWIN of North Carolina. No, sir.

The SPEAKER. The gentleman is not recorded.

Mr. GODWIN of North Carolina. I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. GODWIN of North Carolina. I was not.

Mr. RAINEY of Alabama. Mr. Speaker, I desire to be paired.

The SPEAKER. Unless the gentleman was present and listening when his name was called he can not vote.

Mr. RAINEY of Alabama. I am not asking to vote. I am simply asking to be paired.

The SPEAKER. That is a matter to be arranged with the pair clerk.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. I wish to know if gentlemen who are informed by the Chair that they can not vote because they were not present and listening when their names were called may still answer "present," so as to be included in the number necessary to make a quorum.

The SPEAKER. The Chair thinks not. There is a quorum present.

The result was announced as above recorded.

The SPEAKER. Two-thirds having voted in the affirmative, the bill is passed, the objections of the President to the contrary notwithstanding.

Mr. BLANTON. I move that the vote by which the bill was passed over the President's veto be reconsidered, and I move to lay that motion on the table.

The SPEAKER. That motion is not in order.

THE FIRST DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I present a conference report on the bill H. R. 9205, the first deficiency bill, for printing under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 10, 12, 28, 31, 34, 35, 40, 42, 43, 44, 45, 46, 55, 62, 63, 64, 72, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 36, 37, 38, 39, 48, 49, 50, 51, 52, 53, 54, 57, 58, 66, 67, 68, 69, 70, 71, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"COMMITTEE ON PUBLIC INFORMATION.

"Authority is hereby granted the Director of the Council of National Defense to expend during the fiscal year 1920 the sum of $32,000 from the funds now to the credit of the Committee on

Public Information for necessary expenses incurred therefor since July 1, 1919, and for the expenses of auditing and closing the accounts and affairs of said committee. All unexpended balances of appropriations for and allotments to the Committee on Public Information shall remain available for payment under the direction of the Director of the Council of National Defense of such liabilities as were actually and necessarily incurred by the committee prior to June 30, 1919: *Provided*, That $1,000,000 of such appropriations and allotments shall be covered into the Treasury immediately upon the passage of this act."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "continuing" and insert in lieu thereof the word "completing"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the word "Ten" and insert in lieu thereof the word "Five" and, in line 6, strike out "$1,600" and insert in lieu thereof "$800"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after line 15; and the Senate agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the House agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,863,176"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"ORDNANCE DEPARTMENT.

"Ordnance reservation civilian schools: Authority is granted for the expenditure during the fiscal year 1920 of not to exceed $45,000 from appropriations heretofore made for the 'purchase, manufacture, and test of ammunition for mountain, field, and siege cannon,' for the operation and maintenance on ordnance reservations at Amatol and Mays Landing, N. J.; Nitro, W. Va.; Jacksonville, Tenn.; Penniman, Va.; Sheffield and Muscle Shoals, Ala.; and Tullytown, Pa., of schools for children of persons employed thereon, where public schools are not conveniently available for such children, including salaries, supplies, stationery, and industrial work, replacement and repair of books and equipment, and all incidental and necessary expenses in connection therewith."

On page 11 of the bill, in line 10, strike out "1919" and insert in lieu thereof "1910."

And the Senate agree to the same.

Amendment numbered 47: That the Senate recede from its disagreement to the amendment of the House numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"NAVY DEPARTMENT.

"Rent: For rental of additional quarters for the Navy Department, fiscal year 1919, $175."

And the House agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the matter, inserted by said amendment, strike out "$1,000" and insert in lieu thereof "$500," and in line 4 strike out "$666.67" and insert in lieu thereof "$333.34"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 3, of the matter inserted by said amendment, strike out "$1,000" and insert in lieu thereof "$600," and in line 5 strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$600," and in line 3 strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 74: That the Senate recede from its disagreement to the amendment of the House numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL CONFERENCE OF LABOR.

"For salaries and expenses of the international conference of labor, as follows:

"United States Government executive staff: For two and one-half months, at monthly compensation as follows: Assistant to the secretary, $450; first assistant, $300; three executive assistants, at $200 each; two assistants at hotels, at $200 each; private secretary, $200; two stenographers, at $150 each; typist, $125; and two messengers, at $75 each; in all, $6,312.50.

"Conference staff, for two months, at monthly compensation as follows: Two stenographers, at $150 each; two deputy secretaries, at $300 each; four subsecretaries (for commissions), at $200 each; four interpreters, at $200 each; three English-French translators, at $200 each; three French-English translators, at $200 each; six French stenographers, at $83.33 each; six English stenographers, at $150 each; chief messenger, $125; eight messengers, at $75 each; expenses, at not exceeding $10 per diem for each person, $12,000; in all, $23,649.96."

"Chief clerk's office, for two months, at monthly compensation as follows: Chief clerk, $200; assistant chief clerk, $150; and stenographer, $150; in all, $1,000.

"Expenses: For reporting proceedings, $20,000; printing proceedings, $10,000; paper, $2,500; contingent expenses, $1,000; in all, $33,500.

"Total, international conference of labor, $64,462.46: *Provided*, That all accounting in connection with the conference shall be done by the disbursing officer of the Department of Labor: *Provided further*, That no part of the money herein appropriated for the international conference of labor shall be available for the payment of an allowance for per diem expenses in lieu of subsistence to any person residing in the District of Columbia: *Provided further*, That this sum shall not be supplemented by expenditures from any other appropriation nor shall any part of this or any other appropriation be used for telegraphing or cabling the proceedings of the said conference."

And the House agree to the same.

Amendment numbered 75: That the Senate recede from its disagreement to the amendment of the House numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,075"; and the House agree to the same.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of House.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On No. 1: Strikes out the paragraph, inserted by the Senate, requiring the executive departments and independent establishments to report each proposed new activity or investigation to the Bureau of Efficiency, and also the paragraph directing the

Bureau of Efficiency to investigate the methods of business in the Bureau of War Risk Insurance.

On No. 2: Inserts the paragraph, proposed by the Senate, relative to the closing up of the accounts of the Committee on Public Information, modified so as to authorize the use of $32,000 of unexpended balances for expenses incident to the work during the fiscal year 1920, and covers into the Treasury $1,000,000 of the unexpended balances of appropriations and allotments.

On Nos. 3, 4, 5, and 6, relating to the District of Columbia: Inserts the paragraph, proposed by the Senate, reappropriating certain unexpended balances of appropriations for sewer construction work for 1919 and makes them available for 1920; appropriates $19,000, as proposed by the Senate, for the upper Potomac interceptor; inserts the paragraph, proposed by the Senate, increasing from 20 per cent to 33⅓ per cent the amount of the appropriation for community forums and civic centers which may be expended for the payment of secretaries, teachers, organizers, and clerks; and appropriates $800 instead of $1,600, as proposed by the Senate, for charwomen for the new courthouse.

On No. 7: Appropriates $2,900, as proposed by the Senate, for the Columbia Hospital.

On No. 8: Appropriates $5,000,000, as proposed by the Senate, for the Federal Board for Vocational Education for the vocational rehabilitation of soldiers and sailors, and strikes out that portion of the amendment authorizing the transfer from the War Department to the Federal Board for Vocational Education of certain equipment valued approximately at $250,000.

On Nos. 9, 10, 11, and 12, relating to the State Department: Appropriates $200,000, instead of $100,000 as proposed by the House and $461,666.67 as proposed by the Senate, for additional officers and employees; appropriates $4,140.28, as proposed by the Senate, to provide for compensation of the ambassador to Belgium; strikes out the increase of $200,000, proposed by the Senate, in the appropriation to reimburse the fund "Emergencies arising in the Diplomatic and Consular Service, fiscal year 1920," on account of the expenses of the American mission to negotiate peace.

On Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22: Appropriates for certain additional employees in the Treasury Department from November 1, 1919, as proposed by the Senate, instead of from October 1, 1919, as proposed by the House.

On Nos. 23, 24, 25, 26, and 27, relating to public buildings: Increases the amount which may be expended during the fiscal year 1920 for repairs on Treasury Department buildings in the District of Columbia from $16,000 to $21,000, as proposed by the Senate; appropriates $2,800 additional for the purchase of a post-office site at Mount Olive, N. C.; appropriates $3,000 for rent of quarters at Nashville, Tenn.; appropriates $1,500 for rent of quarters at Newport, R. I., and $125,000 for additional construction at the Cape Charles, Va., quarantine station, as proposed by the Senate.

On Nos. 28 and 29, relating to the Secret Service Division of the Treasury Department: Strikes out the increase of $25,000, proposed by the Senate, and inserts the proviso, proposed by the Senate, authorizing a maximum pay of $12 per day to not to exceed three persons.

On No. 30: Appropriates $136,813.94, as proposed by the Senate, for additional employees in the Office of the Treasurer, to be employed in redeeming national currency.

On Nos. 31, 32, and 33, relating to the Bureau of War Risk Insurance: Strikes out the appropriation of $1,000,000, proposed by the Senate, for advertising, and inserts the appropriation of $161,536 for the purchase of addressograph supplies, as proposed by the Senate.

On No. 34. Strikes out the appropriation of $31,000, as proposed by the Senate, for telephone lines for the Coast Guard.

On No. 35: Strikes out the appropriation of $55,000, proposed by the Senate, for additional scales for the Customs Service.

On No. 36: Inserts the paragraph, as proposed by the Senate, requiring the American Printing House for the Blind to furnish two copies of each of its publications free of charge to the National Library for the Blind.

On No. 37: Inserts the paragraph, proposed by the Senate, establishing a credit of $147 in the accounts of C. G. Duganne, formerly disbursing officer of the Reclamation Service at Denver, Colo.

On No. 38: Appropriates $550, as proposed by the Senate, to credit the accounts of Sydney E. Smith, disbursing clerk of the War Department.

On No. 39: Inserts the language, proposed by the Senate, making the appropriation for contingent expenses of the War Department available for heating apparatus and repairs to buildings occupied by the War Department other than the State, War, and Navy Building.

On No. 40: Strikes out the appropriation of $200,000 for continuing the construction of the Aqueduct Bridge.

On No. 41: Restores the language, stricken out by the Senate, authorizing the maintenance of schools on Army ordnance reservations, modified so as to authorize the use of $45,000 instead of $64,000, as proposed by the House, and specifies the places at which schools may be maintained.

This amendment also corrects an error in the text of the bill by properly identifying a reference to the river and harbor appropriation act of June 25, 1910.

On No. 42: Strikes out the appropriation of $35,000, proposed by the Senate, for the purchase of a bridge across the Missouri River at Fort Leavenworth, Kans.

On No. 43: Strikes out the paragraph, proposed by the Senate, authorizing the expenditure of $13,872 for the purchase of certain land at Camp McClellan, Ala.

On No. 44: Strikes out the paragraph, proposed by the Senate, authorizing the expenditure during the fiscal year 1920 of $15,681,350 of unexpended balances of appropriations made during the fiscal years 1918 and 1919 for the Air Service of the Army.

On Nos. 45, 46, 47, and 48, relating to the Navy Department: Strikes out the appropriation, proposed by the Senate, for increases in compensation of draftsmen and engravers in the Hydrographic Office; strikes out the paragraphs, proposed by the Senate, authorizing certain expenditures in the office of the Naval Records and Library; inserts the paragraph, proposed by the Senate, appropriating $175 for rent of quarters; and inserts the appropriation of $6,289.94, as proposed by the Senate, for the payment of claims for damages which have been adjusted by the Secretary of the Navy in accordance with existing law.

On No. 49: Strikes out, as proposed by the Senate, the paragraph authorizing the transfer of $9,300,000 from appropriations for "Pay of the Navy" and "Provisions of the Navy" for the fiscal year 1920 to other bureaus of the Navy Department for work in connection with the repair of vessels.

On No. 50: Reduces from $800,000 to $500,000, as proposed by the Senate, the amount which may be expended from the appropriation "Maintenance, Bureau of Supplies and Accounts," for pay of classified employees.

On No. 51: Appropriates $3,500, as proposed by the Senate, for repair of an annex to the Senate folding room.

On No. 52: Appropriates $160,000, as proposed by the Senate, for expenses incurred in protecting timber on the public land from forest fires.

On Nos. 53, 54, and 55, relating to the Patent Office: Appropriates for additional employees from November 1, 1919, as proposed by the Senate, instead of from October 1, 1919, as proposed by the House, and strikes out the appropriation of $7,333.34 for additional employees to bring up to date the trade-mark work of that office.

On No 56: Appropriates $6,000,000, instead of $17,000,000, as proposed by the Senate, for continuing the construction of the Alaskan Railroad.

On Nos. 57 and 58, relating to the Postal Service: Appropriates $750,000 for compensation of clerks and employees at first and second class post offices, as proposed by the Senate, and appropriates $700,000, as proposed by the Senate, instead of $300,000, as proposed by the House, for the payment of limited indemnity on mail matter for the fiscal year 1919.

On Nos. 59, 60, 61, 62, and 63, relating to the Department of Justice: Increases the compensation of the chief clerk at the rate of $500 per annum instead of at the rate of $1,000 per annum, as proposed by the Senate; increases the compensation of the private secretary and assistant to the Attorney General, and the attorney in charge of pardons, at the rate of $600 each, instead of at the rate of $1,000 each as proposed by the Senate; strikes out the appropriation of $5,000 proposed by the Senate, for additional motor vehicles; and strikes out the authority, proposed by the Senate, for the purchase and maintenance of motor vehicles in connection with the detection and prosecution of crimes.

On No. 64: Strikes out the appropriation of $2,000, proposed by the Senate, for the payment of a United States district attorney of Portland, Oreg., for services rendered during the years 1916 and 1917.

On No. 65: Appropriates $45,000, instead of $25,000 as proposed by the House and $70,000 as proposed by the Senate, for the control and prevention of the spread of the Japanese beetle.

On No. 66: Appropriates $2,950,000 as proposed by the Senate, instead of $2,500,000 as proposed by the House, for expenses of the Forest Service in fighting and preventing forest fires.

On No. 67: Strikes out the paragraph, proposed by the House, authorizing the purchase and maintenance of a motor vehicle for the official use of the Director of the Census.

On Nos. 68, 69, 70, 71, and 72, relating to the Coast and Geodetic Survey: Strikes out the appropriation of $12,000, proposed by the House, to increase the compensation of draftsmen; strikes out the appropriation of $5,000, proposed by the House, to increase the compensation of engravers; strikes out the appropriation of $35,622.23, proposed by the Senate, to increase the compensation of draftsmen, engravers, computers, lithographers, transferrers, pressmen, plate printers, and certain other employees; appropriates for additional draftsmen and other employees from November 1, 1919, as proposed by the Senate, instead of from October 1, 1919, as proposed by the House.

On No. 73: Strikes out the appropriation of $35,000, proposed by the Senate, for expenses of the industrial conference.

On No. 74: Appropriates $64,462.46, instead of $73,212.46, as proposed by the Senate, for expenses of the international conference of labor. The Senate amendment is modified so as to increase the compensation of three English-French translators and three French-English translators from $125 to $200 per month each; to strike out the appropriation of $650 for expenses of the telegraph room; to strike out the appropriation of $10,000 for expenses of moving departments to provide offices; to insert an appropriation of $1,000 for contingent expenses; and to insert a proviso prohibiting the use of any other appropriation to supplement the funds granted in the bill and also prohibits the use of this or any other appropriation for the expenses of telegraphing or cabling proceedings of the conference.

On No. 75: Appropriates $1,075, instead of $2,150 as proposed by the Senate, for the compensation of statutory employees of the Botanic Garden.

On Nos. 76, 77, 78, 79, 80, and 81, relating to the Senate: Appropriates for the compensation of employees and for other expenses of the Senate in the manner and amounts proposed by each of the Senate amendments.

On No. 82: Appropriates $9,303.95 for the payment of judgments of United States courts which were certified to Congress after the bill had passed the House.

On No. 83: Appropriates $116,630.69 for the payment of judgments of the Court of Claims which were certified to Congress after the bill had passed the House.

On Nos. 84 and 85: Appropriates $1,160,333.82 and $353,920.50, respectively, for the payment of audited claims which were certified to Congress by the Secretary of the Treasury after the bill had passed the House.

On No. 86: Corrects a section number of the bill.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

Mr. CLARK of Missouri. Mr. Speaker, I reserve all points of order on the conference report just presented.

The SPEAKER. The gentleman from Missouri reserves all points of order on the conference report.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement by the governor of Illinois approving the President's statement on the coal situation.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert in the RECORD the matter stated.

Mr. BLANTON. Mr. Speaker, do I understand that the governor of Illinois approves the President's statement?

Mr. WILLIAMS. He does.

Mr. CLARK of Missouri. But suppose he did not approve it?

Mr. BLANTON. Then I would have objected to it.

Mr. NOLAN. Mr. Speaker, I object.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Tuesday, October 28, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting supplemental report and list of useless papers and requesting authority for the disposition of the same (H. Doc. No. 275); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Grisfield Harbor, Md. (H. Doc. No. 276); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting letter from the Chief of Engineers of the United States Army of 22d instant, together with report of preliminary examination of Old River, Chambers County, Tex. (H. Doc. No. 277); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of San Antonio River, Tex. (H. Doc. No. 278); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Galveston Bay at Smith Point, Tex. (H. Doc. No. 279); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON, from the Committee on Military Affairs, to which was referred the bill (S. 2495) transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department, reported the same without amendment, accompanied by a report (No. 418), which said bill and report were referred to the House Calendar.

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 3707) authorizing the enlistment of non-English-speaking citizens and aliens, reported the same without amendment, accompanied by a report (No. 423), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KELLER, from the Committee on Claims, to which was referred the bill (H. R. 1317) for the relief of Robert T. Legge, reported the same with an amendment, accompanied by a report (No. 420), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 176) for the relief of John M. Francis, reported the same without amendment, accompanied by a report (No. 421), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2716) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office, reported the same without amendment, accompanied by a report (No. 422), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 10205) to grant the consent of Congress to the Haileys Bridge Co. to construct a bridge across the Savannah River; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 10206) for the extension of Maryland Avenue east of Fifteenth Street to the Anacostia River; to the Committee on the District of Columbia.

By Mr. JONES of Texas: A bill (H. R. 10207) providing for service of process in causes removed from a State or other court to a United States court; to the Committee on the Judiciary.

By Mr. ALMON: A bill (H. R. 10208) to authorize the Limestone-Morgan Bridge Co., a corporation, to construct a bridge across the Tennessee River at or near the city of Decatur, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 10209) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR: A bill (H. R. 10210) to prevent rioting and mob murders and protect life and property from lawless depredation; to the Committee on the Judiciary.

By Mr. HUMPHREYS: A bill (H. R. 10211) to survey the Yazoo River, Miss., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. OLIVER (by request): A bill (H. R. 10212) to credit officers of the United States Naval Reserve Force with time served in the Naval Auxiliary Service; to the Committee on Naval Affairs.

By Mr. KELLEY of Michigan: A bill (H. R. 10213) to amend section 1406 of the act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919, and section 3 of the act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919; to the Committee on Naval Affairs.

Also, a bill (H. R. 10214) authorizing the Secretary of the Navy, in his discretion, to withhold any part or all of the retainer pay of members of the Naval Reserve Force for failure to perform certain duties; to the Committee on Naval Affairs.

By Mr. CONNALLY: Concurrent resolution (H. Con. Res. 35) approving the recent statement issued by the President of the United States regarding the threatened strike in the coal fields of the United States and pledging the support of the Congress to the President in the exercise of all of his constitutional powers in the premises; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 10215) granting a pension to Sarah Blackburn; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 10216) for the relief of Col. Henry D. Styer; to the Committee on Military Affairs.

By Mr. FISHER: A bill (H. R. 10217) granting a pension to David R. Locke; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 10218) granting a pension to Nancy J. Markham; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 10219) granting a pension to Kathrine Raumbeller; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 10220) granting an increase of pension to William Logsden; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10221) granting a pension to Scott Colegate; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 10222) granting a pension to Lewis Grignon; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 10223) granting a pension to Anna M. Amer; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 10224) granting a pension to Charles R. Johnston; to the Committee on Pensions.

Also, a bill (H. R. 10225) granting an increase of pension to Norman A. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10226) granting a pension to Arthur W. Deckman; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 10227) for the relief of Lieut. D. A. Neumann; to the Committee on Naval Affairs.

By Mr. PLATT: A bill (H. R. 10228) for the relief of Martha E. Conklin; to the Committee on Claims.

By Mr. SEARS: A bill (H. R. 10229) granting an increase of pension to Thomas L. Hancock; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10230) to correct the military record of Joseph L. Beck; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10231) granting a pension to Caroline Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting a pension to Comfort C. Gregory; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWNING: Petition of sundry honorably discharged soldiers, sailors, and marines who served in the war with Germany, favoring legislation to pay to each honorably discharged man one year's additional pay; to the Committee on Military Affairs.

By Mr. CAMPBELL of Pennsylvania: Petition of certain citizens of Allegheny County, expressing opposition to the Smith-Towner educational bill; to the Committee on Education.

By Mr. CURRY of California: Petition of E. W. Bullard and certain wool growers of California, against the proposed auction sales of foreign wool to be held in Boston; to the Committee on Ways and Means.

Also, petition of California Cedar Products Co., of Stockton, Calif., against the prohibition of the exportation of lumber and its products for a period of two years; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Petition of sundry citizens of Scottdale, Pa., for the return of the remains of soldiers who died and are buried on foreign soil; to the Committee on Military Affairs.

By Mr. DARROW: Petition of General Grant Post No. 5, Grand Army of the Republic, Philadelphia, Pa., in behalf of the speedy passage of the Fuller pension bill; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of Rockford Chamber of Commerce of Rockford, Ill., favoring a new cable across the Pacific; to the Committee on Interstate and Foreign Commerce.

Also, petition of Brooklyn Post No. 368, Department of Ohio, Grand Army of the Republic, favoring the Fuller bill, House bill 9369; to the Committee on Invalid Pensions.

Also, petition of the Chamber of Commerce of La Salle, Ill., protesting against the passage of the Siegel bill and other price-fixing bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union Scottish Societies, favoring the repeal of the tax on outdoor amusements; to the Committee on Ways and Means.

By Mr. GREEN of Iowa: Memorial on behalf of the Society of Friends, Menlo, Iowa, against military training and intervention in Mexico; to the Committee on Military Affairs.

By Mr. KINKAID: Petition of Roy L. Sweet and other residents of Sargent, Custer County, Nebr., in behalf of the Kenyon and Kendrick bills; to the Committee on Agriculture.

By Mr. MEAD: Petition of sundry citizens of Buffalo, N. Y., protesting against the passage of the so-called Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of sundry citizens of Brooklyn, N. Y., favoring the passage of a bill giving six months' pay to soldiers and sailors who participated in the great world conflict; to the Committee on Military Affairs.

Also, petition of Ukrainian National Committee, United States Branch, of Philadelphia, asking the United States of America to recognize the Ukrainian democratic Republic as a free, independent, and sovereign State; to the Committee on Foreign Affairs.

Also, petition of Foster-Milburn Co., Buffalo, N. Y., protesting against the passage of Senate bill 2904; to the Committee on Interstate and Foreign Commerce.

Also, petition of John M. Glenn, of Chicago, Ill., protesting against the passage of House bill 8572; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petition of Michigan Federation of Labor, favoring Federal retirement bill; to the Committee on Ways and Means.

Also, petition of Michigan Federation of Labor, favoring increased wage for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Tennessee: Petition of Thomas McCroskey, of Knoxville, Tenn., protesting against the order recently made by the Railroad Administration prohibiting the use of open-top cars for other than coal shipments; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. E. Fox & Co., of Dandridge, Tenn., relative to the live-stock situation; to the Committee on Agriculture.

By Mr. YATES: Petition of Fred W. Begemann, urging the passage of House bill 9559, providing for the relief of totally disabled Government employees; to the Committee on the Judiciary.

Also, petition of Acme Steel Goods Co. and Stewart-Warner Speedometer Corporation, Chicago, Ill., protesting against the closed shop; to the Committee on Labor.

Also, petition of Thomas W. Hagerty, Chicago, Ill., urging the passage of House bills 6688 and 4987; to the Committee on Military Affairs.

Also, petition of International Corset Co., Aurora, Ill., urging the passage of the program of railroad legislation as outlined and adopted by the Chamber of Commerce of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of United States customs inspectors, New York, N. Y., urging the passage of House bill 6577; to the Committee on Ways and Means.

Also, petition of Abingdon Retail Merchants' Association, Abingdon, Ill., urging enactment of such legislation as will encourage production and discourage abnormal demand, and in particular a limited embargo upon exports, prohibition of resales between distributors, limiting board of trade trading to actual delivery, and permitting only producers or distributors of food to deal in same; to the Committee on Ways and Means.

Also, petition of retail merchant's department, Pekin, Ill., urging enactment of such legislation as will encourage production and discourage abnormal demand, and in particular a limited embargo upon exports, prohibition of resales between distributors, limiting board of trade trading to actual delivery, and permitting only producers or distributers of food to deal in same; to the Committee on Ways and Means.

SENATE.

TUESDAY, *October 28, 1919.*

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., October 28, 1919.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. IRVINE L. LENROOT, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President Pro Tempore.

Mr. LENROOT thereupon took the chair as Presiding Officer.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, last evening I presented the conference report on House bill 9205, the first deficiency appropriation bill. I find on an examination that slight errors have been made in the report, and I ask leave to withdraw it for correction.

The PRESIDING OFFICER. Without objection, leave is granted.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDING OFFICER. The pending question is upon the adoption of the amendment in the form of a substitute proposed by the Senator from Tennessee [Mr. SHIELDS] to the amendment of the committee.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCumber	Smith, Md.
Ball	Hale	McKellar	Smoot
Bankhead	Harding	McLean	Spencer
Borah	Harris	McNary	Sterling
Brandegee	Harrison	Moses	Sutherland
Calder	Henderson	Nelson	Swanson
Capper	Hitchcock	New	Thomas
Chamberlain	Johnson, Calif.	Newberry	Townsend
Colt	Jones, N. Mex.	Nugent	Trammell
Culberson	Jones, Wash.	Overman	Underwood
Curtis	Kellogg	Page	Wadsworth
Dial	Kendrick	Penrose	Walsh, Mass.
Dillingham	Kenyon	Phipps	Walsh, Mont.
Edge	Keyes	Pomerene	Warren
Fernald	King	Robinson	Watson
Fletcher	Kirby	Sheppard	Williams
France	Knox	Shields	Wolcott
Frelinghuysen	La Follette	Simmons	
Gay	Lenroot	Smith, Ariz.	
Gerry	Lodge	Smith, Ga.	

Mr. MCNARY. I desire to announce the absence on official business of the Senator from Nebraska [Mr. NORRIS], the senior Senator from Oklahoma [Mr. GORE], the Senator from Louisiana [Mr. RANSDELL], and the junior Senator from Oklahoma [Mr. OWEN].

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained by illness in their families. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business. The Senator from Nevada [Mr. PITTMAN] is necessarily detained from the Senate.

The PRESIDING OFFICER. Seventy-six Senators have answered to the roll call. There is a quorum present.

FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION.

Mr. MCCUMBER. Mr. President, in these times of social upheaval and unbridled radicalism, when old standards of justice and right are distinctly scattered to the winds, I think the voice of any organized society calling out through the din of frenzied clamor for sobriety and sanity of both word and action is most timely.

I therefore present and ask to have read a resolution of the Supreme Council of the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States of America, which has lately been in session in the city of Washington and only closed its labors yesterday. The resolution is very short and I ask that it may be read by the Secretary.

The PRESIDING OFFICER. Is there objection? There being no objection, the Secretary will read the resolution.

The Secretary read as follows:

"Whereas the Great War has disturbed old conditions and relations between men, and

"Whereas the transition period is fraught with danger to our country and its institutions through precipitate judgment and ill digested remedial measures on the part of the few but mostly through the indifference and apathy of the many, and

"Whereas fanatical visionaries and criminal intelligence with baser motives have seized this opportunity to promulgate their doctrines of force and direct action regardless of right; now be it

"*Resolved*, That the Supreme Council of the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States of America, assembled in biennial session, does now reaffirm its ancient doctrine and repeat its belief in:

"The fatherhood of God and the brotherhood of man; that justice, truth, and equity should govern all human actions; and above all, the need of organized government and constituted authority to express the will of the people, for the people, and by the people, as distinguished from all forms of anarchy and mob rule;

"That we commend in the highest terms the efforts of the President and the Congress of the United States of America to maintain the fundamental principles as proclaimed in the Constitution.

"It further calls on all its subordinate bodies to read this resolution to their members when next assembled and to pledge them collectively and individually to the support of its purpose to maintain sane and reasoned judgment on all public questions, that our liberties and rights as Americans may be preserved and the freedom and dignity of our country be upheld."

LEAGUE OF NATIONS.

Mr. FLETCHER. Mr. President, I ask leave to have printed in the RECORD an article published in the New York Times of last Sunday entitled "Six to Six in the League."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH AND AMERICAN VOTES 6 TO 6 IN THE LEAGUE—OUR POWER IN ASSEMBLY EQUALS BRITISH ASIDE FROM JOHNSON AMENDMENT.

[By Prof. Albert Bushnell Hart.]

CAMBRIDGE, MASS., *October 17, 1919.*

To the Editor of the New York Times:

The discussion on the league of nations during the last six months has been nothing short of a public education. Millions of people have learned the meaning of such obscure terms as "covenant," "league," "ratification," "reservation," "amendment," "interpretation," "mandatory," "existing political independence," "arbitration," and "inquiry." Never since the Federal Constitution was on the knees of the gods a century and a third ago have the American people so carefully studied a document and so anxiously listened to arguments upon its meaning and its application to the future welfare of the country.

Therefore every intelligent person is aware that the league of nations does not contain the section under which the Japanese have become possessed of "rights" as a nation to own railroads and coal mines and to control the commerce of Shantung, which Germany took from China 20 years ago by the "rights" of robbery; that matter is introduced into the closely interwoven

treaty with Germany. Everybody knows also that the famous article 10 of the league of nations, by which "the members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence * * * of all members of the league," is a more moderate and guarded statement than in the original form of the league, and does not bind the United States to go to war or to take any steps dangerous to its own security.

The public, however, does not understand so clearly that the league of nations nowhere in terms gives to Great Britain any other or greater authority in the affairs of the league than any other nation. The "annex" to the covenant includes five communities that are thus accepted as "original members of the league of nations, signatories of the treaty of peace." Since under article 3 "the assembly shall consist of representatives of the members of the league" and "at meetings of the assembly each member of the league shall have one vote," it is true that representatives from within the British Empire may if they all agree cast six votes on one side or other of any question. It is true that therefore the voting weight of the population and territories composing the British Empire is six times as great in the assembly as the vote of the United States or France or China or any other great or small country.

To the mind of Senator JOHNSON this is an intolerable stigma as well as an incalculable danger to the United States. And Senator JOHNSON is so terrifically self-convinced, so absolutely given up to the task of saving his country from ruin, such a fiery Horatius at the bridge, that he leaves his audiences fairly stunned into the conviction that the league is passionately and personally unjust to the people and interests of our beloved land.

Two different lines of argument have been brought against this assertion, which has been driven into the public mind like a pile into a river bed. The first is President Wilson's riposte that it makes no difference how many votes Great Britain may cast, because the assembly is a talkfest and not a workfest. There is much in this argument. It has been evident from the beginning that the assembly was simply a means of giving to each of the constituent nations, no matter how large or how small, participation in the affairs and discussions of the league. The assembly is the parliament of the league. It furnishes the highly important opportunity for every member to bring its own grievances through its own spokesmen and to compel a hearing by the other members. It provides every nation its day in court. In addition, it offers the precious advantages of a world congressional record, for its case goes out to mankind, and at the same time every one of the signatories has a right to jump into the debates on the propositions of the other 29. Presumably the assembly will hold its meetings in public, and in any case its discussions will be no more secret than those of the United States Senate in executive session.

The assembly receives no substantive power for the ungainsayable reason that it is absolutely impossible to frame a world league upon the basis of an equal vote to every nation. No great power would possibly enter an assembly in which the combination of the votes of Bolivia, Ecuador, Greece, Guatemala, Hedjaz, Liberia, Peru, Poland, Portugal, Siam, Uruguay, Norway, Denmark, Persia, Switzerland, and Paraguay—a total of 16, and therefore a majority of the league members—could prevail against the will of the United States of America, together with China, France, Italy, Japan, Argentine Republic, Spain, and seven small powers.

To give decisions by equal votes would make a league of nations impossible. Hence it is not unreasonable to say that no extra number of votes given to any large power would secure for that power an undue influence in the league, inasmuch as no vote of the assembly can prevail against decisions by the council upon the highly important matters committed to that body.

The second argument is that there is nothing in the text of the league or in the conditions to make it certain that the six votes will act together. The British Empire, and also Canada, Australia, South Africa, New Zealand, and India, each for itself, are entitled to send "representatives" of those communities. The first four are as near independent nations as is possible for any bodies of men who recognize any central authority outside themselves.

Their forms of government have, to be sure, been enacted for them by the British Government, but in every case they have practically been drawn up by the people concerned, even at the expense of a part of the authority which Great Britain has previously exercised. They all elect their own legislative bodies; they all provide themselves with a prime minister, who is virtually the head of the State; they all have a cabinet government, which will undoubtedly designate the representatives in the world assembly and will instruct them. Furthermore, each one of those four communities has a larger population and a greater likelihood of power and prestige among future nations than several of the full and independent nations. Every one is more important to the world than any of the 16 small powers mentioned above, each of which has a vote equal to that of Australia or Canada.

Two deviations from the advantage of this plan from the British point of view are India and the remaining colonies of Great Britain in the West Indies and elsewhere, which are represented only by the central British Government. That India should have a vote in the league of nations when it has none in the Parliament of the Empire and is deprived of a Parliament of its own is a real anomaly and might be a cause of grievance. To be sure, India is next after China the most populous community on the face of the earth. It has furnished a million soldiers for the World War, and without them Mesopotamia, Palestine, and Syria could not have been conquered, and probably Egypt and the Suez Canal would have been lost. At present the vote of India is not a separate and independent vote in the same sense as that of Canada. It would undoubtedly be cast by the central authority in London. Furthermore, it is altogether likely that all the five adjunct votes would join that of Great Britain on any question which raised the square issue of the British Empire as a whole against the interests of other parts of the world.

The two lines of argument just discussed alone or taken together make it reasonably certain that no danger to the United States or to the proper conduct of the world league is to be expected from the six votes which are printed in the unterrifying official form, "British Empire, Canada, Australia, South Africa, New Zealand, India."

Even when the six communities all vote together they are outvoted several times over by aggregations of Central European, or Asiatic, or Latin American powers; and in any event votes in the assembly are not decisive of either the policy or the action of the league.

A third and more urgent answer to Senator JOHNSON has hitherto been left out in the cold. It has been carefully neglected by the enemies of the league, because it oversets all their appeals on this point; and the spellbinders of the league avoid it because it is based upon a disagreeable truth which it is thought indelicate to mention in political American circles. That truth may be brought out clearly by a little rearrangement and indenting of the names of a few of the "nations signatory" to the treaty of peace as follows: United States, Cuba, Panama, Dominican Republic, Nicaragua, Haiti.

The change of order simply calls attention to the fact that the United States has no right to complain that the British Empire controls five extra votes in the assembly of nations, inasmuch as the United States also controls five votes among its protectorates, and has a much greater assurance that nobody will break away from the gang. Considering the result of the Spanish War in bringing in territory, and the confidence of the American people that they can govern their small neighbors much better than those neighbors can govern themselves, it is singular that neither Government officials nor critics of public affairs are willing to come out in the open. Why not own that the United States, in addition to its tropical colonies of the Philippine Islands, Pacific Islands, Hawaii, Porto Rico, and the Virgin Islands, controls firmly established protectorates in five of the nearby Caribbean and Central American States. This modesty or obstinacy is the more remarkable in view of the fact that the paramount influence of the United States in those five countries is a line of policy steadily followed by four successive Presidents; that it has been confirmed in every case by treaties duly ratified by the Senate; and that Congress has without a whimper provided the troops necessary to keep the protectorates contented.

This formal policy of American protectorates began with the appearance of the American Army in Cuba in 1898, followed by an occupation of several years under the authority of President McKinley. Next came the Roosevelt Panama Treaty of 1904, which not only practically annexed the Canal Zone but left the remainder of the Republic of Panama under very direct American influence. The third case was that of Santo Domingo, occupied under orders from President Roosevelt in 1905. Nicaragua was in effect taken over under President Taft in 1911, and the transaction was confirmed by President Wilson in 1913. Haiti was occupied by American troops in 1915; as a contemporary newspaper put it, "Rear Admiral Caperton, of the United States Navy, is in complete charge of the Republic."

These were not temporary occupations, the result of attacks on the United States troops or ships or citizens or property, but a purposeful transfer of the final authority of government from the people of the five countries to the United States. This abrogation of sovereignty is expressed in the treaties made in every case, though in most instances some months or even years after

the territory had come within the power of the United States Government.

In 1902 the United States declined to withdraw the troops from Cuba till the Cubans made a part of the constitution of the Cuban Republic "the Platt amendment," which was originally drafted by President Roosevelt, to the effect that Cuba would never enter into any entangling treaty or attempt to declare its independence or allow any other power to get control. Furthermore, the United States was accorded "the right to intervene" in case of danger to the Cuban Government. In 1906 to 1909 American troops did enter Cuba under orders from Washington, and our Government stands ready at any time when it appears necessary to take over the Cuban Government again for the time being.

Panama granted no such right of intervention in the canal treaty of 1904; but the Republic is so subdivided and reduced in size that it is impossible for it to act contrary to the policy of the United States. The Santo Domingo treaty, ratified by the Senate in 1907, put the collection and the distribution of the national revenue in the hands of a receiver general, who was practically an officer of the United States; and that control has never been given up. Further, the Dominican Republic promised not to increase its public dues nor to modify its tariff revenues except in agreement with the United States. In Nicaragua a small force of United States marines virtually held the country down from 1911 to 1914, when Secretary Bryan negotiated a treaty finally ratified in 1916. A series of limitations was laid down similar to those laid upon Cuba, including the statement that "The United States had the right to intervene for the preservation of Nicaraguan independence." Ten days later the Senate ratified a treaty pressed upon the Haitian Government on 24 hours' notice, by which the control of the finances of the country was taken over by the United States. Haiti agreed not to surrender any territory to any other nations, and "should the necessity occur, the United States will lend an efficient aid."

Not only has the United States thus established fiscal control over three of the five countries; it also pays a benevolent attention to their politics and internal government. Any candidate for the presidency of the Republic of Panama who is not well inclined to the United States simply does not get before the electors. In Santo Domingo there was a great uproar because Secretary Bryan urged the fiscal official practically designated by the United States, but paid out of the Dominican treasury, to make appointments from "among deserving Democrats." Cuba would undoubtedly have a very different government and probably a different President but for the watchfulness of the big neighbor across the straits, which allows only the right kind of people to carry on the affairs of Cuba. There is not one of these five countries that really has an independent government or exercise of sovereignty. There is not one of the five, except perhaps Panama, that would not abrogate the arrangement with the United States if it had genuine "self-determination."

This article is not written to criticize the protectorate policy of the Government, for it seems to be accepted by all administrations, all departments of the Government, and all parties as a necessary and proper incident of our foreign relations. In Santo Domingo and Haiti there was great danger of some kind of foreign occupation, which the United States warned away. The control of Panama is a necessary defense of the canal. Nicaragua includes a possible canal route which the United States felt it must control. Peace in Cuba was the object of the war in 1898, and must be kept now.

The significant point is that the United States can not fairly enjoy all the advantages of these protectorates and then go before the world with the cry that Great Britain has jockeyed us by securing six votes in a negative and almost powerless assembly in which we have but one vote. No one acquainted with public affairs can suppose that the representatives of Haiti, Nicaragua, Panama, the Dominican Republic, and Cuba in the world assembly will ever be hostile to the United States. Not one of them would dream of joining a league of nations without the gracious nod of Uncle Sam. Those five votes would practically be at all times in the vest pocket of the American representatives in the assembly, acting under instructions from Washington. Other nations might perhaps protest that Latin American votes were too easily influenced by the United States. Talk of India! The United States has five Indias on the Atlantic side and one on the Pacific, for no one can doubt that the Philippine Islands, when they receive their "independence," will be checked by the same kind of string as Cuba, so far as foreign policy is concerned.

Therefore, all the talk about the affront to the dignity of the United States, the giving away of our equality in the league of nations, the exaltation of British influence, is nothing but a herring across the trail. The United States is abundantly protected against British votes, if protection were needed, by its complete influence over its protectorates. In addition it has in the council of nations a position of immense power and influence. It is one of the nine large countries there represented. It is one of the privileged group of five "principal and allied associate powers," and is the richest and has the greatest military strength of the five. It is one of the three powers—Great Britain, France, and the United States—which have closed together in the intention that the world shall be both democratic and peaceful. It is the leader in the two Americas.

In view of these immense advantages in the league, what is the sense of the violent lamentation and fist shaking and hullabaloo over the six votes of the British Empire? In China, when a woman has a "nervous breakdown" she gets up on the roof of a house and "reviles" not her husband or children particularly but the world in general. That relieves her feelings and the family knows that she will come down by and by in time to cook supper.

ALBERT BUSHNELL HART.

THREATENED STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, on yesterday I gave notice that upon to-day I would call up and ask unanimous consent for the consideration of Senate joint resolution 120. In view, however, of the extraordinary ceremonies which are scheduled for to-day, I shall defer asking for unanimous consent to consider the joint resolution until to-morrow morning. I ask that it may lie on the table in the meantime.

The PRESIDING OFFICER. Without objection, the joint resolution will lie on the table.

PAY OF OFFICERS AND ENLISTED MEN.

Mr. THOMAS. Mr. President, while I am on my feet I wish to refer to an article in the Post this morning which assumes to state the contents and purpose of a bill which I introduced yesterday, the statement being that its object was to provide for the detail of soldiers of the Army to work in the coal mines. Such was not the purpose or the intent of the bill, and I do not think that its phraseology justifies that interpretation. The object to be subserved by the bill is to permit the Government to detail soldiers, if necessary, to operate the facilities and means of communication necessary for the transaction of interstate commerce. The congestion of freight, the interruption of transportation, either by rail or by other lines of communication, are matters essentially different from production. The purpose of the bill is to utilize soldiers, if necessary, to keep these lines and these facilities in operation and, incidentally, to provide the same compensation for members of the Army when they are detailed for such purpose as is paid as wages in the ordinary transaction of the business appertaining to those lines.

LEAGUE OF NATIONS.

Mr. HITCHCOCK. I ask to have read the open letter which I send to the desk, adopted by the Berkeley Defense Corps, of California.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that there be read the communication referred to by him. Is there objection? If there be no objection, it will be so ordered. The Secretary will read.

The Secretary read as follows:

Moved and carried that the following open letter be sent to Senator HIRAM JOHNSON:

"DEAR SIR: This body consists of more than 600 average patriotic men of Berkeley. Doubtless more than two-thirds of us have voted for you. By a unanimous vote of all members present we have, three different times, indorsed the immediate ratification of the peace treaty, including the covenant of the league of nations. At a fair test vote of Berkeley citizens, nearly 2,000 voters recently, in the proportion of more than 4 to 1, favored such ratification, fewer voting for reservations or amendments than voted for rejection. The students of the State University, representing all parts of the State and consisting largely of ex-service men, by nearly as large a vote, expressed themselves more than 5 to 1 in favor thereof. The Berkeley Post of the American Legion has declared for ratification. The California Teachers' Association has just declared therefor unanimously. So also the State convention of Civic League by a 4-to-1 vote. Public sentiment throughout the State is overwhelmingly in favor of such action. Newspapers asserting the contrary are falsifying. You certainly do not feel more comfortable in the company of Hearst and De Young than in that of Rowell, Wallace, Richardson, Van Fleet, Angelotti, Olney, and thousands like them, thoughtful leaders of your own party in this State, not forgetting Herbert Hoover, our greatest Californian. Shantung should belong to China, but a league of nations can help restore it, and rejection would enable Japan to keep it and grab more.

"The very slight power in only one of the two bodies of the league given to self-governing British colonies can not conceivably do serious harm. It gives acknowledgment to the fact that, in substance, they 'are, and of right ought to be, free and independent States.' We of the Pacific coast would be silly fools to object to Canada, Australia, and New Zealand having even much greater influence. They speak our language, think the same thoughts, share in the same ideals. Like us, they face the Pacific and its problems, face the Orient with its 'teeming millions' of yellow and brown races. In the future difficulties that

may arise therefrom, those brave, English-speaking, liberty-loving white peoples are surer to be with us than is the British Government at London or even our own at Washington.

"France, Italy, and other European nations do not object to this representation in the assembly. France's statesmen are not fools, and are not treating their constituents as such. For us to ask six times the representation in the assembly that is given to our heroic sister Republic France, is in the nature of an insult to France and to our own intelligence and fairness.

"We earnestly beg you to represent Californians and therefore vote for ratification. Above all, force it to a vote."

BERKELEY DEFENSE CORPS.

BERKELEY, CALIF., *October 20, 1919.*

COAL SUPPLY.

Mr. FRELINGHUYSEN. I ask unanimous consent to have two telegrams, which I send to the Secretary's desk, read for the information of the Senate.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent that the telegrams referred to by him be read by the Secretary. Is there objection? There being no objection, it is so ordered.

The Secretary read as follows:

LOGAN, W. VA., *October 27, 1919.*

Senator JOSEPH S. FRELINGHUYSEN,
Washington, D. C.:

We can guarantee the nonunion miners of Logan County continuing to work if no outside influence or intimidation is permitted. Our miners are well satisfied and working to full capacity. This district can produce 1,000,000 tons of coal per month. Can we depend upon the Federal Government preventing any armed invasion by union miners to compel our men to cease work?

LOGAN COAL OPERATORS' ASSOCIATION.

PITTSBURG, KANS., *October 27, 1919.*

Senator FRELINGHUYSEN,
United States Senate, Washington, D. C.

HONORABLE SIR: We beg of you to exert the influence within your province toward averting the contemplated strike of bituminous coal miners, scheduled for November 1. A movement of this nature at the present time would be injurious to industry and seriously inconvenience the public. Should the demands of the miners be granted, the results would be disastrous to manufacturers and contractors using skilled labor in contract work in this district.

UNITED IRON WORKERS (INC.).

PETITIONS AND MEMORIALS.

Mr. LODGE presented memorials of sundry citizens of Cambridge, Worcester, West Somerville, Concord, and Everett, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty unless certain reservations are adopted, and praying for its separation from the Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of the Improvement Association, of Edgemont, Ohio, praying for the inclusion in the resolution of ratification of the treaty of peace and league of nations covenant of the reservations proposed in the report of the Committee on Foreign Relations, which was ordered to lie on the table.

Mr. NEWBERRY presented a petition of the Upper Peninsular Educational Association, of Marquette, Mich., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH (for Mr. CUMMINS):

A bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SIMMONS:

A bill (S. 3320) to amend and modify the war-risk insurance act; to the Committee on Finance.

By Mr. THOMAS:

A bill (S. 3321) for the improvement of the customhouse at Denver, Colo.; to the Committee on Public Buildings and Grounds.

COLD-STORAGE REGULATIONS.

Mr. NEWBERRY (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had passed a bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 1377. An act for the relief of Amherst W. Barber;

S. 2250. An act providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam;

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; and

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

HOUSE BILLS REFERRED.

H. R. 10137. An act to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

NATIONAL PROHIBITION—VETO MESSAGE.

Mr. STERLING. Mr. President, I understand that the message just received from the House of Representatives relates to the passage of the national prohibition bill over the President's veto. The matter can not be laid before the Senate in executive session. I therefore ask that, as in legislative session, the message be laid before the Senate.

Mr. ROBINSON. I object.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Objection is made.

Mr. LODGE. The Senator can make a motion to that effect.

Mr. STERLING. I therefore move that the Senate return to legislative session.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate return to legislative session.

Mr. HITCHCOCK. Mr. President, that, I understand, is a debatable motion.

The PRESIDING OFFICER. The Chair understands it is not debatable.

Mr. HITCHCOCK. I desire to say to the Senator that it seems to me——

The PRESIDING OFFICER. Will the Senator from Nebraska inform the Chair concerning the rule to the effect that the motion made by the Senator from South Dakota is debatable?

Mr. HITCHCOCK. Certainly it is a debatable motion to return to legislative session. The motion to go into executive session is not debatable, possibly, but the motion to return to legislative session is always debatable.

Mr. STERLING. If the Senator from Nebraska will permit me, I desire to say just one word. I think it will take but a short time to dispose of this matter. I do not expect to discuss the question, and I know of no Senator who does. I think it can be disposed of by a vote at once, so the other proceedings of the Senate, the consideration of the treaty, will be delayed but a short time. Of course, I think we must contemplate very early action on this measure.

Mr. HITCHCOCK. Mr. President, we are here in executive session, following a recess, for the purpose of discussing the treaty and, if possible, coming to a vote upon the treaty. I hope the Senator will not at this time press this motion. I have been informed by the Senator from Massachusetts that he is under the necessity of leaving here, so that he will not be present on Saturday. I presume that naturally an effort will be made to lay the treaty aside on that day, and it is possible legislative business could then be taken up; but I trust the Senator will not attempt to displace the treaty at this time. We have been subjected to all sorts of aggravating delay in connection

with the consideration of the treaty, and the country is beginning to feel that things are done for the very purpose of bringing about a delay in its discussion. The matter to which attention is called by the Senator from South Dakota is of no tremendous imminence; it is a matter of a few days——

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield to the Senator from Indiana.

Mr. NEW. I will ask the Senator if he thinks the President vetoed the bill for the purpose of interposing delay?

Mr. HITCHCOCK. I think he probably vetoed the bill because he believed that it was an improper bill. He followed out exactly the position he has taken before the country. I am neither criticizing nor sustaining the President at the present time in his veto, but what I am objecting to——

Mr. SMOOT. I rise to a point of order.

Mr. NELSON. I make the point of order that the question is not debatable.

Mr. SMOOT. Mr. President, I call attention to paragraph 7 of Rule VII, which reads:

The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. HITCHCOCK. Mr. President, that is not the situation that is before the Senate.

Mr. LODGE. It is the precise situation.

Mr. HITCHCOCK. The Senate is not now in legislative session; it is in executive session. If it were in secret executive session, it would not be any more impossible to lay a legislative matter before the Senate than it is now in open executive session.

Mr. SMOOT. Mr. President, the rule is very plain. It refers to "any bill or other matter sent to the Senate by the President or the House of Representatives" and provides that "any question pending at that time shall be suspended for this purpose," whether it be in secret executive session, open executive session, or open legislative session. The rule further provides:

Any motion so made shall be determined without debate.

Mr. HITCHCOCK. That rule does not cover this case. The presiding officer has no power in executive session to lay before the Senate for action legislative business; necessarily the only motion which can be made is a motion to go into legislative session, and that motion is a debatable motion.

Mr. LODGE. Mr. President, the rule is very clear that—

The presiding officer may at any time—

There is no restriction whatever—

may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives—

The measure referred to by the Senator from South Dakota comes from the President and from the House of Representatives—

and any question pending at that time shall be suspended for this purpose.

A motion can be made to suspend the consideration of the treaty; and, if agreed to, that suspends the executive session—

Any motion so made shall be determined without debate.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield.

Mr. POMERENE. Assume, for the sake of the argument, that we were in secret executive session; it must follow that we could not consider a legislative matter in secret executive session. Now, does not the same rule apply, to wit, that if we are in executive session when a legislative matter comes before us, the first motion would be to go into legislative session?

Mr. LODGE. It is customary to receive messages from the President and from the House of Representatives when we are in secret executive session; and if this rule is invoked, they must be laid before the Senate, and the very fact of laying them before the Senate involves returning to legislative session. The privileged motion is the motion to go into executive session, and, of course, that privilege covers the motion to go out of executive session; it must cover it.

Mr. BRANDEGEE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator; I still have the floor, as I understand.

The PRESIDING OFFICER. The Senator from Nebraska yields to the Senator from Connecticut.

Mr. BRANDEGEE. I do not ask that.

The PRESIDING OFFICER. The Senator from Nebraska will proceed.

Mr. HITCHCOCK. Mr. President, the rule quoted by the Senator must convince the Senate that the contention is wrong. The Senator from South Dakota has not requested and can not request that the matter be laid before the Senate, because the Senate is not in legislative session, and it can only act upon it in legislative session. The only motion he can make is the motion which he did make, to proceed to consider legislative business. After we get into legislative session, then it will be in order to ask that the message from the House of Representatives be laid before the Senate; but the motion which he now makes, which is the only one that he can make, to proceed to the consideration of legislative business, is a debatable question. That is my only contention.

The PRESIDING OFFICER. The Chair is ready to rule. The Chair is of the opinion that subdivision 7 of Rule VII applies, so far as laying the business before the Senate is concerned, to the session of the Senate, whether in executive or legislative session, and such a motion is, therefore, in order. The Chair does not pass upon the question of whether the business can be disposed of by the Senate without returning to legislative session. That point may be raised later.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRANDEGEE. What is the pending motion?

The PRESIDING OFFICER. To lay it before the Senate.

Mr. BRANDEGEE. To lay what before the Senate?

The PRESIDING OFFICER. The bill referred to by the Senator from South Dakota, together with the veto message of the President.

Mr. ROBINSON. I rise to a point of order. The Senator from South Dakota——

Mr. BRANDEGEE. I believe I have the floor.

Mr. ROBINSON. I rose to a point of order.

Mr. BRANDEGEE. So did I.

Mr. ROBINSON. Very well.

Mr. BRANDEGEE. And the Chair recognized me.

The PRESIDING OFFICER. The Senator from Connecticut rose to make a parliamentary inquiry——

Mr. BRANDEGEE. Which is a point of order.

The PRESIDING OFFICER. And the Senator from Connecticut will proceed.

Mr. BRANDEGEE. I wanted to know what the motion was, and if the Chair——

The PRESIDING OFFICER. The motion is to proceed——

Mr. ROBINSON. I rise to a point of order.

Mr. STERLING. No; the motion was——

Mr. ROBINSON. I wish to make the point of order that the Senator from South Dakota did not make the motion stated by the Chair, but made a motion to return to legislative business.

Mr. STERLING. That was the motion.

Mr. ROBINSON. That is the point of order that I make.

The PRESIDING OFFICER. The Senator is correct.

Mr. BRANDEGEE. If I correctly understand the Chair, the pending motion is that the Senate now proceed to the consideration of legislative business.

The PRESIDING OFFICER. That is correct.

Mr. BRANDEGEE. That motion is debatable.

The PRESIDING OFFICER. The Chair thinks it is debatable. The question is, Shall the Senate return to legislative business?

Mr. UNDERWOOD. Mr. President, the pending motion is debatable?

The PRESIDING OFFICER. The Chair so understands.

Mr. UNDERWOOD. I also understand the motion to return to legislative session is for the purpose of passing on the message of the President vetoing the prohibition bill.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I yield.

Mr. BRANDEGEE. The Senator does not mean that it is the purpose to pass the bill over the veto?

Mr. UNDERWOOD. I understood that was the purpose.

Mr. BRANDEGEE. I did not understand so, and that is the reason why I wanted to get the Senator's idea.

The PRESIDING OFFICER. The motion before the Senate now is merely the question of returning to legislative session.

Mr. BRANDEGEE. That is what I understand. If the other motion is made, I have a point of order against that other motion.

Mr. UNDERWOOD addressed the Senate.

After having spoken for some time,

Mr. LODGE. Will the Senator allow me to ask for an order, necessary at this time?

Mr. UNDERWOOD. Certainly, I yield for that purpose.

RECEPTION TO THE KING OF THE BELGIANS.

Mr. LODGE. Mr. President, I move that a committee of six Senators be appointed by the Chair to receive His Majesty the King of the Belgians and escort him to the Senate Chamber.

The motion was agreed to; and the President pro tempore appointed Mr. LODGE, Mr. HITCHCOCK, Mr. HARDING, Mr. SWANSON, Mr. WARREN, and Mr. UNDERWOOD as the committee.

NATIONAL PROHIBITION—VETO MESSAGE.

Mr. UNDERWOOD. Mr. President, if it is not the purpose of the Senator from South Dakota [Mr. STERLING] that we shall return to legislative session that he may call up the veto message of the President, I will take my seat. I would like to inquire from the Senator if that is his purpose.

Mr. STERLING. I will say to the Senator from Alabama that the motion made by myself is to return to legislative session, and that is the pending motion. Then I expect to ask that the prohibition bill be laid before the Senate in legislative session.

Mr. UNDERWOOD. That is my understanding of the legislative situation, and, Mr. President, before we vote on it I want to address myself to that situation.

I want to state in the beginning my position in reference to the bill that the President has just vetoed. In the first place, Mr. President, I voted against the constitutional prohibition amendment because I believed that was a question for the States to determine and not for the National Government. I believed it was better in the interest of the people of the United States that each State government should determine the question of prohibition for itself rather than that the National Government should reach that determination. Therefore I voted against the submission of the national prohibition amendment, but it was adopted by the Congress, submitted to the people, and ratified by the States. It is the law of the land, and, so far as I am concerned, although I did not believe that it was the best way to handle the temperance question, the people of the United States have agreed to it, and I am in favor of enforcing the law. I shall vote now and at all times in the future for proper and just laws to be placed on the statute books to enforce Nation-wide prohibition under the constitutional amendment. More than that, I shall vote to appropriate the money, no matter how much it costs, to give a fair opportunity to enforce the amendment. I think it is going to cost a vast deal more money out of the Public Treasury to enforce the law than some of the advocates of the law pretended it would cost. But no matter what it costs, the American people are entitled to have the law tried out, and I am in favor of appropriating the money for that purpose.

That is only one side of this question. That is the permanent law, and I stand for the enforcement of the permanent law. The people of the country have passed judgment on it, and the President of the United States stands for the enforcement of the law. But the reason why he vetoed this bill was because the men who proposed Nation-wide prohibition broke the faith. They were not true to their own proposals to the country, and the President of the United States is exactly right. His veto message should be sustained, and then the Congress should turn around and pass a law to enforce the constitutional prohibition when constitutional prohibition goes into force and effect, as it will next January.

Why do I say that these men broke the faith? Because they proclaimed to the country that they were not in favor of a drastic destruction of private business, that they were not in favor of the confiscation of private property, that they believed in giving men who were in business an opportunity to wind up their affairs, and they themselves, not the men who were engaged in the liquor business, not the men who believed that the States should determine these questions, but the advocates and proponents of constitutional nation-wide prohibition wrote into the fundamental law of this land that the amendment should not go into effect and be binding upon the people of the United States for one year after its enactment. What was the purpose? Manifestly to let the men who were engaged in the business wind up their affairs. Manifestly it was the purpose to let them dispose of the property they had on hand, so that the question of the confiscation of private property without compensation, in violation of the fifth amendment to the Federal Constitution, should not be considered in the passage of the prohibition amendment resolution by the Congress. There is not a Senator on the floor of the Senate who does not know that that was the purpose in postponing the time for the taking effect of the Federal amendment for one year after its ratification.

We went into the war under the cry that we must take care of the soldier; and I do not combat that. The men who were defending the flag of their country were entitled to the first thought. As to whether they were protected by this legislation I know not; but under that cry it was proposed to write nation-wide prohibiion on the statute books of the United States without waiting for constitutional prohibition to take effect. The Congress adopted it, and the people of the country submitted to it, because possibly the life of the Nation might be at stake, and all, then, were prepared to sacrifice all things to support the Government, the Army, and the flag.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. I sympathize with the view expressed by the Senator from Alabama to a considerable extent. I have never been satisfied in my own mind as to the constitutionality of the dry war-time prohibition act since the war ended. But I am utterly bewildered to know when the war did end. We had a message from the President day before yesterday to the miners stating that the war was not closed and therefore their contract was not at an end. Now we have a message from the President to the effect that the war-time prohibition law is void because the war has closed.

Mr. UNDERWOOD. I do not think the Senator from Idaho grasped the President's message.

Mr. BORAH. Perhaps not. I have been unable to grasp several of them.

Mr. UNDERWOOD. I will try to make it clear to the Senator, if he will allow me. I was only leading up to the case.

During the war time Congress passed a nation-wide prohibition law that was to stay on the statute books until the war was ended and demobilization took place, and that is on the statute books to-day, unless it is unconstitutional. I see that a Federal judge on yesterday held that the act was in violation of the fifth amendment, and therefore unconstitutional. But I am not arguing that side of the question. We have on the statute books constitutional prohibition. It is in the Constitution. We have on the statute books war-time prohibition, which the President asked Congress to repeal last summer and which Congress refused to repeal. But the gentleman in charge of this bill, seeking to enforce constitutional prohibition and put on the statute books a law to enforce the constitutional amendment, and on that subject I am with them, because the law should be enforced, were not satisfied. They listened to the appeal of the extremists. They forgot abstract justice, they forgot property rights, and they wrote into this measure a provision that was to produce prohibition in the United States in that lapse or space of time resting between the expiration of war-time prohibition and the beginning of constitutional prohibition. Do I make myself clear to the Senator?

Mr. BORAH. No. The Senator is clear enough from his standpoint, but he is not arguing now what the President said in this message.

Mr. UNDERWOOD. I am not discussing the President's message. I am discussing my viewpoint of the question.

Mr. BORAH. I agree with the Senator's viewpoint; but if this war-time prohibition act is void by reason of the fact that the war is over and demobilization has taken place, how can it be said that the war is not over with reference to those contracts which were made in contemplation of the existence of the war and which were to continue only so long as the war lasted?

Mr. UNDERWOOD. I am not going into an argument of that question; it has nothing to do with this case.

Mr. BORAH. It has a good deal to do with another case which is before the Senate.

Mr. UNDERWOOD. I will discuss the other case later on with the Senator. I am not going to discuss that question now.

Mr. BORAH. We have a joint resolution pending before the Senate based upon the theory that the war is still in existence so far as those contracts are concerned, and this proposition is based upon the theory that the war has ended.

Mr. UNDERWOOD. No; the Senator misunderstands the President's veto.

Mr. BORAH. I do not misunderstand the President's veto. The language is plain, whoever wrote it.

Mr. UNDERWOOD. The President refers to the fact that the war is over in his message, but the bill that he is vetoing does not relate to war-time prohibition.

Mr. BORAH. Yes; it does.

Mr. UNDERWOOD. Not at all.

Mr. BORAH. Here is what the President says——

Mr. UNDERWOOD. I am talking about the bill. I am not talking about the President's language.

Mr. BORAH. I am talking about what the President said.

Mr. UNDERWOOD. Now, I am going to make myself clear on this question.

Mr. NELSON. Mr. President, will the Senator allow me?

Mr. UNDERWOOD. Certainly.

Mr. NELSON. I do not desire to interrupt the Senator, but I want to ask a question in regard to this matter, if the Senator will allow me. Under the war-time prohibition act the President can issue his proclamation when the Army is demobilized and peace is declared. Whenever he issues his proclamation the first title in the prohibition bill ceases to operate.

Mr. UNDERWOOD. Surely.

Mr. NELSON. It is left in the hands of the President.

Mr. UNDERWOOD. Oh, no.

Mr. NELSON. Yes, sir.

Mr. UNDERWOOD. Not if this bill passes.

Mr. NELSON. Oh, yes; it is left in his hands, as far as national prohibition is concerned.

Mr. UNDERWOOD. The Senator is mistaken.

Mr. STERLING. Mr. President, I call the Senator's attention to the very provision of the bill on that point. This is simply an enforcement measure, pure and simple, an enforcement of the law as it now stands on the statute books. The bill reads:

> The term "war-prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

Title I of this act pertains to war-time prohibition. War-time prohibition will cease when there is a termination of demobilization and a declaration of peace.

Mr. UNDERWOOD. Will the Senator tell me, with war-time prohibition already on the statute books, what was his purpose in reengaging in the enterprise of passing another war-time prohibition act? If that is all he had in mind, and that is all this bill has in view, what was his purpose?

Mr. STERLING. Mr. President, the best answer to the Senator from Alabama is the letter of the Attorney General himself, complaining of the fact that with no definition at all of intoxicating liquors in the war-prohibition act, and with no suitable means for the enforcement of that act, it was necessary to pass this law. He made a very strong appeal that Congress pass this war-prohibition act, or the part of the bill relating to war-time prohibition.

Mr. UNDERWOOD. Mr. President, the Senator may think that is the purpose of this act, but I do not. In the first place, the Attorney General of the United States has several times recently announced to the people that he intended to enforce the war-time prohibition act; and, more than that, he is enforcing the war-time prohibition act without this law going on the statute books.

Of course, I realize that demobilization is here; but the end of war can not come until the Senate ratifies the treaty of peace; and I suppose that is far distant.

I merely make this statement, Mr. President, to make my position clear in reference to the matter. I think, although war is technically the status of the country, although war legislation is still on the statute books and enforceable, actually the war is over. The purpose of this legislation was to protect the soldier until he was demobilized, and the soldier is now demobilized. There are no great camps to be protected now; there is no great fighting force to be protected any more than in times of peace, and I think the good faith of the transaction should be carried out.

Mr. CALDER. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me, I will yield in a moment.

The good faith of the transaction should be carried out, and at least what is left of the year that these men were told that they could have, in which to wind up their business, be given to them.

The President is right. He is standing on sound ground. If the advocates of prohibition were right when they put in this bill a provision that it should not take effect until one year after its enactment, then the President of the United States is right in saying that the bill for the enforcement of constitutional prohibition shall not contain a clause in favor of war-time prohibition. I do not think there is any doubt about that.

Of course, I realize what the Senate is going to do. The Senate of the United States is not going to defy the organized prohibition sentiment of the country. And I say "organized" because I think, so far as the rank and file of the people of the United States who believe in prohibition are concerned, they are honest men and believe in what is right and just, and I do not believe the rank and file would object to carrying out the prohibition amendment in good faith. But organized prohibition sentiment will not consent, and I know what the Senate is going to do when it comes to a vote. It is going to override the President's veto, of course, and pass the bill and take chances on the Supreme Court holding the law unconstitutional, whereas they could eliminate this feature, pass constitutional prohibition in three days without objection from anybody, and be positive that the bill was constitutional.

Mr. President, I did not get up here to discuss prohibition, but to say that I am opposed to putting anything in front of the treaty. Prohibition is a great question, a moral issue; but the issue of peace and war for the people of the United States overcaps all. The reason why there is riot and bloodshed in Europe, why people are starving, why government is disorganized, is because there is no peace. The reason why a soviet government is threatened in the United States and the American people stand in danger of labor riots that will stop industry and freeze the people of the North to death within the weeks to come is because there is no peace in the land.

The veto message of the President can be passed on next week or it can be settled next month without harm to anyone. The question of the treaty of peace has been debated before the Senate of the United States since last January, long before it ever came to this Chamber. It has been in almost continuous debate ever since. Senators may refer to how long some other treaty was before the Senate; yes, how long some other treaty was before the Senate in secret session, consuming an hour or two a day, and the affairs and business of the country running on; but, when you come to the hours that have been consumed, this treaty has long since passed the day of reasonable consideration and is not only trenching on the time of the Senate and stopping very vital legislation but is trenching on the patience of the American people.

There is no justification, to my mind, for one more hour of delay in this matter. Last night many of us were prepared to vote. A quorum of the Senate was present, the clock had not reached the hour of 6, but the chairman of the Foreign Relations Committee recessed the Senate instead of allowing us to cast a vote and make one small step more toward the final conclusion of the consideration of the treaty.

I do not criticize men who differ with me on principle. A Senator in this Chamber who believes the treaty should be rejected is just as much entitled to his views as I am, who believe the treaty should be ratified without amendment. I have no criticism whatever for the Senator who differs with me on principle, but I think I am justified in criticizing the Senate for this inordinate and unnecessary delay.

There is no occasion whatever to vote in a day or in an hour on this prohibition bill. I suppose every man in the Senate knows now that the President's veto is going to be overridden. Every man in the Senate knows that if the veto were not overridden the Senate and the House would promptly pass a law enacting constitutional prohibition and a law that would enforce national constitutional prohibition. So there is no issue of that kind at stake. Of course when nation-wide prohibition and the issue of the President's veto on a question of this kind comes before the Senate it provokes discussion, and discussion brings delay. This matter can be disposed of just as well when the treaty of peace is disposed of as it can now; and I stand here not to resist the prompt disposition of the prohibition bill when the time comes, not to resist any law that will enforce constitutional prohibition, but I think the people of the country should realize who is causing the delay in the ratification of the peace treaty and why we can not get action. If we are going to reject the treaty of peace, we had better reject it to-morrow than next week. If we are going to ratify it, we had better ratify it to-morrow than next month. This debate does not produce anything. It does not change a vote. There is not a Senator who sits on this floor who can not take any pending amendment and a roll call, and call out now how each vote is going to be cast that will take effect a week from now, and he will not miss more than one or two votes.

Mr. BORAH. And those one or two votes might settle the question.

Mr. UNDERWOOD. I do not think so; but if it did, why not have them and let it be settled? Yesterday Senators who are in favor of action, and at the same time favor the ratification of the treaty of peace without amendment, promptly voted when they were largely at a disadvantage by reason of the absence of some Senators. I tell you those who are standing for delay because they want to take advantage of some opportunity to

carry out their will in the matter, whether they have a regularly recorded majority in the Senate or not, will never justify themselves before the American people.

What the Senate of the United States ought to do, if it proposes to sustain its place as a great legislative body, is to agree on a time for voting, fix a definite day, as we do on other matters, when these amendments shall be voted on. Give everybody notice; do not try to accomplish a result by sleight-of-hand tricks; but if you have the strength, win on your strength, and if you have not the strength to win, take your defeat like men. That is the only position to take before the country. If the Senate would fix a date within a reasonable time to vote, after the unending debate that we have already had, and let us vote this matter out, no matter where it falls, but let the Senate express its honest convictions on the question, it would not be necessary for the Senator from South Dakota to try to inject his motion ahead of the determination of the great treaty of peace.

Mr. OWEN. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Oklahoma.

Mr. OWEN. I merely want to call attention of the Senator from Alabama to the interesting fact that the Senate can not act, because the Senate does not control its own affairs under its own rules.

Mr. UNDERWOOD. Undoubtedly. I agree with the Senator. At the last session of the Senate I proposed, and attempted to have passed, a rule that would have produced the closing of debate—a cloture rule in the Senate. Unfortunately, a majority of the Senate would not stand for cloture; but I am satisfied that the day is not far distant when the Senate must make rules to govern this body where we shall have orderly procedure, and an honest cloture rule, where a majority of the Senate can control the business of the country, or the people of the United States will show their contempt and condemnation of a body that can not control and transact its own business.

Mr. STERLING. Mr. President, I did not expect to discuss this matter at all, and I shall be very brief now in the statement I make.

But first I am much surprised at the position taken by the Senator from Alabama [Mr. UNDERWOOD], especially in what he says relative to the motives of those who desire, at the present time, action on this bill. With the very prompt and decisive and significant proceedings on the part of the House last evening, within so short a time after the receipt of the President's veto message, I do not see how the Senator from Alabama can complain because action is now sought upon the bill by the Senate.

Mr. President, the Senator from Alabama can not charge the Senator who, perhaps unfortunately, happens to be in charge of the bill at the present time, with any intention whatever of delaying proceedings or debate upon the peace treaty. He can not infer that from any remarks I have made, from any motion I have made, or from any proceedings in which I have participated.

Mr. UNDERWOOD. The Senator from South Dakota is making a case and putting himself up to shoot at himself. I never said anything about the Senator from South Dakota. I spoke about the procedure in this Chamber, not entirely on one side or on the other, but in this Chamber, to delay action on the treaty; and it is here, and the Senator from South Dakota can not deny it.

Mr. STERLING. Mr. President, coming over from the House as this bill did this morning, with a message from the House, it was but the natural thing, it was the thing to be expected, that it should be presented promptly here before the Senate as in legislative session, and thus acting, I have submitted the motion.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. Certainly.

Mr. KING. Does not the Senator think it would have been at least an act of courtesy, and would have been in accordance with the proprieties and customs of legislative bodies, when a veto message came from the President on a measure of this magnitude, to have the bill referred back to the committee for consideration of the veto message and the reasons assigned by the Executive for the veto of the bill?

Mr. STERLING. Mr. President, I do not think such a procedure would be in accordance with any custom ever recognized or established in the Senate at all. I think the procedure is to take action upon the bill as it is reported to the Senate from the House, the bill having originated in the House and the House having passed the bill over the President's veto.

Mr. President, to refer briefly to the merits of the question as discussed by the Senator from Alabama, the war-time prohibition act was passed November 21, 1918, and it received the approval of the President of the United States 10 days after the armistice was signed. It is true that the President subsequently recommended the repeal of the law, some two or three months ago, if I remember correctly. The Congress did not see fit to act upon the President's recommendation, and the silence of Congress and the failure of Congress to respond to the recommendation of the President, I am satisfied, met with the approval of the people of the United States, and no act or failure to act on the part of the Senate or the Congress of the United States has met with greater approval than the refusal to comply with the request of the President of the United States to repeal the war prohibition act.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. STERLING. Certainly.

Mr. JONES of Washington. I want to remind the Senator that each branch of Congress has voted definitely on a proposition to repeal that law and voted the proposition down by a large majority.

Mr. STERLING. Yes. I am glad the Senator calls my attention to that fact. I had for the moment overlooked it.

What is the situation, Mr. President? There is the law. It does not contain provisions for its proper enforcement, and title 1 of the prohibition act is for the simple purpose of giving to the law provisions for its effective enforcement. I call attention to the letter of the Attorney General of the United States in regard to this. He says, referring to the pending bill:

> I do not think the wisdom of such action on the part of Congress admits of doubt. It goes without saying, I think, that if a law merely prohibits intoxicating liquors and leaves to the jury in each case, from the evidence produced, to determine whether the liquor in question is, in fact, intoxicating or not, its efficient and uniform administration will be impossible.
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> * * * * * * *
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> But in the absence of a definition by Congress there will be innumerable beverages as to which the claim will be made that they do not contain enough alcohol to render them intoxicating. These contentions will produce endless confusion and uncertainty.
>
> These, I think, are substantially the reasons why Congress should itself provide a definition.

Title I of the prohibition law gives that definition, and it also provides some additional remedies for the enforcement of the law as it has stood since November 21, 1918.

Mr. President, there is an urgent reason for prompt action on this bill as disclosed in the opinion of the Attorney General and as disclosed by what we read concerning the difficulty in conducting prosecutions for violation of the law. I ask for a vote.

Mr. SHEPPARD. Mr. President, I shall address the Senate briefly. I desire to resent the charge on the part of the Senator from Alabama [Mr. UNDERWOOD] that faith has been broken in the matter of the constitutional prohibition amendment. The one-year clause was connected with that amendment as a matter of grace and not of obligation in any sense, and I defy anyone to demonstrate that the inclusion of the one-year clause morally precluded Congress from enacting an emergency prohibition measure to meet a very evident crisis, a crisis partly illustrated by the disturbances growing out of the unrest incident to the closing days of the war.

The Senator from Alabama speaks of abstract justice. When did the saloon ever do justice to anybody, abstract or otherwise? Property rights! The Supreme Court has held on a number of occasions that there is no such thing as a property right in intoxicating liquor.

Furthermore, Mr. President, the sustaining of the President's veto would not accomplish anything; it would not even enable the Senator from Alabama to help the prohibitionists keep what he calls good faith in this matter. It could not repeal the war-time prohibition act. The war-time prohibition act remains in full force and operation. The only question before us is the question of its effective enforcement. The mock heroics of the Senator from Alabama are impressive from the dramatic standpoint only. There was never a time when prohibition was more imperatively needed than in this hour of general unrest and economic confusion.

Mr. BORAH. Mr. President, I should like to ask the Senator from Texas a question. Does he understand that the war-time prohibition act ends when the President issues his proclamation to the effect that demobilization has taken place?

Mr. SHEPPARD. I do not, unless he proclaims demobilization after the ratification of the peace treaty.

Mr. BORAH. The Senator from South Dakota I understood to take the position that when the President issued a proclamation to the effect that demobilization had taken place and peace was restored the war-time prohibition would end.

Mr. SHEPPARD. I do not so understand, unless, of course, the peace treaty had been actually ratified.

Mr. STERLING. No, Mr. President; the Senator from Idaho misunderstood me. I do not understand that the completion of demobilization would repeal the law, for it is to remain in effect until the end of the war.

Let me call the attention of the Senator to the statute:

That after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization—

"Thereafter until the termination of demobilization."

Mr. BORAH. The President has the power, then, to suspend the operation of the law by a proclamation?

Mr. STERLING. No; I think not.

Mr. BORAH. Then we are up against a proposition——

Mr. STERLING. There must be the conclusion of the war; and that, of course, is evidenced, I presume, by a proclamation.

Mr. NELSON. I should like to have the Senator from South Dakota read further from the paragraph of the law from which he has quoted. I think it will show that demobilization must be followed by a proclamation of the President.

Mr. STERLING. Very well. It reads:

That after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States——

Mr. BORAH. Is that a complete sentence?

Mr. STERLING. It is not a complete sentence; it goes on:

no beer, wine, or other intoxicating malt or vinous liquor shall be sold for beverage purposes except for export.

Mr. THOMAS. Mr. President, I am unable to appreciate the existence of any emergency justifying our temporary abandonment of the consideration of the pending treaty for the purpose of overriding the President's veto of the prohibition bill. The situation does not affect the operation of existing law upon the subject. The war-time prohibition law is in full force and effect, subject, of course, to occasional violations, some committed with impunity. I fully agree with the Senator from Alabama that this treaty should be disposed of; we should either ratify it or reject it.

It may be that, with the exception of one or two phases of the treaty, something new can be said upon it, but I have listened to the greater number of discussions presented upon the floor both in favor of and in opposition to it, and I long ago came to the conclusion that argument and ingenuity had exhausted themselves, since which time we have been occupied in their reconsideration and repetition.

I do not think the present unrest is even in part due to the pendency of the treaty before this body. I am unable to accept the view that the failure to ratify or reject the document has produced or aggravated these unfortunate conditions or that final action will operate to assuage them, for their causes and the far-reaching character of the elements underlying these unfortunate conditions are too deep-seated. They have been too long gathering force and volume to rest upon legislative action or the lack of it. I do believe, however, that the ultimate disposition of the treaty will enable us and enable the world—because our ills are not peculiar to the United States—to readjust conditions and sooner recover from the shell shock of the war. Hence I am unwilling, except in matters of great emergency—and there are several of them—to suspend the consideration of the treaty until we have done with it.

The treaty was submitted to the consideration of the Senate by the President on the 10th day of July. For something like two months it was in the hands of the Committee on Foreign Relations. That, however, did not suspend its consideration here, for over two-thirds of our time was occupied in its discussion during that period. Since the committee reported it has reconvened on many occasions and has considered other amendments and other reservations, some of which it has added to its original report; others, I suppose, have been rejected; and the end is not yet. We have had two or three record votes upon two or three amendments only, and all the reservations are still before us, to say nothing of a number of independent amendments, notice of which has been given, and which we may expect to encounter.

If we compare that which we have accomplished so far with what we evidently have to do in the future regarding it, and make calculation of the time that is past with the time that may hereafter be consumed in its consideration, making no greater progress, we may possibly reach a final vote on the treaty by the 1st day of April next. I do not for a moment assume that such will be the case, but I am convinced that if we set aside the treaty every time some matter of apparent immediate concern presents itself for consideration, the time yet to be consumed in its consideration will carry us into the holidays without final action.

I am prepared to vote to-morrow—to-day, if necessary—both as to all amendments, all reservations, and the final vote upon the treaty.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. THOMAS. I do.

Mr. FALL. Would the Senator make a motion to that effect, or make a proposal for unanimous consent to vote on a certain day fixed, at a certain hour?

Mr. THOMAS. Why, Mr. President, if I were in charge of the treaty, yes; but I am not. Moreover, the Senator knows that I am not in full sympathy with those supporting the treaty. I should be very happy, however, to support such a motion if the Senator from Nebraska sees fit at any time to submit it to the consideration of the session.

Mr. FALL. Mr. President, I may say to the Senator that I am in exactly the same position that he is, but that unless a motion or a proposition of this character is made at a very early moment, I shall test the temper of the Senate upon the subject myself.

Mr. THOMAS. Mr. President, the Senator's last remark illustrates the old adage that great minds agree. We are together upon that subject. The sooner we can get action, the better it will suit me.

Now, a word as to the bill recently vetoed.

The Senator from Texas says that at the time of the adoption of the resolution which crystallized into a constitutional amendment there was no understanding, express or implied, that nothing should be done meanwhile affecting the liquor traffic; and I have no doubt the Senator has stated what is in his own mind, as well as that of multitudes of the people of the United States, including many Senators. At the same time, I am satisfied that others like myself assumed the existence or implication of such an understanding, because that method of legislation has characterized all constitutional amendments regarding prohibition in the various States, so far as I remember; and the purpose was obvious.

It may be true that the Supreme Court has determined that there is no property in intoxicants. It may also be true that saloonkeepers never kept faith with anyone. I am not here either to defend or to attack them. Moreover, that consideration is beside the question. Yet organized society in the United States has for years regarded the manufacture of intoxicants and their possession as legitimate, as property; and millions of dollars have been invested, on the strength of our laws, in the manufacture of liquor and the dispensation of intoxicating drinks. The moral sentiment of the world is against it, and ought to be; but I contend that the plainest principles of abstract justice protest against confiscation, regardless of the character of the property which is the subject of it. The idea is abhorrent to American law, and should be to American practice. The injustice of such a course lies at the basis of those State constitutional amendments, which were adopted, to operate in futuro, thus giving opportunity in the interval to those who had invested their money to make some disposition of their goods and save something from the wreckage of their fortunes.

I therefore considered that there was an implication of a suspension of all national interim legislation upon the subject, and for that reason, among others, I voted against the war-time prohibition bill. I also voted against it because, presented at a time when the Government needed money as it never did, the effect of the law was to deplete our estimated annual revenues by no less than $700,000,000 or $750,000,000.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Texas?

Mr. THOMAS. I do.

Mr. SHEPPARD. May I remind the Senator of the fact that the war-time prohibition act did not become effective for nine months after it became a law, and that at once afforded a great opportunity to these people to dispose of their holdings?

Mr. THOMAS. Yes; and that very fact demonstrated the lack of need for such legislation, because it could be justified as a war measure only because the need for it was insistent. Notwithstanding that fact, the Congress of the United States, in the exercise of its war powers, enacted it as a war measure yet provided that it should not take effect for nine months thereafter.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. THOMAS. Yes; I yield.

Mr. STERLING. I do not know whether or not the Senator from Colorado is aware of the lapse of time; but I wonder if he would not be willing that we shall vote on this matter before 1 o'clock, since the Senate is to take a recess at that time?

Mr. THOMAS. Mr. President, ordinarily I would do anything in the world to accommodate my well-beloved friend, the Senator from South Dakota, and I will get through just as soon as I can; but really I do not believe that this matter is so urgent as to require a vote before we receive his Majesty, the King of the Belgians and his good queen. Moreover, it might be a shock to the Senate so suddenly to pass upon and dispose of a debatable measure. That I wish to avoid.

It is quite true, as the Senator from Texas suggests, that the leeway of several months time, given by this exigent war measure, enabled those affected by the legislation to get rid of a great part of their stock; yet we know that the time was not sufficient for that purpose. Perhaps the time fixed by the amendment would not have been sufficient, but that carried its own requirements.

Mr. SHEPPARD. The right of export exists to-day.

Mr. THOMAS. Oh, yes; the right of export exists to-day. We can not drink ourselves, but under this bill we are at perfect liberty to sell our liquor to the world. That is another peculiar thing about this law that I have never been able to justify, because if whisky is not good for me it is not good for my neighbor. If my moral, mental, and physical well-being require me to abstain from intoxicants, then the golden rule and my duty to my neighbor require that the privilege of selling to him what is poison to me, and putting his good money into my pocket while degrading and demoralizing him, should be denied me. The Senator is correct. We can still do that, and I think we are doing it. Indeed, I have been told that the entire wine product of California for the last year has been sold to Japan. Perhaps to that is due some of Japan's diplomacy recently, and about which we have heard some criticism upon this floor.

Mr. President, where is the necessity for immediate and arbitrary action upon the President's veto? Will more liquor be sold if the President's veto should not be acted upon for the next two weeks than will be sold otherwise? Is there any relaxation of the enforcement of the war-time prohibitory law? I can perceive how, in one sense, immediate action is necessary. For example, I am in receipt of a great many requests from mighty good Democrats in the State of Colorado, requesting employment by the Government as soon as possible for the enforcement of the prohibition law. They are all such good men that I am embarrassed in making a suggestion concerning them to the appointing power. My brethren on both sides of the Chamber doubtless share in that embarrassment in some degree, not excepting my genial friend the Senator from Texas. To them the postponement of final consideration will be a sad disappointment, and the labors of our stenographers will be enlarged and extended in consequence; but we are used to that. Some of us are so fond of it that we want to see the civil-service law modified, myself among the number.

I think, Mr. President, the Attorney General proposes to go right ahead; and the staff of assistants which he has in every State of the Union will not be discouraged nor their energy in any way affected by giving us an opportunity calmly, deliberately, dispassionately, and in the usual senatorial way, to investigate the merits of the President's veto message and to convince ourselves of its virtue, as so many friends of mine are convinced of the virtue of his appeals for the league of nations.

Frankly, Mr. President, I do not believe that it is fair—and I say this without intending any criticism of the House of Representatives—to act so precipitately upon an important state paper emanating from the President of the United States. I do not believe the President has vetoed this bill for any petulant reason, for any other than the desire to discharge the high duties of his office in full accordance with his understanding of what those duties are. I do not believe that he has interposed his veto without fullest consideration of the measure, and without its consideration as well by the law adviser of the Government. I read it twice, and I was pleased to note that in some respects it ran along the lines of my discussion of the measure at the time the prohibition law was before the Senate for consideration.

I have had some doubts about the constitutionality of the war prohibition law, some very serious doubts. The Constitution, Mr. President, is not the obstacle to legislation that it once was. Some of us are disposed not only toward its liberal construction, but toward a construction that can not be reconciled with its phrascology. But the courts proceed in far different lines.

I notice by the morning press that one of the Federal courts—the district court for the State of Kentucky—yesterday, or the day before, after full consideration, adjudged the law to be unconstitutional, and that the case will be expedited as speedily as possible, so that the Supreme Court of the United States may pass upon it without unnecessary delay. I should like to read that opinion, Mr. President, before casting my vote upon this veto. It may be convincing to me, perhaps more convincing to me than to the enthusiastic advocates of the bill just vetoed. But the fact is that for the first time, I think—I may be mistaken—the constitutionality of the act has been challenged and carried to the point of a judicial decision, and that decision has been adverse. Hence there can be such a thing as an unconstitutional legal enactment concerning prohibition.

I know, of course, as the Senator from Alabama well said, that when this veto message does come before the Senate it will be as speedily overthrown as it was in the House, and that in obedience to the organized prohibition sentiment of the United States. I am not complaining of it. It may be the best way to dispose of it. It certainly will have the merit of decision. But I do not believe that we should interrupt our consideration of the treaty unless and until something of vastly more immediate importance shall be brought to our attention.

A few mornings ago I introduced a resolution pledging the support of Congress to the executive authorities of the Nation and of the States in such measures as they might invoke or be required to take for the establishment and continuation of law and order and the protection of the rights of the individual, in view of the impending coal strike. I regard that, Mr. President, as a subject of transcendent importance. The prospect involved in that strike is appalling in many of its aspects, and particularly in the suffering and want that must come to the doors of many an American family throughout this country. I felt, Mr. President, and I still feel, that a unanimous expression from the Congress of the United States in support of the authorities of the country at this juncture would, in its moral effect, be of incalculable value at a time of crisis like this. I was unable to obtain unanimous consent for its consideration. I shall attempt it to-morrow morning; and I do not think there is a man or a woman within the sound of my voice who will not say that as between these two subjects, the one involved in my resolution and that we are now discussing——

Mr. CURTIS. Mr. President, I will say to the Senator from Colorado that guests have been invited to the Senate Chamber, and I suggest that he yield that I may submit a motion for a recess, the Senator not losing his right to the floor.

Mr. THOMAS. Certainly; I yield for that purpose.

RECESS.

Mr. CURTIS (at 12 o'clock and 50 minutes p. m.). I move that the Senate take a recess until 2 o'clock p. m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECEPTION TO THE KING OF THE BELGIANS.

At 12 o'clock and 55 minutes p. m. the Assistant Doorkeeper announced the Chief Justice and Associate Justices of the Supreme Court of the United States, who were escorted to the seats provided for them in the area in front of the Secretary's desk.

At 1 o'clock p. m. the Sergeant at Arms announced the committee of Senators escorting the King of the Belgians, the Crown Prince and the King's suite.

King Albert was seated on the right of the Vice President's chair and the Crown Prince to the right of the King, and the King's suite occupied the seats reserved for them.

ADDRESS BY PRESIDENT PRO TEMPORE CUMMINS.

The PRESIDENT pro tempore. Senators, in my time I have performed the service I am about to render for all sorts and conditions of men; for men of high and low degree; for men of fame and men obscure; for men who lead and men who follow; for men who command and men who obey; but never in all my life have I undertaken the task with keener pleasure or deeper appreciation than I experience at this moment.

Fortunately for civilization, strong characters have played their parts, and played them well, in every age. To be great, however, strength must be united with the opportunity to do some vital thing for humanity; and the strong character must be associated with some mighty event in the affairs of the world. Sometimes it has happened that when strength of character and opportunity combine, the man and the people he represents have risen to the full measure of the duty imposed,

and then that man wins, for all the years to come, a leadership in human concerns from which nothing can dethrone him; and that people awaken and hold a gratitude which passes unimpaired to the remotest generations. It is because our noble and distinguished guest is one of those men and his people one of those nations that I count the privilege which has fallen upon the Senate as one of the highest honor and the most enduring memory. [Applause.]

We are living now in a world well-nigh wrecked by the wicked ambitions of one great power; and many hard and weary years must go by before either Europe or America will be peaceful, quiet, or content. If nothing had been destroyed save physical creations or commercial structures, the labor of restoration would involve the sustained energy of decades of limitless patience and self-denial; but our loss is infinitely greater than is felt in the destruction of these material things. The war has unsettled our accepted faith in the forms of organized society, in the relations which its members should bear to each other, and in the instrumentalities through which justice, happiness, and growth can best be attained. The war may be ended, so far as the armies of Germany are concerned, but the struggle with the forces loosened in the terrific conflict has just begun.

I have mentioned this phase of a world-wide subject, not to diminish the value and the glory of winning the war, but to fortify the resolution of the good citizens of every nation of the earth, urging them to grapple with these problems with the same intensity of purpose, the same calm courage, the same unselfish spirit with which Belgium met the advancing hosts of Germany as they marched toward the conquest of the world. [Applause.]

In this presence my mind is driven irresistibly to one question: No matter how difficult the work of reconstruction and readjustment may be, no matter how long successful accomplishment may require, what if Germany had won? What if she had been allowed to pass, unchecked, through Belgium to an unprepared France and on to Britain, unready for war? Chaotic as the situation everywhere is, we cherish the hope that under free institutions the salvation of mankind is as certain as the lapse of time. But what if Germany had crushed Europe with an iron hand, subordinated Asia to her will, and then turned her power toward America? I do not know, no mortal can know, whether her far-reaching designs could, under any circumstances, have been carried into execution; but this we do know, that one country, small in territory, weak—comparatively—in military strength, but incomparable in loyalty to a Christian civilization and human liberty, unsurpassed in bravery, inspired by the loftiest ideals, stood in the path of this oncoming monster and, in supreme sacrifice, saved the world for freedom. [Applause.] When the sons and daughters of our race, now or hereafter, forget this sacrifice or fail to remember it with reverence and gratitude, the world which Belgium saved will be unworthy of its deliverance. [Applause.]

Of all the heroic tales of the fourteenth century there is no one which so tugs at the heartstrings as the immolation of Arnold Winkelreid, the Swiss patriot, upon the Austrian spears. The poet has engraved it imperishably in the annals of patriotism:

"Make way for liberty!" he cried;
Made way for liberty, and died.

Individual sacrifice, happily, adorns every page of history, but it remains for the immortal Belgians and their beloved King to record an instance in which national altruism rose to the heights of personal devotion. [Applause.] When Belgium bared her bosom to the German arms, daring death itself that liberty might live, she earned the undying affection of the people of the United States; and it is the earnest prayer of every American heart that during all the years to come our country will lose no opportunity to prove her everlasting gratitude.

Of all the men of Europe, Asia, Africa, or the islands of the seas there lives no man more heartily welcome to the Senate of the United States than the man who sits at my side. [Applause.]

Senators, I present to you our friend, our defender, and our ally, Albert, King of the Belgians. [Prolonged applause.]

ADDRESS BY HIS MAJESTY THE KING OF THE BELGIANS.

KING ALBERT. Mr. President and gentlemen of the Senate, it is indeed a great honor for me to address this illustrious assembly.

I salute not only the eminent men who receive me here to-day, but I salute the memory of your great predecessors who, during 130 years, have sat in this place and given to the whole world the example of the highest civic virtues.

From the bottom of my heart I thank your President for the beautiful and far too laudatory words that he has addressed to me. It has been a great pleasure for us to be in America, and our one regret is, and it is a deep regret, that your illustrious President is ill. We express the earnest wish that he may soon be restored to full health and vigor.

This welcome of the Senate seals that reception, so warm and so spontaneous, which I have received everywhere during my journey across this magnificent country.

I am deeply moved by the expressions of sympathy that the name of Belgium evokes from this noble American people.

Nothing could better characterize the reign of universal democracy than that friendship which unites the great Republic, with its 110,000,000 citizens, and the realm of which I am the constitutional head, with its seven million and a half inhabitants.

If there is not equality of power and riches between them, there is equality in the love of liberty and in aspiration toward social progress. [Applause.]

On both sides of the Atlantic the same ideal inspires us. The exchange of ideas, the commercial relations, the visits to Belgium of eminent American citizens, of whom many sit in this assembly, are so many means of tightening the bonds between the two nations.

I hope with all my heart that these relations, which go back as far as memory, which have been fortified during the war as well as by the admirable assistance which you rendered Belgium by feeding her people and by the fraternity in arms, will never cease to develop for the great good of our two peoples. [Applause.]

The PRESIDENT pro tempore. The King will be glad to meet the Senators personally. The Chair asks that at the conclusion of this short ceremony Senators will resume their places until His Majesty and his suite and the invited guests shall leave the Chamber. The Chair asks the senior Senator from Massachusetts [Mr. LODGE] to present the Members of the Senate to His Majesty.

His Majesty Albert, King of the Belgians, and the Crown Prince took their places at the left of the Vice President's desk, and the Members of the Senate were presented to them by Mr. LODGE.

On the conclusion of the ceremonies, the King and his suite were escorted from the Chamber, and the invited guests of the Senate withdrew.

The Senate reassembled at 2 o'clock p. m. on the expiration of the recess.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McCormick	Simmons
Bankhead	Harding	McKellar	Smith, Ariz.
Borah	Harris	McLean	Smith, Md.
Brandegee	Harrison	McNary	Smoot
Calder	Henderson	Moses	Spencer
Capper	Hitchcock	Nelson	Sterling
Chamberlain	Johnson, Calif.	New	Sutherland
Colt	Jones, N. Mex.	Newberry	Swanson
Cummins	Jones, Wash.	Nugent	Thomas
Curtis	Kellogg	Overman	Townsend
Dial	Kendrick	Page	Trammell
Dillingham	Kenyon	Penrose	Underwood
Edge	Keyes	Phipps	Wadsworth
Fletcher	King	Poindexter	Walsh, Mass.
France	Kirby	Pomerene	Walsh, Mont.
Frelinghuysen	Knox	Ransdell	Warren
Gay	La Follette	Robinson	Watson
Gerry	Lenroot	Sheppard	Williams
Gronna	Lodge	Shields	Wolcott

The PRESIDENT pro tempore. Seventy-six Senators have answered to their names. A quorum is present.

NATIONAL PROHIBITION—VETO MESSAGE.

Mr. ROBINSON. Mr. President, I rise for the purpose of opposing the motion made by the Senator from South Dakota [Mr. STERLING] to return to legislative session, and desire briefly to state some of the reasons which impel me to pursue that course.

The avowed purpose of the Senator from South Dakota in making the motion is that the Senate may proceed to consideration of the veto message sent to the House of Representatives yesterday by the President respecting the so-called war-time prohibition bill. If the motion prevails, it means that the treaty of peace will be displaced and discussion of the subject of prohibition will be begun. I believe that the country regards the final disposition of the treaty of peace as the most important action which the Senate can take, and I believe that the

people of the United States feel that the Senate should proceed as rapidly as practicable to a conclusion concerning the matter, without regard to whether they favor the treaty or favor its rejection. Let us inquire whether substituting in the Senate a discussion on prohibition for a discussion of the treaty of peace will accomplish any substantial benefit to the country.

Constitutional prohibition, prohibition which everyone admits will be legal, will go into effect January 1 next. If we proceed, as has been suggested by the Senator from South Dakota, to displace the treaty of peace with the veto message, those who are opposed to a prompt determination of the treaty and questions relating to it will find the subject of prohibition an easy means of prolonging discussion and of deferring final action on the treaty.

I do not know, nor do I think any Senator can tell, how long a discussion of this very interesting subject of prohibition will last, in view of the profound interest in that subject of a number of Senators, including perhaps my friend the Senator from Idaho [Mr. BORAH]. If an agreement to vote could now be made and the early disposition of the veto message assured, I would not oppose this motion.

Mr. STERLING. Mr. President, will the Senator yield for a question?

Mr. ROBINSON. I yield to the Senator, of course.

Mr. STERLING. The Senator says he can not tell how long this discussion will last. May I ask the Senator if he participated in the discussion when the bill was before the Senate? There was ample opportunity for a full discussion of the prohibition bill when it was before the Senate. Why should much time be taken now in discussing the merits of the bill?

Mr. ROBINSON. Oh, the Senator will please pardon me from any attempt to explain why Senators may consume a great deal of time in discussing any subject. Nobody but the Almighty could answer that question. Mr. President, day after day we have listened to able Senators repeat over and over arguments that the country is entirely familiar with concerning certain features of the treaty, and I repeat that a Senator who does not want final disposition of the treaty made at an early date may find the all-interesting topic of prohibition an easy means of prolonging the discussion indefinitely.

Mr. LENROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Wisconsin?

Mr. ROBINSON. I have pleasure in yielding to the Senator.

Mr. LENROOT. May I suggest to the Senator from Arkansas that if the motion of the Senator from South Dakota is adopted and we go into legislative session for the purpose of discussing the so-called prohibition bill, and there is protracted debate, a motion could be made at any time to go into executive session, and that motion is not subject to debate.

Mr. ROBINSON. Yes; but I am not in favor of superseding the treaty with a discussion on the subject of prohibition, for, as I was just about to point out, after all, even from the standpoint of those of us who consider ourselves strong prohibitionists, it is not a very important matter to the country. We have in a perfectly legal way provided that prohibition shall go into effect on the 1st of January. We all concede that there is a very grave question as to whether or not, under the existing circumstances, a court will sustain the proposed war-time prohibition act. It has, indeed, been held unconstitutional already by one court. The point I am making—and I shall be very brief in my discussion—the point I am attempting to make is that the Senate ought not to set aside a subject that is of vital interest to the people of the United States and to the people of the earth, a question which ought to be determined one way or the other promptly, whether we shall ratify or reject the pending treaty of peace, and enter into a more or less academic discussion of the subject of prohibition.

Mr. President, the present session of Congress is rapidly drawing to a close. I do not charge any Senator with an intention to filibuster or to prevent a final vote on the treaty of peace during the present session, but I think I am justified, in view of the history of the proceedings in the Senate during the last six months in saying that those who want the treaty acted upon ought not to put it at the mercy of its enemies.

"WHO WON THE WAR?"

Notwithstanding a year has passed since the armistice was signed, in my opinion there is little prospect of formal peace in the immediate or early future.

The war is not over by any means. General and apparently uncontrollable profiteering, widespread discontent, and the threatened closing down of the Nation's industries through general strikes occasion more danger to the country and forecast more suffering and death than resulted from actual hostilities.

In view of the conditions existing among the allied and associated powers, particularly in the United States and Great Britain, the question "Who won the war?" assumes startling significance.

Since the armistice was signed we have been boasting of the victory which we thought the Allies had won, but the valor and success of American, British, French, and Italian troops in the field, in part at least, has been offset by rivalries, jealousies, and divisions in council which may convert military victory into actual defeat.

In view of the comparative conditions in the United States and in Germany we are justified in asking, "Will the net result prove a triumph for the Central Powers?"

Present and prospective conditions make the immediate future for the United States a more critical time than the period of actual fighting. While the Senate wrangles over details concerning the league of nations, while Senators repeat over and over arguments with which the country has become familiar, while we indulge in what we ought to know are vain attempts to change the views of our colleagues, the spirit of unrest and of revolution grows throughout the Nation.

The United States presented the sublimest spectacle in history during the progress of the war. With unparalleled rapidity she organized, trained, and dispatched to the front, in spite of seemingly insuperable difficulties and obstacles, overwhelming military forces, which made the triumph of German arms impossible and which insured speedy victory to the allied cause.

What a striking contrast this country presents in its efforts to return to peace as compared with its attitude exhibited before the armistice!

Make no mistake about it, a nation-wide industrial war threatens the United States. Indeed, the conflict is already in progress. Almost every industry upon which the economic life of America depends is threatened with a general strike. The daily press is filled with accounts of demands and counter demands, with reports of conferences that fail to prove conciliatory. The steel strike, the impending coal strike, the threatened railroad strike are but three of the most important among hundreds of simultaneous evidences of industrial revolution. Gen. Harries, assistant chief of staff to Gen. Pershing, declares that existing disturbances in America are due to the continued circulation of German propaganda.

In a recent interview, which I shall publish in full in connection with my remarks, he said:

> German propaganda to-day is as deadly and as freely circulated as at any time before or during the war. It still aims to wreck the foundation of our Government. Its purpose is to erase all laws and order from the face of the country. England already has felt its effects.

I do not myself make that statement. I quote it from a great military authority, who professes to be familiar with conditions as they actually exist. Whether this declaration be correct, we are still nominally at war, while our principal allies have made peace with the Central Empires.

If the industrial warfare now in progress is indefinitely continued Germany will not find it necessary to resume military activities in order to retaliate against this Government for the part we took in the war against her. She will not need to attack us from the outside, for she can undoubtedly accomplish more harm to our people and their institutions by fomenting internal disorders. Control of labor organizations has passed, or is passing, to radicals. Former conservative leaders seem to be joining in the hue and cry in order to retain some semblance of their former power or to restore themselves to favor. Profiteers complacently continue the exploitation of the public, while labor threatens to paralyze economic conditions.

Meantime what are the conditions in Germany? If press reports are to be believed she is taking advantage of the chaos prevailing the allied countries. Her industries are successfully operated and are growing stronger every day. Her workingmen are voluntarily performing two hours per day more work than is required, while American coal miners are insisting upon a five-day week and a six-hour day. In spite of the high prices charged for food products in Germany, her people are settling down to the practice of thrift, economy, and good faith in their labors. Many of the leading publicists of France and England declare that within 10 years or less she will be relatively where she was before the war.

In denouncing as unlawful and dangerous to the Nation the threatened coal strike, ordered by the leaders of the miners' union without a vote of the miners themselves and in disregard of the safety of the country, and in declaring the public interest paramount in this controversy the President has earned, and I believe will receive, the support of Congress.

Neither profiteers nor hysterical agitators can overthrow this Government. It is impossible for any influences or all Govern-

ment agencies combined to immediately restore conditions to normal, and our people must recognize this fact and exercise patience. In the meantime let us do our duty. Let us treat bona fide labor disputes in a spirit of fairness and liberality toward labor.

Solutions for labor controversies that do not have their origin in a spirit of disloyalty should be worked out with a generous regard for the rights and interests of the laborer; those which originate in animosity toward our free institutions, controversies which gather their support from enemy influences and which are advanced in the name of revolution, must be fearlessly encountered and combated. This Government, despite its mistakes and in spite of the weaknesses at times displayed by its officers, is greater and more enduring than any external force which can assail it, greater than any internal treason which would seek to undermine it.

While the world waits on the action of the Senate to determine whether or not we shall have peace, while the industries of the United States suffer under the abnormal conditions that exist because of the technical continuance of war, we are now asked to put aside the treaty of peace in order that Senators may have an opportunity of expressing their sentiments on the subject of prohibition.

I think that it is far more important that the Senate should go forward in the discharge of its duty in determining whether we shall ratify or reject the treaty of peace than to engage in any attempt to discuss in an academic way the subject of prohibition.

I do not want further to delay the disposition of this question, and, in so far as I am concerned, I have said all that I desire to say upon the subject. I ask unanimous consent to have printed in the RECORD some interviews, a telegram or two, and two letters which I have recently received relating to profiteering and to industrial conditions, presenting interesting viewpoints.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

MORE HUN PROPAGANDA—IS CAUSE OF MUCH LABOR UNREST, SAYS GEN. HARRIES.

CHICAGO, *October 22.*

Speaking before a gathering of members of the Electric Club at the Elks' Club rooms to-day, Maj. Gen. George H. Harries, assistant chief of staff to Gen. Pershing, indirectly attributed the present labor unrest and other disturbances in America to the continued circulation of German propaganda. He said:

"German propaganda to-day is as deadly and as freely circulated as at any time before or during the war. It still aims to wreck the foundation of our Government. Its purpose is to erase all law and order from the face of the country. England already has felt its effects."

Gen. Harries was the first American officer into Berlin and watched the return of the German troops. He said they were hailed as "conquering heroes."

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PUBLIC IS WEARY OF BEING DAMNED—MUST BE CONSIDERED IN INDUSTRIAL DISPUTES, SAYS KANSAS GOVERNOR.

CHICAGO, *October 23.*

Controversies between capital and labor will not be settled in the future without consulting the interests of the factor most vitally affected by their agreements—the public—says Gov. Henry J. Allen, of Kansas.

"Employers and employees have got to take a third party, a party bigger than both of them combined, into consideration," said the governor, who arrived in Chicago to-day. "That party is the public.

"The public is not going to act the part of the innocent bystander any more without protest. And the public is beginning to wake up and realize that. That's true, anyway, in the part of the Middle West that I come from. The people are beginning to realize not only their rights but also their responsibilities, and any faction in the industrial and labor conference in Washington whose actions merit the condemnation of the public is going to be sorry for it. There isn't a phrase in our language so out of date as 'the public be d—d.'"

Gov. Allen came to Chicago at the invitation of Julius Rosenwald to deliver an address at the Blackstone to-night in behalf of the Jewish war relief fund.

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PARAGOULD, ARK., *October 24, 1919.*

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.:

Seems to us Congress should take steps to avert coal strike.

PARAGOULD CHAMBER OF COMMERCE.

—

PARAGOULD, ARK., *October 24, 1919.*

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.:

Please use best efforts to avert coal strike.

PARAGOULD SCHOOL BOARD.

—

PINE BLUFF, ARK., *October 24, 1919.*

Senator JOSEPH T. ROBINSON,
Washington, D. C.:

Large industries and consumers very much disturbed over demands of coal miners. Gas company already announced increase of 25 per cent to industries, which means they will in turn add to their commodities which consumers must purchase, and on whom this burden will finally fall. They can not stand additional burden on already high cost of living. Railroads make showing that means they must have 10 per cent increase in rates to meet increase in price of coal and reduction of hours, which also is dangerous precedent. Our organization hopes you will favor any legislation possible to avoid conceding present demand of miners. We have reached stage where this labor profiteering must cease.

CHAMBER OF COMMERCE,
E. B. BLOOM, *Secretary.*

—

FORT SMITH, ARK., *October 23, 1919.*

Senator ROBINSON, *Washington, D. C.*

MY DEAR SENATOR: As a private citizen and a union man, I feel the necessity of writing to you again.

Things look dark, indeed, for our country; and labor, it seems to me, not only is bringing about this state of chaos but stands in a fair way of losing rights that are really hers.

I hope you will see, however, that the rank and file of labor are easily satisfied and will follow the side having the most power and the fairest proposition. Our Government is not really in a struggle with the laboring man but with his unprincipled leaders, who are bent on destruction if they can not have their way.

I trust, also, that you will come to understand that autocracy in our industries must be destroyed, and that regardless of whether it is practiced by capital or by labor; for, as a matter of fact, no man has the right to rule over his fellow men except by delegated authority; and this is true industrially as well as politically. Neither money nor "divine right" nor prowess can give such right.

Since there are but two divisions of government, autocratic and democratic, and we have long since renounced political autocracy, it remains for us to renounce industrial autocracy—labor as well as capital.

Unless our Senators and Representatives in Washington formulate some sort of concrete plan to place before the American people, you may find a proposition "well-nigh" too big to handle, should the miners and the railroad workers decide to strike at the same time—or at different times, for that matter.

Now, I conceive all production to be carried on by labor and capital working cooperatively under industrial democracy. Capital is money used in production. All that is due it is a return of a certain portion of the profit from the things produced. The possession of capital gives its owners absolutely no right to control in any way the lives or actions of the workers in production.

I understand the term worker to mean managers and classified employees.

The managing department have a general supervision over the running of the industry, while the classified employees attend directly to production.

No manager, superintendent, or boss should do anything directly affecting the workers without the latter's consent. The classified employees should democratically determine their own working conditions and share with capital in the profits. Hence the shorter the hours of labor, the fewer the days, the less would be the profits. While if two men performed work that one could do, two men instead of one would share in the profits.

This will give labor the proper responsibility.

Now, if workers in each plant made their own rules of work, or rather fixed their own working conditions, democratically and in cooperation with the managers of industry and received a certain portion of the profits, the size of which would be determined by the market value of their product, their own working conditions and their efficiency in production, where would be the need of "one big union," or trades-unions, or collective bargaining?

I am not trying to suggest to you, but my opinion is that Congress herself must "invent" a fair industrial system wherein autocracy by both capital and labor are tabooed, the worker can vote peaceably for what he wishes, but bearing the responsibility himself, and strikes and lockouts are penalized. For autocratic capital means inhuman hours of toil, insanitary working conditions, and ultimately the enslavement of the worker—all to squeeze out profits, which capital gets. While autocratic labor means too few hours of toil, too few days per week of toil, a frightful reduction in production, causing excessively high wages and living expenses, and ultimately the overthrow of free government. We can not, we must not, tolerate either.

I hope to see a letter from you saying our Congressmen are facing the present crisis bravely, and that they are determined to destroy every agency that menaces free government; also that a system of cooperation between labor and capital will be worked out and the "divine" belligerency of these two very necessary elements in production will be forceably, if not otherwise, wiped off the slate.

Kindly pardon this long letter, but be sure to count me as one standing firmly behind the Government.

Very respectfully, yours,

C. E. STAMPS.

—

FORT SMITH, ARK., *October 22, 1919.*

Hon. JOE T. ROBINSON,
Washington, D. C.

MY DEAR SENATOR: I am attaching an editorial cut out of one of our local papers, which covers my sentiments and feelings very nicely. I am not trying to criticize anyone but I am trying to tell you gentlemen of the Congress that if some relief is not afforded soon to the public from the present conditions, which are fast becoming intolerable, all of us, or rather none of us, will have anything left to fuss over. I have been a lifelong Democrat and have never been radical. My territory now is composed of the western part of Arkansas, and never in 15 years of experience as a commercial traveler have I heard such bitter complaints against conditions as to-day by all classes of citizens—business men, farmers, professional, and all classes—and don't know of any better way to express the situation than by saying it is like one sitting on a keg of powder with the fuse burning.

This is the first letter of this nature I have ever written; hope it may be the last. I have always regarded you as a strong man, honest and straightforward and willing at all times to fight for your convictions. This letter would not be complete if I did not say in what regard I held you, and as I am not in politics, never held an office and do not want to, you can best judge what such sentiments may amount to; but for God's sake try and get some of your brother Senators to forget the peace treaty or ratify it and get down to business. Too much politics by "Mr. LODGE & Co." When it is all over fear we won't have any country to bawl about—all gone Red.

Yours, truly,

FRANK CARRICK.

ITS UP TO YOU.

There are three things that Congress can do at once to safeguard the households of America; to curb the crooks that are plotting against every American pocketbook.

First. The Lever food bill, with a prison penalty for food gamblers, should be extended to operate after peace is signed.

Second. The power of the Sugar Equalization Board should be extended after January 1, 1920.

Third. The scheme to boost the price of coffee, in which the Brazilian Government is the accomplice of food speculators, should be rigorously investigated.

Not one argument has been offered against any of these measures. The Department of Justice promises to cut prices down to normal by jailing profiteers. It pleads with Congress to give it a fair opportunity.

President Wilson asked for legislation against profiteering 10 weeks ago.

One reason that Congress stalls and delays is that the public is doing nothing.

Of course, everyone complains and protests and wonders why, but a 2-cent stamp, an envelope, and a sheet of paper will carry your wishes straight to the men who have the power to help you.

Food speculators, with millions at stake, are not idle—not for a minute.

You, with your earnings and savings at stake—why don't you do something?

Just write, "Dear Senator," or "Dear Congressman. Don't forget us. Guard us against the profiteer by pushing the measures needed to fight the high cost of living. Give us as much protection in peace time as we had in war time."

The appeals of national leaders, of the press, of economists, mean nothing unless you back them up!

Mr. BORAH obtained the floor.

Mr. WARREN. Will the Senator from Idaho yield to me that I may present a conference report?

Mr. BORAH. I yield to the Senator.

Mr. WARREN. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes. I ask for the adoption of the report.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. STERLING. Mr. President, I shall not object if the motion leads to no debate.

Mr. KING. Mr. President, before consenting, so far as I am concerned, I should like to have the Senator from Wyoming explain what, if any, differences there are between the bill as it passed the Senate and as the conferees now report it.

Mr. WARREN. The reading of the report will develop the differences, and I, of course, will answer any questions after the reading is concluded.

Mr. KING. The Senator is going to ask for the reading of the report?

Mr. WARREN. Yes.

Mr. KING. I have no objection to the reading of the report.

Mr. STERLING. Mr. President, I am compelled to object.

The PRESIDENT pro tempore. The Senator from South Dakota objects, and the report upon objection goes over until to-morrow.

Mr. KING. Mr. President, I rise to a point of order. I desire to inquire whether or not the conference report submitted by the Senator from Wyoming would not be privileged and would not have the right of way over the matter which is now receiving consideration?

The PRESIDENT pro tempore. The report is privileged in so far as its presentation is concerned; it is not privileged so far as its consideration is concerned. It has been presented, and, upon objection, goes over until the following day.

Mr. STERLING. Mr. President, I wish to say to the Senator from Wyoming that I objected because it seems apparent now that there will be discussion if the report is taken up at this time, and there is a pending motion to return to legislative session for the purpose of disposing of the prohibition bill.

Mr. WARREN. I hope the Senator will withhold his objection until I can explain why I wish to call up the conference report at this time. The chairman of the committee on the House side has appointments which will take him out of town, and it is consequently desirable to have prompt action on the report. I hope some time to-day that the report may be taken up and disposed of. Of course it may go over at present under objection; but I shall try to have it taken up at some time this afternoon and secure its consideration.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. In order to take up the conference report will not the Senate have to go into legislative session?

The PRESIDENT pro tempore. The Chair is of the opinion that the report must be considered in legislative session.

Mr. NORRIS. I object to considering the report except in legislative session.

The PRESIDENT pro tempore. The Chair understands that the question now before the Senate is the motion of the Senator from South Dakota to return to legislative session.

Mr. NORRIS. If that motion is carried, the request of the Senator from Wyoming would be in order.

Mr. STERLING. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Lodge	Simmons
Bankhead	Hale	McCormick	Smith, Ariz.
Borah	Harding	McKellar	Smith, Ga.
Brandegee	Harris	McLean	Smith, Md.
Calder	Harrison	McNary	Smoot
Capper	Henderson	Moses	Spencer
Colt	Hitchcock	Nelson	Sterling
Cummins	Johnson, Calif.	New	Sutherland
Curtis	Jones, N. Mex.	Newberry	Swanson
Dial	Jones, Wash.	Norris	Thomas
Dillingham	Kellogg	Nugent	Townsend
Edge	Kendrick	Overman	Trammell
Fall	Kenyon	Page	Underwood
Fletcher	Keyes	Penrose	Wadsworth
France	King	Phelan	Walsh, Mass.
Frelinghuysen	Kirby	Pomerene	Walsh, Mont.
Gay	Knox	Robinson	Warren
Gerry	La Follette	Sheppard	Watson
Gore	Lenroot	Shields	Wolcott

The PRESIDENT pro tempore. Seventy-six Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, if this matter is brought to a vote to-day, I shall vote against taking up the war-time prohibition veto. I do so for two reasons. In the first place, owing to the fact that I was occupied with other matters most of the time during the consideration of this bill, I knew little of its contents when it passed the Senate, and I do not know any more yet of its contents; but before I vote to override the veto I want to know concerning one particular proposition, and that is whether or not, in my judgment, the war-time prohibition act is a constitutional act.

The President has stated here in one paragraph a principle with which I am in full accord. He says:

> I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress.

We passed during the war a great many acts which should have been considered as having served their purpose as soon as the war was over, whether technically the war has been ended or not. There are a number of acts, such as the espionage act and other acts, which I think ought to have been considered as at an end; and I do not want to vote here against a principle which I have maintained with some degree of earnestness ever since the war closed until I know whether or not there is any distinction between the act to which the President refers and the other act which I have been somewhat considering. So until I at least have another day to look into this matter I shall vote against its consideration.

Furthermore, Mr. President, I have no desire to displace the consideration of the treaty. I am perfectly willing, when the debate is over, that the treaty shall be voted upon. I am in no particular haste about concluding the debate, but I am willing to debate that particular subject, because I do not agree with my friends who say that nothing is gained by debate at this time. It is possible that nothing is gained in the Senate by debate; but there is a larger and wider forum in which some of us are interested, because there are a few of us who do not propose to quit this fight when this treaty is voted on. It will continue until the last vestige of the scheme to involve this country in European wars is wiped out, if it is possible to do it, and from this forum we can best advise the people of the United States of its contents. Therefore I am perfectly willing to go ahead with the debate every hour until finally we shall have reached a vote by having exhausted the subject, if that can ever be.

So I have no desire to displace the treaty at all. I am perfectly willing to proceed with it; but the other reason why I vote against it at this time is the reason which I have just stated—because I have not sufficient information to vote intelligently upon the question of overriding the President's veto.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from South Dakota [Mr. STERLING].

Mr. UNDERWOOD. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. Mr. President, this veto and the subject of it will have to be disposed of, and disposed of at once. It seems to me that the quickest way of doing it, now that we have been debating it for a couple of hours, is to vote on it now and get rid of it. The day is broken up. I think if we put it over it will only cause additional delay. It seems to me the best way of expediting the treaty is to take up this veto message and dispose of it. I think it can be disposed of in a very short time.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state the inquiry.

Mr. KING. An affirmative vote upon the matter just submitted by the Chair would not preclude a discussion of the question upon its merits, would it?

The PRESIDENT pro tempore. The motion of the Senator from South Dakota is that the Senate return to the consideration of legislative business. If the motion prevails, any subject can be considered by the Senate.

Mr. PHELAN. Mr. President, I wish to say briefly that the President in his message to Congress recommended the repeal of the war-time prohibition act. He now states that the conditions which justified Congress in passing the measure have ceased to exist. I simply desire to remind the Senate in a spirit of fair play that the constitutional amendment forbidding the manufacture and use of wines and liquors provided that a year's time should elapse before it became effective, and I should say that the Senate has acted in bad faith, and the House as well, in cutting that time by statutory enactment, and that is the effect of the war-time prohibition act.

If there is any means by which we can give a short time of grace to those who are interested in this industry, it would be in the spirit of justice to them to do so. Hence I shall oppose any motion which will facilitate the overriding of the President's veto not because in my judgment it will affect the result at all, but because, as a matter of principle, I think Congress should respect the constitutional amendment, which gives a period of grace to those who are legitimately engaged in an industry which at one time the Congress fostered and upon which the United States has levied in large sums for its revenue—revenue which it sorely needs to-day.

Mr. SPENCER. Does not the Senator from California [Mr. PHELAN] think that it is quite within the power of the President by his own proclamation to at once terminate war-time prohibition, if in his judgment he sees fit so to do? Does not the Senator remember that the war-time prohibition by the express terms of the act was to continue in effect until "the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States"? Is not the power to end it a matter entirely within his immediate control?

Mr. PHELAN. Mr. President, my understanding is that the President has been advised by his constitutional adviser, the Attorney General, that as a matter of fact, and as a matter more particularly of international law, the war is not yet over; that the war is not over for purposes of this legislation until the President does proclaim peace, and inasmuch as peace depends upon the ratification of the treaty with Germany, which we have not yet accomplished, there is not the legal condition which would warrant the President in saying so. I think the Senator will agree with me that it is necessary for the President to proclaim peace before there is actually peace, and before he can consistently say that the war is over.

Mr. SPENCER. Mr. President, there is an old legal axiom, "Qui haerit in litera haerit in cortice," the man who sticks to the letter sticks only to the bark, and never gets at the kernel. Certainly no man can read the war-time emergency law without coming to the conclusion that the reason of the law was the existence of an actual war and the presence of an undemobilized force, and when the actual war has ended, and that army has been demobilized, the necessity for that war prohibition is ended. It did not mean that every man should be demobilized; it did not mean the technical paper ending of the war; it meant when the war as a fighting action had terminated, and when the process of demobilization had been substantially completed. Both those things are true now.

Mr. PHELAN. I believe, Mr. President, that that was the clear intention of Congress, but that Congress did not express it in as many words. Since then I understand a committee has been appointed for the purpose of drafting laws in order that the clear intention of Congress might be expressed in words. I do not think the Senator can construe the words of the law as warranting the President now in saying that we are in a state of peace, namely, that the war is over, because it is not over in a technical and legal sense. This is a constitutional Government, and the President, probably much to his regret, is bound by the language which Congress has enacted into law.

Mr. SPENCER. Mr. President, I only desire to call the Senator's attention to the fact that the wording of the law is conditioned upon the proclamation of peace. There is not a word about the final treaty of peace. War-time prohibition ends, according to the express language of the act, at the conclusion of the war, and the war is concluded. It is not a technicality; it is a fact.

Mr. PHELAN. But, Mr. President, the Senator admits that we are living now under an armistice, and that war possibly might be resumed. The armistice does not mean actually the conclusion of the war, because without a further declaration of war we might resume war.

Mr. SMOOT. Mr. President, I have the act before me, and this is the provision.

> That after June 30, 1919, until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, for the purpose of conserving the man power of the nation—

And so forth.

The President has authority under the law and must proclaim the termination of demobilization and the conclusion of the present war.

Mr. KING. Mr. President, will my colleague yield?

Mr. SMOOT. Certainly.

Mr. KING. Without expressing any view as to the correctness of the position just suggested by the Senator from Utah [Mr. SMOOT] I invite his attention to what I understand to be the contention of the Senator from South Dakota [Mr. STERLING], who has this matter in charge. As I understood his contention, it was that the President of the United States could not make any proclamation that would affect the act until after the exchange of ratifications of the treaty, and that the President had no power to revoke the existing law until after the treaty had been ratified.

Mr. SMOOT. I did not so understand the Senator.

Mr. KING. I so understood the Senator from South Dakota.

Mr. STERLING. Mr. President, I probably said something from which the junior Senator from Utah [Mr. KING] might have drawn that inference, but I do not want to be understood as taking that position. I think perhaps there is some debatable ground as to when there will be a conclusion of the war—whether when it has concluded, as a matter of fact, according to the statement of the Senator from Missouri [Mr. SPENCER], or whether there is no real conclusion of the war within the meaning of the act until there has been a proclamation of peace. That is a debatable question, perhaps; but if the Senator from Missouri is correct in his opinion, I agree with him that the President might make the proclamation now, and say that practically there had come the termination of demobilization and that the war had concluded. If the other construction is correct, of course, the original war-time prohibition act will be in effect until the proclamation of peace.

Mr. SMOOT. Under the wording of the law, I can not see how war-time prohibition will be repealed in any way until the conclusion of the present war—

> And thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

The President of the United States has power to-day to declare that to be a fact.

Mr. STERLING. There is some question as to what the expression "the date of which shall be determined and proclaimed by the President of the United States," refers to, whether it refers to the date of the conclusion of the war, which shall be declared by the President of the United States or the termination of demobilization.

Mr. SPENCER. Does not the Senator remember that in one of those eloquent verbal utterances of the President after the 11th of November, 1918, he stated in language as follows:

> Thus ends the present war.

Mr. SMOOT. I remember that the President made that statement in a speech that he delivered before a joint session of the two Houses.

Mr. NORRIS. Mr. President, will the Senator from Utah give me the language of the act from which he read?

Mr. SMOOT. I will hand the Senator the act and he may read it.

Mr. NORRIS. I did not care to take any part in this discussion, but I do not want the occasion to pass without giving my protest to the construction that has been placed on the language. It reads as follows:

> That after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States—

And so forth.

Mr. President, the theory of the Congress when it enacted the law was that the war would be terminated before demobilization took place. No one can doubt of that, if we will read the law. "And thereafter," the law reads. The President has no authority whatever to issue his proclamation until two things occur. One must be the conclusion of the present war and the other must be demobilization, and if the President should issue a proclamation before either one of those events has taken place it would be null and void and of no effect whatever. The idea that some Senators seem to have that the President can terminate the prohibition law at any time by a proclamation, it seems to me, will not bear the reasoning of logic. The law is purposely framed so that he has no power to declare war prohibition at an end until those two things occur. What has actually taken place, I presume, is that demobilization took place before the war was over, something that the framers of the statute had not contemplated. But in a legal sense the war is not over now. We have only suspended hostilities under an armistice. We are at war now with Germany, in a legal sense, the same as we have been at any other time. The war is not over. In my judgment, the President, if he has been advised, as the Senator from California [Mr. PHELAN] says, that it is not proper for him to issue this proclamation now, has been correctly advised. I do not see how you can reach any other conclusion than that under the law as it stands now he has no authority to issue a proclamation, because the war is not yet over.

It has happened in history lots of times where an armistice has been declared and hostilities suspended, no agreement has been reached under the terms of the armistice, and active war has again taken place. We had that occur in the surrender of Johnson's army in the Civil War when Sherman accepted the terms of peace, but they were rejected at Washington. Nobody believes that will happen now, but in a legal sense it might occur. There is not any ending of the war yet.

Now, as to demobilization, I have my doubt about that. I do not know what the facts are except what I have read in the papers.

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that the two things which the law specifically states must occur, "the date of which shall be determined and proclaimed by the President of the United States."

Mr. NORRIS. The President of the United States being Commander of the Army, will know before anyone else will know, and will know definitely, when demobilization takes place.

Mr. SMOOT. But that the law itself gives that power to the President, of course the Senator will admit.

Mr. NORRIS. Yes; but it is based on two things that must occur. Demobilization may be complete. I can not say as to that; I do not know, but the President does. He is the head of the Army, and he knows.

Mr. SMOOT. But the wording of the law is such that it seems to me it is entirely in the hands of the President. The act says:

> The date of which shall be determined and proclaimed by the President of the United States.

Mr. NORRIS. Yes; but the President has no right to fix the date as long as we are in a state of war, and that state will continue until some legal action is taken to discontinue it.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The war-time prohibition act was passed in order to protect the public while the United States was recruiting and organizing an army and had the soldiers in camp in the United States. There is nothing of that kind going on now. It was further intended to protect the troops in demobilization. The Senator says he has no authoritative information that all of them are demobilized, but is it not common knowledge that the Army has been reduced below the size of the Regular Army now, and that there is no demobilization going on in the United States and has been none for three months, except in one or two camps in one or two States out of the 48? The reason for this law having ceased, is there any possible ground for passing another law to make it effective at this time, as is now proposed?

Mr. NORRIS. Now, the Senator is arguing a proposition that, in my judgment, is not involved here. I am not going to argue the question as to whether the particular war prohibition law that is involved in the veto message ought to have been passed. That is an entirely different proposition. The question before the Senate now is whether we will go into legislative session in order that the Senator from South Dakota may call up the veto message and have a vote taken on it.

I am contending that the war is not over, that there is still a state of war, and that the President has no authority to revoke war-time prohibition until the war is over. Let me read the language again:

> That after June 30, 1919, until the conclusion of the war and thereafter——

The theory was that demobilization would take place after the war was over. It is probably true, from what the Senator says, that demobilization has taken place first, but it still leaves in the law one of the requisite things upon which the President must base his proclamation, and that is a state of war. Until that has passed away he has not any authority to issue any proclamation. Otherwise, if the President could arbitrarily fix it, then he might have done it the next day after the law was passed and said, "I declare demobilization to have taken place and that the war is over and prohibition is abandoned." That would not have made it so. Nobody after reading the law would have contended for a moment that that was a legal suspension of the law, and it seems to me that, in a legal sense, the same thing exists now that has existed all the time.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. The Senator may be technically correct, but there is no justification for passing a law upon a technical state of affairs when there are no facts to justify it.

Mr. NORRIS. We are not now engaged in passing a law.

Mr. SHIELDS. Just let me say——

Mr. NORRIS. Just let me refer to what the Senator said. I am referring to a law we have passed. The Senator has reference to another measure that has been vetoed, and that is outside of this question.

Mr. SHIELDS. Let me call the Senator's attention to what the President said in his veto message:

> The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

Now, the Senator says he does not know whether the President knew they had been demobilized or not. The President does know, and he says it has been done.

Mr. NORRIS. Probably so, but my sole objection to what the Senator urges still exists, that the Senator from Tennessee is arguing about a law that is involved in the veto message. I am not. For the present I am not considering that. At the present time that is not involved. The question here is the question raised by the Senator from Missouri [Mr. SPENCER], Has the President the authority under the law to issue a proclamation that shall repeal the prohibition war-time statute?

Mr. FALL. Mr. President——

Mr. NORRIS. I contend that he has no such authority now. Nothing that the Senator has said bears on it. What he has said bears on the wisdom or the unwisdom of Congress in passing the law at a time when the President says there is no further use for it. That is an entirely different proposition. I yield to the Senator from New Mexico.

Mr. FALL. In the first place, the President has issued his proclamation that demobilization has taken effect. He has issued it in this statement. Therefore, so far as he can affect the matter, the war-time prohibition law is now out of effect. The question which the Senator is discussing is whether he had a right to do it. Whether he has done it prematurely is a question for the courts and not a question for the Senate, is it not?

Mr. NORRIS. The President has not issued a proclamation of the kind I am speaking of.

Mr. FALL. I thought the Senator agreed with the Senator from Tennessee that he had.

Mr. NORRIS. I do not think the Senator from Tennessee claims that he has issued a proclamation. He sent a veto message here that is an argument against the passage of the bill that he vetoed. I claim that it has not anything whatever to do with the question of whether the President has authority, under the existing law, to issue a proclamation that shall repeal war-time prohibition as it now stands.

Mr. FALL. The proclamation does not repeal war-time prohibition nor did the law provide that it should do so. The proclamation simply gives publicity to a fact, and that publicity is given through the officer who is entitled to give it. The President of the United States issues proclamations for

the United States. It makes no difference what the wording is, so long as he gives publicity to the public generally of the status which the Congress of the United States has fixed as terminating a certain condition, and that condition, in my judgment, is terminated.

Mr. NORRIS. I think the Senator is right, and perhaps what I have said would bear the criticism he has made that the President does not terminate it. He issues a proclamation which fixes the date when it is terminated, but the statute fixes the condition under which he has the legal right to issue that proclamation, and one of those conditions is that the war is over, and I do not think anybody will claim that it is over. We might have to mobilize an army yet in this war and send another army to Germany. We do not know, in a legal sense, but what we will have more men there in a year from now than we had there a year ago. The war is not technically over. We are in a state of war now.

Mr. FALL. Mr. President, I can not allow the statement of the Senator to go unchallenged, because I have insisted, and I still insist, that both as a matter of fact and as a matter of law this country has been at peace with Germany now for three or four months, that the President has so said, that the President has suspended, as it is probable he may do, the trading-with-the-enemy act, that we are now trading actually with Germany, and that no one can be punished under the law to-day for trading with Germany. The matter of peace is a status, and to contend otherwise would be simply to adopt the argument of the Senator, as I understand it, that although we might ratify the treaty of peace ourselves to-day and if the President did not thereupon issue his proclamation that the Army was demobilized this legislation would continue on the statute books forever.

Mr. NORRIS. The condition of peace is a status, it is true, but it is a status that the President of the United States has not any authority to fix. Congress could bring about a legal termination of the war and bring about a status of peace by the passage of a resolution similar to the one which the Senator from New Mexico introduced. I have no doubt of that, and it would be a legal establishment of peace. But now legally we are in a state of war, and it does not make it otherwise because somebody is trading with somebody in Germany either. The law specifically states that before the President can issue that proclamation the war must be terminated, and it has not been terminated.

Mr. PHELAN. Mr. President, may I offer a resolution on this subject?

The PRESIDENT pro tempore. Does the Senator from California desire the resolution to be read?

Mr. STERLING. I should like to ask the Senator from California the purport of it. I make a point of order that there is a question pending before the Senate and that the Senator's resolution is out of order.

Mr. PHELAN. Has the Senator asked me a question?

The PRESIDENT pro tempore. The Senator from South Dakota makes the point of order that the Senator from California has spoken twice upon this question?

Mr. STERLING. Oh, no. I have not made that point of order, nor do I desire to do so. I thought the Senator had offered a resolution.

Mr. PHELAN. The Senator from California has offered a resolution, and the Senator from South Dakota has requested him to express to the Senator the purport of it, but was cut off by the point of order which the Senator made.

Mr. STERLING. On reflection I will say to the Senator from California that I object to his resolution.

The PRESIDENT pro tempore. The resolution is out of order and the point of order is sustained. The Chair assumed that possibly the Senator from California desired to use it in the nature of an observation on the pending question.

Mr. PHELAN. Mr. President, there seems to be a disagreement among Senators as to the meaning of the language in the war-time prohibition act, and my thought was to offer a method of solution which would have cut off the debate very effectively, by the adoption of an interpretative resolution of this kind:

Whereas the President, in his address to Congress on November 18, 1918, said, "The war thus comes to an end, for having accepted the armistice it will be impossible for the German command to renew it"; and

Whereas demobolization is conceded: Therefore

Resolved, That it is the sense of the Senate of the United States that, for the purposes of the war-time prohibition act, the war has been concluded and demobilization has been accomplished.

Does the Chair rule the resolution is out of order?

The PRESIDENT pro tempore. The Senator from California has the floor.

Mr. PHELAN. Then I ask unanimous consent for the immediate consideration of the resolution.

Mr. STERLING. I object, Mr. President.

Mr. NELSON. I call for the regular order.

The PRESIDENT pro tempore. The regular order is the motion of the Senator from South Dakota, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. MARTIN]. In his absence I transfer my pair to the senior Senator from West Virginia [Mr. SUTHERLAND] and vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). The senior Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family. He is paired with the Senator from South Dakota [Mr. STERLING].

Mr. STERLING (when his name was called). As has been stated by the junior Senator from South Carolina [Mr. DIAL], I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote not knowing how he would vote if present. If I were at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM], but I understand that if present he would vote on this question as I intended to do, and I feel I am permitted to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The PRESIDENT pro tempore. He has not.

Mr. DILINGHAM. I have a general pair with the Senator from Maryland. Not knowing how he would vote if present, I withdraw my vote.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. POINDEXTER] and vote. I vote "yea."

Mr. HENDERSON (after having voted in the negative). Has the junior Senator from Illinois [Mr. MCCORMICK] voted?

The PRESIDENT pro tempore. He has not.

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois, which I transfer to my colleague, the senior Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

The result was announced—yeas 43, nays 38, as follows:

YEAS—43.

Capper	Johnson, Calif.	McNary	Smoot
Colt	Jones, Wash.	Moses	Spencer
Cummins	Kellogg	Myers	Sterling
Curtis	Kenyon	Nelson	Sutherland
Dial	Keyes	New	Townsend
Fall	Kirby	Newberry	Trammell
Frelinghuysen	Knox	Norris	Wadsworth
Gore	Lenroot	Page	Walsh, Mont.
Gronna	Lodge	Phipps	Warren
Hale	McCumber	Sheppard	Watson
Harding	McKellar	Sherman	

NAYS—38.

Ashurst	Gerry	Nugent	Smith, Ariz.
Bankhead	Harris	Overman	Smith, Ga.
Borah	Harrison	Owen	Swanson
Brandegee	Henderson	Penrose	Thomas
Calder	Hitchcock	Phelan	Underwood
Chamberlain	Jones, N. Mex.	Pomerene	Walsh, Mass.
Edge	Kendrick	Ransdell	Williams
Fletcher	King	Robinson	Wolcott
France	La Follette	Shields	
Gay	McLean	Simmons	

NOT VOTING—15.

Ball	Elkins	Martin	Smith, Md.
Beckham	Fernald	Pittman	Smith, S. C.
Culberson	Johnson, S. Dak.	Poindexter	Stanley
Dillingham	McCormick	Reed	

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are absent on account of illness in their families.

So Mr. STERLING's motion was agreed to, and the Senate returned to legislative session.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, together with the veto message of the President withholding his approval therefrom, and the message from the House of Representatives.

Mr. STERLING. Mr. President, I ask that the Senate may proceed with the consideration of the bill, the objections of the President to the contrary notwithstanding.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BRANDEGEE. Mr. President——

SEVERAL SENATORS. Vote!

Mr. BRANDEGEE. Mr. President, I should like to ask what the pending motion is?

The PRESIDENT pro tempore. The question is whether, notwithstanding the objections of the President, the bill shall pass.

Mr. BRANDEGEE. I do not so understand, Mr. President. The Senate has just voted to go into legislative session. Now, the Senator from South Dakota [Mr. STERLING] moves to proceed to the consideration of the bill. Is that the motion?

Mr. LODGE. The bill has been laid before the Senate by the Chair. It involves a privileged matter.

The PRESIDENT pro tempore. In the opinion of the Chair, the bill is before the Senate at this moment.

Mr. BRANDEGEE. What is the pending question, Mr. President?

Mr. SHEPPARD. Regular order!

The PRESIDENT pro tempore. The pending question is, Shall the bill pass, notwithstanding the objections of the President?

Mr. KING. Mr. President——

SEVERAL SENATORS. Vote!

Mr. ASHURST. The question is not debatable.

Mr. KING. I should like to have the veto message of the President read.

The PRESIDENT pro tempore. The Secretary will read the message from the House of Representatives and the veto message of the President of the United States.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
October 27, 1919.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

—

To the House of Representatives:

I am returning, without my signature, H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."

The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

It will not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country. In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

WOODROW WILSON.

THE WHITE HOUSE,
27 October, 1919.

Mr. LODGE. Mr. President, I have no desire to delay a vote, but I wish to say just a word in regard to the vote which I am about to cast.

I have always opposed constitutional prohibition. I voted against it. I have not believed in putting prohibition into the Constitution of the United States, and I have not changed my view; but the country decided to put it in the Constitution of the United States, and then it became the obvious duty of Congress to supply the law necessary for its enforcement. There is no greater evil in our system of government than unenforced constitutional provisions. For that reason I voted for the bill which has just been vetoed.

I see no force in the President's distinction. The language of the war-time prohibition act is that it shall last "until the conclusion of the present war and thereafter until the termination of demobilization." The President has declared in his annual message that the war is at an end; he has declared in this message that demobilization is complete. Therefore, Mr. President, I see no force in the objection; but I think at this time to prevent this bill from becoming a law in the present disturbed conditions of the country would be a great misfortune. So I shall vote to pass the bill over the President's veto.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SMOOT, Mr. GRONNA, and Mr. POINDEXTER demanded the yeas and nays.

The PRESIDENT pro tempore. The Chair is of the opinion that it is not necessary to order the yeas and nays; that the vote must be taken in that way. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). My colleague, the senior Senator from South Carolina [Mr. SMITH], is detained on account of illness in his family. He has a general pair with the Senator from South Dakota [Mr. STERLING]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. STERLING (when his name was called). Under the announcement of the Senator from South Carolina [Mr. DIAL] as to how my pair would vote if present, I am at liberty to vote. I therefore vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I understand, however, that he would vote "yea" on this proposition, so I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted, but I observe that the senior Senator from Maryland [Mr. SMITH] has not voted. Having a general pair with him, I am compelled to withdraw my vote.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. ELKINS] and the Senator from South Dakota [Mr. JOHNSON] are paired with the Senator from Kentucky [Mr. STANLEY], and the Senator from Kentucky [Mr. BECKHAM] and the Senator from Virginia [Mr. MARTIN] are paired with the Senator from Missouri [Mr. REED].

Mr. GERRY. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness in their families. I have been especially requested to announce that if the Senator from South Dakota [Mr. JOHNSON] were present and at liberty to vote, he would vote "yea."

Mr. POMERENE. I wish to announce that the Senator from Maryland [Mr. SMITH] is necessarily detained on official business.

The roll call resulted—yeas 65, nays 20, as follows:

YEAS—65.

Ashurst	Harrison	Moses	Smith, Ga.
Ball	Henderson	Myers	Smoot
Bankhead	Johnson, Calif.	Nelson	Spencer
Capper	Jones, N. Mex.	New	Sterling
Chamberlain	Jones, Wash.	Newberry	Sutherland
Colt	Kellogg	Norris	Swanson
Cummins	Kendrick	Nugent	Townsend
Curtis	Kenyon	Overman	Trammell
Dial	Keyes	Owen	Wadsworth
Fernald	Kirby	Page	Walsh, Mont.
Fletcher	Knox	Phipps	Warren
Frelinghuysen	Lenroot	Poindexter	Watson
Gore	Lodge	Pomerene	Williams
Gronna	McCormick	Sheppard	Wolcott
Hale	McCumber	Sherman	
Harding	McKellar	Simmons	
Harris	McNary	Smith, Ariz.	

NAYS—20.

Borah	France	La Follette	Robinson
Brandegee	Gay	McLean	Shields
Calder	Gerry	Penrose	Thomas
Edge	Hitchcock	Phelan	Underwood
Fall	King	Ransdell	Walsh, Mass.

NOT VOTING—11.

Beckham	Elkins	Pittman	Smith, S. C.
Culberson	Johnson, S. Dak.	Reed	Stanley
Dillingham	Martin	Smith, Md.	

The PRESIDENT pro tempore. (At 3 o'clock and 40 minutes p. m.) On this question the yeas are 65 and the nays are 20. Two-thirds of the Senators present having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

FIRST DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I move that the Senate take up the conference report on the deficiency appropriation bill.

The motion was agreed to, and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) "making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 10, 12, 28, 31, 34, 35, 40, 42, 43, 44, 45, 46, 55, 62, 63, 64, 72, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 36, 37, 38, 39, 48, 49, 50, 51, 52, 53, 54, 57, 58, 66, 67, 68, 69, 70, 71, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"COMMITTEE ON PUBLIC INFORMATION.

"Authority is hereby granted to the director of the Council of National Defense to expend during the fiscal year 1920 the sum of $32,000 from the funds now to the credit of the committee on public information for necessary expenses incurred therefor since July 1, 1919, and for the expenses of auditing and closing the accounts and affairs of said committee. All unexpended balances of appropriations for and allotments to the committee on public information shall remain available for payment under the direction of the director of the Council of National Defense of such liabilities as were actually and necessarily incurred by the committee prior to June 30, 1919: *Provided*, That $1,000,000 of such appropriations and allotments shall be covered into the Treasury immediately upon the passage of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "continuing" and insert in lieu thereof the word "completing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the word "ten" and insert in lieu thereof the word "five," and in line 6 strike out "$1,600" and insert in lieu thereof "$800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after line 15; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,863,176"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"ORDNANCE DEPARTMENT.

"Ordnance reservation civilian schools: Authority is granted for the expenditure during the fiscal year 1920 of not to exceed $45,000 from appropriations heretofore made for the 'purchase, manufacture, and test of ammunition for mountain, field, and siege cannon,' for the operation and maintenance on ordnance reservations at Amatol and Mays Landing, N. J., Nitro, W. Va., Jacksonville, Tenn., Penniman, Va., Sheffield and Muscle Shoals, Ala., and Tullytown, Pa., of schools for children of persons employed thereon, where public schools are not conveniently available for such children, including salaries, supplies, stationery, and industrial work, replacement and repair of books and equipment, and all incidental and necessary expenses in connection therewith."

And on page 11 of the bill, in line 10, strike out "1919" and insert in lieu thereof "1910."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"NAVY DEPARTMENT.

"RENT.

"For rental of additional quarters for the Navy Department, fiscal year 1919, $175.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$500," and in line 4 strike out "$666.67" and insert in lieu thereof "$333.34"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out "$1,000" and insert in lieu thereof "$600," and, in line 5, strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$600," and, in line 3, strike out $666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL CONFERENCE OF LABOR.

"For salaries and expenses of the international conference of labor, as follows:

"United States Government executive staff: For two and one-half months, at monthly compensation as follows: Assistant to the secretary, $450; first assistant, $300; three executive assistants, at $200 each; two assistants at hotels, at $200 each; private secretary, $200; two stenographers, at $150 each; typist, $125; and two messengers, at $75 each; in all, $6,312.50.

"Conference staff, for two months, at monthly compensation as follows: Two stenographers, at $150 each; two deputy secretaries, at $300 each; four subsecretaries (for commissions), at $200 each; four interpreters, at $200 each; three English-French translators, at $200 each; three French-English translators, at $200 each; six French stenographers, at $83.33 each; six English stenographers, at $150 each; chief messenger, $125; eight messengers, at $75 each; expenses, at not exceeding $10 per diem for each person, $12,000; in all, $23,649.96.

"Chief clerk's office, for two months, at monthly compensation, as follows: Chief clerk, $200; assistant chief clerk, $150; and stenographer, $150; in all, $1,000.

"Expenses: For reporting proceedings, $20,000; printing proceedings, $10,000; paper, $2,500; contingent expenses, $1,000; in all, $33,500.

"Total, international conference of labor, $64,462.46: *Provided*, That all accounting in connection with the conference shall be done by the disbursing officer of the Department of

Labor: *Provided further*, That no part of the money herein appropriated for the international conference of labor shall be available for the payment of an allowance for per diem expenses in lieu of subsistence to any person residing in the District of Columbia: *Provided further*, That this sum shall not be supplemented by expenditures from any other appropriation nor shall any part of this or any other appropriation be used for telegraphing or cabling the proceedings of the said conference."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,075"; and the Senate agree to the same.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

Mr. WADSWORTH. Mr. President, I desire to ask of the chairman of the Committee on Appropriations whether the item which would enable the War Department, through the Air Service, to purchase airplanes has been eliminated from the bill?

Mr. WARREN. In reply to the Senator from New York regarding aviation, I have to say that it was eliminated in conference, the House conferees resisting continuously until the last item in the bill. So it goes out, together with the item concerning $250,000 worth of tools which the Committee on Military Affairs reported favorably to the Senate, and which was included in the bill. That was also eliminated.

Mr. WADSWORTH. May I ask the Senator from Wyoming if that last item was not a duplicate of the bill which the Committee on Military Affairs reported, authorizing the Secretary of War to transfer the title of not to exceed $250,000 worth of machine tools from the War Department to the National Board for Vocational Training?

Mr. WARREN. Precisely; it was included with the amendment offered by the Committee on Military Affairs, and the language was exactly the same as reported from that committee.

Mr. WADSWORTH. Mr. President, the second item alluded to by the Senator from Wyoming, while important, is not as important as the other one, which has to do with the Air Service.

I desire to say that I think I very thoroughly understand the difficulties which the Senate conferees encountered with the House conferees in a discussion of this item, and I do not wish to seem to reflect in the slightest degree upon the Senate conferees in yielding upon the item. The other House feels very, very strongly about some of the matters affecting appropriations for the War Department, and I know, as well as any other Senator, how difficult it is to persuade them to a different view.

But, Mr. President, I think it well at this time to call the attention of the Senate to the situation which exists in the Air Service. Senators will remember that when the annual appropriation bill for the support of the Army was before the Senate, the Committee on Military Affairs of the Senate, after being requested to recommend an appropriation of $83,000,000 for the support of the Air Service, including new construction programs, recommended to the Senate an appropriation of $55,000,000. The Senate passed the bill with the item at that figure in it.

In conference the Senate conferees offered to compromise, as it were, on an appropriation of $40,000,000, contending that without such a sum it would be utterly impossible for the Air Service to continue any development worthy of the name and at the same time maintain its personnel and establishment. The House conferees, however, and the House itself were adamant upon the proposition, and finally an appropriation of $25,000,000 was agreed upon, and became a part of the appropriation bill as signed by the President.

The inevitable has happened, just as was said upon the floor of the Senate at the time. The appropriation made in the annual appropriation bill is so small that the result is that the Air Service for the next fiscal year can not build any airplanes for the Army. In other words, this great country, at a time when all other countries are exerting themselves to the utmost to advance this new and wonderful art of flying, to encourage the commercial use of airplanes, to equip their military forces with machines of the latest design and the greatest efficiency—while every other country worthy of being called a great country is working along these lines, the United States, and the United States alone, declines to take one step toward enabling our people to come even within hailing distance of the progress of the art.

Mr. McCORMICK. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Illinois?

Mr. WADSWORTH. I yield to the Senator from Illinois.

Mr. McCORMICK. Is it not true that the War and Navy Departments have no coordinate and integrate plan for the development of an air service? And is it not true that in other countries a measure of coordination and acccommodation of differences has been achieved?

Mr. WADSWORTH. Mr. President, I can answer both questions in the affirmative, to the best of my knowledge and belief.

Mr. McCORMICK. And in this country there is no common plan or purpose between the Navy and War Departments?

Mr. WADSWORTH. Mr. President, there is no common plan or purpose or project between the Navy and the War Departments, or between any of the departments of the Government. We have no policy whatsoever.

We are in a shameful and disgraceful position, from which we should emerge at the earliest possible time. Great Britain and France and other countries, recognizing the tremendous future of aviation for commercial purposes, have already organized new departments of government to take over the management and encouragement of this new industry, this new and great means of transportation. That is what it is, a new means of transportation. They are fully confident that within two or three years aviation as a means of transportation will become of tremendous commercial value, and, in fact, to-day it is being used commercially upon the Continent and in the British Isles.

Mr. HENDERSON. Mr. President——

Mr. WADSWORTH. If I may continue my answer to the question propounded by the Senator from Illinois, I think the time must come, Mr. President, and I hope it will come very soon, when Congress will resolve to erect a separate department of aeronautics, which shall take charge of the encouragement of this new art, which bids fair to be just as important in its element as transportation upon the seas is important in its element and transportation upon the land is important upon its element.

Mr. McCORMICK. When I first interrupted the Senator from New York it was for the purpose of securing for the Senate his informed judgment on the fact that other countries have coordinated air services and America has none. Further than that I wanted to raise a question on which we ought to have his opinion. So long as the War and Navy Departments have no developed plan, is there any wisdom in Congress appropriating great and, if you please, insufficient sums, because unwisely spent, for the development, not of a thought-out and coordinated plan, but for a sort of haphazard scheme?

The very question which must have confronted the Committee on Military Affairs confronted the Committee on Naval Affairs, and nearly half the members of that committee, if I remember aright, shrunk from voting for great appropriations for a separate naval air service, and only yielded their judgment to the urgent importunities of other members of the committee who felt that appropriations must be made at this time, even though there was no rational plan.

Mr. WADSWORTH. Mr. President, I do not stand here to defend our present system, or, rather, the lack of it. But it is fair to say that the Army has a program of its own, which, of course, is strictly military, and the Navy has a program of its own, which, of course, is strictly naval in character. So far as each goes, I think they are fairly good. Neither of them, nor the two taken together, solve the problem in a general way. The activities of both combined are not adequate, and never can be adequate, to handle this enormous project, which has aspects which are far more important than the merely military or naval aspects. The commercial aspect is the thing which is going to be important, and already is important.

But we are in this situation, and I may remind the Senator from Illinois of the fact. Just before the armistice, after grave discouragement, and I will be perfectly frank and say after grave waste of funds, this country had finally gotten into the position where it had built up a great industry capable of turning out a very large number of planes and a very large number of engines every month. With the armistice, the contracts were canceled. All those plants have been closed down. Nothing has been done by the Government, or by any other agency, to see to it that there remains for the time being some little remnant of an aeroplane manufacturing industry in the United States.

Mr. McCORMICK. Is that because there has been a default of any appropriation?

Mr. WADSWORTH. It is because the Congress has not appropriated money in sufficient quantities to keep these factories running, even at a very much reduced rate of production. What is the result? In the month of July, 1919, there were only 14 airplanes manufactured in the United States. In Great Britain there were 2,000. That indicates where we are going; or, rather, where other people are going in the development of this business, and how we are standing still.

Mr. KIRBY. Mr. President, I desire to ask if it is the Senator's purpose to have the conference report rejected and to try another conference on this proposition? I am in hearty sympathy with the object of the appropriation made by the Senate.

Mr. WADSWORTH. Mr. President, I would not undertake alone the responsibility of asking that that be done. I would prefer to consult with the chairman of the committee, the Senator from Wyoming. I want to say very frankly that I understand the feeling of the House of Representatives on this matter. They are adamant. They are opposed, apparently overwhelmingly, to any financial encouragement of the aviation industry under the present auspices. I am not opposed to it. I am in favor of it within reasonable limits.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. WADSWORTH. I yield.

Mr. THOMAS. I merely wish to say that if the Senator feels like taking that responsibility, it will not be a personal one by any means, because I think there are quite a large number of his colleagues who will support him to the best of their ability. I heartily sympathize with every criticism that the Senator has made of this situation.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. WADSWORTH. I yield.

Mr. KING. I hope the Senator will not attempt to defeat the conference report. I share entirely the views of the House of Representatives, and I think that there are other Senators who entertain the same views. So long as the present control of the aircraft production remains in the hands of those now managing it, I feel sure that no very extensive appropriation will be made. The waste of the War Department has been so great as to cause the resentment of the American people against the scandals and the misconduct and the misappropriations that have been entailed in regard to aircraft production.

Mr. WADSWORTH. Now, Mr. President——

Mr. KING. The Senator will pardon me. We made a very large appropriation, I think, $25,000,000. Certainly $25,000,000 ought to go somewhere, notwithstanding the extravagance of the War Department in handling appropriations made by Congress.

Mr. WADSWORTH. Mr. President, I had not intended to address the Senate at length on this question, but the Senator from Utah [Mr. KING] has brought up another phase of it. I agree with the Senator from Utah that there has been extravagance and waste, but I assert that the men who were responsible for that are no longer in charge of the aviation program. It is not my business one way or the other to defend the War Department, but I think justice should be done to the men who are to-day in charge of the Air Service of the United States Army. I have entire confidence in the Director of Air Service and his principal assistant, Gen. Mitchell. They have not been guilty of extravagance so far as our committee can ascertain. They did not come into charge of this work until after the armistice. Since they have come in charge they have not had any money to expend in great quantities in the building of planes. They have asked the Congress for sums of money which will enable them during the next 18 months to build 600 planes, as they stated to the Military Affairs Committee; and, incidentally, I may say to the Senator from Utah that the Military Affairs Committee of the Senate passed upon this proposed item before it was considered by the Committee on Appropriations, and passed upon its unanimously, without one dissenting vote, because we were convinced that it was our duty to give these people a chance to build some airplanes, at least, in which our military fliers could operate. We have nothing left now but the famous DH–4 machines, which are obsolescent and imperfect, and are deficient in many respects.

Mr. McCORMICK. For military purposes?

Mr. WADSWORTH. For military purposes or for any purposes. They are out of date. This art is moving along from month to month.

Mr. NEW. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Indiana.

Mr. NEW. Well within the time that will be required for the completion of the machines provided for by this $15,000,000 appropriation, even such obsolescent planes as we have will be worn out, and the War Department will be left without anything in the way of a ship to take the air.

Mr. WADSWORTH. It may be of interest to know—and it is no longer a secret, because it has been testified before the Committee on Military Affairs—that we can not muster three squadrons of aeroplanes to send across any neighboring border to-day, and what we may send would be in obsolete machines. That thing can not go on indefinitely. It is all very well for Senators to entertain prejudice against those who happen to be in authority, but we must think of the country.

Mr. WARREN. Mr. President——

Mr. WADSWORTH. One might just as well say that we never should build another battleship because the first battleship, the *Texas*, was a failure. Merely because during the war we had a most unfortunate and distressing experience in the production of aircraft, that is not a valid argument in behalf of the proposal that we shall never build any more aircraft, and that is the proposal which confronts us. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I indorse fully, and with all the earnestness I can express, the feelings and sentiments of the Senator from New York [Mr. WADSWORTH]. I notice that the Senator from Colorado [Mr. THOMAS] thought we might gain something by sending this report back to conference. I have no feeling about it; if that should be the wish of the Senate, I would be perfectly willing. I think, however, we would be in better condition to take it up later, when it should be taken up, than to send it back to another conference now. Indeed, the unfortunate part of it was that it was a matter of contention upon the part of the House that the Department of the Treasury did not bring it to the House in the shape of an estimate, but that the War Department brought it directly to the Senate. The Senate Committee on Appropriations could not entertain it in the form it was in. If put in the bill, it could have gone out on the point of order had any one Senator made that point. However, it went to the Committee on Military Affairs, as the Senator states, and was unanimously indorsed, and thus it became in order. I think in this case we would lose ground, rather than gain, to send it back to conference.

Mr. WADSWORTH. I have indicated, at least upon two occasions in my remarks on the floor, that I understand the nature of the position with which the Senator from Wyoming [Mr. WARREN] is confronted. I am inclined to agree with him that nothing would be gained by sending the report back for this one purpose alone, but I have felt it my duty to call attention to the situation. To-day this great industry has all but utterly perished.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Florida?

Mr. WADSWORTH. In just a moment, Mr. President. If you permit it to perish now, if you forbid it in effect to get any assistance whatsoever in tiding over the period of time, which most people put at two or three years, before the art will be thoroughly commercialized and become commercially profitable, you will not catch up in 25 years. Men will go out of business. There are only a baker's dozen of them in it to-day. They have given up almost all hope of building any more planes in the United States. The Post Office Department has contracts for a few, perhaps a dozen or so; I do not know how many. The Army has contracts for none except half a dozen experimental planes of three different types, two units of each type. The Army now believes, and the best fliers in the Army believe, that we have developed in those experimental types—machines, as it were, built by hand—planes and engines which are superior in their classes to anything known abroad. They have been tested to the limit. They have shown results distinctly favorable, as compared with anything known in England or France. Now, they ask Congress to give them some money to build some of these planes—upon a reduced scale, to be sure—in order that a year or 18 months from now, for that is the period that will be necessary in order that they may get them into quantity production, American military aviators will have a machine which can keep the air in an emergency. If it is not done, not one of the DH–4's will be fit for use 18 months from now. They are on the ragged edge now, and 18 months from now this great Republic will have nothing. I am not in favor of stripping our Air Service in that brutal and unwarranted way, even though we did waste money during the war.

Mr. JONES of Washington. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. JONES of Washington. Is it not also a fact that England and France are encouraging, especially in South America, the establishment of air lines and the development of air service?

Mr. WADSWORTH. More than that, the British and French Governments have sent agents, and most of them are former British and French army officers, who are skilled aviators and fliers, to South American countries, and they are putting British and French machines of standard types upon those markets at a reduced cost. They have practically captured those markets. More than that, there are agents to-day in the United States, French officers in uniform, in the city of New York, selling French planes at a price infinitely below what any one of our manufacturers can produce them for, because, forsooth, our manufacturers can not produce one plane or six planes or 10 planes at the price per plane for which they can produce them if they are given orders for 600 or 1,000 planes. We are losing our own market.

Mr. NEW. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Indiana.

Mr. NEW. In addition to what the Senator from New York has just said and in reply to the question propounded by the Senator from Washington [Mr. JONES], I should like to state that within the last few days I have received, and put into the record of the hearings before the Committee on Military Affairs, a formal and official letter from our Department of State, signed by Mr. Adee, Assistant Secretary, addressed to the Aircraft Manufacturers' Association, setting forth officially the fact that representatives of certain foreign agents, English and French, are in South American countries, distributing the planes of their manufacturers, and asking the manufacturers' association here if they could not do something to bring American factories successfully in competition with these foreigners.

The situation is simply that the manufacturers' association here, fully cognizant of what is going on in those southern countries, are not sufficiently entrenched financially to enable them to enter into any such competition as is required in order to enable them to make any sort of headway against these other people. The people of whom the Senator from New York [Mr. WADSWORTH] speaks and to whom Mr. Adee's letter refers are backed by their respective Governments. They are sent down there with full governmental authority, and naturally we here can not compete with that sort of thing.

Mr. President, if I may, I will add just one word further in answer to a question asked by the Senator from Illinois [Mr. MCCORMICK] of the Senator from New York [Mr. WADSWORTH]. The Senator asked if there were no method of coordination between the War and Navy Departments. In spite of the fact that both the War and Navy Departments say that there is a method, I undertake to say that there is worse than no method at all. I am in full sympathy with all the complaints made here by any Senator with reference to the lack of ability of those two departments to get together and coordinate their efforts in the proper direction.

This happened, and it is a fair illustration of the condition existing between the departments. The Post Office Department, having established a mail route between New York and Chicago, wanted to establish, in connection with it, five wireless stations. They went to the Navy Department and consulted them about it. The Navy Department said, "Yes; we have four which we will permit you to use, and we may build the fifth." But the Post Office Department did not wait, and started in to build five stations on its own little account. That is a fair illustration of the lack of coordination between the respective departments of the Government.

I agree most fully with what the Senator from New York said about the necessity for a separate department of aeronautics, and my feeling on that is best evidenced by the fact that some time ago I presented a bill which has that for its purpose. The bill is now before the Senate Committee on Military Affairs, and I think I am safe in saying it will be favorably reported, and that the committee, almost unanimously at least, will favor the establishment of a separate department of aeronautics, having been perfectly convinced that something of that kind is absolutely necessary.

But, Mr. President, if we pass that bill, as I hope we may and as I certainly believe we should, it will require some time following that in order to get the machinery of the new department going and to get the planes in process of manufacture. The manufacturers who are capable of producing planes in this country are very rapidly going out of business. The whole aircraft industry, which at the time of the signing of the armistice nearly a year ago had grown to very great proportions, has dwindled so that less than 10 per cent of its productive capacity is now in existence.

Mr. WADSWORTH. It is not producing.

Mr. NEW. I say only 10 per cent is in existence; it is not producing but is merely hanging by its eyelids and waiting to see if there is to be any further business. The business is of such a character that at this day American manufacturers can not go ahead; they can not keep the industry going on their own capital without Government assistance.

But, Mr. President, the appropriation of $15,000,000 would have served two purposes: First, it would have kept alive the remnant of the industry; and, second, it would have provided for the Government that which the Government is absolutely bound to have and which it can not under any circumstances get along without except to its great loss and discredit in the event of any emergency. Nobody knows when such an emergency may arise or where; but when it does, if it should occur any time within the next 18 months, I say to Senators here that the United States is going to be as badly off for airplanes as it was on the 6th day of April, 1917. That is the lamentable truth. We shall have to start all over again and in exactly the same extravagant way in which we went about it two years ago. It seems that we have learned nothing.

Like the Senator from New York [Mr. WADSWORTH], I understand, I think, the difficulties under which the Senate conferees labored. I have had some experience with the House Members who represented that body in this conference, and I know what their objections and their prejudices are.

Mr. OVERMAN. Will the Senator yield to me?

Mr. NEW. Certainly.

Mr. OVERMAN. Mr. President, I do not like the policy of delaying needed legislation because the other House is not in favor of it. I voted for this appropriation in the Committee on Appropriations, knowing at the time that properly it did not belong on a deficiency bill, and yet its importance is so great that I voted for it in committee. The Senate passed it, and why should we let the House hold us up? Why not send this conference report back to conference as we would a report involving any other necessary appropriation, fight it out, and give the House the benefit of the arguments which have been so ably presented here this afternoon by the Senator from Indiana [Mr. NEW] and by the Senator from New York [Mr. WADSWORTH] and which I cordially indorse. That is the only way to get legislation.

Senators talk about putting it off. If we do so, we shall have no airplanes and have nothing with which to build airplanes. The time to enact this legislation is now. We should insist on it and let the report go back to the House of Representatives and make a fight there in conference.

Mr. NEW. Mr. President, I very heartily concur in everything that the Senator from North Carolina [Mr. OVERMAN] has just said. I can not vote to concur in the conference report with this item left out of it, realizing, as I do, its urgent necessity and the loss to the Government and the unfortunate situation in which we would be left by its elimination from the bill.

Mr. KING. Mr. President, will the Senator from Indiana permit an inquiry?

Mr. NEW. Certainly, I will.

Mr. KING. I understood the Senator from New York [Mr. WADSWORTH] to say that $25,000,000—that is my recollection—was carried on the last regular appropriation bill for the Air Service. Why may not a portion of that $25,000,000 be devoted to the production of aircraft?

Mr. WADSWORTH. Mr. President, if the Senator from Indiana [Mr. NEW] will permit me, I have the figures here which will answer the question of the Senator from Utah [Mr. KING].

Mr. NEW. I yield to the Senator for that purpose.

Mr. KING. I shall be glad to hear the figures.

Mr. WADSWORTH. This matter was gone into in the Military Affairs Committee with the greatest care in a hearing attended by the chiefs of the Air Service and the Secretary of War. They laid before us the figures, which account for the use of the $25,000,000. Some of the figures may surprise the Senator from Utah; but it is well to remind ourselves that when the armistice overtook our tremendous production program it found us in possession of a hugh accumulation of aircraft supplies of every kind and description, together with a very large number of fields, covered with barracks and buildings and storehouses and hangars and machine shops, and a vast deal of material of one kind or another.

It was the policy, of course, of all branches of the Army to discharge the soldiers just as soon as they could after the armistice. Congress demanded that and the public demanded it; in fact, the Congress upon several occasions demanded that the War Department substitute civilian employees for soldiers

wherever civilian employees could be substituted in the care of this property. It has been found by the experience of the Air Service, as a result of that policy, which all Americans insisted upon and upon which Congress insisted, that $13,000,000 has to be expended during this fiscal year for the payment of civilian employees of the Air Service in taking care of the great accumulation of property and the numerous aviation fields. That is only one item, but it accounts for a little more than half of the $25,000,000.

Mr. KING. Will the Senator permit an inquiry?

Mr. WADSWORTH. I have the other items, if the Senator will let me continue.

Mr. KING. I will pretermit my inquiry until the Senator from New York shall have concluded.

Mr. WADSWORTH. Now, they are operating a salvage division, a division for the disposal of these materials. Their experience thus far shows that they must set aside $1,745,000 for that purpose. So that for the care of this property under the two items which I have just enumerated there must be expended $15,693,967.83. That leaves, roughly speaking, a little less than $10,000,000 out of the $25,000,000. Let us see what they can do with that. They have got to pay leases on flying fields of which they are still in possession. Default can not be made in the payment of leases to citizens who own the land. That costs $350,000.

They figure it vitally important to continue their experimental work on the six or eight machines which have been built practically by hand. Their efforts in this direction constitute a desperate attempt to keep pace with the latest developments. They have done good work along that line, but they only have six or eight machines. That experimental work is carried on at a special place. They have set aside for that purpose the small sum of $3,000,000. That does not seem too much money to expend in the effort to keep up with the scientific side of this wonderful game.

They also have to develop the lighter-than-air equipment, the dirigibles, and the balloons. One has only to remember the performance of the British R-34 to realize the possibilities and the potentialities of the lighter-than-air craft. So they have set aside $3,000,000 for that branch of the service. That is not much; that is a very modest figure for a great Government like ours to expend for this purpose.

To maintain the engines——

Mr. NEW. Mr. President, I should like to say right there that the British Government has expended more than that much money on a single dirigible.

Mr. WADSWORTH. The R-34 alone, just that one ship, cost over $3,000,000, and when they navigated that ship over here and back to London they demonstrated something which is of vital importance to the British Empire, and they know it. That was the precursor of British air lines from London to India and from London to Australia. Those courses are being laid out to-day. They have demonstrated that they can do it. The ships are designed; and they have put aside $230,000,000 to develop British aviation, to maintain the supremacy of Great Britain in the air, as it has been maintained upon the sea for 200 years, commercially as well as in a military sense.

Mr. NEW. That is the expenditure for one year.

Mr. WADSWORTH. That is for one year. We are not asking anything like that.

I call attention now to another item. To maintain the engines and the planes and provide the operating expenses of the existing equipment, which, mind you, is out of date already, they are compelled to put aside $2,000,000. For the maintenance and operation of the storehouses, the repair shops, and the fields themselves which have been selected for final purchase from a great number of fields—and the number of fields has been largely reduced—for the maintenance of those storehouses, which contain $500,000,000 worth of accumulated supplies, they ask another million dollars.

We, therefore, find that the last items aggregate $9,350,000, which, added to the $15,693,967, absorbs the entire $25,000,000; and yet not one new machine can be built.

Mr. THOMAS. Mr. President, I do not wish to prolong the discussion, but I desire, because of the importance of the subject; to supplement what has been stated by the Senator from New York and the Senator from Indiana by one or two additional observations.

I saw a few days ago a cut of the new German dirigible, with a very interesting description of its character and of its capacity. Coupling that information with the eventful trip of the British dirigible, I was impressed with the idea that the only invasion which America really has to fear in the future is an aerial one. It has been demonstrated that a lighter-than-air machine can traverse the Atlantic Ocean with as much ease as an airplane can fly from the city of Washington to the city of New York. A fleet of dirigibles, carrying a very considerable number of men and equipped with the deadly explosives which modern science has evolved, could create more havoc upon the American coast than all the battleships of the world combined. We can easily defend ourselves against a marine invasion by the use of our submarines and our mines and our own battleships. We can only resist an aerial invasion by dirigibles and other aircraft.

Great Britain deserves the supremacy which she has secured and maintained for so many years of commerce and of the seas. Her farsightedness has insured both of them to her. She long ago perceived, and acted upon the perception, that the nation which controls the air in the future will continue to be the supreme people of the world—a proposition so obvious, so simple, and so inevitable that every thinking man must perceive it. France has acted, and is acting, upon that perception. We do not know what Japan is doing, because she conceals her activities behind an impenetrable veil of secrecy; but we do know that Japan is strengthening her hold upon China, and that she is in Siberia to stay, if possible; and she also realizes that her ambitions must necessarily collide with the interests of the great manufacturing nations of the world.

It is perfectly safe to assume—indeed, we must assume—that Japan is equally active in developing her air service and her air machinery.

Senators have spoken about the intrusion of commercial agents from France and from Great Britain in South America, with a view of monopolizing the particular business of supplying those countries with aircraft. I want to impress upon the Senate the fact that these nations are also in Mexico, whose Government is utilizing the services of many of its young men and teaching them aviation.

The Senator from New York has called attention to the fact—and it is a most deplorable fact—that we could not to-day, whatever our necessities, mobilize three squadrons of aircraft.

Mr. WADSWORTH. That is, anything like modern aircraft.

Mr. THOMAS. Yes; of course; and if they are not modern they are practically useless. We do not want, and we have demonstrated by our patience, and, sometimes I have thought, our ill-timed consideration, that we do not want trouble with Mexico; but the Mexican situation can not remain as it is forever; and in the event that it does become necessary to intervene we may find ourselves inferior even to Mexico in our aircraft development—a most pitiable thing to contemplate, and yet something which I think is highly probable.

Mr. President, I do not want to see the expenditure of a single unnecessary dollar by the Government of the United States, particularly in these times of high taxation, which burdens the people to a greater extent than ever known before, perhaps, in any country; but the development of aircraft—the future method of warfare, and one of the future methods of communication for the transit both of goods and of individuals—is indispensable to our national greatness, and also to our national protection and safety. Preparedness is a mockery these days, Mr. President, if it does not include preparedness in the air; and it is the one thing, or the principal thing, in which at present our situation is deplorable.

This $15,000,000, a considerable sum in itself, is only a beginning. I fully concede that. When we consider the enormous sums which Great Britain is expending in this line of development, and the almost equally enormous sums which France is expending in the same line of development, notwithstanding their almost bankrupt condition, it is positively criminal that the Government of the United States should be so handicapped at this juncture. I believe, Mr. President, that we should refuse to concur in this conference report and instruct our conferees to go back and meet with the conferees of the House of Representatives and stay there until we get this appropriation, even though the bill itself shall fail in consequence.

I feel deeply upon this subject, Mr. President, possibly because of my association with my colleagues upon the Committee on Military Affairs, before which day after day the seriousness of this situation and the necessity of doing something has been brought home to us constantly, continually, closely. So far as preparation is concerned, I think it is the most important element that we have now confronting us.

Mr. FLETCHER. Mr. President, just a word.

I am not prepared at this time to commit myself to a separate department of aeronautics. I am studying that question, and do not know yet what conclusion will be reached about it; but I quite agree with the Senators who have discussed this matter as to the importance of maintaining the Air Service.

One effect of the lack of this sort of appropriation is withdrawing from the Air Service all encouragement and all sup-

port and having it practically go to pieces. It is not merely a question of failing to keep up in modern inventions and improvements of the airplane with other countries. It is a question of preserving the Air Service of the United States; and I think we all agree that that is the most important arm of the service and means of national defense. I believe that unless we take care of this situation as it exists now, and make this appropriation, the Air Service will suffer almost irretrievably.

For instance, out of 1,800 nonflying officers in the service to-day all except 180 are going out by the 1st of November. Only 180 nonflying officers will remain in the service after the 1st of November; and that merely illustrates what is bound to follow all through the service unless we provide the encouragement and support which ought to be given to that service.

The body at the other end of the Capitol I believe realize the importance of the service. Their position is that we ought first to decide upon a permanent program and policy with reference to it. The idea seems to be that perhaps by December or January we will have another deficiency bill, and can then take care of the needs of the Air Service, and perhaps of the Navy. It is a mistake not to provide the things originally carried in this bill for the Navy Department, but it is expected that the next deficiency bill will be sufficient to do that, and that they can get along until January.

There is no use in fiddling along about an important matter like this. December is nearly here. Before we can fairly turn around we will be right at the date they fix for the next appropriation bill. Why not take care of it now, in the present bill? Why wait? When we are faced with the inevitable thing, why not meet it bravely, and do it now, without mincing matters and withholding that support and that encouragement that ought to be granted to the service?

I am ready to vote against agreeing to the adoption of this report.

Mr. HENDERSON. Mr. President, I dislike very much even to suggest putting any further burdens upon the shoulders of the chairman of the Appropriations Committee; but, Mr. President, the time has come when the Senate of the United States should take a determined stand and handle these matters in a businesslike way.

The Senator from New York [Mr. WADSWORTH] a few moments ago told us that if this service was allowed to lapse for a period of 18 months, in his opinion it would take us 25 years to get back where we were at the close of the war, or the signing of the armistice.

Mr. WADSWORTH. I meant to catch up with the progress which other nations would be making during those 25 years.

Mr. HENDERSON. But, further than that, Mr. President, it would cost us from three to four times in money what it would to appropriate, say, fifteen or twenty-five millions now and keep along with the pace. In other words, it is economy for the Congress of the United States to make these appropriations at the time they should be made and keep the work going along and not allow it to lapse and all go into desuetude and ruin and rack, as it will if we do not keep up the service at the present time.

Mr. NEW. Mr. President, will the Senator yield?

Mr. HENDERSON. I yield.

Mr. NEW. In confirmation of what the Senator from Nevada says, I want to call attention to the fact that some of the types of machines which have been adopted by us, and would be built by the War Department under this order, will cost at a minimum $79,000 if built by hand. They can be built for around $30,000 if put into production. That is the difference. When you get to the place where you are going to order any of these machines at all, if you are going to buy them piecemeal as they must be had, the cost will be, just as the Senator from Nevada is trying to point out, three times what it will be if you proceed in some intelligent fashion.

Mr. HENDERSON. Mr. President, the Senator from New York stated a few moments ago that Great Britain in the month of July, 1919, had built 2,000 planes.

Mr. WADSWORTH. That is right.

Mr. HENDERSON. May I ask the Senator from New York whether those planes were built by the Government or by the Government and individual firms?

Mr. WADSWORTH. They were built almost entirely by private industry, encouraged by the Government, and sustained in part by Government appropriations.

Mr. HENDERSON. And in the United States, during the same month, only 19 planes were built?

Mr. WADSWORTH. Oh, no; 14. The Senator is exaggerating. It is 14.

Mr. HENDERSON. Fourteen; and were those planes built with any Government aid at all?

Mr. WADSWORTH. They were built for the Government.

Mr. HENDERSON. Under Government contracts?

Mr. WADSWORTH. Yes. I think the Post Office Department got half a dozen. The War Department got, I think, six, hand made—something like that. It is immaterial. There were only 14 altogether.

Mr. HENDERSON. It does not amount to anything?

Mr. WADSWORTH. It does not amount to anything.

Mr. NEW. And they were all made by one concern. There was just one concern in the United States that produced airplanes in the month of July.

Mr. HENDERSON. Mr. President, I believe that the Senate should take a firm stand at this time and not allow this service to lapse and go back, and that we should make this appropriation; and I believe that the Appropriations Committee and the Military Affairs Committee can show the House of Representatives the necessity for such an appropriation.

Mr. SWANSON. Mr. President, I should like to ask the chairman of the committee with reference to an appropriation made by the House aggregating $9,300,000, which consisted of a transfer of $7,300,000 and $2,000,000, respectively, which had previously been appropriated for "Pay of the Navy" and "Provisions, Navy," which was to be transferred so that it could be used as follows: Two million five hundred thousand dollars for maintenance, Bureau of Yards and Docks; $1,050,000 for maintenance, Bureau of Supplies and Accounts; $3,250,000 for construction and repair of vessels, Bureau of Construction and Repair; and $2,500,000 for engineering, Bureau of Steam Engineering.

Witnesses who appeared before the Naval Affairs Committee said it was their understanding, from estimates transmitted to the Appropriations Committee, that the navy-yard repair of vessels which are badly in need of repairs will stop unless this sum is appropriated. I have been told by the Senator from Kansas [Mr. CURTIS] that they have sufficient funds to run them until January.

Mr. WARREN. There is no trouble at all about it.

Mr. SWANSON. And they expect to have a deficiency bill in December which will take care of the situation?

Mr. WARREN. There is money enough to run a long time after January; but there are other matters that must be taken care of in December and January, and this matter will then be taken up in the House, I understand.

Mr. SWANSON. It will be taken up, so as to take care of the situation?

Mr. WARREN. Yes; and will be considered.

Mr. SWANSON. And will be considered in December in the deficiency bill? Very well.

Mr. WARREN. I do not wonder at all at the feeling of Senators about wishing to obtain permission to use for the purpose of aeronautics some $15,000,000 heretofore. I beg of them, though, to remember that there is a right way and a wrong way to do all these things, this one included. We are unfortunate enough not to have had this presented, as it should have been, to the Treasury Department, transmitted in a regular estimate to the House, and in season for the House to consider it. Therefore when it comes up here first the House knows nothing of it, and it leaves them the ground to stand upon the rules until they can become better acquainted with it. I think I have said enough about my feelings concerning it to demonstrate that I would vote to take it back if I thought that was the way to reach favorable results soonest. But if such a motion is made I shall hope it will not prevail, because I think it would damage the cause. We meet again on the first Monday in December. By that time we ought to have all these matters, tools, if I may term them such, or estimates, and so forth, in such form that the House can not refuse to consider it affirmatively or negatively, and then when it comes to the Senate we will be in a much better position to handle it than now.

Mr. JONES of Washington. Mr. President, I am afraid we are going to duplicate our experience with ships in our dealing with the airplane service. For many years we talked about a policy for the development of an American merchant marine, but we did nothing. As a result we have appropriated since the war began a sum of money which equals the book value of all the ships of all the world in 1914. We have a lot of ships. Some of them are good and some of them are bad. Whether we will be able to develop an efficient American merchant marine is to be determined by the future. It looks as if we were following about the same policy with reference to the airplane service. If we do, we will have the same disastrous results. When the time comes that we need airships, we will not have them, and we will have to spend probably twice as much money as they would have cost if developed under a proper policy.

But I am not going to take any time to emphasize what has been said by other Senators with reference to the necessity of developing this service. I agree with everything they have said, and I hope that we will do something along these lines in the very near future.

I think I agree, however, with the chairman of the committee in that I do not believe anything can be accomplished by sending this measure back to conference. I do believe, however, that we ought to develop a policy. There ought to be a general plan so that the aircraft development service can be coordinated. We will get the best results in that way. Whenever we can get a plan of that sort adopted, we will not have so much difficulty about getting the necessary appropriations to develop it and carry it on.

I wanted to refer, however, to another item in the bill. I understand the appropriation for the Alaskan Railway has been placed at $6,000,000. I am satisfied that the conferees on the part of the Senate got the very best that they could. I am really surprised that they got so much, under the circumstances, although I think it would be economy for us to make an even more liberal appropriation than $6,000,000. We are going to complete the Alaskan Railroad. The more rapidly the work is carried on, the more fully the plans for its early completion are carried out, the cheaper the work will be done, and we will save money by appropriating the funds that are necessary to keep the force that may be gathered there and is organized, employed every day in the year that it can be employed. Plans have been made under which the work can be carried on. If those plans can be carried out, the work will be done more cheaply than if those plans are delayed.

The fiscal year ends right in the middle of the working season in Alaska, June 30. This $6,000,000, in my judgment, will no more than carry out the work expeditiously, economically, and effectively until about June 30 or the 1st of July. Without money that they can use for getting supplies or materials, and everything of that sort necessary to enable them to take advantage of the working season after July 1, it means simply delay in the completion of the road, and it will mean ultimately an increase in the cost of the road.

But I feel that there can be no question about the appropriation in the future for whatever is necessary to complete this road. I believe that the men in charge can make their plans, with the assurance that in the sundry civil bill of the next session ample appropriations will be made for the next fiscal year, beginning July 1. The only difficulty about it is that they can not make their contracts for the delivery of material that will be needed and be used after that time; but I think they can rest assured that they can make their plans and go just as far as they can go without actually having the money appropriated for them, with the assurance that they will get the money in the next regular bill.

I wanted to ask, for the RECORD, of the Senator from Wyoming [Mr. WARREN], who has had long experience here, if it is not his judgment that they can rest assured that the money that is necessary to carry on the work will be provided in the sundry civil bill at the next session of Congress, and that they can safely make their plans upon that basis?

Mr. WARREN. Mr. President, the original law of $35,000,000 limit on the construction of the Alaskan Railroad will have been exhausted before the end of this calendar year, and the law passed to provide $17,000,000 more passed only a short time ago—a few days ago—so that the matter was not considered on the House side. The Interior Department came to us asking $17,000,000, the whole new amount provided for and put in on the principle that it would take that much to finish the road, and that there would be a percentage of gain to the forces conducting the construction to know that they were to get all the money on time.

But I will say to the Senator that they will not be able to use, for about 12 months, more than this $6,000,000, and it would take, as estimated, more than two years to finish the road.

The Senator from Washington [Mr. JONES] is a member of the Appropriations Committee and a member of the subcommittee on the sundry civil bill. I have no idea that the Congress, having passed the bill to allow $17,000,000 more, will do otherwise than, in the next sundry civil bill, send us over from the House either the whole of what remains undisposed of or enough to carry it at least another year, and I am sure the Senate will feel that it is almost a certainty, the bill having passed both Houses, that they will provide the funds accordingly.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

On a division, the report was agreed to.

ROOSEVELT ON POPULAR GOVERNMENT.

Mr. OWEN. Mr. President, I ask to have reprinted a speech made by Theodore Roosevelt in 1912 on popular government. It appears there were two of those speeches, one Senate Document No. 348 and one Senate Document No. 473 of the Sixty-second Congress. I would like to ask to have a reprint made of those two documents.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

REPORT OF MISSION TO POLAND.

Mr. GERRY. Out of order I offer the following resolution, and ask for its immediate consideration.

The resolution (S. Res. 221) was read, considered by unanimous consent, and agreed to, as follows:

Whereas it is understood that the mission of the United States Government to Poland, headed by Hon. Henry Morgenthau, has completed its work, and Mr. Morgenthau has made a report to the Secretary of State: Therefore be it

Resolved, That the Secretary of State is hereby requested to send to the Senate, if it is not incompatible with the public interest, a copy of said report.

HARRY GRAHAM.

Mr. WADSWORTH. Out of order I ask unanimous consent to submit a favorable report from the Committee on Military Affairs on the bill (H. R. 8272) to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry, and I submit a report (No. 278) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is raised, and the bill will go over.

Mr. KING subsequently said: Mr. President, I confused the measure which the Senator from New York asked immediate consideration for a few moments ago with another bill, and I withdraw the objection that I then made to the immediate consideration of the measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE.

Mr. SHEPPARD. Mr. President, I have a bridge bill which ought to pass immediately. I report from the Committee on Commerce favorably and I ask unanimous consent for the immediate consideration of the bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River between Pearl River County, Miss., and Washington Parish, La., and I submit a report (No. 279) thereon. The Senator from Louisiana [Mr. GAY] is present and will explain the bill if any explanation is desired.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge, authorized by act of Congress approved February 27, 1917, to be built across the Pearl River at or near the fourth ward of the parish of Washington, State of Louisiana, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POSTMASTER AT UNION CITY, TENN.

Mr. MCKELLAR. Mr. President, I ask unanimous consent, as in closed executive session, to confirm the nomination of George W. Phebus, jr., to be postmaster at Union City, Tenn., it being one of the appointments that was overlooked. There will be no objection to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The nomination is confirmed, and the President will be notified.

POSTMASTER AT SPRINGDALE, ARK.

Mr. KIRBY. Mr. President, I ask unanimous consent, as in closed executive session, to confirm the nomination of John P. Stafford as postmaster at Springdale, Ark.

Mr. WADSWORTH. Mr. President, are these nominations presented in the way of committee reports?

Mr. KIRBY. These nominations have been agreed upon and already presented by the committee heretofore, but this one has been held up and overlooked.

Mr. WADSWORTH. They are already upon the calendar?

Mr. KIRBY. No; they are not upon the calendar.

Mr. WADSWORTH. Then they must be presented in the way of a committee report. I have no objection.

Mr. TOWNSEND. They are presented as committee reports. Under the peculiar rules of the Committee on Post Offices and Post Roads, when nominations are made they are referred to the Senators of the State from whence they come, and if they agree to them they are authorized to report them.

Mr. WADSWORTH. They are in the nature of committee reports, then.

The PRESIDENT pro tempore. Is there objection to the present consideration of the nomination presented by the Senator from Arkansas? The Chair hears none. The nomination is confirmed, and the President will be notified.

POSTMASTER AT ALTUS, OKLA.

Mr. TOWNSEND. Mr. President, I desire to present a report from the Committee on Post Offices and Post Roads with reference to the confirmation of Samuel H. Starkey as postmaster at Altus, Okla. I ask for its present consideration as in closed executive session.

The PRESIDENT pro tempore. If there is no objection, the nomination is confirmed, and the President will be notified.

POSTMASTER AT ROCKY FORD, COLO.

Mr. PHIPPS. Mr. President, from the Committee on Post Offices and Post Roads I present a report with reference to the nomination of Thomas H. Stratton as postmaster at Rocky Ford, Colo., and I ask its immediate consideration as in closed executive session.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed, and the President will be notified.

TREATY OF PEACE WITH GERMANY.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to, and the Senate as in Committee of the Whole and in open executive session resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, October 29, 1919, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 28 (legislative day, October 22), 1919.

POSTMASTERS.

ARKANSAS.

John P. Stafford, Springdale.

COLORADO.

Thomas H. Stratton, Rocky Ford.

OKLAHOMA.

Samuel H. Starkey, Altus.

TENNESSEE.

George W. Phebus, jr., Union City.

HOUSE OF REPRESENTATIVES.

TUESDAY, *October 28, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee and would magnify Thy holy name, for the God like quality resident in the hearts of the American people which enables them to recognize and appreciate nobility of soul in the lowliest as well as the highest and most favored of mankind; hence the hand and heart of our people go out in the warmest welcome to the King and Queen of Belgium, to whom the world owes a debt of gratitude in the soldierly and womanly example.

The King and his little band of followers displayed valor and bravery unparalleled, in checking and holding back the horde of German invaders bent on destruction and humiliation of mankind, until the French and English could mobilize their forces and check the invaders; who proved themselves equal to the task in the Battle of the Marne and thus saved democracy, liberty, and justice to the world.

All hail! King of Belgium, and the little army of brave men who accomplished a feat of such magnitude that the world can never pay its debt of gratitude.

Long live nobility of soul inspired by the world's Great Exemplar, the Jesus of Nazareth. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. BLANTON. Mr. Speaker, I desire to correct the Journal.

The SPEAKER. The gentleman will state his correction.

Mr. BLANTON. Mr. Speaker, did not the gentleman from Missouri [Mr. CLARK] reserve all points of order on the report?

The SPEAKER. The Chair thinks he did.

Mr. BLANTON. Should it not be so stated in the Journal?

The SPEAKER. Although that is not the proper time to reserve points of order.

Mr. BLANTON. But they were reserved by the gentleman from Missouri and the Journal does not so state.

The SPEAKER. The Journal omitted what was superfluous. The Journal was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

FIRST DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, the conference report on the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, submitted last night and printed in the RECORD of October 27, 1919, contains a few clerical errors. For instance, in Senate amendments numbered 74 and 75 the words "Senate" and "House" are transposed. I ask unanimous consent to withdraw the conference report in order to have these clerical errors corrected.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the conference report be rereferred to the conferees. Is there objection?

There was no objection, and it was so ordered.

FIXING TIME OF RECESS.

Mr. MONDELL. Mr. Speaker, in view of the uncertainty in respect to the hour when the exercises in the Senate in honor of the King of Belgium shall conclude, I ask unanimous consent that the Speaker may be permitted to declare the House in recess to-day at any time when he deems proper.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection, and it was so ordered.

LEAVE TO ADDRESS THE HOUSE.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, upon what subject?

Mr. WILLIAMS. On the statement of Mr. Timothy Shea that the inclusion of the antistrike provision in the reorganization railroad bill would mean revolution.

Mr. GARD. Mr. Speaker, we have some regular business to do to-day, and I do not think the time should now be taken up by the address to which the gentleman refers. I object.

CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Frear	Little	Rodenberg
Anthony	Fuller, Mass.	Lonergan	Rouse
Ayres	Gallivan	McClintic	Rowan
Babka	Gandy	McCulloch	Sabath
Bacharach	Ganly	McKeown	Sanders, Ind.
Barkley	Garner	McKinley	Sanders, N. Y.
Bell	Goldfogle	McLaughlin, Nebr.	Sanford
Blackmon	Goodykoontz	McPherson	Saunders, Va.
Bland, Ind.	Gould	MacCrate	Scully
Boies	Graham, Ill.	Magee	Sells
Booher	Greene, Vt.	Maher	Shreve
Britten	Griest	Mann, Ill.	Siegel
Browning	Hamill	Mason	Sinclair
Brumbaugh	Hardy, Tex.	Minahan, N. J.	Sisson
Caldwell	Haugen	Moon	Slemp
Campbell, Kans.	Heflin	Mooney	Small
Cantrill	Hersman	Moore, Pa.	Smith, Ill.
Carew	Hicks	Moore, Va.	Smith, N. Y.
Clark, Fla.	Hill	Moores, Ind.	Stephens, Miss.
Cole	Hutchinson	Morin	Sullivan
Copley	Ireland	Newton, Mo.	Swope
Costello	Johnson, Ky.	Nicholls, S. C.	Tague
Crago	Johnson, S. Dak.	O'Connor	Taylor, Ark.
Dale	Johnston, N. Y.	Ogden	Thomas
Dallinger	Jones, Pa.	Olney	Tincher
Davey	Kearns	Paige	Towner
Dempsey	Kelley, Mich.	Pell	Treadway
Dominick	Kendall	Peters	Upshaw
Dooling	Kennedy, Iowa	Pou	Vaile
Drane	Kennedy, R. I.	Radcliffe	Vare
Eagle	Kincheloe	Rainey, H. T.	Voigt
Elsworth	Kreider	Rainey, J. W.	White, Kans.
Elston	LaGuardia	Ramsey	Wilson, Pa.
Emerson	Langley	Reed, N. Y.	Winslow
Fess	Lea, Calif.	Riddick	Wise
Fields	Lehlbach	Riordan	Woodyard
Fordney	Lesher	Robsion, Ky.	

The SPEAKER. Two hundred and eighty-five Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Chair is disposed to think that inasmuch as the King of the Belgians is expected to be here about 1.30 o'clock, that the House could not to advantage under conditions do any work before that time, and therefore under the discretion in him, the Chair now declares——

CONFERENCE REPORT, FIRST DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, will the Chair withhold that while I present a conference report for printing? I present the corrected conference report on the first deficiency bill for printing under the rule.

The SPEAKER. The gentleman from Iowa presents a conference report, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9205) making appropriations to supply deficiency in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years.

The SPEAKER. The conference report is ordered printed under the rule.

Mr. WINGO. I reserve all points of order.

The SPEAKER. The gentleman does not have to do that.

Mr. GOOD. Mr. Speaker, the conference report has been printed except the corrections, to which I called the attention of the House and the Speaker this morning. It seems to me it therefore would not be necessary to be printed again.

The SPEAKER. The Chair thinks it ought to be printed again, and it will be printed in the RECORD.

RECESS.

The SPEAKER. The Chair now declares the House in recess——

SEVERAL MEMBERS. Until when?

The SPEAKER. The House will be in recess until after the reception to the King of the Belgians, which will probably come about half-past 1. It is impossible to state the exact hour until we hear from the Senate. The Chair can only say it would be wise for gentlemen wishing to be present to be here about half-past 1. We will stand in recess during those exercises. The House will not meet until the exercises are concluded.

Accordingly (at 12 o'clock and 48 minutes p. m.) the House stood in recess.

DURING THE RECESS.

RECEPTION TO HIS MAJESTY THE KING OF THE BELGIANS.

At 1.40 p. m. the doorkeeper announced His Majesty the King of the Belgians and his suite.

His Majesty the King of the Belgians and His Royal Highness Prince Leopold, the Duke of Brabant, escorted by Mr. MONDELL, Mr. PORTER, Mr. CLARK of Missouri, and Mr. FLOOD, together with the suite of the King, entered the Hall of the House amid great applause.

His Majesty the King was escorted to the Speaker's rostrum.

Her Majesty the Queen of the Belgians was seated in the Executive Gallery.

INTRODUCTION BY THE SPEAKER.

The SPEAKER. Your Majesty, gentlemen of the House of Representatives, this is the first time that this Chamber has been visited by a reigning monarch, and I am sure we are all glad that our guest is the one to establish this new precedent. [Applause.] His royalty has been overshadowed by his heroism. [Applause.] Every nation has developed its hero in this war; indeed, every nation has developed innumerable heroes; but I think there is universal agreement that there has come out of the war one surpassing figure who has won the supreme admiration and sympathy of the whole world by his heroic bearing [applause], the most manly of kings and the most kingly of men, His Majesty the King of the Belgians. [Great applause.]

ADDRESS BY HIS MAJESTY THE KING OF THE BELGIANS.

Mr. Speaker and gentlemen, I am profoundly grateful to Mr. Speaker of the House for his eloquent words of welcome.

I am happy to be able to bear to this Chamber, which embodies the living spirit of the American people, the greetings of Belgium, a democratic and parliamentarian State, created by the vote of the popular assembly of 1830, which proclaimed the independence of our Provinces. [Applause.]

It is a pleasure to recall that many of the provisions of our constitution were taken from your fundamental law, so that at the outset of her career Belgium was indebted to you. [Applause.]

Our two peoples have fought and triumphed together. The intervention of the American Army was the decisive factor in determining the victory. [Applause.]

I pay my respectful and sincere homage to the officers, the soldiers, and sailors who fell for a great cause on the battle fields of Europe and in the defense of the seas.

The hearts of Belgians, whom these heroes helped to liberate from the domination of the enemy, go out in profound gratitude to the wounded.

In their name I address to the wounded of the Great War the assurance of our affection and sympathy.

I express the gratitude of Belgium to those distinguished American citizens who gave themselves with such a rare spirit of sacrifice to the task of lightening the sufferings of the Belgian people.

In this noble assembly I solemnly thank the members of the Commission for Relief and the innumerable committees that helped it in its admirable efforts.

I salute in particular the names graven forever in our memories of Mr. Herbert Hoover and Mr. Brand Whitlock. [Applause.]

May this splendid American Nation, so richly endowed by nature, so magnificently served by its people, pursue in the serenity of its power its work of achievement, of culture, and of progress. [Loud applause.]

The SPEAKER. His Majesty will be pleased to meet personally the Members of the House. [Applause.]

The King proceeded to the floor of the House and received the Members.

AFTER RECESS.

The recess having expired, the Speaker (at 2 o'clock and 20 minutes p. m.) called the House to order.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the proceedings during the recess may be printed and made a part of the RECORD.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the proceedings during the recess may be printed as a part of the RECORD. Is there objection? [After a pause.] The Chair hears none.

MINING OF COAL, OIL, PHOSPHATE, ETC.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775, provided for in House resolution 358.

Mr. BLANTON. Mr. Speaker, pending that, will the gentleman yield for a question? I ask if, after the conclusion of this leasing bill, it is the intention to take up any other legislation this afternoon?

Mr. SINNOTT. I have no information on that.

Mr. BLANTON. May I ask the gentleman from Wyoming that question?

Mr. MONDELL. What is the question?

Mr. BLANTON. If after the conclusion of the leasing bill this afternoon it is the intention to take up any other legislation?

Mr. MONDELL. That has not been my thought. I thought we would adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ASHBROOK indefinitely, on account of death of business associate, and for other purposes; and

To Mr. BELL, for two weeks, on account of important business.

MINING OF COAL, OIL, PHOSPHATE, ETC.

The SPEAKER. The question is on the motion of the gentleman from Oregon [Mr. SINNOTT].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 30. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency, provisions prohibiting the employment of any boy under the age of 16 or the employment of any girl or woman without regard to age in any mine below the surface, provisions securing the workmen complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated: *And provided further*, That lessees must at all times furnish their products to the United States and to the public at reasonable prices.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 70, strike out the proviso beginning in line 24, and including lines 1 and 2 on page 71, and insert in lieu thereof, after the word "necessary" in line 19, page 70, the following: "To insure the sale of the production of such leased lands to the United States and to the public at reasonable prices."

Mr. SINNOTT. May the amendment be reported again?

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again reported.

Mr. ANDERSON. Mr. Chairman, this bill is much more important than the attendance here at the moment would indicate. It disposes of the last of the natural resources of the territory owned by the United States. It is doubly important, because these resources once passing out of the hands of the United States under a lease granted under this act are no longer subject to the legislative action of Congress. In other words, when the terms of the lease have once been established by the lease itself, those terms can not then be changed by the action of the Congress until the expiration of the term of the lease itself. Therefore it is important that every safeguard to the right of the United States should be incorporated in the legislation at the outset, and that there should be incorporated in the lease itself every essential provision necessary for the safeguarding of the rights of the United States and the rights of the public.

Now, the section under consideration authorizes the Secretary of the Interior, as a condition in the lease, to make certain requirements with respect to the working conditions which shall prevail in the mines, to prevent monopoly, and otherwise safeguard the rights of the public and the United States. Then follows a proviso:

And provided further, That lessees must at all times furnish their products to the United States and to the public at reasonable prices.

This proviso is attached to this section as a sort of appendage. It is about as useful and about as effective in the place where it is located as a thirteenth cylinder on a gasoline engine. There is no way of enforcing it. It is simply a declaration of Congress, without any machinery for enforcement, that the product of these leased lands shall be sold to the United States and to the public at reasonable prices. My amendment simply provides that the Secretary may, as the condition of the lease, require that the products of the property leased shall be sold to the public and to the United States at reasonable prices. As a part of the lease or as a condition of the lease, the provision becomes effective, because it is subject to exactly the same limitation and the same powers as all the other provisions attached to the lease. And there is a machinery for enforcing it as a condition of the lease itself.

I hope the chairman of the committee will accept the amendment, because it seems to me if it is proper to put such a provision in the bill at all, it ought to be put in in such a way as to be effective.

Mr. SINNOTT. Mr. Chairman, the language which the gentleman from Minnesota [Mr. ANDERSON] seeks to strike out, if I may refer to the proceedings in another body, is what is known as the La Follette amendment, and it seems to me that the language which the gentleman wishes to insert improves this feature of the bill. I see no objection to adopting the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out——

Mr. ANDERSON. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Minnesota offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 70, strike out the proviso in lines 22, 23, and 24, concluding with the word "situated."

Mr. ANDERSON. Mr. Chairman, I ask that the Clerk read the language proposed to be stricken out.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

Mr. ANDERSON. Mr. Chairman, as I said a moment ago with reference to the amendment which was adopted, this section authorizes the Secretary of the Interior to provide, as a condition of the lease, that the miners employed in the mines leased under this act shall not be required to work more than eight hours a day; that a condition may be put into the lease prohibiting the employment of women and of girls underground, or the employment of boys under the age of 16 years. It provides that the Secretary of the Interior may make such provision in the lease as he may deem necessary in order to prevent monopoly. But these provisions are entirely nullified, or may be nullified entirely, by the proviso which I seek to strike out. If the State in which the leased land is located has a law which authorizes the employment of miners underground for a period of 10 or 12, or even 14 or 16, hours, then the Secretary of the Interior is absolutely impotent to put in the lease any condition in conflict with that provision. If the laws of the State contain any provision which permits the employment of women or girls underground, then the Secretary of the Interior could not put a condition in the lease which prohibits the employment of women and girls underground. If the State permits the employment of boys under the age of 16 years in the mines, then the Secretary is absolutely without power to put a condition in the lease which will prohibit that. If the State laws permit a monopoly of the oil or coal within the territory of that State, then the Secretary could put no limitation in the lease, the effect of which would be to prevent that monopoly.

Mr. Chairman, we have the right to make it a condition of the use of the public lands that they shall not be used in such a way as to injure the health of those who are employed upon them. We have a right to make it a condition of the lease that the lease shall not be used for the purpose of building up a monopoly. We have the right to require that the conditions of the lease shall provide that the property taken out, the output of the mine or of the well, shall not be used to enhance still further the wealth of those who already have enough. We have the right to require under the terms of this lease that the welfare of the United States shall be safeguarded in every respect, and that entirely without reference to the laws of the State in which the property is situated. So far as I know——

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MAYS. Would not the gentleman have these operations carried on under the laws of the State in which they exist?

Mr. ANDERSON. So far as I am concerned, I will never consent to the propostion that the Federal Government is

obliged to carry on its operations with reference to laws that may be imposed by the States. To establish that policy would be to establish the proposition that the States could wholly nullify every provision that we have put into this section.

Mr. MAYS. Would the gentleman make this lease under this law contrary to the laws of the States?

Mr. ANDERSON. Without reference to the laws of the States.

Mr. MAYS. What authority would police these properties?

Mr. ANDERSON. The Federal Government has full authority to police them and can police them, but these provisions in no way abridge the police power of the States as it now exists.

Mr. MAYS. There is no provision in this bill for such action as that.

Mr. ANDERSON. I do not propose that the State shall be deprived of any power which it now has. I am objecting to a provision which proposes to limit the just and proper powers of the Federal Government in dealing with the lands which are the property of the United States.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I am not yet willing to subscribe to the idea that the people who happen to live in the public-land States have some peculiar claim to these oil wells and coal mines under the ground; that because they happen to be located out there in these States they have some rights with respect to this property which no other citizen of the United States has. This natural resource belongs to all the people of the United States, and while I am willing to concede that some consideration should be given to the fact that this property is taken outside of the purview of the taxation of the State I am not willing to vote for a provision which recognizes the doctrine that the State has the right to nullify the power of the Federal Government in the exercise of its right to protect itself and the citizens of the United States against monopoly or aggression.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. MONDELL. Mr. Chairman, I entirely agree with what the gentleman from Minnesota has just said, but I think the gentleman from Minnesota totally misunderstands and misconstrues both the intent and the effect of this provision which he seeks to strike out.

Why, it would be perfectly monstrous if this committee had started out deliberately to so hamstring the Federal Government that it could not make proper regulations for the protection of life and for the establishment and maintenance of proper conditions of employment. There is no State in the Union which compels anybody to work any special number of hours. There are States which provide that they shall not work over a certain number of hours. There is no State in the Union which compels people to work in mines. There are provisions that certain people shall not work underground, for instance. A provision put into one of these leases which was not prohibited by the State law would not be in contravention of the law of the State.

The gentleman totally misunderstands the purpose of this paragraph. Its intent, I assume, is to prevent the Federal Government from putting in these leases any provision which would be contrary to the salutary provisions of State laws, and if that language is stricken out it would be possible for the Secretary of the Interior to insert conditions in the lease of a character that flew squarely in the face of the most necessary, essential, and salutary provisions of the laws of the States.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Nebraska?

Mr. MONDELL. In just a moment. I am in perfect harmony with the view and purpose of the gentleman from Minnesota, but I think that instead of accomplishing the purpose he seeks to accomplish he would, by striking out this language, produce a condition under which an employee of the Interior Department could write a lease and the Secretary could sign a lease containing provisions wholly out of harmony with most salutary and essential provisions of State laws.

Mr. ANDERSON. Why, this bill itself contains an eight-hour provision, which the Secretary of the Interior has to enforce; and he will enforce it unless your State law prohibits it.

Mr. MONDELL. What if there was a State law providing that men should not work underground more than six hours? There is a demand for that now. Does the gentleman think that a provision could be written into a lease under which a six-hour law of a State would be disregarded?

Mr. ANDERSON. Not under this provision as it stands now.

Mr. MONDELL. No; but if the gentleman's amendment carries, it could. Instead of being a limitation on the power of the Federal Government to protect, this is a limitation on the authority of the Federal Government to permit practices which the State law prohibits.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word. This language which the gentleman from Minnesota seeks to strike out is similar to the language which we have incorporated in all these conservation bills, saving to the States the rights which they have at the present time in their water powers, irrigation rights, and in their other resources.

The gentleman says he knows of no peculiar claim that the people of the West have in these matters. We have a peculiar claim, under the Constitution of the United States, and we assert that claim, of the right to local self-government, a claim to enact our own police laws, and we are not willing to surrender that right to the Secretary of the Interior or to anyone else. This section permits the Secretary of the Interior to embody in the lease regulations for the prevention of monopoly and other abuses not inconsistent with the laws of the State. Are we going to stand here and surrender to the Secretary of the Interior the right that we have in our State, the right to prevent monopolies and other abuses?

Then, again, the gentleman seeks to get around the provision of the Constitution in article 8 that only gives Federal legislative jurisdiction over property in our States when the consent of the State is given to that jurisdiction. These rights are sacred rights, and they were retained by us when the Constitution was framed. This bill relates only to the lands in the West. In nearly every State in the West we have laws for the prevention of monopoly and other abuses, laws in regard to the working of women and children, and we are not ready to surrender to the Secretary of the Interior the right to abrogate those laws; the Secretary of the Interior is seeking no such power. I hope that the amendment will be rejected.

Mr. EVANS of Nebraska. Mr. Chairman and gentlemen of the committee, if you will begin with the third line on page 70 you will find the provision to which this proviso applies. It relates only to those things which have for their object the saving of waste, the proper conservation of human life, both as to sex and as to age. It does not say that you shall not make the workday less than eight hours, but it does say you shall not make it more than eight hours. Under the terms of this lease it prohibits the working in the mine of a woman or a child under a given age. Now, the provision which the gentleman from Minnesota seeks to strike out is one which permits the State to pass such a law permitting these things. Otherwise it has no force. The United States, by the terms of the lease that is to be made under this provision, is empowered and authorized to put into that lease provisions which make the safety of the people paramount; not that the State shall not make those laws still stronger, but that it shall not make them less so.

Mr. MAYS. Can the gentleman imagine any State passing a law allowing women to work in mines?

Mr. EVANS of Nebraska. If you put in a provision that permits it to, it shows that somebody suspects that it may be done.

Mr. MAYS. That does not answer the question.

Mr. EVANS of Nebraska. There are States which have tried to annul the law prohibiting child labor, and have taken that law to the Supreme Court of the United States for the purpose of contesting its validity.

Mr. MAYS. The absence of the law would not make such a provision.

Mr. EVANS of Nebraska. If the gentleman's position is correct, why object to the striking out of the proviso?

Mr. SINNOTT. Because we do not want the laws passed in the States, laws against monopoly and against child labor and against women working in the mines, to be abrogated by anything the Secretary of the Interior may order.

Mr. EVANS of Nebraska. But the gentleman is making a mistake. This provision does not do that. It permits the State to pass any law it wants to pass. It only requires that in that law there shall not be a provision that they shall work more than 8 hours—that they shall work 12. It does not say you

can not make the limit 6 hours. It only requires that a woman can not work in a mine under this lease. If the State makes it the same, that is not in conflict; but if, as the chairman of the committee has said, the Constitution of the United States is violated by such a provision, then the law will not hurt, because it will be noneffective.

Mr. SINNOTT. The gentleman wants to put upon us the burden of taking this matter into court. Supposing the Secretary of the Interior makes some provision for the prevention of monopoly and the safeguarding of the public welfare that is contrary to the laws of my State, where the laws are most stringent in regard to women working. Is the law of the State to be set aside? It would be if there is any efficacy to the regulation.

Mr. EVANS of Nebraska. The chairman of the committee is mistaken as to the effect of this provision. If the State makes a law which is stronger than the provision which the Secretary of the Interior incorporates into the lease, that law will apply. There will be no trouble about that.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. EVANS of Nebraska. Yes.

Mr. TAYLOR of Colorado. Do you want the Secretary of the Interior, thousands of miles away here in Washington, to make laws for our States?

Mr. EVANS of Nebraska. No.

Mr. TAYLOR of Colorado. That is exactly what this bill would do, and that is the policy you are trying to inflict upon us now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nebraska. I ask five additional minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. EVANS of Nebraska. Answering the gentleman from Colorado, we are not seeking to make laws. I take it the gentleman is a member of the committee and he prepared the provisions of this bill, or at least subscribed to them, and if the gentleman from Colorado subscribed to these provisions why does he not want them enforced? If you do not want these provisions, why did you put them in the bill? What is the necessity?

Mr. TAYLOR of Colorado. I have been on this committee for about 11 years. This matter has never been suggested by anybody before. The most insane advocates of Federal control have never before tried to inflict upon the West the authority of the Secretary of the Interior to write all the laws and regulations for the Government of the development of our public domain.

It is the most absurd, tyrannical assumption we ever had presented on the floor of the House, and in violation of the rights of the Western States. It is a matter of principle and policy. I may say that our leases concerning the development of mines and the working of the women and children where women vote are a whole lot better than in the State of Nebraska.

Mr. EVANS of Nebraska. If I catch the logic of the gentleman, it is that it has never been mentioned before and therefore it is wrong. Next, that there is a worse condition in Nebraska than in Colorado and therefore they in Colorado ought to have it as bad as in Nebraska. That does not seem to me to be logical. And then as he assisted in preparing the provisions himself, what is the matter with them? Is it camouflage when he says we are going to try and keep the eight-hour day, that we are going to try to keep children out of the mines, that we are going to try to keep women out of the mines, and then do away with it?

Mr. HUSTED. Will the gentleman yield?

Mr. EVANS of Nebraska. Yes.

Mr. HUSTED. Is it not true that this proviso could only operate to prevent writing provisions absolutely forbidden by the State laws? Could it in any way operate to prevent the Secretary from writing into the lease additional requirements? As I construe the proviso the only effect would be to say to the Secretary that he could not put in the least thing forbidden by the laws of the State, but it does not say that he could not put in particular requirements.

Mr. EVANS of Nebraska. The gentleman is not asking a question; he is making an argument. The chairman says that under this provision the Secretary of the Interior could put in the condition that they must have an eight-hour day. Do they object to that?

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were—7 ayes and 32 noes. So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I move to amend, on page 70, line 14, by adding a comma after the word "purchase."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 70, line 14, after the word "purchase," insert a comma.

The amendment was agreed to.

The Clerk read as follows:

SEC. 31. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if it is the intention under this section to give any person a right of action except the lessee.

Mr. SINNOTT. The intention is to give the lessor the right.

Mr. EVANS of Nebraska. Does the committee not think that those who would be suffering from violation of the terms with reference to combination, and so forth, ought to be given permission to institute an action?

Mr. SINNOTT. They can do so by instituting a complaint, and that is the way these actions are generally brought about.

Mr. EVANS of Nebraska. They would have to first obtain the cooperation of the Attorney General.

Mr. SINNOTT. They would present the matter to the United States district attorney in the particular locus.

Mr. EVANS of Nebraska. And unless they could convince him, they could secure no remedy.

Mr. SINNOTT. Action would not be commenced unless the Attorney General of the United States thought that they had facts sufficient to constitute a cause of action.

The Clerk read as follows:

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act: *Provided*, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 71, line 16, after the word "act" strike out the colon, insert a comma, and add the following: "also to fix and determine and thereafter to readjust and change the boundary lines of any structure or oil or gas field for the purposes of this act."

Mr. SINNOTT. Mr. Chairman, the purpose of this amendment is to make certain that the Secretary has the right to ascertain and determine the boundaries of the oil structures and fields. I think he has that right, but in order to make it absolutely sure, I offer the amendment.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. RAKER. When would that apply? Before the leasing? They could not do it after a lease had been obtained.

Mr. SINNOTT. Oh, no; for then a man's right would be vested. We are using the phrase the "known geologic structure of a producing oil or gas field," and it may be possible that the courts would hold there is no such term. A law was passed at one time by Congress providing that certain things should be done in "mineral districts." The courts held that the term "a mineral district" was an uncertain, unknown term, and that the law, therefore, had no application; and if anything like that is hinted at in respect to this phrase, we want to make it sure that the Secretary has the right to say where the oil structure of the producing field is. I think he has the right now under the act, but it is in order to make assurance doubly sure.

Mr. RAKER. The testimony before the committee was that these geologic structures are fairly well defined, and can be found only by virtue of personal ascertainment upon the ground.

Mr. SINNOTT. Yes; that was the burden of the testimony, although some of the experts suggested that it was a very loose, ambiguous term, and if you give the Secretary the right to define these structures and fields, it will take away all uncertainty and ambiguity.

Mr. RAKER. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Oregon.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move to amend by inserting, after the word "proper," in line 14, page 71, the word "general."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 71, line 14, after the word "proper," insert the word "general."

Mr. SINNOTT. Mr. Chairman, does not the gentleman think that possibly in some cases the Secretary may wish to make some specific rule? That might take away from him the right to make a specific rule.

Mr. RAKER. The matter, I think, was brought before the committee, and I believe it is the committee's view now that no rule should be made by the Secretary of the Interior that does not apply generally either to the coal mines or to the oil, gas, and phosphate leases, or whatever it might be under the law.

Mr. SINNOTT. That is true as to matters in general, but there may be some specific field or there may be some specific limited field as to which the Secretary ought to have the right to make some specific rule. I think we had the matter up in the committee.

Mr. RAKER. My recollection is that in practically every bill we provided that there must be general rules and regulations. I think you will find it in the water-power bill and in all of the other legislation where there are rules and regulations governing the disposition of the public lands, or the handling of them by the Secretary of the Interior, to the end that there can not be any specific or special rule made for that one case that no one else knows anything about. Every man should deal with the Secretary the same as though it was a general law.

Mr. SINNOTT. I am afraid that the gentleman's amendment would restrict and hamper the rights of the Secretary and that it would embarrass him in some cases. I prefer that the gentleman would withdraw his amendment.

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MAYS. Would not the gentleman's amendment compel the Secretary, in making surveys, for instance, to consider the smallest subdivision, 40 acres, whereas in many cases a portion of it—say 20 acres—could not have any coal on it, and the Secretary might want to make one specific rule with reference to that survey covering that particular subdivision of coal, and excluding from the coal area the 20 acres that had no coal upon it. I have known it to happen where the Secretary has been handicapped by virtue of such a regulation.

Mr. RAKER. The intention of the bill from the beginning to the end is to specify general conditions applicable to all.

This particular section does, but simply to make it specific I thought that we ought to have the word "general" in, so as to avoid any complications; but if the distinguished chairman of the committee thinks it is provided for, there is no need of using more words if we can avoid it, so I will withdraw it under the circumstances.

Mr. ANDERSON. Mr. Chairman, I move to strike out the proviso, page 71, beginning in line 16.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 71, line 16, strike out the proviso beginning with the word "*Provided*" and ending with the word "States."

Mr. ANDERSON. Mr. Chairman, I made this motion in order to ask the gentleman from Oregon or the gentleman from Wyoming, who is so happy at making explanations and interpretations when no interpretation is necessary, what the purpose of this proviso is. Is it contended by the committee that there is some right on the part of the State to tax the output of these mines or wells? What is the purpose of this proviso?

Mr. MONDELL. If the gentleman from Oregon, who knows much more about this than I do, is so modest that he will not answer, I will say to the gentleman that a subsequent section is intended partly to reimburse the State for the losses they suffered by reason of withholding from taxation very great areas of very valuable land and even that provision in section 35 would not allow the State to accede to the communities to meet their obligations to their people unless they could tax the output on this property just the same as they tax the output of the other improvements. For instance, in my State——

Mr. ANDERSON. The gentleman makes a very curious argument on that proposition. Does the gentleman contend that the States have less out of this where they take 90 per cent of the total royalty provided in the bill than they would if they tax the output of the well?

Mr. MONDELL. The gentleman is mistaken in the provision. Under the provision of section 35 the State gets 45 per cent. It goes into the reclamation fund; it is not a contribution directly to the citizens of the State or to the State in any sense. It is simply continuing the dedication of public funds for reclamation purposes. The other part is intended to compensate the States for their very great losses in tax values; and in addition to that, for instance, take, for example, my State: We tax oil and coal lands very heavily; that is, we tax lands and other values, and in addition to that when they are being worked we place a tax on the output; and at one time during the discussion of this legislation there was some question as to whether the State would have the right to tax the output of land the title to which is held in the Federal Government.

I think the States would, but this is intended to make clear and certain that the States would have that right and in order to make clear and certain, so far as the Federal statute may do it, the right of the State to tax improvements. I think the States would have the right to tax improvements in any event, but so far as this legislation can determine that matter it is proposed to be determined by the paragraph to which the gentleman has referred.

Mr. ANDERSON. I ask that the gentleman from Wyoming have five minutes more and that I may occupy that time.

The CHAIRMAN. The gentleman from Minnesota asks that the gentleman from Wyoming have five minutes and that he may occupy that time.

Mr. SEARS. The gentleman asks that he be allowed to use part of the time; that was part of the request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. I understand that is if the gentleman wants it.

Mr. MONDELL. I am yielding to the gentleman from Minnesota at his suggestion.

Mr. ANDERSON. Mr. Chairman, I think this provision is entirely without any force. If the State has the right to tax the output of a Federal property, the Federal Government can not take away that right. If it has not that right, the Federal Government can not give that right except by the adoption of a law which is actually on the statute books.

Mr. MONDELL. Will the gentleman yield me a moment of my time?

Mr. ANDERSON. Certainly.

Mr. MONDELL. I agree entirely with the gentleman from Minnesota in what he has just said—that this is very true; that without this language in the bill some agent or agency of the Federal Government might attempt to hold that the State had no right to tax these improvements and to provide an output tax. This legislation would at least have a restraining effect on the agents of the Federal Government.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. MONDELL. In just a moment. While I grant it would not change the state of facts, whatever they may be in this regard, it would restrain as an act of Congress the employees and officials of the Federal Government from asserting a claim against the right of a State to tax the output and to tax improvements.

Mr. ANDERSON. The gentlemen is contending, then, the recognition of the right of a State to tax the output of the mine, regardless of what the law on the subject now may be?

Mr. MONDELL. Well, it is a recognition of that fact.

Mr. ANDERSON. That is exactly what I am afraid of. That is the reason I am opposed to it.

Mr. MONDELL. But does not the gentleman——

Mr. ANDERSON. I am perfectly willing the State shall have any right it has under the laws and Constitution of the United States. I am willing it should exercise that right, but I am not willing to put into this bill any provision, whether it is this provision or any other provision, which has the effect of abridging the right of a State or the effect of abridging the right of the Federal Government, whatever they may be.

Mr. MONDELL. I tried to make the purpose of this language, as I understood it, clear to the gentleman. This will at least restrain the Federal agents from denying the right of the State to tax, as it must tax, in order to live, all improvements and outputs from these properties. The States must do that or the States will cease to function. And this will at least restrain the officials of the Federal Government from attempting to deny that right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to be heard on the amendment. I understand the amendment is to strike out the proviso——

The CHAIRMAN. Beginning on line 16.

Mr. McLAUGHLIN of Michigan. I think the amendment ought to prevail. These are Government lands. Government officials and agents are authorized to negotiate leases with individuals and companies, and it is supposed that the terms of such leases will be such that lessees will be permitted to make only reasonable profits.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Pardon me, not now.

Will make a reasonable profit and conduct their business in a proper way in keeping with the lease, having in view the right of the United States, as it owns the land. Now, if this proviso stands, such leases having been made, the State could exercise the right to levy taxes upon all "improvements, output of mines, or other rights, property, or assets" of the lessee. Think of that power which the States are by this proviso invited to exercise.

Mr. BARBOUR. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Burdensome taxes might be imposed, operation by the lessee might be made unprofitable, and the property would be thrown back upon the Government loaded down with tax liens, and this law might be made a failure.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Practically destroying the leases altogether, and making it impossible for the Federal Government to do business respecting its own land with those with whom it has chosen to do business. With this taxing power exercised by the States the lessees might be ruined, the leases made of no value, and this law itself nullified.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TAYLOR of Colorado. Would you be willing to permit the States to buy all of this Federal domain held by the Federal tenants and deny it to the many?

Mr. McLAUGHLIN of Michigan. I understand what the feeling in the public-land States is. I know the feeling is that these States own or should be permitted to own all land, all property, and all resources within their borders now owned by the Federal Government. They resent the ownership and exercise of authority by the Federal Government over these lands, and they resist every attempt made by the Federal Government to get any profit out of the lands. Now, if we are going to take the position that the Federal Government should not own or continue to own these lands and these resources; that it should waive or transfer to the States all profits arising out of them; that we should withdraw our claims and give them up entirely to the States, just as these gentlemen have from time to time and at every opportunity insist shall be done, this section and this proviso is a step in that direction. But I insist, Mr. Chairman, that as the Government of the United States owns these lands it should claim and exercise control over them, and, pursuant to its rights, it is entitled to the reasonable revenue growing out of them. The States should not be permitted to enact laws that will embarrass the Government in its own use of its property or that will interfere with private parties to whom it grants rights or privileges. The States ought not to be permitted to enact laws, certainly ought not to be invited to enact laws, that will or might be so framed or so executed as to nullify everything the Federal Government undertakes to do with its property through these lessees. We should not pass a law like this, or with such a proviso as this, unless we are ready to go the limit and say that the Federal Government is prepared and willing now, or in the near future, as we may be forced toward that idea, to give up all of these lands and all natural resources in or a part of lands owned by the United States. That is the idea that prevails in the States; that is the demand the public-lands States are making. As I say, they oppose and resent the public-land policy so far pursued by the Government, and at every opportunity they encroach upon the rights of the Government respecting the use of and control over these properties. This proviso is a step in the direction of giving away Federal property and of surrendering control to the States. Unless the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] is agreed to, the Government might be embarrassed in its effort to carry out the purposes of this act.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. McLAUGHLIN of Michigan and Mr. BLANTON demanded a division.

The committee divided; and there were—ayes 9, noes 42.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. RAKER. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from California, a member of the committee, offers an amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment to the paragraph.

The CHAIRMAN. The Chair thinks the gentleman from California, a member of the committee, is entitled to be recognized. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 71, between lines 21 and 22, insert as a new paragraph, to be known as section 32a, the following section:

"SEC. 32a. No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

Mr. SINNOTT. I make a point of order against the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon and the gentleman from Texas make a point of order.

Mr. BLANTON. I make a point of order that it is not germane, either to the substitute or the subject.

The CHAIRMAN. Does the gentleman from California wish to be heard?

Mr. RAKER. Has the gentleman completed his point of order?

Mr. BLANTON. My point of order is that it is not germane to the subject brought in by the committee or the substitute relating to that subject.

Mr. RAKER. Mr. Chairman, this is not an amendment to the antitrust law. It does not propose to be. It does not propose to amend section 7 of an act entitled "An act to supplement existing laws against unlawful restraints, and for other purposes," but it is a clear, clean amendment relating to the very subject involved in this bill. It relates to petroleum and refined oil and other products thereof. We have in the bill now all conditions, all restrictions, in regard to monopoly, in regard to those who can and can not hold a lease, and this provision just goes one step further and says that certain corporations named in the amendment can not participate in these proceedings or any part of them. I believe that the amendment is, for the reason stated, clearly in line as a part of the present bill before the committee.

The CHAIRMAN. The Chair is ready to rule. The bill that the committee has under consideration is one to permit the mining of coal, phosphate, oil, gas, and sodium on the public domain. The amendment offered by the gentleman from California provides that no stockholder of any corporation or any association engaged in commerce producing any of the commodities may acquire or control, directly or indirectly, the whole or any part of the capital of any other association or corporation. The gentleman's amendment deals with a totally different subject than the one dealt with in the bill. His amendment provides that no stockholder of any corporation engaged in commerce may acquire the stock of any corporation engaged in the production or sale of petroleum.

Mr. RAKER. Will the Chair yield for a question right there?

The CHAIRMAN. The bill we have before us and which the gentleman seeks to amend is a bill upon a totally different subject.

Mr. RAKER. I want to call the Chair's attention to the proceedings when the rule was adopted. I asked the distinguished gentleman, the chairman of the Committee on Rules, and the gentleman from Wyoming, and, while I did not put the question as to whether or not it would be germane, the rule provides that the discussion shall relate to the substitute.

A question was put to both gentlemen, and it is found on page 7507 of the CONGRESSIONAL RECORD. It is whether any discussion on the matters in the Senate bill shall be germane. I did not use the word "germane," but I used the word "proper" for the purpose of discussion before the House.

The CHAIRMAN. Will the gentleman from California answer this question to the Chair? What has the discussion which took place between the gentleman from California and these other gentlemen in the matter of a gentlemen's agreement got to do with the germaneness of the amendment that the gentleman from California is proposing to this bill?

Mr. SINNOTT. Mr. Chairman, let me submit one suggestion. One test of germaneness——

The CHAIRMAN. The Chair is ready to rule. [Cries of "Rule!"]

Mr. RAKER. One moment. The Chair will hear me on this?

The CHAIRMAN. Certainly.

Mr. RAKER. I read:

Mr. CAMPBELL of Kansas. The substitute is the bill reported by the Committee on the Public Lands.

Mr. SINNOTT. Mr. Chairman, that is res inter alios, so far as the Chairman is concerned.

Mr. BLANTON. Mr. Chairman, I make the point of order against the gentleman's amendment. My point is that statements of some Member could not change a rule adopted by the House.

The CHAIRMAN. The Chair is perfectly aware of that.

Mr. RAKER. If the gentleman will be pleasant for a moment, that will be made clear. I am speaking to the Chair before he finally passes upon this objection to my amendment. I read:

Mr. RAKER. Is that intended to exclude any debate relating to the general Senate bill and all matters in relation to it?

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the gentleman is not discussing this point of order. He is discussing the relevancy of general debate, which has nothing to do with it, and he is simply delaying the House.

Mr. RAKER. I am not delaying the House.

Mr. BLANTON. Mr. Chairman, I think the gentleman ought to have an audience, and therefore I make the point of no quorum. The gentleman from California ought to have a good audience here to hear a good speech. [Laughter.]

Mr. RAKER. That is all right.

The CHAIRMAN. The Chair is inclined to think the gentleman from California is reaching the subject.

Mr. RAKER. Now, Mr. Chairman, relating to the subject and to the rule, I read:

Mr. CAMPBELL of Kansas. The rule provides for the consideration of the House substitute for the Senate bill.

Mr. PARRISH. Mr. Chairman, I demand the regular order.

Mr. LONGWORTH. Mr. Chairman, I make a point of order, on which I would like the Chair to rule.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. I make the point of order that the gentleman is not discussing the rule.

The CHAIRMAN. The point of order is decided affirmatively, but the Chair wishes to indulge the gentleman from California in order that he may learn if there is any new light to be thrown upon the point of order that is pending.

Mr. RAKER. That is the purpose of my discussion of the matter with the Chair. I read:

Mr. CAMPBELL of Kansas. The general subject matter would be under consideration.

That is the statement of the gentleman who presented the rule to the House.

Mr. CAMPBELL of Kansas. This rule brings the substitute before the House as an original bill for the consideration of the House.

Mr. LONGWORTH. Mr. Chairman, I renew my point of order, and ask for a ruling of the Chair on the point of order that I have raised. [Cries of "Rule!"]

The CHAIRMAN. The Chair is constrained——

Mr. RAKER. Before you rule, Mr. Chairman, I just want to say one word.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RAKER. The Chair has given me a few minutes or a reasonable time in which to discuss the rule. I hope he will give me a few minutes. I am going right to the point. I can not be held responsible for the gentleman's obstruction of the proceedings of the House.

The CHAIRMAN. The gentleman will proceed with the discussion of the point of order.

Mr. SNELL. Mr. Chairman, will the gentleman from California yield for a question?

Mr. RAKER. Not at this time. I read further:

Mr. RAKER. I should like to ask the gentleman one more question in regard to his statement about the debate being confined to the subject of the bill. In section 1 the House has not included that provision in regard to alien ownership that the Senate has included.

Mr. CAMPBELL of Kansas. That is a matter that is inherent in this whole subject, and, of course, will be under consideration.

Now, Mr. Chairman, I want to call your attention to the specific language of the rule, which says—

That the reading of the Senate bill shall be dispensed with, and for the purpose of amendment the House committee substitute shall be considered as an original bill. That the substitute shall have a privileged status until the conclusion of its consideration, and the debate shall be confined to the substitute.

Now, the gentleman presenting the rule understood, and clearly the House understood, that any matter that was in relation to the original Senate bill would be considered by the House, by the Chairman, and would be proper to present before the chairman of the committee.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNELL. How long can we discuss a rule after a ruling has been made by the Chair?

The CHAIRMAN. It is within the province of the Chair to determine.

Mr. DOWELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. If the Chair is going to take up the time, I think there should be a quorum.

Mr. BLANTON. The Chair does not recognize that as a point of order.

The CHAIRMAN. The Chair had not completed his ruling when the gentleman from California rose and asked to be indulged for a further statement.

Mr. DOWELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. A quorum is not present.

Mr. FERRIS. I hope the gentleman from Iowa will withhold his point. The Chair is indulging the gentleman from California for a minute on a point that will soon be disposed of.

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. BLANTON. Mr. Chairman, should not the gentleman from Iowa withdraw his point of order before the Chair proceeds? I believe that he is pursuing dilatory tactics, but I think he ought to withdraw it. [Laughter.]

Mr. KNUTSON. The gentleman should know. He is a past master in the art. [Laughter.]

Mr. RAKER. Mr. Chairman, it is clearly germane to this bill—the language that is included in the Senate bill.

Mr. DOWELL. Mr. Chairman, a point of order.

The CHAIRMAN. What is it?

Mr. DOWELL. The Chair certainly understands the point of order raised, beyond question.

Mr. BLANTON. Mr. Chairman, there are 103 Members here. That ought to be a quorum.

The CHAIRMAN. If the gentleman insists on his point of order the Chair will count.

Mr. HULINGS. Mr. Chairman, could I have leave to go over to the office and do some real work? [Laughter.]

The CHAIRMAN. Gentlemen will be seated. Nothing can be done in the absence of a quorum.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

Mr. BLANTON. And on that I ask for tellers, Mr. Chairman.

Tellers were refused, not a sufficient number seconding the demand.

The motion of Mr. BLANTON was rejected.

The CHAIRMAN. One hundred and four Members are present, a quorum. The Chair has heard all that he cares to hear on the point of order, and the Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The amendment offered by the gentleman from Minnesota [Mr. ANDERSON] was defeated, and it is possible that it would be just as well not to discuss it; but in view of the very extraordinary statements made by the gentleman from Michigan I think a brief statement should be made.

Mr. BLANTON. Mr. Chairman, I regret to make the point of order that the gentleman's discussion is not confined to his amendment, which is to strike out the last word. The last word is "States."

Mr. MONDELL. Mr. Chairman, I will discuss my amendment. The matter that I propose to discuss is the matter of taxation by the States. I am glad the gentleman called my attention to what the last word is.

Let us see what it is that we are proposing to do. Up to this time under this flag the Federal lands have been considered to be held by the Federal Government in trust for the future citizens of the States, and as the lands have passed into the hands of individuals they have been taxed to support the institutions of government, and they are taxed sufficient to support those institutions. Sometimes the tax rate in the West is enor-

mously high in new sections, and must be in order to support the institutions of the State.

Mr. BLANTON. Mr. Chairman, I regret to do so, but I make the point of order that the gentleman is not discussing his amendment. He is discussing the question of taxation, which is not before the committee and is not in any paragraph now before the committee. It is wholly extraneous to the debate. I would not make this point of order but for the fact that the point of order was made a moment ago which prevented me from reading even a paragraph that pertained to the biggest subject in this Nation.

The CHAIRMAN. The last word of the section which the gentleman from Wyoming moves to strike out is the word "States." The gentleman is discussing a matter relating to the States. The Chair overrules the point of order.

Mr. MONDELL. Clearly the States of the Union could not exist if the Federal Government could retain in public ownership untaxed all their lands and all their land values forever. They would die and perish from the earth.

Section 35 of this bill, following the provisions with regard to the other retained lands—those in the forest reserves—gives the States a certain portion of the revenues to partly reimburse them for their losses in taxes. That source, however, would not be sufficient to maintain the institutions of the State and of the communities, because these States not only tax the lands and their values, but they also tax the output of the lands. That is the law in practically every State to which this law applies. The provision which we have before us is one which recognizes the right of the States to tax their own citizens for the maintenance of the institutions of government. Gentlemen contest that right as though there were any question about it, as though communities could live without that right. How are we to support our schools, and how are we to build our roads, and how are we to maintain the institutions of government unless we have the right to tax? We reserve in that section the right to tax the output of these properties, just as we tax the output of like properties in private ownership, as in another part of the bill we provide for a distribution of the funds in order partly at least to reimburse the States for their losses of funds they would otherwise receive through taxation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 34. That the provisions of this act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

Mr. ANDERSON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-three Members present; not a quorum.

Mr. BLANTON and Mr. SINNOTT moved that the committee do now rise.

The CHAIRMAN. The gentleman from Texas and the gentleman from Oregon both move that the committee do now rise.

Mr. BLANTON. On that motion I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. SINNOT and Mr. BLANTON.

The committee again divided, and the tellers reported—ayes 1, noes 99.

The CHAIRMAN. With the Chairman that makes 101 Members present. The Clerk will read.

The Clerk read as follows:

SEC. 35. That 10 per cent of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts, 45 per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, and 45 per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

Mr. SINNOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. SINNOTT offers the following amendment: Page 72, strike out line 11 and insert in lieu thereof the following:

"SEC. 35. That 10 per cent of all money received, except from Alaska, from royalties (for oil or gas already produced, for past production, and on account of any division of proceeds of operation for past production), by virtue of the provisions of this act, shall be paid into the Treasury of the United States and credited to miscellaneous receipts, and 70 per cent of such royalties and such division of proceeds shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, and 20 per cent of such royalties and such division of proceeds shall be paid by the Secretary of the Treasury to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivision thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct. That 10 per cent of all other money received."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane to the subject of this bill reported by the committee under the rule, and that it brings in an entirely different subject providing that money derived from the administration of this bill shall go into a particular State in which it arose.

Mr. SINNOTT. Does the Chair desire to hear me on the point of order as to germaneness?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SINNOTT. Mr. Chairman, this amendment is germane for the following reasons: The provisions of section 35 provide that a certain fund on hand at the present time, the result of past production, shall be divided 10 per cent to the Federal Government, 45 per cent to the reclamation fund, and 45 per cent to the States. I have changed those provisions so that 10 per cent, the same amount, will go to the Federal Treasury, but instead of 45 per cent going to the reclamation fund I allow 70 per cent to the reclamation fund, and instead of 45 per cent going to the States as provided in the original section, I provide that 20 per cent of such royalty shall go to the States. It is certainly germane; it simply changes the allotment for the past production.

Mr. RAKER. Does the gentleman intend to strike out the balance of the section?

Mr. SINNOTT. For the present I leave the rest of the section in. All I change is line 11. That is the last line in my amendment. The original line 11 is "10 per cent of all money received." I change that and make it "10 per cent of all other moneys received." I merely divide the allotment of the past fund, the fund on hand at the present time. I am not interfering for the present with the future allotments. I think that would have to be taken up in a separate amendment.

Mr. RAKER. The gentleman's amendment is to dispose of past production?

Mr. SINNOTT. I dispose of for fund on hand as the result of past production. Ten per cent to the Government, 70 per cent to the reclamation fund, and 20 per cent to the States.

Mr. RAKER. There is no change in your amendment as to the remaining part of the section?

Mr. SINNOTT. No; but in order to make it harmonious and consistent, I insert before the word "money," in line 11, the word "other." My amendment takes up the very language of section 18 and the new section 18a, because I say from royalties, from the oil and gas already produced. That language is a part of section 18. Now that is the exact language taken from section 18.

Mr. RAKER. Will the gentleman further yield?

Mr. SINNOTT. Yes.

Mr. RAKER. Does the gentleman intend to offer a like division of the fund for the remaining part of the section if his amendment is agreed to?

Mr. SINNOTT. I want to get this disposed of first. The remainder is open to an amendment by myself or anyone else.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. SINNOTT. I yield as to a question on the point of order, but I want to get the point of order disposed of first.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SINNOTT. It is germane, Mr. Chairman, because it provides for a division of the funds to the same beneficiaries as are mentioned in section 35. It seems to me that nothing can be more germane than this amendment.

The CHAIRMAN. The Chair would like to ask the gentleman a question for information. What does the gentleman from Oregon say to the fact that section 35 as reported from the Committee on Public Lands deals with royalties, rentals, and bonuses under leases yet to be made; whereas the amendment offered by the gentleman from Oregon proposes to divide the funds that have accumulated and are now in the Treasury already received for oil, gas, and so forth?

Mr. SINNOTT. Let me explain. Perhaps the chairman does not understand the situation. If you will turn to section 18, page 54, you will find the following language:

And upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced,

Now, that relates to past production. Then on page 55 in the same section it says:

That as to all like claims situate within any naval petroleum reserve the producing wells thereon shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims.

The situation, Mr. Chairman, is this: A number of suits were started in California against oil claimants, and they are known as receivers' suits. In most of these suits a certain amount of money has been impounded that is not in the Treasury of the United States; it is in the custody of receivers. So also under an act of Congress the Secretary of the Interior entered into operation agreements with a number of these claimants. These men have been operating for a number of years. Under section 8 they will have to pay on account of past operations to the Secretary of the Interior one-eighth of the value of the production. Now, this is a fund that has been accumulating for which the operators must pay into the hands of the Secretary of the Interior one-eighth of the production. So section 35 relates to funds that will be received from both past and future production. My amendment relates solely to that coming from past production by virtue of sections 18, 18a, and 19.

Mr. RAKER. Is it not a fact that 90 per cent, if not all, of the money received from past production is out of naval reserves?

Mr. SINNOTT. I am not prepared to agree with the gentleman.

Mr. RAKER. What proportion of it is out of the naval reserves.

Mr. SINNOTT. I do not know that that relates to this point of order.

Mr. RAKER. I think so. If we have any past production at all to handle, the amendment is certainly germane, and we certainly have.

Mr. FERRIS. Mr. Chairman, while I disagree very much with the amendment offered by the chairman of the committee and while I very much hope that the good judgment and candor of the House will vote it down, still I can not believe that any of us ought to ponder very long over the fact of whether or not it is germane. This leasing bill provides for the leasing of Government lands, and it must necessarily follow that the returns of royalties or rentals must naturally be dealt with in some way. The bill as reported by the committee proposes a certain distribution which, to my mind, is likewise a bad distribution. The gentleman from Oregon [Mr. SINNOTT] has proposed a different distribution, which in my opinion is a bad disposition.

Mr. BLANTON. Mr. Chairman, I withdraw the point of order.

Mr. GOOD. Mr. Chairman, I renew the point of order.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. FERRIS. Yes.

The CHAIRMAN. The Chair understood the gentleman to say that the bill provides one method of distribution.

Mr. FERRIS. It does.

The CHAIRMAN. And that the amendment of the gentleman from Oregon provides a distinctly different one.

Mr. FERRIS. Not materially; only in amounts. For example, the bill as it stands provides that 10 per cent shall be used for administration, 45 per cent in the reclamation fund, and 45 per cent turned over to the States to be turned over to a lot of township boards and county commissioners to be expended by them direct. That is the bill as reported. I do not agree with the merits of that provision at all. I think it ought to be stricken out. The gentleman from Oregon offers another provision, and he provides that 10 per cent shall be used for administration, just as the original bill provides, but he provides that 70 per cent shall be paid into the reclamation fund instead of 45, and that 20 per cent shall be paid to these various States, in turn to be again distributed to township boards and county commissioners, instead of 45 per cent.

The CHAIRMAN. Does the gentleman realize that the amendment of the gentleman from Oregon tends to make a distribution of funds that are already accumulated?

Mr. FERRIS. True; but the original bill does the same thing. The original bill provides for the distribution not only of the $20,000,000 impounded funds, that are out there, but it likewise provides for the distribution of all succeeding funds that may accrue, so that in that respect the amendment of the gentleman from Oregon is not so dissimilar as to invade the rule of germaneness.

Mr. SINNOTT. Mr. Chairman, I think I see where the Chair is possibly confused, and probably I confused the matter myself by my statement. We generally refer to these funds on hand as the funds that are going to be divided up. That will be the effect of it, but the theory of the bill is that irrespective of these funds, the oil operator must pay to the Secretary of the Interior one-eighth of the past production. The oil operator himself will naturally take that one-eighth out of the funds on hand, but we are not dividing up the funds that are on hand, and the oil operator will pay to the Secretary of the Interior one-eighth in full of the past production, and that is the real theory of the bill.

Mr. FERRIS. I fear that the chairman made an unfortunate statement in this. Of course, this bill does divide the pro rata parts that the Government gets, as I think it should.

Mr. SINNOTT. Oh, yes; this one-eighth that is turned over to the Government is divided under section 35.

Mr. FERRIS. Exactly, but that has nothing to do with the seven-eighths that belongs to the oil operator.

Mr. SINNOTT. Oh, no.

Mr. SNELL. Mr. Chairman, the only possible way the point of order could lie against the amendment of the gentleman from Oregon would be from the fact that perhaps this money did not come into the Treasury under the provisions of this act. As a matter of fact the moneys held in the Treasury now do not belong to anyone. One of the reasons for this bill is to settle a controversy as to whom the money belongs to, and by the provisions of this bill all of the money that the Government is holding in trust at the present time, or a portion of it, goes into the Treasury and it does not go into the Treasury unless this bill is passed, and it is under the provisions of this bill that the money does go into the Treasury that the Government is now holding in trust, both for the landowners and for the other parties. For that reason it is clearly germane for the gentleman to offer an amendment to make a new distribution of the proceeds.

Mr. HAYDEN. Mr. Chairman, the Chair seems to be in doubt as to whether there is a difference between the money arising from past production of oil and gas and the moneys to be derived from future production, but if he will read the first line of section 35 he will see that it provides that all moneys received from any source under the provisions of this act shall be divided in a certain way. It can not be denied that if the amendment offered by the gentleman from Oregon is not adopted, and the bill remains as it is reported from the Committee on the Public Lands, all money derived from past production will be divided—10 per cent to the Treasury, 45 per cent to the reclamation fund, and 45 per cent to the States. There is no question but that section 35, as reported from the committee, divides the past production as well as the future production. Such being the case it is certainly in order for the gentleman from Oregon to divide this money into two classes; First, the money received for past production; and second, the money received for future production. The amendment is therefore clearly germane, Mr. Chairman.

Mr. MONDELL. Mr. Chairman, I am very much opposed to this amendment, and I regret it is in order.

Mr. GOOD. Mr. Chairman, this bill is entitled "An act to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain." Section 75 does not contain a word with regard to the disposition of a penny of money for past production. Section 35 deals only with money that will come into the Treasury through this promotion scheme. There is not a word, not a suggestion that there is any money in the Treasury that ought to be divided.

Mr. SINNOTT. Will the gentleman yield?

Mr. GOOD. I will.

Mr. SINNOTT. We are not contending there is any money in the Treasury. Now, if you will turn to section 18 you will find out that for past production a royalty of one-eighth must be paid. So this royalty of one-eighth, when it is paid by the oil operator, which is for past production, is allotted under the provisions of section 35 to the Federal Government, the reclamation fund, and the State. So it is not money in the Treasury. These payments of the oil operators will be for past production in settlement of litigation and controversies.

Mr. GOOD. Unquestionably if the gentleman will strike out of the amendment the language "for oil or gas already produced, for past production," and again the language "division of the proceeds of operation for past production," then his amendment would be germane; but he says he offers it to this section, and it must be germane to the section. It is not germane to anything found in the section.

Mr. SINNOTT. Just a moment. The section divides up the funds——

Mr. GOOD. Yes.

Mr. SINNOTT. The language which I inserted in my amendment is taken verbatim et literatim from section 18. I used the identical language in section 18 and in section 18 (a), so there

can be no confusion about the matter as to what funds I am referring to. If the gentleman will turn to section 18 he will find I have taken the identical language from section 18, referring to past production.

Mr. GOOD. What line?

Mr. SINNOTT. On page 54, lines 7 and 8, I use the words "already produced." Now, that relates to land not embraced in the naval reserve. If you will turn over to the next page, 55, you will find that the back payment or royalty for wells in the naval reserve is referred to in line 12 for past production; so I repeat "past production." Now, if you will turn to page 57, lines 6 and 7, where the President is authorized to make a settlement with the litigants upon a division of the land or division of proceeds of operation, I use that language, "division of the proceeds of operation." So I really take the formula from section 18 and section 18 (a) and incorporate it into this amendment to make it plain that I am referring to the moneys that are going to be paid for past production by the oil operator to the Secretary of the Interior in settlement of these suits and controversies.

Mr. GOOD. Now, where is this money for paying past production; and on account of the division of activities of proceeds of operation for past production, where is that money being paid now?

Mr. SINNOTT. Some of it has not been paid.

Mr. GOOD. Then it is not past production?

Mr. SINNOTT. Oh, yes; some of it has been turned over to the Secretary of the Interior on operating contracts. Now he is holding that. Some of it is in the hands of receivers in courts of California, and some of it has not been accounted for at all, and the Government will have an accounting with the men who will owe the Government under this bill, and they will have to account for all past production before they can secure a settlement. It has not all been accounted and paid for by any means.

Mr. FERRIS. Mr. Chairman, a point of order. I am afraid this point of order has developed into a colloquy on the merits of the case.

The CHAIRMAN. The Chair is ready to rule on the point of order, if gentlemen do not wish to be heard further.

Mr. EVANS of Nevada. Mr. Chairman——

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. EVANS of Nevada. Briefly.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. EVANS of Nevada. Mr. Chairman, this bill is to promote the mining of minerals on the public domain dealing with the future entirely. Then we bring into relation some money that has been earned in years past. This measure has been discussed for a good many years, and this section is in as plain language as you can get it. It was adopted in the Senate, and I feel that the amendment is clearly out of order to this section.

The CHAIRMAN. The Chair wishes to state that he is of the opinion that the bill deals entirely with royalties and bonuses and rentals to be received in the future under contracts to be entered into between the Government of the United States through the Secretary of the Interior and citizens of the United States or corporations. The amendment offered by the gentleman from Oregon deals with revenues, either received by the United States in the past or turned over to some agency through which the United States may be able to receive the funds later, and seeks to divide the funds, either earned under previous contracts or turned into the Treasury——

Mr. SINNOTT. Will the Chair permit me to interrupt him?

The CHAIRMAN. Yes.

Mr. SINNOTT. The funds I am seeking to divide are the funds that will be paid by the oil operators under the provisions of this act in settlement of their controversy with the Government.

The CHAIRMAN. The controversy with the Government is not involved in the act so far as the Chair can understand it. The act itself proposes to authorize the Secretary of the Interior to enter into leases, and provides the amount of compensation that shall be paid into the Treasury of the United States under the leases, and then provides how in this section it shall be divided between the States and the reclamation fund and the Treasury of the United States. Now, the gentleman from Oregon [Mr. SINNOTT] in his amendment does not disturb the division of the fund as proposed in section 35, funds to be received under leases to be made in the future, but what he does is that he seeks to inject another element into the section which does not deal with the subject that is pending at all, but deals with a subject that is not before us, and attempts to divide funds already received under contracts that are now in existence and are not provided for in the bill.

The Chair sustains the point of order.

Mr. SINNOTT. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair be sustained as the judgment of the committee?

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes, 23.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. FERRIS. Mr. Chairman, I move an amendment. I move to strike out section 35 and insert an amendment that was section 34 of last year.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FERRIS: Strike out all of section 35 and insert in lieu thereof the following:

"SEC. 35. That all moneys received from sales, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as 'Miscellaneous receipts.'"

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that.

Mr. FERRIS. The amendment is not subject to a point of order, Mr. Chairman. I do not think it necessary to take any time on that.

Mr. Chairman, in 1902 Congress passed the reclamation act, which provided in terms clear and explicit that money received from the sale of public lands, minerals, and so forth, on the public domain should go into the reclamation fund, and there be created a revolving fund for the development of the West. This is the first instance where they have tried to invade that fund. Heretofore everyone has tried to keep that great national fund intact and in constant motion for the development of the West. Now, it comes to us to pass a bill here providing for the disposition of and the leasing of the minerals on the public lands of the United States, and it developed that there are $15,000,000 or $20,000,000 of money already impounded. The reason I do not give it exact is because some of it has to yet be calculated. The Department of Justice has some 36 suits already instituted, some tried and some yet to be tried. Large sums of money are involved. This legislation will help to settle it. This enables the Government to get its part. So one-eighth of this sum will immediately become the property of the Government after this bill has passed, and if that is put in the reclamation fund it will help that great national fund to keep alive. It will build it up and keep going. It will not allow it to be impoverished by taking the money for certain States, which would be to carve out the very heart of the reclamation fund. That ought not to be done. We should never begin that. I see here the chairman of the Appropriations Committee——

Mr. HUDSPETH. If the gentleman will permit, I would like to ask him how long this fund remains in the reclamation fund?

Mr. FERRIS. It is a revolving fund. After it has been used for a 10-year period for one reclamation project it is to be paid in and used for another project.

Mr. HUDSPETH. There seems to be a misconception here. I would like to say to my friend that when this fund is derived from the leases of public lands and goes into the reclamation fund it becomes a revolving fund?

Mr. FERRIS. If my amendment is agreed to, the money goes into the reclamation fund, where all the proceeds of sale of public lands go. And if the other amendment is agreed to part of the money goes to the States out West and later to a lot of boards of county commissioners, and so forth, and to that extent the fund will be depleted. I know the Members out West want the money to spend themselves; but it is not their money; it is Government money, and should go to the reclamation fund.

Mr. BLANTON. Under the law with regard to this revolving reclamation fund, any money that goes in there is for the entire benefit of the reclamation act, to be expended under no particular project, and under the amendment of the gentleman from Oklahoma it must be expended on projects in the particular State out of which it grew?

Mr. FERRIS. No. The amendment of the gentleman from Oregon does that. My amendment provides for putting every cent of it in the general reclamation fund, and that will keep alive the reclamation fund. That would probably put, with the one-eighth royalty, more than a million dollars into the reclamation fund immediately after the legislation is passed and the adjustments are made under it. By pursuing this course the gentleman from Iowa [Mr. GOOD] and his Appropriation Committee would be spared the act of appropriating a million dollars or more out of the Treasury of the United States to keep this great revolving fund alive.

Mr. BARBOUR. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. BARBOUR. I understand your amendment goes further and provides that eventually a proportion of this money shall be paid to the States?

Mr. FERRIS. It does, after the fund has been once expended for irrigation. Of course, if there be objection to that, it can be easily eliminated.

Mr. BARBOUR. Will the gentleman state when any of these States, with any reasonable degree of certainty, would secure any of this money?

Mr. FERRIS. Oh, yes. There is nothing new about this amendment. It has been drafted by the Interior Department. It has been passed through both Houses three times. It has always had the support of the Interior Department. This is an amendment to which this House has always agreed after very careful scrutiny. This new provision carried in this bill is a provision put in by the Senate, and it is a provision that has never met the approval of this House. This is an old story. This scheme has often been offered in the House, and always voted down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I would like a few minutes longer.

Mr. SINNOTT. Mr. Chairman, I would like to see if we can not make some arrangement as to how long this debate will last.

Mr. FERRIS. Will the chairman of the committee wait until I get through with my remarks? He can then fix it.

The CHAIRMAN. Is there objection? The Chair hears no objection.

Mr. MONDELL. Reserving the right to object, Mr. Chairman, how much does the gentleman ask?

The CHAIRMAN. Did the gentleman from Wyoming object?

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. No; I do not object.

Mr. FERRIS. I yield to the gentleman from California [Mr. BARBOUR].

Mr. BARBOUR. I have great respect for the gentleman's ability and a high opinion of his judgment. I would like to have his opinion. I think the gentleman is qualified to give it. When would the States be warranted reasonably to expect to get some of this money under this amendment?

Mr. FERRIS. As soon as it was paid back into the fund after using it once to reclaim the West. I do not claim any credit for my amendment. It is an amendment which this bill has carried for six years.

Mr. BARBOUR. I would like to ask the gentleman when will that be? Will it be 10 years or 20 years from now?

Mr. FERRIS. I think, from the way they have extended it, it will be 20 years, although one-twentieth of it will be paid in each year; so, of course, it will be coming in right along annually.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. VAILE. Twenty years might be the entire life of most of the oil wells in a given field.

Mr. FERRIS. Oh, no. One-twentieth of it will be paid in each year. It is a revolving fund anyway, and if it is properly safeguarded it will never get away.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. The real truth of it, Mr. Chairman, is I dislike very much to break with my friends from the West on this; I am very fond of all of them on both sides of the aisle; but last year they sprung this distribution of receipts to the limit, and the year before they pressed it to the limit, and the year before that, and now they go too far and cut too deep and take too much. They do more than that. They simply are not content to let the Government have anything to do with the proceeds of its own property.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from California?

Mr. FERRIS. Not now. I have fought so many battles for them on this floor and saved this item so many times that they ought to be content with enough and not ask to take too much. If the House gives them a liberal cut in Government funds to-day, they move on up to-morrow; there ought to be some modesty and some regard for the Government.

Mr. BARBOUR. Will it be necessary to identify these funds in the reclamation fund in order to get them?

Mr. FERRIS. Oh, no. They have got good bookkeepers there, and these vigorous county commissioners and township boards will get their share, you may be sure. No one need to have a care about that. Most of us fear they will get their share and the Government's also.

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. WELLING. Why does the gentleman say it goes to the county commissioners? The bill says it is to be paid to the State.

Mr. FERRIS. Well, it is to be paid to the States or State legislatures and of course they will peddle it around among the counties.

Now, gentlemen, if these gentlemen will content themselves in patience I want to develop two or three more things. This Congress can not afford to undertake to cut the heart out of the Reclamation Service. This Congress can not afford to break down a great national system which in 1902 the Congress itself erected. This Congress can not afford to take a great national fund, a great national accretion, and divide it up among a lot of ambitious local communities, who want this Government money to carry out a lot of local schemes and have it spent immediately. You can not have the cake and eat it too, and you can not turn all this money over to local boards and local communities and still have a reclamation fund. No finespun argument will satisfy that. It is the simple truth.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from New York?

Mr. FERRIS. Yes; I yield.

Mr. SNELL. I will wait until the gentleman is through.

Mr. FERRIS. This language that I have offered, I repeat, is exactly what we passed last year. It is exactly what we passed the year before. It is what we passed the year before exactly, and it was under very, very close scrutiny here.

Mr. MAYS. Mr. Chairman, will the gentleman yield right there?

Mr. FERRIS. In a moment. The gentleman from New York [Mr. Fitzgerald] fought it, and contested it vigorously, and I helped to sustain the provision I am presenting here. The gentleman from Kentucky [Mr. Sherley], later the head of the Committee on Appropriations, contested it vigorously, but the House again upheld it. The gentleman from Iowa [Mr. GOOD], I assume, will be here contesting it this time. But the Members from the West, dear friends of mine that they are, ought not each year—after we have got an agreed state of facts, after we have agreed exactly with the Interior Department, and agreed with the House—depart from the agreement. The gentleman from Oregon [Mr. SINNOTT], the chairman of this Committee on Public Lands, will support the position I occupy. I am sure of that. He will support the amendment I have offered or one preciously near like it. I am sure of that, because I believe as chairman of the great Committee on Public Lands he will not care to begin to carve the heart from the reclamation fund. It is my belief that he will desire, as a credit to his chairmanship and as a credit to his administration of the Committee on Public Lands, to uphold it and make it stronger rather than break it down and make it weaker. This fund must not be dissipated here without realizing what we are doing at least.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. VAILE. I desire to ask the gentleman upon what theory he will concede that the States are entitled to any of this money at any time?

Mr. FERRIS. Let me issue to the gentleman a little balm for his heart. In the section last passed there is a provision, very carefully placed in this bill, which provides for taxing this machinery and this output and these leases.

Mr. VAILE. But the gentleman is now proposing by this amendment that part of this fund shall ultimately go to the States. Upon what theory does the gentleman proceed to that?

Mr. FERRIS. On the theory of generosity, if it is to be done at all. It was a compromise provision. The theory I now propose is that this reclamation fund is depleted, that the reclamation fund is compelled to appeal to the Treasury every few years to get money to go forward. Now, here are $20,000,000 or $30,000,000 of Government money impounded, and that money ought to be used, at least some of it, for the purpose of building up the West. It ought to be used in a large way, and should not be scattered out and peddled out to a few local ambitious communities to the exclusion of all the rest.

Mr. VAILE. Why should the States ever have any of it on the gentleman's theory?

Mr. FERRIS. If the gentleman will move to strike that out, he will get a good vote in the House. Will the gentleman vote to strike that out?

Mr. VAILE. No; I will not; and I will not vote for the gentleman's amendment.

Mr. FERRIS. What does the gentleman mean. He erects a straw man here and then knocks him down. We have passed this bill over and over again. We passed it last year.

Mr. VAILE. I suppose the gentleman admits that the States are entitled to some of it at some time.

Mr. FERRIS. I supported that amendment before as a compromise. I was willing then, as a compromise, to donate part of the Government money to help out out there in the West, but there is no limit or stopping point.

Because on a compromise an honest division is made in order to get a lease law and go forward, does it now follow that all of the Government moneys must be given? I deny that any logic impels any such conclusion.

Mr. MAYS. The gentleman is not at all fair when he states that we have passed this bill over and over again. His bill that we passed contained a provision that passed title to private owners of certain coal lands. It passed title to oil lands for a certain portion of the permit, whereas this bill does not pass title to any land.

Mr. FERRIS. The gentleman is pretty close to the facts, but I will state them as they are. The bill last year provided that one-fourth of the lands in an oil prospector's permit, after oil was discovered, were to be given to the prospector as a reward for his discovery. This bill provides for a lease at a fixed minimum royalty of 5 per cent, which is full low, and gives a preference right for all the balance, which last year's bill did not give. That makes this bill more favorable to the oil man than last year's bill. I want the facts kept straight; I am sure the gentleman from Utah does also.

Mr. MAYS. What about the coal?

Mr. FERRIS. Last year's bill provided that the old coal law should remain intact, but everybody knew then, as they know now, that this leasing bill then passed effectually supplanted the coal law, so in actual effect there is no difference. There was no difference. This is only a move to get the money away from the Government quickly and keep it out of the reclamation fund altogether. I am perfectly sure this should not be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNELL. Mr. Chairman, I have sent an amendment to the Clerk's desk, which I wish to have read for the information of the House only.

The CHAIRMAN. The Clerk will read it for information.

The Clerk read as follows:

Amendment by Mr. SNELL: Page 72, line 15, strike out the figures "45" and insert "60," and in line 19 strike out the figures "45" and insert "30."

Mr. SNELL. Mr. Chairman, I feel that this is one of the most important sections of this whole bill. I think it is one that the House should give very careful and considerate attention. My position in this matter is that we should not go to the extreme in either way; that we should recognize the fact that the States have lost the power to tax these lands, and they are entitled to a certain amount of this money in lieu of the taxation that would naturally come from these sources. Now, in the forest-reserve States the present law is that the States shall receive 25 per cent of the receipts and that 10 per cent shall go for the roads. That would give the States about 35 per cent. I have taken up this matter with the Interior Department, and they say that they feel that about the correct amount that the States should receive is in the vicinity of 30 per cent, and that would be about a fair distribution of the fund, and be just and equitable to both the States and the Federal Government, and that is what we want to do in a bill of this kind, and that is why I have offered my amendment. It is the fair, equitable, and right thing to do.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. EVANS of Nevada. Did the gentleman present his views to the committee while this was being considered?

Mr. SNELL. Yes.

Mr. MAYS. The gentleman is a member of the committee.

Mr. MONDELL. The gentleman's provision is for the payment to the States of their share of the funds immediately upon their collection?

Mr. SNELL. Immediately upon their collection, and that seems to be a fair provision, in accordance with the policy already established in the forest-reserve States.

Mr. MONDELL. Will the gentleman repeat his provision again?

Mr. SNELL. Ten per cent to the Federal Government, 30 per cent to the States, and 60 per cent to the reclamation fund. It seems to me this is fair to the States, and also that it protects the Government, and that is one thing we certainly should do. It seems to me it is an absolutely fair and equitable distribution of these funds. I intend to offer my amendment as a substitute for the one offered by the gentleman from Oklahoma [Mr. FERRIS].

Mr. GOOD. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. GOOD. The gentleman is aware of the fact that by these States every year we are called upon to appropriate vast sums of money to build roads and trails. I assume that if this money goes into the State treasury that may be in lieu of all demands on the Federal Treasury to build those roads and trails in those States.

Mr. SNELL. I recognize the fact, and that is one reason why I voted against the provision in the original bill, the fact that the tendency is for the Federal Government to absorb all of the functions of the States, and if we are going to continue doing this we should protect the assets of the Federal Government; but I do feel that the State is entitled to a certain amount of these funds in lieu of taxation, and that my proposition is half way between what is in the bill and the amendment offered by the gentleman from Oklahoma [Mr. FERRIS] and is the one that should be adopted.

Mr. SINNOTT. Has the gentleman offered his amendment?

Mr. SNELL. I can not offer it at this time, but I will when the time comes.

Mr. RAKER was recognized.

Mr. SINNOTT. Mr. Chairman, I would like to see if we can not arrange for closing debate on this section.

The CHAIRMAN. The gentleman from California has been recognized.

Mr. RAKER. I will yield for the purpose of fixing the time.

Mr. SINNOTT. I would like to see how much time is desired. I ask unanimous consent that debate on this section and all amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that all debate on this section and amendments thereto close in one hour.

Mr. FERRIS. Reserving the right to object, which I do not intend to do, is it the chairman's intention to finish this bill to-night?

Mr. SINNOTT. I hope so.

Mr. FERRIS. I doubt the advisability of having a lot of debate and then letting it go over until to-morrow, when Members will come in to vote upon it who never heard the debate. It ought to be voted on by Members who know something about it.

Mr. MONDELL. Do I understand that amendments are to be offered? Is that a part of the request?

Mr. FERRIS. No.

Mr. MONDELL. There are likely to be substitutes offered to the amendment of the gentleman from Oklahoma. Whether or not this is to be a debate on the section and all amendments thereto or simply on this amendment is a question I desire to ask.

Mr. FERRIS. Let us limit it to this amendment.

Mr. MONDELL. Substitutes are likely to be offered.

The CHAIRMAN. The request of the gentleman from Oregon was that debate should close in one hour on this section and all amendments thereto.

Mr. TIMBERLAKE. Does this apply to the substitute offered by the gentleman from New York?

Mr. SINNOTT. He has not offered the substitute yet.

Mr. FERRIS. I would like to ask the chairman if it is his intention to vote on this to-night?

Mr. SINNOTT. I hope we shall.

Mr. FERRIS. If we can not vote to-night, I do not want to agree to limit debate.

Mr. MONDELL. Mr. Chairman, I doubt if this matter can be disposed of to-night. I think that when Members vote on the amendments they ought to have heard the debate, and I suggest to the chairman that he might as well move that the committee rise and take the matter up Thursday morning.

Mr. FERRIS. May I make a suggestion to the majority leader that we have an hour to-morrow, Calendar Wednesday?

Mr. MONDELL. I have tried to make an arrangement with the committee that will occupy the time on Calendar Wednesday, but they desire the entire day. I am afraid it will be impossible to make that arrangement, but we can take the matter up Thursday morning. Before the committee rises, in view of the fact that the gentleman from New York [Mr. SNELL] is not going to be here on Thursday, I understand he wants to offer his amendment as a substitute.

Mr. SNELL. I will offer it as a substitute.

Mr. RAKER. Mr. Chairman, I have the floor, and I only yielded to the gentleman from Oregon to fix the time.

Mr. SINNOTT. The gentleman from California will have his time when we next take up the bill.

Mr. ANDERSON. I ask for the regular order.

Mr. RAKER. I will yield to the gentleman from New York to offer his amendment.

Mr. SNELL. Mr. Chairman, I offer my amendment as a substitute for the amendment of the gentleman from Oklahoma.

Mr. FERRIS. Mr. Chairman, I have offered my amendment to strike out the section and insert a new section. Now, what is it the gentleman from New York proposes?

Mr. MAYS. He seeks to perfect the section.

Mr. FERRIS. He does not say so.

The CHAIRMAN. The substitute is offered to perfect the text.

Mr. SNELL. My amendment is a perfecting amendment.

The CHAIRMAN. The gentleman will be recognized for the introduction of his amendment, unless there be objection, as a perfecting amendment to the text of the bill.

Mr. SNELL. I would have that right anyway, Mr. Chairman.

The CHAIRMAN. Then the amendment of the gentleman from Oklahoma [Mr. FERRIS] as a substitute for the section would be in order.

Mr. FERRIS. Does the gentleman from New York propose to perfect my amendment or the original text?

The CHAIRMAN. It is proposed to perfect the original text. The Clerk will report the amendment of the gentleman from New York for the information of the committee.

The Clerk read as follows:

Amendment by Mr. SNELL: Page 72, line 15, strike out the figures "45" and insert "60"; line 19, page 72, strike out the figures "45" and insert "30."

Mr. SNELL. Mr. Chairman, I offer that in the time of the gentleman from California [Mr. RAKER], as he yields for that purpose.

The CHAIRMAN. That will be considered as pending.

Mr. SINNOTT. Mr. Chairman, unless the gentleman from California [Mr. RAKER] desires to use his time now I shall move to rise.

Mr. RAKER. Mr. Chairman, I yield for that purpose.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2775 and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9782. An act to regulate further the entry of aliens into the United States.

LEAVE OF ABSENCE.

By unanimous consent indefinite leave of absence was granted to Mr. JONES of Pennsylvania, on account of illness in his family.

ADJOURNMENT.

Mr. SINNOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, October 29, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill providing for the relief of Capt. J. S. Carpenter, United States Navy (H. Doc. No. 280); to the Committee on Claims and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting list of publications received and distributed from the office of the Secretary of the Navy during the fiscal year 1918–19 (H. Doc. No. 281); to the Committee on Printing and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 8028) to reserve as parts of the Oregon, Siuslaw, and Crater National Forests in Oregon certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co., against the United States, reported the same with amendments, accompanied by a report (No. 425), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARLAND, from the Committee on Mines and Mining, to which was referred the joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919, reported the same without amendment, accompanied by a report (No. 427), which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9264) granting a pension to Sarah K. Marshall, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 10233) providing for the extension of the post office and public building at Arkansas City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 10234) to prohibit the display of a red flag in certain cases, in any public assembly or parade, declaring the violation to be a felony, and providing penalties; to the Committee on the Judiciary.

By Mr. BLANTON: A bill (H. R. 10235) to safeguard the transmission of interstate traffic and United States mails, to punish unlawful conspiracies, to protect citizens in their right to labor and to punish unlawful interference therewith, and to prohibit and punish certain seditious acts against the Government of the United States, and to prohibit the use of mails in furtherance of such acts, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODALL: A bill (H. R. 10236) for the erection of a bridge between Beechwood and Curtis Point, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. REAVIS: Resolution (H. Res. 362) providing for the distribution and sale of surplus Army motor vehicles; to the Committee on Expenditures in the War Department.

By Mr. GARLAND: Resolution (H. Res. 363) for the consideration of House joint resolution 241; to the Committee on Rules.

By Mr. PLATT: Resolution (H. Res. 364) for the consideration of S. 2472; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10237) granting an increase of pension to Joseph Lukehart; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 10238) granting a pension to George W. Proffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10239) granting a pension to Travis H. Stilwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10240) granting a pension to Lydia A. Gaines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10241) granting a pension to Albert W. Dutton; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 10242) granting a pension to Elizabeth V. Harris; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 10243) granting a pension to William M. Gibson; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 10244) granting an increase of pension to Sarah R. Fuller; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 10245) granting a pension to Mary V. Patterson; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 10246) granting a pension to Fredrieke C. Anderson; to the Committee on Invalid Pensions.

By Mr. JOHN W. RAINEY: A bill (H. R. 10247) granting an increase of pension to Catherine Summers; to the Committee on Pensions.

Also, a bill (H. R. 10248) for the relief of William Knourek; to the Committee on Claims.

By Mr. SHERWOOD: A bill (H. R. 10249) granting an increase of pension to Mary J. Otto; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10250) granting a pension to Elizabeth P. Tuttle; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 10251) granting an increase of pension to Adolphus S. Read; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DICKINSON of Iowa: Petition of American Legion, Fay Stine Post, No. 38, of New Hampton, Iowa, favoring a Federal bonus for ex-service men; to the Committee on Military Affairs.

Also, petition of Forest City Post, No. 121, of Iowa, favoring bonus for ex-service men; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of U. S. Grant Post, No. 28, Department of Illinois, Grand Army of the Republic, favoring the Fuller bill (H. R. 9369); to the Committee on Invalid Pensions.

By Mr. NOLAN: Petition of Langley & Michaels Co. and 23 other firms in San Francisco, Calif., protesting against House bill 8315, by Representative SIEGEL; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of Angel City Court, No. 579, Catholic Order of Foresters, protesting against the Smith-Towner bill and the Smith bill; to the Committee on Education.

Also, petition of Farmers' National Council, urging legislation giving the Government control of the railroads for two more years; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. Shirek & Sons, Mutual Biscuit Co., Illinois-Pacific Glass Co., Neustadter Bros., Everwear Manufacturing Co., Andrew A. Jacob & Co., Martin-Camm Co., Louis Straus (Inc.), C. A. Malm & Co., Frank & Hyman (Inc.), and Meyer Cloak & Suit Co., all of San Francisco, Calif., and H. & S. C. Bercovich, of Oakland, Calif., protesting against House bill 8315, introduced by Mr. SIEGEL; to the Committee on Interstate and Foreign Commerce.

Also, petition of Cook County Board, Ladies' Auxiliary, Ancient Order of Hibernians, urging that the league of nations be defeated; to the Committee on Foreign Affairs.

Also, petition of California Division, Travelers' Protective Association of America, requesting support of House bill 4378, an act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Papers to accompany House bill 10174, granting increase of pension to William Dewalt, Company A, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. TINKHAM: Petition of Woman's Republican Club, of New York, favoring the passage of House resolution 318; to the Committee on Foreign Affairs.

Also, petition of Vallejo Metal Trades Council, favoring the passage of House bill 7041; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *October 29, 1919.*

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McLean	Smith, Md.
Ball	Harding	Moses	Smith, S. C.
Brandegee	Harris	Myers	Smoot
Capper	Harrison	Nelson	Spencer
Chamberlain	Henderson	New	Sterling
Colt	Hitchcock	Newberry	Sutherland
Culberson	Johnson, Calif.	Norris	Swanson
Cummins	Jones, N. Mex.	Nugent	Thomas
Curtis	Jones, Wash.	Overman	Townsend
Dial	Kellogg	Page	Trammell
Dillingham	Kendrick	Penrose	Walsh, Mass.
Edge	Keyes	Phelan	Walsh, Mont.
Elkins	King	Phipps	Warren
Fall	Knox	Pomerene	Watson
Fletcher	La Follette	Robinson	Williams
France	Lodge	Sheppard	Wolcott
Frelinghuysen	McCormick	Shields	
Gay	McCumber	Smith, Ariz.	
Gore	McKellar	Smith, Ga.	

Mr. WARREN. I announce the absence of the Senator from Wisconsin [Mr. LENROOT], who is detained on public business.

Mr. CAPPER. I wish to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Louisiana [Mr. RANSDELL], the Senator from Oregon [Mr. MCNARY], the senior Senator from New York [Mr. WADSWORTH], and the junior Senator from New York [Mr. CALDER], who are engaged in a meeting of the Committee on Agriculture and Forestry.

Mr. SHEPPARD. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business. The Senator from Missouri [Mr. REED] and the Senator from Nevada [Mr. PITTMAN] are necessarily absent.

Mr. KING. I desire to announce the absence on official business of the Senator from Rhode Island [Mr. GERRY], the Senator from Arkansas [Mr. KIRBY], the Senator from Oklahoma [Mr. OWEN], the Senator from Louisiana [Mr. RANSDELL], and the Senator from North Carolina [Mr. SIMMONS].

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present.

DISPOSITION OF GOVERNMENT-OWNED VESSELS (S. DOC. NO. 146).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the chairman of the United States Shipping Board, transmitting information in response to a resolution of the 4th instant, which will be printed and also printed in the RECORD.

The communication is as follows:

UNITED STATES SHIPPING BOARD,
Washington, October 28, 1919.

DEAR SIR: Herewith I beg to submit reply of the United States Shipping Board to Senate resolution 212:

1. Whether any effort was made to sell tankers to the Atlantic, Gulf & West Indies Steamship Co., and, if so, what prices were offered and asked for the same.

Answer. The correspondence, beginning May 9, 1919, together with the action of the board, is submitted herewith. No price appears to have been offered by the company for the tankers. In letter of May 9 inquiry was made re the purchase of five or seven of the largest tank steamers at prices to be agreed upon. May 24 the board referred the matter to the Director of the Division of Operations and the Director of the Division of Planning and Statistics for review and recommendation. The latter, May 29, recommended the sale if the price could be agreed upon. Mr. Rosseter, Director of the Division of Operations, June 4, recommended the sale of five tankers, naming them, stating: "While it appears that these vessels are estimated to cost us from $255 to $328 per ton, it seems to me that a fair selling price might be $250, as we could probably replace under new contracts at $210, possibly $200 per ton." On June 16 the board passed a resolution offering the tankers at $250 per dead-weight ton. On July 21 John E. Barber, head of the sales division, reported as follows: "Mr. Nichols, president of the Atlantic, Gulf & West Indies Co., says that he is still in the market for tankers, but not at our price. His idea of price seems unreasonably low, so I think you may consider that he is not a good prospect." The files do not show any suggested price.

2. What number of ships have been disposed of to private interests, with a description of same and prices received?

Answer. Herewith (Exhibit A) is a copy of a report giving in detail all sales completed to October 20, 1919, date, price, name of purchaser, description of ship, amount paid in cash, and amount of payment deferred, covering a total of 176 ships; sales value, $125,540,993; payment actually received, $12,337,609.26. Embraced in this list are 160 steel Lake-type vessels, contracted to be sold to Anderson Overseas Corporation at $210 per dead-weight ton. This transaction has not actually been consummated, and no payment has been made on account thereof.

The cash payment required to be made is included in the column "Initial payment," under "Recapitulation of ship sales"; but the column "Received from sales consummated, $12,337,609.26," represents the money actually paid in. Since October 20 eight additional ships have been sold, described in Exhibit B attached. Three are new steamers, sold at our regular prices; two are reconditioned Lake steamers, sold "as is"; and one is a very old wooden cargo steamer. Two are requisitioned ships redelivered to the owner, who refunded our total investment with interest.

3. Whether any offers have recently been received or are at present pending and the quotations involved?

Answer. The prospective sales now under consideration, with prices and terms proposed, are shown on Exhibit C attached hereto.

4. What policy is being followed in endeavoring to dispose of ships?

Answer. So far as the sale of the tankers is concerned, in view of the large number of coal-burning cargo ships now in use, it is not deemed wise to sell desirable tankers. The tanker situation is shown in the letter dated October 7 from tank-steamer executive, Capt. Paul Foley, attached hereto as Exhibit D.

As to the sale of cargo steamers, a sales organization is maintained and all reasonable efforts made to effect such sales at the prices and terms indicated on Exhibit E, submitted herewith. It has not been deemed wise to cut prices or to materially change the terms.

Yours, very truly,

JOHN BARTON PAYNE, *Chairman.*

Hon. GEORGE A. SANDERSON,
United States Senate.

UNITED STATES SHIPPING BOARD,
SHIP SALES DIVISION,
New York City, July 21, 1919.

Mr. JOHN J. FLAHERTY,
Assistant Secretary United States Shipping Board,
Washington, D. C.

DEAR MR. FLAHERTY: Answering your inquiry of July 16, Mr. Nichols, president of the Atlantic, Gulf & West Indies Co., says that he is still in the market for tankers, but not at our price. His idea of price seems unreasonably low, so I think you may consider that he is not a good prospect.

Very truly, yours,

JOHN E. BARBER,
Vice President United States Shipping Board
Emergency Fleet Corporation.

I hereby certify that the above is a true and correct copy of a letter from John E. Barber, vice president United States Shipping Board Emergency Fleet Corporation, to John J. Flaherty, assistant secretary United States Shipping Board, dated July 21, 1919.

[SEAL.] JOHN J. FLAHERTY, *Secretary.*

UNITED STATES SHIPPING BOARD,
SHIP SALES DIVISION,
New York City, July 17, 1919.

Mr. JOHN J. FLAHERTY,
Assistant Secretary United States Shipping Board,
Washington, D. C.

DEAR SIR: Answering your letter of July 16; the president of the Atlantic, Gulf & West Indies Steamship Lines is out of town until Monday, when I shall report back to you the present status of negotiations for the sale of five tank steamers.

Very truly, yours,

JOHN E. BARBER,
Vice President United States Shipping Board
Emergency Fleet Corporation.

I hereby certify that the above is a true and correct copy of a letter from John E. Barber, vice president United States Shipping Board Emergency Fleet Corporation, to John J. Flaherty, assistant secretary United States Shipping Board, dated July 17, 1919.

JOHN J. FLAHERTY, *Secretary.*

UNITED STATES SHIPPING BOARD,
OFFICE OF THE SECRETARY,
Washington, July 16, 1919.

Mr. J. E. BARBER,
Vice President Emergency Fleet Corporation,
Ship Sales Department, New York City.

DEAR SIR: Referring to resolution adopted by the board on June 16, providing that negotiations for the sale of five tank steamers be entered into with the Atlantic, Gulf & West Indies Steamship Lines, please advise the present status of this case.

Very truly, yours,

JOHN J. FLAHERTY,
Assistant Secretary.

I hereby certify that the above is a true and correct copy of a letter from Assistant Secretary John J. Flaherty to J. E. Barber, vice president Emergency Fleet Corporation, under date of July 16, 1919.

JOHN J. FLAHERTY, *Secretary.*

EXTRACT FROM PROCEEDINGS OF THE UNITED STATES SHIPPING BOARD.

Date: June 16, 1919.
Docket No. 865 At 6.
Subject: Sale of tankers to Atlantic, Gulf & West Indies Steamship Lines.

Consideration was given to a communication received from the Atlantic, Gulf & West Indies Steamship Lines, dated May 9, 1919, submitting a proposal to purchase or charter tank steamers now under construction for this board by the Emergency Fleet Corporation. This matter was discussed at a meeting of the board on May 24, and after consideration it was ordered that the matter be referred to the Divisions of Operations and Planning and Statistics, respectively, for recommendations. Mr. Tower, of the Division of Planning and Statistics recommended that:

(1) The tank-steamer traffic is a special trade, which has long been dominated by a few companies interested in the oil business.

(2) The tankers being constructed by the Shipping Board are necessarily high priced because of the effect of war conditions on contracts.

(3) According to reliable information, British tankers have recently been offered at a charter rate considerably below what would be a paying figure for tankers built at the Shipping Board price.

(4) Unless the Shipping Board can operate or charter to private operators tankers on the basis equal to that prevailing for British vessels of the same class, it seems desirable to dispose of Shipping Board tankers whenever opportunity offers.

(5) The company involved in this request, together with its subsidiary lines, represents what is currently reported to be one of the strongest United States shipping concerns, and it seems desirable to strengthen wherever possible such interests for the ultimate benefit of our merchant marine.

Director of Operations Rosseter, in memorandum of June 13, recommended that, if a proper price can be obtained, the board sell to the said Atlantic, Gulf & West Indies Steamship Lines five tank steamers. It was the sense of the meeting that the tank steamers should be sold instead of chartered, and that an effort should be made to obtain a price of $250 per dead-weight ton. On motion of Commissioner Donald, seconded by Commissioner Robinson, and duly carried, the following resolution was adopted:

Resolved, That negotiations for the sale of five tank steamers be entered into with the Atlantic, Gulf & West Indies Steamship Lines, and that an effort be made to obtain $250 per deadweight ton for these steamers.

I hereby certify that the foregoing is a true and correct copy of an extract from proceedings of the United States Shipping Board, dated June 16, 1919.

JOHN J. FLAHERTY, *Secretary.*

UNITED STATES SHIPPING BOARD,
EMERGENCY FLEET CORPORATION,
DIVISION OF OPERATIONS,
Washington, June 13, 1919.

Memorandum for Mr. Flaherty, assistant secretary: Sale of tankers:

Replying to yours of June 6, referring to your memorandum of May 27 relative to application of the Atlantic, Gulf & West Indies Steamship Lines for purchase or charter of tank steamers.

I am of the opinion that it is desirable, if a proper price can be obtained, to sell to the Atlantic, Gulf & West Indies Steamship Lines five tank steamers as against their application for seven tank steamers. Their proposal contemplates that these tankers will be used in transporting fuel for use of steamers of their subsidiary companies and our facilitating them in securing tonnage to so supply steamers in which they are interested results in the strengthening of our merchant marine.

As information, I might state that this division proposes recommending priority in the assignment or charter of tankers to oil companies having contracts to supply fuel for Shipping Board vessels, as also supplies required by the Navy Department.

J. H. ROSSETER,
Director of Operations.

I hereby certify that the above is a true and correct copy of a letter from J. H. Rosseter to Mr. Flaherty, assistant secretary, under date of June 13, 1919.

JOHN J. FLAHERTY, *Secretary.*

UNITED STATES SHIPPING BOARD,
Washington, June 6, 1919.

Memorandum for Mr. Rosseter:

Reference is made to my memorandum dated May 27, 1919, quoting extract from the minutes of the meeting of the Shipping Board held on May 24, 1919, advising you that a letter from the Atlantic, Gulf & West Indies Steamship Lines offering to purchase or charter tank steamers now under construction by the Emergency Fleet Corporation was ordered referred to you and to the director of the division of planning and statistics for review and recommendation.

Director Tower, of the division of planning and statistics, under date of May 29, 1919, has submitted his recommendation in this matter that the Shipping Board sell to the Atlantic, Gulf & West Indies Steamship Lines such five or seven tank steamers as that company may wish to purchase.

Copy of Mr. Tower's communication is transmitted for your information.

Will you kindly give this matter your immediate attention and prepare a statement for presentation to the board, stating your opinion of the proposition made by the Atlantic, Gulf & West Indies Steamship Lines, and whether Mr. Tower's recommendations meet with your approval.

JOHN J. FLAHERTY,
Assistant Secretary.

I hereby certify that the above is a true and correct copy of a memorandum from Assistant Secretary Flaherty to Mr. Rosseter, under date of June 6, 1919.

JOHN J. FLAHERTY, *Secretary.*

UNITED STATES SHIPPING BOARD,
EMERGENCY FLEET CORPORATION,
DIVISION OF OPERATIONS,
Washington, June 4, 1919.

Mr. E. N. HURLEY, *Chairman:*

With reference to attached letter addressed to you by Mr. H. H. Raymond, and copy of letter from Mr. A. R. Nicol, president of the Atlantic, Gulf & West Indies Steamship Lines:

I am in favor of selling five of our tankers now under construction, and would suggest the following:

Caboille (8,500), ready promptly, Wilmington.
Dame Daike (6,000), ready in September, Baltimore.
Derby Line (10,100), ready promptly, Alameda.
Hoxbar (10,100), ready promptly, Wilmington.
Romulus (7,500), ready in July, Wilmington.

As to price.—While it appears that these vessels are estimated to cost us from $255 (*Caboille*) to $328 (*Dame Daike*) per ton, it seems to me that a fair selling price might be $250, as we could probably replace under new contracts at $210, possibly $200, per ton.

I might add that we have already chartered one of our tankers, the *Hugoton*, to the Standard Oil Co. of New York at $6.50 per ton per month for the balance of the year.

J. H. ROSSETER,
Director of Operations.

I hereby certify that the above is a true and correct copy of a letter from Mr. J. H. Rosseter to Mr. E. N. Hurley dated June 4, 1919.

[SEAL.] JOHN J. FLAHERTY, *Secretary.*

UNITED STATES SHIPPING BOARD,
Washington, May 29, 1919.

To: Chairman E. N. Hurley, Commissioner.
From: Mr. Walter S. Tower.
Subject: Recommendation concerning request from the Atlantic, Gulf & West Indies Steamship Lines for tankers.

According to the minutes of the United States Shipping Board for May 24, a recommendation is requested concerning the proposal from the Atlantic, Gulf & West Indies Steamship Lines to purchase, charter, or manage tank steamers now under construction by the Emergency Fleet Corporation.

I recommend that, if possible to agree upon a satisfactory price, the Shipping Board sell to the Atlantic, Gulf & West Indies Steamship Lines such five or seven tank steamers as that company may wish to purchase.

My reasons for this recommendation are as follows:

(1) The tank-steamer traffic is a special trade which has long been dominated by a few companies interested in the oil business.

(2) The tankers being constructed by the Shipping Board are necessarily high-priced because of the effect of war conditions on contracts.

(3) According to reliable information, British tankers have recently been offered at a charter rate considerably below what would be a paying figure for tankers built at the Shipping Board price.

(4) Unless the Shipping Board can operate or charter to private operators tankers on the basis equal to that prevailing for British vessels of the same class, it seems desirable to dispose of Shipping Board tankers whenever opportunity offers.

(5) The company involved in this request, together with its subsidiary lines, represents what is currently reported to be one of the strongest United States shipping concerns, and it seems desirable to strengthen, wherever possible, such interests for the ultimate benefit of our merchant marine.

DIVISION OF PLANNING AND STATISTICS,
By WALTER S. TOWER, *Director*.

I hereby certify that the above is a true and correct copy of a letter dated May 29, 1919, from Walter S. Tower to Chairman E. N. Hurley.

JOHN J. FLAHERTY, *Secretary*.

EXTRACT FROM PROCEEDINGS OF THE UNITED STATES SHIPPING BOARD.

Date, May 24, 1919.
Docket No. 865A16.
Subject: Application of Atlantic, Gulf & West Indies Steamship Lines to purchase or charter tank steamers.

There was presented a letter from the Atlantic, Gulf & West Indies Steamship Lines, dated May 9, 1919, offering to purchase tank steamers now under construtcion by the Emergency Fleet Corporation, or, if the sale can not be arranged, offering to charter five or seven tank steamers from the board on time charters with an option to purchase, and, if neither arrangement could be made in the near future, applying for the assignment to them for management and operation of a number of tank steamers until such time as arrangements can be made for their acquiring tank steamers by purchase or charter. This company owns oil-producing wells in Mexico, and is in need of tanker tonnage to move fuel for the use of steamers of its subsidiary companies—the Clyde Line, Mallory Line, New York and Porto Rico Line, Ward Line, and the Southern Line. It was ordered that the matter be referred to the director of operations and the director of the division of planning and statistics for review and recommendation.

I hereby certify that the above is a true and correct copy of an extract from proceedings of the United States Shipping Board dated May 24, 1919.

JOHN J. FLAHERTY, *Secretary*.
NEW YORK, *May 9, 1919*.

—

UNITED STATES SHIPPING BOARD,
Washington, D. C.

GENTLEMEN: Our company, through its subsidiaries, is the owner of oil-producing wells in Mexico, to move the products of which we require tank steamers, and we are also in need of tanker tonnage to move fuel for the use of steamers of our subsidiary companies—the Clyde Line, Mallory Line, New York & Porto Rico Steamship Co., Ward Line, and Southern Steamship Co.

To meet these needs we respectfully request the Shipping Board—

(1) To sell to our company five or seven of the largest tank steamers now building, of the highest class and speed, at prices that may be agreed on.

(2) If present sale can not be arranged, to charter to this company five or seven of such tank steamers, on time charters, with an option to purchase, or, if no such option can be given, without any option on terms which may be agreed.

(3) If neither sales nor charters can be made in the near future, that the board will allocate to our company for management and operation, until such time as arrangements can be made by which we can either purchase or charter them, five or seven of such tank steamers.

This company is anxious to purchase tank tonnage of the quantity above indicated at the earliest practicable time, and presents the alternative requests of charter and allocation for management only upon condition that purchases can not be arranged at present.

The sale of this tanker tonnage to our company would insure its remaining permanently under the American flag.

Very truly, yours,

A. R. NICOL, *President*.

I hereby certify that the above is a true and correct copy of letter from A. R. Nicol to the United States Shipping Board, dated May 9, 1919.

JOHN J. FLAHERTY, *Secretary*.

—

CLYDE STEAMSHIP CO.,
New York, May 12, 1919.

Mr. EDWARD H. HURLEY,
Chairman United States Shipping Board, Washington, D. C.

DEAR MR. HURLEY: With reference to our talk on Friday last regarding tankers, please find herewith copy of official letter from Mr. A. R. Nicol, president of the Atlantic, Gulf & West Indies Steamship Lines, which speaks for itself. I trust you will take this matter under favorable consideration and appoint a time when we can discuss the matter with a view of obtaining tankers on some basis that may be mutually satisfactory.

With cordial personal regards, I am,

Yours, very truly, H. H. RAYMOND.

I hereby certify that the above is a true and correct copy of a letter from H. H. Raymond to Mr. Edward H. Hurley, dated May 12, 1919.

JOHN J. FLAHERTY, *Secretary*.

EXHIBIT A.

Recapitulation of ship sales, Oct. 20, 1919.

Type of vessel.	Number of vessels.	Dead-weight tons.	Sales value.	Initial payment.	Received from sales consummated.
Steel cargo	144	588,131	$112,889,993.00	$23,131,064.26	$10,442,850.26
Wood cargo	18	77,729	10,620,000.00	2,167,500.00	1,042,500.00
Composite cargo	4	14,150	1,030,000.00	535,000.00	400,000.00
Tugs	9	.....	876,000.00	689,166.66	421,030.00
Barges	1	.....	125,000.00	131,250.00	31,250.00
Grand total	176	680,010	125,540,993.00	26,691,980.92	12,317,609.26

STEEL.

Name of ship.	Purchaser.	Type.	Dead-weight tons.	Terms.	Delivery date.	Sale price per dead-weight tons.	Sales value.	Initial payment.
Wisconsin Bridge	French American Line	New steel cargo	5,336	Standard indenture plan; charter with option to purchase.	June 21, 1919	$210.00	$1,120,560.00	$224,112.00
West Catanace	Eldorado Steamship Co	do	8,453	do	Aug. 19, 1919	225.00	1,901,925.00	380,385.00
Deerfield	do	New steel refrigerator.	9,725	do	Sept. 8, 1919	255.00	2,479,875.00	495,975.00
Redondo	F. & J. Auditore	New steel cargo	5,900	25 per cent cash on delivery of vessel; 12½ per cent within 6 months; 12½ per cent within 12 months; balance of 50 per cent payable in semiannual installments of 6½ per cent with interest on deferred payments 5 per cent per annum.	July 26, 1919	210.00	1,239,000.00	309,750.00
Point Benita	Pacific Mail Steamship Co	do	3,750	$210 per dead-weight ton less 1 per cent discount for cash.	Sept. 21, 1919	198.00	742,500.00	742,500.00
Point Judith	do	do	3,750	do	Aug. 29, 1919	198.00	742,500.00	742,500.00
Point Lobos	do	do	3,750	do	Sept. 5, 1919	198.00	742,500.00	742,500.00
Point Adams	do	do	3,750	do	Aug. 29, 1919	198.00	742,500.00	742,500.00

Ship sales, Oct. 20, 1919—Continued.

STEEL—Continued.

Name of ship.	Purchaser.	Type.	Dead-weight tons.	Terms.	Delivery date.	Sale price per dead-weight tons.	Sale value.	Initial payment.
New Britain	J. E. Dockendorff & Co.	New steel cargo	7,814	$225 per dead-weight ton payable as follows: For the return of the S. S. Cote Blanche previously purchased from the board, a credit for all payments and credits on this vessel was allowed amounting to $575,000 to be applied on initial payment. Actual terms of sale 40 per cent cash on delivery of vessel; balance 60 per cent in semiannual payments of 15 per cent over period of 2 years. Interest on deferred 5 per cent.	Sept. 11, 1919	$225.00	$1,758,150.00	$703,260.00
Richmond Boro	Williams Steamship Co.	do	7,787	215 per dead-weight ton. 25 per cent cash on delivery of vessel; 12½ per cent within 6 months; 12½ per cent within 12 months; balance payable in semiannual installments of 6¼ per cent over period of 4 years. Interest on deferred payments 5 per cent per annum.	Sept. 2, 1919	215.00	1,674,205.00	418,551.20
Rock Island	American Northern Norway & West Indies Steamship Co. (Inc.).	do	4,300	25 per cent cash on delivery of vessel; 12½ per cent within 6 months; 12½ per cent within 12 months; balance in equal semiannual installments of 6¼ per cent over period of 4 years. Interest on deferred payments 5 per cent.	July 25, 1919	210.00	903,000.00	225,750.00
Fire Island	do	do	4,300	do	Oct. 11, 1919	210.00	903,000.00	225,750.00
Vanada	Virginia Shipbuilding Corporation.	do	9,400	25 per cent cash on delivery of vessel; 12½ per cent within 6 months; 12½ per cent within 12 months; balance of 50 per cent in equal semiannual installments of 6¼ per cent over period of 4 years with interest on deferred payments at rate of 5 per cent per annum. Allowance of $100,000 for cancellation of contract on each ship.		225.00	2,115,000.00	503,750.00
Shancook	do	do	9,400			225.00	2,115,000.00	503,750.00
Betsy Bell	do	do	9,400			225.00	2,115,000.00	503,750.00
Gunston Hall	do	do	9,400			225.00	2,115,000.00	503,750.00
Huachuca	Orinoco Steamship Co.	do	7,455	25 per cent cash on delivery of vessel; 12½ per cent within 6 months; 12½ per cent within 12 months; balance of 50 per cent payable in semiannual installments of 6¼ per cent over period of 4 years; interest on deferred payments, 5 per cent per annum.	Aug. 17, 1919	215.00	1,602,825.00	400,706.25
Cape Lookout	Polish-American Navigation.	do	7,371	do		215.00	1,584,765.00	396,191.25
Sacramento	F. & J. Auditore	do	7,462	do	Sept. 17, 1919	215.00	1,604,330.00	401,082.50
Lydia	do	Steel cargo (purchased ex-Austrian vessel 17 years old).	5,938	do	Sept. 26, 1919	165.00	979,770.00	244,947.50
Yaphank	Williams Steamship Co.	New steel cargo	7,814	do	Sept. 27, 1919	215.00	1,680,010.00	420,002.50
Donora	Orleans Steamship Corporation.	do	9,600	do		220.00	2,112,000.00	528,000.00
Blue Hill	Massey Steamship Co.	Reconstructed lake ship (steel, cargo).	4,000	Cash on delivery of vessel (sold "as is" account of age and condition).	May 13, 1919		150,000.00	150,000.00
Frontenac	Davie Shipbuilding & Repairing Co.	do	3,600	do	May 18, 1919		85,000.00	85,000.00
Adrian Iselin	Geo. Hall Coal Corporation.	do	3,075	do	May 20, 1919		200,000.00	200,000.00
Lucius W. Robinson	do	do	2,824	do	do		200,000.00	200,000.00
A. D. Mactier	do	do	2,920	do	do		200,000.00	200,000.00
Manola	Davie Shipbuilding & Repairing Co.	do	3,600	Cash on delivery of vessel (sold "as is" account of age and condition: bow portion sunk, stern portion only sold.)	June 5, 1919		77,500.00	77,500.00
F. P. Jones	Edw. P. Farley & Co.	do	3,850	Cash on delivery of vessel (sold "as is" account of age and condition.)	do		78,000.00	78,000.00
Charles R. Van Hise	Morrow Steamship Co.	do	7,500	Cash on delivery of vessel (sold "as is" account of condition; steamer cut in two to take through canal and sold in two pieces).	Sept. 23, 1919		180,000.00	180,000.00
Maruba	Fidelity Trust Co.	do	3,800	Cash on delivery of vessel (sold "as is" account of age and condition).	Aug. 28, 1919	75.00	285,000.00	285,000.00
E. C. Pope	do	do	4,000	do	do	25.00	100,000.00	100,000.00
North Wind	do	do	3,225	do	do	62.01	200,000.00	200,000.00
Saxon	French-American Line	Reconstructed steel ship (steel, cargo).	3,229	Cash on delivery of vessel; 2 per cent discount allowed on sale price of $50 per dead-weight ton.	Oct. 7, 1919	50.00	155,721.00	155,721.00
Roman	do	do	3,040	Sold "as is" account age and condition; 40 per cent cash on delivery of vessel, balance of 60 per cent in equal installments of 20 per cent within 6, 12, and 18 months; interest on deferred payments, 5 per cent.	Oct. 3, 1919	50.00	152,000.00	60,800.00

Ship sales, Oct. 20, 1919—Continued.

STEEL—Continued.

Name of ship.	Purchaser.	Type.	Dead-weight tons.	Terms.	Delivery date.	Sale price per dead-weight tons.	Sales value.	Initial payment.
R. S. Warner	French-American Line	Reconstructed lake ship, (steel, cargo).	4,225	Sold "as is" account of age and condition of vessel; $57.50 per dead-weight ton; 40 per cent cash on delivery of vessel, 20 per cent 6 months after closing date, 20 per cent 12 months after closing date, 20 per cent 18 months after closing date.		$57.50	$242,937.50	$97,175.00
North Pines	do	do	4,000	Sold "as is" account age and condition; $45 per dead-weight ton, less discount 2 per cent for cash.		45.00	176,400.00	176,400.00
Cicoa	Edw. P. Farley & Co	do	2,650	Sold "as is" account of age and condition, $110,000, 50 per cent cash on delivery, balance within 30 days, secured by bare boat charter.			110,000.00	55,000.00
Columbia	New Orleans & South American Steamship Co.	Requisitioned steel ship, cargo.	2,550	Sold "as is" account age and condition; $150 per dead-weight ton; 25 per cent cash on delivery of vessel, 12½ per cent within 6 months, 12½ per cent within 12 months, balance of 50 per cent payable in semiannual installments of 6½ per cent; interest on deferred payments, 5 per cent.	Oct. 21, 1919	150.00	382,500.00	95,625.00
Lake Oneida	Astmahco No. 4	Steel motor vessel, cargo.	3,513	Sold "as is" account of engines of motor type being underpowered, and cost of installation of new engines being too expensive. Cash on delivery of vessel.			270,000.00	270,000.00
Lake Mohonk	Astmahco No. 3	do	3,513	do			270,000.00	270,000.00
G. A. Flagg	Boland & Cornelius	Reconstructed lake ship, (steel, cargo).	4,250	Sold "as is" account of age and condition. Cash on delivery of vessel.			190,000.00	190,000.00
		Total	73,364				3,705,058.00	3,126,221.00
10 steel lake-type vessels.	Anderson Overseas Corporation.	Steel cargo	[1]355,000	225 per dead-weight ton, including interest, etc.: $25 per dead-weight ton on delivery of vessel; $55 per dead-weight ton payable in 11 successive and equal monthly installments beginning one month after delivery of vessel; $48 per dead-weight ton payable in 12 successive and equal monthly installments beginning one year after delivery of vessel; $36 per dead-weight ton, payable in 12 successive and equal monthly installments beginning two years after delivery of vessel; $60 per dead-weight ton, payable three years after delivery of vessel in cash.		210.00	74,550,000.00	9,230,000.00
Santa Teela	W. R. Grace & Co	New steel cargo	3,956	Option to purchase on standard deferred terms of payment; 25 per cent cash on delivery of vessel; 12½ per cent within six months; 12½ per cent within 12 months; balance in equal semiannual installments of 6½ per cent over period of four years. Interest on deferred payments 5 per cent; 2 per cent discount allowed for cash payment.		210.00	830,760.00	207,690.00
Mineola	do	do	3,956	do		210.00	830,760.00	207,690.00
Total			362,912				76,211,520.00	9,645,380.00

[1] Approximate.

WOOD.

Beechland	Nacirema Steamship Corp.	Wooden cargo	4,929	$125,000 upon delivery of each vessel; $100,000 within 4 months thereafter; $100,000 within the next 4 months; $100,000 within the next 4 months; $100,000 within the next 4 months; $75,000 within the next 6 months; $75,000 within the next 6 months; $75,000 within the next 6 months; interest on deferred payments, 5 per cent.	Apr. 16, 1919		$650,000.00	$125,000.00
Airlie	do	do	4,000		July 23, 1919		650,000.00	125,000.00
Alderman	do	do	4,700		Sept. 22, 1919		650,000.00	125,000.00
Argenta	do	do	4,700		Oct. 1, 1919		650,000.00	125,000.00
Ashburn	do	do	4,000		June 14, 1919		650,000.00	125,000.00
Birchleaf	do	do	4,000		Aug. 6, 1919		650,000.00	125,000.00
Cowardin	do	do	4,700		Apr. 25, 1919		650,000.00	125,000.00
Dalana	do	do	4,000		June 1, 1919		650,000.00	125,000.00
Horado	do	do	4,700		May 29, 1919		650,000.00	125,000.00
Itompa	do	do	4,700		Sept. 4, 1919		650,000.00	125,000.00
Natenna	do	do	4,700		Aug. 31, 1919		650,000.00	125,000.00
Neabsco	do	do	4,700		May 3, 1919		650,000.00	125,000.00
Nawitka	do	do	4,700		June 9, 1919		650,000.00	125,000.00
Thala	do	do	4,000		July 12, 1919		650,000.00	125,000.00
Zavallo	do	do	4,700		May 5, 1919		650,000.00	125,000.00

Ship sales, Oct. 29, 1919—Continued.

WOOD—Continued.

Name of ship.	Purchaser.	Type.	Dead-weight tons.	Terms.	Delivery date.	Sale price per dead-weight tons.	Sales value	Initial payment.
Mazama	French-American Line	Wooden cargo	3,500	25 per cent cash on delivery of vessels. Balance 75 per cent payable semiannually over period of 2 years from date of initial payment. Interest on deferred payments, 5 per cent per annum.	June 5, 1919	$110.00	$385,000.00	$96,250.00
Coyote	do	do	3,500		June 19, 1919	110.00	385,000.00	96,250.00
Yehama	Fidelity Trust Co	do	3,500	Sold "as is" account of being seriously damaged by fire; cash on delivery of vessel.	May 15, 1919	.....	100,000.00	100,000.00
			27,729				10,620,000.00	2,167,500.00

COMPOSITE.

Red Cloud	French American Line	Composite cargo	3,575	Sold "as is" account of condition of vessels; cash on delivery of vessel.	May 23, 1919	.....	$200,000.00	$200,000.00
Kanabec	do	do	3,575		July 24, 1919	.....	200,000.00	200,000.00
Campello	Campello Steamship Corp	do	3,500	75,000 cash on delivery of vessel; balance in equal installments of $60,000 payable in 6, 12, 18, and 24 months; interest on deferred payments 5 per cent; credit of $7,500 on initial payment allowed for failure to deliver vessel on former sale.	Oct. 2, 1919	$90.00	315,000.00	67,500.00
Buckhannon	Buckhannon Steamship Corp.	do	3,500	do	.....	90.00	315,000.00	67,500.00
Total			14,150				1,030,000.00	535,000.00

TUGS.

Baleshed	Clinchfield Navigation Co	Ocean steel tug	.....	Cash on delivery of tug	.....	.....	$210,000.00	$210,000.00
John J. Meyer	Sinclair Navigation Co	do	.....	Cash on delivery of vessel	Aug. 25, 1919	.....	55,000.00	55,000.00
Richard Fitzgerald	Kelley Island Lime & Transportation Co.	Steel tug	.....	Cash on delivery of tug	July 31, 1919	.....	48,000.00	48,000.00
W. B. Sanders	W. E. Streeter	do	.....	do	.....	.....	60,000.00	60,000.00
Edna G	Duluth & Iron Range R. R. Co.	do	.....	do	.....	.....	48,000.00	48,000.00
2 tugs under construction by Johnson Iron Works not named.	War Department	Steel harbor tug	.....	do	.....	.....	95,000.00	95,000.00
	Corps of Engineers	do	.....	do	.....	.....	95,000.00	95,000.00
Barrenfork	Cuban Atlantic Transport Corporation.	Steel ocean going tug.	.....	25 per cent cash on delivery of tug; 12½ per cent within 6 months; 12½ per cent within 12 months; balance payable within next year; interest on deferred payments 5 per cent per annum.	.....	.....	215,000.00	52,500.00
Underwriter	F. P. Hyams Coal Co	Steel tug	.....	33⅓ per cent cash on delivery of vessel; 33⅓ per cent within 6 months thereafter; 33⅓ per cent within 12 months thereafter; interest on deferred payments, 5 per cent.	.....	.....	50,000.00	16,666.66
Total							876,000.00	680,166.66

BARGES.

Iberia	Robert P. Hyams Coal Co	Wood barge	.....	25 per cent cash on delivery of barge; balance in equal installments of 25 per cent in 6, 12, and 18 months; interest on deferred payments, 5 per cent.	.....	.....	$125,000.00	$31,250.00
Total							125,000.00	31,250.00

EXHIBIT B.

Sales approved by United States Shipping Board after Oct. 20, 1919.

Ship.	Purchaser.	Type.	Dead-weight tons.	Terms.	Delivery date.	Sale price per dead-weight ton.	Sales value.	Initial payment.
Briton	Fidelity Steamship Co	Reconstructed lake ship, steel cargo.	3,850	Sold "as is" account of age and inferior condition of vessel. Cash on delivery.	Oct. 21, 1919	.....	$125,000.00	$125,000.00
Saranac	Ralph W. Morrison	do	3,860	do	.....	.....	135,000.00	135,000.00

Sales approved by United States Shipping Board after Oct. 20, 1919—Continued.

Ship.	Purchaser.	Type.	Dead-weight tons.	Terms.	Delivery date.	Sale price per dead-weight ton.	Sales value.	Initial payment.
Waterbury	American Star Line	New steel cargo	7,550	$215 per dead-weight ton, payable as follows: 25 per cent in cash on delivery of vessel, 12½ per cent within 6 months, 12½ per cent within 12 months, balance of 50 per cent payable in equal semiannual installments of 6½ per cent, extending over period of 4 years; interest on deferred payments, 5 per cent per annum.		$215.00	$1,623,250.00	$105,812.50
Strathnaver	do	do	7,550	do		215.00	1,623,250.00	405,812.50
Northwestern	Clinchfield Navigation Co.	Old wooden cargo steamer.		Sold "as is" account of age and condition; can only be utilized for junk. Cash on delivery of vessel.			10,000.00	10,000.00
Delco	Moore and McCormick	New steel cargo	5,100	Regular deferred-payment plan: 25 per cent cash on delivery of vessel, 12½ per cent within 6 months, 12½ per cent within 12 months; balance of 50 per cent payable in equal semi-annual installments of 6¼ per cent over a period of 4 years; interest on deferred payments, 5 per cent per annum.	(1)	210.00	1,071,000.00	269,750.00
Champion	Atlantic Transport Co.	do	11,900	Cash on delivery	(2)	187.00	2,225,000.00	2,225,000.00
Defender	do	do	11,900	do		187.00	2,225,000.00	2,225,000.00
Total, 8 ships			51,710				9,037,500.00	5,801,375.00

[1] Delivery as of date vessel turned over for management.

[2] Redelivered to former owners.

EXHIBIT C.

Sales pending before United States Shipping Board Oct. 28, 1919.

Proposed purchaser.	Number of ships.	Type.	Dead-weight tons, each.	Dead-weight tons, total.	Price per dead-weight ton.	Sales value.
Barber-Watson & Gibboney	4	Skinner & Eddy	9,600	38,400	$225.00	$8,640,000.00
Do	6	do	7,500	45,000	215.00	9,675,000.00
The Sun Co. (former owner)	1	Cargo	10,000	10,000	211.93	2,119,300.00
Mallory Line (former owner)	2	do	7,400	14,800	215.00	3,182,000.00
C. W. Morse & Co	4	do	8,800	35,200	220.00	7,744,000.00
Do	5	do	9,400	47,000	225.00	10,575,000.00
Pan-American Petroleum & Transport Co. (former owner)	1	Tanker	12,775	12,775	(1)	[2] 2,555,000.00
Total	23			203,175		44,490,300.00

[1] Cost, plus $10 per dead-weight ton.

[2] Estimated.

EXHIBIT D.

OCTOBER 7, 1919.

From: Tank steamer executive, Customhouse, New York City.
To: Director of Operations, United States Shipping Board, Washington, D. C.
Subject: Shipping Board policy with regard to tank steamers.

There is submitted herewith a study of the combined tank-tonnage requirements of the United States Shipping Board Emergency Fleet Corporation and of the United States Navy Department balanced at selected dates against the tonnage necessary to meet the bunkering requirements at home and abroad of oil-burning vessels other than tankers under the American flag, including those of the United States Navy Department.

The purpose in view has been to reach conclusions of value as to the sufficiency or insufficiency of the present tanker program and to deduce therefrom the correct policy with regard to the disposal of tank steamers. The interests of the Navy Department and the United States Shipping Board are too closely interlocked to permit consideration of the tank-tonnage position of one apart from that of the other, and if the American merchant marine is to be in fact independent of foreign control as regards bunkering requirements of privately owned vessels under the American flag must be considered in conjunction with those of the Government.

The general position as of date January 1, 1920 and 1921, and August 1, 1921, is as follows:

	Aug. 1, 1919–Jan. 1, 1920.	Jan. 1, 1920–June 1, 1921.	June 1, 1921–Aug. 1, 1921.
	Dead-weight tons.	*Dead-weight tons.*	*Dead-weight tons.*
1. American flag oil-burning tonnage in service (excluding tankers):			
(a) Owned by Shipping Board	4,504,585	7,374,300	7,635,875
(b) Privately owned (as of August, 1919)	1,006,778	1,006,778	1,006,778
(c) Navy			
In all	5,511,363	8,381,078	8,642,653
2. Fuel-oil requirements:	*Tons.*	*Tons.*	*Tons.*
(a) Shipping Board	1,329,866	5,723,765	4,179,536
(b) Privately owned vessels	594,233	1,356,696	817,425
(c) Navy	590,000	1,416,000	826,000
In all	2,514,099	8,496,461	5,822,961
3. Tank tonnage to move:	*Dead-weight tons.*	*Dead-weight tons.*	*Dead-weight tons.*
(a) For Shipping Board tonnage	306,322	556,328	695,628
(b) For privately owned tonnage	127,186	129,914	123,840
(c) Navy	200,000	300,000	300,000
In all	633,508	986,242	1,119,468
4. Tank tonnage available:			
(a) Owned and controlled by Shipping Board	481,181	742,581	820,581
(b) Owned and controlled by Navy	99,500	195,350	195,350
In all	580,681	937,931	1,015,931
5. Surplus of tonnage above Government requirements only	74,359	81,603	20,303
6. Deficit of Government tank tonnage against requirements of Government and merchant marine	52,827	48,311	103,537

The assumptions and data upon which the above figures are based are fully set forth in the inclosures which are attached to this letter and form a part of this study. As it has been impossible at this time to determine the increased fuel-oil requirements resulting from the proposed conversion of the German passenger tonnage to oil, or other conversions to oil burners, and for increases in the privately owned American tonnage, which is assumed as constant as of August 1, 1919, the

tank-tonnage deficit herein reported must be regarded as a minimum estimate.

On the assumption that the view advanced herein, that the primary mission of the Government-owned tank tonnage is to meet the bunkering requirements of the American merchant marine and the Navy, will be approved by the board and become an integral part of the permanent policy of the board, it is recommended—

1. That no tank steamers of the contract type be sold and that no tankers obtained by requisition of foreign contracts be reconveyed or sold or otherwise passed from ownership and control of the Shipping Board.

2. That tonnage to cover the estimated deficit of tank tonnage against the requirements of the Government and other vessels of the merchant marine as of August 1, 1921, amounting to 103,537 dead-weight tons, be reinstated from the suspended program.

3. That the American claimants of tank steamers, contracts of which were requisitioned by the Shipping Board, be required to accept or reject reconveyance of these vessels by January 1, 1920.

4. That tank tonnage, which may hereafter be reconveyed to claimants, be replaced by the construction of a like amount of tank tonnage.

5. That additional tank tonnage be provided to meet the fuel-oil requirements which arise from the conversion of seized German tonnage from coal to an oil-burning basis, estimated at 50,000 dead-weight tons.

Very truly, yours,

PAUL FOLEY,
Tank Steamer Executive.

EXHIBIT E.

UNITED STATES SHIPPING BOARD,
SHIP SALES DIVISION,
Washington, August 1, 1919.

Prices and terms fixed for steel and wood tonnage.

STEEL VESSELS—PRICES.

	Per dead-weight ton.
Vessels built on Great Lakes for ocean service, 3,000/4,200 dead-weight tons	$200
Submarine Boat Corporation type, 5,350 dead-weight tons	210
American International Shipbuilding Corporation type, 7,800 dead-weight tons	215
Skinner & Eddy type, 8,800 dead-weight tons	220
Skinner & Eddy type, 9,600 (10,076) dead-weight tons	225

No brokerage allowed for sale of steel vessels.

WOODEN VESSELS—PRICES AND TERMS.

Ferris type, single screw, 3,500 dead-weight tons:

(1) $90 per dead-weight ton; cash payment on delivery.

(2) $100 per dead-weight ton; on delivery of vessel, 50 per cent of purchase price to be paid in cash; balance, 50 per cent, to be paid in quarter-annual installments of 8⅓ per cent, extending over period of 18 months.

(3) $115 per dead-weight ton; on delivery of vessel, 25 per cent to be paid in cash; balance, 75 per cent, payable in quarter-annual installments of 6¼ per cent, extending over period of 36 months.

1¼ per cent brokerage allowed bona fide brokers completing the sale of a wooden ship.

AUGUST 27, 1919.

STANDARD FORM OF PURCHASE AGREEMENT AND MORTGAGE.

1. Steel cargo vessels are sold at a base price of from $200 to $230 per dead-weight ton, subject to a cash discount of 2 per cent. The dead-weight tonnage is taken from our records with full opportunity of the proposed buyer to verify these figures. Fifty thousand dollars is deposited as earnest money with each offer, which is returned if the board rejects the offer but which constitutes liquidated damage in case the buyer refuses to proceed with the purchase. If delivery of the vessel is delayed beyond the closing date as fixed in the agreement, the buyer may cancel the contract or may go on with it.

2. Under the deferred-payment plan 25 per cent is paid upon delivery of the vessel, 25 per cent is paid in semiannual installments during the first year thereafter and the remaining 50 per cent is paid in four years more in semiannual installments of 6¼ per cent each. Deferred payments bear interest at 5 per cent.

3. The buyer pays the cost of wireless equipment and all engine-room stewards and other stores at market value based upon master's inventory.

4. We deliver a certificate of a classification society showing the maintenance of classification of the vessel but make no warranty of the condition of the vessel nor guaranty of capacity.

5. The buyer must maintain insurance of 25 per cent more than the unpaid purchase price covering all marine, fire, and other risks usually covered, also war-risk and P. and I. insurance; policies and underwriters approved by the board; policies to be delivered to the board and payable to the board as its interest may appear. An option in the board to require such insurance to be carried in its own insurance fund.

6. All liens and attachments to be removed or bonded within 30 days.

7. The buyer will maintain the classification of the vessel and furnish annually a certificate of maintenance of class and keep the vessel in prime condition, ordinary wear and tear and depreciation excepted.

8. The buyer will not impair any insurance nor engage in extra-hazardous journeys, nor operate the vessel contrary to rules that may be adopted by the board. The board has the right to inspect the vessel, cargo, and ship's papers and also the financial records of the buyer and may place its representative aboard.

9. The purchase agreement constitutes a part of the ship's papers and the vessel to carry the words "United States Shipping Board mortgagee" so as to preclude liens superior to the mortgage interest.

10. The buyer will pay all taxes, charges, and fines imposed upon the vessel or her income.

11. The board may take care of insurance, liens, etc., and charge the same against the buyer, with 6 per cent interest.

12. The board reserves the right to control the issue of securities and the declaration of dividends, except 7 per cent upon cash actually invested. However, when 50 per cent of the boat has been paid and the buyer has at all times 12½ per cent of the purchase price of the boat in liquid assets, the buyer may declare such dividends as will not impair such liquid assets.

13. The board may require the buyer to form a separate corporation for the vessels sold under the purchase agreement and the buyer will not transfer or mortgage its interest in the vessel without the consent of the board.

14. The buyer agrees to execute such further papers as counsel for the board may require.

15. Mortgage.—The mortgage is of the vessel and her earnings and all additions, improvements, and replacements thereon and secures the deferred payments and all other sums due under the purchase agreement, and provides that if default be made in any payment or in the performance of any condition in the purchase agreement, or if the buyer becomes insolvent, the board may—

(a) Declare all the deferred payments immediately due.

(b) Recover judgment against the buyer.

(c) Retake the vessel wherever found and resell or charter or operate the same.

(d) Retake the vessel and sell by public advertisement.

(e) Place a receiver or a custodian or a representative in the business office of the buyer.

16. In case of default the buyer agrees, at his own expense, to redeliver the vessel to the board, but the board has the right to retake the same wherever found. The several powers under the mortgage may be exercised at one time or serially without affecting the right to exercise other powers. The buyer may cure any default within 15 days, after which time it is optional with the board whether to accept the curing of a default.

17. All moneys received from a retaking and resale or charter or use of the boat will apply first to the payment of expenses and then to liquidate the indebtedness to the board, and the balance to the buyer.

FEDERAL TRADE COMMISSION (S. DOC. NO. 145).

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Trade Commission, transmitting in response to a resolution of the 24th instant certain information relative to a purported public statement issued by the commission in reference to Senator JAMES E. WATSON, of Indiana, which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 8272. An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry; and

H. R. 9782. An act to regulate further the entry of aliens into the United States.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented resolutions adopted by Friends of Irish Freedom of Detroit, Mich., favoring the independence of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Upper Peninsula Educational Association, of Marquette, Mich., extending thanks for the downfall of autocracy and the cessation of hostilities and urging support of the league of nations, which was ordered to lie on the table.

He also presented resolutions adopted by the Michigan State Federation of Labor, praying for the enactment of legislation providing for the retirement of superannuated and disabled employees of the Government, which were ordered to lie on the table.

He also presented resolutions adopted by the Michigan State Federation of Labor, favoring an increase in the salaries of postal employees, which were ordered to lie on the table.

He also presented a petition of Hannon-Colvin Post, No. 180, American Legion, of Hudson, Mich., praying for the adoption of certain amendments to the war-risk insurance act, which was referred to the Committee on Military Affairs.

Mr. ELKINS presented memorials of Local Lodge No. 65, Brotherhood of Railway Carmen of America; of Local Division No. 190, Brotherhood of Locomotive Engineers, and of Local Lodge No. 104, International Association of Mechanics, all of Huntington, in the State of West Virginia, remonstrating against the passage of the so-called Cummins bill to further regulate commerce, etc., which were ordered to lie on the table.

He also presented a memorial of the Board of Commerce of Parkersburg, W. Va., remonstrating against the enactment of legislation requiring cost price to be placed on goods sold in retail trade, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. POMERENE (for Mr. CUMMINS), from the Committee on Interstate Commerce, to which was referred the bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes, reported it without amendment.

Mr. CALDER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes, reported it with an amendment and submitted a report (No. 280) thereon.

BILLS INTRODUCED.

Bills introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3322) granting a pension to Philippine Petersen; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3323) granting a pension to Jonathan D. Richardson; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3324) granting a pension to Bernard Higgins; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3325) granting an increase of pension to Leonard D. Spann (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 3326) granting a pension to Ruth E. Hartfiel (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3327) granting certain rights of way and exchanges of the same across the Fort Douglas Military Reservation, in the State of Utah (with accompanying papers); to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 3328) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

RAILROAD STATISTICS.

Mr. McCORMICK. I offer the following resolution and ask that it may be referred to the Committee on Interstate Commerce. I ask that it may be read.

The PRESIDENT pro tempore. The Secretary will read it, without objection.

The resolution (S. Res. 222) was read and referred to the Committee on Interstate Commerce, as follows:

Resolved, That the Interstate Commerce Commission be directed to investigate and report to the Senate the facts in connection with the present or prospective ownership or control by the Government of the Dominion of Canada, either directly or through the ownership and control of the stocks of any corporation or company, of any line or lines of railway or part thereof, situate within the territory of the United States, together with a statement of the mileage of said railroads.

UNITED STATES SHIPPING BOARD.

Mr. FLETCHER submitted the following resolution (S. Res. 223), which was referred to the Committee on Commerce:

Resolved, That the United States Shipping Board be, and is hereby, requested to furnish to the Commerce Committee of the Senate a statement covering the operation of ships under its control, showing the number, tonnage, and character, by groups, of the ships operated directly or leased or chartered by the board; the cost, including overhead, of operation; the gross earnings; and the net revenue or income and earnings; the losses suffered, including damages; the depreciation, estimated; and all factors to be considered in determining what has been the experience in operating the ships.

LEAGUE OF NATIONS.

Mr. GORE. I offer an amendment to the covenant of the league of nations, and ask that it be read. I offer it in the form of an amendment because I have not yet been able to frame a reservation to accomplish the same object.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary read as follows:

Amend article 12 of the covenant of the league of nations by inserting after the words "they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council" the following language: "and not then until an advisory vote of the people shall have been taken."

Mr. GORE. Mr. President, the object of this amendment is to democratize war. The object of the amendment is to give the boys who have to bleed and die and to give the fathers and mothers of the boys who have to bleed and die, as well as others who have to bear the burdens, the privilege of at least an advisory vote as to the necessity, as to the desirability of a proposed war. This will help to take the power of plunging a nation into war out of the hands of kings and emperors and czars. It will promote peace and tend to prevent war. This is my sole, my supreme object.

Mr. SHEPPARD. I ask to have printed in the RECORD a telegram relating to the league of nations.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CADDO MILLS, TEX., *October 17, 1919.*

Senator SHEPPARD,
Washington, D. C.:

We desire to express through you our thanks and appreciation for the votes of 55 Senators yesterday. Hope other amendments will meet same fate and that you may be able to close the bitter debate on the peace treaty and hasten its ratification. We feel that our Government should hold first place in the affairs of the world—the place won on the battle fields of the war by our boys.

C. F. Stevensons, C. B. Briscoe, J. E. Johnson, W. S. Grimes, E. L. Foster, W. C. Stell, J. M. Hanchey, J. A. Harper, Jas. R. Bass, G. W. Williams, W. E. Drake (and others).

Mr. DIAL. Mr. President, I ask to have printed in the RECORD an article taken from the Columbia (S. C.) State relative to the result if the Senate should fail to confirm the pending treaty of peace with Germany.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"IF THE TREATY FAILS.

"The Columbia (S. C.) State sums up compactly in the following the result if the Senate should fail to confirm the treaty:

"WHERE SHOULD WE STAND?

"If the partisans, under the mad leadership or counsel of Senators LODGE, KNOX, BORAH, JOHNSON of California, and REED, succeed in assassinating the treaty of peace, where should we stand? What would be the status of this country among the great powers of the world—its late compeers in the war for humanity?

"There are at least two rather gruesome possibilities. We should either have to declare a state of peace by some such undignified device as a senatorial resolution or we should have to go 'hat in hand'—Senator LODGE's apt phrase—to solicit peace from Berlin or Weimar.

"Either horn of the dilemma would gore us terribly.

"If we were forced to sue for peace, we could not, of course, expect to get anything like the terms that we should get under the treaty of Versailles, which was a dictated peace. We should have to dicker about commercial matters and political rights of Germans in this country and many other unpleasant things, and we should, of course, lose whatever we stand under the treaty to gain in the way of reparations and restitutions.

"If, on the other hand, we should content ourselves, like our friend and guide, China, with a 'peace by resolution' of the Senate, we should forego everything we have gained, even much of the honor of fighting and greatly helping to win the war.

"In either case we should have to return the German ships and all German property seized by us in reimbursement of expenditures made necessary by the war. We should abandon all hope of getting any of the ships we are now claiming, even against the protest of Great Britain and in defiance of the supreme council.

"We should be simply restoring, as far as it may be restored, the status of 1917, before we entered the war—with the *Lusitania* and its dead and other losses of life and treasure uncompensated for in any way.

"We should lose even the honor and the gratification of taking a manly and our due share in the reconstruction work of the shattered world.

"What do these partisans offer us in exchange for all these losses, these immeasurable sacrifices, this shameful retreat?"

THREATENED STRIKE OF COAL MINERS.

Mr. THOMAS. I ask permission to have inserted in the RECORD, without reading, a statement of the Colorado and New Mexico Coal Operators' Association regarding the effect of the proposed coal strike upon the industry in that section of the United States.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DENVER, COLO., *October 25, 1919.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR: Supplementing our wire of October 21, we submit herewith a statement issued by the Colorado and New Mexico Coal Operators' Association setting forth the present scale of wages and what the workmen demand.

This we consider a concise statement of the present situation from the standpoint of the operators, and would appreciate your reading same carefully.

Yours, truly,

THE DENVER MANUFACTURERS' ASSOCIATION,
By L. R. LEWIS, *Business Manager.*

"STATEMENT BY THE COLORADO AND NEW MEXICO COAL OPERATORS' ASSOCIATION CONCERNING IMPENDING COAL STRIKE.

"*To dealers in and consumers of bituminous coal:*

"The press dispatches from Washington, October 17, quote Mr. John L. Lewis, who is the acting president of the United Mine Workers of America (the National Coal Miners' Union), as saying:

"The Government can not stop the threatened strike of coal miners."

"Interviews by press correspondents a few days ago also quote Mr. Lewis as saying he has sent out a call to all the local unions at bituminous mines throughout the Nation directing them and their associate workers to strike on November 1 next. This is carrying out the threat of the union to shut down every bituminous coal mine in the country unless the coal operators accept and accede to the demands of the union without question or modification.

"The effect of this is to punish the bituminous coal consumers of the entire Nation as well as all of the bituminous coal operators in the country because the demands made upon a limited number of operators in the Eastern and Middle States are not or can not be granted. And it has come to the place now where, according to the statement of Mr. Lewis, even the Government itself can not prevent the calamity of a nation-wide strike at the very outset of winter.

"In view of the seriousness of this situation it is not only perfectly proper but desirable that as far as we are able we should place before you, and as briefly as we can, the facts within our knowledge, so you may know and be able to explain to those who are depending upon you why you and they may be unable to secure a supply of fuel after the 1st of November.

"The recent conference between coal operators and the union was made up of employers and employees in what is known as the central competitive field (western Pennsylvania, Ohio, Indiana, and Illinois), and while Colorado, New Mexico, and other western mines were not represented at that conference in times past, changes made in the central competitive field in either wages or hours of work were likewise granted by all mining districts outside of the central competitive field.

"Briefly stated, the demands of the union are: (1) An increase of 60 per cent of the present wages paid for day labor and for piecework at the mines; (2) in addition to the money increase in day wages and piecework, that the time worked by the mines shall be reduced to six hours daily and that the mines shall not work more than five days per week except in emergencies, and for emergency work there shall be paid time and a half for overtime and double wages for work done on holidays and Sundays, Saturday to be regarded as a holiday; (3) that mines shall not be worked double shift except in emergencies; (4) that miners violating their contract shall not be required to pay any penalty whatever, as is now the case; (5) that in event the coal operators do not accept all of the demands made by the union a strike shall be called on November 1.

"We only recite the major demands made by the union; the others are omitted for the sake of brevity.

"To the demands made the operators replied, after conference, that the demands are radical, extravagant, and manifestly impossible of acceptance; that the demands indicate a disregard by the union of their obligations under existing contracts, which are still in force; that the demands are an autocratic notice that unless accepted the strike will be called in all the bituminous coal mines of the United States on November 1; that the decrease in hours will so reduce the producing ability of the mines that sufficient coal can not possibly be produced at times when most needed; that coal is a commodity most vital to the needs of the Nation; that the increase in wages and the decrease of hours would double, if not more than double, the cost of producing coal and thereby saddle upon every citizen of the country an increased cost of living; that the automatic penalty clause (which now applies alike to the operator and miner) is necessary for the enforcement of contracts that may be made; that the demand for expiration of all contracts in November instead of April is a menace to the public and places a weapon in the hands of the union to which it is not entitled, because November is the beginning of the winter season.

"Part of the claim of the operators that the union and mine workers still have a contract running until March 31, 1920, is the agreement the union and mine workers made with the Government through Fuel Administrator Garfield and which Mr. Garfield has recently announced is still in effect.

"These demands of the union are oppressive, despotic, and tyrannical. The union can not justify the claim for increase in wages concurrent with a demand for decrease in hours. The wages paid are sufficient and miners who will work full time now make good earnings. There can be no logic in the request for a decrease in hours of work. The working time at present is 48 hours per week. They now demand the working hours shall be decreased to 30, but at the same time they would require the operators to pay 60 per cent more for 30 hours' work than for 48 hours' work on the present schedule.

"A large number of miners do not belong to the union. They work in "open shop" mines. But experience has shown that in a crisis of this kind the nonunion miners stop work from fear. Furthermore, whatever wages and hours apply at union mines invariably are forced upon the "open-shop" mines.

"A schedule of the present wages and the proposed wages will be added to this communication, but in order that you may see clearly what is proposed, we will mention at this place that a mule driver who now gets $5.24 for eight hours' work expects to get $8.38 for six hours' work.

"It should, however, be mentioned that the intention of the union to work six hours (instead of eight) will not work out that way, because the proposal is not that the men shall spend six hours in the working places, but that they shall remain in the mine only six hours' total, using company time, not theirs, going from the mouth of the mine to their working places and back, so it is estimated that the actual working time will not exceed a total of five hours per day, or 25 hours per week.

"A competent miner, willing to work, can now earn $250 per month working eight hours per day, which exceeds the monthly earnings of the average doctor, lawyer, clerk, farmer, salesman, or merchant.

"The decrease in hours will reduce the output of the mines to an alarming extent. Mathematical calculation shows that a mine producing 50,000 tons per month can not possibly produce over 30,000 tons per month under the demands made, and the producing ability of a mine at the critical time of the year when coal is most needed will not exceed 60 per cent of its former output. And it goes without saying that the country can not secure sufficient coal under these reduced hours to take care of its present needs, much less to thrive and prosper as Americans expect. Under the proposed rules it will be impossible to double shift, because it will be seen, by what has been said before, that the miners have anticipated that possibility and have provided against any increased production by that method.

"Their entire plan has been worked out with deliberation and precision, the evident purpose being to control beyond peradventure any possibility of increasing the working force (because the working force can not be increased except by double shifting), and the inevitable result of this sort of control is increase in cost, which increased cost must be paid by the consuming public, otherwise the mines can not run at all.

"It is not conceivable that the public at large desires the operator to purchase peace with the miner and the miners' organization at such expense to the operator and therefore to the consumer.

"The demand, in fact, is for a decrease of 48 per cent in working time and an increase of 60 per cent in wages. We are stating below a few of the occupations, showing the wages paid now and the wages demanded:

"*Wages.*

	What men get now—They are getting for 8 hours' work—	What they want to get—They demand for 6 hours' work—
Mule drivers.....per day..	$5.24	$8.38
Motor men.....do....	5.24	8.38
Rope riders.....do....	5.24	8.38
Rockmen.....do....	5.24	8.38
Shot firers.....do....	5.32	8.51
Pump men.....do....	5.12	8.19
Timbermen.....do....	5.28	8.45
Tracklayers.....do....	5.28	8.45
Tipple men.....do....	4.20	6.72
Teamsters.....do....	4.39	7.02
Engineers.....do....	5.15	8.24
Blacksmiths.....do....	5.51	8.82
Carpenters.....do....	6.05	9.68

"And so on through the list.

"It is time for the citizens of the country to express their opinion. If the support of the public is not received the operator may be forced to accede to the demands, because the public must have coal.

"If the support of the public is to be effective, the citizens of the country must appeal to their Senators and Congressmen in Washington, and these appeals must be made promptly. It is a safe statement to make that the Senators and Congressmen will assume that the public is willing to pay if the public makes no protest to Congress, and we therefore urge that you, your friends, and public officials immediately telegraph to their Senators and Congressmen in Washington opposing the strike, opposing the increase in wages, and opposing the shortening of hours of work at the coal mines.

"The high cost of living can only be remedied by increasing production. It can not be remedied by decreasing output.

"If the union succeeds in the demands, the increase in cost and price of coal to you will be for all time and not a temporary matter.

"THE COLORADO AND NEW MEXICO
COAL OPERATORS' ASSOCIATION,
"By F. R. WOOD, *President.*

"DENVER, COLO., *October 20, 1919.*

"P. S.—In addition to telegraphing Senators and Congressmen, you should talk this over with your customers, with electric and water-plant managers, hold town meetings, pass resolutions, sending the resolutions to Washington. This is your business. Dont' leave it to 'somebody else.'"

Mr. PHIPPS. Mr. President, in view of the impending coal strike, which I believe from latest information will be ordered or has been ordered, I desire to offer for printing in the RECORD certain telegrams bearing on the situation which I have selected from among a great number that have reached me from Colorado. I think they will interest the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegrams are as follows:

DENVER, COLO, *October 21, 1919.*

Hon. LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.:

The threatened coal strike will mean Nation-wide suffering and closing down of all industries; the demands made by coal miners for a 30-hour week and 60 per cent increase in wages will raise the cost of coal to a figure that will be prohibitive and at the same time curtail the production of many million tons annually. There is not enough coal produced now under eight hours per day worked at the mines to take care of the present demand with the entire winter before us. Every individual and industry is vitally interested, for the result will be an enormous increase in the cost of all the necessities of life. We sincerely trust you will use your influence to avert strike and to oppose any settlement that would result in an increased cost of coal to the consumer or any change in present working hours at the mines, in view of the fact that present wages for mine labor are commensurate with present living costs, and the eight-hour day is a very reasonable workday.

THE DENVER MANUFACTURERS' ASSOCIATION.

LAMAR, COLO., *October 23, 1919.*

LAWRENCE C. PHIPPS,
Denver, Colo.:

Board of governors, this association, go on record as opposed to miners' demands for shorter hours, increase in pay, and calling of the proposed strike. We feel that demands miners are making are unreasonable and inopportune and detrimental to the public welfare. Public sentiments in this community very strongly against miners' attitude and demands. We urge your every action to avoid this crisis.

YOUNG MEN'S BUSINESS ASSOCIATION,
By R. E. NYE, *President.*

CANON CITY, COLO., *October 24, 1919.*

Hon. LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.:

The Chamber of Commerce of Canon City, Colo., on behalf of the general public, requests and expects you to oppose all measures looking to any adjustment of the pending coal strike that will place a future burden upon the public. We feel the time has arrived to stand firm to the end and test whether American policies shall be be in the interest of all or only a class.

DAVID L. ROBINSON, *President.*
E. A. BRADBURY, *Secretary.*

DENVER, COLO., *October 25, 1919.*

LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.:

The demands made by the United Mine Workers of America upon the coal operators are extravagant and un-American. They amount to a demand for the subjection of the interests of the whole public to the selfish wishes of the agitators who in our State do not represent the sound judgment of the miners, and if it were possible to accede to them it would bring the great majority of the industrious and patriotic people of this country on the verge of ruin. It would curtail the coal supply and raise the cost of coal and products dependent upon coal to a point which would put them beyond the reach of ordinary people and the weaker industries, which make up the greatest bulk of the country's business. We believe that the demand should be resisted and that the operators in resisting such demands should have the unstinted support of all officers of the law, Federal and State, in the enforcement of the rights of the public against this attempt to wreck the industry of America.

DENVER CIVIC AND COMMERCIAL ASSOCIATION,
EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS.

CRIPPLE CREEK, COLO., *October 27, 1919.*

Hon. LAWRENCE C. PHIPPS,
Hon. CHARLES S. THOMAS,
Hon. GUY U. HARDY,
Congressional Office Building, Washington, D. C.:

In view of the threatened strike of bituminous-coal miners which may be called November 1, we, the board of county commissioners of Teller County and the mayor of Cripple Creek and the mayor of Victor, ask that you, our representatives in Congress, use your influence and authority to avert this uncalled-for strike. Such a strike will cause an unjust hardship to American industry. We urge that Congress adopt necessary measures to assure a sufficient supply of coal for industry and for the public.

THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY.
THE MAYOR OF THE CITY OF CRIPPLE CREEK.
THE MAYOR OF THE CITY OF VICTOR.

FORT MORGAN, COLO., *October 27, 1919.*

Senator LAWRENCE C. PHIPPS,
Washington, D. C.:

Whereas the impending strike of the United Mine Workers of America is a serious menace to the welfare of our community and our country; and Whereas, in so far as the State of Colorado is concerned, such a strike is in violation of the solemn pledge of the mine workers and is to be called for the purpose of enforcing demands not only unjust, unreasonable, and outrageous, but impossible of fulfillment, without working grave and serious injury to the vast majority of our citizens: Be it therefore

Resolved, That it is the sense of this community that such demands should be resisted and that the operators in resisting such demands should have the undivided support of all officers of the law, Federal and State; be it further

Resolved, That a copy of this resolution be transmitted to our Representatives in Congress.

FORT MORGAN COMMERCIAL CLUB,
W. J. M. WARREN, *President.*
M. M. NELSON, *Secretary.*

CHARITABLE WORK OF KNIGHTS OF COLUMBUS.

Mr. SHEPPARD. I present a brief statement of the Knights of Columbus, of Marshall, Tex., in protest against certain action of the War Department, which I ask to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MARSHALL, TEX., *October 18, 1919.*

Hon. MORRIS SHEPPARD,
1620 Massachusetts Avenue, Washington, D. C.

HONORABLE SIR: Whereas the War Department of the United States has decided to assume the war work now being carried on by the seven charitable organizations, and whereas the societies have acquitted themselves well during the war and after it, be it resolved that the Knights of Columbus of Marshall Council, No. 1422, formally protest against such action through the Texas Senators.

Respectfully, yours,
[SEAL.] A. J. DUGAS, *Grand Knight.*

COAL STATISTICS.

Mr. FRELINGHUYSEN. I send to the desk a compilation of figures prepared by the Geological Survey showing the production of bituminous coal this year as compared with last year, and also the improvement which has been shown since the subcommittee of the Interstate Commerce Committee took up the subject with the Director General of Railroads. I ask that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Production of bituminous coal, by weeks, in 1918 and 1919.

	1919	1918	Per cent, 1919 to 1918.	Surplus or deficit over 9,600,000 tons.[1]
	Net tons.	*Net tons.*		
Jan. 4	8,459,000	9,312,000	91	−1,141,000
Jan. 11	10,361,000	10,032,000	103	+ 761,000
Jan. 18	9,883,000	8,424,000	117	+ 283,000
Jan. 25	9,236,000	9,978,000	93	− 364,000
Feb. 1	8,316,000	9,492,000	88	−1,284,000
Feb. 8	7,947,000	10,424,000	76	−1,654,000
Feb. 15	7,700,000	11,497,000	68	−1,820,000
Feb. 22	7,722,000	10,972,000	70	−1,878,000
Mar. 1	8,090,000	11,456,000	71	−1,510,000
Mar. 8	8,081,000	11,466,000	70	−1,519,000
Mar. 15	8,050,000	10,908,000	74	−1,550,000
Mar. 22	7,484,000	10,978,000	68	−2,116,000
Mar. 29	7,592,000	10,864,000	70	−2,008,000
Apr. 5	6,984,000	9,165,000	76	−2,616,000
Apr. 12	7,544,000	10,579,000	71	−2,056,000
Apr. 19	7,411,000	10,901,000	68	−2,189,000
Apr. 26	7,378,000	11,569,000	64	−2,222,000
May 3	8,022,000	11,228,000	71	−1,578,000
May 10	8,438,000	11,426,000	74	−1,162,000
May 17	8,436,000	11,339,000	74	−1,164,000
May 24	8,724,000	11,419,000	76	− 876,000
May 31	7,938,000	10,416,000	76	−1,662,000
June 7	8,927,000	12,401,000	72	− 673,000
June 14	8,485,000	12,590,000	67	−1,115,000
June 21	8,681,000	11,984,000	72	− 919,000
June 28	9,470,000	12,329,000	77	− 130,000
July 5	7,459,000	10,119,000	74	−2,141,000
July 12	10,225,000	13,114,000	78	+ 625,000
July 19	9,889,000	12,757,000	78	+ 289,000
July 26	9,988,000	12,770,000	78	+ 388,000
Aug. 2	9,943,000	12,383,000	80	+ 343,000
Aug. 9	9,359,000	12,130,000	77	− 243,000
Aug. 16	9,092,000	11,774,000	77	− 508,000
Aug. 23	10,675,000	12,472,000	86	+1,075,000
Aug. 30[2]	10,443,000	12,517,000	83	+ 843,000
Sept. 6	9,651,000	11,069,000	87	+ 51,000
Sept. 13	11,046,000	12,542,000	88	+1,446,000
Sept. 20	11,253,000	12,535,000	90	+1,653,000
Sept. 27	11,643,000	12,878,000	90	+2,013,000
Oct. 4	11,518,000	12,398,000	93	+1,918,000
Oct. 11	11,881,000	12,190,000	97	+2,281,000
Oct. 18	11,784,000	11,367,000	104	+2,184,000
Oct. 25	(a)	11,167,000		

[1] Nine million six hundred thousand tons is the weekly average required to produce 500,000,000 tons, the assumed requirement for 1919. The surplus or deficit in the actual 1919 production, as compared with this average requirement, is shown.

[2] Point at which Senate committee began inquiry on increased price of coal.

[a] Large.

THE DYE INDUSTRY.

Mr. KNOX. Mr. President, the House of Representatives recently passed a bill for the protection and upbuilding of the American dye industry, and the bill will soon be before the Senate. It is a matter of such grave consequence that I ask permission to have printed in the RECORD a pamphlet which contains the opinion of Army and naval officials as to the importance of the dye industry as a matter of national preparation.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[American dyestuffs or national disaster: "American vat-dyes are the key to the American dyestuff and chemical industry, the key to our national security and independence." Reprinted from Textiles, Boston, Mass., September, 1919.]

"AMERICAN DYES OR NATIONAL DISASTER.

"The letter which follows is from a prominent manufacturer of ginghams and wash goods. As it undoubtedly represents the mistaken attitude of a number of textile manufacturers, we are replying to it here at some length in order to point out their error and secure their support for the only right policy for Americans at the present time:

"AUGUST 13, 1919.

"EDITOR OF TEXTILES,
"*Boston, Mass.*

"DEAR SIR: As there is so much talk in regard to the present dye situation, I would like to give you my opinion and find out, if possible, how you stand on this subject.

"We manufacture at this mill a high grade romper cloth which requires a very fast dye. Up to the beginning of the war these colors were dyed almost wholly with vat dyestuffs. These vat colors are not being manufactured in this country to-day, and upon inquiry various dyestuff manufacturers have advised me that they will have none on the market in the near future. We are using indigo for our dark blues and have been forced to use a vat blue imported from Switzerland at a very high price for our light blues. We have managed to struggle along with sulphur colors on some of the other shades, but have been forced to use a direct pink on all goods dyed that shade. Direct colors at their best are very unsatisfactory and only a few plants in this country are equipped properly for the dyeing of alizarine reds or pinks.

"Vat dyes are being manufactured in England, but the agents of these manufacturers in this country have advised me that they are unable to obtain the proper license to import these dyestuffs. Shirtings being imported from England are dyed with these dyestuffs and shirtings imported from Japan are also dyed with dyestuffs in this class, whose origin, I have every reason to believe, is German.

"Shall the American manufacturer be handicapped due to a hate propaganda, started from the Lord knows where, while his competitors in other countries go merrily on and manufacture goods containing dyestuffs which are impossible for him to obtain? We are using and want to use American dyestuffs, but do not want to be forced to be without dyestuffs of certain classes as long as they are obtainable in other countries, and we believe that until such a time as the American manufacturers are able to put a dyestuff of this class on the market, the requirements of dyestuffs of this class by the American manufacturer should be satisfied. Then, and only then, should foreign products be barred.

"Thanking you for your opinion on this matter at an early date, I am,

"Very truly, yours,

"_____ _____."

"CHEMICAL WARFARE.

"The one decisive factor in this dyestuffs problem is that the United States must have a self-contained chemical and coal-tar dyestuff industry in order to prepare the Nation for defense against external aggression. In the face of this necessity all conflicting considerations sink into insignificance. The Great War that is now drawing to a close marked the extraordinary development of warfare with chemicals, which is certain to be carried still further in future conflicts between the nations.

"No nation is safe that is without a well-equipped industry for the production of an ample supply of explosives and poison gases equal, and, if possible, superior, in efficiency to those possessed by any possible aggressor. It is not enough to pattern the destructive power and the quantity of these chemicals on the experience of the Great War. The ablest and most highly organized chemists in the world will continue in the employ of our prospective antagonists, their efforts stimulated by a spirit of revenge, obtaining by laborious research new and more terrible methods of destruction, which will be revealed to us only when the hour for the attack on America arrives.

"America must have a self-contained chemical industry if America is to remain free. And that industry can be obtained only by the establishment in time of peace of a coal-tar dyestuff industry second to none in the world. Here are a few passages from the testimony of military experts, bearing on this national necessity:

"DYESTUFFS, EXPLOSIVES, AND POISON GAS.

"Maj. Gen. W. L. Sibert, United States Army, chief of the Chemical Warfare Service in the United States:

"Dyestuffs are directly related to several of our gases; the same crudes or intermediates that are used in making dyes are also utilized in making such gases. The processes involved in the making of dyes, explosives, and poison gases are identical to a certain stage. They all begin with the dry distillation of coal. The crudes, benzol, toluol, xylol, when subjected to chemical processing, yield intermediates which on further treatment enable us to obtain dyes, explosives, or poison gases. The dyestuff industry is the one peace-time enterprise which will, therefore, furnish us with the plants and equipment which can be hurriedly converted to essential uses in time of war. There is another point which is worthy of special emphasis: 'We are not only concerned with plants and equipment, but also with the trained personnel needed.'

"Chemical warfare is a new warfare, but one that was responsible for about 30 per cent of our casualties. At the same time it is probably the most humane system of warfare, because there are fewer deaths from those casualties than from any other cause, but it has in it an element that no other kind of warfare has, and that is the element of surprise sprung on an army through the development of some new substance, rendering you absolutely helpless, as the English were at Ypres.

"Germany always had a large supply of explosives, and had a larger quantity of gas than the Allies had until near the end of the war. This was largely due to the existence of dyestuff plants in Germany. When our troops entered Germany they found a phosgene gas plant with a capacity of 10 tons a day, built before the war in connection with the dyestuff industry.

"It was the unexpected use of gas on a large scale that caused the Germans nearly to win the war last spring a year ago. It was for that reason that we immediately decided to multiply by five our output.

"Certain materials which are indispensable for dyes are also indispensable for gas and high explosives. There is no substitute, but they are all indispensable for war purposes.

"A nation absolutely unprepared in so far as gas is concerned, and defenseless against gas, would be helpless. Any country which had a large supply or a potential supply for gas would be a bad country to declare war against."

"Lieut. Col. Amos A. Fries, Chief of the Chemical Warfare Service of the American Expeditionary Forces:

"We found in attacks against these machine-gun nests and strong points that if we filled these bombs with T. N. T. instead of poisonous gas and 50 to 100 were dropped we simply wiped everything off the surface. A very famous incident occurred at the time of the fighting at St. Mihiel when at a place called Cotes des Eparges our troops captured what the French had been trying three or four years to take. Our officers stated that they could take it by firing a hundred of these bombs, and they installed them the night before the attack and fired them so successfully the next morning that our men got across without any loss or a hostile shot being fired until they got across. That is a part of warfare that will increase the use of T. N. T. very much.

"If we ever get into a very serious war in the future, it will require a very much greater use of high explosives than were used in this war, as we would throw bombs over in quantities of 2,000 or 3,000 at a time. The projectiles are fired together by using closely synchronized watches. The British fired into Lens 2,000 of these projectiles at one time.

"Research can be made in these dyestuff factories so independently of any outside appearance that it looks impossible for any country to be sure that another country is not working on this matter, no matter what one country might try to do.

"If you are going to fight a defensive campaign you would use mustard gas, which is a very low volatile liquid and lies on the ground two or three days on days like this and a week or 10 days in moist, cool weather. The vapors come up and burn the body, and you are never safe from it, and hence you have got to wear a mask all the time. It is that persistence which gets so many casualties, because it is so difficult to get away from it. I would like to add that because the Germans had run out of their reserve of gas they had no mustard gas whatever, which is what saved many boys in the Argonne fight.

"One of the principal elements in preparedness for war consists in a well-developed chemical industry."

"Lieut. Commander O. M. Hustvedt, Bureau of Ordnance, United States Navy Department:

"The development of the dye industry would give us plants which could readily be converted to war purposes for the manufacture of gas or for the manufacture of high explosives, and would give us the trained personnel, especially chemists, that we would need in adapting and developing the dye industry to war uses; and also during normal times would give us the benefit of researches which are conducted by the dye people in the development of their colorings. In those researches they have found in the past and probably in the future will find developments of a great deal of importance to the explosive industry, as well as in poison gases for military use."

"The United States must have a self-contained and complete coal-tar dyestuff industry in time of peace in order to be ready to defend itself against external aggression. We all hope that there will never be another war, but it would be criminal folly to shut our eyes to the fact that in the future we shall be in danger of an attack from the East by the enemies that are now defeated, but not conquered, and also from the West by the Asiatic empire that is so closely patterned after the Prussian military autocracy, and that a realignment of nations might force us to defend ourselves against a simultaneous attack from both directions. We can prepare ourselves against these dangers only by establishing on American soil a self-contained chemical and coal-tar dyestuff industry of ample proportions.

"THE WAR AGAINST DISEASE.

"There is another controlling reason for our possession of a complete chemical and dyestuff industry, namely, the vast possibilities in chemical research for conquering disease and prolonging human life. This phase of the question was well stated by Joseph H. Choate, jr., counsel for the Chemical Foundation and American Dyes Institute, before the Ways and Means Committee:

"The human body consists of hundreds of little chemical factories pouring into the human system drugs of their own, and upon the balance of those drugs depends human health. These drugs are organic chemicals, and until the process of studying out their effects has been completed and the innumerable millions of combinations of chemicals which they produce in the human inside have been reduced

to scientific formulæ that can be known and studied that science will remain in its infancy.

"Now, the dye laboratories furnish the means, and the only means, for the furtherance of that science, and that science has but recently begun to grow. It has been held back by the immense development of bacteriological medicine with its serums and antitoxins, which has been so successful that the physicians of the world have only recently turned back from it to the study of drugs. Yet the results have been startling. Many of those results have been not only the product of industrial chemists at our laboratories of coal-tar research, but in many cases the discoveries have been made in the dye laboratories themselves.

"In Germany the cooperation between the academic and coal-tar chemists was so complete that it was not an uncommon sight to see in the dye-works laboratory dozens of academic chemists working side by side with the dye-works chemists on their own individual problems. Many of the greatest discoveries have been made in that way. Salvarsan itself was a dye-works product. Dr. Ehrlich had a theory that arsenic disseminated in the system in a particular way would kill the germs of the cruelest scourge of humanity, and he had an idea that it could be done without injury by one of a particular group of compounds that number, say, 10,000. But how was he to get the facilities to make the experiments? Where could he get the apparatus, materials, and assistants for the work? No university, no private laboratory could undertake it. He found the means at his hands in the dye-works laboratory of the great Cassella dye works, and the Cassella laboratories were placed at his disposal. And within a very few months that immense problem was worked out and that amazing triumph achieved.

"So, in like manner, drugs for hundreds of other ailments have been developed. The most noted example is that of adrenalin, one of the most valuable and commonly used drugs. That was discovered in this country from an animal source. The German plants, as is possible with almost any of the drugs from an animal source, produced the substance synthetically from coal-tar products at a mere fraction of the cost of the animal product.

"And so we say to you that the hope of the future in medical science lies in the great coal-tar industry; that there you find the promise, and the only promise, for the discovery of drugs to cure the cruel diseases which are the scourge of humanity. There and there only lies the hope of the permanent cure of such diseases as tuberculosis and even cancer.

"Dr. Julius Stieglitz, professor of organic chemistry at the University of Chicago and chairman of the National Research Council of the Council of National Defense, made this statement on the same subject:

"Dr. Cantell, of the Mayo Foundation, has isolated the active principle of the thyroid gland and pure cocaine and determined its nature, and the difference the injection makes between health and diseases is tremendous. Lack of the principle leaves a dwarfed physical and mental condition. The injection of a minute quantity brings these people into a condition of health. Now, Dr. Cantell himself proved this principle from slaughtered animals, getting a minute trace from the thyroid of each animal. The principal material is a derivative we call indo, because it is related to indigo, and there is no question but that in the course of time we will be able to prepare this in pure form from coal-tar products

"Those are the directions in which synthetic work is going on, the production of specifics for the killing of invading germs; improvement of the natural products like cocaine and quinine, and also the artificial production of internal secretions in which a given patient may show a deficiency. Now, all of these developments would be tremendously strengthened if we had, as the roots of organic chemistry, a dye industry. That is the one branch of organic chemistry which has to be developed on a large scale, and, given the strong roots we have in the dye industry, the rest will take care of itself. Many of the institutions, like the Rockefeller Institution, the Mayo Foundation, and many of the universities, are developing these lines of medicinal drugs. We are dependent, however, on the original source of supply for our crude materials, and also on the source of supply of what we call organic chemists as against the mineral chemists, who are sufficiently strongly represented in this country. The dye industry is the sole industry from which we can get our materials and our chemists and which can support the type of work which we have in mind.

"It is inconceivable that America will be satisfied with anything less than a leading part in this chemical warfare against physical and mental weakness, disease, and death.

"A GERMAN PLOT THAT FAILED.

"A complete chemical and dyestuff industry is a necessity not only for the safety of the Nation and for taking our rightful part in the chemical warfare against disease and death, but for the prosperity and safety of American industries. We have had the proof of this in recent years. When the war cut off the United States from the supply of German dyestuffs in 1914 the country faced a period of black and white in the textile industry. Only the courage and enterprise of the few men engaged in the dyestuff assembling plants saved us from that disgraceful situation. The United States Government was on the point of being forced to close its printing and engraving plants because of the lack of German colors and the faded tint of the United States postage stamps excited the taunts and jeers of the Germans, while great industries giving employment to millions were facing a general shutdown. That all this was part of the German attack on the world is proved by the following cable, discovered by the agents of the Department of Justice, from Ambassador Bernstorff to the Berlin Government, the Hossenfelder mentioned being the German consul at New York:

"Serial No. 432, of March 13, 1915. It is reported to me by Hossenfelder, telegram No. 4, that the stock of dyes in this country is so small that by a German embargo about 4,000,000 American workmen might be thrown out of employment.

"A few weeks later a delegation of textile manufacturers called at the White House and also on Secretary of State Lansing and Secretary of Commerce Redfield to make an urgent appeal that steps be taken to obtain England's permission for the importation of German dyes. Later in the day they also called on Ambassador Bernstorff, the following report from the New York Times of their conference at the German Embassy showing plainly how Germany was using her dyestuff monopoly to carry on the war against the Entente and even then against the United States:

"When the textile representatives called at the German Embassy after their conference with Government officials, the Ambassador, Count von Bernstorff, suggested that there would be no further trouble about dyestuffs shipments if they could get the United States to threaten an embargo on exports of war supplies to Great Britain unless interference with trade between America and Germany in foodstuffs, cotton, and other noncontraband goods ceased.

"A month later a German torpedo, loaded with explosives made in the same industry that produced the German dyes with which Bernstorff hoped to force the United States into collision with England, sunk the *Lusitania*, revealed the great truth of the war to the American people, and made the German plot impossible.

"If it had succeeded Germany in all probability would have won the war and the terms of peace would have been dictated from Berlin.

"The signing of a peace treaty will not end Germany's war on the world. Germany knows that a dyestuff monopoly under certain conditions is a more effective instrument of destruction than an army or navy. That to-day is the lesson for Americans in connection with the building up of the dyestuff industry in the United States.

"A complete and wholly self-contained chemical and dyestuff industry is an American necessity on the score of military and naval defense, the physical and mental well-being of mankind, and the industrial prosperity of the United States. This brings us to the only remaining question: How can such an industry be created and maintained? It can be done only by allowing the American dyestuff and chemical industry to organize in as large units as may be necessary for the highest attainable efficiency and economy of production and research, and by protecting this home industry against every form of injurious competition from foreign countries. This protection must not be limited to tariffs, but must be provided in every effective form, whether by tariff, control of imports by licenses, exclusion of imports if necessary, control and compulsory working of patents, or by any other effective measure that can be devised. No one of these methods will be enough. All combined are essential to success.

"A GIANT INDUSTRY.

"The industry must be allowed to combine in order to produce as efficiently as the gigantic German industry, which has 40 years the start of us and which will wage relentless war against American products. Here are two statements on the present size and resources of the German industry:

"Joseph H. Choate, jr., before Ways and Means Committee:

"The smallest of the German companies employed before the war began more than the largest three, certainly the largest two, American houses now employ or have ever employed. They (the German companies) employed together, before the beginning of the war, approximately 50,000 men. About 1910 they coalesced into two large trusts, one consisting of three of the big six, the Bayer, Badische, and Berlin, and the other consisting of the other three, the Hoechst, Cassella, and Kalle. These companies were closely united and assisted each other in every possible way. They had joint funds for fighting foreign competition and dividing the expense of new things, and dividing the expense of campaigns against competing industries in other countries.

"But it did not stop here. In 1916, finding the danger they were placed in as a result of the war, the two trusts were combined with all the other outlying companies into one gigantic trust. This enormous trust has a nominal capital, adding up the nominal capitals of the various companies of which it is composed, of about $100,000,000. But the stocks of these companies were, on the average, worth on the Berlin Stock Exchange, at the time of the combination, about 400. So you can see the actual assets of the company were valued by the German public at above $400,000,000.

"Lord Moulton's (British minister of munitions) letter to Mr. Choate:

"In the year 1916 the Chemische Fabrik Gaisheim-Electron entered into a community of interests with the following firms: Badische Anilin & Soda Fabrik, Ludwigshafen-on-the-Rhine; Farbenfabriken vorm. Friedrich Bayer & Co., Leverkusen, Aktien-Gesellschaft fur Anilinfabrikation, Berlin; Farbwerke vorm. Meister, Lucius & Bruning, Hoechst-on-Main; Leopold Casella & Co. G.m.b.H., Frankfort-on-Main; Kalle & Co., A. G., Beibrich-on-Rhine; Chemische Fabriken vorm. Weiler-ter-Meer, Uerdingen—from January 1, 1917, so far as the Chemische Fabrik Greischeim-Elektron is concerned, for a period of 50 years from January 1, 1918.

"The choice for America is between safety with a unified chemical and dyestuff industry which our people can control at

home, or political and industrial dependence on a foreign monopoly over which we can exercise no control whatever.

"RUTHLESS GERMAN METHODS.

"Now, as to the ruthless methods of this German trust. Here are a few examples which can be multiplied indefinitely:

"Henri Hauser, professor at Dijon University, France:

"Why, at the outbreak of the war, were we (the French) short of essential products for the manufacture of our explosives, such as phenic acid? Because in peace time, in the tenders to the French ministry of war, the Germans always offered enormous abatements, descending below the French cost price, and thus carried off the orders. Thus, discouraged, our manufacturers abandoned the sinking of capital in installations so costly to retrieve, and therefore the industry of phenic acid disappeared in France."

"Joseph H. Choate, jr.:

"You will find in the Alien Property Custodian's report a number of instances of the way in which they (the Germans) operated. As soon as an industry began to show its head in another country, they went at it tooth and nail. They began to sell not only below what it cost in this country but below the cost of production in their own country, and in some instances, I think in many, there was no limit to which they were not willing to cut prices in order to get business. A few examples will be as good as a million. Until about 1910 there was no production of anilin oil in this country. And in that year the Benzol Products Co. was organized to make anilin oil on a large scale. At that time the price of anilin oil was about 11½ cents. The Benzol Products Co. could do the work and make money at that figure. They had not got fairly started when the Germans began cutting the price for the first time. The cutting continued until the German price reached about 6 cents. One large customer was approached by the Benzol Products Co. with an offer of anilin oil for 8½ cents, an unheard-of price up to that time. The answer was, 'I won't take your product at 8½ cents or any other price, because whatever price you name I have the assurance that the German producers will undersell you.'"

"PROTECTION AGAINST GERMAN METHODS.

"Having given the industry liberty to organize on the most efficient basis, protection must be provided against foreign competition. Protective tariffs must be imposed, but no practicable tariff will alone provide the necessary protection. Why? Because of German dumping, which Prof. Henri Hauser describes in these words:

"German dumping is a coherent system. It first kills the preparative industries in the country in which it installs itself. Thanks to the system of bonuses, it can then challenge the transformation industries.

"German industry thus shatters all the forces which can compete with it in such a way as to reign over the ruins. Once again, German dumping is not a procedure of economic action; it is, in times of unclouded peace and under deceptively peaceful aspects, a measure of war. It carries agitation into the internal life of competitors of Germany; it puts out of tune the normal play of their customs system; it absolutely falsifies every formula of commercial liberty, of equality of treatment, or of reciprocity inscribed in treaties."

"SECRET REPORT OF A GERMAN AGENT.

"Here is one illustration of the German methods of circumventing protective tariffs. It is taken from a report by Dr. Hugo Schweitzer, American representative of the Bayer Co. and secret service agent of the German Government in the United States, which Wolf von Igel sent to von Bernstorff on January 26, 1917, six weeks before the United States entered the war, with the recommendation that it be passed on to Berlin, and the copy of which was seized by the United States Department of Justice. At that time a new tariff on dyestuffs had been imposed:

"The dyestuffs which are excepted from this specific duty are the so-called vat dyes, and these vat dyes are a comparatively modern achievement of the German dye technique and are in general regarded as the most genuine dyes.

"The preeminent coloring qualities of these products have already brought it about and will do it even more so in the future than the older anthracite coal-tar dyes, which in many respects are inferior to these vat dyes, will be driven from the market. The manufacture of these vat dyes is very complicated and can be undertaken only in a very highly developed industry. It is wholly out of the question that a new industry, like the American, can take up the manufacture of these vat dyestuffs, and it may well take a very long time before the dyestuff industry outside of Germany can concern itself with the manufacture of these complicated products. Here the very greatest exertions will not make it possible to cope with the competition of Germany.

"The history of American tariff legislation has shown that, in general, a protective tariff of 30 per cent ad valorem does not afford sufficient protection to create an American industry. A protective tariff of 30 per cent is, of course, absolutely insufficient for the complicated vat dyestuffs.

"Referring to the provision in the tariff law requiring the President to remove the special duties on dyestuffs if in five years the domestic production does not amount to 60 per cent of the domestic consumption, Schweitzer went on to say:

"Here is where the German industry must apply the lever. It must, in any case of these vat dyes which must be regarded as the 'highest quality' goods of the industry, dispose of in the American market more than 40 per cent of the total consumption in derivatives and dyestuffs, in order that the President will be in the position to abolish the specific duties. If this is actually made possible, and the President must abolish these specific duties, then the German industry will be in the same position as before the war and has only to deal with the duty of 30 per cent ad valorem, which, as has already been elucidated above, was insufficient in the past to create an American industry.

"That it should be as easy as child's play for the German industry to sell as much vat dyestuffs in the United States that the value of the same will amount to 60 per cent in value of the domestic consumption of the articles mentioned in Groups II and III of section 500, is apparent from the following considerations:

"1. The vat dyestuffs have in the past and will even more so in the future supplant the old anthracite coal-tar dyestuffs.

"2. The money value of the vat dyestuffs is uncommonly higher than the money value of the old anthracite coal-tar dyestuffs.

"3. The importation from Germany of these vat dyes amounts to-day already to 27.63 per cent of the money value of the total dyestuff importation.

"From these arguments it is clear that the salvation of the German dyestuff industry is to be sought in the development of the vat-dyestuff chemistry.

"And in this connection it is well to remember the German practice of 'full line forcing' by which orders for special dyestuffs are refused unless the customer agrees to buy from the Germans all of the dyestuffs he uses. 'Buy all your dyes from us or go without vat dyes.'

"American vat dyes are the key to the American dyestuff and chemical industry, the key to our national security and independence.

"A TARIFF AND A LICENSE SYSTEM BOTH ESSENTIAL.

"The complex character of chemicals, and particularly of coal-tar chemicals, makes it possible for the Germans to camouflage the products beyond the possibility of detecting undervaluation.

"The lesson which the Germans themselves teach us is that any tariff we impose should be specific as well as ad valorem, and even then considered only as one of several methods of protection. So far as import restrictions are concerned, the additional measures must consist of the exclusion of products that are being made in the United States, and licenses to import, subject to the regular tariff rates, other products that are not made here in sufficient quantity for domestic needs, the import licenses to continue as long as may be necessary. This system of exclusion, modified by import licenses, has already been adopted by England, France, and Japan, and must be adopted here if the United States is to have a complete dyestuff industry.

"No sound objection has been raised to this system of control by import licenses. Its opponents assert that under the license system it would be impossible for a textile manufacturer to get the dyestuffs from Germany in time for the dyeing and delivery of goods on orders. Those who advance that claim either have an ulterior object in preventing the development of an American dyestuff industry or a very poor opinion of the power and resources of the United States Government. As we write these lines a Washington dispatch reports that Alien Property Custodian Garvan has asked the President for permission to import a six months' supply of German vat dyes, thus showing the entire practicability of the proposed system of licenses. It is also pretended by opponents of the license system that under it the dyestuff purchases by a manufacturer would be made known to his competitors. These opponents of real protection to American dyestuffs would have us believe that the United States Government would not or could not protect its own citizens by holding such details in confidence. And it is for such flimsy pretexts that they would have us abandon the great essential to the safety and welfare of the Nation.

"COMPULSORY WORKING OF PATENTS.

"Another necessary method of protection is the control and compulsory working of foreign patents in the United States as has been practiced in Germany for over 40 years. Before the war our patent laws enabled the Germans to patent their processes here and then leave them unworked, the purpose being to prevent competitors from using the German processes. The United States law thus served as a complete protection to the German dyestuff monopoly. It is plain that these conditions must be abolished and our patent law so changed that a foreign patent will remain in force only on condition that the patentee either works it adequately in the United States or grants proper licenses for such working.

"THE SITUATION TO-DAY.

"As a result of the war a promising dyestuff industry has been built up in the United States, but is threatened with sure destruction unless protected against the unscrupulous competition of the German trust when commercial relations with Germany are restored. Far-seeing men in the office of the Alien Property Custodian seized time by the forelock and had most of the German dyestuff patents to the number of 4,500 sold to trustees under the name of the Chemical Foundation in order to keep them free from control by private monopoly and used only in the interest of the Nation. The remaining 1,200 German patents had been sold to a private company at the auction sale of the Bayer Co.'s assets before the trust was organized, but arrangements have been made with the purchasers by which these privately owned patents also are to be made available for building up the dyestuff industry of the whole country. The Longworth bill has been framed by the friends of an American

dyestuff industry and provides for the necessary protection by a system of import licenses under which a commission representing the consumers and producers of dyestuffs and the general public is compelled to grant licenses for the importation of dyestuffs that are not produced in adequate amounts for domestic requirements. And finally the Alien Property Custodian is seeking permission to import a six months' supply of vat dyes to tide over our manufacturers until vat dyes can be made in America.

"THE DUTY OF AMERICANS.

"Under such conditions the plain duty of every American, whether a user of dyestuffs or a consumer of dyed products, is to say, 'We are ready to wait as long as may be necessary and to submit to any necessary restriction or deprivation in order that America may possess a chemical and coal-tar dyestuff industry second to none, which will protect our Nation against external aggression, enable America to do its full duty in the chemical warfare against physical and mental weakness, disease, and death, and provide a safe and sure foundation for American industry and enterprise.'

"The difficulties of which our correspondent complains, even if they were not temporary and the remedy were not already in sight, amount to nothing compared with the great objects to be attained by establishing an American dyestuff and chemical industry or with the disaster that may befall this country if we neglect this great duty because of a lack of moral strength to see it through. Now is the appointed time. If we weakly yield now it may not be possible to succeed before the Nation is suddenly overwhelmed with military and economic ruin. The producers of dyestuffs, manufacturers of textiles, and the people of the United States should be a unit in this work. Most of the German patents have been placed in the control of trustees to be used in this national enterprise. The bill now before Congress aims to provide all the legislative means for protecting and developing the industry, and to afford relief from temporary inconvenience to users of dyestuffs not yet made in the United States. Great aggregations of capital and skill are concentrating their resources on the solution of the still unsolved problems. All that is needed are the enactment of the necessary protective laws and time in which to discover and perfect the chemical processes of producing certain dyestuffs. Complete success is certain if Americans stand together.

"If there is any hate propaganda it is made, not in America, but in Germany where hate is one of the manufactured products of Prussia, directed first against one nation and then against another, France, Russia, England, Japan, or the United States in turn, in order to serve the purposes of the German autocracy in its schemes for world dominion.

"Our correspondent complains that American importers can not get licenses from the English Government to bring English vat-dyes into the United States. That is not the fault of the United States Government, for the Washington authorities have been ready at all times to allow the importation of English vat-dyes. It is because the importers can not get licenses from the British Government to export these English vat-dyes. Of course they can not. The citizens of a country have the first right to the consumption of what they produce. England has had a bigger and far more bitter dose of German frightfulness than we have had, and has resolved never again to expose the empire to destruction industrially and politically by forces gathered in German chemical works. A good example for the United States to follow.

"Our correspondent also complains of the importation of Japanese cotton goods dyed with German dyestuffs. Well, let us shut them out by an adequate protective tariff. But what right have textile manufacturers to ask protection for the products they sell if they do not insist on protection for the products they buy? American industries stand or fall together. The citizens of a country have the first right to the production of what they consume.

"We hope that our correspondent and all who are in his state of mind will see their mistake and lose no time in getting on the right track. Let them write to the President and Members of both Houses of Congress and insist that party politics have no part in the settlement of this chemical and dyestuff problem; that Republican protectionists be broad enough to admit that this is a problem of which a tariff alone will not afford a complete solution; that Democratic supporters of a revenue tariff recognize that dyestuffs present a case involving the safety of the Nation in which Adam Smith himself would have supported the most rigid restrictions on imports. Let us all be for America first in order that in the years to come we may look back with pride to the part we took in protecting our country and civilization by the development of a complete and self-contained dyestuff and chemical industry in the United States."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LA FOLLETTE. Mr. President, I shall move at the proper time to strike from the treaty the provisions relating to labor, and I invite the attention of the Senate to the reasons, which I shall now give, for that motion.

It is a remarkable thing that certain of the very important and far-reaching provisions of the treaty have as yet been but little discussed. I refer to the labor articles appearing as article 23 of the covenant and Part XIII, from articles 387 to 427, inclusive, of the treaty. Labor throughout the United States has not been fully informed of the significance of this section of the treaty, but I am convinced that labor's interests and the interests of the American people generally are vitally affected by these provisions.

I am also of the opinion that Senators, engrossed in the consideration of other phases of this complex document, have not fully gauged the importance of the labor articles. Irrespective of the views of Senators regarding labor, the fundamental changes which Part XIII of the treaty will work in our political and domestic life should impel us to a critical and searching analysis of its provisions.

Article 23 of the covenant provides that members of the league agree:

(a) To "endeavor to secure and maintain fair and humane conditions of labor" in all countries to which their commercial and industrial relations extend, and will establish and maintain an international organization to accomplish that result. It is safe to say that no member nation of the league will be inclined to admit officially that it maintains within its own domains labor conditions that are not "fair and humane," so this provision, like most of the other provisions in this document, will be of no practical benefit to labor.

The next provision of article 23 is:

(b) Which provides that the members of the league "undertake to secure just treatment of the native inhabitants of territories under their control."

Like the previous article, this article is meaningless, because it does not suggest what "just treatment of the native inhabitants" means. It is not to be supposed that any nation will take kindly to the advice of some other country as to how it should treat the inhabitants of territories under its control, any more than it is likely to accept advice concerning its own labor conditions. Under the arrangement contemplated, the King of Siam and the King of Hedjaz would be official advisers to the United States concerning its labor conditions, as well as the way it should treat the Filipinos.

The next provision of article 23 is subdivision:

(c) Which provides that the members "will entrust the league with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs."

It will be noted that it is not proposed to abolish the traffic in women and children nor the traffic in opium. But when we go into this arrangement, we are merely going to aid in "supervising" this traffic.

The next provision is:

(d) That the members "will entrust the league with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest."

I commend this provision to Ireland, India, and Egypt, and other peoples subject to Great Britain. Under this arrangement Great Britain will not need to trouble herself about keeping arms out of Ireland or any other of her rebellious Provinces, but the league—including, of course, the United States—will perform this service for her.

The next provision of article 23 is:

(e) That the members of the league "will make provision to secure and maintain freedom of communication and of transit and equitable treatment for commerce of all members of the league. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind."

It will be noted that according to this provision a nation is no longer to determine for itself what constitutes equitable treatment for its commerce. The members of the league propose to take over that job. It seems that this must involve the regulation of tariffs and international trade agreements, which up to the present time nations have been free to agree upon as their interest might seem to require. But the provision I have quoted, if it means anything, means that the whole subject, if this article goes into effect, will be regulated by the league of nations.

The next and last provision of article 23 is:

(f) That the members of the league "will endeavor to take steps in matters of international concern for the prevention and control of disease."

In connection with this provision, it is well to remember that by the blockade of Russia at the present time by the principal members of this league we are exterminating millions of people, largely women and children, through starvation and attendant diseases.

This is all of the so-called labor articles in the covenant. To pursue this subject further and arrive at the real significance of the labor provisions, it is necessary to turn to Part XIII of the treaty.

Without attempting to state the substance of the 40 long articles in the treaty, which create an international organization to control the labor of the world, I will briefly outline the scheme proposed.

Mr. THOMAS. Mr. President, the Senator from Wisconsin is addressing the Senate upon what I consider the most important part of the proposed treaty, and I ask, in deference to those of us who desire to hear what he says, that we have order in the Chamber.

The PRESIDENT pro tempore. The Chair will endeavor to maintain order.

Mr. LA FOLLETTE. I thank the Senator from Colorado.

Article 387, which is the first of the so-called labor articles, provides for a permanent organization, and that—

The original members of the league of nations shall be the original members of this organization, and hereafter membership of the league of nations shall carry with it membership of the said organization.

Article 388 is as follows:

The permanent organization shall consist of:
(1) A General Conference of Representatives of the Members, and
(2) An International Labor Office controlled by the Governing Body described in article 393.

For convenience, I shall hereafter refer to the above organizations as the conference and as the governing body.

Article 389 provides that the conference shall hold meetings at least once a year and oftener if the occasion requires, and that "it shall be composed of four representatives of each of the member nations, two of whom shall be Government delegates and the two others shall be delegates representing, respectively, the employers and the workpeople of each of the members."

It is nowhere disclosed how the delegates from the United States would be selected, whether by the President, without confirmation by the Senate, or in some other manner.

Article 390 provides that every delegate shall be entitled to vote individually on all matters considered by the conference. By article 391 it is provided that the conference shall be held at the seat of the league of nations, or at such other place as the conference may decide upon. Article 392 provides that the International Labor Office shall be established at the seat of the league of nations as a part of the organization of the league.

We now come to article 393, which provides for the governing body. This body is to consist of 24 persons, appointed in accordance with the following provisions:

The Governing Body of the International Labor Office shall be constituted as follows:
Twelve persons representing the Governments.
Six persons elected by the delegates to the Conference representing the employers.
Six persons elected by the delegates to the Conference representing the workers.
Of the 12 persons representing the Governments 8 shall be nominated by members which are of the chief industrial importance and 4 shall be nominated by the members selected for the purpose by the Government delegates to the Conference, excluding the delegates of the 8 members mentioned above.

The members of the governing body shall hold office for three years. The governing body, by article 394, is to appoint a director of the International Labor Office, which latter seems to be the organ through which the governing body largely functions. The principal duties of the International Labor Office are provided for by article 396 and consist in preparing the program for the conference, collecting and distributing information, and publishing a newspaper in French and English, and such other languages as the governing body may think desirable. Then follow numerous provisions concerning the details of organization immaterial to my discussion.

When the agenda or program, which is settled by the governing body, comes before the conference for action the conference, if it decides on the adoption of any proposal so submitted, will determine whether the proposal shall take the form—

(a) of a recommendation to be submitted to the members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the members.

I understand the language "draft international convention," as used in the above paragraph, to mean a treaty, which, so far as the United States is concerned, would become effective as a law for this country upon being adopted in the manner provided by the Constitution for making treaties.

It is further provided in article 405 that each of the member States will, if possible, within one year from the closing of the session of the conference, or at most within 18 months, "bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action."

This means, I take it, that within the periods mentioned the respective Governments of the members of the league would be called upon to concur in or reject the recommendation or draft convention proposed by the conference.

If any member—that is, the Government of any member—of the league, having ratified any draft convention, does not enforce it, it is provided by article 414 that measures "of an economic character" may be taken by the other members against the member so defaulting. What these measures "of an economic character" are, is not specified.

By article 411 it is provided that any member may file a complaint with the Labor Office, charging any other member with nonobservance of any convention which it has ratified, and this sets in motion the machinery provided through a Commission of Enquiry to determine the fact, and if the fact is determined against the defendant member, then the penalty of boycott, embargo, or penalty of other "economic character" may be applied.

A member is not allowed to interpret for itself the labor provisions of this treaty or of any subsequent convention concluded by the members under it, but by article 423 any question or dispute relating to the interpretation thereof is decided by the Permanent Court of International Justice, and by article 417 the decision of the Permanent Court of International Justice on any complaint filed as above stated is made final. The Permanent Court of International Justice referred to in these articles is the court established by article 14 of the covenant of the league of nations.

Article 407 provides an additional method by which a draft convention may become binding upon members, namely, by agreement between certain members to make it effective as between themselves, even though it has not secured the necessary two-thirds vote in the conference to effect its adoption by that body.

I have now given, I believe, briefly but fairly and fully, a statement of the powers and procedure of the organizations which it is proposed to establish by the labor provisions of this treaty. There are, however, two provisions which, I understand, the defenders of the labor articles maintain will prevent possible injury to the cause of labor in the United States. But it has never been claimed by any representative of labor in this country, so far as I am aware, that this portion of the treaty can be relied on to benefit labor in the United States. Certain it is that Mr. Gompers, who presided over the commission which framed the articles, which, in a modified and much changed form, were embodied in the labor provisions of this treaty, has repeatedly stated, as I shall presently show, that he anticipated no particular benefit to labor in this country from these provisions, but expected them to benefit labor in other countries. Now, the provisions to which I refer are found in article 405, from which I have previously quoted. One of those provisions is as follows:

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the member.

It is claimed for this provision that if a recommendation or draft convention is offered for ratification in this country and we do not desire to ratify it, we have only to reject it and no obligation rests upon us concerning it. That is true, and it is equally true of every other member; therefore all that the most backward labor country has to do is to refuse to adopt the recommendation or draft convention, and its labor conditions, however deplorable, remain exactly where they were before. So that the best that can be said for this provision is that it nullifies the attempt to elevate labor conditions in the backward countries and brings to naught this whole high-sounding labor scheme and makes useless all this vast international labor machinery provided for in these articles.

But this is not the whole story. These articles are artfully drawn. Why is it provided that the recommendation may be presented to the respective Governments for adoption in two forms, one a recommendation for legislation and the other a "draft convention," to be adopted in such manner as treaties are adopted and made the law of the land?

I take it that any recommendation for legislation made to our Government would take the course of regular legislation. A bill would be introduced, debated publicly, hearings had upon it, discussed in the press, amended, finally passed by both Houses, and signed by the President. In this process the same protection would be given to the interests of labor as is given in the enactment of any other legislation. But in the case of a "draft convention" all this is changed. A "draft convention" is merely a proposed treaty, to be made effective as other treaties are made effective; that is, by concurrence therein of two-thirds of the Members of the Senate present and signature by the President. It would be debated in secret—I have no recollection of any treaty other than the one now under consideration having been debated publicly—and would not go to the more popular branch of the Congress for consideration at all. The reason for the different methods provided by the Constitution for making a treaty and enacting domestic legislation is obvious. Treaties are supposed to regulate intercourse between nations; legislation operates directly upon the rights of the citizen. Treaties, in theory at least, involve technical matters of international law and often secret and confidential matters, which in former times were not made public until ratified. None of these secret practices apply to legislation. I am not arguing that treaties should be considered in secret. I have always contended for publicity, but the method uniformly followed in the consideration of treaties has been one of secrecy. Now, the vice which goes to the very root of all the labor provisions of this proposed treaty is that they provide for the enactment of labor legislation by the secret and undemocratic method by which treaties are made.

Think of the possibility of putting through in the form of a "draft convention" a law against collective bargaining, against strikes, and combinations of labor, without any opportunity for labor to be heard or to resist such legislation!

Ah, but it will be said that there is another provision in this article which will prevent legislation of that sort in this country; and that brings me to the second of the provisions I previously referred to as being relied upon by some representatives of labor in this country to prove that the labor provisions of this treaty, at least, will not injure labor in the United States.

That provision is contained in the last paragraph of article 405, part 13, above mentioned. It reads as follows:

> In no case shall any member be asked or required, as a result of the adoption of any recommendation or draft convention by the conference, to lessen the protection afforded by its existing legislation to the workers concerned.

This provision was drafted by Mr. Gompers and adopted by the international commission for labor legislation at Paris, Mr. Gompers leading the fight for it.

Mr. Gompers presided over that Commission. It made the first draft of the labor provisions of this treaty, which were afterwards revised by the plenary session of the peace conference as incorporated in the treaty.

It appears from Mr. Gompers's statement—made at the annual convention of the American Federation of Labor last June—that the work of that commission was a most unsatisfactory experience. In his efforts to make the labor provisions of this treaty a substantial benefit to the cause he serves he was voted down on nearly every proposition he presented.

Defeated, discouraged, baffled, he was on the point of refusing to sign the draft convention as president of the commission.

Evidently he could see nothing of promise in it for the American worker, and he was clearly apprehensive that it might prove harmful to the interests of the wage earners of the United States.

He then sought to shield and protect the labor of this country against the dangers which apparently he regarded as imminent, and he proposed and secured the adoption of the provision which now appears as the last paragraph of article 405, Part XIII, of the treaty before us.

Before it was adopted he says: "I declared that we could not be parties to the covenant as it then stood." He insisted, to quote his words, upon "some provision that would safeguard the rights and interests of the American wage earners."

His experiences in the legislative commission of which he was a member, and over which he presided, in drafting the protocol of the labor provisions of this treaty, had been such that he despaired of any benefit to American labor from it. At the conclusion of the work of that commission he decided that the best service he could render this country, if there were to be these labor provisions in this treaty, was to interpose a barrier between the body erected by these labor provisions and American labor, to prevent that body from striking down the benefits which American labor had secured in a long struggle for its betterment. So he proposed this amendment, and its adoption was really the condition upon which he, as president of that commission, consented to sign these labor articles. It is my purpose, Mr. President, to show how far the amendment falls short of protecting labor in this country.

Now, mark the language that was to safeguard American wage earners:

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. I yield.

Mr. WATSON. Before the Senator goes on, I did not quite catch whether or not the Senator quoted the words that Mr. Gompers is alleged to have spoken as being used in the labor convention on the other side, or after it had adjourned, the language in which Mr. Gompers said that he did not hope for anything for the benefit of American labor, and that he insisted on this provision.

Mr. LA FOLLETTE. The language I used, Mr. President, let me say, is taken from the address Mr. Gompers made at the annual convention of the American Federation of Labor held in June last at Atlantic City. In that address Mr. Gompers stated what he said to his associates upon the legislative commission, which made the first draft of the provisions that we have here before us, modified somewhat by the plenary session of the Paris peace conference thereafter. It is the statement that he made to his associates, that he would not consent to sign as president, or to recommend the work of the legislative commission over which he was presiding, unless there was interposed this amendment, that should save the situation as it now exists in this country so far as legislation protecting labor is concerned. He had such an experience as led him to believe that there was nothing progressive, nothing to the advantage of labor, that could come out of the work of that commission, and at the end of the whole matter he finally concluded that if it was to go through at all the best he could do was to interpose a barrier against tearing down and taking away from labor in this country the little that it has already gained in its long struggle to improve labor conditions.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. LA FOLLETTE. Certainly.

Mr. McCORMICK. I merely want to ask the Senator if presently he is going to speak upon the possible membership of the conference?

Mr. LA FOLLETTE. I am.

Mr. THOMAS. Not the conference; the governing body.

Mr. McCORMICK. The governing body.

Mr. LA FOLLETTE. I shall take that up.

Mr. McCORMICK. In the governing body it seems to me that oriental powers might be of chief industrial importance.

Mr. LA FOLLETTE. I think before I get through I shall make a complete analysis of the different bodies that exercise power under these labor articles.

Mr. FALL. Mr. President, is it not a fact that after Mr. Gompers left Paris changes were made?

Mr. LA FOLLETTE. It is.

Mr. FALL. And that Mr. Gompers corresponded by cablegram with the President of the United States and received an assurance that there were no material changes that would hurt labor here? Was not that correspondence also directed to the substitution of a word in the labor constitution of this country?

Mr. LA FOLLETTE. I think that is absolutely certain, and I shall deal particularly not with the correspondence but with the change that was made before I get through.

Mr. FALL. And the fact is that the word "merely" was written into the constitution of labor, so that it read that "labor was not merely a commodity"?

Mr. LA FOLLETTE. Yes; after Mr. Gompers's connection with the legislative commission had ceased.

Mr. FALL. That is it.

Mr. LA FOLLETTE. Now, Mr. President, mark the language that was prepared by Mr. Gompers to safeguard American wage earners. I quote:

> No member nation shall be asked or required to lessen the protection afforded by its existing legislation to the workers concerned.

But, Mr. President, another provision of this same article, article 405, provides that no member nation can be required to consent to any draft convention or legislative recommendation by the conference.

The paragraphs are not marked numerically, but counting them, and for definite designation, I say the eighth paragraph of article 405, which I have previously quoted in another connection, provides that—

> If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the member.

Manifestly, therefore, it is optional with any member nation of the league to adopt or reject any recommendation of the labor conference, and the word "required" in Mr. Gompers's amendment added nothing to the protection already provided for labor by the eighth paragraph of article 405.

Mr. President, I ought to say, in justice to Mr. Gompers, that I do not know, and I do not believe that any Member of the Senate has any means of informing himself, as to when the eighth paragraph of article 405 was incorporated in the treaty. It may not have been there when President Gompers offered his amendment. It may have been added. It may have been put in by the plenary session of the Paris conference, after it received the report of the legislative commission, over which Mr. Gompers presided, revised it and incorporated it in the treaty. But be that as it may, the last paragraph of article 405, which is paragraph 11, and which embodies Mr. Gompers's amendment made in the Paris legislative commission that drafted in the rough these provisions, provides that no member shall be asked or required to adopt any recommendation made by the legislative conference created by this treaty "to lessen the protection afforded by its existing legislation to the workers concerned."

I have been speaking only of the effect of the word "required" in this amendment. I come now to the word "asked." Mr. Gompers's amendment prohibits the labor conference from even making recommendations that shall lessen the protection afforded to any member nation by its existing legislation. The very first words of his amendment, now the eleventh paragraph of article 405, are:

> In no case shall any member be asked * * * to lessen the protection afforded by its existing legislation—

And so forth.

Does this not clearly demonstrate that Mr. Gompers, enlightened by his "depressing defeats," in the long struggle before the Commission for Labor Legislation at Paris, was fearful that the permanent labor conference created by this treaty would inevitably and habitually assail the advanced position of American labor?

Manifestly he was distrustful of the labor conference, in which we would have only 4 votes to Great Britain's 24, and but 4 votes out of 128, whenever the total vote of the conference is polled.

Think of it! Four American votes contending against 124 foreign votes most regardful of foreign interests.

Hence he sought to guard the labor of this country from even an attempt to deprive it of any protective legislation which it had already secured.

And so, with that grave fear stirring within the clear brain of this veteran leader of labor, he drafted his "safeguarding" amendment, designed to prevent this labor conference from even suggesting to this Government any legislation that should deprive labor of one syllable of its hard-won existing protection.

Mr. WATSON. Mr. President, will the Senator yield or will it interrupt the thread of his argument?

Mr. LA FOLLETTE. In just a moment.

But does it safeguard American labor from the danger of constant attack by the permanent conference which this treaty creates?

Is there not to be found, quietly tucked away among the folds of the numerous articles of Part XIII of this treaty, the deadly joker which may at any time sweep aside this "safeguard" and subject American labor to a direct attack upon its existing protective statutes?

Mr. KING rose.

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. I thank the Senator——

Mr. LA FOLLETTE. However, I will take this up and go into it a little more fully later on.

Mr. KING. Then perhaps the Senator will discuss the point I have in mind?

Mr. LA FOLLETTE. If I do not, I shall be glad to yield to the Senator.

First I direct attention to the self-imposed limitations of this safeguarding provision.

By its terms you will observe that it affords protection to existing legislation only; that is, legislation existing at the time this treaty goes into effect.

But it leaves wide open the door, and by implication invites attack upon any new legislation proposed to be enacted for the further improvement of labor conditions.

Again, what do the words "lessen the protection" to labor mean? Take a single illustration: Would a law preventing strikes lessen the protection to labor? There is a great diversity of opinion upon that subject. Labor contends that such a law would put the wage earner in chains. Capital, as represented by Mr. Gary and his associates, claims that the result of such a law would ultimately afford labor greater protection, and this Congress is now asked to pass a law taking from one of the greatest and strongest labor organizations of the country—the railroad brotherhoods—the right to strike. So it is with the question of collective bargaining, with the right of labor to have some voice in fixing the wages to be paid in the industry in which it is engaged, and so it is with every one of the many measures now being brought forward by one side or the other dealing with the labor question. Neither side admits that the measures it champions will lessen the protection to labor, but each claims that it will increase such protection.

Now, sir, without this treaty and the labor provisions of it, who would determine whether proposed legislation lessened the protection which labor enjoyed under existing law? It would be determined by the Congress and the President as provided in the Constitution. It would be debated in open session of the House and Senate. It would undoubtedly become an issue in national campaigns. All sides would be heard, and eventually the people of the United States would decide it.

By the provision of article 423 of these labor articles, however, this whole matter is taken out of the hands of the people of the United States and is to be decided by whom? By an institution to be established by the league of nations, in which our vote and our influence represents a hopeless minority, and that institution is called the permanent court of international justice.

Listen to the language of article 423, Part XIII:

> Any question or dispute relating to the interpretation of this part of the present treaty—

What part? Part XIII, which contains the 40 labor articles—

> Any question or dispute relating to the interpretation of this part of the present treaty or of any subsequent convention concluded by the members in pursuance of the provisions of this part of the present treaty shall be referred for decision to the permanent court of international justice.

From this court there is no appeal. It would decide whether any recommendation lessens the protection afforded to labor by existing legislation in this country.

Now, then, suppose that a draft convention is adopted by the conference and the delegates from the United States raise the question that it will lessen the protection afforded by our existing laws to labor, and as such they shall not be required to ask our Government to adopt it. What is the result? The answer is plain, for we solemnly agree, if we ratify these provisions as drawn, that a tribunal not of our own choosing, the permanent court of international justice, shall settle that question.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Colorado.

Mr. THOMAS. Does not the Senator think that article 423, should it become operative, will deprive the Supreme Court of the United States and other tribunals of the constitutional right and duty of determining the constitutionality or the legality of laws affecting the people of this country?

Mr. LA FOLLETTE. Mr. President, I raise that question in the course of my discussion, and I think it is one of the gravest questions with which the Senate is confronted in connection with the provisions of the treaty now under discussion.

Mr. THOMAS. I fully agree with the Senator.

Mr. LA FOLLETTE. We are on very dangerous ground here; dangerous from the point of view of those who believe that labor already has too much, dangerous from the point of view of those who believe that labor is entitled to still further safeguards of its rights. So that from whichever side of opinion the Senators may be led to view this question, it behooves us to consider here, as solemnly as any phase of this treaty, the labor sections of the treaty and the position in which it will inevitably put us. We are bound to remember that effect of these labor articles will be felt all through our industrial life.

I now pass to a consideration of the representation of the various nations in the General Conference.

It has been stated that each nation will have four delegates in the conference. That is true, subject to one exception. The British Empire will have 24 delegates in the conference. The Empire will have 4 votes on its own account and each of the self-governing colonies which go to make up the Empire, namely, Canada, Australia, South Africa, New Zealand, and India, will have 4 more votes each. In addition to these 24 votes it is also fair to assume that Great Britain will exert some measure of control over the 4 votes of Hedjaz.

The President, in his attempt to explain Great Britain's preponderance of power in the league of nations, has been quoted as saying that while she would have six votes in the assembly, she would, like the United States, have but one on the council, and that the assembly is merely an "influential debating society."

This "explanation," from which I wholly dissent, is certainly not applicable to the situation presented in the General Conference. The General Conference created by the labor provisions of this treaty is more than a mere "debating society." It has full power, and is created for the express purpose of taking action which will ultimately and profoundly affect every workingman and woman in the world—and there is nothing in the peace treaty making its action subject to the revision of the council.

Hence the preponderance of British strength in the conference, in which she will have 24 and possibly 28 votes, while the United States and every other nation will have 4, must be considered.

But simply to say that Great Britain will enter the conference with six or seven times the number of votes of any other State would be falling short of the truth. Because she has a large block of votes, Great Britain will win the votes of other States to her support on every roll call—that is the practical side of having that voting strength in convention—just as States like New York, Pennsylvania, and Illinois, in our national conventions, by the very fact that they are strong, win additional strength through the support of small States, of inconsequential strength, which see the possibility of winning favor by adhering to the powerful.

Furthermore, in view of the present state of our international relations with Italy, Japan, and other nations, is it not possible that those countries and others like them will be more likely to vote with Great Britain than with the United States, particularly on questions of labor policy, in which their standards are nearer those of Great Britain than our own?

Mr. President, I impute bad motives to no nation; but all nations will be influenced by self-interest.

Should an occasion arise in the General Conference in which the interests of Great Britain and those of the United States were in conflict—and no Senator will deny a multitude of such occasions are likely to arise—I assume that Great Britain will choose to serve her own interests rather than those of the United States.

Mr. President, it is generally conceded, I believe, that the industrial and commercial strength of a nation, and its ability to compete with other nations for the world's trade, depends, in the final analysis, upon the intelligence and skill of its workmen.

The intelligence and skill of the workmen, in turn, depend to a large extent upon their standard of living; that is, the conditions of labor under which they work.

Assume that the General Conference has under consideration a proposal affecting the conditions of labor in the United States. Assume that the proposed recommendation or draft convention has for its object the improvement of conditions of labor in this country, and hence the strengthening of this Nation as a competitor for the world's trade. Is it not conceivable that Great Britain, as the leading competitor of the United States, might withhold its support from such a provision? Is it not, indeed, conceivable that she might lend her support to provisions which would gradually undermine the present supremacy of this country in the conditions afforded our workers—all perfectly in accord, mark you, with the ultimate aim stated in the labor articles of the proposed treaty: The securing of "fair and humane" conditions of labor throughout the world and the making of those conditions uniform?

Another feature of the make-up of the General Conference is noteworthy.

In choosing its representatives, each nation is required to name one delegate representing the workers, one representing the employers, and two representing the Government as such.

We have just witnessed the gathering of a conference to consider these important questions organized somewhat upon those lines, and we have witnessed the disaster which resulted from it.

I am going to assume now that those selected representing the public interest will be neutral as between labor and capital, though I think that is a pretty strong assumption in the face of some experiences we have had lately. In the case of a delegation selected by the President composed of members supposed to represent the public interest who have affiliations with the United States Steel Trust and with the great centralized monopolies of the country, I question just a wee bit whether they would be absolutely neutral as between labor and capital; but I start out on that assumption for a hypothetical case that I am going to present to the Senate. Let us assume the facts justify the assumption that the Government delegates from the United States will be neutral; but will the Imperial Government of Japan, in which country labor has few rights and practically no organization, select delegates who will be fair and impartial in their attitude toward labor? Will the Government delegates appointed for Belgium, Portugal, or Italy be amenable to the influence of the workers of their lands or to the influence of the bankers, exporters, and the powerful few of their respective countries? Is it not likely, in fact, that even the delegates selected to represent labor in many of the nations which will be members of the league will be subject to the latter influences? I am unable to understand by what system of interpretation or by what method of logic the advocates of this treaty contend that the labor delegate from the United States will be given an intelligent and sympathetic hearing in the General Conference. On the contrary, it is my earnest conviction that the American delegates to the conference provided for under this treaty, like the American delegates on the commission which framed this section of the treaty at Paris, will find themselves perpetually in a hopeless minority, unable to secure the passage of measures they believe to be beneficial and unable to prevent the adoption of measures they believe to be injurious.

I have said that no labor leaders in this country have claimed for this section of the treaty that it is likely to benefit labor in this country. The President, however, has predicted that American labor will reap many benefits from its adoption, and many Senators, taking literally the prophesy of the Chief Executive, have expressed fear lest these betterments should be of such magnitude that they should smack of the forbidden fruit of Bolshevism. After studying the make-up of the General Conference, and after considering the fact that the United States will be represented in the conference by only 4 votes out of a total voting strength of 128 votes, I neither join in the prophesy of the President nor share in the fear of certain Members of the Senate.

And I am strengthened in my independent judgment when I contemplate this possibility: Suppose the conference should adopt a recommendation or convention regarded as a boon to labor, and if such action should be made effective by legislation or ratification, labor in this country would have no redress in case such beneficent measures were not enforced. It is provided by articles 409 and 410 that labor organizations may protest against such nonenforcement, but the publication of the complaint and of the explanation of the defaulting Government, made in answer to the complaint, is the only "redress" provided for labor.

In marked contrast to this provision of the treaty, granting to labor the mere shadow of redress in case of injury suffered, is the opportunity afforded to other nations, when their own selfish interests dictate, to hold the United States to strict compliance with the provisions of draft conventions when once ratified by this Government.

I have already called attention to article 411, which provides that "any of the members shall have the right to file a complaint with the International Labor Office if it is not satisfied that any other member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles."

I have referred to the fact that a commission of inquiry, composed of three representatives of foreign nations, may, at its discretion, call upon every member of the league to enforce measures of an "economic character" against any defaulting nation. The only appeal from the action of the commission of inquiry lies to the court of international justice, and from the decision of this court there is no appeal.

Mr. President, I call the attention of the Senate to the dangerous possibilities wrapped up in this proceeding.

A hypothetical situation, which might easily arise, brings home the full effect of this provision.

Suppose that a Democratic administration in this country should ratify a draft convention of the General Conference which took from labor the unrestricted right to strike. Assume that the workers of this Nation immediately inaugurated a campaign which ended in driving from power the Democratic administration that approved that legislation. Assume that the Republicans were given control of the Government. If that Republican administration, elected by the people of the United States upon this issue, then refused to enforce the provisions of the convention, any foreign Government might thereupon file a complaint against our Government, and by the economic penalties provided in this treaty force the United States to comply with the provisions of the convention against the will of the American people as expressed at the polls.

To those Senators who would welcome a law restricting labor's use of the strike let me suggest that this situation would hold equally true if the law in question dealt with an entirely different subject in a manner entirely distasteful to them.

My point is that, regardless of the particular law involved, this article of the treaty not only takes from the American people the right to determine what laws they shall have upon their statute books, but by giving to an extranational authority the right to enforce laws within our territory it strikes at the heart of our sovereignty as a Nation.

Chief Justice John Marshall, in the case of Schooner *v.* McFadden (7 Cranch, 116, 136), delivered an opinion peculiarly applicable to this situation. He said:

The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction and in investment of that sovereignty to the same extent in that power which could impose such restriction. All exception, therefore, to the full and complete power of a nation within its own territories must be traced to the consent of the nation itself. They can flow from no other legitimate source.

Mr. President, this whole international structure is so obviously beyond the contemplation of the Constitution of the United States, which granted certain powers to the Government and expressly reserved all power not so delegated to the States and to the people, that I shall not dwell upon that phase of the subject. But the extent to which this provision of the treaty conflicts with our Constitution is startling. Imagine a situation in which the United States Senate should ratify a draft convention affecting labor policies in the United States. If the Supreme Court of the United States should decide that such action was unconstitutional, and if a member of the league of nations which had joined with us in the convention should, nevertheless, insist upon our enforcing its provisions, we would then be confronted with the alternative of abandoning our Constitution as interpreted by the Supreme Court or suffering the economic penalties which would immediately become operative against us.

I am impressed with another phase of this section of the treaty which is alien to the principles of democratic government.

These two international bodies—the General Conference and the Governing Body of the International Labor Office—will be free from any sort of democratic control. Unless our whole system of government by election is based upon a misconception, these two bodies will be unresponsive to the will of the people, and therefore ready instruments for oppressing the people.

The General Conference will be made up entirely of delegates selected by appointment, in which an arbitrary number of delegates will represent each nation, irrespective of population—Siam, Hedjaz, Portugal, and countries of similar size having equal representation with the United States. The Governing Body will be even further removed from the people. Its members will be chosen by the delegates in the conference, this selection constituting a redelegation of delegated power. The physical inaccessibility of these two bodies, meeting at Geneva, far removed from the masses of the population of the nations for whom they will legislate, intensifies their undemocratic character.

The possibility of labor actually initiating legislation under such circumstances is well-nigh hopeless. Labor delegates in the conference will even be denied the opportunity of bringing up pressing problems for consideration. The Governing Body, be it remembered, prepares the agenda for the conference. Should a delegate in the conference choose to have other matters included in the program of the conference, he must first muster a two-thirds vote of the conference; and it is then provided, under article 402, that "that subject shall be included in the agenda for the following meeting."

Thus labor, dissatisfied with the agenda prepared by the Governing Body, will be powerless to secure prompt consideration on even the most pressing matters.

Mr. President, I come now to section 2, article 427, of the portion of the treaty devoted to labor.

This section has been referred to by the President as "labor's charter." In my judgment, this portion of the treaty sheds a flood of light upon the whole scheme for regulating labor conditions throughout the world, and indicates the impossibility of reconciling such an undemocratic scheme with American principles.

With such broad grants of power as I have indicated, we might expect here, as in the Constitution of the United States, a "charter" or "bill of rights" limiting the abuse of that power and boldly proclaiming the inherent rights which must be reserved unimpaired to the working people of the world, and which must be taken as the first premise in any system of regulation.

But in this section of the treaty I find nothing remotely suggesting the Bill of Rights of the American Constitution.

In this section of the treaty, purporting to protect the interests of the working men and women of the world—which, of course, embraces the great mass of humanity—there is no provision that slavery shall not exist. On the contrary, such an article was voted down by the commission which framed this portion of the treaty.

There is nothing in these articles which recognizes the unqualified right of labor to organize and to make that organization effective by the legitimate use of its industrial weapon, the strike.

There is nothing in these articles insuring to the worker the rights of free speech, a free press, and the right of free assemblage, without which he is helpless.

Were these fundamental human rights omitted because they were taken for granted as the rights of free labor, or because the commission which drafted the labor articles did not feel that they could with propriety be included in such a charter?

No; quite the contrary. Mr. President, they were left out as a matter of principle by those who were framing this document as we have it in its final form. They were deliberately rejected when the Commission on International Labor Legislation, which drafted this portion of the treaty, refused to accept these fundamental declarations of rights when proposed by the American delegates to that body.

Oh, sir, that fact ought to proclaim to Senators here and to the workers of the United States in every field of industry the danger of binding up their interests with any body of superior voting strength and power representing the same strong foreign governments which rejected these elementary principles of freedom.

This commission met at Paris as a part of the peace conference. It was composed of two representatives from each of the five great powers and five representatives elected by the other nations represented at the peace table.

That is the body of men who drafted the labor provisions of this treaty, the so-called "charter of liberty" for labor. They passed their work on to the peace conference which, in plenary session, made some further changes in it, and it comes here as they left it.

Now, let us see what took place. I think it is all very instructive. I think it forecasts what is likely to take place in the permanent labor conference to be erected by this peace treaty if it is ratified.

Mr. Samuel Gompers, president of the American Federation of Labor, and Mr. H. M. Robinson, acting for President E. N. Hurley, of the American Shipping Board, were the representatives of the United States appointed by the President on this commission.

I quote the "Bill of Rights" offered by the American delegation for adoption by the commission on international labor legislation:

The high contracting parties declare that in all States the following principles should be recognized, established, and maintained:

1. That in law and in practice it should be held that the labor of a human being is not a commodity or an article of commerce.

2. That involuntary servitude should not exist except as a punishment for crime whereof the party shall have been duly convicted.

3. The right of free association, free assembly, free speech, and free press should not be denied or abridged.

4. That the seamen of the merchant marine shall be guaranteed the right of leaving their vessels when the same are in safe harbor.

5. That no article or commodity should be shipped or delivered in international commerce in the production of which children under the age of 16 years have been employed or permitted to work.

6. That no article or commodity should be shipped or delivered in international commerce in the production of which convict labor has been employed or permitted.

7. It should be declared that the workday in industry and commerce should not exceed eight hours a day, except in case of extraordinary emergency, such as danger to life or to property.

8. It should be declared that an adequate wage should be paid for labor performed, a wage based upon and commensurate with a standard of life conforming to the civilization of the time.

9. That equal wages should be paid to women for equal work performed.

10. That the sale or use for commercial purposes of articles made or manufactured in private homes should be prohibited.

Was this draft proposed by the American delegates as a bill of rights written into the peace treaty? It was not. The fight which was waged over this section of the treaty marked the first conflict between American principles and the Old World conception of the rights of labor, which will dominate the General Conference and outvote the United States in that General Conference just as our delegates were outvoted in the Commission on International Labor Legislation at the Paris conference.

With Samuel Gompers presiding over the Commission on International Labor Legislation, and with the representatives of but 10 nations to contend against, the Americans were beaten on every important point for which they fought.

In his report to the thirty-ninth annual convention at Atlantic City, N. J., on June 20, 1919, Mr. Gompers described the struggle. He said:

The contest that I had to make and felt impelled to make was one of the most depressing, and was almost crushing in character. * * *

Now, I can say this to you, that I was never placed in all my life in such an awkward and uncomfortable position as I was for nine-tenths of the time that I was presiding over the International Commission on Labor Legislation. I was elected by unanimous vote to its presidency, and immediately found myself in a minority, a minority upon nearly every proposition that I had submitted. * * * We had 37 sessions, lasting from four to six hours and sometimes longer. Presiding there, fighting there, opposed and defeated in nearly every proposition that I had submitted, where the recognition of labor would be greater than was accepted by these other delegates, I found myself continually depressed, though fighting on and on until the last moment.

The rejection of the bill of rights submitted by Mr. Gompers and his colleague, Mr. Robinson, in the Paris convention is a matter of history.

The second principle, the thirteenth amendment of the Constitution of the United States—prohibiting human slavery—was stricken out, the Right Hon. G. N. Barnes, M. P., the British representative, leading the opposition.

The third principle, guaranteeing the right of "free association, free assembly, free speech, and free press," was also defeated.

The fourth principle, emancipating seamen from involuntary servitude, as passed by the Congress of the United States in the seamen's act, was promptly voted down.

Mr. McCORMICK. Upon British initiative?

Mr. LA FOLLETTE. Certainly; upon British initiative. The United States and Cuba voted for the American principle. All the other delegates, under the leadership of Great Britain, voted against it.

Mr. FRANCE. May I ask the Senator whether the clause relating to a free press and free speech was cut out at the instance of this Government?

Mr. LA FOLLETTE. It was presented by the delegates from this Government, who strongly supported it.

Mr. McCORMICK. May I ask the Senator a question?

Mr. LA FOLLETTE. Certainly.

Mr. McCORMICK. Is there any record to show upon the initiative of what power the rights of assembly and association and of free speech were stricken out?

Mr. LA FOLLETTE. I am not in possession of any, I will say to the Senator from Illinois, but I am assured of my facts in stating that Great Britain led the fight against many of the provisions that the United States delegates to the legislative commission proposed.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I do.

Mr. NORRIS. If I may ask the question, does the Senator get his information from the address of Mr. Gompers?

Mr. LA FOLLETTE. I get it in part from the address of Mr. Gompers, and I get it from others who were present during the sessions of the Commission.

Mr. NORRIS. I am asking the question, because I presume that the Senator has made an attempt, at least, to get what happened before the particular organization that framed this part of the treaty.

Mr. LA FOLLETTE. I have made that effort.

Mr. NORRIS. Was the Senator able to get a copy of the minutes or of the records in any way?

Mr. LA FOLLETTE. No, indeed, Mr. President. We are denied the records with respect to any provisions of this treaty.

Mr. NORRIS. I know we have been denied information as to other provisions, but I was wondering if there was any way in which publicity could be given to what actually took place. It seems to me the question suggested by the Senator from Maryland [Mr. FRANCE] is very pertinent; that is, who initiated the objection to and opposed putting into this particular part of the treaty the provision in regard to free speech and a free press, that most people everywhere in civilization regard as one of the fundamental corner stones of human liberty. It would be interesting to the entire world if we could know just what that discussion was and through what influences that provision was kept out of the treaty.

Mr. LA FOLLETTE. It would be very, very interesting, Mr. President; just as it would be interesting for us to know, and as I think it is vital for us to know, to what extent we are committing ourselves in voting for or against the provisions of this treaty without having before us all of the minutes showing the interpretation put upon the different provisions of the treaty by those who made it, and without having the many agreements that are related to the treaty we are being driven to pass upon, some of which are being made as we sit in session here now.

With reference to the matters connected with the sessions of the legislative commission that framed this first draft, I have been compelled to forage in such communiqués as were given out; I have been compelled to resort to the newspapers and the magazines, and even to get such assistance as I could from personal reports of those who were in Paris at the time, and who were either in the commission itself or in constant interchange of information with those who were in the commission. So that so far as I state any facts here, I have verified the accuracy of them and give them upon my own responsibility.

Mr. NORRIS. I did not question the Senator's statement. I do not want the Senator to get that idea. I did not doubt but what he had verified every statement he made; but it seemed to me it would be enlightening and throw a flood of light on this question if there were any way by which we could have complete publicity of the discussions that took place and have publicity in regard to the representatives of the various nations who prevented, for instance, the adoption of the clause providing for free speech and a free press.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do.

Mr. KENYON. The Senator commenced his discussion of these various propositions, as I understood him, with No. 2. I was wondering if he was going to say anything about the first. I am anxious to know how it happened that the particular language was used that "labor should not be regarded merely as a commodity or article of commerce."

Mr. LA FOLLETTE. I shall come to that, and account for that a little further on.

I think I had stated, Mr. President, that the third principle, guaranteeing the right of free association and free assembly, free speech, and a free press, was also defeated.

Mr. NORRIS. I think the Senator referred to that, and I got the idea that he or the Senator from Maryland [Mr. FRANCE] said that the principle which the Senator has just now stated had only two votes, and that they came from our country.

Mr. LA FOLLETTE. I am not able to give the number of affirmative votes.

Mr. NORRIS. Is it true that the opposition to putting that clause in was led by the representatives of Great Britain?

Mr. LA FOLLETTE. I am not able to answer that question.

Mr. NORRIS. I have heard that statement made. I do not know whether it is true or not.

Mr. LA FOLLETTE. I know that the opposition to the adoption of the thirteenth amendment to our Constitution as one of the declarations of the bill of rights was led by the British representative.

Mr. NORRIS. That is the provision in regard to slavery?

Mr. LA FOLLETTE. Yes, sir. The opposition was led by Mr. Barnes.

The provisions against sweatshop labor and convict labor were rejected. The article providing that children should not be employed under the age of 16 years was changed by this commission to apply to children under the "age of 14 years." I will state shortly what ultimately happened to that provision after it got into the plenary session of the peace conference.

Thus, mangled and torn, stripped of their most vital clauses, the American principles finally emerged from the hands of the commission ready to be submitted at the plenary session of the peace conference.

The American labor representatives meanwhile left Paris. In the absence of Mr. Gompers and the other American labor delegates, who had fought desperately for the American principles, the commission was again called into session, and the sole article which the Americans had succeeded in putting through unimpaired was mutilated and robbed of its force. On motion of the British delegates, acting at the suggestion of Sir Robert Borden, premier of Canada, the word "merely" was inserted in the first article of the "charter." As adopted after the prolonged fight waged by Mr. Gompers the article had read, "Labor should not be considered a commodity or article of commerce."

That is as Mr. Gompers proposed it. But after Mr. Gompers and his associates had left Paris, and after they supposed the work of the commission was concluded, it was again brought together, and in their absence it was amended, and as amended by the commission, after the departure of Mr. Gompers, the article was made to read:

Labor should not be considered merely a commodity—

And so forth.

This change negatived the whole meaning of the article and if accepted by the United States in this treaty will supersede the principle adopted in the Clayton Act.

The commission's draft of the labor articles was submitted to the plenary session of the peace conference and adopted April 28, 1919.

Mr. KENYON. Before the Senator gets away from that, does the Senator know why the word "merely" was put in; why that principle which we have enunciated here in statutes was not carried out?

Mr. LA FOLLETTE. Only by inference. The Senator will have to draw his conclusion, as I draw mine. Of course, it would have been actually better to leave it all out than to have put it in with that qualification.

Mr. KENYON. Of course, that is a statement of fact—that it is a commodity of commerce.

Mr. LA FOLLETTE. Certainly.

I come now to what the plenary session of the peace conference, of which the President was a member, did to this charter for labor after it got into its hands.

The plenary session went even further than the commission in rejecting the American principles. After accepting, in substance, the draft offered by the commission, the plenary council took the real heart from the child-labor article by striking out the definite age limit of 14 years set by the commission.

As proposed by our delegates, Senators will remember, this article fixed the age limit at 16 years. The legislative commission reduced it to 14 years, and passed it on to the plenary session of the peace conference, of which the President was a member, and there they wiped out the age limit altogether.

With these changes the "labor charter" was written into the peace treaty—and there it stands to-day, shorn of every American principle and falling short in every one of its nine articles of the rights long since won, and enjoyed to-day, by American workmen.

Finally, Mr. President, we find this "charter" preceded by a preamble, which makes it plain that the ultimate object of the labor section of this treaty is to secure "uniformity in the conditions of labor" throughout the world.

By ratifying this treaty we pledge our aid in working toward that uniformity on the alien principles set forth in this charter.

I am not willing to exchange for this charter, glittering with ornamental and seductive phrases, but lacking the virtue of plain and honest statement, the bold assertion of human rights embodied in the Constitution of the United States. I am not willing to exchange the common heritage of American citizens, won more than a century and a quarter ago, and since augmented and preserved at the cost of infinite effort and sacrifice, for a charter which expressly denies those human rights and stands in this treaty a monument to the defeat of American principles at Paris.

Mr. President, what is the broad significance of these labor provisions?

The practical effect of setting up international machinery of this kind is to crystallize the present industrial conditions and to perpetuate the wrong and injustice in the present relation existing between labor and capital.

As a substitute for natural evolution, which over a period of centuries has been bringing more and more recognition of the rights of labor, this treaty of peace sets up an arbitrary, artificial organization, clothed with definite powers and restricted by vague limitations, which has for its ultimate object the maintenance of the present system of a completely centralized control of industry. As stated in the preamble of the so-called "labor charter," varying conditions throughout the world make "strict uniformity in the conditions of labor difficult of immediate attainment"—but uniformity is the ultimate aim.

In working toward uniformity, there will be a general leveling process, which will inevitably destroy this country's present position of leadership in the struggle to gain further advantages for the great mass of workers.

It is my conviction that such a body as the General Conference, undemocratic as I have shown it to be, and with no direct contact with the masses of the people, armed with the immense prestige and moral force of international authority, will lay a restraining hand upon any efforts which may be made in America and elsewhere in the interests of the workers.

I am aware that the American Federation of Labor, meeting a few weeks after the adoption of the labor articles at Paris, gave its indorsement to the treaty, upon the appeal of Mr. Gompers.

But Mr. Gompers before the American Federation of Labor had been placed by the President in much the same position as the United States Senate, where the whole treaty as brought back from Paris must be accepted or the gravest responsibilities assumed in rejecting it.

In the adoption of this section of the treaty as it stands there is at least one source of immediate menace.

Mr. President, should labor in this country contend for a new concession, and by educating public opinion make it possible to secure action from Congress, will not the fight be carried by the opposition into the General Conference set up by this treaty?

Take, for example, the seamen's act, which was passed by Congress after 21 years of agitation.

This act, on the face of it, affects every nation in the world directly or indirectly, and since its passage in 1915 our State Department has been urged by Great Britain to alter its provisions or to curtail its enforcement.

I am tempted, of course, to turn aside and to lay before the Senate at this moment the tremendous benefits being wrought out month by month for the advancement of a merchant marine that will put America in the front rank of the maritime nations of the world, but I content myself with saying that many of the then strongest opponents of the seamen's act are now among its strongest advocates. I bring it forward as an illustration of what will happen to any suggestion for advanced legislation which directly or indirectly affects labor.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. Certainly.

Mr. KNOX. May I ask the Senator from Wisconsin a question? I listened with the greatest interest to his speech until I was necessarily called out of the Chamber, at the time he was discussing the last clause of article 405, providing that—

> In no case shall any member be asked or required, as the result of the adoption of any recommendation or draft convention by the conference, to lessen the protection afforded by its existing legislation to the workers concerned.

I did not understand if the Senator indicated whether the words "existing legislation" had reference to legislation in existence at the time of the exchange of ratifications of the treaty or legislation existing at the time the proposition affecting workers might have been created. I am very anxious to know what the Senator's view is on that point.

Mr. LA FOLLETTE. It is my opinion that it would clearly mean legislation existing at the time of the exchange of the ratification of the treaty. That, I believe, would fix the interpretation of that provision. I should be very glad indeed to have the opinion of the Senator from Pennsylvania upon that subject.

Mr. KNOX. Unfortunately the Senator from Pennsylvania has not given this clause of the treaty the thought and study that the Senator from Wisconsin has given to it. I am only anxious to obtain the Senator's view; that is all. I have no disposition to challenge it in any respect.

Mr. LA FOLLETTE. Oh, no; I understood.

Mr. KNOX. I can see that there can be much said in favor of the proposition, although I am frank to say that I can see something to be said upon the other side.

Mr. LA FOLLETTE. That may be true. I present it as the matter appears to me. I may be in error about it, but be that as it may, it would still operate as a limitation.

If the seamen's act were introduced to-day, it would, in all probability, be referred to the General Conference, there to be considered by the representatives of thirty-odd nations.

Organized labor of America would then have the task of educating these representatives, acting for nations which are commercial competitors of the United States, and who would not be blind to the fact that the seamen's act would result, as it already has, in the building up of a merchant marine as an additional commercial advantage to this country or in advancing very rapidly along that course.

I am reminded, Senators, of the history of one phase of the long struggle to secure the seamen's act. That struggle began in 1894 and extended over a period of some 21 years. When it seemed that ultimate success was to come as a result of that long and persistent campaign, those who were opposed to the passage of the seamen's law brought about very much such an international conference, as is proposed here, as means of preventing that legislation in this country.

One of the high officials of this Government, who had through several administrations been the chief obstacle to the passage of the seamen's act—I refer to Mr. Chamberlain, Commissioner of Navigation—was instrumental in bringing about what was known as an "International Conference for Safety of Human Life at Sea," which was held in London. It assembled, I think, in November, 1913. In October, 1913, we had passed the seamen's act through the Senate. It was morally certain that it would become a law. It had been passed, though not in its present form, during the Taft administration, and suffered a pocket veto. But when the opponents of the seamen's act foresaw that they would be defeated and that the law would be written upon the statute books, they set in motion the machinery for an international conference. They knew that Great Britain would dominate that conference. They knew that she was opposed to the seaman's bill. And they relied upon that conference to make recommendations which would be prejudicial to the passage of the seamens' act in this country. That is precisely what happened. In the closing hours of the Congress, which terminated on the 4th of March, 1913, there was an intense struggle by the opponents of the seamen's act, who sought to push the London conference treaty through the Senate and have it ratified before the seamen's act could be passed and reach the President for his approval, and it was only by the

accidental fact that a quorum was absent at a time when the treaty might possibly have been concurred in that the seamen's bill passed Congress and was approved by the President before any action was had upon the London treaty.

Mr. LODGE. That was 1913, was it not?

Mr. LA FOLLETTE. Yes.

Mr. LODGE. The Senator said 1915. I thought it was 1913. The pact of London was before the war.

Mr. LA FOLLETTE. Yes.

Mr. NORRIS. It was 1913.

Mr. LA FOLLLETTE. Yes; certainly. It was 1913.

Is it contended that the 24 delegates of Great Britain would join with the 4 delegates from the United States in support of such a measure?

Indeed, it is not possible, with the seamen's act already on our statute books, that the General Conference may take action which will restrict its operation? The friends of the seamen's act in the United States, after spending 21 years in securing its adoption, and after seeing the Commission on International Labor Legislation reject the principle of the act, although it had the indorsement of American labor, fear just this contingency.

Mr. President, I have no doubt that the interests of the millions of men and women in industry are endangered by the provisions of the labor articles. But the effect of these articles does not stop with one class of our population. This section of the treaty, if it is accepted by the Senate as it stands, will profoundly affect our fundamental political institutions, and through them its influence will be felt by every man, woman, and child in the United States.

Whatever difference of opinion may exist as to the interpretation of the labor provisions of the treaty, no man can deny: The labor articles of this treaty set up an international legislative body, undemocratic in character, which has broad power to reach out into the internal affairs of this country, and which would be able to mass the weight of aggregate world pressure behind its program of legislation and write that program into our statutes against the unorganized will of the American people. I mean by that that the weight of the recommendation of the international body brought to bear upon Congress itself might be the means of putting through legislation against the will of the American people.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. Certainly.

Mr. GRONNA. Speaking of friends of the seamen's act, I wish to say to the Senator from Wisconsin that I had the privilege of listening to an address made by Mr. John H. Rossiter, who, I understand, is one of the men best qualified to speak upon the question of shipping. He stated that the seamen's act met with his unqualified approval. He said it was indispensable to the success of American shipping. So it is not only labor, I will say to the Senator, that begins to recognize what the seamen's act is doing not only for labor but for those who have their money invested in shipping.

Mr. LA FOLLETTE. I will ask the Senator from North Dakota to state, in that connection, what interests Mr. Rossiter represents and what his standing is in the world of commerce.

Mr. GRONNA. Mr. Rossiter was a member of the Shipping Board during the war, as I understand it. He is manager of large shipping interests on the Pacific coast. I have been told that he is one of the best—if not the best—posted men of the world on the question of shipping. They have hundreds of millions of dollars invested in the business of shipping.

Mr. LA FOLLETTE. I will ask the Senator, before he takes his seat, if it is not a fact that Mr. Rossiter, like a great many others of those who represent large investments in steamship lines, was originally very much opposed to the seamen's act?

Mr. GRONNA. Oh, yes.

Mr. LA FOLLETTE. And I will ask the Senator if he made any statement in that connection touching that point?

Mr. GRONNA. He went into detail and stated that before the bill was passed he was very much opposed to it; but, after having seen what the law has accomplished for our merchant marine, he has changed his mind. He now says he is willing to go further than the La Follette Seamen's Act goes, and that the law is not only in the interest of labor but it is in the interest of American shipping. I am simply bringing this to the attention of the Senate, because I know it has often been argued here that the law was detrimental to the American shipping industry.

Mr. LA FOLLETTE. I thank the Senator from North Dakota for making that contribution.

Mr. President, in our modern era of a highly organized industrial society, the movement for democracy in industry is tending to supersede at many points the old struggle for political democracy.

Competition between business men and manufacturers, which tended to lower prices and increase wages, has wholly disappeared. All the basic industries of the Nation and most of the subordinate industries have passed into the control of small groups of men. Their power is absolute, and they increase prices and lower actual wages at will.

The great mass of the people, meanwhile, have become wage earners, employed in industry. With these fundamental changes, the battle line in the struggle runs through the industrial life of the entire Nation.

By the labor section of this treaty we are giving to an international body—a superlegislature—an entering wedge through which it may intervene in the settlement of our industrial affairs.

At the very point where the fight for real democracy is most heated, where action is fraught with the most vital consequences to the mass of the American people, the treaty sets up an international body which has full authority and power to act.

Mr. President, I can not consent to that grant of authority and power. Believing, as I do, in democratic principles; believing that the best results in legislation and government are obtained when those who legislate are in closest touch with, and elected directly by, the people; believing, in other words, in the wisdom of the principles written into the American Constitution, which must be preserved if we are to save our free institutions; believing, finally, that America's best gift to the world and most effective aid to the cause of labor throughout the world would be the example of the perfection of our own democracy, unhampered and unrestrained by outside influences; believing, sir, these things, I shall move to strike out the labor articles of this treaty.

I thank the Senate for its attention.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gay	Knox	Robinson
Bankhead	Gore	La Follette	Sheppard
Borah	Gronna	Lenroot	Shields
Brandegee	Hale	Lodge	Smith, Ariz.
Calder	Harding	McCormick	Smith, Ga.
Capper	Harris	McKellar	Smith, S. C.
Chamberlain	Harrison	McNary	Smoot
Culberson	Henderson	Moses	Spencer
Cummins	Hitchcock	New	Swanson
Curtis	Johnson, Calif.	Norris	Thomas
Dial	Johnson, S. Dak.	Nugent	Trammell
Dillingham	Jones, N. Mex.	Overman	Wadsworth
Edge	Jones, Wash.	Owen	Walsh, Mass.
Elkins	Kellogg	Page	Walsh, Mont.
Fall	Kendrick	Penrose	Williams
Fernald	Kenyon	Phelan	Wolcott
Fletcher	Keyes	Phipps	
France	King	Pomerene	
Frelinghuysen	Kirby	Ransdell	

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present.

The question is upon the amendment proposed by the Senator from Tennessee [Mr. SHIELDS] to the amendment of the committee.

Mr. HITCHCOCK. On that I ask for the yeas and nays.

Mr. FALL. Mr. President, I had not intended to say anything upon this amendment, but I feel so strongly upon the subject that I am going to occupy the time of the Senate briefly with no prepared speech, but to offer a few remarks emphasizing some of the things I have said heretofore in the Senate.

The question now at issue, as to the equal voting powers or privileges of the nations under the proposed league of nations, is one of the concrete questions proving, to my mind, the classification of the character of the treaty which we are requested to enter into, and by its very nature emphasizing the conclusion at which I long since arrived, that the Senate has no power whatsoever to enter upon this treaty at all; that the President had no power or authority to negotiate it; that it is unconstitutional; and that if it comes before the Supreme Court of the United States in any of its phases, as inevitably it will, it will be so declared, in my judgment.

I have made an attempt at a legal argument upon this proposition once before. I do not intend to rehearse or rehash what I said at that time, but merely to call attention to the line of argument and the conclusions which I drew.

I called attention at that time to the fact that under the articles of confederation we had entered into two treaties, known as the treaties with France, the one a treaty of amity and commerce and the other a mutual treaty of alliance, offensive and defensive. I called attention to the fact that trouble had

arisen over these treaties prior to the action of the Constitutional Convention framing the Constitution under which this treaty is now submitted for the consideration of the Senate.

Of course when I use the word "treaty" here, I refer to the entire instrument, including the covenant of the league of nations, and it is to that portion of the treaty that I am directing my remarks.

I then called attention to the historical fact that already, under the declarations of Washington, as shown in his letters to Pinckney and to Henry when he asked Henry to take the position of Secretary of State after the resignation of Randolph, and under the declarations of our other statesmen of that time, we were entering upon the American policy of "no entangling alliances."

I called attention to the fact that by Article IX of the Articles of Confederation it was specifically provided that the United States of America could enter into treaties, compacts, and "alliances."

I then called attention to the fact that in the adoption of the Constitution of the United States the States are prohibited from entering into treaties, compacts, and "alliances."

I called attention at that time to the fact that there were different classifications of treaties laid down by all the writers upon the subject.

I called to your attention the fact that the international law writer of all ages, Vattel, was a contemporary of Thomas Jefferson, who knew him in Paris. You will find Vattel referred to and cited again and again in Jefferson's works, as you will find citations to him as an admitted authority in the declarations upon international law of practically every father of this country.

Vattel had commented upon all the works on international law issued up to his day. He is a recognized authority now in every civilized country upon the globe upon international legal propositions. Jefferson, as I understand, knew him personally, and, as his writings, letters, and speeches show, he read him constantly and relied upon him.

I then commented upon the fact that, excluding the definitions which had been given by Article IX of the Articles of Confederation and excluding the definition in the limitation upon the power of the States, the people of the United States empowered the President of the United States and the Senate to enter into treaties.

I called attention at that time to the classifications of treaties, those based upon natural law or the law of necessity in human affairs and international affairs, and the other classes of treaties promising future things to be done by one nation with the other. This classification was well understood by those who wrote the words into this Constitution. I was and have been surprised, I may say, in private conferences with Senators, to learn that the distinction which the fathers had in mind when they wrote this Constitution, in my judgment, founded upon my reading of history and my construction of the words used by them, has not been understood at all by various of the Senators here. For that reason, to make my purpose clear, as I simply drew conclusions and stated facts without quotations, I propose to occupy a few moments more of the time of the Senate in attempting to clarify the statements which I made, to the understanding of others who apparently have not understood what I meant.

I referred to Vattel. I have referred to the fact, and I refer to it again and ask you to bear it in mind, that Vattel was the author upon whom the fathers relied with reference to definitions of international law, and to the law itself, when they were considering it.

Vattel points out—and I am going to quote from him, quoting and following Grotius—the distinction which I then had reference to, and which I desire now to impress, for the purposes of the present and of the then argument. He says:

> Grotius divides treaties into two general classes, first, those which turn merely on things to which the parties were already bound by the law of nature. * * * By the former—

That is, the first, which he is defining—

> we acquire a perfect right to things to which we before had only an imperfect right, so that we may thenceforward demand as our due what before we could only request as an office of humanity. Such treaties * * * are useful * * * in order the better to secure the succors they may expect—to determine the measure and degree of those succors, and to show on what they have to depend—to regulate what can not in general be determined by the law of nature, and thus to obviate all difficulties by providing against the various interpretations of that law. * * * To this first class belong all simple treaties of peace and friendship, when the engagements which we thereby contract make no addition to those duties that men owe to each other as brethren and as members of the human society. Such are those treaties that permit commerce, passage, etc.
>
> Secondly, in this classification—

As Vattel is explaining that made by Grotius—

> those treaties by which nations enter into further engagements. Such last are either equal or unequal.
>
> Equal treaties are those in which the contracting parties promise the same things, or things that are equivalent, or, finally, things that are equitably proportioned, so that the condition of the parties is equal. Such is, for example, a defensive alliance, in which the parties reciprocally stipulate for the same succors. Such is an offensive alliance, in which it is agreed that each of the allies shall furnish the same number of vessels, the same number of troops, of cavalry, and infantry, or an equivalent in vessels, in troops, in artillery, or in money. Such is also a league in which the quota of each of the allies is regulated in proportion to the interest he takes or may have in the design of the league—

And so forth.

Mr. President, under the confederation, using the power vested in it under Article IX of the Articles of Confederation, allowing the Congress of the United States to enter into treaties, compacts, and alliances, they entered into the alliance with France which caused trouble from the moment it was entered into, or immediately after the close of the war, until the year 1798, when it was finally denounced by the Congress of the United States. These facts were known; and it was the purpose of the fathers when they wrote this Constitution, in my judgment, to prohibit this Government from entering into treaties of alliance. They understood the distinction, as Vattel and Grotius and all the writers understood it then and understand it now, between ordinary treaties defining human rights of trade, of commerce, of immigration, and matters of that kind and treaties of alliance by which one country promised under a given condition of affairs to go to the assistance of another or under which countries bound themselves mutually into a league.

In the discussion of this subject upon the former occasion to which I have referred I referred to the expressions of various of the fathers, and I quoted from Jefferson upon more than one subject; and I must say that I thought I had read practically everything Jefferson had said in all his voluminous writings, including his letters, upon this subject, but that I overlooked at that time his parliamentary manual upon the subject of the treatment of treaties in this body. My attention was called to that after I had delivered the speech. In conclusion, upon the subject of treaties, Jefferson says, as I have said, sir:

> The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe.

I said, in the conclusion of the argument which I made upon the occasion to which I have referred, that this treaty which we are now required to enter into was a treaty classified by the law writers as an "unequal treaty with sovereignty impaired."

Mr. President, I undertook at that time to make a further distinction. I referred then to the article of the Constitution concerning the power of the Supreme Court of the United States, and referring to the Constitution "the laws of Congress made in pursuance of the Constitution" and treaties entered into by "authority" of the United States.

I do not agree fully with Mr. Tucker, eminent lawyer as he was, in the argument which he has made, and which has been followed, as you all well know, by very many eminent lawyers in this country, that under no circumstances could the United States cede any portion of her territory. I think, sir, as I thought when I made the first argument upon the constitutionality of this instrument in this body, that "in extremis," if conquered, beaten to our knees by some foreign country, it became necessary for this country to sue for peace, and to yield, for instance, to the British Empire a portion of the State of Vermont to secure the safety of the other States of the Union, that not under the Constitution but in violation of the fundamental laws of the land, in accord with the great law of national self-preservation, the authority of the Congress of the United States might go to the extreme of ceding a portion of the territory of the Union. I say to you now that, in my judgment, the only possible authority which you may find for entering into the treaty now before you is not under the Constitution of the United States but only to be found in the last resort of a conquered nation to save the balance of its people and of its empire.

Mr. President, are we a conquered people? We entertained on yesterday one of our allies, and we engaged in mutual congratulations based upon the fact that instead of being a conquered Nation we were the victors in the greatest war which the world has ever known, and to our part of this war is largely due the fact that victory first perched upon the banners of the Allies, and that Belgium was redeemed.

I took the position before, and listening to the month's debate I have heard no challenge to it, and I have heard no words uttered here, nor have I read the utterances of others upon that subject, which have caused me in the slightest degree to change my then opinion, that this proposed covenant of the league of nations is a delegation of authority which we have no right to make, and is unconstitutional under the Constitution of the United States.

Not conquered; and yet let us see whether the definition that I then gave is the correct definition of an "unequal alliance with sovereignty impaired."

The Senate proposes to reject the amendment offered by the Senator from Tennessee [Mr. SHIELDS] and declare to the world that the United States is content to enter this league upon a parity with Liberia, and with the Kingdom of Great Britain exercising six times the power, through her voice and her vote, that the United States shall exercise. If there were no other objections, if there were no constitutional objections, if there were no objections resting upon policy, Mr. President, with due respect to those of my colleagues who differ from me in this matter, I say that as an American citizen I would walk out of the Senate, offering to you, sir, and telegraphing to my people, my resignation as a Senator before I would abase my Americanism by voting to reject an amendment to equalize the vote of this great Nation with the vote to be cast or the power or influence to be wielded by any other people or nation on the face of the earth. I say to you that in so voting to reject an amendment of equalization, you are voting for war and not for peace. If a peace, it is a dictated peace by Great Britain, and not an honorable peace, such as we, as equals, have always demanded and secured.

I say to you, sir, if there is Americanism left in the people of the United States, it will be only a few months until you meet this question in the conventions of the great parties, and then you will meet it upon the hustings, and those of you who vote to allow Great Britain six times the influence and six votes to our one will be explaining to your people the reason for your vote. I am not assuming to speak for the American people, but merely to voice my judgment of the genuine true American character, and if I know anything of it, they will denounce this treaty at the first opportunity if you place your seal of approval upon it, and that opportunity they will make at a very early date.

Mr. President, it is inconceivable to me how and I can not understand the process of reasoning by which an American can agree to enter into this unequal treaty, in the first place; and how he can enter into it upon unequal terms, in the second place. It is inconceivable to me that the people of the United States, in the face of the declaration which we hear every day that the other nations of the earth are bankrupt, should be led into a copartnership with seven or eight bankrupt nations for the purpose of restoring their solvency by the addition of ourselves among the number as a member of the firm, the only solvent, great, self-supporting nation upon the face of the earth to-day.

Now, Mr. President, I have nothing further to say upon the subject. I simply desired to make these citations as illustrating the argument which I made heretofore. I do not impugn the motives of any man who differs from me and votes differently from myself. It is simply a matter of impossibility for me to enter into his line of reasoning and appreciate his conclusions.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Tennessee [Mr. SHIELDS] as a substitute for the amendment reported by the committee.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	Lenroot	Sherman
Ball	Gerry	Lodge	Shields
Bankhead	Gronna	McKellar	Simmons
Borah	Hale	McLean	Smith, Ariz.
Calder	Harding	McNary	Smith, Md.
Capper	Harris	Moses	Smith, S. C.
Chamberlain	Harrison	Nelson	Smoot
Colt	Henderson	New	Spencer
Culberson	Hitchcock	Norris	Sterling
Cummins	Johnson, Calif.	Nugent	Sutherland
Curtis	Johnson, S. Dak.	Overman	Swanson
Dial	Jones, N. Mex.	Owen	Thomas
Dillingham	Jones, Wash.	Page	Trammell
Edge	Kellogg	Penrose	Wadsworth
Elkins	Kendrick	Phipps	Walsh, Mass.
Fall	Kenyon	Poindexter	Warren
Fernald	Keyes	Pomerene	Williams
Fletcher	King	Ransdell	Wolcott
France	Knox	Robinson	
Frelinghuysen	La Follette	Sheppard	

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. A quorum is present. The question is upon the amendment proposed by the Senator from Tennessee [Mr. SHIELDS] to the amendment of the committee.

Mr. HITCHCOCK. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, before the Secretary begins the calling of the roll, I should like to ask whether this is a substitute for the amendment offered by the Senator from New Hampshire [Mr. MOSES], or is it to be a direct vote upon the amendment?

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the committee and the substitute offered by the Senator from Tennessee.

The SECRETARY. The amendment of the committee proposes to insert, on page 31, after line 8, the following words (committee amendment No. 2):

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

In lieu of those words the Senator from Tennessee [Mr. SHIELDS] proposes to substitute the following:

Provided, That when Imperial and Federal Governments and their self-governing dominions, colonies, or States are members of the league, as originally organized, or hereafter admitted, the Empire or Federal Government and the dominions, colonies, or States shall, collectively, have only one membership, one delegate, and one vote in the council, and only three delegates and one vote in the assembly.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I am paired with my colleague [Mr. MCCUMBER] on this question. If he were present, he would vote "nay" and I would vote "yea." I am unable to secure a transfer and therefore withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD], who is detained from the Chamber on account of illness. Therefore I withhold my vote.

Mr. JOHNSON of California (when his name was called). On this and the succeeding vote, I have a pair with the senior Senator from Virginia [Mr. MARTIN] and am therefore compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I am informed that if he were present he would vote as I intend to vote upon this amendment, and because of that fact he was at liberty to pair and did pair with his colleague. I therefore vote "nay."

Mr. CURTIS (when Mr. TOWNSEND's name was called). I was requested to announce that the Senator from Michigan [Mr. TOWNSEND] is detained from the Senate on official business. If present, he would vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). I desire to announce that my colleague [Mr. UNDERWOOD] is detained from the Chamber on account of illness. He has a pair with the junior Senator from Ohio [Mr. HARDING]. If present, my colleague would vote "nay."

Mr. WALSH of Massachusetts (when his name was called). On this question I am paired with the junior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He is not present, and I am obliged to withdraw my vote. If permitted to vote I would vote "yea."

Mr. JOHNSON of California. I transfer my pair to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Wyoming [Mr. WARREN] and vote "yea."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. HARDING (after having voted in the affirmative). I note that the Senator from North Carolina [Mr. OVERMAN] has made a transfer of his pair with the Senator from Wyoming [Mr. WARREN]. I am therefore obliged to withdraw my vote.

The result was announced—yeas 32, nays 49, as follows:

YEAS—32.

Ball	Elkins	La Follette	Penrose
Borah	Fall	Lodge	Phipps
Brandegee	Fernald	McCormick	Poindexter
Calder	France	McLean	Sherman
Capper	Frelinghuysen	Moses	Shields
Cummins	Johnson, Calif.	New	Wadsworth
Curtis	Jones, Wash.	Norris	Walsh, Mass.
Dillingham	Knox	Page	Watson

NAYS—49.

Ashurst	Colt	Edge	Gerry
Bankhead	Culberson	Fletcher	Hale
Chamberlain	Dial	Gay	Harris

Harrison	Lenroot	Ransdell	Sterling
Henderson	McKellar	Robinson	Swanson
Hitchcock	McNary	Sheppard	Thomas
Johnson, S. Dak.	Myers	Simmons	Trammell
Jones, N. Mex.	Nelson	Smith, Ariz.	Walsh, Mont.
Kellogg	Nugent	Smith, Ga.	Williams
Kendrick	Overman	Smith, Md.	Wolcott
Kenyon	Owen	Smith, S. C.	
Keyes	Phelan	Smoot	
King	Pomerene	Spencer	

NOT VOTING—15.

Beckham	Kirby	Pittman	Townsend
Gore	McCumber	Reed	Underwood
Gronna	Martin	Stanley	Warren
Harding	Newberry	Sutherland	

So Mr. SHIELDS's amendment to the amendment was rejected.

Mr. KIRBY subsequently said: Mr. President, I desire to announce that I was absent at lunch, about three blocks distant, when the Senate voted on the Shields amendment, and my line of communication did not hold well. The Sergeant at Arms phoned that a vote was about to take place, but the hotel operator failed to notify me in time to appear. I would have voted against the proposed amendment had I been present. I have been consistently taking the treaty straight, and would have continued to do so on that vote.

The PRESIDENT pro tempore. The question now is upon the amendment to the treaty proposed by the Committee on Foreign Relations.

Mr. JOHNSON of California. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). Making the same announcement as to my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] that I made on the last roll call, I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. JOHNSON of California (when his name was called). I make the same announcement as on the previous vote relative to the transfer of my pair with the senior Senator from Virginia [Mr. MARTIN] to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous roll call regarding my pair with the senior Senator from Kentucky [Mr. BECKHAM], I am obliged to withhold my vote. If permitted to vote, I should vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD'S name was called). I desire to make the same announcement in reference to my colleague [Mr. UNDERWOOD] that I made on the last roll call.

Mr. WALSH of Massachusetts (when his name was called). Making the same announcement as to the transfer of my pair as on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. GRONNA. Making the same announcement as on the previous roll call, I desire to say that on this question I am paired with my colleague [Mr. MCCUMBER]. If he were present, and I were permitted to vote, I should vote "yea" and he would vote "nay."

The result was announced—yeas 36, nays 47, as follows:

YEAS—36.

Ball	Fall	La Follette	Phipps
Borah	Fernald	Lodge	Poindexter
Brandegee	France	McCormick	Sherman
Calder	Frelinghuysen	McLean	Shields
Capper	Gore	Moses	Smoot
Cummins	Johnson, Calif.	New	Spencer
Curtis	Jones, Wash.	Norris	Wadsworth
Dillingham	Kenyon	Page	Walsh, Mass.
Elkins	Knox	Penrose	Watson

NAYS—47.

Ashurst	Harrison	McNary	Smith, Ariz.
Bankhead	Henderson	Myers	Smith, Ga.
Chamberlain	Hitchcock	Nelson	Smith, Md.
Colt	Johnson, S. Dak.	Nugent	Smith, S. C.
Culberson	Jones, N. Mex.	Overman	Sterling
Dial	Kellogg	Owen	Swanson
Edge	Kendrick	Phelan	Thomas
Fletcher	Keyes	Pomerene	Trammell
Gay	King	Ransdell	Walsh, Mont.
Gerry	Kirby	Robinson	Williams
Hale	Lenroot	Sheppard	Wolcott
Harris	McKellar	Simmons	

NOT VOTING—13.

Beckham	Martin	Stanley	Warren.
Gronna	Newberry	Sutherland	
Harding	Pittman	Townsend	
McCumber	Reed	Underwood	

So the amendment of the committee was rejected.

Mr. LODGE. Mr. President, that concludes the committee amendments. The treaty is now open to amendments to be offered by individual Senators.

The PRESIDENT pro tempore. The treaty is before the Senate as in Committee of the Whole and open to amendment.

Mr. SHERMAN. Mr. President, I now submit an amendment which was offered by me on October 11, 1919. I wish very briefly to state that the supreme worldly self-sufficiency of the Paris conference challenges the belief of mankind in an overruling Providence. I do not wish to discuss this matter save to say that the Declaration of Independence, the Articles of Confederation, the Emancipation Proclamation of 1863 all contain reference to an overruling Providence. This document does not, either in Part I or Part II. It is the most materialistic document of a creative epoch-making form ever known to civilized mankind. The most materialistic professor in a German university could not excel the ignoring of any overruling Providence aside from the agency of men if he were to try his utmost so to do.

To correct this, and being at most but an informal amendment, so far as its legal, international, or diplomatic significance is concerned, I have offered this amendment to the preamble or introduction to the document. I ought to say that it is not my composition; it is the exact language of the closing words of the Emancipation Proclamation of Abraham Lincoln.

Mr. KNOX. Mr. President, I only want to add to what has been stated by the Senator from Illinois [Mr. SHERMAN] that the invocation of the blessing of the Almighty upon great public documents is not confined to documents like the Declaration of Independence but has its precedents in the great treaties of the world. One of the most humane and beneficent treaties ever negotiated between the nations was the treaty of Brussels in 1840 against the African slave trade, and the first line of that treaty was, "In the name of God Almighty."

Mr. THOMAS. Mr. President, this document is one that represents the combined wisdom of the delegation representing 27 nations. Some of these nations are composed of people who believe in that form of world religion called Christianity; some of them do not. Japan is one of the principal allied powers recently engaged in the war with Germany, and the religion of her people does not conform to that of the United States or of Great Britain or of the other principal allied powers. The great British dependency of India, composed of nearly 400,000,000 people, is not a Christian nation.

Mr. JOHNSON of South Dakota. Mr. President, there is so much noise in the Chamber that we are unable to hear the Senator.

The PRESIDENT pro tempore. There must be order in the Chamber.

Mr. THOMAS. I wish to assure Senators that I do not propose to indulge in any very extended remarks upon the subject of religion, which, generally speaking, is foreign to our discussions. The purpose which I have in mind is to call attention to what seems to me to be the inappropriateness of the amendment proposed by the Senator from Illinois.

I can readily understand that if this treaty were a covenant between nations whose people professed belief in the Christian religion, whatever their practices may be, precedents could be found for the insertion of such a clause in the preamble. I think on several occasions in the past treaties which have been made between the United States and other Governments have been made in the name of Almighty God, or of the Holy Trinity, both, of course, representing the Deity in Christian conception. The vast number of our treaties, however, have made no reference whatever to that subject. Here, however, is a treaty which is designed to change the face of the world geographically, politically, and morally, the constituents of which represent various forms of religious belief. That fact, in my judgment, justifies the absence of such a reference in this treaty; and I can easily understand how its insertion here by way of amendment might be the cause of serious disagreement with regard to the ultimate acceptance of the document as affecting this country.

I do not think I misstate the position of the Senator from Illinois when I say that it is not his purpose to vote for the ratification of this treaty whether his amendment is adopted or not; for only a few days ago the Senator, who is always candid and courageous, declared, in substance—and if I misquote him I hope he will correct me—that he would vote for all amendments to this treaty, good, bad, or indifferent, and then, upon the final vote, he would vote to reject it. I think that is correct. Hence, even if we adopt this amendment and

insert it in the treaty, it will not command an affirmative vote from the senior Senator from Illinois.

I can see nothing but trouble from the adoption of this amendment, in view of the composite religious character of the peoples composing the nations that were represented at Paris, and of whose labors this is the fruit. But, Mr. President, I want to say also that I personally oppose this amendment, because I never have believed in saddling the Almighty with responsibility for the sins and wickedness and mistakes of humankind. I do not believe that any overruling Providence is responsible for this war. If I were a believer in a personal Deity, I should have too much reverence, love, respect, and affection for Him to suppose for a moment that He was even an accessory before the fact to this terrible calamity that has afflicted the civilized world; and I am equally sure that whatever the fate of this treaty—good, bad, or indifferent—may be, should it become an established document between the nations, it will not in anywise be affected by the inclusion or the exclusion of this amendment.

Germany, from the date of her declaration of war, imposed her cause upon the Almighty, and her Kaiser associated himself with that omniscient Being in terms of full partnership. To the Allies that seemed an impious thing, and to us as well. We repudiated the possibility of any such association, because I think we instinctively recognized the fact that if there could be such responsibility, the war could have been prevented, and would have been prevented, by the interposition of the same Supreme Power; and, of course, the other nations of the earth relied with equal implicitness upon the same Divine sustenance, and looked to it with faith and with prayer for victorious deliverance from the terrible Hun. Thus the same Deity was invoked by nations believing in Him, and at war with each other, to give them His assistance and divine aid in their work of cutting each others' throats and deluging the European world with blood; and there are many devout people in the world who think that their prayers were answered, and that the result of this war was due to the prayerful persuasion of the victorious hosts of the Allies. It may be so, but I am unable to accept the conclusion.

One of the many Chinamen who were imported to France to aid in the war, upon his return home announced that he had had a good time; that for the last 18 months he had witnessed Christians cutting each others' throats; and we can imagine with what cynicism this follower of Confucius regarded the spectacle.

I shall not refer to the numerous wars which religion has provoked, and which, in their aggregate, have been the fruitful source of more bloodshed upon the battle fields of the world than any other single cause; but the same belief which inspires us inspires also those of non-Christian nations with regard to their own deities and their own professions of religion. If it be true that an extraordinary supernatural power controlled this war, was the cause of it, and directed its result, then we can not escape the conviction of cooperation to a common end between our own God and all the other gods of the non-Christian countries; and upon that assumption the recognition of but one of them in the treaty can not be construed otherwise than as a reflection upon the others.

I do not think this has any place in the treaty. I shall not detain the Senate any longer, but shall ask for a roll call upon the amendment.

Mr. BORAH. Mr. President, I presume all Members of the Senate were reared in the atmosphere of Christian belief, and that in any cause in which any Member of the Senate felt a deep and an abiding interest, and wished for its success, it would be natural to invoke the presence of the Divine Being. It is very difficult to discuss this question without seeming to be satirical, but I beg the Senate to know that what I say I say in the utmost sincerity.

I would feel that if I should invoke the Divine blessing upon this treaty I would be guilty of sacrilege. It is founded in oppression. It depends and rests upon military force. If it is carried out, it will deprive millions of people of their liberty for all time to come; and in my judgment, while I know that men equally honest and sincere differ with me, if it is carried out it will destroy this Republic. I do not, therefore, propose to vote for an amendment which in any way recognizes or invokes Divine aid and agency in the execution of this kind of an instrument. From my standpoint it would be mockery.

Mr. President, look at the list of people who will survey the action of the United States Senate to-day in invoking the presence of Divine power for the successful maintenance and execution of this instrument. What will the millions in Shantung think? How will they hereafter look upon the Christian God—a god of oppression, a god which tears asunder peoples and distributes them to an enemy nation? What will the millions in Korea think? What will the people of Egypt, who have been tricked and robbed of their birthright, think?

This treaty effectuates the complete disposition of these people without their consent. It takes away the dearest rights which a people can have or enjoy upon this mundane sphere, and, if we are successful in writing into it the league of nations, we guarantee that that condition of affairs shall be eternal. We pledge the lives and the blood of generations yet to come to maintain the oppression and force which we are establishing over these subject nations. We are sending our missionaries into these countries for the purpose of teaching them the Christian religion and we write into our treaty a provision which deprives them of their rights as human beings; and now it is proposed to invoke the presence and blessings of our God. And yet we know that the people to whom we are giving dominion over the Koreans and the people of China, of Egypt, and of Ireland are persecuting and decimating those people day by day. If we are successful in writing into this treaty the covenant, we, as a Christian people, pledge ourselves to continue a status which will continue this condition of affairs.

Therefore, sir, as a believer in Christianity and accepting the divine guidance of an Omnipotent Being in the great affairs of the world, I do not propose, so far as I am concerned, to invoke His seal of approval upon a conditon of affairs which, in my judgment, means the oppression of nearly one-half of the inhabitants of the globe. The attributes of the Supreme Being I have been taught from childhood to reverence are to those of justice, of freedom, and of liberty. These things are by this treaty denied to millions.

Mr. SHERMAN. Mr. President, I have no pride of authorship or opinion in regard to this amendment. I have offered no amendment other than this, nor have I written any reservation. I have voted for a number of amendments and I shall vote for a variety and number of reservations, both those reported by the committee and others.

I have expressed myself as then being ready to vote to reject the treaty. I expect to do so, because I have no sovereign, abiding faith that any amendments will be adopted to remove what I consider the evil features of this document. I do not believe that even if all the reservations, the most radical in character, should be adopted, they would remove the evil contained in the league and the treaty. The adoption of those reservations will, as I have already stated, only serve, as I see it, to save us from the imputation of bad faith. As a change in any manner of the league or the treaty as adopted or ratified by the other nations of the world, it will be among them without significance or effect. Internationally, it will still be as it came from the peace conference, except as to us. I have no faith, Mr. President, in the virtue of the reservations after all these amendments may have been defeated. In that spirit I said I would vote to reject the treaty, and I expect to be compelled to do so, acting under my sense of duty.

This amendment, if adopted, would not cause the 23 nations' representatives, if assembled, any considerable difficulty in again ratifying the document with this change alone. I do not apprehend, even with the materialistic or agnostic sentiment of Germany, that she would make any vital trouble if she were again called to send her representatives to Paris to reaffirm or ratify the document as changed by this proposed amendment.

The Senator from Colorado [Mr. THOMAS] says, with truth, that this is our expression of our belief in an overruling power. It will be noted, however, on reading the amendment, that there is no such expression as would not be applicable to the belief of any nation or any creed having a belief in an overruling Providence or a future life. It applies to and embraces other religions as well as the Christian.

I once read in an assembly of preachers of the Gospel a criticism of Bishop Newman's hymn, "Lead Kindly Light." It was said that an assembly of pagans might chant this world anthem without regard to whether they had a belief in a Christian God or not. While I was raised in a Christian community and have a Christian faith, I am not identified with any religious organization; but I express my belief in the Christian form of a reliance upon an overruling Providence. Yet, if I had supreme power in the palm of my hand, I would not oppress nor would I hamper the exercise of any person's conscience under any creed in the world if it tended to make mankind better, to preserve public peace, or promote private happiness. Only when it interferes with those beneficent ends ought any alleged religion ever to be regulated by public authority.

I believe that the expression of faith by a Buddhist is as profound and worthy of respect as our own. I believe a devout Mussulman when bowing to the East expresses his belief in a

God as well as ourselves. When the muezzin calls to prayers from the lofty minarets of their country I believe their expression of confidence in a supreme being is as worthy of respect as mine.

I believe the orientals, fatalists as they are, yet have an abiding faith in an overruling power. Whether we be gentile or Jew, Catholic or Protestant, Christian, pagan, or Turk, whether we be of the crude belief of the North American Indian, bowing down before his primeval, barbaric altars, or whether we be an oriental, with his blind belief in his incarnated prophets on earth, whether it be the follower of Mohammed or the follower of Confucius, those who believe in Zoroaster, in the ancient seers and prophets of Israel or in the humane and more kindly doctrine taught by Christ after the star appeared upon His birth in the manger—all these beliefs, Mr. President, are intended to and do elevate and help mankind.

I believe, therefore, the criticism made of Bishop Newman's hymn, that it was not of a creed, that it was not sectarian in character, was improper. The fact that any person who believed in an overruling Providence might chant that hymn was enough to make it appear as one that was destined to do good around the world.

It has been said by the Senator from Idaho [Mr. BORAH], and I will admit there is some truth in it, that this treaty contains some features that tend to make it seem sacrilegious to adopt such an amendment. My suggestion on that is, Mr. President, that even thugs, before they strangle their victims, invoke the blessing of their god; even thieves, before they steal, and the bloody warriors of an antique age before they went out to loot, to desolate, and to burn have invoked the blessings of their god.

I will admit that if this were adopted it would make any satire of Juvenal appear as a kindergarten effort. Nevertheless, I believe if this document is to pass into the history of diplomacy as a treaty binding some of the sovereign nations of the world, we can afford to read this into the preamble or introduction of the document.

I offer it in no sacrilegious or sarcastic sense. I offer it in good faith. I offer it because there is some that is good in the treaty and the league. I offer it hoping that some time the evil may disappear, that it may be purged of that evil, and that with time, and in the experience of nations, there will be a better league.

I remember reading, in the records of 1864, of a certain convention that met in Cleveland, Ohio. It was conducted largely by Carl Schurz and those who believed with him. They were all opposed to the administration of Abraham Lincoln, opposed to Gen. McClellan, the candidate opposing Lincoln, and to every other candidate except the one they favored. Mr. Schurz and his fellow thinkers adopted a platform at Cleveland. A great many otherwise good men were at that convention. One at last noticed that the platform adopted made no reference to the Deity. He offered an amendment to the platform invoking the assistance of Almighty God upon their efforts. Carl Schurz and his colleagues were very much opposed to it, and with a great show of indignation they voted it down. They did not wish any help from the Almighty or anybody else. They felt that they were amply sufficient for all purposes, both public and private.

The remarks of the Senator from Colorado [Mr. THOMAS] made me think somewhat of the self-sufficiency of that historic band of men. Whatever we do with this document in the way of reservations does not injure us; it furnishes no pretext whatever, Mr. President, for any lengthy negotiations, if the assembly of delegates should reconvene to act upon it, and it does give it more standing. If it can be improved, I am in favor of improving it.

The treaty referred to by the Senator from Pennsylvania [Mr. KNOX] was a very striking illustration. All the epoch-making documents in the world's history of a vital, elemental kind, that create new conditions or seek to improve the conditions of the nations concerned, have not omitted some fleeting reference of the kind contained in this amendment.

When Lincoln penned his proclamation it was thought not unworthy to introduce some such reference. The Declaration of Independence refers to it where, "with a firm reliance on the protection of Divine Providence," pledging their lives, fortunes, and sacred honor, the fathers of the Republic concluded that document and subscribed their names.

If one reads back through English history, from whom we borrow and adapt much of our government and laws, the great elementary documents that make up the unwritten constitution of the British Empire, and especially the United Kingdom of Great Britain, those elemental documents when our English ancestors fought, with their lives in their hands, against the usurpation of tyrants that sometimes disgraced the English throne, from the first Charles, beheaded on the streets of London, to the abdicated, fleeing James II—in all those great historical documents or proceedings creating them there is a fitting reference to the Deity. In undertaking to frame a proper amendment I drew from the concluding words of the Emancipation Proclamation, composed and signed by Abraham Lincoln, these latter words, which are the exact language of this amendment, "invoking the considerate judgment of mankind."

What objection can be made to that? If there ever was a document presented to the Senate or ever a treaty proposed among sovereign nations that ought to provoke the considerate judgment of mankind, it is one that professes to be an evangel of peace and heralding the end of war.

We invoke, therefore, the considerate judgment of mankind and the gracious favor of Almighty God—

Not the God of the Christian, not the God of the Jew, not the God of the followers of Zoroaster, the Buddhist, or the Brahmin, not the God of the oriental, not the God of Mohammed, but the God that supervises the affairs of men, of whatever color, race, or creed. We can afford to adopt such amendment, but you gentlemen in this body can not afford to defeat it. Defeat it and take the consequences, as you will of many another provision of this epochal document.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Illinois [Mr. SHERMAN].

Mr. THOMAS. I call for the yeas and nays.

Mr. WALSH of Montana. Mr. President, before the vote is taken upon this amendment, I desire to call the attention of the Senate to the fact that the Senator from Illinois [Mr. SHERMAN], in the list of documents in which reference is made to the Deity, did not include the Constitution of the United States, and quite properly, because it contains no reference to the Deity. The Senator has now been a Member of this body for something over five years, and if he has heretofore proposed an amendment to the Constitution of the United States correcting that document in that respect, my attention has not been called to it.

The fact is that when the people of his State, in the year 1818 under the authority of an act of Congress, undertook to frame their own organic law they omitted to make any acknowledgment of the interposition of the Deity in the affairs of man.

We must therefore look for some other purpose in the proposer of this amendment than a desire to perfect the document. With a very profound conviction that there is a just God who presides over the destiny of nations, I shall have no hesitancy at all in voting against the amendment.

Mr. LODGE. Mr. President, nobody can object, of course, to the first words of this proposed amendment invoking the considerate judgment of mankind, but I confess when it comes to invoking the blessing of Almighty God upon this treaty, which, however it may leave the Senate, will carry with it the infamy of Shantung, which, if there are not reservations or amendments put upon it of a drastic kind, will, in my opinion, shut the gates of mercy on a considerable portion of mankind, it seems to me, though I do not wish to reflect upon anyone else, that I at least can not do it. I can not bring myself to what would be in me hypocrisy. I do not ask, I am not ready to ask, the blessing of God on this instrument. I trust in His wisdom it may ultimately be turned to good purpose, but as it stands to-day I should personally think I were a hypocrite if I asked for the blessing of God upon it.

When Macbeth committed his great crime and the guards of the king turned in their sleep, and one of them said, "God bless us," Macbeth said:

> I could not say "Amen"
> When they did say "God bless us";
> * * * And "Amen"
> Stuck in my throat.

I think something does depend on the act we are about to do. I trust good may come out of this treaty. I hope it may. But in its present condition I should feel myself irreverent if I asked the blessing of Almighty God upon it.

Mr. KNOX. Mr. President, I only desire to make one observation. It seems to me that the remarks made by the Senator from Massachusetts [Mr. LODGE] constitute the strongest argument for the adoption of the amendment, because the worse the treaty is the more it needs the supervision of the Almighty. It ought to be carried out or construed or re-formed in order to make it a proper document.

Mr. SHERMAN. Mr. President, to those Senators who can not vote for the amendment, because it would seem to be a sacrilege or blasphemy because of the iniquitous character of the document, I have no reply to make. There is no answer to

one upon whose conscience it rests so heavily, and I respect even the vote of such Senators against the amendment upon that ground.

When the constitution of 1818 of my own State, and that of 1848 and that of 1870, was adopted, in each one of those constitutional conventions they opened with prayer. There was not a semblance of a clergyman, priest, rabbi, or any religious devotion of any character in the conference at Paris. There was not only an entire absence but it would have made the spirit of Voltaire rejoice if he could have seen the worldly self-sufficiency of that entire body of men. While there were creeds represented in the 23 nations known around the world, a general declaration referring to the Deity could not have aroused sectarian or racial controversy, and yet there was nothing of the kind attempted or even mentioned.

I have not understood that constitutional documents, since our Federal Constitution was created, leading the way, have referred to the Deity, but when this league of nations and treaty shall have been adopted we can afford to dispense with the Constitution, whether it is sacrilegious or otherwise, because we will have no use for it hereafter. Lord or no Lord, atheistical or Christian, when the league shall have been adopted and this treaty with its agnostic and materialistic provisions, we had as well cut loose from God Almighty and go our own atheistical, pagan way. That is where we are headed. That is what we will do.

A more Godless document and a more Godless body of men this world never saw than convened themselves in Paris. I shall not rebuke them; in this sense I have no right to, but I advert to the condition. I never prayed in my life. Born of Christian parents——

Mr. ROBINSON. Does not the Senator think it is about time he was beginning to pray?

Mr. SHERMAN. No, sir; not upon the appearance of any such antagonist as the Senator from Arkansas. I can take care of him by myself, if God will just leave us alone. [Laughter in the galleries.]

The PRESIDENT pro tempore. The occupants of the galleries must maintain order and obey the rules of the Senate.

Mr. SHERMAN. Mr. President, I do not care to discuss this problem or this wider question. I offered the amendment in a deeply reverential sense, with an idea that perhaps it might be adopted, that it could do no injury upon the final disposition of this document abroad, and that even against what appeals to me as the reason offered by the Senator from Massachusetts [Mr. LODGE] and the Senator from Idaho [Mr. BORAH], even if I were inclined to take that view of it, it puts upon us, with the provisions as I see them, almost a blasphemous statement. But others think it a great document, full of virtue and destined to work incalculable good for mankind. I can not myself see how they can vote for it. They have hitherto been a majority upon all amendments. Therefore, with a majority favoring such a document, it seems to me that they ought to improve it by adding this amendment to it.

Mr. THOMAS. Mr. President, I merely wish to add a word to the discussion. I have been a Member of this body for nearly seven years, and every morning of every session, except when we recessed from one day to the other, the blessing of Almighty God has been invoked upon the Senate from the lips of its Chaplain. If it has ever produced any material benefit up to this time, I have been unable to perceive it.

Mr. WALSH of Massachusetts. Mr. President, I hope there will be no division of the Senate upon this question. However we may differ upon political questions, I do not believe Senators ought to be asked to go on record in opposition to this amendment. There are many Senators here who honestly and consistently have opposed amendments being added to this treaty. I am not one of this number. I have voted for amendments to try to remove certain unmistakable injustices which I believe the treaty contains, but I sympathize with the position of Senators who believe in this principle, the existence and guidance of nations by a Supreme Being, and who, if we were ourselves originally framing this covenant, would favor the incorporation of this amendment. I do not believe such Senators should be forced to go on record on this religious question by voting for or against this amendment, when their policy is that of continuous opposition to all amendments. Therefore I hope that the Senate will not proceed so far with this question as to create a division and oblige Senators in the future to make explanations which may be difficult to make, because in years hence one can not explain all the motives and circumstances surrounding this issue. One can not always explain the motive which actuates or prompts amendments of this kind, and one can not always explain, without misunderstanding, his reasons for voting against amendments which ordinarily would be unanimously adopted. The Senate of the United States ought not to be obliged to go on record in opposition to the clear Christian principle which is expressed in this amendment and which we all believe in, and yet that will be the fact if this matter is pressed, because of the well-known opposition of many Senators to all amendments, on the theory that this treaty should not be changed so as to require its resubmission to the peace conference.

Mr. ROBINSON. Mr. President, I move to lay the amendment of the Senator from Illinois [Mr. SHERMAN] on the table.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas [Mr. ROBINSON] that the amendment proposed by the Senator from Illinois [Mr. SHERMAN] be laid on the table.

Mr. CURTIS. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). Repeating my announcement made on previous roll calls, I desire to state that I am paired with the junior Senator from Alabama [Mr. UNDERWOOD] and therefore withhold my vote.

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN] and therefore must withhold my vote. If permitted to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on previous roll calls regarding my pair, I desire to say that if permitted to vote I should vote "nay."

The roll call was concluded.

Mr. CURTIS. I am authorized to announce that the Senator from North Dakota [Mr. GRONNA] is absent on official business. If present, he would vote "nay." He is paired with his colleague, the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. GERRY. The Senator from Kentucky [Mr. STANLEY] and the Senator from Missouri [Mr. REED] are paired on this vote. If present and at liberty to vote, the Senator from Kentucky would vote "yea" and the Senator from Missouri would vote "nay."

The Senator from Nevada [Mr. PITTMAN] is necessarily detained from the Senate.

The result was announced—yeas 57, nays 27, as follows:

YEAS—57.

Ashurst	Henderson	Nugent	Spencer
Bankhead	Hitchcock	Overman	Sterling
Borah	Johnson, S. Dak.	Owen	Swanson
Brandegee	Jones, N. Mex.	Phelan	Thomas
Chamberlain	Kellogg	Pomerene	Townsend
Colt	Kendrick	Ransdell	Trammell
Cummins	Kenyon	Robinson	Wadsworth
Dial	Keyes	Sheppard	Walsh, Mass.
Edge	King	Shields	Walsh, Mont.
Fletcher	Kirby	Simmons	Warren
Frelinghuysen	Lenroot	Smith, Ariz.	Williams
Gay	Lodge	Smith, Ga.	Wolcott
Gerry	McKellar	Smith, Md.	
Harris	McNary	Smith, S. C.	
Harrison	Nelson	Smoot	

NAYS—27.

Ball	Fernald	McCormick	Page
Calder	France	McLean	Penrose
Capper	Gore	Moses	Phipps
Curtis	Hale	Myers	Poindexter
Dillingham	Jones, Wash.	New	Sherman
Elkins	Knox	Newberry	Watson
Fall	La Follette	Norris	

NOT VOTING—12.

Beckham	Harding	Martin	Stanley
Culberson	Johnson, Calif.	Pittman	Sutherland
Gronna	McCumber	Reed	Underwood

So Mr. SHERMAN's amendment was laid on the table.

Mr. HALE subsequently said,

Mr. President, I find that there is a slight misunderstanding on the part of some of my colleagues in regard to my vote on the motion to lay on the table the amendment of the Senator from Illinois [Mr. SHERMAN]. I was not in the Chamber when the motion to lay on the table was made, and when I came in and voted I supposed that I was voting on the amendment itself. I voted "nay." I did not change my vote, because I was entirely willing to have the motion to lay on the table defeated and then to vote on the amendment itself. In that case I should, of course, have voted "nay."

Mr. JOHNSON of California. Mr. President, I now offer the amendment which was presented by me on October 27, and which has been printed, with which, I presume, the Members of the Senate are more or less familiar; but, in order that its provisions may be understood, I desire very briefly to state wherein

it differs from the amendment presented by the committee upon which we voted the other day.

The amendment upon which we have already voted was an amendment whereby the United States was given six votes in equality with the six votes of the British Empire. I am not, of course, stating verbatim the amendment, but I am now stating its design and what was sought to be accomplished by it. The committee amendment upon which the Senate has passed proposed to give six votes to the United States in equality with the voting power of Great Britain. There were various objections to that amendment. Some of them were to the effect that it was not sufficiently drastic, that it did not go far enough, and that it did not accomplish fully its design. The amendment which is offered to-day goes very much further than the amendment which was presented by the committee, and in order that the amendment may be understood I want to read it and comment upon it for just a moment or two.

This amendment gives to the United States of America equal representation and equal voting power with the Empire of Great Britain in the assembly and in the council of the league of nations and as well gives the United States of America equal representation and equal voting power in the labor organization or labor conference under the league of nations. It goes yet a step further and precludes the voting of the colonies of Great Britain or Great Britain herself upon questions which affect those colonies or affect Great Britain. This amendment does everything that those who opposed the committee amendment desired that the committee amendment should do. It gives, I repeat, to the United States of America equal representation, equal voting power in the assembly and in the council of the league of nations, and equal representation in the labor conference and in the labor organization with the Empire of Great Britain.

There is just one question upon this amendment therefore: Does the Senate of the United States desire that the United States shall have equal votes and equal power and equal representation with the Empire of Great Britain, or does the Senate of the United States desire that Great Britain shall have six times the representation of the United States in the assembly, in the council, and in the labor conference? That is the issue; it is boiled down to that, and to that alone, by this amendment. That Senators may understand that fact I read the amendment to them:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have representatives in the council or assembly, or any organization of labor or labor conference under the league, numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league, or organization of labor or labor conference under the league, and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever the United States shall have votes in the council and assembly, and any organization of labor or labor conference under the league, numerically equal to the aggregate vote cast or registered by any such member of the league and its self-governing dominions and colonies and parts of empire.

The intent and purpose of this amendment are to give to the United States representation upon council or assembly, and in any labor organization or labor conference under the league, a voting power in every respect and upon all questions equal to the aggregate representation and voting power of any member of the league and such member's self-governing dominions and colonies and parts of empire; and this amendment shall be liberally applied and construed to effectuate fully said intent.

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Mr. President, for just a moment now I wish to address myself to the arguments which have been made on this side of the Chamber against this sort of representation.

The Senator from Wisconsin [Mr. LENROOT], who made a very able argument the other day, insisted—

There ought not to be this inequality between the British Empire and the United States upon matters affecting the vital interests of the United States.

And in that, of course, we thoroughly agree.

The Senator from Rhode Island [Mr. COLT], in stating his objections to the committee amendment, said:

I am in favor of some remedy for curing the inequality which the Johnson amendment seeks to cure, but I do not think the inequality can be cured by means of that amendment.

And then he stated, further, at the conclusion of his remarks:

I do not want to vote for the Johnson amendment * * *; further, because I believe that this inequality can be met by a reservation.

The Senator from New Jersey [Mr. EDGE] was very, very plain in his remarks, and he asserted:

Most naturally and properly, the intent of the amendment under consideration has been generally approved. Were I not convinced that a reservation to be later offered would provide even greater protection, or if I believed the question could not be covered by a reservation, I would without hesitation vote for the pending amendment.

And, again, he said:

I am impressed with the view that our object is more practically accomplished by, in effect, reducing Great Britain's voting strength, rather than by increasing our own.

And yet again:

When voting against this amendment I want it to be clearly and emphatically understood that I propose to vote for reservations covering the same subject, and which, in my judgment, will protect America even to a greater extent than does this amendment.

The Senator from Minnesota [Mr. KELLOGG], in presenting his remarks upon this subject, said:

I am not here to claim for Great Britain a preponderant vote in the assembly.

And again:

I believe that my country is entitled to the same representation as any other country in the world—

Mark the language, please:

I believe that my country is entitled to the same representation as any other country in the world, and I am willing that every other country should have the same representation as this country has. There is only one solution, and that is to provide that Great Britain, or the British Empire, shall have one vote, and only one vote.

The Senator from Maine [Mr. HALE], in pursuing the subject, however, took something of a different position from that of his colleague; and he said, in answer to me, during a colloquy in which we were engaged:

The Senator has said that I am trying to reach the same result that he is, and to give this country the same number of votes in the assembly and council that Great Britain has. I have never tried to reach that result.

So we may take it that when the Senator from Maine favors a reservation he is not doing it upon the theory that there shall be either equal representation or equal voting power in the United States. All of these Senators who thus opposed the amendment the other day insist that they will reach the result—that is, equal representation and equal voting power—by means of a reservation; and here is the reservation suggested by the Senator from Wisconsin, concurred in by the Senator from Minnesota, and, I presume, by other Senators as well:

That the United States assumes no obligation to be bound by any election, decision, or finding of the council or assembly in which any member and its self-governing dominions, colonies, or parts of empire, in the aggregate, have had more than one vote; or in case of any dispute between the United States and any member in which such member or any self-governing dominion, colony, empire, or part of empire united with it politically shall have voted.

That is, these Senators seek to cure the evil toward which I am directing my efforts by a reservation which gives to the United States the right, after a decision shall have been rendered, to repudiate that decision.

I insist that if you are seeking here, and if you believe in, the right of the United States of America to have equal representation with Great Britain not only in the assembly and in the council, but in the labor conference as well, then that evil that thus you seek to remedy can not be remedied by saying that you will adopt the evil and thereafter, when the evil shall have accomplished its purpose, you will repudiate the action in which, possibly, you may have participated. I insist that the reservation provides no remedy for inequality of representation. You will under it sit down at the board with these other nations, give to Great Britain six votes, six representatives at that board, when we have but one; that you will participate in the proceedings, but that you will be lying in wait until the decision shall have been rendered, and then you will exercise an option as to whether or not that decision shall be binding upon you. This is neither the frank nor the honest nor the courageous way in which this evil should be met and dealt with. The reservation provides no remedy. Indeed, it recognizes and adopts the wrong, merely according the sorry privilege of a repudiation of action, perhaps after long deliberation and discussion of which we have been a part.

The question is, Are we entitled to equal representation with Great Britain? If we are, why should we not give it to the United States of America? Are we entitled to the same number of votes as the Empire of Great Britain? Then, if we are, let us take the same number of votes as the Empire of Great Britain. If we are, let us take them, and why should we not; and why should we hesitate or fear to take an equal number of votes if we believe we are entitled to them?

In the labor conference with which this amendment now presented endeavors to deal, do you realize that the United States has four representatives, four votes, and that the empire of Great Britain has 24 representatives and 24 votes? In all

the conference there are 128 votes, and our great country has the disproportionate number of 4 votes out of that 128! If these Senators believe that the United States of America is entitled to equal representation and equal voting power, upon what theory, if, as they concede, the inequality exists in this document, do they continue the inequality and by a reservation dodge the whole question and touch not at all that inequality?

The question is not of repudiation after a decision shall have been rendered. That is not the point that we ought to reach, the point that touches all of us most nearly, and that touches our country. The question is as to the right in the first instance of representation, the right in the first instance of voting power, the right in the very first instance in this labor conference, which has tremendous power and deals with tremendous questions of importance, the right that America has to exactly the same representation and the same voting power as the Empire of Great Britain.

This amendment is offered, Mr. President, so that, so far as I am able to make it, the issue shall be plain. If it is sought to be amended in any particular to make it plainer, I will take any amendment that may be asked by any man who says he wants to correct this inequality. I will take any amendment that may be suggested to accomplish the desired result; but the question is, and every man must answer that question by his vote, Shall the United States of America have as many votes and as much representation in the league of nations and in the labor council as the Empire of Great Britain? That is the question; and there is not any sort of sophistry or specious reasoning concerning technicalities or attenuated interpretation that will enable that question to be avoided upon this issue. I submit to the Senate that our duty is—not only our duty, but it should be a duty which we perform with alacrity and enthusiasm—to give unto the country that is ours, and that we love, equal voting power and equal representation with any country on the fact of the earth, even with the Empire of Great Britain.

Mr. KELLOGG. Mr. President, I shall take but just a moment of the time of the Senate.

I claim that this amendment gives the United States no more votes than the first amendment. It provides—

> a voting power in every respect and upon all questions equal to the aggregate representation and voting power of any member of the league and such member's self-governing dominions and colonies and parts of empire; and this amendment shall be liberally applied and construed to effectuate fully said intent.

Mr. President, of course that amendment will not give the United States a single vote where it is a party. If it does, it gives it something that no other nation has. Nor does it give the United States a vote, as I explained the other day, in any dispute between this country and a member having self-governing dominions, or between this country and any other country not having self-governing dominions, or between any two countries not having self-governing dominions, other than this country. It is exactly what the other amendment was in that respect.

Mr. JOHNSON of California. Will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from California?

Mr. KELLOGG. I yield for a question.

Mr. JOHNSON of California. Without conceding at all what the Senator says in that regard, if it be amended exactly as the Senator says he wants it, will he vote for it?

Mr. KELLOGG. I will not vote for it.

Mr. JOHNSON of California. Of course not.

Mr. KELLOGG. Because it can be taken care of effectually, so far as this country is concerned, by a reservation, and so far as the labor provision goes, if it is not already taken care of by the reservation proposed by the Senator from Wisconsin [Mr. LENROOT], it can be taken care of.

Mr. LENROOT. Mr. President, I did not intend to speak further upon this subject, and I shall be very brief now. I would not speak now but for the belief apparently upon the part of the Senator from California [Mr. JOHNSON] that the amendment, as he now proposes it, will wholly accomplish the object sought by the reservation, as well as give equality in voting in cases which the reservation does not touch.

I made an argument the other day, Mr. President, attempting to show that so far as the vital interests of the United States are concerned, the amendment proposed by the committee does not afford protection, and that to secure such protection a reservation is necessary; and I suggested the form of a reservation that I believed would protect the interests of the United States.

I at no time, Mr. President, made any claim that the reservation that I suggested would do all the things that the amendment would accomplish. I fully appreciated that that was not so, and because it did not, I voted for the amendment proposed by the committee, and I shall vote now for the amendment proposed by the Senator from California, because the amendment does give equality of votes to the United States and the British Empire in advisory matters, in all meetings of the assembly or the league, under article 11 and other provisions of the treaty. While they have no power to bind anybody, they do have the power to make advisory recommendations. That the amendment will accomplish, which the reservation does not, and for that reason I favor it.

But neither the amendment proposed the other day, nor, in my judgment, the amendment now proposed, protects the United States where the assembly has the right to bind the United States. That, in my judgment, can be cured only by a reservation such as suggested, unless, Mr. President, we rewrite the entire text of that portion of the treaty. I do want to impress upon the Senate, if I can, that although this amendment be adopted, if the interests of the United States are to be protected, a reservation will be necessary.

To just follow that for a moment, the language of the new amendment is:

> Upon all matters whatsoever the United States shall have votes in the council and assembly * * * numerically equal to the aggregate vote cast or registered by any such member of the league and its self-governing dominions and colonies and parts of empire.

That language, in my judgment, would have the same construction as the language originally proposed by the committee, in that it would only give the additional number of votes, where, under the treaty, we were entitled to vote at all, and it would not cover a case where, by the treaty, the United States was excluded from voting.

I think the Senator from California will admit that his amendment would not give the United States six votes where the United States was a party to the dispute.

Mr. JOHNSON of California. That is not the point you are making, sir, at all.

Mr. LENROOT. I say, I think the Senator from California will admit that.

Mr. JOHNSON of California. Unquestionably that is true, but this amendment does mean exactly what you have been saying it does not mean.

Mr. LENROOT. Let me see. If the Senator, then, admits that, although the language says that we shall have votes upon all matters whatsoever, and yet admits that it excludes the United States from voting when it is a party to the dispute, it must be because the treaty itself, not this language, excludes the United States from a vote where it is a party to the dispute.

Mr. JOHNSON of California. Mr. President, do not misunderstand me. What I say is that the United States is excluded so far as the United States is concerned as a disputant; but the United States has in council and in assembly exactly the votes that Great Britain has under the very terms of the amendment.

Mr. LENROOT. Where it has any votes at all, I agree.

Mr. JOHNSON of California. Wherever Great Britain votes five votes, the United States has a right to vote five votes.

Mr. LENROOT. Where it is a party to the dispute?

Mr. JOHNSON of California. Wherever Great Britain votes five votes, the United States can vote five votes.

Mr. LENROOT. Let me understand the Senator. Does he, then, contend that his amendment would give the United States five votes where it was a party to the dispute?

Mr. JOHNSON of California. Wherever Great Britain votes five votes. That is what it does, exactly.

Mr. LENROOT. The Senator, then, contends that although we were in a dispute with Japan, where Great Britain would cast six votes in that dispute between the United States and Japan the United States would cast six votes? Is that correct?

Mr. JOHNSON of California. Certainly it will cast its votes, just as Great Britain will under similar circumstances; or, if Great Britain is excluded, the United States will be excluded.

Mr. LENROOT. Is it possible that the Senator from California then asks that in a dispute between the United States and Japan, where Japan is excluded from voting, if Great Britain votes, we shall have six votes? Is that the Senator's contention? I would like an answer from the Senator from California upon that question.

Mr. JOHNSON of California. Just pardon me——

Mr. LENROOT. If that is the construction, I must retract what I said a few moments ago when I stated that I would vote for the amendment.

Mr. JOHNSON of California. Pardon me. The Senator from South Dakota [Mr. STERLING] has stated to me that there was some misapprehension. Will the Senator ask his question again?

Mr. LENROOT. I want to know if the Senator from California contends that if the United States has a dispute with Japan, the United States——

Mr. JOHNSON of California. Oh, no; the Senator has misunderstood me, if he says that. I say that wherever Great Britain votes five votes, we will vote five votes under similar circumstances. Wherever we must stand aside as a disputant, very well; wherever Great Britain must stand aside, very well; but where Great Britain votes five votes, we vote five votes, on any question of any character whatsoever.

Mr. LENROOT. I think we now understand each other.

Mr. JOHNSON of California. Did you misunderstand me before, or did I misstate the case?

Mr. LENROOT. No; the Senator from California was certainly mistaken about it.

Mr. JOHNSON of California. Possibly I did not reply accurately to the question of the Senator from Wisconsin.

Mr. LENROOT. I fully understand now the position of the Senator from California, and I am in accord with that position. He takes the position now, with which I agree, that notwithstanding the language of the amendment, the treaty excludes the United States from any vote where the United States is excluded under the treaty and one of those cases where the United States is excluded by the terms of the treaty——

Mr. JOHNSON of California. Pardon me, now. I do not say anything of the sort. I say where the United States is a disputant.

Mr. LENROOT. Very well.

Mr. JOHNSON of California. But I do not say, in the Senator's technical construction of the word "other" that we would stand aside.

Mr. LENROOT. No; the Senator anticipates me. I am coming to that.

Mr. JOHNSON of California. That is not what I am saying, and because of the misunderstanding a moment ago, I do not want another misunderstanding. I think the Senator was inaccurately quoting me.

Mr. LENROOT. Possibly. The RECORD will show. But we have established now, I take it, that this amendment will not give to the United States any votes where the United States is one of the disputants.

Mr. MOSES. Mr. President, I think the Senator from Wisconsin is very clearly in error in his construction of the effect of the amendment. The assumption has been constantly made in the course of this debate that should a controversy arise between the United States and Great Britain, the one vote of Great Britain would be set aside together with the one vote of the United States, but the remaining five votes possessed by the self-governing colonies, dependencies, and parts of the British Empire would still continue to be cast.

Mr. LENROOT. That is an entirely different question.

Mr. MOSES. The proposal of the Senator from California, as I understand it, is that under similar circumstances the remaining five votes of the United States shall be cast.

Mr. LENROOT. That is an entirely different situation, which I am not discussing at this time. That is covered by the amendment known as the Moses amendment, and it is also covered by a reservation that has been proposed.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LENROOT. I yield.

Mr. KNOX. The question propounded by the Senator from New Hampshire has cleared up that feature of it, but it is contended that if we have a dispute with Great Britain, neither Great Britain nor any of her colonies shall vote. It seems to me that there can not be any opportunity for difference of opinion between the Senator from Wisconsin and the Senator from California on the other proposition, because it is the whole theory of the treaty that disputants do not participate in the voting at all; and whether they have 1 vote or whether they have 5 votes or whether they have 50 votes, they step out of the arena. As I understood the Senator from California [Mr. JOHNSON], if under similar circumstances we had a controversy with Japan of course Great Britain would vote her 5 votes in that controversy; but if Great Britain had a controversy with Japan we would vote our 5 votes.

Mr. LENROOT. There is no misunderstanding now.

I now get to the point that the language of this amendment does not cover us when we are a disputant, or give us votes, because we will be excluded whenever we are a disputant. By the same reasoning we would not need any additional number of votes wherever in any other case we are excluded by the terms of the treaty from voting at all. That must be absolutely true, and that brings us again to article 15, which I discussed the other day, where a dispute is taken from the council into the assembly. The members of the league are divided into two groups, one group consisting of all the members who are also members of the council, and they must be unanimous. Then the treaty says there must be a majority of the other members of the league to sustain the action of the unanimous group who have representatives upon the council. So still the United States would be excluded from voting, because the United States does not constitute one of the other members of the league. So we would be excluded there exactly in the same way that we are excluded when we are a party to the dispute.

Mr. KNOX. Mr. President, may I ask another question of the Senator?

Mr. LENROOT. Certainly.

Mr. KNOX. The Senator must surely admit that there will be a vast number of questions coming before both the council and the assembly that you could not characterize as disputes between nations. The Senator will admit that the amendment proposed by the Senator from California would give us an equal number of votes with Great Britain in respect to those questions, which probably will occupy the bulk of the attention of both council and assembly.

Mr. LENROOT. I agree to that, and that is why I am for the amendment. I am only repeating this argument to-day for the purpose of establishing, if I can, that in all cases of dispute where the vital interests of the United States are concerned this amendment does not cure the evil, and the only way I know that it can be done, without rewriting that portion of the treaty, is by such a reservation as I have proposed. That is my only purpose in making this argument.

Mr. JOHNSON of California. Mr. President, I do not want any misunderstanding or misapprehension to be had concerning the colloquy which occurred between the Senator from Wisconsin [Mr. LENROOT] and myself. I say to him, and I say now to the Senate, that in a case where the United States is a disputant, of course it is relegated, just exactly as in the case where Great Britain is a disputant, to the provisions of the covenant that it can not vote. But I say that by this amendment it is upon an equality with Great Britain, and I deny, in cases which will come to the assembly then, in other instances where the United States is not a party, that it will be in any other position than Great Britain, and Great Britain alone.

The design of this amendment is to put the United States and Great Britain upon an equality and give them equal representation and equal voting power. The amendment does just that thing and does it fully and does it completely.

The Senator from Wisconsin argues that there are cases that will be taken to the council that will come to the assembly, and when they come to the assembly, because of the interjection of the word "other" in section 15 of the covenant, that the United States can not vote upon those questions. Not so, because under this amendment, upon those questions to which neither the United States nor Great Britain will be a party, the United States will be upon an equality with Great Britain, with equal voting power and equal voting force.

When I was answering the Senator from Wisconsin a moment ago I was referring in each instance to the case where the United States was a disputant. I had in mind his argument of the other day, which I have studied since that time, concerning the construction of the word "other" in article 15. I insist that it is only where the United States is a disputant that it must stand aside, but that in every other instance, in the assembly and in the council, the United States and Great Britain are on an inequality. That is what I am striving to cure; that is what I think this amendment accomplishes. It accomplishes it, even according to the Senator from Wisconsin, so far that he will vote for the amendment, and if he, with his construction, will vote for the amendment, how can any other man upon this floor decline to do so if he is seeking equality of representation and equality of voting power with Great Britain for his own country.

Mr. BRANDEGEE. Mr. President, I wish to ask the Senator from California [Mr. JOHNSON] if his amendment should read "under the league" or "under the treaty"? It refers to that in four places. In line 5, on page 1 of the amendment, is found the first instance. As I recall it, the labor organization is not sanctioned under the league at all.

Mr. JOHNSON of California. I think the treaty provides that they shall meet under the league. Am I not correct in that?

Mr. BRANDEGEE. Under the covenant, the Senator means?

Mr. JOHNSON of California. Under the covenant of the league of nations.

Mr. BRANDEGEE. There is some provision that report may be made to the league, I think, or that the council shall have

some jurisdiction of what the labor organization or the assembly, formed under the treaty, may do. But here is an amendment which refers to the council, the assembly, and this labor organization "under the league." I do not know whether the Senator considered it in drawing the amendment. I simply wanted to suggest to him that the labor provisions in the last part of the treaty itself——

Mr. JOHNSON of California. May I suggest to the Senator that if he will glance at the labor provisions on page 489 of the treaty print he will see that it is a matter that can very readily be determined.

Mr. BRANDEGEE. Yes; I have that page before me. I will say to the Senator that I am not giving any opinion upon it. I thought possibly the Senator had made a mistake or had not considered it. I admit that I have not, and so I can not give him any opinion upon it.

Mr. JOHNSON of California. I would be perfectly willing to perfect it by saying "under the treaty."

Mr. BRANDEGEE. Of course, if it does say "under the treaty" it includes both, because the covenant is a part of the treaty.

Mr. JOHNSON of California. Then, Mr. President, in order that there may be——

Mr. NORRIS. Before the Senator makes the change, may I interrupt him?

Mr. JOHNSON of California. Certainly.

Mr. NORRIS. The language in line 5, in which the labor conference is referred to, contains the modifying words "under the league." Those last words that I have read apply to the council, to the assembly and to the labor conference. As I understand it, the council and the assembly are provided for under the league, but the labor conference is provided for away back in the treaty.

Mr. JOHNSON of California. If the Senator will permit me, they were referring to the labor conference, and the punctuation would indicate that.

Mr. BRANDEGEE. Yes; there is a comma there.

Mr. NORRIS. Then it seems to me the word "league" ought to be changed to "treaty."

Mr. JOHNSON of California. I ask leave to perfect the amendment by adding the words "or treaty," so that it will read "under the league or treaty."

Mr. BRANDEGEE. It occurs in line 5 and in line 9 on page 1, and on page 2 in lines 1, 7, and 8. If the Senator will glance carefully at it, I think the same change should be made at those places.

Mr. JOHNSON of California. In each instance add the words "or treaty."

Mr. BRANDEGEE. Strike out the words "under the league" and substitute the words "under the treaty."

Mr. JOHNSON of California. I was going to use the words "under the league or treaty."

Mr. BRANDEGEE. That is all right.

The PRESIDENT pro tempore. The Secretary will state the modifications in the amendment proposed by the Senator from California.

The SECRETARY. On page 1, line 5, after the words "under the league," insert the words "or treaty"; the same amendment in line 9, after the words "under the league," insert the words "or treaty"; on page 2, line 1, the same amendment, after the words "under the league" insert the words "or treaty"; on page 2, lines 7 and 8, the same amendment, after the words "under the league," insert the words "or treaty."

Mr. COLT. Mr. President, it seems to me, as I said the other day, that the Johnson amendment is impracticable and unworkable. The argument seems to be founded upon the proposition that this is a treaty between the United States and Great Britain, and leaves out of consideration the fact that there are 32 parties to the treaty, and that the principle upon which the voting is based is membership voting, each member having a single vote.

Suppose the assembly were gathered here and they were voting upon the proposition of the admission of a new member to the league; 32 members are present, 31 of these members cast a single vote, and the United States casts six votes; 27 of these members are sovereign States, 5 or 6 of them world States. I wish to ask the Senator from California [Mr. JOHNSON] is it a practicable proposition, when the assembly meets, that the United States should cast six votes, as many as six of the other great sovereign States?

Mr. JOHNSON of California. Mr. President, does the Senator——

Mr. COLT. This is as an association of nations. We want an association that deals squarely with all nations. This proposed change must be submitted to the other parties. Will France or Italy or Japan or Brazil, or the other great powers, agree that the United States shall have six votes?

You could carry that illustration further: Suppose you have the neutral nations admitted, as contemplated by the covenant, and then the membership will be 45, and 44 cast a single vote, and 39 out of that 44 are sovereign States, some of them equal to the United States; under these circumstances should the United States have six votes? Again, suppose, as contemplated by the covenant, the membership consists of 50. Would it be right for 49 members to have one vote each and the United States six? The proposition that I maintain from a legal standpoint is that this covenant all the way through is constructed upon the principle of membership voting, with each member having a single vote.

Mr. NORRIS. Mr. President——

Mr. COLT. And that if you should inject this principle of one member having six votes, you will have to reconstruct the whole covenant. I ask the Senator whether it is fair by our associates in this league for us to insist upon having six votes and leave them only one vote?

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. COLT. I yield.

Mr. NORRIS. In the illustration the Senator is giving, where he said we are assembled here as a league, he assumes, I suppose, that Great Britain is one of the constituent members.

Mr. COLT. Great Britain is a member and the self-governing colonies and dominions are members.

Mr. NORRIS. How many votes in that assembly, in which the Senator says we only ought to have one vote, has Great Britain?

Mr. COLT. Great Britain, with her self-governing colonies and dominions, has six votes.

Mr. NORRIS. Does the Senator think it is any more unfair for us to object to Great Britain having six than it would be for France to object to us having six?

Mr. COLT. Certainly unfair, because there is something in the proposition that these self-governing colonies and dominions are entitled to representation in the league, and the Senator is asking the United States, without any self-governing colonies or dominions, to come in here and claim their six votes.

Mr. NORRIS. If the Senator will read the treaty and the names of those who sign the treaty and the names in which they do sign it, he will have to admit, I think, that His Majesty, the King of the United Kingdom of Great Britain and Ireland and the British dominions beyond the seas, the Empire of India, is, under the very terms of the treaty, given six votes. Every one of those self-governing colonies, as the Senator calls them, gets its authority, under the treaty which we are considering, by and through the King of the British Empire. Is not that true?

Mr. COLT. It is true. That language may be in the treaty, but the covenant itself entitles any self-governing colony or dominion to a vote, and it so happens that in the application of that principle it only applies to the British Empire. It would apply to us if the Philippines had that status.

I say it is a very difficult thing to meet. I want to meet it. I do not want that inequality. I believe it can only be met by a reservation.

I want to have some regard for the other nations that are members of the league. I repeat that you have either got to reconstruct the covenant as a legal document or else you have got to adopt some such broad reservation as that suggested by the Senator from Wisconsin [Mr. LENROOT], and say that in any case where we think there is inequality, where we think we are wronged, we will not be bound.

Mr. NORRIS. Mr. President, it seems to me that the Senator from Rhode Island [Mr. COLT] admits himself out of court. He admits that there is an inequality here. He first gives us an illustration of an assembly such as it is proposed here to organize, where each nation represented has one vote, but he has to admit that one of those nations, by virtue of having some so-called self-governing colonies, has six votes. He calls our attention to the condition that would exist if we were given six votes, and states that France might not like it and that Italy might not like it. That is an objection. I agree with the Senator that it brings us to a condition which is illogical; but we are already there under the Senator's own admission. We have already an assembly or council or a conference where one nation has six votes while we have only one. I admit with the Senator that it may be difficult to remedy the defect. It seems almost as though we ought to rewrite the document, as the Senator says. If that be true, then, we ought to throw the whole thing out of the window and let it be rewritten.

Mr. COLT. The question is not stated fairly when the changes are rung on six votes to one. It turns upon the principle of whether the self-governing colonies are going to be admitted as members.

Mr. NORRIS. They are now admitted; they are already in.

Mr. COLT. I say that may be a defect, and we want to try to cure it as far as possible. It will have to be cured in one of three ways, namely, by depriving the self-governing colonies and dominions of voting power, by reconstructing the covenant, or by safeguarding the United States through a reservation providing that the United States shall not be bound in any case where it is felt that injury has been done.

Mr. NORRIS. There is a great deal in what the Senator from Rhode Island says. The logical way to proceed would be to follow the theory on which he started; that every nation should have one vote, and if one nation had three representatives in the assembly all other nations should each have three representatives in the assembly. That would be the logical thing to do. The amendment which was offered by the Senator from Tennessee [Mr. SHIELDS] and voted down, in my judgment, would have accomplished that result. We must either give to the other nations as many votes as are given Great Britain or we must take away from Great Britain enough of her votes so as to put her on an equality with the other nations; one course or the other must be pursued.

As it now stands that inequality exists; Great Britain has six votes. If we ask six votes for ourselves and France wants six votes I am in favor of giving France or any other nation six votes. My personal judgment is, if we had agreed to the amendment suggested by the Senator from Tennessee that we would have taken away from Great Britain five of her votes. Then there would have been no difficulty.

Mr. President, I desire to call the attention of the Senate to the manner in which the signatories have signed the treaty. Let me refer to the manner in which the treaty was signed by the representatives of Great Britain; and that is as far as I shall have to go in order to show that she has six votes. How was Great Britain represented and who signed the treaty on her behalf? The treaty is before us signed by representatives of Great Britain and each one of her self-governing colonies. It was signed by the representatives of Great Britain in this way:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, by the Right Hon. David Lloyd-George, M. P., first lord of his treasury and prime minister; the Right Hon. Andrew Bonar Law, M. P., his lord privy seal; the Right Hon. Viscount Milner, G. C. B., G. C. M. G., his secretary of state for the colonies; the Right Hon. Arthur James Balfour, O. M., M. P., his secretary of state for foreign affairs; the Right Hon. George Nicoll Barnes, M. P., minister without portfolio; and for the Dominion of Canada—

It is the same sentence, mark you; I have not come to a period as yet; I am reading the same sentence now with which I began—

for the Dominion of Canada, by the Hon. Charles Joseph Doherty, minister of justice; the Hon. Arthur Lewis Sifton, minister of customs——

Mr. OWEN. Mr. President——

Mr. NORRIS. Let me finish the sentence. When I come to a period I will yield to the Senator.

Mr. OWEN. I merely wanted——

Mr. NORRIS. I hope the Senator will wait until I reach a period; then I will yield to the Senator, but I want to finish the sentence—

For the Commonwealth of Australia, by:
The Right Hon. William Morris Hughes, attorney general and prime minister;
The Right Hon. Sir Joseph Cook, G. C. M. G., minister for the Navy;
For the Union of South Africa—

I have not reached a period yet—

by:
Gen. the Right Hon. Louis Botha, Minister of Native Affairs and Prime Minister;
Lieutenant General, the Right Hon. Jan Christiaan Smuts, K. C., Minister of Defense;
For the Dominion of New Zealand, by:
The Right Hon. William Ferguson Massey, Minister of Labor and Prime Minister—

There is no period as yet, Mr. President—

For India, by
The Right Hon. Edwin Samuel Montagu, M. P., his Secretary of State for India;
Major General, His Highness Maharaja, Sir Ganga Singh Bahadur, Maharaja of Bikaner, G. C. S. I., G. C. I. E., G. C. V. O., K. C. B., A. D. C.

His Majesty the King of Great Britain is represented by certain persons representing each part of the Empire, and the Empire is given one representative and one vote for each of these parts.

Those are the representatives of the King and Great Britain, every one of them claiming in and through the King of the United Kingdom of Great Britain.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. OWEN. Mr. President——

Mr. NORRIS. First, I yield to the Senator from Oklahoma, and then I will yield to the Senator from Illinois.

Mr. OWEN. The Senator has not come to a period.

Mr. NORRIS. No; but I have yielded.

Mr. OWEN. The Senator said he would yield when he came to a period.

Mr. NORRIS. I did better than I said I would; I yielded before I found one.

Mr. OWEN. The Senator did not find one, and that is the very point to which I intended to call the Senator's attention.

Mr. NORRIS. Very well; I can keep on until I reach one, if I have the breath.

Mr. OWEN. The Senator would have to read the names of the representatives of the French Republic and of the representatives of all the other signatories before he would come to a period.

Mr. NORRIS. Yes; because the representatives of the various powers that signed the treaty are included; but it will not be found when it comes to the French Republic, or any other nation signatory to the treaty, that the names of their representatives are connected by the word "and" as the self-governing dominions are connected up with Great Britain as a part of the same sentence.

Mr. MOSES. I call the Senator's attention to the fact also that the word "for" will not be found in connection with the signatures of the representatives of the other powers.

Mr. NORRIS. Yes.

Mr. SHIELDS. Mr. President, I should like to ask the Senator a question in that connection.

Mr. NORRIS. Very well.

Mr. SHIELDS. Does the Senator find any provision in the treaty that all of the self-governing colonies of Great Britain shall have ambassadors or ministers to the United States?

Mr. NORRIS. No.

Mr. SHIELDS. Is there any provision that we shall send ministers to them?

Mr. NORRIS. No.

Mr. SHIELDS. Is not that usual in the case of sovereign and independent governments standing on a plane of equality in the family of nations?

Mr. NORRIS. Yes, sir. I thank the Senator. His suggestion adds to the proof, if that were necessary, that all the colonies are only parts of one empire. I now yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, I am sorry the Senator could not yield before the Senator from Rhode Island [Mr. COLT] left the Chamber, because I think if the Senator from Nebraska would dwell a little on the democratic and representative character of the alphabetic statesman whose name is the last of those appended to the list of the representatives signing for the British Empire, it would be enlightening.

Mr. NORRIS. I can not go any further, I will say to the Senator; the alphabet was exhausted by the letters appended to the name of the statesman referred to.

Mr. KNOX. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. KNOX. I merely wish to call the Senator's attention to another clause of the treaty which tremendously strengthens his argument that the various representatives to whom he has referred were signing for one Government, namely, the British Empire. The very first line of the treaty, defining who the principal allied and associated powers are, says:

The United States of America, the British Empire, France, Italy, and Japan.

Naming the British Empire as one entity.

Mr. NORRIS. Yes; the British Empire includes every one of the British colonies, the names of whose representatives I have read, and the treaty shows that affirmatively on its face. All of those colonies got into the league through the King. He is the King of one of them just as much as he is the King of the others. It seems to me that the wording of the document demonstrates beyond the possibility of doubt that this one Empire has in the league under this treaty six votes as against any other nation whose representatives signed the treaty and which becomes a member of the league under the treaty.

Suppose, Mr. President, the United States should become involved in war with Great Britain, where would Canada be; where would Australia be; where would New Zealand be; where would South Africa be; and where would India be? All against us. We know that they belong to that one nation.

I am aware that the question is asked—it was asked the other day by my colleague [Mr. HITCHCOCK]—why should we have

this jealousy against Canada? Why are we objecting to Canada? We are objecting to Canada for the same reason that we would object to the State of New York if it undertook to be a member of the league; because Canada is a part of the British Empire. She is not an independent nation, and everybody knows it. The treaty shows it, and nobody can successfully deny it.

I have no prejudice against Canada. I wish to say that I feel as friendly toward Canada as toward any nation on the face of the earth outside of our own. I have no jealousy of Canada. I would be glad to see Canada an independent nation, but if Canada wants to be a full-fledged member of this league, if she wants to have a full vote in the council or in the assembly, then let her throw off the shackles of the British Empire and be independent like any other nation. That is her business; I am not criticizing her because she does take such action. If she prefers to stay in the British Empire she has a perfect right to do so; it is not in my mouth to criticize her; but she can not in one breath say, "I am an independent nation entitled to a vote the same as every other nation," and in the next breath say, "I am a part of the British Empire." And then there is India, with a full vote. Everybody knows—it is an open secret—that the only reason on earth for putting India in this league and giving her a vote is to increase the power and influence of Great Britain. It simply adds another vote to Great Britain. Everybody knows and nobody denies it. The people of India will have no more voice in the league than the people of Mars, but this device increases the power of England, and America is asked to stand for it.

If we get into any dispute that may lead to difficulties with any one of these self-governing colonies that are part of the British Empire, we immediately face the British Empire—nothing else, nothing less—and I am not criticizing that. I am only stating it as a fact. Now, the question is, What shall be done to give an equality in this league, on the council, in the assembly, and in the labor conference, where under this treaty as it is written this Empire is given six votes to our one, six men to our one as representatives? How are we going to remedy it?

This amendment is not a full remedy. I admit it. I do not believe it is the logical way, but it seems to be the only outlet that we can have. It seems to be the only way in which we can say that we are entitled to as many votes and as many representatives on every one of these tribunals as any other nation. We are entitled to that; every man knows we are entitled to that; the whole world knows that we are entitled to it, and yet we hesitate to demand it; yet we are here saying we will not take it, we will go into this league handicapped in this way, and giving our chief competitor in the world an opportunity to outvote us with six votes to our one everywhere that we meet her.

Mr. President, it is not only that she has the six votes in these conferences; she gets another power by virtue of those six votes that is indirect, and that has a wonderful influence. The weak nation, the little nation, or perhaps any nation that is going to have controversies in the league, in the council, in the assembly, or in the labor conference, will naturally want to be successful in those controversies; and it therefore follows that they will court the favor of the nation or of the empire that can give them the most in return for their favors. We all know that in actual life, in political conventions and everywhere else, the State or the county that comes with a great, big delegation because of the very fact of its large delegation has a power over other counties and other States and other delegations that are not so large. So that it is an inequality all through. There is not any justice in it. I do not see how any American citizen can stand for it, can approve any treaty that will say, "We are only one-sixth of the importance of some other nation."

If this treaty has been so constructed, as the Senator from Rhode Island [Mr. COLT] says—and there is something in his argument—by these representatives over there at Versailles, so ingeniously wound up with this evil in it that it can not be remedied without rebuilding it all, then we ought to have the courage to throw it all out, and say that it must be rebuilt or we will have nothing to do with it.

Mr. OWEN. Mr. President, the Senator from Nebraska [Mr. NORRIS] laid great stress upon the coming to a period in reading the description of the representatives of the British Empire and the various self-governing dominions. It is not a matter of any particular importance whether there is a period there or not, but I simply called the attention of the Senator to the fact that these various self-governing colonies are separated by semicolons throughout the entire list, in the same manner precisely as every other member nation signatory thereto.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. OWEN. I yield.

Mr. NORRIS. I think the Senator is right, as far as the period is concerned, but I want to ask him——

Mr. OWEN. I regard it as immaterial. It makes no difference.

Mr. NORRIS. I admit that. Now, let me ask the Senator this question: On page 5 of this treaty, just after the first representatives of Great Britain are mentioned, there is the word "And." What does that mean, if it does not mean that what follows is a part of the British Empire?

Mr. OWEN. If the Senator will permit me to have the floor for a few moments, I should like to address myself to this matter without being cross-questioned while I do it. I say that with all kindness and with all respect; but I want to make my own argument, and not have the argument made for me by questions.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. OWEN. I yield; certainly.

Mr. NORRIS. Perhaps I owe the Senator an apology for interrupting him.

Mr. OWEN. Oh, not at all—not at all.

Mr. NORRIS. When the Senator has the floor I certainly would not interrupt him in any way except in the most courteous way, but I insist that I am not trying to make his argument for him. I asked him a fair question; I stated it as courteously as I knew how, and I hope he will treat me in the same way.

Mr. OWEN. I certainly intend always to treat with the utmost courtesy my very particular friend from Nebraska, for whom I have the warmest admiration and affection, as the Senator knows; but I want to make my own argument, and I do not want to be interrupted, and I shall not take over three or four minutes. I do not take much time on the floor.

Mr. President, the British Empire is, of course, a composite body, consisting of the original British Empire proper—the British Isles—and then the four great self-governing Dominions and India. I flatly deny that the British Empire has six votes, notwithstanding the assertion of Senators to the contrary. I say the British Empire has one vote, and only one vote, and that vote represents the British Isles and the parts of the British possessions which are not mentioned by specific terms as great, self-governing, modern democracies. Canada has one vote. Australia has one vote. South Africa, consisting of many States, has one vote. New Zealand has one vote.

India, which is in fact governed by the foreign office of Great Britain, has one vote, and it is quite possible that the nominee from India might be designated by the foreign office in London, although I do not believe that the foreign office would go so far as to deny India the right of nominating its own representative. But India has nearly 300,000,000 people. Surely no man would deny India the right to one vote when we have given one vote to Haiti, governed by our marines, just at our border, which has not one thousandth part as many people as India.

Canada has one vote, and no man will presume to say that the British Empire, under the direction of the prime minister, Mr. Lloyd-George, would undertake for one moment to tell Canada who the representative of Canada should be in the assembly. It would be an act of unbearable presumption on the part of Lloyd-George to attempt to do such a thing.

No man will contend that the government of the British Isles would venture to tell New Zealand or Australia or South Africa what representative citizens should be sent to represent them or under what instructions. They send their own representatives under their own instructions. They are self-governing people, entitled to self-government of right, just as much as the people of the United States are entitled to self-government. They send their own chosen and instructed representatives. They are severally progressive democracies. I speak of Australia, and of New Zealand, and of South Africa, and of Canada. If the English Government were Tory and reactionary in the extreme, those four votes would dominate the six votes if they attempted to vote as a unit, which they would not do. Gen. Smuts expressed his discontent with the conference at Paris. It did not fulfill his expectations. He was completely at liberty.

The trouble with the Senators who oppose this treaty is that they have no faith in the common honesty or the common sense of mankind or of the representatives who will be assembled around the council table of the assembly. All their arguments are based on this false and grossly unjust conception.

Mr. BORAH. Mr. President, this question of equalizing the power both as to voting and as to the influence of the United States in this league is a very difficult one. That is to say, it has been difficult to draw an amendment which would cover the

entire subject matter. There is no longer any doubt, I presume, that this amendment as it is now drawn covers a very important and vital feature of this problem of inequality which exists in the league. Whether it covers it completely or not, it seems to be conceded that there is a vital portion of the question which is effectually covered by this amendment.

I think the Senator from Wisconsin [Mr. LENROOT] is quite logical when he says that he is going to vote for this amendment and also vote for a reservation; but, assuming that Senators desired to equalize the influence and the vote, I do not see how they could vote against this amendment and rely alone upon a reservation, because no reservation which has been proposed and no reservation which can be proposed will cover the entire subject matter and completely solve the problem.

I believe, Mr. President, if it were not for the fact that Senators desire not to amend this treaty, if it were not for the fact that as a matter of expediency they do not care to send it back as an amended document, the amendment of the Senator from California would be accepted almost out of hand.

Senators seem to think that it is better to suffer this inequality than to take the chance of sending the treaty back. I do not agree with them; but if this matter were here as an original proposition, if the Senate were making this treaty and there were not involved the question of sending it back for reconsideration, as some of them view it, I venture to say that the amendment of the Senator from California would be accepted practically without a dissenting vote. It is inconceivable, it is unthinkable, that without some reason which a Senator thinks is a controlling reason he would deny to his country equality of voting, equality of influence, in a vast organization which is supposed to last not only for a decade, but for all time, and to deal with all the affairs of the world.

Mr. President, in refusing to send this treaty back we ought to take into consideration that we are building, if we are building at all, not for a day or for a year, but for all time to come, if this matter shall meet the expectations of those who are the authors of it. Is it a safe thing for us to proceed, to the disadvantage of our country, upon the theory that we do not desire to delay for a certain length of time the consummation of the league?

It has occurred to me, Mr. President, that such an able lawyer as the Senator from Minnesota [Mr. KELLOGG], if he were really concerned for the protection of his country, the preservation of her prestige and her power and her honor in this great organization, instead of expending his ingenuity in assailing this amendment, he would give us the benefit of his learning and his ability as a lawyer toward perfecting it. Nobody denies that his reservation takes care of only a small portion of it, and it leaves the control of this great assembly in the election of its members, and in all of these noncontentious matters, or nondisputable matters, to which the Senator from Pennsylvania referred, uncovered and uncontrolled by the question of equality. How is he going to leave it? What is his remedy? He offers nothing. And yet such Senators as the Senator from Wisconsin [Mr. LENROOT] frankly concede that this amendment is the only way to reach a certain vital part of this problem.

The Senator from Minnesota [Mr. KELLOGG], in speaking the other day, said:

> I do not claim that the British Empire should have six votes in the assembly or more than one representative in the council; I shall not defend the action of the President in granting the demands of the British Empire in this respect.

Why should he not defend the action of the President in granting the demands of the British Empire if he proposes to let them retain what they got? Having the power as a coordinate branch of the Government in the treaty-making power, and it being within his power to remedy it, why should he criticize the President or anyone else for giving Great Britain that which he as a Senator permits her to retain?

Further, he said:

> I do not think the President stood for all he should have, nor did he demand all he should have for his country at Versailles.

What is the Senator from Minnesota demanding in addition? What is he adding to that which the President came home with? Where is his ability as a lawyer that it is not devoted, while he is a public official, to the welfare of his country? It is easy, Mr. President, to find fault and criticize, but it would seem that he would strive to strengthen this amendment and protect his country against the injustice which he admits to exist. It would seem he would devote his ability to building up and strengthening this amendment, instead of tearing it down.

He said further:

> If he proposes to decrease the influence of Great Britain in the assembly of the nations of the world, he must either take from Great Britain her six votes, which he does not propose to do, or he must give every other nation in the world the same vote under all circumstances.

There is a disposition here to look after all of the other nations of the world. We can only do successfully and efficiently one thing, and that is look after the interests of the United States, and we need not suffer any remorse of conscience if we devote ourselves to that, and that successfully, because we learned at Versailles that the other nations look after their own interests, and that they do not need any guardian. The treaty as it came from Versailles demonstrates one thing beyond question, and that is that the representatives of the other nations took care of their interests perfectly and successfully.

The able Senator from Rhode Island [Mr. COLT] said that we must have regard for the other nations and that we must not place ourselves in a position where we seem to disregard their interests. The other nations can harmonize the situation to the welfare of the United States, and will undoubtedly do so rather than give up the idea that the United States is to underwrite the other nations. They can equalize their interests, and they will undoubtedly do so, and all we have to do is to take care, as best we may, of the interests of the United States. You can not do it in any other way than by an amendment. You can have a reservation, as the Senator from Wisconsin [Mr. LENROOT] says, which will take care of a portion of it, but you can not have a reservation which will take care of the entire portion. So the logical position to assume, it seems to me, for all except those who are opposed to amending the treaty under any consideration whatever, is to vote for the amendment, and then vote for reservations, and you will have done all within your power to equalize the British Empire and the United States.

I was talking to a distinguished Englishman the other day upon this particular question, and he was very frank to say that he recognized the inequalities of the provisions of the covenant in regard to this. But he said, "You understand the peculiar situation in which we are placed by reason of the fact that we have these self-governing dominions, who have certain ideas about their rights and about their dignity and about their authority, which we were compelled to recognize."

We do not seek to interfere with that in this amendment. It has been stated over and over again, and it can not be stated too often, that we have no desire to interfere with the peculiar situation with which Great Britain has to deal. We have no desire to shear anything away from the power of the self-governing dominions. We have not undertaken to do so by this amendment. But we have undertaken, in view of the peculiar situation of the British Empire, to equalize it by an amendment which places us upon an equality with her, both as to votes and as to influence, leaving the British Empire to take care of her self-governing dominions, interfering in nowise with her policy, but simply claiming for the United States that equality of power and influence to which she is entitled, as we think, under the league.

Mr. MCCORMICK. Mr. President, during the course of the debate this afternoon the statement was made that objection had been made to the preponderant vote of the British Empire nowhere except in this Chamber. The Senator from Rhode Island [Mr. COLT] made that statement. I have seen it made in the press of this country. It must be, therefore, that Senators who share that view and editors of newspapers who represent it neither read the cables from Paris nor study the Journal of the French Chamber of Deputies.

The Senator from California [Mr. JOHNSON], when last he spoke, referred to the statement of Leon Bourgeois, once prime minister of France, and to be the first member for France of the council of the league of nations, in which he criticized the voting power accorded the British Empire under the covenant of the league.

M. Augagneur, speaking for the deputies on the left, in a bitter speech expressed an opinion like that of M. Bourgeois. Finally M. Franklin-Bouillon, whom some Senators met when he was in this country, who later became a member of the French Cabinet, and who is at this time chairman of the Foreign Relations Committee of the Chamber of Deputies, in terms which might well have been those of the Senator from Idaho [Mr. BORAH] or the Senator from California [Mr. JOHNSON], spoke in condemnation of the inequality and the injustice implied in according to one power six votes while other powers of the first rank have but one vote.

Indeed, Mr. President, while it is far from the fact that criticism has been uttered in no chamber other than this, it is a fact that only here in the Senate of the United States has unqualified indorsement of the six votes for the British Empire been heard. Not in any parliament of the British Empire has anyone made any such sweeping statement as has been made on this floor.

I have been able to read the Journal of the Chamber of Deputies and the Hansard, the official report of the debates in the Canadian Parliament, which, in part, have been quoted by other Senators. But I believe that no Senator has quoted from the long and interesting speech of a member of the House of Commons of Canada who for 16 years was a member of the Canadian cabinet. The speech, in part, was a reply to Sir Robert Borden, who argued that for Canada the arrangement made afforded all the advantages of independence and none of the disadvantages. Canada was to be a member of the league within the league; she would have her own representative as the representative of the Dominion in the assembly, and, if I read Sir Robert's speech aright, that Great Britain would yield the place in the council of the league to a representative of Canada if Canadian interests were at stake.

Replying, in part, to the speeches of Sir Robert Borden and Mr. Doherty, who had spoken for the Government, as they say in Canada, that is, for the administration, Mr. Fielding said:

> I think the putting forth of the claim for representation of Canada separate and apart from the British Empire was not wise, and I think it is going to make for trouble in the future. It has already been the cause of trouble in the United States. * * * I think the claim * * * has a large measure of logic in it.

Behold, we have a member of the Canadian House of Commons answering Senators of the United States, and upholding, as against Senators in the American Senate, the right of the United States to equal representation. He continued:

> I think the claim * * * has a large measure of logic in it, when they say it is unfair that they, a Nation of over 100,000,000 people, should have only one representative in the assembly of the league of nations, while the British Empire has six. I do not see any logical answer to them.

This is not a Senator from Minnesota nor a Senator from Maine who is speaking, although you may be astonished to hear me say so, but a member of the Canadian House of Commons. He continued:

> I had suggested, as my honorable friends may remember, in a former session, that the State of New York would have as much reason to ask for special representation, in addition to the national representation at the peace conference as Canada would, because the State of New York is a big factor in the United States; much bigger, I think, than Canada is in the British Empire.
>
> It is difficult to answer the contention that the State of New York, or any other great State, was as much entitled to separate representation as any separate section of the British Empire. The president of the council met that by this comment: "Why," he said, "the United States is one great nation, while the British Empire is composed not only of the United Kingdom but of five other nations, and therefore there is no comparison between them." A moment's reflection will show my honorable friend that that argument can not bear examination. He uses the word "nation" in the same breath in two ways as meaning the same thing, when it means entirely different things. The nation that he speaks of, the United States, is a sovereign nation subject to nobody, while the five nations that he speaks of are not nations at all, but dependencies of the British crown and subject to British authority.

Mr. President, perhaps because Mr. Fielding does not care to reflect upon the political status of another part of the empire, while he continues to argue regarding the independent sovereignty, the true national status of all of the dependencies of the empire, he makes no special allusion to India, the empire of India, for whom one of the signatories is Edwin Samuel Montagu, chosen doubtless, as the Senator from Oklahoma indicated, by the Indians under some very peculiar method of democratic representation. I think if we search for Mr. Montagu's Indian origin we should find it first in London, then perhaps in Harrow or Westminster, and so on through Cambridge to the Inns of Court, and then, thanks to activities of the Government whip, to a seat in the House of Commons until he was dispatched upon a mission to devise a homeopathic method of applying self-government and self-determination to India. I venture that perhaps he had never stepped upon the shores of the Indian empire of whom he was one of the representatives. Certainly, then, Indian democracy has its own exponent, its own representative, in the other signatory for the great Empire, Maj. Gen. His Highness Maharaja Sir Ganga Singh Bahadur—and I will ask leave that the balance may be printed in the RECORD, and therefore will not tax the attention of the Senate to read his titles and dignities enumerated.

The PRESIDENT pro tempore. Without objection, that will be the order.

The matter referred to is as follows:

> Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of Bikaner, G. C. S. I., G. C. I. E., G. C. V. O., K. C. B., A. D. C.

Mr. McCORMICK. This democratic representative of 300,000,000 people is an autocrat, a very enlightened autocrat, sent to Europe, by the appointment of the viceroy whose origin is no more Indian than that of Mr. Montagu.

Mr. President, the truth is that there is no logic and there is no justice as between the principal powers in the representation accorded the British Empire. If you please, justice may require that the self-governing dominions should be given some voice, although that is moot, since their diplomatic representatives are the same persons who represent the foreign office in London. But, if you please, I will accept, and other Senators of my view will accept, the proposition that justice requires that they shall be represented in the assembly of the league. Political exigency, then, in order to present to the Indian masses the semblance of empire and nationality and self-determination, exigency, expediency required that India should not be denied what the dominions were accorded. If the other great powers are ready to assent to the inequality, although that is not true, if one may judge by the debates in the French chamber, it is not incumbent on us to assert their right to equal representation. If we succeed in securing for the United States as many votes as has the British Empire, and the other principal powers ask for the same number, surely no representative of this country would stand in their way.

The supporters of the amendment introduced by the Senator from California [Mr. JOHNSON] to-day, like those who supported the committee amendment which bore his name, have not wanted to disfranchise any of the self-governing dominions. They have not sought to belittle the civilization or growing industry or growing power or the sacrifices of South Africa or New Zealand or Australia or Canada. I shall be glad again to bear witness to the valor of their arms in the field, as I did when I returned from the front, where I had beheld the British armies assembled from all the Empire, engaged with incomparable sacrifice and gallantry in the struggle in which we finally had a part.

This is an issue, Mr. President, which will not down. It is not a mere legal abstraction. It will raise an issue in the league, if ever we enter it, that will touch the national pride and self-respect of the American people. The question will live with us, not only here in the Senate but throughout the country. In the States and in the counties, in the cities and at the crossroads, Americans will say to one another, "The Senate failed to do its duty and to secure 100,000,000 people a voting power equal to that accorded 60,000,000 of self-governing people."

A few days ago, Mr. President, I sought to make inquiry of one of the Senators who was speaking in opposition to the amendment offered by the Senator from California [Mr. JOHNSON], or, rather, the committee amendment which bore his name. I sought to learn from him his opinion regarding a situation which might develop through the appointment and finding of a committee, to which the council had failed to agree unanimously or to which the assembly had failed to agree by the vote required for binding action.

Under article 5 of the covenant a majority may appoint a committee to investigate particular matters. A committee appointed by a majority of the assembly may investigate an alleged tort, a dispute, or any matter affecting the peace of the world brought to the attention of the council or the assembly of the league.

Let us assume, as we may, that the committee has brought in its judgment; that it should be adverse to our interests directly, or, as touching some other power in South America or in Asia, almost equally adverse to our interests, indirectly. Certainly Senators can conceive that there might be a dispute on the shores of the Pacific or the Caribbean which would affect our interests almost as intimately as if it were a dispute with the United States itself.

Under article 15, if the council did not with the necessary unanimity or the assembly did not agree with the necessary vote to the report of the committee, members of the league "reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice." That means that the committee would have made up the case before the public opinion of the world, and the great powers, failing decision under the covenant, supported by public opinion, created, organized by the committee, would take such action as they saw fit "for the maintenance of right and justice." Here certainly, in a very real and material sense, the six votes held in fee by the British Empire and the four others held by mortgage would play a great part in the constitution of the committees whose findings would determine the public opinion of the world. Under those findings the nations should draw the sword, as provided in article 15. Until this injustice is cured, until the covenant, if it be adopted, be purged of this inequality, the American people, moved by self-interest and self-preservation, by pride in their patrimony, will never allow this question to rest.

SEVERAL SENATORS. Vote!

Mr. LODGE. Regular order!

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Lodge	Simmons
Ball	Gronna	McCormick	Smith, Ariz.
Borah	Hale	McKellar	Smith, Ga.
Brandegee	Harding	McLean	Smith, Md.
Calder	Harris	McNary	Smith, S. C.
Chamberlain	Henderson	Moses	Smoot
Colt	Hitchcock	Nelson	Spencer
Culberson	Johnson, Calif.	New	Sterling
Cummins	Johnson, S. Dak.	Newberry	Sutherland
Curtis	Jones, N. Mex.	Norris	Swanson
Dial	Jones, Wash.	Nugent	Thomas
Dillingham	Kellogg	Overman	Townsend
Edge	Kendrick	Owen	Trammell
Elkins	Kenyon	Penrose	Wadsworth
Fall	Keyes	Phelan	Walsh, Mass.
Fernald	King	Phipps	Walsh, Mont.
Fletcher	Kirby	Pomerene	Warren
France	Knox	Ransdell	Watson
Frelinghuysen	La Follette	Sheppard	Wolcott
Gay	Lenroot	Shields	

The PRESIDENT pro tempore. Seventy-nine Senators have answered to their names. There is a quorum present. The question is upon the amendment proposed by the Senator from California [Mr. JOHNSON].

Mr. HITCHCOCK, Mr. JONES of Washington, and Mr. LA FOLLETTE called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. SWANSON (when Mr. BANKHEAD's name was called). The senior Senator from Alabama [Mr. BANKHEAD] is unavoidably detained from the Senate. He is paired with the Senator from Vermont [Mr. PAGE]. If he were present, the Senator from Alabama would vote "nay" and the Senator from Vermont, if present, would vote "yea."

Mr. GRONNA (when his name was called). On this question I have a pair with my colleague, the senior Senator from North Dakota [Mr. MCCUMBER]. If he were present and I were permitted to vote, I should vote "yea" and he would vote "nay." Not being able to get a transfer of my pair, I withhold my vote.

Mr. HARDING (when his name was called). Because of a standing general pair with the junior Senator from Alabama [Mr. UNDERWOOD], I am unable to vote. If I were permitted to vote, I should vote "yea."

Mr. MOSES (when his name was called). In order that the Senator from California [Mr. JOHNSON] may have the privilege of voting on his own amendment, I have taken from him the pair existing between him and the senior Senator from Virginia [Mr. MARTIN], and, in the absence of the Senator from Virginia, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a pair on this vote with the senior Senator from Oklahoma [Mr. GORE]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote. I vote "nay."

Mr. SWANSON (when the name of Mr. SMITH of Arizona was called). The Senator from Arizona [Mr. SMITH] is paired with the Senator from Wyoming [Mr. WARREN]. If he were present, the Senator from Arizona would vote "nay." He is unavoidably detained from the Senate.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He being absent, I am obliged to withhold my vote. If permitted to vote, I should vote "yea."

Mr. SWANSON (when Mr. UNDERWOOD's name was called). The junior Senator from Alabama [Mr. UNDERWOOD], who is detained from the Senate on account of sickness, is paired with the junior Senator from Ohio [Mr. HARDING]. If the Senator from Alabama were present, he would vote "nay."

Mr. WARREN (when his name was called). I am paired for the afternoon with the senior Senator from Arizona [Mr. SMITH], as has been stated by the Senator from Virginia [Mr. SWANSON].

The roll call was concluded.

Mr. GERRY. I desire to announce that the junior Senator from Kentucky [Mr. STANLEY] is paired with the senior Senator from Missouri [Mr. REED]. The Senator from Missouri is in favor of the amendment and the Senator from Kentucky is against it.

Mr. SMITH of South Carolina. I have a pair on this vote with the Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.

Ball	Fall	Lenroot	Poindexter
Borah	Fernald	Lodge	Shields
Brandegee	France	McCormick	Smoot
Calder	Frelinghuysen	McLean	Spencer
Capper	Johnson, Calif.	New	Townsend
Cummins	Jones, Wash.	Newberry	Wadsworth
Curtis	Kenyon	Norris	Walsh, Mass.
Dillingham	Knox	Penrose	Watson
Elkins	La Follette	Phipps	

NAYS—42.

Ashurst	Harrison	McNary	Smith, Ga.
Chamberlain	Henderson	Myers	Smith, Md.
Colt	Hitchcock	Nelson	Sterling
Culberson	Johnson, S. Dak.	Nugent	Swanson
Dial	Jones, N. Mex.	Overman	Thomas
Edge	Kellogg	Owen	Trammell
Fletcher	Kendrick	Phelan	Walsh, Mont.
Gay	Keyes	Pomerene	Williams
Gerry	King	Ransdell	Wolcott
Hale	Kirby	Sheppard	
Harris	McKellar	Simmons	

NOT VOTING—19.

Bankhead	McCumber	Reed	Stanley
Beckham	Martin	Robinson	Sutherland
Gore	Moses	Sherman	Underwood
Gronna	Page	Smith, Ariz.	Warren
Harding	Pittman	Smith, S. C.	

So the amendment of Mr. JOHNSON of California was rejected.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in executive session the doors were reopened.

ADJOURNMENT.

Mr. LODGE. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate, as in legislative session, adjourned until tomorrow, Thursday, October 30, 1919, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 29 (legislative day, October 22), 1919.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Herman G. Brock to be Second Assistant Director Bureau of Foreign and Domestic Commerce in the Department of Commerce.

UNITED STATES COAST AND GEODETIC SURVEY.

Roland D. Horne to be junior hydrographic and geodetic engineer.

UNITED STATES CIRCUIT JUDGE.

Maurice H. Donahue to be United States circuit judge, sixth circuit.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

William H. Tschappat to be colonel.

QUARTERMASTER CORPS.

Harry E. Wilkins to be colonel.

CORPS OF ENGINEERS.

Edgar Jadwin to be colonel.
Edward M. Markham to be lieutenant colonel.

To be majors.

Stuart C. Godfrey.
Francis C. Harrington.

CAVALRY.

To be captains.

Samuel V. Constant.
William C. Chase.
Norman E. Fiske.
Donald O. Miller.
Wilson T. Bals.
Cyrus J. Wilder.
Harold C. Fellows.
John T. Pierce, jr.
George M. Herringshaw.
Thomas F. Limbocker.
Cornelius M. Daly.
Richard B. Trimble.

To be first lieutenants.

Carleton Swasey.
Edwin W. Godbold.
Hugh Brooks.

John G. White.
Raymond C. Gibbs.
Leo F. Crane.
Rohland A. Isker.
Robert R. Maxwell.
Charles A. Horger.
Arthur D. Soper.
Conrad G. Wall.
Harold A. Davis.
Charlie E. Hart.
James T. Donald.
Edward G. Knowles.
Francis V. Terry.
Charles E. Dissinger.
Martin G. Charles.
Earl M. Abbott.
Samuel V. H. Danzig.
George F. Neilson.
Dean A. Jones.
Hugh F. Conrey.
Paul C. Febiger.
Alexander D. Mason.
Earle L. Hazard.
Paul J. King.
Harry E. Pendleton.
Benton F. Munday.
Gyles Merrill.
William C. Bowie.
Wilfred E. Willis.
John B. Seaton.
James M. Adamson, jr.
Charles E. Sheldrake.
Joe C. Rogers.
Frank A. Allen, jr.
Guy O. Kurtz.
Louis J. Compton.
Clarence A. Lefferts.
Read Wipprecht.
Claire M. Daugherty.
Ceylon O. Griffin.
Dimetrio P. Harkins.
Bruce M. McDill.
Loren F. Parmley.
Edward Herendeen.
Grayson H. Bowers.
Thomas W. Herren.
Harry G. Clarke.
Alden H. Seabury.
Fred W. Koester.
Clarence A. Shannon.
Alexander B. MacNabb.
William N. Todd, jr.
Walton W. Cox.
Dudley Miller.
John K. Egan.
Thomas R. Taber.
Ross E. Larsen.
Charles W. Burton.
Calvert L. Estill.
Nathan Cockrell.
Cecil J. North.
Robert M. Eichelsdoerfer.
James T. Watson, jr.
Edward B. Harry.
Herbert D. Bowman
Albert G. Klapp.
Fred P. Clark.
Harry Leroy Jones.
George S. Clarke.
Harold P. Stewart.
Harold LaR. K. Albro.
Darrow Menoher.
Mark A. Devine, jr.
Gerald FitzGerald.
William H. Killian.
Carl J. Dockler.
Olin C. Newell.
Lawrence T. Brown.

FIELD ARTILLERY.

To be lieutenant colonel.

Edgar H. Yule.

To be major.

Edmund L. Gruber.

To be first lieutenants.

John C. Miller, jr.
Walter A. Metts, jr.
Morgan F. Simmons.
Frank Camm.
Leonard H. Frasier.
Clifford B. Cole.
John S. Burrell.
Richardson L. Greene.
Roland MacGray.
Robert J. Horr.
John L. Grant.
Paul L. Deylitz.
Leo M. Kreber.
Edwin L. Sibert.
O'Ferrall Knight.
Charles C. Blanchard.
Paul E. Hurt.

POSTMASTERS.

MARYLAND.

Walter S. Wilson, Aberdeen.
Edward W. Ross, Pocomoke City.
Thomas D. Bowers, Chestertown.
Adelia E. Bowers, Millington.

NEW JERSEY.

Matthias C. Ely, Jersey City.
John Jenkins, Delanco.

PENNSYLVANIA.

Sadie R. Keffer, Clairton.
Besse M. McCauley, Dravosburg.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 29, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, teach us to know, respect, and dignify law—the laws which Thou hast made and the laws which men have enacted out of the experiences of life; that we may be obedient servants of the living God and law-abiding citizens of the State and Nation of which we are a part; that out of the reconstruction of life through which we are passing, brought about by a world-wide war, harmony, peace, and plenty may crown the efforts of our statesmen and bring back the normal. Through Him who taught us brotherly love, pure and noble life; and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday.

FIRST DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOOD. The conference report on the first deficiency bill has been agreed to by the Senate. The agreement was a unanimous agreement. I believe it would take but a very short time to dispose of it in the House, and I move, therefore, to dispense with Calendar Wednesday only long enough to take up and dispose of the conference report.

The SPEAKER. The gentleman from Iowa moves to dispense with Calendar Wednesday until the conference report referred to is disposed of——

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Is such a motion proper? Should it not be rather by unanimous consent?

The SPEAKER. The Chair thinks the motion is proper.

Mr. BLANTON. To dispense with Calendar Wednesday?

The SPEAKER. Yes. The rule provides, the Chair's recollection is, five minutes' debate on a side.

Mr. KAHN. I would like to ask the chairman of the Committee on Appropriations a question. How long will it take to dispose of this report?

Mr. GOOD. Mr. Speaker, it seems to me that the report can be disposed of very quickly. It has been published now for two days; everybody knows what it is. I think there is only one item about which there is any dispute, and it ought not to take an hour to dispose of the conference report.

Mr. KAHN. I have no objection, if it can be done in an hour.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken; and the Speaker announced that, in the opinion of the Chair two-thirds having voted in favor thereof, Calendar Wednesday was dispensed with until the conference report is disposed of.

The SPEAKER. The Clerk will read the conference report.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 10, 12, 28, 31, 34, 35, 40, 42, 43, 44, 45, 46, 55, 62, 63, 64, 72, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 36, 37, 38, 39, 48, 49, 50, 51, 52, 53, 54, 57, 58, 66, 67, 68, 69, 70, 71, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"COMMITTEE ON PUBLIC INFORMATION.

"Authority is hereby granted the Director of the Council of National Defense to expend during the fiscal year 1920 the sum of $32,000 from the funds now to the credit of the Committee on Public Information for necessary expenses incurred therefor since July 1, 1919, and for the expenses of auditing and closing the accounts and affairs of said committee. All unexpended balances of appropriations for and allotments to the Committee on Public Information shall remain available for payment, under the direction of the Director of the Council of National Defense, of such liabilities as were actually and necessarily incurred by the committee prior to June 30, 1919: *Provided*, That $1,000,000 of such appropriations and allotments shall be covered into the Treasury immediately upon the passage of this act."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "continuing" and insert in lieu thereof the word "completing"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the word "Ten" and insert in lieu thereof the word "Five," and in line 6 strike out "$1,600" and insert in lieu thereof "$800"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after line 15; and the Senate agreed to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,863,176"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"ORDNANCE DEPARTMENT.

"Ordnance reservation civilian schools: Authority is granted for the expenditure during the fiscal year 1920 of not to exceed $45,000 from appropriations heretofore made for the 'purchase, manufacture, and test of ammunition for mountain, field, and siege cannon,' for the operation and maintenance on ordnance reservations at Amatol and Mays Landing, N. J.; Nitro, W. Va.; Jacksonville, Tenn.; Penniman, Va.; Sheffield and Muscle Shoals, Ala.; and Tullytown, Pa., of schools for children of persons employed thereon, where public schools are not conveniently available for such children, including salaries, supplies, stationery, and industrial work, replacement and repair of books and equipment, and all incidental and necessary expenses in connection therewith."

On page 11 of the bill in line 10 strike out "1919" and insert in lieu thereof "1910."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"NAVY DEPARTMENT.

"Rent: For rental of additional quarters for the Navy Department, fiscal year 1919, $175."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$500," and in line 4 strike out "$666.67" and insert in lieu thereof "$333.34"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$600," and in line 5 strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "$1,000" and insert in lieu thereof "$600," and in line 3 strike out "$666.67" and insert in lieu thereof "$400"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL CONFERENCE OF LABOR.

"For salaries and expenses of the international conference of labor, as follows:

"United States Government executive staff: For two and one-half months, at monthly compensation as follows: Assistant to the Secretary, $450; first assistant, $300; three executive assistants, at $200 each; two assistants at hotels, at $200 each; private secretary, $200; two stenographers, at $150 each; typist, $125; and two messengers, at $75 each; in all, $6,312.50.

"Conference staff, for two months, at monthly compensation as follows: Two stenographers, at $150 each; two deputy secretaries, at $300 each; four subsecretaries (for commissions), at $200 each; four interpreters, at $200 each; three English-French translators, at $200 each; three French-English translators, at $200 each; six French stenographers, at $83.33 each; six English stenographers, at $150 each; chief messenger, $125; eight messengers, at $75 each; expenses, at not exceeding $10 per diem for each person, $12,000; in all, $23,649.96.

"Chief clerk's office, for two months, at monthly compensation as follows: Chief clerk, $200; assistant chief clerk, $150; and stenographer, $150; in all, $1,000.

"Expenses: For reporting proceedings, $20,000; printing proceedings, $10,000; paper, $2,500; contingent expenses, $1,000; in all, $33,500.

"Total, international conference of labor, $64,462.46: *Provided*, That all accounting in connection with the conference shall be done by the disbursing officer of the Department of Labor: *Provided further*, That no part of the money herein appropriated for the international conference of labor shall be available for the payment of an allowance for per diem expenses in lieu of subsistence to any person residing in the District of Columbia: *Provided further*, That this sum shall not be supplemented by expenditures from any other appropriation nor shall any part of this or any other appropriation be used for telegraphing or cabling the proceedings of the said conference."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,075"; and the Senate agree to the same.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.
F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On No. 1: Strikes out the paragraph, inserted by the Senate, requiring the executive departments and independent establishments to report each proposed new activity or investigation to the Bureau of Efficiency, and also the paragraph directing the Bureau of Efficiency to investigate the methods of business in the Bureau of War Risk Insurance.

On No. 2: Inserts the paragraph, proposed by the Senate, relative to the closing up of the accounts of the Committee on Public Information, modified so as to authorize the use of $32,000 of unexpended balances for expenses incident to the work during the fiscal year 1920, and covers into the Treasury $1,000,000 of the unexpended balances of appropriations and allotments.

On Nos. 3, 4, 5, and 6, relating to the District of Columbia: Inserts the paragraph, proposed by the Senate, reappropriating certain unexpended balances of appropriations for sewer construction work for 1919 and makes them available for 1920; appropriates $19,000, as proposed by the Senate, for the upper Potomac interceptor; inserts the paragraph, proposed by the Senate, increasing from 20 per cent to 33⅓ per cent the amount of the appropriation for community forums and civic centers which may be expended for the payment of secretaries, teachers, organizers, and clerks; and appropriates $800 instead of $1,600, as proposed by the Senate, for charwomen for the new courthouse.

On No. 7: Appropriates $2,900, as proposed by the Senate, for the Columbia Hospital.

On No. 8: Appropriates $5,000,000, as proposed by the Senate, for the Federal Board for Vocational Education for the vocational rehabilitation of soldiers and sailors; and strikes out that portion of the amendment authorizing the transfer from the War Department to the Federal Board for Vocational Education of certain equipment valued approximately at $250,000.

On Nos. 9, 10, 11, and 12, relating to the State Department: Appropriates $200,000 instead of $100,000, as proposed by the House, and $461,666.67, as proposed by the Senate, for additional officers and employees; appropriates $4,140.28, as proposed by the Senate, to provide for compensation of the ambassador to Belgium; strikes out the increase of $200,000, proposed by the Senate, in the appropriation to reimburse the fund "Emergencies arising in the Diplomatic and Consular Service, fiscal year 1920," on account of the expenses of the American mission to negotiate peace.

On Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22: Appropriates for certain additional employees in the Treasury Department from November 1, 1919, as proposed by the Senate, instead of from October 1, 1919, as proposed by the House.

On Nos. 23, 24, 25, 26, and 27, relating to public buildings: Increases the amount which may be expended during the fiscal year 1920 for repairs on Treasury Department buildings in the District of Columbia from $16,000 to $21,000, as proposed by the Senate; appropriates $2,800 additional for the purchase of a post-office site at Mount Olive, N. C.; appropriates $3,000 for rent of quarters at Nashville, Tenn.; appropriates $1,500 for rent of quarters at Newport, R. I.; and $125,000 for additional construction at the Cape Charles (Va.) quarantine station, as proposed by the Senate.

On Nos. 28 and 29, relating to the Secret Service Division of the Treasury Department: Strikes out the increase of $25,000, proposed by the Senate, and inserts the proviso proposed by the Senate, authorizing a maximum pay of $12 per day to not to exceed three persons.

On No. 30: Appropriates $136,813.94, as proposed by the Senate, for additional employees in the office of the Treasurer to be employed in redeeming national currency.

On Nos. 31, 32, and 33, relating to the Bureau of War Risk Insurance: Strikes out the appropriation of $1,000,000 proposed by the Senate for advertising and inserts the appropriation of $161,536 for the purchase of addressograph supplies, as proposed by the Senate.

On No. 34: Strikes out the appropriation of $31,000, proposed by the Senate, for telephone lines for the Coast Guard.

On No. 35: Strikes out the appropriation of $55,000, proposed by the Senate, for additional scales for the Customs Service.

On No. 36: Inserts the paragraph, as proposed by the Senate, requiring the American Printing House for the Blind to furnish two copies of each of its publications free of charge to the National Library for the Blind.

On No. 37: Inserts the paragraph, proposed by the Senate, establishing a credit of $147 in the accounts of C. G. Duganne, formerly disbursing officer of the Reclamation Service at Denver, Colo.

On No. 38: Appropriates $550, as proposed by the Senate, to credit the accounts of Sydney E. Smith, disbursing clerk of the War Department.

On No. 39: Inserts the language, proposed by the Senate, making the appropriation for contingent expenses of the War Department available for heating apparatus and repairs to buildings occupied by the War Department other than the State, War, and Navy Building.

On No. 40: Strikes out the appropriation of $200,000 for continuing the construction of the Aqueduct Bridge.

On No. 41: Restores the language, stricken out by the Senate, authorizing the maintenance of schools on Army ordnance reservations, modified so as to authorize the use of $45,000 instead of $64,000 as proposed by the House, and specifies the places at which schools may be maintained.

This amendment also corrects an error in the text of the bill by properly identifying a reference to the river and harbor appropriation act of June 25, 1910.

On No. 42: Strikes out the appropriation of $35,000, proposed by the Senate, for the purchase of a bridge across the Missouri River at Fort Leavenworth, Kans.

On No. 43: Strikes out the paragraph, proposed by the Senate, authorizing the expenditure of $13,872 for the purchase of certain land at Camp McClellan, Ala.

On No. 44: Strikes out the paragraph, proposed by the Senate, authorizing the expenditure during the fiscal year 1920 of $15,681,350 of unexpended balances of appropriations made during the fiscal years 1918 and 1919 for the Air Service of the Army.

On Nos. 45, 46, 47, and 48, relating to the Navy Department: Strikes out the appropriations, proposed by the Senate, for increases in compensation of draftsmen and engravers in the Hydrographic Office; strikes out the paragraphs, proposed by the Senate, authorizing certain expenditures in the office of the Naval Records and Library; inserts the paragraph, proposed by the Senate, appropriating $175 for rent of quarters; and inserts the appropriation of $6,289.94, as proposed by the Senate, for the payment of claims for damages which have been adjusted by the Secretary of the Navy in accordance with existing law.

On No. 49: Strikes out, as proposed by the Senate, the paragraph authorizing the transfer of $9,300,000 from appropriations for "Pay of the Navy" and "Provisions of the Navy" for the fiscal year 1920 to other bureaus of the Navy Department for work in connection with the repair of vessels.

On No. 50: Reduces from $800,000 to $500,000, as proposed by the Senate, the amount which may be expended from the appropriation "Maintenance, Bureau of Supplies and Accounts," for pay of classified employees.

On No. 51: Appropriates $3,500, as proposed by the Senate, for repair of an annex to the Senate folding room.

On No. 52: Appropriates $160,000, as proposed by the Senate, for expenses incurred in protecting timber on the public lands from forest fires.

On Nos. 53, 54, and 55, relating to the Patent Office: Appropriates for additional employees from November 1, 1919, as proposed by the Senate, instead of from October 1, 1919, as proposed by the House; and strikes out the appropriation of $7,333.34 for additional employees to bring up to date the trade-mark work of that office.

On No. 56: Appropriates $6,000,000 instead of $17,000,000, as proposed by the Senate, for continuing the construction of the Alaskan Railroad.

On Nos. 57 and 58, relating to the Postal Service: Appropriates $750,000 for compensation of clerks and employees at first and second class post offices, as proposed by the Senate; and appropriates $700,000, as proposed by the Senate, instead of $300,000, as proposed by the House, for the payment of limited indemnity on mail matter for the fiscal year 1919.

On Nos. 59, 60, 61, 62, and 63, relating to the Department of Justice: Increases the compensation of the chief clerk at the rate of $500 per annum instead of at the rate of $1,000 per annum, as proposed by the Senate; increases the compensation of the private secretary and assistant to the Attorney General, and the attorney in charge of pardons, at the rate of $600 each, instead of at the rate of $1,000 each, as proposed by the Senate; strikes out the appropriation of $5,000, proposed by the Senate, for additional motor vehicles; and strikes out the authority, proposed by the Senate, for the purchase and maintenance of motor vehicles in connection with the detection and prosecution of crimes.

On No. 64: Strikes out the appropriation of $2,000, proposed by the Senate, for the payment of a United States district attorney of Portland, Oreg., for services rendered during the years 1916 and 1917.

On No. 65: Appropriates $45,000, instead of $25,000, as proposed by the House and $70,000 as proposed by the Senate, for the control and prevention of the spread of the Japanese beetle.

On No. 66: Appropriates $2,950,000 as proposed by the Senate, instead of $2,500,000 as proposed by the House, for expenses of the Forest Service in fighting and preventing forest fires.

On No. 67: Strikes out the paragraph, proposed by the House, authorizing the purchase and maintenance of a motor vehicle for the official use of the Director of the Census.

On Nos. 68, 69, 70, 71, and 72, relating to the Coast and Geodetic Survey: Strikes out the appropriation of $12,000, proposed by the House, to increase the compensation of draftsmen; strikes out the appropriation of $5,000, proposed by the House, to increase the compensation of engravers; strikes out the appropriation of $35,622.23, proposed by the Senate, to increase the compensation of draftsmen, engravers, computers, lithographers, transferrers, pressmen, plate printers, and certain other employees; appropriates for additional draftsmen and other employees from November 1, 1919, as proposed by the Senate, instead of from October 1, 1919, as proposed by the House.

On No. 73: Strikes out the appropriation of $35,000, proposed by the Senate, for expenses of the industrial conference.

On No. 74: Appropriates $64,462.46, instead of $73,212.46 as proposed by the Senate, for expenses of the international conference of labor. The Senate amendment is modified so as to increase the compensation of three English-French translators and three French-English translators from $125 to $200 per month each; to strike out the appropriation of $650 for expenses of the telegraph room; to strike out the appropriation of $10,000 for expenses of moving departments to provide offices; to insert an appropriation of $1,000 for contingent expenses; and to insert a proviso prohibiting the use of any other appropriation to supplement the funds granted in the bill and also prohibits the use of this or any other appropriation for the expenses of telegraphing or cabling proceedings of the conference.

On No. 75: Appropriates $1,075, instead of $2,150, as proposed by the Senate, for the compensation of statutory employees of the Botanic Garden.

On Nos. 76, 77, 78, 79, 80, and 81, relating to the Senate: Appropriates for the compensation of employees and for other expenses of the Senate in the manner and amounts proposed by each of the Senate amendments.

On No. 82: Appropriates $9,303.95 for the payment of judgments of United States courts which were certified to Congress after the bill had passed the House.

On No. 83: Appropriates $116,630.69 for the payment of judgments of the Court of Claims which were certified to Congress after the bill had passed the House.

On Nos. 84 and 85: Appropriates $1,160,333.82 and $353,920.50, respectively, for the payment of audited claims which were certified to Congress by the Secretary of the Treasury after the bill had passed the House.

On No. 86: Corrects a section number of the bill.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

Mr. GOOD. Mr. Speaker, this bill passed the House carrying $14,279,704.67. It passed the Senate carrying $42,443,985.66, which means that the Senate added $28,164,280.99. The Senate has receded on items aggregating $12,982,949.81. The House has receded from its disagreement to Senate amendments in items aggregating $15,181,331.18. The principal items involved in the recessions by the House are the following: Five million dollars for the Federal Board for Vocational Education. The estimate was made to the Senate after the bill passed the House. When the bill passed the House there was no estimate pending before Congress for additional appropriation for this service, and as a strong showing was made, the House, therefore, has accepted the Senate amendment in that regard. The House conferees receded in the matter of additional employees in the State Department. The House bill carried $100,000 for additional employees. The Senate bill carried in a lump sum $300,000, and the report which we have agreed to provides for $200,000, which would mean that the House conferees receded to the extent of $100,000, and the Senate conferees also receded in a like amount. There was also an amendment by the Senate for additional employees in the State Department, carrying $161,666.67. The Senate receded from its disagreement to the amendment, so that the State Department receives $200,000 for additional employees. At Cape Charles, where we have been constructing a quarantine station and doing some dredging, the action of the waves have been such as to endanger the structure, and, while work is going on there now, the War Department felt that the work of filling in might well be done along with the dredging. The Senate adopted an amendment carrying $125,000 for this service, and as it seemed to be an emergency need the House conferees have agreed to the Senate amendment. In the Bureau of War Risk Insurance a Senate amendment carried $1,000,000 for advertising in the newspapers and the magazines by the Bureau of War Risk Insurance. It also carried an item for $161,536 for the purchase of addressograph supplies. There has been considerable agitation with regard to permitting the Bureau of War Risk Insurance to spend money for advertisement in the papers and magazines. I think anyone who has studied carefully and deeply the question of war-risk insurance realizes that the insurance in many cases is similar to industrial insurance, where the insurance premiums must be collected from laborers at short intervals.

Mr. WALSH. Will the gentleman yield?

Mr. GOOD. I yield.

Mr. WALSH. What were they going to advertise for, people to give employment to some clerks they have got down there, so they need not decrease the number?

Mr. GOOD. When the matter was first suggested the Bureau of War Risk Insurance wanted $2,600,000, as I recall, for this purpose. They wanted to arouse public sentiment in favor of this kind of insurance, and at first had in mind to advertise for names of soldiers and addresses, where they could not get in contact with them, so many having left their former residences and could not be located. Latterly they gave that up, and now want to advertise only the merits of Government insurance, and impress upon the discharged soldiers the importance of their carrying this insurance. It seemed to the House conferees, as it did to the Committee on Appropriations when the matter was considered there, that the Government should give every opportunity to every soldier who wants to continue the insurance, and should explain to them the value of this insurance. The committee felt, however, that this could be best done by a letter addressed directly to the soldier, and should not be made to depend upon his looking through a big magazine, with perhaps several hundred pages of advertisements, in order to find an advertisement that would in some measure describe what his rights were.

Now, besides that, the gentleman can well see if we enter this field a million dollars is but a drop in the bucket, and in the end it might mean the purchase or subsidy of magazines and newspapers throughout the country for political purposes. The committee felt that this was a departure that we ought not to make. It called for a small appropriation now that would lead to a large appropriation, and hence the entire amount was eliminated.

Mr. WALSH. Will the gentleman yield further?

Mr. GOOD. Yes.

Mr. WALSH. Was there any effort in this bill to increase the appropriation for clerk hire in the War Risk Insurance Bureau? Does there seem to be any way of prying these useless clerks away from these positions unless Congress reduces the appropriation? As long as they have money down there they will keep a large number of clerks, which I think anybody who has visited the department and witnessed some of its operations can plainly conclude are not necessary, because they are not doing any work.

Mr. GOOD. When this matter was before the committee there was an estimate for $6,275,000 for additional clerks for the balance of this year. That estimate was on the basis of their present organization. The committee reported out $4,000,000, which will mean a very substantial cut in their present rolls. As I recall they have about 13,000 employees in the bureau, and to continue those employees to the end of this year would have required more than $6,275,000. Now, the director stated that while the work in some of the departments, such as compensation and allowance and allotment, was falling off and soon there would be no one in those departments, yet in the insurance section the work was increasing, and the director complained because we had made the cut of $2,275,000. He says he is fearful he will not be able to conduct the work with that reduced amount, but will try and get along with it. But that amount was not in conference, and the item is just as it passed the House.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GOOD. I will.

Mr. GREEN of Iowa. Did the director explain why the work was increasing in the insurance section, when so many soldiers were dropping their insurance?

Mr. GOOD. I think it was because they were trying to get them back and to continue this insurance. A strong effort is being made with those who have dropped their insurance to get them to continue it.

Mr. GREEN of Iowa. That ought not to involve a great deal of work.

Mr. GOOD. It seems to involve a great deal. The problem is a big one, to have all these discharged soldiers carry their insurance.

Mr. GREEN of Iowa. Under the present management, yes; but with proper management, I think not.

Mr. KNUTSON. Will the gentleman yield further?

Mr. GOOD. Yes.

Mr. KNUTSON. I understood the gentleman to say that the personnel of the War Risk Bureau consists of about 13,000 clerks?

Mr. GOOD. That is my recollection.

Mr. KNUTSON. What was the number during the war, when we had four million and a half of men under arms?

Mr. GOOD. The work of the Bureau of War Risk Insurance, as the gentleman knows, was simply getting under way as the new increments were taken into the Army, and with each draft of men the work greatly increased. But they were way behind with their work, as the gentleman knows, when hostilities ceased.

Mr. KNUTSON. As far as help goes, it seems as though the bureau is in high at the present time. The gentleman said they were just getting under way when the armistice was signed?

Mr. GOOD. I think perhaps there has never been a time when they had more employees than they had there a month or so ago.

Mr. KNUTSON. Is not there any relief in sight from all these useless clerks?

Mr. GOOD. They had 13,307 clerks on August 1, 1919. The table that was inserted in the RECORD does not give the further information the gentleman asks.

Mr. KNUTSON. There has been a very small reduction down there as a matter of fact, has there not?

Mr. GOOD. I do not know that there has been any reduction, but of course there will be a material reduction very soon.

Mr. GREEN of Iowa. There has been quite an increase, I will say to the gentleman.

Mr. GOOD. There was an estimate submitted to the Senate that was not submitted to the House of $160,000 for fighting forest fires on public lands. The House conferees agreed to this amendment of the Senate.

The Senate added $17,000,000 for completing the railroad in Alaska. By the Senate amendment all of the limit of cost of the railroad, as enlarged by the recent bill, was appropriated. The statement from the Secretary of the Interior was to the effect that a large part of this would not be used during this fiscal year, and a large part of it, even, would not be expended in the next fiscal year, but the Secretary did say that he would need $6,000,000 to continue the work for the remainder of this fiscal year, and the Senate receded to the extent of $11,000,000 and the House agreed to the item of $6,000,000 for this service.

The Postmaster General, after the bill passed the House, made an estimate of $1,500,000 for additional clerks and employees in the first and second class post offices. A letter from the Postmaster General is to the effect that the service in these offices had increased to the extent of about 20 per cent during the month of September alone. The House agreed to the amount put in by the Senate, namely, $750,000, which is only half the amount estimated by the department.

The Postmaster General also made an additional estimate for the payment of insurance for limited indemnity to parcel-post packages. The House bill carried $300,000 and the Senate added $400,000 to this item. Considerable criticism has been sent out by the Post Office Department, in letters, of the action of Congress in not making appropriations for this service. That criticism, I might say, was sent out at a time when there was no estimate pending for an appropriation, and yet the department was criticizing Congress because an appropriation had not been made. When their attention was called to that Gov. Dockery was very frank in saying that those letters were sent without his knowledge and that they should never have been sent. The House, however, did agree to the increase of $400,000, which was a supplemental estimate, an amount not considered by the House committee at all, but it can not be expended for any other purpose. It is expended in small items of $4 or $5—I think the average is not over $6 or $7—and the expense involved in writing to the claimant that there is no appropriation ought to be obviated, and that can only be done by an appropriation in the first instance. Besides that, there is considerable profit to the Government in carrying this insurance at the present rates, and a person who suffers a loss ought to be indemnified as soon after the loss as possible.

Mr. PARRISH. Will the gentleman yield for a question?

Mr. GOOD. I yield for a question.

Mr. PARRISH. Does it show from the hearings or from evidence before the committee whether or not the $5,000,000 will be sufficient to take care of the appropriation for the rehabilitation of wounded soldiers?

Mr. GOOD. The House conferees had no discretion in that matter. The only discretion they had would be either to agree to the $5,000,000 or some amount less than that. There was an estimate of $20,000,000, and the House conferees felt that the Federal board would use at least the amount carried by the Senate amendment, and so receded from its disagreement to that amendment and agreed to the full amount carried by the Senate.

Mr. PARRISH. The gentleman does not now know whether or not the $5,000,000 will meet the demand?

Mr. GOOD. No; I can not tell. Nobody could tell.

Mr. DUNBAR. Will the gentleman yield?

Mr. GOOD. I yield for a question.

Mr. DUNBAR. Did the gentleman not state at one time that the Vocational Board would require during the coming year $25,000,000?

Mr. GOOD. Yes. But those statements have been made at random. No one knows what this service will cost. It will all depend upon how many men will avail themselves of the service, the efficiency with which the money appropriated is handled, and the amount that must be paid to the colleges and institutions to train the crippled men.

Mr. DUNBAR. Will the gentleman yield to another question?

Mr. GOOD. Yes.

Mr. DUNBAR. Is it not possible and entirely probable that $50,000,000 will be required by the Vocational Board for the rehabilitation of the soldiers?

Mr. GOOD. That is very probable.

The House conferees did not agree to the item that authorized the Secretary of War to turn over to the Federal Board for Vocational Training the tools and certain equipment of the War Department estimated at a value of about $250,000. It seemed to the House conferees that the Secretary of War has the authority that he has already exercised of loaning these tools and this equipment to the board. If the board desires to buy something or use something that it must buy it ought to buy it and pay for it, and the War Department ought to stop giving things away. [Applause.] We shall never know and we shall never have any system of bookkeeping if we continue to give things away. I know it will mean increased appropriations at times, but better ten times over appropriations that go back into the Treasury than to have a system adopted whereby people everywhere will think that all they have got to do is to go to the War

Department and ask for its surplus material and that that surplus material will be turned over to them free of charge.

Now, the Vocational Board has this surplus of tools and equipment. They ought to have it. They ought to use it. They ought to be using it in equipping these men for usefulness in life. There is no question about that. But they have it now, and if there is any question about the authority of the Secretary of War in turning it over we will make his authority plain. But inasmuch as the Secretary of War did not raise that question, the House conferees did not believe we should extend his power to give things to other departments where title passes.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. RAKER. I would like to ask the gentleman in regard to Senate amendment No. 55, on page 26, in regard to additional employees in the Patent Office. There has been considerable correspondence, and a good many applicants have claimed that——

Mr. GOOD. The Senate receded on that item because the salaries fixed by the Senate amendment would change existing law, and the House conferees felt that at all times we must protect the legislative committees of the House so that those committees can keep tab on their legislation. If there should be a change in the law, the committee would not object to appropriating up to the limit of the law when the necessity of the appropriation was shown. But to exceed the limit is not a very good policy, as the gentleman will agree, and again there was no estimate from the department. The Commissioner of Patents appeared before the House committee. We gave him all he asked for in the way of copy-pullers, and so forth. This item was put on in the Senate, and we felt that even if it ought to go in at all, it ought not to go on until after an investigation by the body that has the power to report the legislation.

Mr. RAKER. It was really found that the help was needed, but the committee thought that the legislative committee should bring in a bill to fix the salaries rather than to have it go as a rider on the House bill?

Mr. GOOD. I do not think the additional help was badly needed, or the commissioner, when he appeared before our committee, would have said something about it. He did not say anything about it, and we thought it might very well go over.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Amendment No. 2, as to closing up the accounts of the Committee on Public Information—has the Committee on Appropriations any information as to what we shall be able to salvage from that committee?

Mr. GOOD. On amendment No. 2 the House receded with an amendment, by which we require that there be turned into the Treasury at once $1,000,000.

Mr. KNUTSON. That is money that they did not get around to spend?

Mr. GOOD. The Committee on Public Information has assets that can be realized on, valued at about $1,300,000.

Mr. KNUTSON. Is that unexpended appropriations?

Mr. GOOD. That is unexpended. The sum of about $250,000 is obligated. It was thought that by turning into the Treasury $1,000,000 they would have enough left to pay their obligations and audit their accounts and dispose of their property. Some of the money is scattered all over the country. Some of it was deposited in banks in Russia that were taken over by the Bolshevists, and some of it was placed in the hands of disbursing officers, and some of it is tied up in an estate.

Mr. KNUTSON. Then I take it that all the money was spent either by Russian or American Bolshevists?

Mr. GOOD. I do not know about that.

Mr. KNUTSON. I would like to ask the gentleman another question, if I may.

Mr. GOOD. Very well.

Mr. KNUTSON. Amendment No. 39. How many buildings does the War Department intend to equip with steam heat and other modern conveniences, to be torn down later?

Mr. GOOD. None at all.

Mr. KNUTSON. But amendment No. 39 authorizes the use of the contingent fund of the War Department to install heating apparatus.

Mr. GOOD. That is the same language that has been carried in the bill for a great many years, and they do not propose to install any steam heating in buildings not owned by the Government.

Mr. WHALEY. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. WHALEY. On page 23, under the Naval Establishment——

Mr. GOOD. If the gentleman will permit, I just want to conclude the general statement, and then I will yield for a question. There was an estimate of $200,000 for the International Conference of Labor. The Senate granted $73,212.46, and the conferees have agreed to $64,462.46, and that amount will, it is believed, be required to pay the expenses of that conference.

The House bill carried $2,500,000 for forest fires, but over $3,000,000 have been expended in fighting forest fires, and the House conferees have agreed to the Senate amendment for $450,000 additional for that purpose.

There were judgments amounting to $125,934.64 and audited claims amounting to $1,514,254.32 that were not considered by the House committee at all, but were rendered after the bill passed the House, and the House conferees have agreed to the Senate amendments carrying those items.

The principal amounts on which the Senate receded were $32,000 in Senate amendment No. 2 in regard to public information, an item of $261,666.67 for the State Department, and a further item of $200,000 that the Senate added to the appropriation for the American Mission to Negotiate Peace.

The Senate receded also to the extent of $25,000 on the Secret Service appropriation and on $1,000,000 for the appropriation for advertising in the Bureau of War Risk Insurance; also $31,000 for Coast Guard telephone lines, $55,000 for the purchase of scales in the Customs Service, $200,000 on the Aqueduct Bridge, which was in excess of the limit of cost as fixed by Congress, $1,000,000 having been fixed as the limit of cost, and that amount having already been appropriated; $35,000 for the bridge at Fort Leavenworth, Kans., and $21,688 for the Hydrographic Office in the way of increased pay.

The Senate also receded to the extent of $11,000,000 on the appropriation for the Alaskan Railroad, $25,000 of the appropriation to exterminate the Japanese beetle, and $35,000 for the Coast and Geodetic Survey for increased compensation.

For the industrial conference the Senate carried an appropriation of $35,000. That appropriation was made on the theory that that conference would remain in session for a considerable period of time, but it has practically ended. At the time we agreed with the Senate conferees the committee did not know exactly what the expenses would be. I have since been told by Mr. Gompers, of the Department of Labor, that the expenses will be something between $12,500 and $15,000, which can be taken care of when the next deficiency bill is considered.

Mr. RAYBURN. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Texas.

Mr. RAYBURN. I notice that the Senate, in amendment 31, voted an item of $1,000,000 for advertising for the Bureau of War Risk Insurance.

Mr. GOOD. Yes.

Mr. RAYBURN. Does the Bureau of War Risk Insurance have any money at this time for advertising, and, if so, does the gentleman know the amount?

Mr. GOOD. I think the Bureau of War Risk Insurance would not be authorized by law to conduct an advertising propaganda such as is proposed. If they have some equipment to sell or something of that kind, they can advertise it, but the proposition to advertise for insurance which they proposed was another problem, and one on the propriety of which I think there is a great deal of question, but I think they have no authority to use any appropriation for such purpose.

Mr. RAYBURN. Has there been an appropriation for advertising for the Bureau of War Risk Insurance?

Mr. GOOD. There has not.

Mr. RAYBURN. Have they any money available that they are using for that purpose?

Mr. GOOD. Not that I know of. I am sure they have none.

Mr. RAYBURN. Then is it the idea of the House Committee on Appropriations that they are not going to allow any money for advertising?

Mr. GOOD. That has been the policy. The committee felt that it would be very dangerous to enter upon the program outlined by the director. Yet we have high respect for the ability of the director and gave full consideration to his estimates for such appropriation.

Mr. HUSTED. I should like to inquire to what extent, if any, the appropriations for the Patent Office will relieve the conditions which exist there? I am advised that they are very short of help; that the issuance of patents is being delayed because they have not the men to make their searches, and that they need more money.

Mr. GOOD. I have already stated in reply to a question asked by a gentleman on the other side of the aisle that we gave the Commissioner of Patents every penny he asked for when he appeared before the committee. Now for some reason, after we gave him all he asked for, he went before the Senate committee and asked for an additional force not authorized by law.

Mr. NOLAN. I did not understand the question asked by the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. I want to know how much more money he asked for.

Mr. GOOD. We gave him all that he asked for in the House.

Mr. HUSTED. How much in the Senate?

Mr. GOOD. The amount he asked for that purpose was $7,333.34.

Mr. HUSTED. But he did not ask for that before the House committee?

Mr. GOOD. He did not.

Mr. WHALEY. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from South Carolina.

Mr. WHALEY. I notice that on page 23 of the bill the Senate struck out an item for the Naval Establishment, including, among other things, construction and repair of vessels.

Mr. GOOD. Yes.

Mr. WHALEY. In the RECORD this morning I see that the chairman of the Senate Appropriations Committee, in answer to a question of Senator SWANSON, stated:

This item will be taken care of in the next deficiency bill.

Why is it not taken care of in this deficiency bill, when the Secretary of the Navy and the Assistant Secretary appeared before the committee and stated that the repairs on ships were very much behind, and that the only thing that was keeping them from making the repairs in all the navy yards was that they are discharging men, and have discharged 35 per cent of their force?

Mr. GOOD. I do not know of any warrant for the statement that that item would be taken care of in the next deficiency bill. So far as I know, this ends it for this fiscal year. At least, I hope so. The House put in an item on this bill because the Assistant Secretary of the Navy appeared before the committee, as did several officers of the Navy, and made statements which led the committee to believe that a condition exists with regard to the repair of some of the vessels that ought to be corrected. The Secretary of the Navy also wrote the committee to this effect. The House provision authorizes the use of $9,300,000 from another appropriation. The House felt that these vessels should be repaired as soon as possible, but the Senate would not agree to this plan. There has been considerable opposition all along to the item. We might as well be frank about it. Too many have urged the appropriation from the standpoint that something must be found as work for these men so that they would not be discharged. The facts are that when the war broke out the navy yard had to bring in mechanics and near mechanics and some men who never were mechanics and never will be mechanics but are carried on the roll with the pay of mechanics. Now, if we are going to get down to an economy program, to a business program, this deadwood must be eliminated. Of course, there is going to be wholesale discharges of men that are not mechanics, that have brought the efficiency of the yard down to about 65 per cent of the prewar efficiency; these men ought to go and find some other employment so that the men who are mechanics can return to their record of efficient service.

Mr. WHALEY. Did not the Assistant Secretary of the Navy, who appeared before the Appropriations Committee, state that the United States ships are tied up and can not be repaired because of the lack of funds to do the work?

Mr. GOOD. Yes; and it was on his statement and that of officers in the Navy that the House Committee on Appropriations reported out the appropriation and it went through the House, but the Senate conferees absolutely refused to agree to that item, and with some force have presented argument whereby the House conferees were willing to recede.

Mr. WHALEY. Did not the Assistant Secretary of the Navy and naval officers who appeared before the committee state that when the ships are repaired in two years from now it will be a great deal more expensive because of lack of repair at the present time?

Mr. GOOD. Yes; that was their contention, but let me say that it is barely possible that the repairs will be made within the present appropriation, because bringing in this deadwood that I have referred to has so reduced the efficiency of the real mechanics that even the efficienct man is not giving more than two-thirds of a day's work for a full day's pay. Now, by removing the inefficient you will secure practically as much labor in units of labor as you would with all the employees, and so no harm will be done.

Mr. TOWNER. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. TOWNER. In the original bill as it passed the House there was an authorization to use $64,000 for the purpose of carrying on the schools on military reservations. I notice that the Senate amendment struck out that provision.

Mr. GOOD. Yes; and the House receded from the disagreement to the Senate amendment with an amendment carrying $45,000.

Mr. TOWNER. So that the House in reality was able to save $45,000.

Mr. GOOD. There was strong objection to it on the part of the Senate conferees, on the theory that we have at the Army posts, they say, a similar condition, and this was starting a new plan of education for the children at the Army posts. It seemed to the House conferees that the two were not comparable; that at these places like Old Hickory and Nitro where the Government has built school buildings and there is no property that is subject to taxation for the support of the schools except Government property, and that the children who attend the schools are children of the men who are guarding Government property—that they ought to be protected. We were only able to get $45,000 for the purpose.

Mr. TOWNER. And in a great many cases these children live many miles from the school facilities.

Mr. GOOD. That is true.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. GOOD. I will.

Mr. WATSON of Pennsylvania. In the statement I read the other day was the statement that there were hundreds of millions of timber destroyed by fire each year. I notice in amendment No. 66 there is an increase of $450,000, and $160,000 for protection of timber belonging to the public, making $610,000.

Mr. GOOD. The House bill carried $2,500,000.

Mr. WATSON of Pennsylvania. The Senate increased it $450,000. What evidence did the Senate produce that showed a necessity for so large an increase?

Mr. GOOD. The money has been spent since the House passed the bill. We have had terrific forest fires on the forest reserves and it has done a great deal of damage, and all we have appropriated has been practically spent.

Mr. WATSON of Pennsylvnia. The item of $160,000 is an entirely new item.

Mr. GOOD. That is on the public lands as distinguished from forest reserves.

Mr. WATSON of Pennsylvania. Is this the first time that we have appropriated money to extinguish fires on the public land?

Mr. GOOD. Oh, no; it has been carried for years. We have protected the timber on the public lands as well as the forest reserves.

Mr. WATSON of Pennsylvania. In protecting private lands they have the right to go on the public lands, and vice versa.

Mr. GOOD. Yes; they work in harmony with each other. Mr. Speaker, there is one other item I should refer to, and that is the item of $15,681,350, which was put on for Air Service. The House conferees were mindful of the recent action of the House on that subject. It was also mindful of the fact that it was not a deficiency. We did not feel that we ought to invade the jurisdiction of the Committee on Military Affairs and take up that question, a matter that was not a deficiency, and it was admitted that there would be no deficiency. There has been so much criticism of that service, and the House has so recently expressed itself on it, and because of these facts the House conferees did not feel that they should bring back to the House a proposition which it has recently acted upon, and therefore the Senate very reluctantly yielded.

Mr. BEE. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BEE. The elimination of this appropriation is not fatal to the Air Service—the Military Affairs Committee can still act.

Mr. GOOD. No; the military bill carried $25,000,000, and the Navy bill carried a like sum for Air Service. Fifty million dollars has been appropriated all told for the Air Service for the year, and the Post Office bill carried an additional item.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. MILLER. Referring to amendment 56 in reference to the Alaskan Railroad—I have been detained in my committee and have just come upon the floor of the House—we passed an authorization of $17,000,000 I believe in the House.

Mr. GOOD. Yes.

Mr. MILLER. And the Senate had previously included an item of $17,000,000.

Mr. GOOD. Yes.

Mr. MILLER. I see that it is cut to $6,000,000.

Mr. GOOD. Yes.

Mr. MILLER. What is the philosophy of the cut?

Mr. GOOD. This is a deficiency bill. The statement of the Secretary of the Interior was to the effect that it would not require more than $6,000,000 for the prosecution of the work on the Alaskan railroads for the balance of this fiscal year. The sundry civil appropriation bill will carry the appropriation for the work for the next fiscal year.

Mr. MILLER. Is that in harmony with the statement of the Secretary of the Interior before the House committee and Senate committee?

Mr. GOOD. It is in harmony with the letter that the Secretary wrote to me, that he would need only $6,000,000 for this year.

Mr. Speaker, I move the adoption of the report.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The question is on agreeing to the conference report.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division, just for the purpose of seeing how many Members are present.

The House divided; and there were—ayes 53, noes 0.

So the conference report was agreed to.

On motion of Mr. GOOD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

CALENDAR WEDNESDAY.

The SPEAKER. The Clerk will call the roll of committees for Calendar Wednesday.

The Clerk called the Committee on Military Affairs.

DETACHED SERVICE OF OFFICERS OF REGULAR ARMY.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill H. R. 7752, relating to detached service of officers of the Regular Army.

The SPEAKER. The gentleman from California calls up the bill H. R. 7752. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Ohio [Mr. LONGWORTH] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7752, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That, after the termination of the emergency incident to the war with Germany and Austria-Hungary, in the construction of any law relating to detached service of the officers of the Regular Army, all service performed by such officers during the said emergency shall be regarded as service with troops or organizations thereof.

Mr. KAHN. Mr. Chairman, this bill is intended to take care of what is known as the Manchu law. In 1912 Congress passed an act which provided that all officers in the Army would have to return to service with troops after having been in the staff bureaus here in Washington for a period of four years. Up to that time it had been customary to retain officers in the bureaus for a considerable period of time. In fact, there were at that time officers in the bureaus who had been here for 12 and 16 years. They had not been back with the line troops during all that time. Congress, therefore, decided that it was advisable to send officers of the line back to their units at least every two years out of six.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question for information?

Mr. KAHN. Certainly.

Mr. BLANTON. Under this bill, if it becomes a law, officers who have been holding down what is known as cushion-chair jobs in Washington for two years past, during the present war, who would otherwise come within the provisions of the law to which the gentleman refers, would then escape the requirement of returning to their troops. In other words, they need not then return to their troops for two years' service before being detached?

Mr. KAHN. Of course, the gentleman is probably not aware that we have two classes of officers in the bureaus. Some of them are permanently attached to certain departments and could not be sent back to the line. Others, again, are line officers who are detailed to Washington to do some certain work in the different bureaus. During the war a peculiar condition arose. Line officers were detailed to Washington for a period of time, and after arriving here they might have remained at the bureau for seven or eight days and might then be detailed back again to train soldiers for the war. They were entitled to credit for those days that they put in at the bureau in their account of service in the Military Establishment.

Mr. BLANTON. I do not think the gentleman quite caught my question. Under this bill, if it becomes a law, officers who have never seen service with troops, who for two years have held down cushion-chair positions here in Washington, will fulfill the requirements of the law spoken of by the gentleman.

Mr. KAHN. If there be any such.

Mr. BLANTON. Oh, there are many such officers, are there not?

Mr. KAHN. I do not think there are.

Mr. BLANTON. If there are, does the gentleman from California believe that they should escape the provisions of the law of the land?

Mr. KAHN. There are so few of the kind of officers to which the gentleman refers——

Mr. BLANTON. Oh, I happen to know of a few from my own State, who have never seen service with troops, who are holding down such positions here.

Mr. KAHN. They are probably not regular line officers. They probably have a permanent status in the bureaus and could not be sent to the line.

Mr. BLANTON. But the object of the law to which the gentleman from California refers was to make this class of officers see service with the troops at some time, was it not?

Mr. KAHN. No.

Mr. BLANTON. What is the object of it?

Mr. KAHN. Only line officers. The gentleman does not seem to draw the distinction. There are line officers and there are staff officers. The staff is composed of the Quartermaster's Department, the Judge Advocate's Department, the Engineer Department, and a few other departments. Officers are permanently in some of those staff divisions. They could not be sent to the line at all. They have the right to remain here in Washington, but there is a law which requires officers to be detailed from the line to those bureaus, and those are the men who would be compelled to go back after serving four years in the bureau.

And it is on account of the fact that line officers, men who command troops, have been sent to the department here to do work during the war and then sent back again to troops almost immediately that this is deemed advisable and necessary.

Mr. BLANTON. Should not this bill be limited to line officers? It does not say line officers. It says all officers.

Mr. KAHN. I do not think it is necessary to put in the words "line officers," because the law itself originally provides for detail of line officers; that is the original law. The other officers, staff officers, can not be detailed to the line, but the line officers can be detailed to the staff. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That, after the termination of the emergency incident to the war with Germany and Austria-Hungary, in the construction of any law relating to detached service of the officers of the Regular Army, all service performed by such officers during the said emergency shall be regarded as service with troops or organizations thereof.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 7752, had directed him to report the same back without amendment, with the recommendation that the bill do pass.

Mr. KAHN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 54, noes 2.

So the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KAHN. Mr. Speaker, there are four additional bills on the Union Calendar, and by direction of the Committee on Military Affairs I call them up in this order: H. R. 8314, a bill to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor; H. R. 2980, a bill to increase the efficiency of the Military Establishment of the United States; H. R. 9112, a bill authorizing the Secretary of War to loan Army rifles to posts of the American Legion; and the bill H. R. 1216, a bill to amend an

act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KAHN. Yes, sir.

Mr. BLANTON. Has the bill which was to provide for the increased efficiency of the Army anything to do with the universal military training or involve that service?

Mr. KAHN. It does not.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the four bills in the order as presented by the gentleman from California.

Mr. HARRISON. Will the gentleman from California yield?

Mr. KAHN. I will.

Mr. HARRISON. Will these four bills conclude all the bills the gentleman expected to call up?

Mr. KAHN. I imagine that will take up the greater part of the afternoon; but if the afternoon is not taken up by these bills, I still have some 8 or 10 bills which I hope to be able to get before the House.

Mr. HARRISON. Mr. Speaker, I would like to ask the chairman of the committee if he expects to call up a bill which is a matter of great importance, undertaking to dispose of these automobiles and trucks that are now being exposed to the weather and deteriorating at these various camps and places?

Mr. KAHN. I will say to the gentleman that I did not intend to call up that bill this afternoon, because there has been some controversy about the matter. It was the hope of the Committee on Military Affairs to bring to the attention of the House bills that should be passed without any considerable discussion.

Mr. BLAND of Indiana. Do any of these bills to which the gentleman refers have anything to do with the bringing of the bodies of soldiers back to this country?

Mr. KAHN. No; they have not. I will say to my friend from Virginia there is some controversy about the disposition of automobiles, and especially passenger automobiles, to various State highway commissions for building roads in the States. The Special Committee on Expenditures for the War that has been investigating that particular branch of the War Department work is going to propose some legislation in the matter. The Committee on Military Affairs will have next Wednesday again, and we will still have ample time to bring up the bill to which the gentleman refers if it should be necessary.

Mr. FESS. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. FESS. The bill to which the gentleman just now referred was brought before the Committee on Rules this morning and made in order to be taken up at the convenience of the chairman of the committee, Mr. REAVIS, and that probably will be on Saturday; that is, the transfer to States of automobiles.

Mr. HARRISON. That will be entirely satisfactory.

Mr. KAHN. The bill referred to will come up on Saturday.

Mr. HARRISON. I say that will be entirely satisfactory, as there certainly ought to be some disposition made.

Mr. KAHN. I am thoroughly in accord with the gentleman.

Mr. GALLAGHER. Will the gentleman kindly state what is the controversy with regard to these automobiles?

Mr. KAHN. Well, it seems that all motor vehicles are included in the legislation. I will frankly state that probably the passenger automobiles ought to be disposed of. It was not thought desirable to give the road commissioners automobiles to ride around in, so that the committee felt that the matter ought to be looked into.

Mr. GALLAGHER. That will come up next Saturday?

Mr. WALSH. Mr. Speaker, I make the point of order that all this discussion is out of order. I desire to propound a parliamentary inquiry.

The SPEAKER. It is by unanimous consent.

Mr. WALSH. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Where a gentleman has called up four different bills to be considered on Calendar Wednesday, under the rule is he entitled to have two hours' general debate in the committee on each bill?

The SPEAKER. The Chair was going to put the question for unanimous consent that the committee should go into the Committee of the Whole House on the state of the Union for the consideration of the four bills. But the Chair hardly thinks under the rule we have a right to consider more than one bill. However, the Chair was going to put it as a matter of unanimous consent, in order to save continual rising, that the House should go into committee to consider the four bills.

Mr. WALSH. Reserving the right to object, after that request I would like to ask the gentleman from California, the chairman of the Committee on Military Affairs, that if among the measures which he has called up there may not be one, or possibly more, to which we might devote more than two hours of discussion in favor of or two hours of discussion in opposing it?

Mr. KAHN. Naturally, I am of the opinion that the merits of the bills will be so apparent to the Members when they are explained that there will be practically no discussion on the bills themselves. I think there is not a single one of the four bills that would consume a full hour of discussion.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

Mr. WALSH. Still further reserving the right to object——

Mr. BLAND of Indiana. Mr. Speaker, a point of order. I do not understand there has been a unanimous request submitted to the House.

Mr. WALSH. The Chair submitted one.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Is it not in order for the gentleman from California [Mr. KAHN] on Calendar Wednesday to move to go into Committee of the Whole to consider such bills as there are on the calendar?

The SPEAKER. It is not.

Mr. BLANTON. Such procedure has been followed before.

The SPEAKER. It has not.

Mr. KAHN. Mr. Speaker, I was hoping that I could save time. I now withdraw the request and ask to take up the bill H. R. 8314.

Mr. LONGWORTH. Mr. Speaker, I suggest to the gentleman that he make the request to include the four bills. I do not think there would be objection. I suggest that the gentleman should couple with that request that there should not be to exceed two hours' debate on all the bills, because otherwise, it seems to me, there would technically be two hours of debate on each bill.

The SPEAKER. The Chair would think so at first blush.

Mr. CLARK of Missouri. Mr. Speaker, under the rule they have the right to two hours' debate on any bill on Calendar Wednesday. There can not be any two ways about that. Whether there will be two hours if we go into Committee of the Whole House on the state of the Union on several bills, I do not know.

Mr. LONGWORTH. Only by unanimous consent.

Mr. CLARK of Missouri. I think it can be done by unanimous consent. Mr. CANNON once said that you could put an elephant through the House by unanimous consent. I do not go quite that far.

Mr. LONGWORTH. A Republican elephant this year!

Mr. KAHN. Mr. Speaker, I ask that the four bills be considered, and that not over two hours' general debate be used in the consideration of the four bills.

The SPEAKER. The gentleman from California asks unanimous consent that the House go into the Committee of the Whole on the four bills, which the Chair has already recited, and that not over two hours be consumed on the bills.

Mr. KAHN. Not over half an hour on each bill.

Mr. DOWELL. Mr. Speaker, reserving the right to object, I would like to know on which bill the debate would be permitted.

Mr. KAHN. On all four.

Mr. DOWELL. Then these four bills will be considered in the committee at one time?

Mr. KAHN. One after another.

Mr. DOWELL. Suppose the debate of one hour is exhausted on one bill, and then you desire to take up another one, with the time for debate exhausted there would be no opportunity to discuss the other bills unless they are all considered at the same time?

Mr. KAHN. They could be considered under the five-minute rule. As I said to the House before the gentleman was in, I do not think that there will be any considerable debate on the bills themselves. They were all brought out with a unanimous report from the Committee on Military Affairs. There is no difference of opinion on them.

Mr. DOWELL. I was making inquiry to ascertain what bills.

Mr. BLAND of Indiana. Mr. Speaker, the gentleman in submitting his request suggested that there would be one-half hour on each bill. Does he withdraw that request?

Mr. KAHN. Yes; I withdraw it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union to consider the four bills mentioned, with Mr. LONGWORTH in the chair.

AERONAUTIC ENGINEERING.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of the consideration of bills on the Union Calendar whose titles were announced by the gentleman from California [Mr. KAHN]. The Clerk will report the first bill, H. R. 8314.

The Clerk read as follows:

A bill (H. R. 8314) to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to detail such officers of the Army as he may select, not exceeding 25 at any one time, to attend and pursue courses of aeronautic engineering or associate study at such schools, colleges, and universities as he may select.

SEC. 2. That the Secretary of War is authorized to pay tuition for the officers so detailed and to provide them with necessary textbooks and technical supplies from any moneys available for the Air Service of the Army not otherwise specifically appropriated, and he is authorized to furnish to institutions to which officers are so detailed such equipment and material belonging to the War Department for use in connection with courses in aeronautic engineering as he may deem advisable, subject to such rules for use, compensation for use, accounting, report, and the return he may prescribe.

Also the following committee amendment was read:

On page 2, line 7, after the word "return," insert the word "as."

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Chairman, I yield such time as he may desire to explain the bill to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman and gentlemen, the science of aeronautical engineering is very, very new in this country, and the Air Service needs such expert advice very badly. This bill is designed to enable the Secretary of War to send such officers as he may deem necessary, not exceeding 25, to some school where they can receive this education which is so badly needed in this country. I think the House realizes the need of the bill, and I hardly think it is necessary to say very much in favor of it.

Mr. CANNON. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. CANNON. It seems that he can select 100 places for these 25 officers to be trained. It may be 25, 25, 25, and 25. Has the gentleman considered the wisdom of letting the Secretary of War select one university—it might be patterned after West Point, so far as that is concerned, although we would not pay for it—rather than pick out universities all over the country and make it a matter of favoritism and perhaps not a matter of wisdom?

Mr. HULL of Iowa. I hardly think the gentleman's fears are well based. I have perfect confidence that the Secretary of War will select any school that is properly qualified to go ahead with the courses necessary.

Mr. CANNON. More than one?

Mr. HULL of Iowa. Certainly.

Mr. KAHN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. KAHN. There are very few schools in the country that are equipped to do this work. The Massachusetts Institute of Technology, in Boston, is one of the very few schools; there are possibly two or three at the outside of the State universities that are prepared to do this work.

Mr. CANNON. Are the State universities prepared?

Mr. KAHN. I think the University of Illinois is one of the exceptionally well-equipped universities that might be willing to undertake this work.

Mr. CANNON. We have 48 State universities.

Mr. KAHN. There are very few of them that could do this work. I think possibly 5 out of all the 48 would be able to do it. Five would be a maximum.

Mr. CANNON. Would the gentleman be willing to limit it to not exceeding five?

Mr. KAHN. I would. I would have no objection.

Mr. CANNON. You know we all have State universities, and we all have the technical schools, and the Government furnishes the outfit. It seems to me while this is a very important service, and I do not object to the training of the 25 officers, it would be better to have one or two well-equipped schools "away up in G" than to settle it as a matter of favoritism. Secretaries of War change. One Secretary of War may be a very wise man, and another not a very wise man. There might be pressure brought to bear. I think I would like to have the Illinois University made one, and then there is Wisconsin and California, Leland Stanford, taking it all over the country. I think we had better have one well-equipped university located where it is healthy for this important training.

Mr. KAHN. Of course, the school that would undoubtedly be named would be the Massachusetts Institute of Technology, in Boston.

Mr. CANNON. Is that the best equipped of all of them?

Mr. KAHN. Yes; I understand so. Even the graduates from West Point are frequently sent to that particular school for one year after their graduation to take a postgraduate course, and I understand from the War Department that it is very desirable to enable that school to do the work provided by this legislation.

Mr. CANNON. Well, if that is so I would concentrate it in Boston.

Mr. KAHN. I have no objection to an amendment suggested by the gentleman that it be limited to not more than five schools. As I understood from the Secretary, they certainly have not more than two or three schools at the utmost where they could do this work.

Mr. HULL of Iowa. The bill provides that there can not be over 25. Probably there will not be over five.

Mr. CANNON. Yes.

Mr. HULL of Iowa. If there are 10, so much the better. They will be qualified to educate those that the Secretary of War sends to them, and unquestionably if they provide that course they will expect more, and the more we get the better we are off.

Mr. CANNON. I quite agree with the gentleman. I would make it 1 if there are only 25 officers. There is one institution that stands so high and is so well equipped and so able that even after the West Point course is taken they send them down there for a year.

Mr. ANTHONY. If the gentleman will permit, I think the idea is to make some of these men specialists in certain branches of the work. Some of these institutions have a course in one thing where they excel, and another has a course in something else in which they excel. The idea is to specialize these men in institutions where they can get exactly the kind of instruction they are looking for, and one institution might not fill the bill.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. LAYTON. I want to ask one question for information. It seems to me the language is a little bit ambiguous. It says, "at any one time." What does "any one time" mean? Any day or any year?

Mr. HULL of Iowa. It means that there should not be more than 25 under such tuition at the colleges at one time.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HUSTED. Is it not true that the Massachusetts Institute of Technology gave ground-school instruction to many of our Army and Navy student aviators during the war?

Mr. HULL of Iowa. I understand so.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FOCHT. I would like to ask the gentleman if there is anything in the bill to prevent the Secretary of War from sending all these students over to England for instruction? What is his intention? What is the gentleman's idea of sending them out of the country?

Mr. HULL of Iowa. I think from the way the bill is worded he would not do it at all.

Mr. FOCHT. He could do it, could he not?

Mr. HULL of Iowa. I do not think he could.

Mr. FOCHT. What does the gentleman think of the suggestion of the gentleman from Illinois [Mr. CANNON] that we have this all done at one college, and done properly.

Mr. BEE. Just one moment. In answer to the suggestion of the gentleman from Illinois to have it at one school, this thought occurred to me. It might be that it would be necessary to take into consideration climatic conditions in the training of these officers in different branches of the work and in different parts of the country. While a man could be trained in Massachusetts, that training might not be so useful as if he were trained under the climatic conditions of California, for example. Is not that right?

Mr. HULL of Iowa. I think that is right.

Mr. KAHN. The testimony before the committee shows that in this special technical work it is desirable to have only five or six students in any one class. To have as many as 25 students in a class the institutions would not be able to furnish the facilities required for the proper education of the young men, and for

that reason we thought it desirable to have three or four or five universities doing this work.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FESS. I think the suggestion of putting them all at one place is ill advised, owing to the type of equipment as well as the character of the work that must be done. The Massachusetts Institute of Technology, as every one knows, is very amply equipped, having done a good deal of the work during the war. The Carnegie Tech, at Pittsburgh, is also very amply equipped. There are two and probably three State universities that were used very largely during the war, namely, the Illinois State University and the Ohio State University, and I think the University of California. The Government concentrated very largely in the training of aviators at those three places.

Mr. MILLER. Yes; and I wish to include for the information of the gentleman, the University of the State of Washington.

Mr. FESS. Yes. So that I think if the chairman of the Committee on Military Affairs and the gentlemen in charge of the bill are going to yield to a limit, I would not think it wise to yield to one. I think it would be wise to have at least four or five or six, because we have got the equipment now.

Mr. LAYTON. According to the arguments that have been made here, there are only about two or three universities that are equipped for this fine work. There are 25 officers to be trained. The logic of the situation is that 15 of them will receive first-class training, while 10 will receive inferior training.

Mr. CRAGO. Oh, no.

Mr. LAYTON. Why not? That is the logic from the statements that have been made.

Mr. HULL of Iowa. The Secretary of War ought to be relied upon to use good judgment.

Mr. LAYTON. I am assuming that they do not put more than five in each class, as has been stated.

Mr. HULL of Iowa. That is not in the bill at all.

Mr. LAYTON. No.

Mr. CANNON. I will be very glad if the gentleman will accept an amendment providing that not more than five places shall be selected, and that they shall all be confined to the United States. Otherwise, if they are scattered all over the country, and if some of these officers are sent to foreign countries, you will have their mileage to pay.

Mr. HULL of Iowa. Say there are five of them in this country to-day. If there are five more that can qualify, let us allow them to qualify. I hope Iowa will qualify to take the young men of Iowa.

Mr. CANNON. Precisely.

Mr. HULL of Iowa. And it will be a good thing if they do.

Mr. CANNON. There it comes now, the frank avowal of the gentleman. We have got to select these places and pay for this training, and when we scatter these officers over the United States or send them abroad, we have got to pay their mileage and support them.

Mr. HULL of Iowa. There can not be more than 25 at any one time under the bill.

Mr. CANNON. Well, 25——

Mr. HULL of Iowa. That will not support a university.

Mr. KAHN. The gentleman from Iowa [Mr. HULL] refers to 25, the total number to be trained at any one time.

Mr. CANNON. Precisely, 25 men to be trained, but he wants one place to train them in Iowa, and I want one in Illinois.

Mr. HULL of Iowa. You have got one.

Mr. CANNON. They want two in California.

Mr. LAYTON. We will take one in Delaware.

Mr. HULL of Iowa. I am willing to limit the number to five places in the United States.

Mr. CRAGO. I would not do that.

Mr. BEE. Have we not got to this point, where we have got to trust somebody?

Mr. HULL of Iowa. Yes.

Mr. BEE. When you put in a limitation that there shall not be more than 5, if there are 10 of these schools that can do the work splendidly, what right has this Congress to put a limitation of that sort in the bill?

Mr. HULL of Iowa. None.

Mr. BEE. Simply because we are afraid somebody will do wrong somewhere.

Mr. HULL of Iowa. No right at all.

Mr. CANNON. Will the gentleman yield?

Mr. BEE. I yield to the gentleman from Illinois to whose judgment we bow and for whom we all have the most profound affection; but we ought not to limit the number of these institutions to five, six, or eight.

Mr. HULL of Iowa. I think it would be very unwise to yield to that suggestion.

Mr. CANNON. The gentleman asks, what right have we to do this? The right to protect the Treasury of the United States, the right to prevent favoritism, the right to prevent embarrassing every Member of Congress and others who are not Members of Congress. Oh, my university wants it, your university wants it, the other university wants it. They all want to be equipped and ready. There is competition all around. If gentlemen have read Charles O'Malley they remember Mickey Free. The story is not exactly on all fours; but if gentlemen will allow me, Mickey Free was Charles O'Malley's servant during the Napoleonic wars. He was a very good servant. Mickey's father died, and the captain gave him the wherewithal for masses to get his father out of purgatory. When Mickey was shaving Capt. O'Malley one morning, the captain said, "How is your father?" "Well, he is nearly out." "Have you heard from him lately?" "Yes; I saw Father So-and-so yesterday, and he said that he was down night before last, getting Mrs. So-and-so out of purgatory, and that he saw my father." "Was he out?" "No; but his Reverence said he was nearly out, that one and sixpence would get him out." "Where was he?" "Caught betwixt the door and the jamb. And," said he, "Captain, the £1 6d. that you gave me to get him out I put it back in my pocket, because I knew that if he was betwixt the door and the jamb there was naught betwixt hell and Connaught that could keep him from getting out." [Laughter.]

That is a little homely story, but I have served in this House long enough to see innocent little things and worthy things creep in, and then afterwards nothing could keep them out. This is a worthy thing, and I am for it, but with this vast number of State universities and other universities scattered all over the country they will all want to be equipped and paid, and even if there are only 25 officers at a time to be trained, 25 one month or 25 in three months, the number will reach a large total, and you will run up into very large expenditures.

Mr. HULL of Iowa. The gentleman speaks of favoritism. His amendment would bring that about.

Mr. CANNON. Would it?

Mr. HULL of Iowa. Why, certainly. If there were six universities, and he could select only five, there would have to be some favoritism. If these universities are equipped, they should be recognized, and that is all there is to it. I am willing to trust some one to do the work. I am willing to trust the Secretary of War.

Mr. CANNON. I have lost my trust in some of the Secretaries of War.

Mr. BEE. If there were a thousand of them to be trained at one time, that would be a different thing, but you have only got 25, and it is a special course, and I think somebody might be trusted about it.

Mr. HULL of Iowa. Certainly, and it is in the bill.

Mr. LAYTON. It is in the bill that the Secretary of War may put them in such schools, colleges, and universities as he may select. He might put them in inferior places.

Mr. FESS. He would not do that.

Mr. CRAGO. In answer to the gentleman from Illinois, I think he is taking the wrong attitude toward this bill. I think we ought to encourage all these universities to establish this course, as they have done in the splendid University of Illinois. Dr. Kinley, the acting president of that university, tells me that they have more than 100 young men there who are very anxious to take this course in aeronautic engineering, but they are not equipped to give it; that is, they have not the material that they should have, because the Government has this material. The Government might as well use it, and I hope that the Secretary will select these 25 schools.

Mr. CANNON. Will the gentleman yield, and I thank him for his statement? I want to suggest to him that these appropriations will be made, and whereas we maintain West Point and the Naval Academy, other branches of the service will come in, and this will result in the spending of millions of dollars.

Mr. CRAGO. I think that this will not provide for any material on the part of the Government which the Government does not already have. I do not see what other purpose it would be put to. We have the material, and instead of having it in storage and deteriorating we will have it put to a proper use in the universities.

Mr. CANNON. Have we any aeroplanes?

Mr. CRAGO. We have thousands of them; we did not get them until rather late.

Mr. CANNON. I thank the gentleman from Pennsylvania; he has made a stronger speech for the amendment than I have.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. BLANTON. The arguments on the floor assume the fact that the Secretary of War is going to appoint only 25 students

to attend these universities. I want to call attention to the phraseology of the bill, and under a reasonable construction of it the Secretary of War could appoint innumerable men so long as he did not appoint more then 25 at any one time. Under the wording of the bill it says "he hereby is authorized to detail such officers of the Army as he may select, not exceeding 25 at at any one time." That is, he shall not detail more than 25 at one particular time, but he may appoint 25 to-day, 25 to-morrow, 25 next week, and 25 next month.

Mr. KAHN. Will the gentleman yield? Of course, he will only detail those officers to take a complete course in the particular study that the officer is detailed to take. It would take probably three months or six months in one university to complete the course.

Mr. BLANTON. The gentleman from California is a past grand master in placing proper construction on the English language, and he knows that the proper construction of this language means just what it says, that the Secretary of War is not limited to 25 so long as he appoints only 25 at one time.

Mr. HULL of Iowa. To attend the school at any one time.

Mr. BLANTON. There is nothing in the bill that says that these officers must take a particular course at any particular time.

Mr. KAHN. The Secretary of War would be committing a foolish act if he appointed 25 men for a week's course.

Mr. BLANTON. The universities open at different dates, different weeks, and different months. The Secretary of War has a way of placing his own construction on the language of bills, consistent, however, with the language used.

Mr. HULL of Iowa. I think the intent of this bill is very plain.

Mr. BLANTON. You ought to strike out the word "such" and put "twenty-five" in place of it.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. BANKHEAD. Can the gentleman state whether or not the committee or the War Department has given any attention to establishing a school of this kind at West Point?

Mr. HULL of Iowa. It is highly impracticable to do that.

Mr. BANKHEAD. I did not quite understand the gentleman.

Mr. HULL of Iowa. I do not think it would be practicable to do it at the present time. What we need is immediate action, and that will take time.

Mr. FESS. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FESS. The fear expressed by the gentleman from Illinois that it would involve a great appropriation, I think, is without foundation. The Government would have entailed on it the duty of paying tuition, which would not be much at the most, and also for the officers detailed, which is already done now in many institutions under the law. The Government provides for military instruction in many of the universities. Of course, his work would not be like this. This provides for textbooks and supplies. Many of the institutions already have technical supplies for aeronautic work. I notice it says that the material and equipment which the department now has may be loaned to the university for the work, so that that will not entail an additional expense. I think the suggestion made a while ago that the students should be sent to the institution best fitted for that particular work should be kept open.

Mr. HULL of Iowa. The gentleman is absolutely right.

Mr. ANDERSON. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. ANDERSON. How many officers is it intended to detail to take this course?

Mr. HULL of Iowa. Not exceeding 25 at any one time. As many as they can educate, but not more than 25 at one time shall be in attendance at the schools.

Mr. ANDERSON. The bill does not seem to carry out that proposition.

Mr. DOWELL. Will the gentleman yield?

Mr. HULL of Iowa. I yield.

Mr. DOWELL. I note the language of the bill provides that the money for this purpose is to be appropriated or to be used from any money available for the Air Service of the Army not otherwise specifically appropriated. Does that mean that any lump-sum appropriation for the Air Service will be used for this purpose without any special authority?

Mr. HULL of Iowa. No. I yield to the gentleman from California.

Mr. KAHN. When the Air Service comes before the Committee on Military Affairs for its appropriation it has the entire amount that is asked for segregated into various items. The officers state how much they need for each particular item. So it is not a lump sum in any way.

Mr. DOWELL. But in the appropriation it is a lump sum very frequently. At least in every appropriation there is a lump sum for aviation.

Mr. KAHN. But the paragraph which carries the lump sum is divided into numerous items carried in the totals.

Mr. DOWELL. Does the gentleman mean that in all the appropriations for aviation Congress has specifically stated for what purpose the money is to be used?

Mr. KAHN. Oh, yes; because if they did not do that they could use the money for any purpose outside of the paragraph.

Mr. DOWELL. Then may I inquire why it is put into this bill that they may use money that is not specifically appropriated? How will there be any money for aviation that has not been specifically appropriated?

Mr. KAHN. It frequently happens that in the segregation of the lump sum into these smaller items there is a surplus in one of the items and a deficiency in another, and so they use the surplus from one item to make up the deficiency in the other.

Mr. DOWELL. Does the gentleman mean that when Congress makes an appropriation for one specific purpose the department may use that for another purpose not appropriated for?

Mr. KAHN. Oh, no; not for another purpose not appropriated for, but for a purpose appropriated for. If the amount for that particular purpose should fall short of the amount required for that specific purpose, and there is another amount appropriated for another specific purpose, and they have a surplus for that other specific purpose, they can use that surplus to make up the deficiency in the other.

Mr. DOWELL. One other question: Would it not be much preferable if this part of the bill is left out, so that the department could come to Congress for a specific appropriation? Then Congress would know exactly what is being paid for this service.

Mr. KAHN. I do not think that is necessary. In the first place, I do not think any sum of money running into considerable amounts would be used for this purpose, and I think the language of the bill will take care of it very satisfactorily.

Mr. DOWELL. Would the gentleman object to an amendment striking out that feature and requiring this to come through appropriations?

Mr. KAHN. I do not think it is necessary. Of course, I would accept whatever the House does; but personally I do not see the necessity for striking it out.

Mr. WALSH. Mr. Chairman, will the gentleman from Iowa yield?

Mr. HULL of Iowa. Yes.

Mr. WALSH. Do I understand that there are persons in aeronautic engineering who know more about the subject than people do in the Army?

Mr. HULL of Iowa. There might be and there might not. I do not know. There may be some very fine aeronautic engineers in the Army, and I presume there are. There are some very bright men along that line.

Mr. WALSH. How does it happen that anywhere there are men who are skilled and versed in aeronautic engineering and who know more about it than the people in the Army do?

Mr. HULL of Iowa. They may not be available; I do not know. There may be some men outside of the Army who are available.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. KAHN. Of course, aeronautics is practically a new science. There are certain men in some of the universities, and especially those universities that have a highly trained special technical staff, who give these matters their constant attention, and who become exceedingly skilled in their particular branches of the art.

Mr. WALSH. That is, book knowledge.

Mr. KAHN. Oh, no; they have the machinery right in the university and they are training young men.

Mr. WALSH. How many aeroplanes has the Massachusetts Institute of Technology got in service?

Mr. KAHN. I do not know. I do not know whether they have any.

Mr. WALSH. How many aeroplanes has any of these institutions got?

Mr. KAHN. I do not know that they have any, but they probably have aeroplane parts, especially motors, upon which they are specializing, and they can give instructions with reference to them that no Army officer could give. For instance, take the question of motors——

Mr. WALSH. Does not the gentleman think that we have men in the Air Service of the Army, or ought to have, who are

equipped to give instructions to these people who are going to teach these men covered by this bill?

Mr. HULL of Iowa. We have no college at all teaching it in the Army.

Mr. WALSH. Take the officers who are flying around here and making cross-country flights, doing this stunt flying, and taking care of aeroplanes and building engines, where are they getting their instructions?

Mr. HULL of Iowa. That is instruction in flying and it is an absolutely different proposition.

Mr. WALSH. Before a man knows how to fly he has to know how to start his engine, and if something happens to his engine and it stops he has got to know a little something about it in order to know how to start it again, or the mechanician has who goes along with him.

Mr. HULL of Iowa. Yes.

Mr. WALSH. Do not they all have that kind of men?

Mr. KAHN. No. When a man flies in a pursuit plane he flies alone; and when the machine lights on the ground, then the mechanicians go out and take the machine and bring it to the hangar and look it over.

Mr. WALSH. I will ask the distinguished gentleman from California this question: Assume that the war had continued for a couple of years, would we have been compelled to wait until we sent these men to these universities before we could send them over there to the war?

Mr. KAHN. Oh, no. They went to flying schools.

Mr. WALSH. Where they were taught aeronautic engineering, were they not?

Mr. KAHN. Oh, no.

Mr. WALSH. Then, we were going to send a lot of men over there with no knowledge of that subject?

Mr. KAHN. Oh, they have knowledge enough to learn how to fly, just as a chauffeur knows how to drive an automobile, although he may not have much technical knowledge about the motor in the automobile.

Mr. WALSH. Then, when peace comes we have got to send them all to college. They were good enough to go and fly over there during the war, but when the war is over we have to send them to universities and spend a lot of money for tuition. I would like to know if there are any men in the Army at the present time, in the Air Service, who are competent to give this instruction, who have the parts, who have the experience, who can give this instruction to these men?

Mr. KAHN. Evidently not, because the War Department has asked for this legislation. If they had the men who could give the instruction in the Army, they probably would not be here with this bill.

Mr. HUSTED. Is it not possibly true that if these men who participated in this transcontinental flight had had more thorough instruction in ground schools there might have been fewer accidents in that race?

Mr. HULL of Iowa. The trouble is that the gentleman does not seem to be able to differentiate between the science of aeronautical engineering and the science of flying. They are two separate propositions.

Mr. HUSTED. They are two separate propositions; but is not this true, that in order for a man to fly safely he must have this highly technical ground training in advance to his flying training?

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. What is the House divided on?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. DOWELL. Will the gentleman yield?

Mr. HULL of Iowa. I yield.

Mr. DOWELL. In connection with the suggestion of the gentleman from Illinois [Mr. CANNON] about the expenditure for these various institutions, I desire to call the attention of the committee to the language of the bill—

> And he is authorized to furnish to institutions to which officers are so detailed such equipment and material belonging to the War Department for use in connection with courses in aeronautic engineering—

And so forth.

Does not that permit the Secretary of War to purchase anything he desires and equip these institutions for the purpose of educating these students?

Mr. HULL of Iowa. I do not think so.

Mr. DOWELL. If the War Department has the materials it has the authority under this bill to turn them over, and if they have authority to purchase them because they might need them in such institutions, will not this language permit the War Department to purchase equipment for these institutions?

Mr. HULL of Iowa. I think the gentleman's fears are absolutely baseless. The intent is to furnish the things that the War Department at present owns.

Mr. DOWELL. But it does not state that; if it did, all right.

Mr. HULL of Iowa. "Belonging to" is perfectly plain.

Mr. DOWELL. "Belonging to the War Department," but the War Department can purchase any of this equipment and will then own it, and may then turn it over to the institutions.

Mr. WELLING. If the gentleman will permit a suggestion. They only furnish the use of the equipment "subject to such rules for use, compensation, accounting, and the return as they may prescribe."

Mr. DOWELL. That does not qualify it at all. This language, it seems to me, may permit the department to purchase this equipment and then turn it over to these institutions.

Mr. HULL of Iowa. The gentleman is wrong. I have absolute confidence in the Secretary of War and in his purpose to carry out the intent of the bill.

Mr. DOWELL. But why not put in the bill what the committee have stated they desire?

Mr. HULL of Iowa. Well, if the gentleman wants to do so he may make an amendment to put in the word "now."

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. KAHN. Suppose next week an invention should be made of a new kind of motor used in aeronautics. Does not the gentleman think that the War Department should be permitted to buy that, and if necessary furnish one of the machines to a college, so that the students can learn the very latest thing pertaining to aeronautics?

Mr. DOWELL. The gentleman is now stating exactly what the gentleman from Illinois claimed a while ago, that the department may purchase any amount of equipment and turn it over to these institutions.

Mr. KAHN. Well, I have no idea it will run into any great amount of money.

Mr. DOWELL. But if it is unlimited it may run into any sum.

Mr. KAHN. How is the gentleman going to limit it? Is he going to forbid the War Department buying, as I say, a new invention that may possibly save many lives and prevent these universities from getting the very latest thing in aeronautics?

Mr. DOWELL. That is not what I am suggesting. I do not want the department to be unlimited in equipping these institutions. There ought to be some limit somewhere, and the statement of the chairman of the committee just now indicates clearly that the language of this is intended not to limit the department.

Mr. SUMMERS of Washington. If the gentleman will permit, in reply to the gentleman who has just spoken, by the insertion of "at this time" after the words "War Department," page 2, line 4, there would be no question as to what equipment is to be furnished, and, if agreeable to the chairman, I shall offer an amendment to that when we reach it.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. FAIRCHILD. This colloquy has developed the fact that some of the Members think that the Government is to furnish the student and pay the tuition and furnish the material, and now very naturally the question arises as to what the college will furnish, and that is a legitimate question. This aeronautical engineering in its highest phases requires the best mathematical talent that the country has, and no one in this country outside of university heads are expert mathematicians.

It requires the highest knowledge of chemistry that can be found anywhere. You must go to the universities for that knowledge. Your physicists, who understand and, through laboratory methods, determine the breaking strength of material, are to be found in the universities alone. The limitations would be necessary, so far as expenses are concerned, on the amount of money which we appropriate. This is the most economical way in which we can lay a basis for efficient aeronautics in this country.

Mr. HULL of Iowa. The gentleman is right.

Mr. KAHN. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and he hereby is, authorized to detail such officers of the Army as he may select, not exceeding 25 at any one time, to attend, and pursue courses of aeronautic engineering or associate study at such schools, colleges, and universities as he may select.

Mr. BLACK. Mr. Chairman, I have an amendment that I would like to offer.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BLACK. Mr. Chairman, I offer the following:

After the word "select", on page 1, line 4, strike out "not exceeding 25 at any one time," and at the end of line 7 strike out the period and insert a colon, and add the following language: "*Provided*, That not more than 25 shall be on such detail at any one time."

Mr. HULL of Iowa. That is acceptable.

Mr. KAHN. We have no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 1, line 4, after the word "select" strike out the words "not exceeding 25 at any one time," and at the end of line 7, after the word "select" strike out the period and insert a colon, and the following language: "*Provided*, That not more than 25 shall be on such detail at any one time."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 7, strike out "schools, colleges, and universities," and insert in lieu thereof the word "schools."

Mr. BLANTON. Mr. Chairman, I think the gentleman from Illinois [Mr. CANNON] was eminently correct when he called attention to the fact that under this bill much money could be wasted by equipping various schools and colleges and universities to train 25 men in a certain line. These 25 men could properly form only one class, and certainly could be trained at one institution. And I think we ought not to provide equipment, if we provide it at all, for more than one school, because there could not be more than one class, or should not be more than one class, because 25 would make a good class. And we have just adopted an amendment that prevents more than 25 being designated. I think this amendment ought to be adopted in line with the suggestion of the gentleman from Illinois that there should be one school selected and not have probably 10 or 15, or even 3 or 4, schools or colleges equipped at different places over the United States.

Mr. LAYTON. If the gentleman thinks there should be one school, does he not think that the bill should prescribe that school?

Mr. BLANTON. I would be willing to vote to prescribe it, but I am willing to leave it to the Secretary of War. He would probably know the best school, and I am willing to leave it to his judgment; but certainly we ought not to leave it to his discretion to equip schools and colleges and universities from one side of the land to the other to only train 25 men in one line of endeavor or pursuit.

Mr. KAHN. Mr. Chairman, I just want to say that the splendid argument made by the gentleman from Indiana [Mr. FAIRFIELD] showing that universities can give this information is a sufficient answer to the proposition of the gentleman from Texas [Mr. BLANTON], who wants it limited to one school.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of War is authorized to pay tuition for the officers so detailed and to provide them with necessary textbooks and technical supplies from any moneys available for the Air Service of the Army not otherwise specifically appropriated, and he is authorized to furnish to institutions to which officers are so detailed such equipment and material belonging to the War Department for use in connection with courses in aeronautic engineering as he may deem advisable, subject to such rules for use, compensation for use, accounting, report, and the return he may prescribe.

Also, the following committee amendment was read:

Line 7, page 2, after the word "return," insert the word "as."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I desire to offer an amendment to section 2. I move to strike out the section.

Now, let us analyze section 2 for a moment. It says:

That the Secretary of War is authorized to pay tuition for the officers so detailed and to provide them with necessary textbooks and technical supplies—

How?

from any moneys available for the Air Service of the Army not otherwise specifically appropriated, and he is authorized to furnish to institutions to which officers shall be detailed such equipment and material belonging to the War Department for use in connection with courses in aeronautic engineering as he may deem advisable, subject to such rules for use, compensation for use, accounting, report, and the return as he may prescribe.

Now, I withdraw the amendment to strike out the section and will offer one in its place:

That the Secretary of War is authorized to pay tuition for officers so detailed and to provide them with necessary textbooks and technical supplies for their instruction.

Now, I move to strike out at the end of "supplies" and insert "for their instruction," and strike out all in section 2, including the word "from," to the end of the section.

The CHAIRMAN. Without objection, the original amendment offered by the gentleman from Illinois will be withdrawn, and the Clerk will report the amendment that is now offered.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 1, line 10, after the word "supplies," insert "for their instruction," and strike out the words "from any," in line 10, and all the balance of the section.

Mr. CANNON. Now, Mr. Chairman, I hope this amendment will be adopted. What does it do? It is legislation and makes available, if this bill is enacted, without further appropriation money from any appropriations that may be made for the Air Service. Under our practice we appropriate for each fiscal year, but this is a permanent continuing appropriation, made so by this bill. I think it is vital that it should be amended as I have suggested. [Applause.]

Nobody has ever heard me open my mouth about the $700,000,000 plus that has been expended on flying machines, and then we had to buy our machines of France. I think I am correct in that, am I not?

Mr. KAHN. We bought from France and England. We also manufactured many in this country.

Mr. CANNON. Oh, yes; but I am told that never one machine flew in actual service that was manufactured in this country. I have been told so.

Mr. KAHN. The gentleman has been misinformed.

Mr. CANNON. How many did fly?

Mr. KAHN. Thousands.

Mr. CANNON. Thousands flew in France?

Mr. KAHN. That were manufactured in this country; yes, sir.

Mr. CANNON. That were manufactured in this country?

Mr. KAHN. Yes, sir. All the machines that we had to have for the training of flyers were manufactured in this country.

Mr. CANNON. Oh, I am speaking of flying in war, in France.

Mr. WILLIAMS. There were 15 or 18.

Mr. KAHN. I do not know how many got to the other side.

Mr. CANNON. I am corrected; there were 18 machines from this $700,000,000 plus, expended for the construction of machines in the United States, that actually flew in France. My friend from California [Mr. KAHN] says there were thousands and thousands and thousands used in the United States for flying purposes. And yet not one of those machines was used in actual flying in war in France. It is an open secret that our people——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I ask for five minutes more.

Mr. KAHN. I ask unanimous consent, Mr. Chairman, that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. I am not here to say who had these contracts to construct the machines and who had these contracts to construct the engines; but it was an enormous amount of money to pay, and we wanted to show the American genius, as I understand it—let somebody correct me if I am wrong—our efficiency, our capacity. We wanted to show, after Great Britain and France had manufactured their machines that were flying in actual warfare, that we could do better than they, and your $700,000,000 plus is gone.

Now, I do not want this or any other branch of the service to have a permanent continuing appropriation. I suppose I could not defeat this bill if I were to try, but if it can not be defeated I want this service to come to Congress on an estimate every year that the money is asked for for this appropriation.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. KAHN. The gentleman stated, when we began to discuss the bill, that he favored the bill. Now he says he wants the bill defeated.

Mr. CANNON. Oh, no. I say I suppose my vote would not defeat it. But I was not informed when I commenced asking questions about this bill. I did not know what it contained. I did not know that a great committee of this House had reported here a permanent continuing appropriation for this service, that will grow and ramify through the years to come

without ever Congress making an appropriation for it, because it will make available all the money that is appropriated, or any part of it, for aeronautics for the education at God knows how many universities and schools of 25 students at a time, and next day, I suppose 25 more, and so on, and so on.

But let that be as it may, this amendment that I have offered, in my judgment, ought to be agreed to, so that they will not have a permanent appropriation. There is permanent provision made for the payment of the interest on the public debt, toward the support of agricultural colleges, and a few other things.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. SHERWOOD. What will become of these men when they are educated? We have got no use for them. There is no demand among the people for such legislation as this.

Mr. FOCHT. There will be no more war.

Mr. CANNON. That may be true. I would be willing to vote against the bill entirely, but I think perhaps the sense of the committee is that in the interest of private schools or public schools or universities they will compete for this service, and that all of them will have it in the end. I do not know that I could defeat the bill if I would, but I appeal to this committee to adopt the amendment that cuts out the permanent appropriation. Let them come every year and get their appropriation. [Applause.]

Mr. DOWELL. Mr. Chairman, I desire to be heard on the amendment. May I ask unanimous consent that the amendment be again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 1, line 10, after the word "supplies," insert "for their instruction" and strike out the remainder of the section.

Mr. DOWELL. Mr. Chairman, I do not know whether or not this amendment is exactly in the form it should be, but I suggested some time ago to strike out "any moneys available for the Air Service of the Army not otherwise specifically appropriated." Now, it does seem to me that the gentleman from Illinois [Mr. CANNON] is correct; we should not approve a bill that gives to the War Department absolute authority to spend this money without consulting Congress. This is continuing legislation. Just a few days ago, by an almost unanimous vote, we passed a budget bill that had for its purpose the compelling of all these departments to come before Congress every year to ask appropriations for certain specific sums for certain specific purposes. If the budget legislation is to be effective, Congress should not enact legislation such as this. If we are going to economize in the expenditure of money we should not adopt legislation that permits the department to proceed to spend money without even making a report to Congress.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. MILLER. What is in the gentleman's mind as to how much money this will take?

Mr. DOWELL. I do not know.

Mr. MILLER. Well, then, if the gentleman does not know——

Mr. DOWELL. What I do say is that Congress ought to know what the annual expenditures are.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LAYTON. Whatever may be your thought in respect to the money available for the Air Service of the Army, you are not in favor of preventing the War Department from utilizing its equipment?

Mr. DOWELL. No; I doubt if that part of the amendment should be adopted. My purpose is to compel the department to come to Congress for an annual appropriation for this, just as they do for every other appropriation they require.

Mr. WELLING. Will the gentleman explain just how the Cannon amendment accomplishes that?

Mr. DOWELL. I doubt if that part of the Cannon amendment which strikes out the remainder of the bill is proper. I think it should be amended, however. But I am now referring only to the part of the bill providing for the expenditure by the department for this purpose without consulting Congress.

Mr. KAHN. Will the gentleman yield?

Mr. DOWELL. I yield to the gentleman from California.

Mr. KAHN. The money that can be expended for this purpose is for textbooks and supplies.

Mr. DOWELL. I do not care what it is for.

Mr. KAHN. Does the gentleman think they will expend millions of dollars for a few textbooks?

Mr. DOWELL. I do not care whether it is millions or thousands or hundreds. Every department ought to come to Congress for every amount it is permitted to expend, and if we are to have any sort of economy in this Government, they should be required to come here for the money they need.

Mr. CRAGO. For the present year they could only use such unexpended balances as they have.

Mr. DOWELL. Yes.

Mr. CRAGO. Now, next year, whether they make their estimate through the budget system or directly to our committees, as they do now, they would estimate so much for this purpose.

Mr. DOWELL. If they do, why not leave out this provision, so that they will be required to do that?

Mr. CRAGO. This does not appropriate any money.

Mr. DOWELL. Certainly it does.

Mr. CRAGO. Only for the present year.

Mr. DOWELL. It does it for all time.

Mr. CRAGO. No.

Mr. DOWELL. Certainly.

Mr. CRAGO. We will have every year before us an estimate from the Military Committee or the budget committee as to what is required.

Mr. DOWELL. And every dollar appropriated for the Aviation Service that is not specifically appropriated may be used for this purpose not only for this year but for every other year that this law is in existence.

Mr. CRAGO. But if we put a provision in our appropriation bill for this particular purpose, that would be the limit of it.

Mr. DOWELL. No; it would not be the limit of it. Congress can appropriate specifically for this purpose, but if this law is enacted as it is now, if there is any money for the Aviation Service that is not otherwise specifically appropriated, notwithstanding Congress appropriates specifically under the budget system, this law will permit the use of any money that has not been specifically appropriated, and it can be used for this purpose.

Mr. CRAGO. I do not think there is much danger of their using any more than is specifically appropriated.

Mr. DOWELL. I do not care whether the gentleman thinks there is danger or not. Congress should not throw the door wide open, and then afterwards say to the officials that they should not have expended it. Congress can limit it now and call attention to the fact that they should come to Congress for the appropriation required.

Mr. ANDERSON. Mr. Chairman, I desire to offer a substitute for the amendment of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Minnesota offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a substitute for the amendment offered by Mr. CANNON: Page 1, strike out the word "any," in line 10 and line 1, on page 2, and in line 2, on page 2, to and including the word "appropriated," and insert in lieu thereof the following: "from such appropriations as may be made from time to time by Congress for such purposes."

Mr. CANNON. If I may, I will withdraw my amendment and accept the gentleman's amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. ANDERSON. I do not wish to argue the proposition at all. The whole question is one of Congress retaining its right to control the appropriations and to appropriate for specific purposes.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

Mr. JONES of Texas. I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 2, after the word "appropriated," strike out the remaining portion of line 2 and all of lines 3, 4, and 5, and in line 6 down to and including the word "advisable."

Mr. CANNON. What is it proposed to strike out.

The CHAIRMAN. Let the Clerk report the section as it will read if amended.

The Clerk read as follows:

SEC. 2. That the Secretary of War is authorized to pay tuition for the officers so detailed and to provide them with necessary textbooks and technical supplies from such appropriations as may be made from time to time by Congress for such purposes, subject to such rules for use, compensation for use, accounting, report, and the return as he may prescribe.

Mr. KAHN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from California moves that all debate on this amendment and amendments thereto close in five minutes.

The question was taken; and on a division (demanded by Mr. DOWELL) there were 45 ayes and 1 no.

So the motion was agreed to.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. DOWELL. Mr. Chairman, I move to strike out the word "furnish" and insert in lieu thereof the word "loan."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 2, strike out the word "furnish" and insert the word "loan."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, the gentleman from Pennsylvania [Mr. WATSON] would like to have two minutes, and I ask unanimous consent that he may proceed for that time.

The CHAIRMAN. The Chair will call the attention of the gentleman from California to the fact that on his own motion all debate is closed.

Mr. KAHN. But it is not in connection with any amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Pennsylvania [Mr. WATSON] may address the committee for two minutes out of order. Is there objection?

Mr. DOWELL. It is not on this bill?

Mr. CANNON. It relates to the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. Mr. Chairman, I asked for this time in order to verify a statement made by the distinguished gentleman from Illinois [Mr. CANNON]. I have a report submitted by Mr. THOMAS, from the Committee on Military Affairs of the Senate, on "Aircraft Production in the United States." I read from the report:

July 24, 1917, Congress appropriated $640,000,000 to carry out the aircraft program. This fund has been, either by actual expenditure or by commitments, exhausted. A further appropriation of $884,304,758 has been found necessary.

(b) We have not a single American-made chasse (or plane of attack) upon the battle front.

(c) We have not a single American-made heavy bombing plane upon the battle front.

Mr. KAHN. Mr. Chairman, I move that the bill be laid aside, with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 46, noes 0.

So the bill was ordered to be laid aside with a favorable recommendation.

INCREASING EFFICIENCY OF MILITARY ESTABLISHMENT.

Mr. KAHN. Mr. Chairman, I call up the bill (H. R. 2980) to increase the efficiency of the Military Establishment of the United States, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 1110, Revised Statutes, and the first proviso of section 12 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and the same hereby are, repealed.

Mr. KAHN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California has 18 minutes remaining, and there is one hour left beside that, to be controlled by the gentleman from Alabama [Mr. DENT].

Mr. WALSH. There has to be somebody opposed to the bill.

The CHAIRMAN. Unless some one opposed to the bill desires the time.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I have asked for this time in general debate to call attention, in view of the present emergency, to the proposed legislation, introduced in the House by me yesterday, being the following bill:

[66th Cong., 1st sess. H. R. 10235. In the House of Representatives, Oct. 28, 1919. Mr. BLANTON introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed.]

A bill to safeguard the transmission of interstate traffic and United States mails, to punish unlawful conspiracies, to protect citizens in their right to labor and to punish unlawful interference therewith, and to prohibit and punish certain seditious acts against the Government of the United States, and to prohibit the use of mails in furtherance of such acts, and for other purposes.

Be it enacted, etc., That it shall be unlawful for two or more persons to enter into any combination or agreement (1) to prevent, hinder, or restrain any other person from seeking and engaging in work of any kind for railroads or boats carrying United States mails or engaged in interstate traffic; or (2) to prevent, hinder, or restrain the movement of United States mail, or of persons or commodities in boats or over lines of railroad engaged in interstate traffic; or (3) to prevent, hinder, or restrain the movement of trains or boats carrying United States mails or trains on railroads engaged in interstate traffic. Persons so combining and agreeing shall be deemed guilty of a conspiracy and shall be punished by a fine not exceeding $5,000 and by imprisonment not exceeding two years: *Provided*, That nothing herein shall be construed to deny to employees the right to quit work at their option, after giving 30 days' notice of such intention.

SEC. 2. That it shall be unlawful for two or more persons to enter into any combination or agreement (1) to prevent, hinder, or restrain any other person from seeking and engaging in work connected with the mining of coal, upon which the public or railroads and boats engaged in carrying the United States mail rely for fuel; or (2) to prevent, hinder, or restrain the movement of such coal. Persons so combining and agreeing shall be deemed guilty of a conspiracy, and shall be punished by a fine not exceeding $5,000 and by imprisonment not exceeding two years: *Provided*, That nothing herein shall be construed to deny employees the right to quit work at their option after giving 30 days' notice of such intention.

SEC. 3. That it shall be unlawful for any person (1) to advocate or advise the overthrow, or to write, or knowingly to print, publish, utter, sell, or distribute any document, book or circular, paper, journal, or other written or printed communication, in or by which there is advised the overthrow, by force or violence, of the Government of the United States; or (2) to advocate resistance by force or violence to the Constitution and Government of the United States, or by force or violence to prevent, hinder, or delay or attempt to prevent, hinder, or delay the execution of any law of the United States; (3) to display or exhibit any flag, banner, or emblem intended to promote or incite the overthrow, by force or violence, the Government of the United States, or resistance to its laws; (4) to transmit or attempt to transmit through the United States mails any of the seditious communications mentioned herein, all of which are declared to be nonmailable; (5) to import or cause to be imported into the United States any matter declared to be nonmailable. That any person who shall violate any of the provisions of section 3 of this act shall be deemed guilty of sedition and punished by a fine not exceeding $10,000 and by imprisonment not exceeding 20 years, and if an alien, shall be, upon the expiration of sentence, deported from and forever barred from reentering the United States.

All laws or parts of laws in conflict with this act are, to the extent of such conflict, hereby repealed, this act being cumulative.

Mr. Chairman, I do desire to take but a few more minutes to call the attention of the House and country to another matter.

It will be remembered that on Flag Day, Saturday, June 14, 1919, Mr. Samuel Gompers, president of the American Federation of Labor, together with a delegation of said federation coming to Washington from the Atlantic City convention, conducted a big parade in Washington even to the doors of the Capitol Building, protesting against prohibition and in favor of beer. In the Washington Post of that morning, under the head of "Special Notices," appeared the following:

All members of the Bricklayers' Union No. 1, District of Columbia, are ordered to meet at Union Station, June 14, 1919, at 1.30 o'clock sharp. Failing to appear they shall be fined according to article 24, section 10.

M. A. WOLFE,
Recording Secretary.

And, Mr. Chairman, I am told that all members of every labor union in Washington were so ordered to appear and march in said parade, under penalty of being fined if they refused. Yesterday in the city of Washington there was another parade in Washington by labor unions in honor of Mr. Samuel Gompers, in which parade the papers tell us from 30,000 to 40,000 members of unions marched. I am informed by a member of one of the organizations which marched in that parade that every man and woman who belonged to a union in Washington was forced to march in that parade yesterday or be fined $5 if they did not enter the parade.

Mr. WILLIAMS. Fined by whom?

Mr. BLANTON. By the union. Five dollars. In other words, it was made compulsory upon them by regulations of the union that they would be fined if they did not join the parade. Now, I think no American citizen, no man or woman in America, should be forced to enter any kind of a parade against their wish and will. If they wanted to do honor to Mr. Gompers by marching in a public parade, they had a perfect right to do so, and I would say nothing against it, but they should not be forced to do it.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. BLANTON. And it is autocracy that forced them to join a parade when they may not have wanted to do so and when the money would be taken out of their pockets if they did not join. I desire to enter my protest against that practice of fining an American man and an American woman if they do not do something that unions command them to do. Now, I yield to the gentleman from Alabama.

Mr. BANKHEAD. I just wanted to ask the gentleman if Congress had any jurisdiction to legislate on the question of admission or attendance upon parades?

Mr. BLANTON. Oh, no; but I want to say——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I would have answered the gentleman from Alabama very satisfactorily if my time had not expired.

Mr. KAHN. Will the gentleman from Alabama use some of his time?

Mr. DENT. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER. Mr. Chairman and gentlemen of the committee, I have asked for these two minutes in order that I might have a short resolution read from the Clerk's desk, passed by the American Legion, Youngstown Post, No. 15. Mr. Chairman and Members of Congress, I want to congratulate this post on the splendid sentiment they express in these resolutions. I indorse it in truth and spirit, because it is American and comes from the heart of those brave men who followed our flag into a foreign land in order that Christian civilization and liberty might be preserved, and they are now ready to give their all to preserve our sacred institutions from those who are seeking to destroy our Government at this hour.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

YOUNGSTOWN POST, NO. 15, AMERICAN LEGION,
October 26, 1919.

Be it resolved, That we, the members of Youngstown Post, No. 15, American Legion, Youngstown, Ohio, do hereby declare our unalterable opposition to all bolshevistic, anarchistic, nihilistic, I. W. W., or soviet forms of government, and to all individuals or groups of individuals whose avowed purpose it is to overthrow the Government of the United States or to undermine or imperil its democratic institutions and traditions; and we do solemnly resolve that no flag or other symbol of the spirit of anarchy and destruction shall ever be raised in this city, State, or country to supplant the flag for which we fought; and we do further solemnly pledge ourselves to support and defend the principles of democratic government and to suppress with all the forces at our command any attempts of any character whatsoever to impair, impede, overthrow, or destroy those principles.

JOHN D. ROBERTSON,
Post Commander.
ARTHUR C. SCHAFER,
Acting Post Adjutant.

[Applause.]

Mr. DENT. Mr. Chairman, I have no requests for further time on this side, and I yield back the balance of my time to the gentleman from California.

The CHAIRMAN. The gentleman can not yield the time.

Mr. DENT. I will ask the gentleman from California to utilize my time.

Mr. KAHN. Mr. Chairman, how much time have I altogether now?

The CHAIRMAN. The gentleman from California has 17 minutes in his own right and the gentleman from Alabama has 58 minutes.

Mr. KAHN. Mr. Chairman, I yield the gentleman from New York [Mr. MACGREGOR] 15 minutes. [Applause.]

Mr. MACGREGOR. Mr. Chairman, I think that we all are appalled by the situation in which our country is placed at this time, and I think it very fitting in connection with the bills which are before us to-day that we should pause a moment and give expression to our feeling with reference to the disturbances in our Nation at the present time.

We have come to a crisis in the history of civilization, and the manner in which it is met will determine as to whether we will go forward in the upward progress of man toward the realization of the dream of mankind—a state of society in which the human relationship shall be such that all men shall enjoy happiness and contentment, or whether we shall revert to a state of barbarism.

The civilization that has been built up within a comparatively short time is a delicate structure and depends for its existence upon an acquiescence by the great majority to a relationship founded upon law and not upon force. [Applause.]

It is probably inconceivable to those who are not familiar with the history of the past that our civilization can be overthrown, but even a casual student of the past knows that it has been the frequent fate of mankind to ascend and then to abruptly descend. The examples are many. Egypt, with its flourishing cities and a high state of civilization, endured for several thousand years and then died; Greece, with all its intellectual development, faded away. Then the Roman Empire rose to great heights and fell. If a Roman citizen in the year 1 A. D. had been asked if it was possible for the world to return to a state of barbarism, he probably would have said that human imagination could not conceive that all of the learning and culture of his time could be swept away, and that the mind of man could revert to that of a savage.

The final extinction of the Roman Empire of the West is fixed at the year 476 A. D., and the civilized world was plunged into that period known as the "Dark Ages."

Guizot, in his History of Civilization, tells us that in the seventh century men's minds were so crude and undeveloped that there was no one of sufficient intellectual development that he could commit to writing the history of his times for the benefit of the future. He says that in the eighth century "All remains of Roman civilization had disappeared, even to its very language—all became buried in complete barbarism." He further says:

> The fall of the empire, its disorders and miseries, the dissolution of social relations and ties, the occupations and sufferings of personal interests, the impossibility of permanent labor, of tranquil leisure, such were the true causes of the moral as well as the political decay and of the darkness which enveloped the human mind.
>
> If we considered it in its entirety, the history of the human mind in modern Europe from the fifth century to our own days, we should find, I think, that the seventh century is the lowest point to which it descended.

The upward progress began then, but it was slow and painful. Nearly a thousand years elapsed before the basis of the present civilization was reached. Guizot fixes the time of the commencement of our civilization at the time of the disappearance of the feudal system, and that was the year 1600. Assuming that he is correct, and there is no better authority, the civilization, upon the stability of which we have prided ourselves, is but 300 years' duration

The last century has been a wonderful chapter in human history. The world, especially in our own Nation, has gone forward by leaps and bounds.

The brain of man has developed to such an extent that he has been able to subdue and bring to his use and enjoyment the forces of nature; he has turned to his use the minerals, the coal, the oil, the gases that were hidden by a beneficent Creator in the bowels of the earth; he has subdued the seas and used them as a highway; he has turned water into a means of locomotion and of power; he has seized from the air the unseen electric forces and compelled them to furnish energy, heat, and light; he has overcome the natural laws of gravitation and navigates the air; he has taken the very waves of the air as a vehicle for the conveying of thought. After these wonderful accomplishments are we to confess that we are unable to cope with the problem of adjusting the relations between man and man to the end that we shall go forward and not backward?

Within half a century we have developed a great industrial system. The little shop, with employer and employee working side by side, in intimate and personal contact, has practically disappeared, and the advent of machinery and the harnessing of the forces of nature has resulted in the organization of great centers of industry, with bodies of men united in corporations, taking the place of the individual employer, and an immense army of mechanics and workingmen doing the manual labor, constituting an employee group.

This combination of effort and organization of resources has resulted in an increase in production which has made the last half of the nineteenth century and the first two decades of the twentieth the most remarkable wealth-producing epoch the world has ever seen. If the grouping of employers into corporations and employees into unions had proceeded along lines of mutual and harmonious cooperation this epoch would have been the time of fulfillment of the brightest dreams of humanity, and our civilization would have been so strong and enduring that neither foreign propaganda nor domestic intrigue would have been able to shake its mighty foundation.

Unfortunately, however, the two groups proceeded along lines directly opposite, and the result is that to-day the thoughtful observer can not fail to be alarmed when he sees upon every side, in every section of the country and in every industrial center especially, an apparently unyielding determination of the two groups that dominate the industrial life of the country to engage in a titanic struggle which will, unless forestalled, shake the pillars of society, undermine the entire structure of our own Government, and threaten the very existence of world civilization.

This wonderful modern civilization—the product of the hopes and endeavors of mankind for centuries, consecrated by the blood of millions of heroes upon hundreds of battle fields where liberty was fought for—may be utterly destroyed by a frenzied mob and go down in an orgy of unbridled passion if we do not meet the issue that now confronts us with firm and unyielding purpose and determination that "government of the people, by the people, and for the people shall not perish from the earth."

The present evil of the dispute between capital and labor is more impressive than usual in that it directly affects every man, woman, and child in the United States. A strike in the coal industry would paralyze every industry in the country; it would cripple transportation; and, added to the horrors of a

nation-wide stagnation of industry, it would mean infinite misery and suffering in every home in our land.

Under these circumstances, our duty is obvious and imperative.

If any foreign power were to blockade our ports so that we could not import coal, if necessary, we would at once declare war upon that power and use all the armed might of our country to break the blockade.

If any corporation in this country tries by any means to keep our citizens from obtaining coal or any product of nature that is needful for human wants, the same Government should use its laws and its armed forces to break that corporation's hold upon the supply; and if any body of laboring men should seek by strike and violence to keep our people from being supplied with this necessity of our existence, they should be treated equally as enemies to the country and every Federal force of law or arms should be promptly used against them.

I sincerely trust that the Members of this House will stand resolutely and firmly behind the President in upholding the Government and maintaining the inalienable right of all of the people to "life, liberty, and the pursuit of happiness" and avert the anarchy and social disorder that will be the prelude to our return to the darkness from which we have so recently emerged. [Applause.]

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. MACGREGOR. I will.

Mr. KNUTSON. Does the gentleman think any further legislation is necessary in order to cope with the situation now existing?

Mr. MACGREGOR. I do not think so; but I believe there should be an expression upon the part of the Congress that it intends to stand firmly behind the executive department of this Government in seeing to it that peace and order are maintained. [Applause.]

Mr. KNUTSON. Perhaps my friend means a declaration would perhaps spur the administration to action?

Mr. CARTER. If the gentleman will yield, the administration has already acted. I will say to the gentleman from Minnesota. There is now before this House a concurrent resolution, introduced by the gentleman from Texas [Mr. CONNALLY], asking that the position of the President be sustained; so the responsibility is here and not on the administration.

Mr. KNUTSON. He has not acted. Words are not action.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, a short time ago I had occasion to make a few remarks on the floor of the House referring to certain operations in a place in the House Office Building, on the second floor, known as the House Office Restaurant. I at that time advocated the abolishment of that restaurant. I have no desire to pose as a hero, but I have received so many very fine compliments for bringing up that matter on the floor of the House from various Members who are interested in that proposition that a few words upon that subject may not be amiss at the present time, and this afternoon in the presence of the full membership which is here, which is rarely the case, I have asked for time in order that I might have 10 minutes to present this matter. I have no desire to make any comment upon the restaurant in the Capitol Building. Far be it from me to speak on that subject. Of course many are interested in that project. We are interested more to see——

Mr. FOCHT. Will the gentleman yield for a question?

Mr. KING. I will yield.

Mr. FOCHT. If the gentleman is proceeding along that line, I will ask him if he does not think that all the Members who patronize either of those restaurants are martyrs?

Mr. KING. I was just going to present one point concerning the House Restaurant below, which I do not care to dilate upon at this time. There is one reform that ought to be carried out in the restaurant below, and I think it ought to be made mandatory, and that is the elimination of the rats. [Laughter.] Now, I will dilate upon that at some future time. They are a very peculiar species of rats——

A MEMBER. What about the cockroaches?

Mr. KING. That is another subject concerning the restaurant below. But these rats have been here a long time. Gentlemen have to go home and be reelected by their constituents every two years. Members may come and Members may go, but the rats in the restaurant downstairs go on forever. [Laughter.]

Passing that question up for a few moments, in referring to the other restaurant, I want to say that there has been a good deal of propaganda since those remarks were made, not by Members of the House but by certain gentlemen who make a living in some way or other around the purviews of the Capitol and in the corridors of the House Office Building, to the effect that the poor manager is not making any money, but that he loses money every day he keeps the doors of the restaurant open.

Mr. HUDSPETH. I would like to ask the gentleman who has charge of the restaurant down there?

Mr. KING. It is impossible to ascertain who it is. It is some shadowy, ghost-like individual. I have not been able to put my hands upon him yet. If any of the Members have information on that subject, I will be glad to receive it. For the purpose of offsetting this propaganda to which I have referred, I thought I would make a specific investigation, something that the membership could rely upon, and which could be put in the CONGRESSIONAL RECORD.

COST OF FOODSTUFFS IN HOUSE RESTAURANT.

On October 11, 1919, a plate of boiled corned beef and cabbage was purchased at the House Office Restaurant for 50 cents, and a lettuce-chicken sandwich for 35 cents, both prices prevailing that day.

In order to get the actual cost of the materials used in both the plate of corned beef and cabbage and lettuce-chicken sandwich, the component parts were weighed on an apothecary's scales at 1.25 p. m.—within an hour after purchase—at the drug store of H. E. Sprucebank, 201 Second Street SE., Washington, D. C. Because market prices of the various objects were given in avoirdupois weight, the figures were reckoned in avoirdupois. The wholesale prices of the articles were obtained from prominent firms and the actual cost of the materials thus computed.

The corned beef and cabbage, which sold for 50 cents an order, was found to contain 8.05 cents' worth of material at current market prices.

The lettuce-chicken sandwich, which sold for 35 cents, was found to contain 4.58 cents' worth of material at current market prices.

Corned beef and cabbage (including bread and butter).

Cost:	Cents.
Corned beef—2 ounces 4 drams 40 grains apothecaries' weight, or 2 ounces 14.4 drams avoirdupois, at 30 cents per pound (price from T. H. Keane & Co.)	5.43
Cabbage—3 ounces cabbage, apothecaries' weight, or 3 ounces 5.76 drams avoirdupois, at 3 cents per pound (price, Golden & Co.)	.63
Bread—1⅓ ounces apothecaries' weight, or 1 ounce 10.88 drams bread, at 7 cents for 12-ounce loaf, avoirdupois (price, Corby Baking Co.)	.98
Butter—1 dram 40 grains apothecaries' weight, or 3.728 drams avoirdupois weight, at 70 cents per pound (price, Golden & Co.)	1.01
Total cost of materials	8.05
100 per cent for handling	8.05
Net cost of serving	16.10
Selling price	50.00

Net profit, 34 cents, or approximately 212 per cent.

At above price 3 pounds of corned beef and cabbage for a workingman's family dinner would cost $3.

Now, as to the more important item of the sandwich, I will say to the Members that I endeavored to preserve the sandwich that I might exhibit it on the floor of the House, so that the Members could get the dimensions of it as I talked about it, but, unfortunately, I could not get the floor soon enough, and the sandwich began to get rather muscular, and the cockroaches were accumulating and mobilizing in three or four regiments outside of the door, and I had to throw it out of the window. [Laughter.] However, it might have been seen by some of the Members of the House with the naked eye, but Members on the back seat would have been deprived of the exhibition.

Now, here is what I have gathered as to the chicken-lettuce sandwich:

Lettuce-chicken sandwich.

Cost:	Cents.
Chicken—5 drams 30 grains apothecaries', or 12.336 drams avoirdupois, at 45 cents per pound (price, Golden & Co.)	2.16
Lettuce—5 drams 20 grains apothecaries', or 11.968 drams avoirdupois, at 6 cents per pound (price, Golden & Co.)	.28
Butter—1 dram 40 grains apothecaries', or 3.728 drams avoirdupois, at 70 cents per pound (price, Golden & Co.)	1.01
Bread—1 ounce 5 drams 50 grains apothecaries', or 1 ounce 15.04 drams avoirdupois, at 7 cents for 12-ounce loaf (price, Corby Baking Co.)	1.13
Total cost materials	4.58
100 per cent for handling	4.58
Net cost of serving	9.16
Selling price	35.00

Profit, 25.84 cents, or more than 250 per cent.

At the above rate one 3-pound chicken would make 70 sandwiches, which would sell for $24.50. So there you are, Mr. Chairman.

Mr. SEARS. Will the gentleman yield?

Mr. KING. I will.

Mr. SEARS. I think the gentleman's remarks are very interesting, and I believe really something should be done before we let the secretaries pay these outrageous prices; but as good people contend, while I do not indorse it, that when you place anything in the CONGRESSIONAL RECORD it is buried, I suggest to the gentleman that he refer these remarks to the steering committee on his side and also on this side, and to the Committee on Public Buildings and Grounds, so that we can get some action.

Mr. KING. If we could get the cooperation only of the steering committee on the other side, we could do something with it.

Mr. SEARS. Oh, no.

Mr. KING. Mr. Chairman, I yield back the balance of my time.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I think it opportune and important to acquaint the committee with certain facts which have come to my attention through a suit recently decided by a United States court on appeal. The title of the case is The Coronado Coal Co. against The United Mine Workers of America, and it is reported in the Two hundred and fifty-eighth Federal Reporter, page 829.

Most of the facts which I state are contained in the official record of the case in the trial court and in the opinion of the court of appeals, which sustained the judgment of the trial court for $600,000 upon a verdict for the plaintiff.

The United Mine Workers of America has a membership of about 400,000 and frequently has at its disposal several million dollars. The national union, which has its headquarters at Indianapolis, is divided into some 25 districts, more or less, each of which has affiliated with it certain local unions. The districts and local unions are but the agencies of the national union, subject to its control and direction. The national union publishes a weekly journal, which is its official organ, in which it has for many years past been reporting to its membership concerning its various activities. The articles in that journal have an important bearing upon the mental attitude of the employees of our mines toward our Government and Government officials.

For many years the United Mine Workers' Union has been engaged in a nation-wide scheme to prevent the mining of bituminous coal except under union domination. The terrific disturbances witnessed in Colorado, West Virginia, Pennsylvania, Alabama, Kentucky, and Arkansas were but steps to carry out this gigantic plan by the elimination of all open-shop production, so that this country would be placed in just such a critical position where the present crisis now places it. If one will read the opinions of some of our Federal courts in cases involving litigation against this union, and particularly that of the Supreme Court in the case of the Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S., 229), one will gather some idea of the way in which this combination has operated to protect the union mines from the competition of the open-shop mines. By joint conferences with the unionized operators they reach an understanding or agreement that the usual methods of organized labor will be utilized to destroy nonunion competition.

Mr. John L. Lewis, one of the representatives of the United Mine Workers, when attending one of the joint conferences with the operators, referred to the purpose of the conference as follows:

> As I understand it, it is for the purpose of wiping out competition between us as miners first, viewing it from our side of the question; next, for the purpose of wiping out competition as between the operators in these four States. When we have succeeded in that and we have perfected an organization on both sides of the question, then, if I understand the real purpose of this movement, it is that we will jointly declare war on every man outside of this competitive field who will do anything in any way endangering the peace that exists between us. What is necessary to do this? Organize our forces in the competing fields so far as the United Mine Workers are concerned. Go into these outside competing fields and tell your competitors that they have to join this movement, whether they like it or not, and give stability to the coal business of the United States.

At the miners' convention of 1907, Delegate Green, now secretary-treasurer of the United Mine Workers, said:

> Now, something must be done. It is absolutely necessary to protect us against the competition that comes from the unorganized fields east of us.

At the same convention Delegate O'Connor said:

> Through the action of that convention and through our effort last year, we have the nonunion coal practically shut out of Indiana.

In February, 1913, Vice President Hays, in an official statement in the Journal of the United Mine Workers for February 20, 1913, said:

> We will spend every cent in our international treasury, collect a million dollars or more by assessment, and tie up every nonunion mine in the country, if need be, in order to redress the wrongs of the West Virginia miners, and in saying this I express not only my own view, but the views of President White and our entire executive board.

Following this policy of attempting to prevent the operations of nonunion or open-shop mines, the United Mine Workers of America, acting through its district branches, determined in the spring of 1914 to prevent the open-shop operations on the part of the Bache-Denman companies in Sebastian County, Ark. As a result of the activities of the union, all of the destructible property of the company was destroyed, leaving nothing but the coal in the ground. This is but a sample of attacks, amounting almost to civil war, which have confronted nearly every operator who attempted to operate coal mines on an open-shop basis. These attacks have been encouraged, sanctioned, and approved by the national union, and nothing has ever been done by that union or its branches to put any check on such lawlessness and crime arising in connection with its own operations.

As a result of the destruction of these coal-mining properties in Arkansas, a receiver was appointed and brought suit against the national union and district 21, which covered that section of the country, also certain local unions and prominent union men, in the district court of the United States for the western district of Arkansas. The suit was brought under the Sherman antitrust law for over $2,000,000 damages, and after a jury trial and verdict in favor of the plaintiff, in the fall of 1917, judgment was rendered for over $600,000. This judgment was subsequently affirmed by the United States Circuit Court of Appeals in April, 1919, and its final determination will probably rest with the United States Supreme Court.

What is said about this organization is based upon the strong evidence found in the record of this case, and which has an added importance because I understand and believe that it is fairly representative of the conduct and attitude of this organization in all of its industrial battles, and but illustrates the extent to which it has encouraged lawlessness and violence throughout the country and cast the cursed blight of suspicion upon the fairness of our institutions.

The story is not a long one. In the spring of 1914 certain of the coal mines in Sebastian County, Ark., which belonged to the so-called Bache-Denman interests attempted to open up on the open-shop plan. The formal opening of the mines was set for April 4, and in the selection of employees no discrimination was made against members of the union. On Sunday, April 5, a large crowd of union men gathered about the mines and there were some minor disturbances. The company was told that it could not operate the mines under any consideration unless it signed up with the union, and some of the employees were threatened. On Sunday evening a union meeting was held at Hartford, Ark., and the union leaders went around Hartford to the various storekeepers and told them to close their stores on Monday and go out to the mines for a demonstration.

RIOT OF APRIL 6, 1914.

On Monday, April 6, all of the union mines were shut down because the employees were arranging to attend the riot and demonstration against the Bache-Denman mines. About noon crowds gathered from the different sections, amounting in all to 1,200 or 1,500 people, and a meeting was held in front of the local-union hall which lasted an hour or two. The union men intimated that there was to be another Colorado, referring to the civil war which had taken place there. Crowds broke over the ropes and attacked the guards, who had to be sent to the hospital. They invaded the property of the company and hoisted an American flag with a banner bearing the words, "This is a union man's country." They pulled the fires and shut down the mines. The company's employees were beaten up, one of them having his teeth kicked out, which a union miner proudly exhibited. The local physician refused to treat one of the wounded men, saying "He would not treat a G— d—n scab." The employees were obliged to leave the property, and the pumps at the mines being no longer operated, the mines filled with water.

After the riot of April 6 the official journal of the United Mine Workers, which is published at Indianapolis, came out with this statement:

ARKANSAS MINERS DETERMINED—DEMAND UNION CONDITIONS.

FORT SMITH, ARK., *April 7.*

Unionists to-day have frustrated an attempt of the officials of the Bache-Denman Coal Co.'s mine, at Midland, near here, to strangle their organization and operate under an "open-shop policy." Previous to this decision 200 union men had been employed.

The miners met about a mile from the Mammoth Vein mine, as the mine is known, and held meetings. They were addressed by a number of speakers, including Miss Freda Hogan, daughter of Daniel Hogan, a prominent Socialist. Following the meeting the men formed in line and marched to the mine.

Several clashes marked the efforts of the unionists to persuade the men in the mines to join them. Following a disturbance in which two guards were hurt, the miners joined the unionists, and left the pit. The United States flag was then hoisted from a near-by pole and the crowd departed.

The company has announced its determination to inaugurate the open-shop policy at its six other mines in western Arkansas and eastern Oklahoma next fall. At present they are closed for the summer.

Following this riot a meeting of the international executive board of the United Mine Workers national union was held in Kansas City on May 4, at which time President John P. White said:

The company tried to run the mine on the nonunion basis, and the boys simply marched in on them in a day down there and kicked his Colorado guards out of there and broke their jaws, and put the flag of the United Mine Workers on the top of the tipple and pulled the fires out of the boilers, and that was all there was to it, and the mines have been idle in there ever since.

On May 18 the same President White, addressing the convention of district 21 at Fort Smith, said:

I have known the value and worth of the organization of district 21 for many years. We have watched your struggles with a great deal of pride and satisfaction and have admired you for the splendid fighting qualities that you possessed.

The district organizer, McLaughlin, says that he never heard White express any disapproval of anything that happened, and that no union officers took any steps whatever toward disciplining any union member for taking part in the riot.

On April 8 an injunction was issued out of the Federal court, and on April 15 an attempt was made to start the pumps and prepare for further operation. From that date up to July 17, when the property was finally destroyed, there was a continual series of insults, threats, and intimidation by the union men. The local-union secretary, Charlie Robinson, stated that there would be no trouble until the company began hoisting coal, and then the place would be torn up. He said:

You had better go join the Army. You would be safer in Mexico. * * * You know what they done in Colorado. The same thing will be done here.

On May 20 Pete Stewart, president of district 21, said they were going to have another Colorado there, and that any man that wanted a gun could get one next week; that it was no secret that everybody went armed and that everybody who wanted arms could get them, and that he was taking the responsibility on himself with regard to the guns, and he would advise everybody else to carry one; that the scabs would be put out of there, and he would die before he would see No. 4 mine run on an open-shop basis. Shortly after that Fred Holt, secretary-treasurer of district 21, purchased a large number of rifles and many thousands of cartridges, which were paid for by the officials of district 21. At about this time President Stewart, of district 21, said:

Damn the injunction. The National Government is against us, but the people are with us, and we are going to win. * * * We have got a way. We are not going to let them dig coal.

The Federal Department of Justice sent 50 or 60 marshals to enforce the injunction, but these marshals were boycotted in the village and unable to secure lodgings except in the company's own houses. Men were constantly threatened and attacked. One of the marshals asked the union men if there was going to be trouble, and they replied, "Yes; it will be just like Ludlow, and you had better bury those G— d—n rifles before we go down."

The Journal of the United Mine Workers published July 9, 1914, referring to the attempts of the United States Government to maintain order, said:

We are out to win, and we intend to do so. We have a strong bunch of scabs here. We have scabs from Spadra, Ark., and United States gunmen who have come here from Colorado to guard the Arkansas scabs.

PREPARATIONS FOR BATTLE OF JULY 17.

On July 15 certain of the United States marshals who had been protecting the property were withdrawn, and they state that one of the union miners stated: "We are going to lose a lot of our boys over this, but we can not let any scab stay in this country." The knowledge of the impending attack became general throughout the country. One of the union miners said he "expected everyone to be killed."

The secretary-treasurer of the local union stated to some of the people that they would "let us know in time to get our teams and men away, for they did not want to hurt us." On the evening of July 16 armed brigades marched out to destroy the mines. People in the neighboring town were warned to move away, and a good many of them moved. Merchants were requested to close their stores the following day, July 17, and to take part in the battle. Firearms were distributed by the union officials. Union meetings were held just prior to the attack, at which speeches were made stating that they were going to clean out the scabs. On July 17 the union men in other mines, instead of reporting to their employers, reported to their union on the hills around the mines with rifles and shotguns. About midnight of July 16 the lights in the mine went out, the wires having been cut. About 4 a. m. several bunches of men came along the road and fired about 100 shots in the company's property. Things then remained quiet until about 7 o'clock, when armed men began to sneak around the woods, concealing themselves behind trees, and before long firing upon the company's property began on all sides from several hundred men. One of the tipples was captured and the union men put in a case of dynamite and blew it up. The company's men sought shelter behind the cars and replied to the union fire as best they could. The women and children were moved in between the boilers. About everything inflammable was burned up by the invaders. "Burn her!" "Burn her!" was the cry. Some of the company men who fled were captured by the union men. The president of one of the local unions was seen going toward one of the undestroyed buildings with burning brands in his hands. Bullets came into the camp like hail, according to the testimony of one man. They set fire to the blacksmith shop by lighting some waste. As in Colorado, the men tied white handkerchiefs around their arms as a mark of distinction, so that union men would not shoot members of their own party.

The employees who were captured were taken into the union hall and guarded. The captors admitted that the whole affair had been put through by the union. They stated that they were going over to Jamestown to another open-shop town in a few days and that the union was too strong for open-shop operations in that vicinity. One of the scabs who was captured was deliberately shot through the heart and another was shot dead and afterwards kicked around. Later where one of the scabs had been killed the cabin was found burned down and a number of human bones remained.

About this time Judge Youmans, the district judge, received a letter which was later found to have been written by a prominent member of the local union, and the letter said:

You are notified to comply with the requirements of your office. If such is not complied with very shortly, there is likely to be an unexpected change between your soul and fleshly temple, and you won't know the day or time or by what means such will take place. Still we don't want to act cowardly, but give you a little time to act differently. At any rate, you will have a little time for future preparation for that place called heaven You are weighed in the balance and found wanting. There is a great change soon to happen.

(Signed) FOREWARNED.

This is a barking dog and if teased much longer will bite.

(Signed) PRESIDENT OF COMMITTEE.

The writer of this letter was discovered. He pleaded guilty, received a sentence of three months, and was put on the pension list by the union.

In December of that year the leaders of the unions were indicted for conspiracy in violating the laws of the United States because of disobedienee of the injunction. Eleven of them, being the leading ones, pleaded guilty and were sentenced to pay fines of $8,500, which were paid by the union, and to serve jail sentences ranging from 2 years to 90 days.

In the Journal for July 23 there appeared an editorial entitled "The truth about Hartford, Ark.," which reads as follows:

Attempts on the part of the hired army of the Bache-Denman Co., New Hartford, Ark., to emulate the Colorado gunmen militia brought about an outbreak on the part of the union miners, in which the gunmen were badly worsted. * * * All night Thursday the tents of the miners had been the targets of the hired thugs. Union miners living at a distance heard of the attack. Determined that a massacre like that of Colorado should not be perpetrated upon their friends and relatives, many men marched to the rescue. The sharpshooters were dislodged and followed to their camp. Shots were exchanged all the way. Miners then determined to destroy the enemy's stronghold as a matter of protection for their homes, the only shelter of their families.

We do not advocate force as an argument. We would adjust all of our differences at the council table, if the choice was ours. But when it is necessary to protect our homes, our families from the attacks of hired ruffians who do not spare, as we have learned too well, the mother or the babe, to whom murder and arson are "all in the day's work," we applaud the men—would be glad to personally aid the men to defend their homes even though it be necessary to follow their assailants to the shelter of the company's buildings, their rallying place from which they come forth at night on their work of destruction.

In the Journal for July 30 an article by Eugene V. Debs appeared, as follows:

BRAVO, ARKANSAS COAL DIGGERS.

Hats off to the Arkansas coal miners! They have routed the gunmen and delivered a body blow to the government by assassination. * * * But the miners had heard of West Virginia and Michigan and Colorado and they were not caught napping. They were not so well armed as Bache's red-light gunmen, but what they lacked in physical equipment was more than made up in moral stamina, and when the smoke of battle cleared away several gunmen were found to have bitten the dust and the rest vanished into mist and no trace of them has been found since.

Bravo, ye coal-digging slaves of the pits! * * *

In the case down in Arkansas the scab operator, following the example set by the operators in other States, had his court injunction issued, ordered out his private army of man killers, then sat himself snugly down in his easy chair to wait until the miners, whose labor had enriched him, laid weltering in their own blood.

But this particular operator was foiled. He got his lesson and he will not forget it. When the battle was over his private army was annihilated and his mines and tipples to the value of $200,000 blown up with dynamite, a mass of ruins.

This is the way government by gunmen and assassins should be made to react upon the criminal master class every time they put it in operation.

Brave once more, Arkansas coal diggers. You have set a heroic and inspiring example to the working class of the Nation. * * * Fred W. Holt, secretary of district 21 of the United Mine Workers, testified in court that he had shipped the guns from McAlester, Okla., his home, to the miners in Arkansas "for the purpose of enabling them to protect their wives and children against the outrages of the private armed guards."

All honor to Holt for having shipped the guns to the unarmed miners and for standing up in court like a man and admitting it. If government by gunmen is to prevail, then liberty is dead and the labor movement a farce.

The Arkansas miners have throttled the monster, and I appeal to the miners everywhere to arm themselves and prepare to do the same. They are strictly within their lawful right in arming themselves against lawless invasion and in defense of their homes.

The next assessment that is levied by the United Mine Workers and the Western Federation of Miners should be levied for the raising of a gunmen defense fund for furnishing each member with a high-power rifle and 500 rounds for the protection of their lawful rights, the defense of their wives and children, and for wiping out government by gunmen and assassination in the United States.

In the Journal for November 26 was published an article holding the Federal Government up to contempt and ridicule for its action in connection with these difficulties. The article is, in part, as follows:

TWENTY-SIX MINERS INDICTED.

The most unnecessary Federal grand jury ever assembled by a Federal judge to probe disturbances of a stricken community to-day returned 26 indictments against the members of the United Mine Workers.

The same issue of the Journal published an article entitled "Causes that led up to trouble in Arkansas," which contained the following:

The industrial trouble in Arkansas is more than a fight between employees and employer; more than a conflict between a powerful corporation on one side and a powerful union on the other. It is a battle to a finish to see whether the Federal Government will protect unsound enterprises against the protest of legitimate demands coming from disturbed citizens who have innocently fallen victims to the shortcomings of mismanagement. * * *

The remainder of this article deals with the situation at the Bache-Denman mines and ridicules Government officials.

At the outset of this trouble the attorney for the United Mine Workers says that he was instructed to do what he did in this district and was assured by the president of the district that they would "protect the members of our organization that get into trouble in the Hartford Valley to the last ditch." In accordance with this promise where litigation arose the criminals were defended in court at the expense of the union, and, when convicted, their fines were paid by the union. Financial support or pensions were furnished by the district unions to those who pleaded guilty and were serving terms in jail. Some of them were later reelected to office.

Mr. John P. White was an officer of the United Mine Workers from 1896 until about August, 1917, when he became connected with the Fuel Administration. He was vice president of the United Mine Workers from 1908 to 1909, and was president from 1911 to 1917, covering the periods of the rioting in Colorado and particularly in the rioting and destruction of property in Arkansas.

He testified that at no time during his entire connection with the union had he ever known of any disciplinary action having been taken by any officer of the national organization against any national officer or employee or member of the union or against any district or local officer or employee or against any district or local branch on account of violence or injury to life or property in labor disputes, and that he knew of no instance in which the union had given publicity in the Journal or otherwise to any notice to the members that they would be subjected to any discipline by the union if they participated in such violence. The only approach to such notice was when prior to his presidency he issued a circular in 1908 in connection with the Alabama strike admonishing the members to observe the law.

The United Mine Workers' Journal, the official organ of the national union, now declares that if the Supreme Court does not see fit to reverse the judgment in that case it will find means beyond the law to protect its interests.

This story of the attack on this group of mines in Sebastian County, Ark., illustrates what has happened in many other communities where open-shop operations have been attempted. About this same time unlawful attacks were made on the properties of the Pennsylvania Mining Co. in Johnson County, Ark., which adjoins. Practically every attempt to operate an open-shop mine in the bituminous fields has at one time or another met with a similar kind of attack, carried on by the national union through its district and local branches and its national organizers. At no time has the national union, which, according to the decision of the circuit court of appeals, controls the district and local bodies, ever done anything to check this lawlessness, but, on the contrary, has encouraged, sanctioned, and approved it.

Again and again have the official utterances of this organization attacked the different branches of our State and Federal Government whenever their officers have come into collision with any representative of law and order. In each of its great industrial battles, which in many instances have amounted almost to the dignity of civil war, they have poisoned the minds of their followers with reiteration to the effect that the union representatives were above reproach and were only jailed and otherwise punished because it is a capitalist Government acting as a tool of the employing interests. It makes no difference who the employer was or where the disturbance took place; it was immaterial what State government was operating or whether it was the Federal Government, the officials of this same organization were always present to make the same charges until a large part of its vast membership must have come to believe it so. This is the type of organization and the temper of some of the men who now threaten this great crime against society. To them force is a familiar method of common use.

This attitude toward lawlessness is not a new one, as witness these articles:

Mr. McDonald, a delegate to one of the conventions of the miners, said:

We have had men go to jail. We expect that more of us will go to jail. The penitentiary doors have no terrors for us, so far as that is concerned, and if putting two or three hundred of our men in jail will organize West Virginia, we will send two or three hundred down.

Extract from Mine Workers' Journal, May 21, 1914, article entitled "From Oklahoma," reviewing the difficulties in Colorado and closing as follows:

Why should we dodge the issue and rant about law and order and rights of citizens, when law and order leagues and citizens' alliances are murdering our brothers, desecrating our homes, and burning our wives and children, and are defended in their dastardly deeds by the powers of the State government? And so we have the issue to meet and let us meet it like red-blooded men. We can put down the anarchy of capital only with the same measures employed against us.

Extract from Convention Proceedings, District 21, February 17, 1914:

COLORADO STRIKE.

* * * But I saw there the same thing confronting the striking miners that is found in every State in the Union where a strike is incurred. I saw a tool in the hands of the coal corporations sitting in the governor's chair ready to do the bidding of these companies at their beck and call. I saw this same governor ordering the State militia into the coal fields to shoot down the striker as is customary in these controversies. * * *

Mine Workers' Journal of June 3, 1915, article on Colorado strike, entitled "A spanking—then taffy":

But while they may buy legal procedure against your officials just as they have confessed to buy the militia against the strikers, they can not frighten nor intimidate nor dishearten those international officials. * * *

Extract from Journal, August 18, 1919, page 4:

The mayor of Cleveland, Ohio, suspended 32 policemen for refusing to protect strike breakers. Good—not for the mayor but for the policemen. Let the company evince a desire to settle the strike, and there will be no necessity for strike breakers.

Extract from twentieth annual convention, Indianapolis, 1909, page 880:

* * * And now I want to do an act of justice toward the organizers—one and all of them. No set of men ever worked with more earnestness than the organizers, both international and district, than they did during that strike in Alabama, and they worked under the most dangerous conditions I have ever known of such work being done. For anything I did myself in that strike I have no reason to hang my head. I did the best I could; I went through more danger than any other man in the strike; I did it without complaint, and every time I went to the governor for protection for myself or any other men the answer was, "I will investigate," and the result of his investigation was, instead of giving us protection, that the brutality was worse than before the complaint was made. * * *

Mr. Chairman, I need make no comment on the facts to which I have called the attention of the committee. They speak for themselves, and I think that the committee will agree that they are of importance, particularly at this time, to the people of the United States.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Chairman and gentlemen, I feel it is proper at this time to make some remarks on the coal-mining situation, especially in view of the speech that has just been made. I am with the President in his view of the situation that a strike at this time will be a very harmful thing and much to be regretted, but I am not in sympathy with the great amount of sentiment that is being expressed here and elsewhere laying the blame of the situation all upon the coal miners. If you think there is but one side to this question you are mistaken, and I want to give you a few of the facts from the miners' viewpoint.

The statement read into the RECORD the other day by the gentleman from Virginia showing that some miners in West Vir-

ginia had been receiving three or four hundred dollars per month in wages is not a fair statement of the earnings of the coal miners. In my judgment, you will find that this represents the earnings of several men drawing it in the name of one man. These are nonunion mines, and I do not know the number of hours per day they work, but I do know the average wage of coal miners in the State of Iowa in the year 1918, which was the year when the peak of production was reached, was $850 per year, and in Indiana it was $1,300 per year. Some earned more; many earned less. In other words, my stenographer draws more than $1,300, and she has no family to keep.

In 1916 the miner was obtaining 64 cents a ton for digging coal. The coal sold at $1.25 f. o. b. at mines. Miners have had two raises since this of 10 cents each, and the present contract is for 84 cents.

The contract made between the miners, the operators, and the Fuel Administration to take effect November 1, 1917, provided for a rate to be paid the miners, a rate to be paid day hands, and also for selling price of coal arbitrarily fixed in the various districts. The entire advances secured by the miners by this contract and from modification of their contract amounted in total to 20 cents per ton for the actual mining of coal, to a somewhat larger raise for the day hands, who constitute 27 per cent of the total of men employed. To reduce this statement to percentages, men who dig coal by hand—pickmen, so called—had their wages increased from 64 cents to 84 cents, machine miners from 52 cents to 72 cents, day hands from $2.98 per day to $5 per day. The pickmen constitute 33 per cent of the total number engaged in the mines of Indiana. The percentage of raise for these men approximates 29 per cent. The machine men constitute 40 per cent, and their raise approximates 38 per cent. The day hands constitute about 27 per cent of the men employed; their raise approximates 68 per cent, or an average for all concerned of about 44 per cent.

In the meantime the prices for coal rose in the same period from about $1.25 per ton f. o. b. the mines to $2.45, the figures set by the Government, or almost 100 per cent. This includes the voluntary wage raise of August, 1917, and the raise provided for by the Fuel Administration to take effect on November 1 of the same year. Since that time the miner has received no increase in wages. In February of this year the Fuel Administration abrogated by proclamation all price restrictions. The effect for a short time was the lowering of selling price to the large buyers, especially the railroads, but never did it have any salutary effect upon the price of coal for the domestic consumer. On the contrary, the lower prices contracted for to the railroads were often made up by enhanced prices demanded from the domestic consumer. In the bulletin issued by the National Coal Operators' Association to-day, October 29, 1919, Indiana coal is quoted as selling at prices ranging from $2.45 per ton to $4 per ton f. o. b. the mines, or on the average of $2.92 per ton, 47 cents above the price fixed by the Fuel Administration. This in spite of the fact that miners are still working at the prices fixed by the Fuel Administration.

The miners claim that the Government, which is a party to the contract, abrogated the contract when it lifted price restrictions; that the operators abrogated the contract when they charged prices above those fixed by the Fuel Administration in the contract; and that the Railroad Administration, which was an agency controlled by the President, abrogated the contract last spring when it went into the open market and demanded and obtained coal at a lower price than the price fixed by the Fuel Administration at the time the miners' wages were fixed.

The miners' officials met the operators on September 26, 1919, five weeks prior to the date set when they demanded a contract to work under. Had the operators met the miners in a conciliatory mood and with the intention of formulating an agreement, there could be no danger of a strike now. From beginning to end of the negotiations at Buffalo, at Philadelphia, and Washington it was made plain to the operators that there were no strings upon the committee representing the miners that were then meeting with them; that these men had the same power as they always had had to formulate an agreement and to report such agreement to a reconvened convention with an affirmative recommendation if it met with their approval. Such has always been the course of negotiation between the miners and the operators, and none knew that better than the operators themselves. You all know that when the miners and the operators met for the purpose of arriving at the adjustment of wages both sides made big demands; both understand that eventually they will find the middle ground somewhere. The miners made their demand for a 60 per cent increase and a six-hour day. The operators simply relied upon the statement that the agreement entered into with the miners was still in effect, and refused to go into negotiation unless the miners agreed to continue to work indefinitely pending settlement. The miners' organization agreed to withdraw all demands and meet the operators and agree upon a wage scale. The operators refused to meet them in a spirit of get together; and I venture the assertion that if the operators and miners had met as they should have met, with a view of arriving at an agreement, the miners' organization would have receded from much of their demand, although they can easily justify an increase of 60 per cent if what the operator is receiving for the coal is any criterion for what the miner should receive in wages.

The miner has to dig about a ton of coal to buy a pound of bacon or a dozen of eggs if they sell as high in the mining districts as they sell here. He can show you where the high cost of living has outstripped the increase of wages paid to him.

Mr. BEE. Mr. Chairman, will the gentleman yield? Will it interrupt the gentleman to ask him a question?

Mr. BLAND of Indiana. I yield.

Mr. BEE. I understand the miner has not received any increase for his work, but that the price of coal has gone up to $5. Has the cost of production increased so as to justify the keeping down of the miner and the increased cost of production?

Mr. BLAND of Indiana. I do not think that the miners' 84 cents is in keeping with the increased cost of living, and I do not think that the cost of coal fairly represents a fair division of profits between the miner and the operator. In other words, I think the operator, when he gets $2.92 a ton for his coal and pays the miner 84 cents for digging it, is not giving the miner enough for his labor. I know the price of everything the operator buys about the mine has increased. We can not expect him to work on the same margin that he did when the difference between the mining price was 64 cents and the selling price of coal $1.25. My point is that the operator is bringing the wrath of the coal-consuming public down upon the miner's head when he is only obtaining a 29 per cent increase while the operator has obtained about a 100 per cent increase.

Mr. BEE. That is what I wanted to know.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. HUDDLESTON. I wanted to call the gentleman's attention to the fact that according to his statement the increase in the miner's wages in his district has amounted to 41 or 42 per cent, whereas in his district the increase in the miner's cost of living is eighty-odd per cent, so that the miner now is really getting 25 or 30 per cent less in the way of bread and meat and shelter and clothing for his labor than he received in 1914.

Mr. BLAND of Indiana. The increased wage to the miner since 1916 has been only 29 per cent. Day men got an increase of about 33⅓ per cent.

Mr. HUDDLESTON. In my own district the miners have had an increase of 47 per cent on their wages since 1914, and yet they are required to pay for the cost of their living eighty-odd per cent increase.

Mr. BLAND of Indiana. The Indianapolis market for Indiana coal for domestic consumption sold in 1916 for $2.75 a ton. The same coal is selling to-day in the same market for $6.50 per ton, and this is prior to the strike flurry. Doubtless prices have been further enhanced since $2.75 to $6.50 will show that the percentage of increase is upwards of 120 per cent. Labor cost is on the increase about 44 per cent, rail rates about 35 per cent. Somewhere between the actual producer of coal and the consumer the difference between 44 per cent and 120 per cent has been absorbed. The difference between 35 per cent increased freight rates and 120 per cent has been absorbed, yet the miners are being held responsible or guilty of attempting to hold up the public. The entire wage raise demanded could be granted without raising the cost of coal to the public one cent and yet leave a comfortable profit to the operator and to the retailer.

In 1917, when the miners accepted the comparatively small wage raise, when compared with the splendid advance accorded the operator in the selling price of coal, they were fully aware that if they had chosen to exercise their economic power, the power to withhold production, they could have secured an advance far more adequate to meet the enhanced cost of living. They never considered using the strike weapon in the face of the enemy. They produced and produced plentifully, believing as they had been promised that when the war was over their fidelity would be rewarded, that they would again be accorded the right they have always exercised to use an economic power for the improvement of their conditions to lessen the distance between the prices of all commodities and especially coal, the

production in which they are engaged, and their wages. They do not feel called upon to work indefinitely on a wage that has been admitted by the operators and by the Secretary of Labor as inadequate and unfair, and they realize that to enter into negotiations without setting some period for closing negotiation would mean indefinite postponement with all that that term implies.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes, indeed.

Mr. GALLAGHER. Will the gentleman give us some idea of the conditions under which these miners live?

Mr. BLAND of Indiana. Yes; I will if I have the time. They work in one of the most dangerous and hazardous occupations known to man. He is surrounded with danger from the time he leaves his home until he returns at night. He ofttimes spends an hour or two on his way to the mine and the same amount of time on the way home, which is not included in his eight hours. His family must be routed out before day to get him ready for the mine, and in some States when he gets home he has to wash in the family wash tub before he can get his supper. He is wet when he comes out of the mine, and his body is black with grease and dirt and grime. Cold, pneumonia, and consumption are prevalent among coal miners by reason of their exposure during inclement weather. I have seen them pass my door with their pit clothes frozen on their bodies to the extent that they rattled when they walked. Many of them work in water half-knee deep and ofttimes in low coal, where they have to double up like jackknives to work. The danger of gas and dust explosions, falling slate and coal, drowning, electrocution, and being mangled with dangerous machinery is always at hand, yet some fellows think the coal miner has a snap. I have lived with them all my life. I have 10,000 of them in my district.

When this war came on they readily agreed to work during the war on a 20-cent increase. In England and elsewhere miners took advantage of the necessities of the hour and demanded great increases, and obtained it. The coal miners of America, when other laboring men were striking, while engaged in Government work even, continued to increase production, fought off the Bolsheviks in their own organization, and stood firm by the Government in the time of stress. They bought Liberty bonds with what savings they had. They subscribed liberally to the Red Cross, Salvation Army, and so forth. Eighty thousand of their boys went to war, and I, for one, am mighty proud of the fact that you can not point to the United Mine Workers of America as traitors or shirkers in the dreadful hour of peril we have just passed; and if those who now are trying to bring the wrath of the coal-consuming public upon the heads of the miners are of the opinion that their demand for increased wages is prompted by any spirit of Bolshevism, with the hope of throwing this Nation into disorder and chaos, they are mistaken. Their patriotic conduct in the past is the best evidence of their good faith now, and I am firmly of the conviction that if the miners' organization is met in a spirit of fair play that they will not be unreasonable.

The President has said, in substance—I do not have his statement at hand—that it will be unlawful for the miners to strike. I hope that it will not be necessary for the miner to strike, and I believe the patriotic coal miner realizes that it would be a dreadful thing for his country, which we know he loves, for a great strike in the coal industry to begin here as we enter the rigors of winter during the reconstruction after this terrible war. As much as I sympathize with the President's statement that there should be no strike at this time, and as much as I admire his courage in trying to promote industrial peace, I can not agree with his statement that the war is over as affecting prohibition and the liquor interests, but that it is still going on when it comes to adjusting the wages of coal miners. Everyone knows that demobilization is almost entirely completed and that the war would have been declared over long ago had it not been for the delay in the ratification of the peace treaty. I can not understand why the delay in ratifying the peace treaty should change the right of the coal miner to demand a fair adjustment of his economic conditions, and I believe that the only solution out of the difficulty is for the operators' organization to meet the miners' organization in a fair, open, candid effort to adjust their difficulties, if possible, so as to insure each of them a fair remuneration out of the profits derived from the sale of coal, which, in my opinion, can be made at a less price than it is now being sold to the consuming public.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana.

There was no objection.

Mr. KAHN. Mr. Chairman, there were several resolutions of inquiry submitted to the House and referred to the Committee on Military Affairs. One of them was in regard to the amount of sugar on hand in the War Department. It was reported favorably, and I have a letter from the Secretary of War showing that he had, on October 15, 1919, 7,151,083 pounds of sugar on hand in the War Department on that day. I ask unanimous consent to print the letter as a part of my remarks.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BLAND of Indiana. That statement was introduced Monday in connection with my speech on the sugar question, and it shows the amount of sugar, 7,000,000 pounds, is just 12,000,000 pounds short of what it takes to finish out this quarter, and they are now going to the liquidation commission and demanding of sugar that ought to go to the consumer 12,000,000 pounds. I received a cablegram this morning stating that they recently sold to Coblentz, Germany, 4,000,000 pounds.

Mr. KAHN. I understand they have done that. But the resolution of inquiry was simply directed to the Secretary of War, requesting him to furnish the House information as to the amount of sugar he had on hand. The Secretary of War has done that.

Then, also, the Secretary of War has furnished a letter showing the amount of candy on hand in the War Department. That letter discloses the fact that they have for domestic use 503,833 pounds; for overseas use, 1,093,027 pounds. Surplus to be sold next week, 5,591,918 pounds, making a total of 7,188,778 pounds.

I ask unanimous consent that that letter also may be inserted in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to print in the RECORD the documents indicated. Is there objection?

There was no objection.

The letters are as follows:

WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
GENERAL STAFF,
Washington, October 24, 1919.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives, Washington, D. C.

SIR: In accordance with the provisions of H. Res. 336, which was referred to this office for report by H. R. reference slip dated October 18, 1919, the following report is submitted:

(a) Sugar in possession of the War Department on hand in the United States October 15, 1919, 7,151,083 pounds.

(b) In addition, there is a certain amount of sugar in possession of the War Department located in the island possessions, Siberia, and Europe. Reliable data as to the amount of this sugar is not at hand, but steps have been taken to secure it at the earliest practicable date.

A supplementary report will be made as soon as the data referred to in (b) above is available.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

WAR DEPARTMENT,
Washington, October 25, 1919.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

SIR: In connection with House resolution No. 321, introduced by Mr. Fitzgerald on October 4, 1919, calling upon the War Department for information as to the amount of candy held in storage at the time of the armistice, the amount disposed of since, and the amount now in the possession of the Government, I have the honor to hand you herewith the information called for under the headings mentioned above:

	Pounds.
Quantity of candy on hand under control of War Department at time of armistice	1,010,412
Quantity of candy disposed of by the War Department since the signing of the armistice:	
Shipped overseas	40,646,066
Sold as surplus	4,214,362
	44,860,428
Quantity of candy now in possession of War Department:	
For domestic use	503,833
For overseas use	1,093,027
Surplus to be sold next week	5,591,918
	7,188,778

The preceding figures show that 51,038,794 pounds of candy have been procured since the armistice. Of that amount, 39,636,654 pounds have been used by overseas forces, 1,596,860 pounds are held for the current needs of the Army, and 9,806,280 pounds have already or will be disposed of as surplus. This surplus was caused by the cancellation of requisitions due to the rapid reduction of the Army and the fact that production under contracts which had been entered into to provide for a much larger force could not be terminated on the instant.

It may be necessary to correct this report upon receipt of telegrams giving more recent stock reports. Upon receipt of this information you will be immediately advised.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. KNUTSON and Mr. BLAND of Indiana rose.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. KAHN. The gentleman from Minnesota was on his feet first, and I yield to him.

Mr. KNUTSON. Has the chairman of the Committee on Military Affairs any information as to the price received by the War Department for the 22,000,000 pounds of sugar sold in France?

Mr. KAHN. The chairman of the committee has no information upon that subject. I simply received from the War Department the information that was called for by the resolutions introduced.

Mr. KNUTSON. Will the gentleman permit me to ask the gentleman from Indiana a question? The gentleman is disposing of the time.

Mr. KAHN. I have only a certain amount of time left for discussion on these bills, and I want to give the House the information that the War Department gave me.

Mr. BEE. Why do not gentlemen ask the War Department for this information instead of conducting a propaganda on the floor of the House?

Mr. BLAND of Indiana. Mr. Chairman, the 5,000,000 pounds of candy, most of which is located at Hoboken, was all ordered and purchased since the armistice, was it not?

Mr. KAHN. I do not know anything about that. I simply sent up the resolutions as they were framed by the introducers, and the Secretary of War confined his answers to the questions propounded by the resolutions.

Now, Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, it happens that there is a bill pending before the committee at this time to repeal the old provision of law that was reenacted in the national-defense act with reference to the appointment of ordnance sergeants. The law at the present time provides that ordnance sergeants shall be selected from sergeants in the line or from sergeants in the Ordnance Department who have had at least eight years' experience in the Army, four years of which shall have been experience as noncommissioned officers. This law has outlived its usefulness. It probably was wise at the time it was enacted, but at this time the Government has on hand a vast amount of ordnance material which requires the attention of more or less well-trained experts, and it is impossible at present for the War Department to find such experts under the limitations of the law that I have just described. In other words, at the present time there are very few men in the Regular Army who have had eight years' experience who are eligible for appointment as ordnance sergeants. That number is made much more limited because of the provision that in addition to the eight years of Army experience four years of that time must have been spent as noncommissioned officers. In the opinion of the War Department, and in the opinion of the committee, this old law should be repealed, so that at the present time the War Department shall be free to choose among men qualified to serve as ordnance sergeants. It is impossible to find enough such men within the limitation of the law. That is all there is about it. I will be glad to answer any questions.

SEVERAL MEMBERS. Vote!

Mr. SANFORD. I yield back the remainder of my time.

Mr. KAHN. Let the bill be read for amendment.

The CHAIRMAN. If there is no further general debate desired, the Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. KAHN. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 41, noes 2.

Accordingly the motion was agreed to.

LOAN OF ARMY RIFLES TO AMERICAN LEGION.

Mr. KAHN. Mr. Speaker, I desire to call up H. R. 9112, authorizing the Secretary of War to loan Army rifles to posts of the American Legion.

The CHAIRMAN. The gentleman from California calls up a bill, which the Clerk will report.

The Clerk read the bill.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Ohio, Gen. SHERWOOD.

Mr. SHERWOOD. Mr. Chairman, I believe this bill should be amended. When it is in order to do so I propose to offer the following amendment:

After the words "American Legion" add "and to all other organizations of former discharged soldiers, sailors, or marines of the United States Army and Navy."

As the bill stands it discriminates against a very large number of former soldiers. I see to-day, according to the report from the Pension Office, that there are 265,632 veterans of the Civil War still on earth. We have a large number of the Union Veterans' Legion. We have a less number of the Loyal Legion. They are all soldier organizations. We have organized and already have 20,000 of the Private Soldiers' and Sailors' League. I received a newspaper from Detroit this morning, Detroit being the largest automobile manufacturing city in the world, which says that among the automobile manufacturing establishments thousands are joining the Private Soldiers' and Sailors' League. They have already established a magazine called the Red Diamond, and also a newspaper. Then we have the veterans of the war for free Cuba, well organized. I am in favor of giving to all these organizations of these World War soldiers the same privileges.

Mr. SCHALL. And of the Spanish War.

Mr. SHERWOOD. The Grand Army has never had guns and ammunition furnished to it by the Government—not in my section, at least—with which to fire salutes over soldiers' graves. I am in favor of doing something for the soldiers when they are living, and not having mock heroics over their graves. [Applause.]

I think that this amendment will appeal to every Member of the House, and I do not care to occupy any further time. Mr. Chairman, I yield back the balance of my time.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I have had a good deal of difficulty in getting rifles and equipment from the War Department for schools in my district. I had a good deal of difficulty in getting these rifles for the Boys' Industrial School, and did not finally succeed in getting all we wanted for those boys to use in their regular drill work. We have there a splendid battalion of boys, and military drill is one of their great delights and one of the attractive features of the school. I was not able to get rifles in sufficient quantity, and we had to give a heavy bond for what we did get.

I had not before been advised that there is a surplus in the War Department of rifles and this kind of supplies. My experience would indicate that there is not a surplus; but if there is a surplus of this material, then it should be furnished to all soldier organizations alike. Of course, I shall not oppose the American Legion getting their share of it, but I do say that if we should not single out the American Legion and say that its members may have these rifles and that other organizations of war veterans shall not have them, that course would involve a principle of inequality and discrimination hateful to all equitable minds. The American Legion is perhaps the largest organization of former soldiers, but there are a number of soldiers' organizations, and as far as I know they are all worthy, and as far as I know all equally worthy. There is the Private Soldiers' and Sailors' Legion; also the World War Veterans. Down in the South it is said there is a separate colored soldiers' organization; but there are a great many posts of the American Legion with exclusively negro members. There are said to be three of these negro posts of the American Legion in Washington. Camps of the Spanish War Veterans and posts of the Grand Army of the Republic, all of these soldier organizations should be put on the same footing as the American Legion. I favor fair treatment for all, and for this reason I shall support the amendment offered by that distinguished former soldier, Gen. SHERWOOD. I insist that if we are to furnish the rifles for this purpose to one soldiers' organization, good faith and the honor of Congress requires that we shall furnish them to all who are equally meritorious.

Mr. KAHN. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. KAHN. I thoroughly agree with the gentleman, and I hope the amendment of Gen. SHERWOOD will be adopted.

Mr. HUDDLESTON. That ends the argument, for I take it that the Committee of the Whole will approve the judgment of the chairman of the Committee on Military Affairs.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, under rules and regulations to be prescribed by him, to loan Army rifles to posts of the American Legion for use by them in connection with the funeral ceremonies of deceased soldiers, sailors, and marines.

With the following committee amendments:

Page 1, line 4, after the word "rules," insert the word "limitations."

Page 1, line 7, after the word "marines," insert the following: "and for other post ceremonial purposes and uses; and to sell to such posts blank ammunition in suitable amounts for said rifles at cost price, plus cost of packing and transportation."

The committee amendments were agreed to.

Mr. SHERWOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, after the words "American Legion," insert "and to all other organizations of former or discharged soldiers, sailors, or marines of the United States Army and Navy."

Mr. BEE. Will the gentleman let me ask him a question?

Mr. KAHN. Yes.

Mr. BEE. Is this for organizations now in existence or hereafter to be organized? The reason I ask the question is that I see in this age of unrest that hereafter organizations may be formed and equipped and might not be armed and equipped solely for patriotic purposes.

Mr. KAHN. They must be discharged soldiers, sailors, or marines. And there is also the fact that there is only a small number of rifles.

Mr. BLANTON. Mr. Chairman, this is a very important matter, and I make a point that no quorum is present.

The CHAIRMAN. The gentleman from Texas makes the point that no quorum is present, and the Chair will count. [After counting.] Eighty-one Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Esch	Lea, Calif.	Rogers
Anthony	Evans, Mont.	Lehlbach	Rouse
Ashbrook	Fields	Lesher	Rowan
Babka	Flood	Linthicum	Rucker
Bacharach	Fordney	Little	Sabath
Barkley	Frear	Luce	Sanders, N. Y.
Begg	Fuller, Mass.	McArthur	Saunders, Va.
Bell	Gallivan	McClintic	Scott
Benson	Gandy	McCulloch	Scully
Black	Ganly	McKenzie	Sells
Blackmon	Gard	McKeown	Shreve
Boies	Garland	McLaughlin, Nebr.	Siegel
Booher	Garner	Magee	Sinclair
Britten	Godwin, N. C.	Maher	Sisson
Brooks, Ill.	Goldfogle	Major	Slemp
Browne	Goodall	Mann, Ill.	Small
Browning	Goodwin, Ark.	Mason	Smith, Ill.
Brumbaugh	Goodykoontz	Mays	Smith, N. Y.
Burke	Gould	Minahan, N. J.	Snell
Byrnes, S. C.	Graham, Pa.	Mondell	Snyder
Byrns, Tenn.	Graham, Ill.	Montague	Stedman
Caldwell	Griest	Mooney	Stephens, Miss.
Campbell, Pa.	Griffin	Moore, Pa.	Sullivan
Cantrill	Hamill	Moore, Va.	Summers, Wash.
Carew	Hamilton	Moores, Ind.	Swope
Carter	Hardy, Tex.	Morin	Tague
Casey	Haugen	Nelson, Wis.	Taylor, Ark.
Clark, Fla.	Hays	Newton, Minn.	Temple
Classon	Heflin	Newton, Mo.	Thomas
Cleary	Hicks	Nicholls, S. C.	Thompson
Cole	Hill	Nichols, Mich.	Tincher
Connally	Hulings	Ogden	Treadway
Copley	Hutchinson	Olney	Upshaw
Costello	Ireland	Padgett	Vare
Dale	James	Paige	Venable
Dallinger	Jefferis	Pell	Vinson
Davey	Johnson, Ky.	Peters	Voigt
Davis, Minn.	Johnson, S. Dak.	Phelan	Volstead
Dempsey	Johnston, N. Y.	Porter	Webb
Dewalt	Jones, Pa.	Pou	Wheeler
Dickinson, Iowa	Kearns	Radcliffe	Wilson, Pa.
Dominick	Kelley, Mich.	Rainey, H. T.	Winslow
Donovan	Kendall	Rainey, J. W.	Wise
Dooling	Kennedy, Iowa	Ramsey	Woods, Va.
Doremus	Kennedy, R. I.	Reber	Woodyard
Drane	Kiess	Reed, N. Y.	Wright
Eagan	Kincheloe	Riddick	Yates
Eagle	Kreider	Riordan	
Edmonds	LaGuardia	Robsion, Ky.	
Emerson	Langley	Rodenberg	

The committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9112, and finding itself without a quorum, he caused the roll to be called, when 235 Members answered to their names, a quorum, and he handed in a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. SHERWOOD. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting the words "or honorably discharged" before the word "soldiers."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 1, line 5, after the words "American Legion" insert "and to all other organizations of former or honorably discharged soldiers, sailors, or marines of the United States Army and Navy."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. BEE. Mr. Chairman, I rise in opposition to the amendment. I want to make this suggestion to the membership of the House. The American Legion is gradually absorbing in its membership the soldiers of the World War, just as the Grand Army of the Republic absorbed in one organization the soldiers of the Federal Army and the United Confederate Veterans absorbed in one organization the soldiers of the Confederate Army. If the gentleman wants to write his amendment so that the soldiers of the Federal Army shall be entitled to the use of rifles, I have no objection; but I submit to the House that it is dangerous at this time to deliver into the hands of men, even though they are honorably discharged soldiers, rifles for use in such organizations as they might hereafter form. The bill as drawn by the Committee on Military Affairs includes only the American Legion. I am perfectly willing to leave it with the American Legion and its subordinate organizations, because I know the American Legion will control its subordinate organizations and there will be no trouble hereafter.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. MILLER. Would it not likewise be well for these other organizations, as they come up from time to time, to make similar requests to Congress, just as the American Legion did?

Mr. BEE. I accept the suggestion. We ought not to permit discharged soldiers, even though they are soldiers of the World War, outside of the American Legion, to have the right to have the Government issue guns and rifles to them in troublous times like these.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. HUDDLESTON. Does the gentleman not know that these other soldiers, particularly the Private Soldiers' and Sailors' Legion, have sent representatives to various Members of Congress and asked that they be included in any such measure? They have already asked for it.

Mr. BEE. I would be very glad, I will say to the gentleman from Alabama, to let the Committee on Military Affairs bring in a bill covering these private soldiers' associations.

Mr. HUDDLESTON. Why should it be in a separate bill?

Mr. BEE. Because under the amendment of the gentleman from Ohio it would not include the private soldiers' organization he is talking about, of which I am not afraid, but it would include classes in this country to whom it might be dangerous for our peace and safety to have guns turned over. It ought not to be necessary for me to say any more. I hope the amendment of the gentleman will be rejected and the bill passed as originally introduced, and subsequent legislation introduced for the benefit of these branch organizations, if such there be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. HUDDLESTON) there were—ayes 16, noes 119.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

AID FOR HOMES FOR THE SUPPORT OF DISABLED SOLDIERS AND SAILORS OF THE UNITED STATES.

Mr. KAHN. Mr. Chairman, I call up the bill H. R. 1216.

The CHAIRMAN. The gentleman from California calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1216) to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889.

Be it enacted, etc., That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the War of the Rebellion or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

The number of such persons for whose care any State or Territory shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the board of managers shall not have nor assume any management or control of said State or Territorial homes.

The board of managers of the national home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: *Provided*, That no State shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State: *Provided further*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for. That no money shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SANFORD], who will explain the bill.

Mr. SANFORD. Mr. Chairman, the purpose of this bill, and its only purpose, is to increase from $100 to $120 the amount contributed by the Federal Government for the support of disabled soldiers and sailors who are inmates of hospitals supported by the States. And the increase is made necessary by the high prices of the present time.

Mr. CANNON. Will the gentleman yield?

Mr. SANFORD. The bill does not change the existing law in any particular, and the only change in the law suggested is the increase from $100 to $120. I think it is not necessary here to make any explanation whatever of the reason for increase other than to say that it is on account of the high prices. Now, if there is any criticism to be made of the amount inserted by the committee it would be because it was not sufficient, but it is the amount asked for. I desire to give notice that at the proper time I shall offer an amendment which will go only to correct the form of the bill.

Mr. CANNON. Will the gentleman yield?

Mr. SANFORD. Very gladly.

Mr. CANNON. As I understand it, the State homes are in part maintained by State appropriations?

Mr. SANFORD. That is so.

Mr. CANNON. And it is supposed that the Government of the United States in the law enacted in paying $100 for each soldier was paying substantially half of the maintenance?

Mr. SANFORD. The provision of the law specifies that the Federal Government must not pay more than one-half.

Mr. CANNON. Not more than one-half, and not more than $100.

Mr. SANFORD. Yes; but the State must contribute at least as much as that.

Mr. CANNON. But the price has increased both to the State and to the Government?

Mr. SANFORD. Exactly.

Mr. CANNON. That is to say, if they are cared for at all; and this is to make up for the support of soldiers and sailors entitled to admission an amount substantially equal to what the States respectively contribute?

Mr. SANFORD. Exactly.

Mr. CANNON. That is the only change?

Mr. SANFORD. No provision of law is changed at all, except the figures from $100 to $120.

Mr. KAHN. Mr. Chairman, I ask for a reading of the bill.

The CHAIRMAN. The Clerk will read the bill for amendments.

The Clerk read as follows:

Be it enacted, etc., That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the War of the Rebellion or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

The number of such persons for whose care any State or Territory shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the board of managers shall not have nor assume any management or control of said State or Territorial homes.

The board of managers of the national home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: *Provided*, That no State shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State: *Provided further*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for. That no money shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this provision shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. SANFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, at the end of line 2, insert the following: "That section 1 of an act entitled 'An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States,' approved August 27, 1888, as amended March 2, 1889, is hereby amended to read as follows:"

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SANFORD].

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KAHN: Page 1, line 6, strike out "War of the Rebellion" and insert "Civil War."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the several bills back to the House, three with amendments and one without amendment, with the recommendation that the amendments be agreed to and that the bills do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration four bills reported by the Committee on Military Affairs, and he had been directed to report to the House three of the bills, namely, H. R. 8314, H. R. 9112, H. R. 1216, with amendments, with the recommendation that the amendments be agreed to and the bills as amended do pass, and to report the bill H. R. 2980, without amendment, with the recommendation that the bill do pass.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 8314) to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 2980) to increase the efficiency of the Military Establishment of the United States.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 1216) to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on either of the amendments? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRESENTATION TO GEN. PERSHING.

Mr. KAHN. Mr. Speaker, I move that House joint resolution 202 be stricken from the calendar and laid on the table.

The SPEAKER. Without objection, it is so ordered.

Mr. WALSH. Mr. Speaker, we ought to know what the resolution is.

Mr. KAHN. It is a resolution providing for the thanks of Congress to Gen. Pershing and presenting him with a sword.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8272. An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry; and

H. R. 9697. An act to extend the time for the construction of a bridge across Pearl River between Pearl River County, Miss., and Washington Parish, La.

The message also announced that the Senate had proceeded, in pursuance of the Constitution, to reconsider the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill: Therefore be it

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8272. An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8272. An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry; and

H. R. 9782. An act to regulate further the entry of aliens into the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHERWOOD, indefinitely, on account of important business;

To Mr. EVANS of Nebraska, on November 1 and November 3, on account of important business;

To Mr. FAIRFIELD, on Thursday and Friday of next week; and

To Mr. MASON, at the request of Mr. JUUL, on account of serious illness.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, October 30, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 2676) to amend section 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, reported the same without amendment, accompanied by a report (No. 428), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS of Nebraska, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 484) to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo., reported the same without amendment, accompanied by a report (No. 429), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3506) granting a pension to Fred F. Bennett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5101) granting an increase of pension to Raymond E. Fisher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10252) to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts; to the Committee on Military Affairs.

Also, a bill (H. R. 10253) authorizing the War Department to restore the Chickamauga and Chattanooga National Park to its condition prior to use for military purposes during the War with Germany, and to appropriate the necessary funds therefor; to the Committee on Military Affairs.

Also, a bill (H. R. 10254) providing for allowances for the expenses of interment and the preparation and transportation of the remains of officers and enlisted men of the reserve forces of the United States; to the Committee on Military Affairs.

By Mr. McKEOWN: A bill (H. R. 10255) to prohibit owners or lessees of apartment houses in the District of Columbia from discriminating against families with children in the renting of apartments; to the Committee on the District of Columbia.

By Mr. SNYDER: A bill (H. R. 10256) to create a railroad wages and supplies board, to decide controversies between common carriers subject to the act to regulate commerce and their employees, and between corporations, firms, partnerships, or individuals engaged in furnishing such common carriers with materials and supplies, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 10257) to provide increased compensation for employees of the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WATSON of Virginia: A bill (H. R. 10258) authorizing the Secretary of War to donate to the city of Petersburg and to the counties of Prince Edward, Lunenburg, Surry, Nottoway, and Sussex, all in the State of Virginia, each a German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MAPES (by request): A bill (H. R. 10259) to amend the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 10260) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

By Mr. CRAGO: A bill (H. R. 10261) authorizing the Secretary of War to loan Army rifles to posts of the Grand Army of the Republic, the United Spanish War Veterans, and veterans of foreign wars; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: Resolution (H. Res. 365) requesting the Secretary of Labor to report to the House of Representatives the number of arrests on deportation warrants; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10262) granting a pension to John W. Steele; to the Committee on Pensions.

By Mr. BENHAM: A bill (H. R. 10263) granting an increase of pension to Aaron S. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10264) granting a pension to Christopher Rohrscheid; to the Committee on Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 10265) granting a pension to Charles P. Kibler; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 10266) for the relief of Mary J. Lacey; to the Committee on Military Affairs.

By Mr. ELSTON: A bill (H. R. 10267) granting a pension to John E. Markley; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 10268) granting a pension to Elizabeth C. Pease; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 10269) to compensate the owners of the barge *McIlvaine No. 1* for damages and expense in repairing the said barge and to make an appropriation therefor; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 10270) for the relief of Walter I. Whitty; to the Committee on Military Affairs.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10271) for the relief of Lieut. Evern Jones; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 10272) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States; to the Committee on Military Affairs.

By Mr. KRAUS: A bill (H. R. 10273) for the relief of Henry Endsley; to the Committee on Military Affairs.

Also, a bill (H. R. 10274) granting a pension to Henry Endsley; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 10275) granting a pension to William Holt; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 10276) granting an increase of pension to William M. Williamson; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10277) granting a pension to Sarah E. Ruark; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 10278) granting a pension to Mary Stratton; to the Committee on Invaid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10279) granting a pension to John Willoughby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10280) for the relief of the heirs of H. W. Crew; to the Committee on Claims.

Also, a bill (H. R. 10281) granting a pension to Phair Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10282) granting a pension to Daniel Burkett; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 10283) granting a pension to Emily V. Wellman; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10284) granting an increase of pension to Milton Hurley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of a citizen of Welchburg, Ky., with accompanying papers, signed "Cyrus the Prophet"; to the Committee on Education.

By Mr. BARBOUR: Petition of Stanislaus County Board of Trade, urging a tariff on foreign-grown beans; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Women's Council of Sacramento, Calif.; Stanislaus County Board of Trade; Orestimba Parlor, No. 247, Native Sons of the Golden West, of Crows Landing, Calif., all opposing legislation which would encourage or increase oriental immigration to this country; to the Committee on Immigration and Naturalization.

By Mr. BOWERS: Petition of discharged soldiers, sailors, and marines of Jefferson County, W. Va., for one year's pay; to the Committee on Military Affairs.

By Mr. CULLEN: Petition of sundry citizens, favoring six months' pay for soldiers and sailors who served in the great world conflict; to the Committee on Military Affairs.

By Mr. CURRY of California: Resolutions of the Women's Council of Sacramento, Calif., favoring the abrogation of the gentlemen's agreement between the United States and Japan regarding immigration and also favoring the enactment of legislation prohibiting oriental immigration; to the Committee on Immigration and Naturalization.

By Mr. ELSTON: Petition of Washington Parlor No. 69, Native Sons of the Golden West, Centerville, urging measures to restrict Japanese immigration and land colonization; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of Hamilton County League of Building Associations of Cincinnati, Ohio, for complete census of the "housing" question; to the Committee on the Census.

Also, petition of Cook County Board, Ladies' Auxiliary, Ancient Order of Hibernians, opposing ratification of the proposed league of nations treaty; to the Committee on Foreign Affairs.

By Mr. FOCHT: Evidence in support of House bill 9987; to the Committee on Invalid Pensions.

Also, evidence in support of House bills 6184, 8964, and 8676; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: Petition of Knights of Columbus, protesting against the employment of civilians to take over welfare work in training camps heretofore performed by affiliated welfare organizations; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of Miller & Lux (Inc.) and 12 other firms in San Francisco, Calif., protesting against House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of Cook County Board, Ladies' Auxiliary, Ancient Order of Hibernians, protesting against the ratification of the proposed league of nations treaty; to the Committtee on Foreign Affairs.

Also, petition of American Association for Labor Legislation, urging passage of House bill 3149; to the Committee on Reform in the Civil Service.

Also, petition of Henry Hoyns, of Brooklyn, N. Y., regarding the proposed railroad legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. D. Huyler, of New York, for support of Senate bill 3011; to the Committee on Agriculture.

Also, petition of L. J. George, of New York, opposing Plumb plan of railroad control; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Joint Conference on Retirement of Civil Service Employees of the United States, Washington, D. C., for expression of views on House bill 3149; to the Committee on Reform in the Civil Service.

Also, petition of Hamilton County League of Building Associations, urging complete census of the "housing" question; to the Committee on the Census.

By Mr. RAKER: Petition of Miller & Lux (Inc.), Makins Produce Co., and L. Dinkelspiel Co., all of San Francisco, Calif., protesting against House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Branch of the Ukrainian National Committee of the United States on the subject of Ukrainian independence; to the Committee on Foreign Affairs.

Also, letter from the Illinois Manufacturers' Association, of Chicago, Ill., protesting against House bill 8572; to the Committee on Immigration and Naturalization.

Also, letter from Langley & Michaels Co., of San Francisco, Calif., urging support of the bill placing a tariff on foreign-grown beans; to the Committee on Ways and Means.

Also, telegram from Harris Weinstock, State market director of California, urging support of the bill placing a protective tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. ROWAN: Petition of C. D. Huyler, of New York, favoring the passage of Senate bill 3011; to the Committee on Ways and Means.

Also, petition of John B. Andrews, of New York City, favoring the passage of House bill 3149; to the Committee on Reform in the Civil Service.

Also, petition of Farmers' National Council, favoring Government control of railroads for two years or during the reconstruction, and holding freight rates where they are; to the Committee on Interstate and Foreign Commerce.

Also, petition of Signet Shoe Co., of New York, protesting against the passage of the Plumb plan for railroad control; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: Petition of Vallejo Metal Trades Council, favoring the passage of House bill 7014; to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, *October 30, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we invoke Thy divine blessing upon the deliberations of the Senate this day. We thank Thee for a Nation founded upon prayer, and we bless Thee for the constant access that we have to the throne of grace. We remember that we are taught in Thy Word that the nation that forgets God shall be cast into hell and that Thy promise is given to those who seek the kingdom of God and His righteousness first. We pray Thee to-day to help us to cling with the fidelity and the passion of our fathers to the God of our fathers. Let Thy guidance be with us. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, October 22, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States;

H. R. 7752. An act relating to detached service of officers of the Regular Army; and

H. R. 8314. An act to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States;

H. R. 7752. An act relating to detached service of officers of the Regular Army; and

H. R. 8314. An act to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor.

PETITIONS AND MEMORIALS.

Mr. STERLING presented a memorial of sundry citizens of Freeman, S. Dak., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a memorial of sundry citizens of Stafford, Kans., remonstrating against the passage of the so-called Siegel bill, requiring licenses of all persons engaged in the business of buying and selling, which was referred to the Committee on Finance.

He also presented a petition of Local Lodge No. 293, International Association of Machinists, of Parsons, Kans., praying for the adoption of the so-called Plumb plan for the control and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Girard, Liberal, and Willowdale, all in the State of Kansas, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of Chief Lodge, No. 87, Brotherhood of Railway Carmen of America, of Horton, Kans., remonstrating against the passage of the so-called Cummins bill, providing for private ownership and control of railroads, which was ordered to lie on the table.

He also presented a petition of Livermore Circle, No. 66, Ladies of the Grand Army of the Republic, of Beloit, Kans., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. PAGE presented a petition of Local Branch No. 1, National Association of United States Civil Service Employees at Navy Yards and Stations, of Brooklyn, N. Y., praying for a 40 per cent increase in salaries of all clerical employees in the Naval Establishment, which was referred to the Committee on Naval Affairs.

Mr. McLEAN presented a petition of the congregation of the Congregational Church of Somersville, Conn., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the Common Council of Bridgeport, Conn., praying for the retention of Fiume as an Italian possession, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of Hill Church, of Woodstock, Conn., praying that the United States aid Armenia in obtaining its independence, which was referred to the Committee on Foreign Relations.

Mr. KNOX presented a petition of Post No. 15, American Legion, of Waynesboro, Pa., praying for the granting of an additional bonus of $400 to all honorably discharged soldiers, sailors, and marines, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Division No. 583, Order of Railway Conductors, of Allentown, Pa., praying for an investigation into the production, distribution, and cost of coal with a view to establishing increased production, more equitable distribution, and the elimination of exorbitant profits, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Pittsburgh, Philadelphia, Latrobe, Mt. Oliver, Allentown, Derry, Bethlehem, Glenshaw, Rochester, Wilkes-Barre, Scranton, Fryburg, and Williamsport, all in the State of Pennsylvania, remonstrating against the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 583, Order of Railway Conductors, of Allentown, Pa., praying for Government ownership of cold-storage plants, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Division No. 583, Order of Railway Conductors, of Allentown, Pa., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of Local Division No. 3, Ancient Order of Hibernians, and of the Robert Emmet Monumental Association, of Sharon, and of the County Board of Mercer County, all in the State of Pennsylvania, remonstrating against the deportation of certain Hindus, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Catholic Women's League of Pittsburgh; of Local Division No. 7, Ancient Order of Hibernians of Greensburg; and of sundry citizens of Charleroi, all in the State of Pennsylvania, praying for the independence of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Freeport, Pa., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a memorial of the Catholic Women's League, of Pittsburgh, Pa., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

LEAGUE OF NATIONS.

Mr. McLEAN. Mr. President, I ask to have printed in the RECORD two or three extracts from the report of the New England Baptist convention held in New York City last June.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE 1919 STATE OF COUNTRY.

New England Baptist Convention, Forty-fifth Session, Abyssinian Baptist Church, New York City, June 10–16, 1919.

[By Rev. W. B. Reed, D. D., pastor Shiloh Baptist Church, Hartford, Conn.]

"The guns of the mighty have ceased their roaring, their forts are silenced, their navies gone, armies disorganized, and the people waiting for orders. The proud has been brought low, their genius outmatched by righteousness and much boasting turned into a terrible wailing; the captains are unhorsed, generals dispossessed, and the once flaming monarch is turned from his crusade of world power to loathsome quarters in a foreign land. The armies of our allies with untold hardships backed up with a willing sacrifice of the people got the victory, and from pools of mingled blood triumph has been written in

history. We, in this, the forty-fifth annual session of our convention, rejoice with the rest of mankind over the victory of our armies and the triumph of a sacred cause. Any cause charged with complete liberties and rights of the weak is sacred. For this cause men sacrificed and died. For this cause the Nation bowed to self-denial and official strictures not known to our generation. The battle has been fought, the victory won. What will the verdict of the statesmen be? Will they twist the verdict of battle? Will they spend months in Paris, living in greatest luxury, debating things for which we never fought? These things have terrible meanings to the 14,000,000 of colored people in these United States of America.

"There is a restlessness everywhere. The human race is moving like the rocking oceans, and no earthly power vest with authority to say peace be still. They talk peace but there is no peace. Why all this world-wide commotion and threatenings? Why do we see such an angry look upon the world, and seemingly one man is not willing to trust the other? Why does one untangling make a double tangling elsewhere? These are pertinent questions and must be wisely answered. It is plainly the cause of uncertain afterwar problems, and distressed prophecies concerning the mushroom league of nations.

"It must be admitted that these causes of unrest have no respect of country, community, home, or person. The natural consequences of the unrest disturb the mind of every citizen. As none were allowed to escape the responsibilities of war, and all must help in carrying the burdens of reconstruction, all should be fairly and equally considered in the weighing of public sentiment. A government of the people can not be supplanted by a government of autocracy without an uprising—no; not even a manufactured league of nations.

HAS A WORLD DEMOCRACY BEEN WON?

"Victory has been won on the battle fields; the defeated enemy has made a most humiliating surrender; the last of our soldiers will soon tread upon home soil with the Nation's acknowledgment of well done. But world or home democracy is not yet.

"In the breaking down of this world democracy we must look to the new Congress to save our national democracy. We find as many frills and high-sounding phrases wrapped around this league of nations as we found about the White House democracy, but wait until it gets a little airing, and it will be found like a cup mentioned in the gospels: 'Clean outside, but within full of extortion.' Will Congress stand firm on our rock of self-determination or will Congress go skating on thin ice? Shall we barter our birthright born of eight years of warfare to restick our necks under foreign yokes? Or shall we remain a free people, maintain our independence, steer clear of entangling alliances with the Old World and at least lay claim to a democracy at home?

"We believe that that wisdom in Congress that has made our country great, rich, and powerful, will guide the Nation aright in this hour of test and trial. Though theorists may fail in preachments of world democracy, trained and patriotic statesmen will practice at home what they teach abroad, for charity begins at home."

Mr. CALDER. Mr. President, the North American Review for November contains an article by that eminent statesman and diplomat, Hon. David Jayne Hill, entitled "The President's Attack on the Senate." It portrays the events from the date of the President's address to Congress setting forth his terms of peace down to this very hour with such accuracy that I am impelled to request the consent of the Senate that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S ATTACK ON THE SENATE.

[By David Jayne Hill.]

"A year has passed since Germany, abandoned by her allies, beaten and broken, sued for an armistice, in the hope of negotiating peace on terms which had been proposed by the President of the United States.

"Strict compliance with those terms, if construed as Germany expected them to be construed, would have admitted her to the peace conference after the Kaiser's abdication as a negotiator in her own right, and entitled to equal membership in 'a general association of nations' to be formed for the purpose of affording to her, as to other States, 'mutual guarantees of political independence and territorial integrity.'

"In the United States there arose a loud protest against treating Germany, even under a democratic disguise, as a power entitled to negotiate peace upon equal terms with those she had attacked. It was believed, and it has since been established beyond the possibility of doubt, that Germany sought peace only because she was incapable of further military action; that the armistice should be granted only after unconditional surrender; and that a severe punitive peace should be imposed upon a nation that had broken its solemn pledges, assaulted its neighbors without provocation, and violated ruthlessly the laws of war.

"While accepting the President's 14 rubrics of peace as a nominal but essentially indefinite basis of peace making, the Entente Allies, believing that the military situation should be more controlling than any theory of peace, drew the terms of the armistice in a manner that compelled the German forces to confess the military impotence to which they had been reduced. To all who were familiar with the European situation it was at once evident that the definitive formulation of the terms of peace at Paris would proceed upon the basis of fact evidenced by the armistice, and not at all in conformity with the President's plan of a peace without victory embodied in the 14 points.

"The President himself, although but vaguely aware of the obstacles to be overcome in evolving out of the situation a peaceful Europe, was convinced that nothing short of American participation in the peace settlement could maintain the authority of the 14 points. Given the part the United States had taken, under the spontaneous inspiration of the people, in bringing the war to a successful termination, and the importance to the Entente Allies of continued American aid, he believed that if he could centralize in his own hands the whole force and influence of America he could practically dictate the process of peace making at Paris and thus be able to direct the future of Europe and of the world.

"That the action the President had in view was, to his mind, in the interest of permanent peace, no fair-minded man, I believe, can reasonably doubt. He was, it may be conceded, actuated by a desire to achieve what he considered an incalculable human benefit. But in the execution of his purpose he trusted neither Europe nor America. His obsession was that he, and he only, could accomplish the result. It was not to be obtained by argument, by discussion, or by any other means than action. He alone could bring to bear the motives and exert the influence which would constrain the otherwise refractory powers to accept conditions which would achieve universal and perpetual peace. The pacific aspirations of the liberated peoples, the methods of democracy, and the lessons of the war were not, he thought, of themselves to be counted on to produce the desired result. No general discussion would be profitable. No public exchange of views was necessary. Only one course was practicable. This was for him personally to go to Europe and personally to control the negotiations. To accomplish this it was, however, important that he should be in a position to claim complete and undivided authority, in the name of the United States, to grant or to withhold whatever concession, aid, or influence might be found necessary to induce compliance with his proposals. This monopoly of power, he believed, he would not possess unless the constitutional provisions for treaty making were rendered inapplicable by his control of his partner, the Senate, in the treaty-making process. If it could be made apparent that he, as President, alone represented the united will and resources of the American people; if a Congress could be elected composed of persons belonging to his own political party and controlled by him, then it would be understood in Europe and would have to be admitted at home that the President, singly and alone, possessed a mandate to express the will of the American people and to act without restriction on their behalf.

"What I wish at this point to emphasize is that, while claiming to repudiate the methods of the old diplomacy—that is, of pressure and bargaining—it was upon precisely this procedure that the President meant to rely. The Entente Allies, who had with American assistance completely vanquished Germany, were to surrender a part of their victory in the interest of future peace. A reformed and democratized Germany was to be received in good faith, after certain renunciations, into the general association of nations, and the Entente Allies were to make in their turn certain renunciations as the basis of peace and good understanding; such, for example, as the surrender of Great Britain's claim to maritime supremacy, which the President thought was a contradiction of the 'freedom of the seas,' and the inclusion of Germany in the league for mutual protection, which, however offensive to France after the treatment she had received from Germany, would secure to her the protection of the league.

"It was, of course, understood by the President that the Entente Allies would not be inclined to make these renunciations voluntarily; and that, in order to secure them, strong pressure must be exerted. This could be done only in case the influence of America were brought to bear upon them in such a

manner as to make it clear that her continued support could not be expected unless these renunciations were conceded. In brief, the United States, the President thought, by exerting its influence as the holder of the balance of power, could produce a situation in Europe which would control the decisions of all the nations, and thus enable peace to be organized upon a permanent basis.

"The theory was superficially plausible. The victors in the war, without America's support, were at the time of the armistice little better off than the vanquished. The opportunity for control seemed great. History did not record an occasion for diplomacy more attractive to a lover of power, who could so readily answer every suggestion of personal ambition by pointing to the glorious ideal of peace. No nation could resist the force of such an appeal. If governments opposed it, then it would be the end of governments. A new order would take their place, as it had already done in Russia.

"The chance for exercising the preponderant influence of the United States in forcing compliance with the 14 points was imperiled by the possibility of Germany's unconditional surrender. If that happened, the victory of the Entente Allies would be so complete that no compromise would be possible. The victors would themselves in that case dictate a punitive peace, and the occasion for enforcing upon them any plan by diplomatic pressure would have passed.

"The negotiations for an armistice, therefore, presented a delicate situation. In the United States there was a strong demand for unconditional surrender, but the President did not desire that. On October 23, 1918, he had succeeded in preventing it. On that day the Secretary of State addressed the following note to a defeated Germany:

"Having received the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in his address to the Congress of the United States on the 8th of January, 1918, and the principles of settlement enunciated in his subsequent addresses, particularly the address of the 27th of September, and that it desires to discuss the details of their application and that this wish and purpose emanate not from those who have hitherto dictated German policy and conducted the present war on Germany's behalf, but from ministers who speak for the majority of the Reichstag and for an overwhelming majority of the German people; * * * the President of the United States feels that he can not decline to take up with the Governments with which the Government of the United States is associated the question of an armistice.

"Before the proposal of an armistice had been formally submitted to the Entente the President's 14 rubrics of peace had been thus accepted by Germany. They were the pivot upon which the question of an armistice had been made to turn. Whatever the terms of the armistice itself, even though involving an absolute surrender, there was thus imposed one condition that affected the process of negotiating peace—the President's influence in the peace conference, as interpreter of his proposals, had been secured. It was only a question of a little time when the great diplomatic opportunity would be ripe, and immediate preparation to utilize it was undertaken.

"The near approach of a congressional election gave the President an opportunity to inquire of the people whether or not they wished to give him carte blanche at the coming peace conference. A fair way to ascertain their disposition in this regard would have been to propose some policy in definite terms and to ask the electors to vote upon it on the 5th of November. But the President did not desire an expression of the people's will regarding a league of nations or any other particular policy. What he desired was that he should ostensibly be authorized to act in any way he might deem fit, without responsibility to anyone, and especially without being obliged to subject his personal plans to the advice and consent of a Senate which he could not as a party leader confidently control. Two days after the question of an armistice was virtually settled, therefore, the President took the unprecedented step of issuing the following 'appeal to the electorate for political support':

"If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and the House of Representatives. I am your servant, and will accept your judgment without cavil, but my power to administer the great trust assigned me by the Constitution would be seriously impaired should your judgment be adverse, and I must frankly tell you so because so many critical issues depend upon your verdict. No scruple of taste must in grim times like these stand in the way of speaking the plain truth.

"By large majorities the electors of the United States gave their answer. If being an 'unembarrassed spokesman' depended upon this response, the President's aspiration for unlimited control of 'affairs at home and abroad' was denied by the election of a Republican majority in both Houses of Congress. Without impairing in the slightest degree his power to administer the great trust assigned to him by the Constitution, the voters openly and emphatically refused to grant him the extraconstitutional power he had demanded, and in effect impressively reminded him that a strict fulfillment of his duty to observe the requirements of the Constitution was what they desired and expected of him. For the purposes of prosecuting the war both parties had supported him loyally. The opposition party, though constantly reproached because it was not 'proadministration,' had united in giving him grants of power unprecedented in our history, and, in fact, exceeding those accorded to the head of any other Government engaged in the war. They had made the President almost a dictator.

"How fully he realized his dictatorship was evidenced by the startling self-confidence with which the President stated the issue.

"The return of a Republican majority to either House of Congress would, moreover—

"He declared—

be interpretative on the other side of the water as a repudiation of my leadership. It is well understood there as well as here that Republican leaders desire not so much to support the President as to control him. * * * They would find it very difficult to believe that the voters of the United States had chosen to support their President by electing to the Congress a majority controlled by those who are not, in fact, in sympathy with the attitude and action of the administration.

"Having decided to demand this test, it was reasonable to suppose that the President meant to abide by it. But he did not do so, either before or after the election. Before the election he endeavored personally to influence the result by preventing the choice of Senators whom he feared he could not control, even though they were Democrats, and by urging the choice of others—statesmen of the type of Henry Ford, for example—whom he believed he could control, although they were nominally Republicans; and after the election he assumed that, all the same, he was still an 'unembarrassed spokesman,' although, by his own test, his leadership had been plainly repudiated. The whole world then knew with what it had to deal. In England, where statesmanship is largely governed by the rules of honorable sport, every sportsman understood that the rules of the game were of small importance to Mr. Wilson, and that if he could not really win he would not be averse to maintaining that he had not actually lost. Whatever happened, he could be satisfied, so long as any chance was left open to make it appear that he had somehow won. From that moment the course to be pursued at Paris by Great Britain became clear. The 'constitution of the league of nations' would be written by Gen. Smuts, and the President of the United States would accept it as what he came to Europe to obtain.

"One other matter also was made clear. Mr. Wilson did not really believe in democracy. When it served him he approved of it, but when it denied him what he wanted he tried to outwit it. In temperament he was an imperialist. He wanted to enforce peace upon his own terms. He should be shown that peace could not be enforced without the sea power of Great Britain. If this supremacy was incidentally employed to promote the special interests of the British Empire, that did not diminish its value as a means to enforce peace. Democracy, alone and unaided, seldom enforced anything, and it was only an imperialized democracy that could enforce its will. Trading with Mr. Wilson would, therefore, be easy. America had not authorized him to issue any ultimatum. He would undoubtedly take what he could get; and it was forthwith resolved that Great Britain would give up nothing and forego nothing that implied a limitation of her imperial policies.

"That the President openly repudiated democracy when he declined to accept the result of the test to which he had in a moment of arrogance unwisely subjected himself was well understood by all who at the time reflected upon his action, and to many it occasioned no surprise. He had, in fact, ceased to be a democrat. He had more than once shown his contempt for that 'common counsel' which in his first electoral campaign he had emphasized as democracy's preeminent attribute. He had become a convert to the idea of the omnipotent administrative State and the uncontrolled predominance of its head. In combating the Kaiser the President had been permitted to exercise powers which the German Emperor had never even claimed. This had been necessary, because a war lord, to be successful, must possess all the war powers; and these had been freely conferred upon him. Suddenly he found himself face to face with the problems of peace, but failed to remember that democracy has no place for a peace lord.

"Not being able to obtain the control of Congress, which he had demanded, he resolved simply to ignore the Senate, which it was his constitutional duty to consider as a partner in the process of treaty making. The method of exhibiting this disregard he had long before worked out—the only writer, I believe, who had distinctly envisaged as possible a deliberate dis-

regard of constitutional duty, which he had suggested might be evaded even when an obligation to perform it could not be denied.

"The passages in the President's Congressional Government here referred to have been frequently cited, but all their implications have not, I think, been fully realized. His comments are as follows:

> "The greatest consultative privilege of the Senate—the greatest in dignity, at least, if not in effect, upon the interests of the country—is its right to a ruling voice in the ratification of treaties with foreign powers. * * *
>
> "The President really has no voice at all in the conclusions of the Senate with reference to his diplomatic transactions, or with reference to any of the matters upon which he consults it. * * *
>
> "He is made to approach that body as a servant conferring with his master, and, of course, deferring to that master. His only power of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

"The last paragraph of this citation speaks for itself. Although constitutionally bound, it declares, under his oath of office, to respect the prerogative of the Senate in offering its advice and withholding its consent in the making of treaties, the President may, nevertheless, 'compel compliance' with his own views and engagements 'by getting the country into such scrapes,' or 'so pledged in the view of the world' that the Senate would hesitate to bring about an appearance of dishonor by refusing to approve of the action of the Executive.

"Did the President deliberately resort to this method when, in December, 1918, he went to Europe to form a league of nations?

"If he had intended to pledge the country, in the view of the world, to certain courses of action which the Senate would hesitate either to ratify or to oppose, he could not have pursued a course better adapted to produce this effect than the one he adopted. Neither the Senate nor, so far as is known, the President's own Cabinet knew precisely what he intended to do. There are those who contend that he did not know himself. The one thing certain is that he did not intend to seek any advice from the Senate, either by previous conference regarding the difficult problems of the peace settlement, or through the presence at Paris of one of its Members in the peace commission. Having opposed the selection of Senators by the free will of the electorate in order that he might be an 'unembarrassed spokesman in affairs at home and abroad,' the President announced to the Congress in his parting message of December 2, 1918:

> "I welcome this occasion to announce my purpose to join in Paris the representatives of the Governments with which we have been associated in the war against the Central Empires for the purpose of discussing with them the main features of the treaty of peace. I realize the great inconvenience that will attend my leaving the country, particularly at this time, but the conclusion that it was my paramount duty to go has been forced upon me by considerations which I hope will seem as conclusive to you as they have seemed to me. The Allied Governments have accepted the bases of peace which I outlined to the Congress on the 8th of January last, as the Central Empires also have, and very reasonably desire my personal counsel in their interpretation and application, and it is highly desirable that I should give it in order that the sincere desire of our Government to contribute without selfish purpose of any kind to settlements that will be of common benefit to all the nations concerned may be made fully manifest.

"There was here no request for the Senate's approval either of the purpose of the President to leave the country and personally conduct the negotiations at Paris or of the commissioners selected to accompany him. The cables and the wireless, then just taken over by the Government and under its control, would be available, he said, 'for any counsel or service you may desire of me'; but it was not intimated that they would be available for any advice or suggestions to him on the part of the Senate, no Member of which was invited to join the mission. The President plainly intended to present the Senate with a fait accompli.

"There was much that was unusual in this procedure. The retinue of the mission, it is reported, contained more than thirteen hundred persons, of varied but undefined attainments in history, geography, ethnology, cartography, publicity, finance, and the cryptic arts of suppressing and censoring news, not one of whom enjoyed the honor of having his name sent to the Senate for the confirmation of his appointment, although the aim of the expedition was so momentous a task as the reorganization of the world. Experience in international business, in so far as it was represented, was conspicuously subordinated to inexperience. Radical journalism was conspicuously honored. If 'advisers' were present, it was apparently not for their 'advice' that they were enrolled in this formidable phalanx engaged in the reconstruction of Europe. There was, however, an abundance of atmosphere for the creation and transmission of 'voices in the air.'

"No plenipotentiary of any country had ever been accompanied by such an apparatus for the making of peace. Bound by no instructions, restrained by no power of review, or recognized control at home, the President was, as he assumed, 'acting in his own name and by his own proper authority.' Constitutionally, he had a partner in the solemn process of treaty making, 'by and with' whose 'advice and consent' he was required to act by the same charter of government from which his own proper authority was derived; but this was of little importance to those with whom he was to negotiate, since no one could challenge his representative character.

"The President's most loyal admirers and supporters had questioned not only the wisdom but even the legality of his leaving the country for a considerable period of time, in the midst of the serious domestic problems that were looming up before the country; and great journals devoted to himself and to his policies urged him not to absent himself from Washington at such a critical juncture. It was pointed out that it was of the utmost importance for the President to keep in close touch with the sentiment of the country as the various steps in the process of peacemaking would be brought under discussion and public opinion would take on sharper definition. Friendly attention also was called to the fact that, if 'open covenants' were to be 'openly arrived at,' it would be wise for the American commissioners to receive written instructions in order that they might be held accountable for their conduct; and it was made plain that it would lay the President open to a subsequent charge of practicing secret diplomacy if, without intermediaries or public records as a refutation of such insinuations, he personally should undertake by oral communication with foreign negotiators to consummate transactions involving the give and take of diplomatic bargaining. It should never be possible, it was maintained, that the President's course could thus be made a source of future embarrassment to him or to his country. His aims should be so clear and constant, and so supported by the utmost possible evidence of concurrent approval by his own countrymen qualified to judge of such matters, that the country would present a united front. Happily, the means of avoiding future controversy were well known and already established in the traditional usages and safeguards of American constitutional practice in the conduct of foreign affairs.

"While it was true that the American people were divided as regards their confidence in the President's personal judgment concerning international matters, in which he had so frequently failed to grasp the purport of current events, there was nowhere, I think, a disposition to impede in any manner the making of a speedy and a just peace, and it was universally recognized that responsibility for this would be largely his. The general thought of the Nation was that the time had come to punish Germany for her crimes, to render impossible a repetition of them in the future by immediately destroying militarism, to open thereby a prospect of future peace with justice to all nations, and to get back as soon as possible to normal life under the constitution and the law of nations. If the expression 'league of nations' meant that—and many thought it did—then a league of nations was desired. If it meant new wars, the suppression of self-determination by the small States, the centralization of power in a few great nations, a secret trusteeship of others acting nominally for the general good but in reality for their own aggrandizement and permanent control by internal bargaining; in short, if it meant any form of imperialism, however disguised, and above all if national independence was in any way to be surrendered, these were not the objects for which the war had been fought, and that kind of a league was not desired. Nor was it a common opinion that America's part in the war or responsibility for the future of Europe were of such proportions as to entitle the United States to dictate the terms of peace. The nations that had suffered most should take the lead in determining the kind of future that would give them the best security. The American people were disposed to help them, and above all to be loyal to them, in seeing that the common enemy should not after all be triumphant in the terms of peace or afterwards.

"When, therefore, Mr. Wilson began his visits and speech making in Europe, pleasure was at first experienced in America in witnessing the honor shown to the President of the United States, and in the fact that he was so well received in the allied countries. His speech in response to the greeting of President Poincare, at Paris, on December 14, 1918, was admirable, and expressed with eloquence and propriety the sentiments of the American people. In subsequent addresses high and noble sentiments were expressed, but it was evident to observing minds

that these public speeches had the tendency and were apparently designed to weaken the faith of the people in their own past and to suggest a new leadership, which Mr. Wilson himself might supply; and this was rendered still clearer when, after his return to America, he said: 'When I speak of the nations of the world, I do not speak of the governments of the world. I speak of the peoples who constitute the nations of the world. They are in the saddle and they are going to see to it that if their present governments do not do their will some other governments shall. And the secret is out and the present governments know it.'

"The really dangerous character of the influence thus exercised was that Mr. Wilson held out hopes which were not capable of being realized, and represented a state of things that did not exist. The nations were, in fact, very far from that 'communion of ideals,' 'unity of command,' and 'common understanding' which the President attributed to them. What the people really needed was the truth, and not 'visions on the horizon.'

"I do not mean to imply that the President was not sincere in all he said in those speeches. No one can read them without feeling their moral fervor. Therein lay the danger they created. They awakened hope which neither the Governments nor the people themselves were able to fulfill. Europe was nervous, hungry, excited, impoverished, and full of jealousies. Mr. Wilson's gospel was a creed regarding a world to come. It had all the potency for stirring the emotions, and therein concealed all the perils, of a religious revival. Many thought the Messiah had come. But suppose the trading in the temple should go on unhindered! 'The Socialist journalists in France who then hailed him'—as an English writer puts it—'as "he who should have redeemed Israel," are now venting their disappointment in unmeasured language, and speaking of him as "the great vanquished" and "the fallacious hope of a day."'

"On February 14, 1919, the 'constitution of the league of nations' was promulgated at Paris, the work of five great powers sitting in secret as a supreme council. This document was read to the representatives of 14 nations and then published as approved by them. It was praised by Mr. Wilson in the plenary session of the conference, and received in the United States as if it were the President's personal triumph.

"A few words will serve to recall the incidents attending the reception and discussion of this document in the United States. The President had sent word that until his arrival it should not be discussed. On February 24 he landed at Boston and an address by him was announced. Two important facts had by that time been brought to public attention: First, that the conference at Paris had constituted a new corporate entity possessing important powers and organs of power, under the control of five of the greater Governments; and, second, that nothing had so far been done to make peace with Germany or to punish her crimes. The situation required explanation, and the President's address was looked forward to with deep and widespread interest.

"Either, it was thought, he would avail himself of this earliest opportunity to present to the American people a clear exposition of the meaning and purpose of this new 'constitution,' or he would postpone all reference to it until he had conferred with the Senate at Washington. To the surprise of everyone the President took this occasion to express his personal resentment of any criticism of this 'constitution,' declared that he possessed 'fighting blood,' and would consider it an 'indulgence to let it have scope.' He then proceeded to denounce all the critics of the league as wishing to have America 'keep her power for those narrow, selfish, provincial purposes which seem so dear to some minds that have no sweep beyond the nearest horizon.'

"It was perceived at once that the President meant to impose this 'constitution' upon the country, in spite of what the Senate might have to say about it. A conference with the Committee on Foreign Relations occurred at the White House, which brought out the fact of general opposition by the Senate. This 'constitution,' it was declared, was in conflict with the Constitution of the United States, inasmuch as it created a supergovernment, automatically made the peace of the United States contingent upon the acts of other nations bringing into operation certain obligations, which included the war-making power conferred upon Congress, and created a permanent alliance with a group of nations who proposed to control the world in the name of peace.

"It is needless here to enter into the discussion of this subject, which has been amply considered in this Review, or to repeat the terms of opprobrium and contempt, both privately and publicly expressed, applied to the Senators who refused to fall down and worship this image, and were even presuming to call attention to its feet of clay, some of the most contemptuous of these denunciations emanating from the President himself. On March 3 a resolution was signed by 39 Senators, referring to the article of the Constitution which renders necessary to the ratification of a treaty the advice and consent of the Senate. The resolution recalled the fact of the continued session of the conference at Paris before which the proposal of a league of nations was still pending, and alleged it to be the sense of the Senate that, while it is the sincere desire that the nations of the world should unite to promote peace and general disarmament, the 'constitution of the league of nations' in the form proposed by the peace conference should not be accepted by the United States. The resolution further expressed the sense of the Senate that the negotiation of peace terms with Germany should be pressed with the utmost expedition, and that the proposal for a league of nations to insure the permanent peace of the world should then be taken up for careful and serious consideration. On the following day, March 4, in a speech delivered in New York immediately before his return to Paris, the President in reply flung down his challenge in the words:

"When that treaty comes back, gentlemen on this side will find the covenant not only in it but so many threads of the treaty tied to the covenant that you can not dissect the covenant from the treaty without destroying the whole vital structure.

"The attempts to secure certain amendments to the 'constitution of the league of nations,' as presented in February, have been fully discussed in a previous number of this Review. It is well known that they were only partially successful, and neither removed the objections to the original draft nor embodied the internationals' ideals which have long been current in the United States. When, therefore, the final form of the so-called 'covenant' was sent to this country on April 28, the word 'constitution' having been dropped, the 'executive council' having become simply the 'council' and the 'body of delegates' the 'assembly'—superficial changes which were meant to remove or obscure the power of the league as a corporate entity or international voting trust—it was even clearer than before that the design had been to create an instrument of power rather than an institution of justice.

"Although upon the President's return to Paris in March the work of the conference had so far advanced that a provisional treaty of peace with Germany was reported as almost complete, he carried into execution his purpose to interweave the covenant and the treaty of peace in an inextricable manner by making the former the first article of the latter, and the ostensible agent for its enforcement. The covenant, though published separately, was to constitute the first article of the treaty of Versailles. The league of nations, which was to have been a 'general association of nations' or a complete society of States, was thus converted into an alliance between a group of powers established to enforce the treaty of peace. The organ of universal peace and conciliation had become a confessed instrument of undefined punishment.

"Although the treaty of Versailles in its entirety was long withheld from the Senate, the campaign for the adoption of the league of nations went steadily on. No one knew or could discover to what precise obligations the treaty of Versailles and other subsidiary treaties would bind the members of the league. They were, however, to be blindly accepted. When, at last, although it had long been published and on public sale in Europe, a copy could be obtained only privately from financiers in New York, and was thus laid before the Senate, it was ascertained that it was to 'the allied and associated powers,' and not to the league, that Germany made her concessions; yet the league was bound to preserve to the beneficiaries of the treaty all the unknown territorial accessions assigned to them as well as the territorial integrity of all the surviving empires.

"It was a reasonable proposition that the Senate, before giving its advice and consent, should separate the two disparate documents, the covenant of the league of nations and the treaty with Germany. The President and his supporters in the Senate refused to permit this. They demanded the immediate ratification of the whole commitment, without amendment or reservation; or, as the President's supporters insisted, 'without the dotting of an i or the crossing of a t.'

"This demand, considered merely as a partisan attitude, may have been defensible; but the attempt to enforce it by assailing or undermining the constitutional prerogative of the Senate is another matter. Having failed in numerous private conversations and in a public conference to convince a sufficient number of Senators that they should yield to the President's demand, he personally took the field and proceeded to an open, violent, and bitterly vituperative attack upon the Senate as a means of carrying his point.

"In pressing the necessity for immediate peace and the impossibility of reopening any question in the peace conference—although still in session and transacting business—the President was merely bringing to an issue his theory that it lies in the power of the Executive to create a situation so embarrassing to the Senate that it may be forced to surrender its constitutional right and fail in the free performance of its duty.

"This issue should be squarely met, and its far-reaching implications should be made plain. It is, in fact, one of many efforts to break down constitutional government and by direct action to concentrate power in the hands of the Executive.

"In his denunciation of the Senate as a perverse and refractory body, the President has declared that he represents a cause 'greater than the Senate and greater than the Government.' He might with equal consistency and decency say upon another occasion that he represents a cause greater than the law. The cause he is contending for is this particular unmodified league of nations, which is not at all the 'general association' which he commended and desired. This league, he proclaims, is of greater importance than the Government of the United States, which it may, therefore, if this be true, at any time properly subordinate and overrule.

"It is against the reservations which the Senate would offer as a bar to this subordination that the President raises his voice of protest. If these reservations do not really modify the obligations incurred, why should he object to including them in the act of ratification? If, on the contrary, this subordination of American independence might occur without them, how can the Senators honorably ratify the covenant of the league without these reservations? Yet, as a last act of intimidation, in order to force upon the Senate the acceptance of the entire treaty without change, the President has stated that after the Senate has acted it would be entirely in his own hands to issue or withhold the act of ratification, thus intimating that if it did not please him in its final form he could defeat it altogether. The attitude of the President, therefore, is that at no time shall the Senate be permitted freely to perform its constitutional duty, which is equivalent to saying that one man can absolutely determine the future destiny of the United States."

MEAT-PACKING INDUSTRY.

Mr. SMITH of Georgia. I present a resolution passed by the Atlanta Wholesale Grocers' Association, at Atlanta, Ga., October 2, 1919, indorsing the Kenyon-Kendrick bills, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas we realize a constant falling off in our volume of business, especially in the more profitable lines, such as canned vegetables, canned fruit, canned salmon, rice, cereals, and cheese, which decline in volume is due to the competition of the big Chicago meat packers; and

Whereas the competition of these meat packers is only effective because of the special advantages which they enjoy in the way of preferential railway transportation for their private refrigerator cars, which, while containing nonperishable grocery products, are moved more quickly and regularly by the railways than the cars which we can use, and is not based upon economic efficiency; and

Whereas the Kenyon-Kendrick bills now before the Senate Committee on Agriculture and Forestry propose to regulate the business of the meat packers to the extent that their private refrigerator cars will be put on a common-carrier basis, thus taking away their special shipping privileges: Now, be it therefore

Resolved, That we indorse the Kenyon-Kendrick bills and urge the quick enactment into law of the principle which they embody.

THE EGYPTIAN QUESTION.

Mr. OWEN. Mr. President, some days ago, October 15, I introduced a resolution bearing on the treaty of peace with Germany. I ask to have inserted in the RECORD a memorandum of a letter from King George to the Sultan of Egypt, which I will not take the time to read, together with a cablegram to Mahmoud Pasha from Mahmoud Soliman Pasha, which I shall not take the time to read, bearing upon the same question, together with some data submitted by the Egyptian delegation here, which I ask, without reading, to have also printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"*Resolved*, That the United States in ratifying the covenant of the league of nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1917, and in subsequent addresses, as a world agreement, binding on the great nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

"The protectorate which Germany recognizes in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

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"On November 6, 1918, Secretary of State Lansing published the following to the world:

"'*From the Secretary of State to the Minister of Switzerland, in charge of German interests in the United States.*

"'DEPARTMENT OF STATE,
"'*November 5, 1918.*

"'SIR: I have the honor to request you to transmit the following communication to the German Government:

"'In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such armistice as would fully protect the interests of the peoples involved and insure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.

"'The President is now in receipt of a memorandum of observations by the allied Governments on this correspondence, which is as follows:

"'"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"'"Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

"'I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of the armistice.

"'Accept, sir, with renewed assurances of my highest consideration.

"'(Signed) ROBERT LANSING.'

"Among other things the President, on January 8, 1918, in his address to Congress said:

"'We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its

own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:

"'I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings, of any kind but diplomacy shall proceed always frankly and in the public view.

"'II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

"'III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

"'IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

"'V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

"'VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

"'VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

"'VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly 50 years, should be righted, in order that peace may once more be made secure in the interest of all.

"'IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

"'X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

"'XI. Roumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

"'XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

"'XIII. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territory integrity should be guaranteed by international covenant.

"'XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.'"

[Letter from King George to the Sultan of Egypt, published in London Times December 21, 1914.]

"* * * I feel convinced that you will be able, with the cooperation of your ministers and of the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt * * *."

—

[Cablegram to Mahmoud Pasha, Shoreham Hotel, from Mahmoud Soliman Pasha.]

"In an interview with Cairo newspapers on the 22d instant Rushdi Pasha—who was prime minister when the Khedive was dethroned by England and a Sultan appointed, and continued throughout the war as prime minister of Egypt and resigned toward the end of May last—declared that he never consented to the "protectorate" of Great Britain over Egypt, except that it was temporary and a war measure, and that it would disappear when the Allies' victory was complete. He asked England to hear him and to hear the Egyptian nation duly represented by the Egyptian delegation. He adds that Egypt's aid to England during the war was immense, and that 1,200,000 Egyptians served on the allied side."

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[Data submitted by Egyptian delegation.]

SHALL RIGHT OR MIGHT PREVAIL?

"Egypt is a country of immense wealth. It has millions of acres of agricultural land greater in value per acre and in producing power than any other country in the world. The seizure of Egypt by Great Britain adds to Britain's enormous possessions an area of 350,000 square miles and a population of 13,000,000 people. The value of the natural resources so seized is beyond computation.

"Egypt is one compact whole—one nation, one language. The character of the people, their conduct, their habits, their sympathies, and their inclinations are the same throughout that country. Because of geographic situation, however, Egypt has attracted the avarice of colonizing powers more, perhaps, than any other country in the world. In 1798 the French under Napoleon invaded Egypt. In 1801 the French were expelled from Egypt. In 1807 Great Britain attempted to invade Egypt, but was ejected by the Egyptian Army.

"Egypt continued to be a Turkish Province until 1831, when war broke out between Egypt and Turkey, and the Egyptian Army was victorious. Constantinople would have fallen to the Egyptians, but Great Britain and France interfered in order to preserve the balance of power and the Egyptians were compelled to give up the full fruits of their victories.

"By the treaty of London of 1840–41 Egypt became autonomous, subject only to an annual tribute to Turkey of about $3,500,000. The Government of Egypt could maintain an army, contract loans, make commercial treaties, and enter into international agreements. For all practical purposes Egypt was independent and free.

"In 1882 Great Britain occupied Egypt ostensibly to protect the Khedive against the movement for popular government, and continued to occupy the country, against the protest of the Egyptians, under the pretext of protecting the people from the Khedive.

"The British Government from the time of occupation up to the beginning of the recent war promised to withdraw the British troops from Egypt. Gladstone, when prime minister, said, 'If one pledge can be more solemn and sacred than another, special sacredness in this case binds us to withdraw the British troops from Egypt.'

"Lord Salisbury, when prime minister in 1889, solemnly assured Egypt and the world that Egypt would never be placed under a British 'protectorate' or annexed by Great Britain.

"Great Britain had agreed by the treaty of London of 1840–41 to protect the autonomy of Egypt, and in the Anglo-French agreement of April 8, 1904, Great Britain declared that it had no intention of altering the political status of Egypt.

"Afer the beginning of the war, and on December 18, 1914, Great Britain deposed the Khedive and appointed a sultan of her own choosing to the throne of Egypt. On the same date Great Britain proclaimed the so-called protectorate over Egypt, announcing, however, at the same time that it was merely for the period of the war and only a step toward the independence of Egypt.

"King George, in a letter which was widely circulated throughout Egypt and which was published in the London Times of December 21, 1914, said:

"'* * * I feel convinced that you will be able, with the cooperation of your ministers and the protection of Great Britain, to overcome all influences which are seeking to destroy *the independence of Egypt*, * * *.'

"This change of status being announced at the time as a merely temporary war measure, was assumed by the Egyptians

to be such. The Egyptians with absolute unanimity took sides with the Allies and served to make, as they believed, the world safe for democracy and for the right of national self-determination in all peoples.

"When the armistice was signed the Egyptians rejoiced in the thought that the day of their deliverance had come, and that henceforth they would enjoy that right of national self-determination proclaimed by President Wilson. A commission was appointed by the Egyptian people to attend the peace conference, where their independence and sovereignty could be consecrated and acknowledged by the powers.

"In violation of its pledges of independence to the Egyptian people, and regardless of the fact that the Egyptian people had served and sacrificed in the allied cause, Great Britain arrested four of the leading citizens of Egypt, who had been selected by the Egyptian people to go to Paris, and these four were torn from their homes without warning and deported to Malta, where they were thrown into a military prison.

"When the Egyptian people learned of this act of perfidy on the part of Great Britain their indignation was intense. National self-determination demonstrations were held throughout Egypt. Great Britain answered these demonstrations for national self-determination, the principle for which Great Britain had ostensibly fought in the war, by firing machine guns into crowds of these peaceable and unarmed, liberty-seeking people, killing more than a thousand and wounding vastly more.

"Egyptians who dared to assert in public that Egypt should have the right of national self-determination were put in prison. The cry for liberty by an Egyptian was answered by British military punishment.

"If present conditions are permitted to continue, liberty is dead to Egypt, and the right of self-determination to all peoples, for which Americans believed they were fighting, has been made a hollow mockery.

"Gen. Allenby finally, by force of Egyptian public opinion, advised the British Government to permit the commission to proceed to Paris. When the commission reached Paris they asked for a hearing before the peace conference. This was denied them. They wrote to President Wilson and asked for a conference with him. Their appeals were in vain.

"Some days after the commission reached Paris the so-called protectorate of Great Britain over Egypt was 'recognized.' The holding of Egypt by Great Britain is not a protectorate in the legal sense of the word, but under guise of a protectorate Great Britain is holding Egypt to-day as a subject and conquered nation.

"The approval of this so-called protectorate would be accepted by the British Government as approval of the present holding of Egypt by Great Britain as spoils of war and would rivet the chains of subject slavery upon the Egyptian people.

"In a statement issued by the British Embassy at Washington, September 2, 1919, and which was published in the daily press, the embassy stated:

"'Great Britain has carefully avoided destroying the sovereignty of Egypt.'

"A few days later the British foreign office in London gave an interview to the International News Service, claiming to have succeeded to Turkish nominal suzerainty over Egypt. Great Britain is claiming both a protectorate and a sovereignty over Egypt at the same time.

"Great Britain is holding Egypt to-day not by right but by might of military force. Great Britain's seizure of Egypt is out of keeping with the world's new temper. Only by the exercise of the gospel of military force can the continued holding of Egypt by Great Britain be maintained. Only in violation of its sacred pledges and treaty obligations can Great Britain assert dominion over the people of Egypt.

"On November 10, 1914, Lloyd-George in a speech called the world to witness the utter unselfishness of their part in the war. 'As the Lord liveth,' he declared, 'England does not want one yard of territory. We are in this war from motives of pure chivalry to guard the weak.' Shall Egypt be handed over to Great Britain in violation of the great principles for which Americans, Egyptians, and the Allies fought? How can it be justly said that Egypt is outside the realm of the principles of the 14 points and that Great Britain may deny the right of self-determination to Egypt?

"The Egyptian people are liberty loving and peaceful. They have not interfered with other nations and they ask now that Great Britain not be allowed to destroy the inalienable right of the Egyptian people to liberty, and the right to have their own government, controlled by their own people."

BRITISH PLEDGES.

"In May, 1882, a British fleet appeared before Alexandria. In June, 1882, a serious disturbance took place in Alexandria, and a number of Europeans were killed. On July 11 and 12, 1882, Alexandria was bombarded by the British fleet and British soldiers began to occupy Egypt. Great Britain pledged the Egyptian Government and the world that this occupation would be only temporary. The solemn pledges to this effect made by England are evidenced by the following documents:

"1. Lord Granville's dispatch, November 4, 1881 (Egypt, No. 1 (1882), pp. 2, 3), said:

"'The policy of Her Majesty's Government toward Egypt has no other aim than the prosperity of the country, and its full enjoyment of that liberty which it has obtained under successive firmans of the Sultan. * * * It can not be too clearly understood that England desires no partisan ministry in Egypt. In the opinion of Her Majesty's Government a partisan ministry founded on the support of a foreign power, or upon the personal influence of a foreign diplomatic agent, is neither calculated to be of service to the country it administers nor to that in whose interest it is supposed to be maintained.'

"2. In the protocol signed by Lord Dufferin, together with the representatives of the five other great powers, June 25, 1882 (Egypt, No. 17 (1882), p. 33), it was provided:

"'The Government represented by the undersigned engaged themselves, in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, *not to seek any territorial advantage*, nor any concession of any exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain.' [Italics ours.]

"3. Sir Beauchamp Seymour, in a communication to Khedive Tewfik, Alexandria, July 26, 1882, published in the Official Journal of July 28, 1882, said:

"'I, admiral commanding the British fleet, think it opportune to confirm without delay once more to Your Highness that the Government of Great Britain has *no intention of making the conquest of Egypt*, nor of injuring in any way the religion and liberties of the Egyptians. *It has for its sole object to protect Your Highness and the Egyptian people against rebels.*' [Italics ours.]

"4. Sir Charles Dilke, in the House of Commons, July 25, 1882, said:

"'It is the desire of Her Majesty's Government, after relieving Egypt from military tyranny, *to leave the people to manage their own affairs.* * * * We believe that it is better for the interests of their country, as well as for the interests of Egypt, that Egypt should be governed by liberal institutions rather than by a despotic rule. * * * We do not wish to impose on Egypt institutions of our own choice, but rather to leave the choice of Egypt, free. * * * . It is the honorable duty of this country to be true to the principles of free institutions, which are our glory.' [Italics ours.]

"5. The Right Hon. Mr. W. E. Gladstone, in the House of Commons, August 10, 1882, said:

"'I can go so far as to answer the honorable gentleman when he asks me whether we contemplate an indefinite occupation of Egypt. *Undoubtedly of all things in the world, that is a thing which we are not going to do.* It would be absolutely at variance with all the principles and views of Her Majesty's Government, and *the pledges they have given to Europe and with the views, I may say, of Europe itself.*' [Italics ours.]

"6. Lord Dufferin's dispatch, December 19, 1882, Egypt No. 2 (1883), page 30, stated:

"'In talking to the various persons who have made inquiries as to my views on the Egyptian question I have stated that we have not the *least intention of preserving the authority which has thus reverted to us.* * * * It was our intention so to conduct our relations with the Egyptian people that they should naturally regard us as their best friends and counselors, but that we did not propose upon that account arbitrarily to impose our views upon them or to hold them in an irritating tutelage.' [Italics ours.]

"7. Lord Granville, December 29, 1882, Egypt No. 2 (1882), page 33, officially stated:

"'You should intimate to the Egyptian Government that *it is the desire of Her Majesty's Government to withdraw the troops from Egypt as soon as circumstances permit*, that such withdrawal will probably be effected from time to time as the security of the country will allow it, and that Her Majesty's Government hope that the time will be very short during which the full number of the present force will be maintained.' [Italics ours.]

"8. Lord Dufferin's dispatch, February 6, 1883, Egypt No. 6 (1883), pages 41, 43, stated:

"'The territory of the Khedive has been recognized as lying outside the sphere of European warfare and international jealousies. * * *

"'The Valley of the Nile could not be administered from London. An attempt upon our part to engage in such an undertaking would at once render us objects of hatred and suspicion to its inhabitants. Cairo would become a focus of foreign intrigue and conspiracy against us, and we should soon find ourselves forced either to abandon our pretensions under discreditable conditions or embark upon the experiment of a complete acquisition of the country.'

"9. Again, at page 83, Lord Dufferin said:

"'Had I been commissioned to place affairs in Egypt on the footing of an Indian subject State the outlook would have been different. The masterful hand of a resident would have quickly bent everything to his will, and in the space of five years we should have greatly added to the material wealth and well-being of the country by the extension of its cultivated area and the consequent expansion of its revenue; by the partial if not the total abolition of the corvee and slavery; the establishment of justice and other beneficent reforms. But the Egyptians would have *justly* considered these advantages as dearly purchased at the *expense of their domestic independence. Moreover, Her Majesty's Government have pronounced against such an alternative.*' [Italics ours.]

"10. Mr. Gladstone, in the House of Commons August 6, 1883, said:

"'The other powers of Europe * * * are well aware of the general intentions entertained by the British Government, intentions which may be subject, of course, to due consideration of that state of circumstances, but conceived and held to be in the nature not only of information *but a pledge or engagement.*' [Italics ours.]

"11. Mr. Gladstone, in the House of Commons August 9, 1883, said:

"'The uncertainty there may be in some portion of the public mind has reference to those desires which tend toward the *permanent* occupation of Egypt and its *incorporation in this* Empire. *This is a consummation to which we are resolutely opposed and which we will have nothing to do with bringing* about. *We are against this doctrine of annexation; we are against everything that resembles or approaches it; and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt; we are against it on the ground of the specific and solemn pledges given to the world in the most solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large* during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, *special sacredness in this case binds us to observe.* We are also sensible that occupation prolonged beyond a certain point may tend to annexation, and consequently it is our object to take the greatest care that the occupation does not gradually take a permanent character. * * * We can not name a day and do not undertake to name a day for our *final withdrawal*, but no effort shall be wanting on our part to bring about that withdrawal as early as possible. [Italics ours.]

"12. Lord Granville's dispatch, June 16, 1884, Egypt No. 23 (1884), page 13, stated:

"'Her Majesty's Government * * * are willing that the withdrawal of the troops shall take place at the beginning of the year 1888, provided that the powers are then of opinion that such withdrawal can take place without risk to peace and order.'

"13. Lord Derby, in the House of Lords, February 26, 1885, said:

"'From the first we have steadily kept in view the fact that our occupation *was temporary and provisional only.* * * * *We do not propose to keep Egypt permanently.* * * * *On that point we are pledged* to this country and to Europe; and if a contrary policy is adopted it will not be by us.' [Italics ours.]

"14. Lord Salisbury, in the House of Lords, June 10, 1887, said:

"'It was not open to us to assume the protectorate of Egypt, because Her Majesty's Government have *again and again pledged themselves that they would not do so.* * * * My noble friend has dwelt upon that pledge, and he does us no more than justice when he expresses his opinion that it is a *pledge* which has been constantly present to our minds. * * * It was undoubtedly the fact that our presence in Egypt, unrecognized by any convention * * * gave the subjects of the Sultan cause for a suspicion which we did not deserve.' [Italics ours.]

"15. Lord Salisbury, in the House of Lords, August 12, 1889, said:

"'When my noble friend * * * asks us to convert ourselves from guardians into proprietors * * * and to declare our stay in Egypt permanent * * * I must say I think my noble friend pays an insufficient regard to the *sanctity of the obligations which the Government of the Queen have undertaken and by which they are bound to abide.* In such a matter we have not to consider what is the most convenient or what is the more profitable course; we have to consider the course to which we are bound by our *own obligations and by European law.*' [Italics ours.]

"16. Mr. Gladstone, in the House of Commons, May 1, 1893, said:

"'I can not do otherwise than express my general concurrence * * * that the occupation of Egypt is in the nature of a burden and difficulty, and that the *permanent occupation of that country would not be agreeable to our traditional policy, and that* it would not be consistent with our good faith toward the suzerain power, while it would be contrary to the laws of Europe. * * * I certainly shall not set up the doctrine that we have discovered a duty which enables us to set aside the *pledges* into which we have so freely entered. * * * The thing we can not do with perfect *honor* is either to deny that we are under engagements which preclude the idea of an *indefinite occupation*, or so to construe that indefinite occupation as to hamper the engagements that we are under by collateral considerations.' [Italics ours.]

"17. The text of the Anglo-French agreement of April 8, 1904, provides:

"'The Government of His Majesty declares that it has no intention of altering the political status of Egypt.'

"18. Lord Cromer's report, March 3, 1907, Egypt No. 1 (1907), page 2, stated:

"'There are insuperable objections to the assumption of a British protectorate over Egypt. It would involve a change in the political status of the country. Now, in Article 1 of the Anglo-French agreement of the 8th April, 1904, the British Government have explicitly declared that they have no intention of altering the political status of Egypt.'

"19. In an interview with Dr. Nimr, editor of the Mokattam, October 24, 1908, acknowledged as official by Sir E. Grey in the House of Commons, Sir Eldon Gorst said:

"'It has been said that Great Britain proposes shortly to proclaim the protectorate or the annexation of Egypt to the British Empire. Will Sir Eldon Gorst permit me to ask him whether this rumor is well founded or not?'

"Sir Eldon Gorst answered:

"'*The rumor has no foundation, and you may contradict it categorically.* Great Britain has engaged herself by official agreements with Turkey and the European Powers to respect the suzerainty of the Sultan in Egypt. She will keep her engagements, which, moreover, she reiterated in 1904 at the time of the conclusion of the Anglo-French agreement. England stipulated in that agreement that she has no intention to change the political situation in Egypt. Neither the people nor the Government wish to rid themselves of these engagements.'

"20. Sir Eldon Gorst's report, March 27, 1909, Egypt No. 1 (1909), page 1, stated:

"'There exists among the better-educated sections of society a limited but gradually increasing class which interests itself in matters pertaining to the government and administration of the country. This class aspires quite rightly to help in bringing about the day when Egypt will be able to govern herself without outside assistance. This is also the end to which British policy is directed, and there need be no antagonism or principle between the Egyptian and English reforming elements.'

"21. In the same report, at page 48, Sir Eldon Gorst said:

"'Since the commencement of the occupation the policy approved by the British Government has never varied, and its fundamental idea has been to prepare the Egyptians for self-government while helping them in the meantime to enjoy the benefit of good government.'

"22. Sir Eldon Gorst's report, March 26, 1910, Egypt No. 1 (1910), page 51, stated:

"'British policy in Egypt in no way differs from that followed by Great Britain all over the world toward countries under her influence, namely, to place before all else the welfare of their populations.'

"23. Sir Edward Grey, in the House of Commons, August, 1914, said:

"'England stretches out her hand to any nation whose safety or independence may be threatened or compromised by any aggressor.'

"24. Former Premier Balfour, speaking for the Government at Guild Hall, on November 19, 1914, declared:

"'We fight not for ourselves alone but for civilization drawn to the cause of small States, the cause of all those countries which desire to develop their own civilization in their own way,

following their own ideals without interference from any insolent and unauthorized aggressor.'

"25. Premier Asquith, speaking at Guild Hall, November 9, 1915, asserted:

"'We shall not pause or falter until we have secured for the smaller States their charter of independence and for the world at large its final emancipation from the reign of force.'

"26. And, again, Premier Asquith, on November 9, 1916, declared:

"'This is a war, among other things—perhaps I may say primarily—a war for the emancipation of the smaller States. * * * Peace when it comes, must be such as will build upon a sure and stable foundation the security of the weak, the liberties of Europe, and a free future for the world.'

"27. Premier Lloyd-George, on June 29, 1917, said:

"'In my judgment this war will come to an end when the allied powers have reached the aims which they set out to attain when they accepted the challenge thrown down by Germany to civilization.'

"28. Asquith, in the House of Commons, on December 20, 1917, said:

"'We ought to make it increasing clear by every possible means that the only ends we are fighting for are liberty and justice for the whole world, through a confederation of great and small States, all to possess equal rights. A league of nations is the ideal for which we are fighting, and we shall continue fighting for it with a clear conscience, clean hands, and an unwavering heart.'

"After the beginning of the World War, and on December 18, 1914, Great Britain proclaimed a so-called protectorate over Egypt. The proclamation seizing Egypt and placing Egypt under the British flag is published in the London Times of December 19, 1914, page 8, column 3. It reads:

"'In view of the action of his highness Abbas Helmi Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, *His Majesty's Government has seen fit to depose him from the khedivate*, and that high dignity has been offered, with the title of Sultan of Egypt, to his highness Prince Hussein Gamel Pasha, eldest living Prince of the family of Mehemet Ali, and has been accepted by him.

"'The King has been pleased to approve the appointment of Prince Hussein to an honorary Knight Grand Cross of the Order of the Bath on the occasion of his accession to the sultanate.' [Italics ours.]

"The London Times, in the issue of December 19, 1914, had large headlines saying, 'Egypt under the British flag.' But the Times, in an editorial in the issue of same date, with characteristic British diplomacy, naively said:

"'All that is desired now is to defend Egypt against attack and to keep the internal administration running smoothly. Other questions can wait until peace is restored, as Lord Cromer implies in the letter we published to-day. * * * It is purely a practical administrative step, dictated by the appearance of Turkey as a belligerent.'

"It will be noted that the seizure was sought to be justified only as a protection to Egypt against Turkish aggression. The truth is that under the guise of a 'protectorate' Great Britain seized Egypt and swept away every vestige of Egyptian freedom and independence. But the people of Egypt did not realize at that time the full meaning of this action on the part of Great Britain. They were told that it was a step toward the independence of Egypt. His Majesty King George, in a letter to the Sultan whom he had appointed to rule over Egypt, which letter was widely circulated throughout Egypt and was published in the London Times of date December 21, 1914, said:

"'* * * I feel convinced that you will be able, with the cooperation of your ministers and the protectorate of Great Britain, *to overcome all influences which are seeking to destroy the independence of Egypt.* * * *' [Italics ours.]

TREATMENT OF EGYPTIAN DELEGATES TO PEACE CONFERENCE.

"From the Egyptian White Book, page 19:

"'I addressed to British headquarters on the 20th instant (November) a letter in which I requested for my colleague and myself the permission necessary for voyage. * * * We have just received a letter from the military authorities dated to-day, informing us that difficulties have arisen which have prevented them from responding before and that as soon as they are smoothed out we shall receive an answer. * * * We rely upon the traditions of Great Britain. The British have not ceased to give to the world examples of the devotion to the principles of individual liberty. Will not our request for passports receive a quick and favorable response?'

"To this the following letter was received on December 1, 1918, page 21:

"'I am directed by his excellency, the high commissioner, to acknowledge receipt of your letter of the 29th ultimo and to inform you in reply that after reference to His Majesty's Government, his excellency feels unable to make any representations to the military authorities in the matter.

"'I am to add that should you desire to submit suggestions as to the government of Egypt, not being inconsistent with the policy of His Majesty's Government as already declared, such suggestions can most conveniently be submitted in writing to his excellency. In this connection I may draw your attention to the communication addressed by Sir Mille Cheetham, proclamation of protectorate by the British Government, December 18, 1914, by instruction of His Majesty's Government to the late Sultan Hussein on the occasion of his accession.'

"To this the delegation replied on December 3, 1918, as follows, page 22:

"'In response I allow myself to make known to your excellency that it is not permitted, neither to me nor to any member of the delegation, to make propositions which are not in accordance with the will of the Egyptian nation as expressed in the mandates that have been given us. * * * Forbidding our departure makes illusory and inoperative the mission that we have accepted by will of the people. It is difficult to conciliate this situation with the principles of liberty and justice which the victory of Great Britain and her allies is supposed to have caused to triumph. This victory has repeatedly been declared to be for the purpose of opening a new era for mankind through listening and granting the just demands of peoples.'

"In a letter of protest to Premier Lloyd-George against the virtual imprisonment of the Egyptian delegation at Cairo, the president of the delegation wrote (p. 26):

"'You have certainly been misinformed of the circumstances that accompanied our sequestration. We can not imagine how such proceedings can be justified, whether from the point of view of law or social usage, or even of reasonable policy, and we can not understand how the British can apply systematically so humiliating a treatment to a nation with the rich and glorious past of ours. Whatever may be its present weakness, a nation with a civilization so ancient will always preserve before the world its prestige and its title to the gratitude of the world.

"'Deny the civilization of Egypt in spite of traces that attest its glorious past; deny its benefits to the culture of the world; suppose that it is only an agglomeration of savages ruled by the brutality of their instincts and without law—do you refuse to believe that Egypt has been a precious aid to you? The enormous sacrifice that we have made during the war in blood and treasure for the triumph of your cause, were indispensable to you, and moreover you have recognized many times that these sacrifices were one of the principal factors of victory in the Orient.

"'* * * Even were you to suppose that Egypt had no civilization and that Egypt gave you no aid, would you none the less refuse to apply to her the principles which you have agreed with President Wilson to apply—impartial justice on every side of settlement no matter whose interest is crossed, and not only impartial justice but also the satisfaction of several peoples whose fortunes are dealt with?'

"Egyptian case stated as follows in a letter from Egyptian delegation to president of peace conference (p. 88):

"'For more than five months the British authorities refused to allow our delegation to leave for Europe. Public opinion, realizing that a peace conference had assembled and was taking up the problems of the Near East, and preparing a treaty to present to Germany, became aroused. The Egyptians insisted that the authorization for our departure be granted. Standing by the people, the cabinet presented its resignation, which was accepted. The answer of the British military authorities to the official request of the Egyptian Government was to order the arrest and deportation to Malta of the president of the delegation and of three of his colleagues. They were taken suddenly from their homes and hurried away under cover of night. There was no trial, and they were not informed of the reasons for their arrest and deportation. When they learned of this act of violence, totally contrary to the law, there were peaceful demonstrations throughout the country, in which all classes took part. Government officials and the personnel of railways and other transportation service, decided to strike. The English thus saw that in the entire territory of Egypt the people of all classes, irrespective of religion, were against their domination, nevertheless they persisted in their wish to govern by force of arms the people who did not want them.

"'The manifestations were suppressed by machine guns which mowed down dozens of unfortunate demonstrators. Since the Egyptians had no arms, the order to fire was totally unwarranted. But frightfulness could not stop the Egyptians

from proceeding in their determination to make an effort to obtain their independence. They had firm faith in the principles of President Wilson which had been solemnly accepted by the Entente Allies. They felt that if their delegation could only get to Paris that justice would be accorded to them. So, in spite of the death that awaited them, they advanced in groups in ecstasy, making the sacrifice of their lives to the cause of liberty.

"'Even the women were not spared. Without mentioning those who fell on the field of honor during the national demonstrations, we can cite the case of the leading ladies of Cairo who organized under the leadership of the wife of the prime minister, a demonstration to protest to the diplomatic agencies against the murder of innocent and unarmed citizens in the streets of Cairo. Suddenly they were surrounded on all sides by soldiers who pointed their guns at them. This inspired one of the Egyptian women to say "Make of me if you will a second Miss Cavell." They were kept for more than two hours in the burning sun. In proof of this statement, we refer to the testimony of the agencies of the United States and Italy.

"'The British authorities in Egypt were as much disturbed as provoked by the extent of the movement and astonished at their powerlessness to stop it. It was then that the spirit of vengeance got the better of them, and they then allowed themselves to indulge in the most disgraceful excesses. No longer content to stop the demonstrations by means of rifles and machine guns, they were guilty in several places of rape, of assassination of peaceful villagers, of pillage, of arson—all with the most trifling pretext or even without pretext. No longer was it a question of individual abuses committed by stray soldiers such as those of which the minister of justice and the president of the legislative assembly had been victims—no longer was it a question of blows and thefts in the streets of Alexandria and Cairo, attacks began to be made by strong military attachments under the command of their officers in villages as well as cities."

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BRITISH VIEWS ON THE EGYPTIAN QUESTION.

"Sir Thomas Barclay, vice president of the Institute of International Law, says in his book, 'New Methods of Adjusting International disputes and the Future':

"'Turning to another aspect of international matters, it is deeply to be regretted that in several instances in our own time international treaties have not been regarded by public opinion with the same respect as international awards. The attitude of England toward Egypt, of Italy toward Turkey, of Russia toward Persia, of France toward Morocco, and especially of Germany toward Belgium, all are instances of eventual bad faith, however justifiable the original intervention may have been in the one case or unjustifiable in the other. They are additional evidence of the difficulty of preserving the peace of the world even by the most solemn of international undertakings.'"

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[Excerpts from an article by the Right Hon. J. M. Robertson, former member of the British Cabinet, in the Contemporary Review of May, 1919, under the title of "The problem of Egypt":

"A rebellion in Egypt in 1919 has set all men elsewhere asking the question, Why? In 1914 a rebellion was planned for by the German enemy; how thoroughly the world has not yet been informed. Had it broken out, the causation would have been sufficiently obvious, apart from any known native discontent. But that rebellion should have been averted then and should blaze forth now, when the leagued enemies of the British Empire are prostrate in defeat, signifies a new causation. What is it?

"Some have put the hypothesis that Egyptian Moslems are alarmed by the prospect of Jewish domination in Palestine. But even if there were not express testimony that the Zionist leaders have maintained thoroughly friendly relations with those of the Arabs, such an explanation would be plainly inadequate. Moslem feeling in Egypt about Palestine could at most aggravate other grounds of resentment; it could not motive a rebellion in which the Moslems of Palestine have no share. Such a rising, exhibiting no signs of direction from without, must be held to signify grievances within Egypt; and new and special grievances at that. The disorders reported from Cairo on April 14 appear to involve riots directed against the Armenians and Greeks; and it may be that the presence of a number of Armenian refugees has helped to foment fanaticism. But these attacks, as described, have the appearance of being a sequel to the previous insurrection rather than a key to its causation. Normally, the Moslems in Egypt live on perfectly good terms with the numerous Greeks; fanaticism being in fact not a normal factor in the life of the Egyptian mass. And the remarkable statement made by Miss M. E. Durham, in the Daily News of April 2, would seem to yield the explanation. Thus it runs:

"'I was in Egypt from November, 1915, to April, 1916, and can confirm Dr. Haden Guest in his statement that it is to our own treatment of the Egyptians that we owe the present trouble. The authorities were certainly to blame in landing colonial troops in Egypt without carefully instructing them as to the population they would meet there. So ignorant were numbers of these men that they imagined that Egypt was English, and the natives of the land were intruders.

"'More than one Australian said that he would clear the lot out if he had his way. They treated the natives with cruelty and contempt. In the canteen in which I worked a very good native servant was kicked and knocked about simply because he did not understand an order given him by a soldier. An educated native in the town was struck in the mouth and had his inlaid walking stick forcibly snatched from him by a soldier who wanted it. More than one English resident said to me: "It will take years to undo the harm that has been done here by the army." Personally I felt that were I an Egyptian I should have spared no effort to evict the British. I felt ashamed of my country—bitterly ashamed. The opinion of the native for the soldier was amusingly illustrated by a small conversation book, one phrase of which was to the effect: "You fool; what for you spend all your money on beer?" and a dialogue with a beggar which ended: "I am poor; I am miserable," to which the Briton replied: "Go to hell."

"'I spoke with great severity frequently to the soldiers, telling them that by their conduct they were proving themselves the enemies of England; that the Germans maltreated the enemy, but that they were attacking their own side and would make enemies. This surprised them very much. They were absolutely ignorant of the situation.

"'To make matters worse, for the first few days after the troops arrived in quantities, the drink shops were all open all day, and the unlovely results filled the natives with disgust and contempt. It was reported, I do not know with what truth, that drunken men had snatched the veils from Moslem women. The tale was believed by the natives.

"'Small wonder if they hate and dread us.'

"It is probably necessary to impress upon many people in this country that the insolent outrage such as that described, inflicted upon people in their own country by a dominant alien race, is about as maddening to the indigenous population as Englishmen found many of the tales of German brutality to British prisoners and subject Belgians during the war. The blood boils in Egypt perhaps more easily than in England. And if any of our people continue to argue, as many of them did a dozen or more years ago, that Egyptians ought to be too thankful for our beneficent rule to feel rebelliously about individual grievances, it will be more necessary than ever to point out that such reasoning tells only of an incurable moral blindness. Old chronicles are full of rebellion arising out of individual outrages; and a nation collectively grateful to an alien race for ruling it is not among the portents of history.

"How government has gone in Egypt during the war it was practically impossible for us at home to know. It was no time for discussing reforms; and military rule had to prevail there at least as much as here. But when the world is intent upon a peace settlement which is to remedy as far as may be all the grievances of subjected peoples, it would be idle to suppose that wild mutiny and stern repression (going to the length of bombing open villages) can go on in Egypt without comment or criticism from our allies, to say nothing of our late enemies.

"If Egypt were under any rule but British, British critics in general would hold it a matter of course that such a mutiny as has recently been quelled there must signify some kind of misgovernment. The fact that we can quell a mutiny by bombing, from aeroplanes, the open villages of a population which simply can not organize a military resistance, is no proof whatever either of the general badness of the Egyptian cause or the goodness of ours.

"Recollections of the history of Poland might suffice to move thinking men in this country to seek for a policy which shall not merely 'hold down' the Egyptian people now but make it unnecessary to hold them down in future. Whatever the patriots in Parliament and the Northcliffe press may say for the moment, this bombing of open villages and flogging of rioters can not improve our reputation either in Christendom or in the Moslem world; and it will not be permanently possible even for the patriots to keep up a denunciation of Germans for their past bombing of noncombatants here while we bomb noncombatants in Egypt. And there is a painful probability that such episodes will recur unless we make a new departure in Egyptian Government.

"It is presumably well known that the present system is one embodying a few of the forms without any of the realities of self-government. At every stage at which those forms have been adjusted the obvious purpose was to give nothing approaching real power of any kind either to the mass of the people or to Egyptian ministers who nominally administered. For such a policy of emasculation the private defense has always been that neither ministers nor people can be trusted, the former to govern or the latter to control them. It may simplify the discussion to admit that for this plea there is some justification. It would be hard to prove that the majority of the electors in Britain who polled at the last general election are well qualified to vote. They are now showing signs of a change of feeling which could hardly be paralleled in oriental history for quickness and completeness. That being so, it is not to be supposed that the people of Egypt are properly fitted to exercise political power. But that does not alter the fact that in Egypt, as in Europe, the only way in which any population can become fitted to exercise political power is to begin using some degree of political choice.

"Certainly it is important that some amount of education, in the ordinary sense of the term, should precede political enfranchisement—though a franchise long subsisted with a low standard of popular education in our own country. But Englishmen can not long plead lack of education in Egypt as a ground for denying it any measure of real self-government, when it is by the decision of the British control that Egypt remains so largely uneducated. The policy of Lord Cromer in that regard was fatally transparent. Until within a short time of his resignation he refused even the appeal of his British (the controlling) minister of education to spend more than £200,000 a year on the schooling of a nation numbering some twelve millions. The finances of Egypt, he declared, did not admit of an expenditure much in excess of that. When criticism was brought to bear in the British Parliament he quickly discovered that he could spend the £400,000 his minister had asked for; and since his day the expenditure has greatly increased, still without giving Egypt a good system of schools.

"The reforms, such as they are, have been largely the result of native pressure. Egyptians of all classes have long agitated for better and better schools, and in particular for a good modern university. Before the advent of the British control Egypt was to a very considerable extent in a state of educational progress. A study of the catalogue of the Khedival Library in 1906 revealed that quite a large number of scientific and other works had been translated into Arabic, chiefly from the French, in the days of Ismail and his predecessors. Yet when it was urged upon Lord Cromer's Government that science teaching should be introduced into the program of the secondary schools the official answer was that books for the purpose did not exist. As they had existed a generation before, the irresistible conclusion was that the British control had let Egypt retrograde from the level reached under Moslem rule. So reactionary was the influence of the Cromer tradition that only after much pressure was it made possible for students of agriculture in Egypt to secure instruction in their own language. The Cromer tradition was that they must master either French or English for the purpose. Let the reader try to imagine what would be said of a British Government that refused to give instruction in scientific agriculture to farmers' sons save in a foreign language.

"It is perfectly true that Lord Cromer managed Egyptian finances well and economically, in contrast with the extremely bad management of the old régime. Probably no native government could have approached to the efficiency, to say nothing of the rectitude, of the British control in finance. As to all that there is no dispute; but it savors almost of burlesque to argue that the duty of the British control toward Egypt was fulfilled when Egypt was made to pay full interest on all its debts and meet the whole costs, civil and military, of the British administration. For generations past it has been an axiom in our politics that it is the business of governments to look to the moral welfare of the nation as well as to its finance, and it is upon their contributions to that welfare that political parties now mainly found their claims to support. The very backwardness of Egypt was a ground for special measures to promote her moral progress. To make the defense of British rule consist in having regulated her finances and increased her productivity while leaving her more backward than ever in the elements of qualification for self-government was to discredit the cause that was defended. The obvious answer of every impartial foreigner to such a plea would be: 'You claim credit and gratitude for having secured the safe payment of your own bondholders, in whose interest you originally entered Egypt. Orderly government was essential to that. To earn credit and gratitude you must do a good deal more. You must raise the levels of life for the people of Egypt as you confessedly seek to raise them for your people at home. And you must know—what nation can know better?—that a people declared unfit to manage their own affairs are thereby pronounced low in the human scale.'

"It is, to say the least, unfortunate for the British Government that such an outbreak in Egypt should follow immediately on the close of the World War, when 'self-determination for subject races' passes for a principle with the peace conference. Had those responsible for the control of Egypt in the past sought to fulfill our old pledges with more of good will and good faith, we might have escaped this unpleasant emergency, though it will doubtless be argued that Lord Morley's progressive measures in India did not avert sedition there in 1914 and later. But the conclusion come to by responsible inquirers as regards India is obviously still more compulsive as regards Egypt. Our duty to prepare that country for self-government has been again and again officially avowed from the time of our first entrance; and those who think we can forever go on simply repressing discontent and maintaining the status quo are plainly unteachable by events. If the British control does not get newly into touch with intelligent native opinion, the situation will infallibly go from bad to worse, and this in the eyes of a world newly critical of 'imperialism.' That long-vaunted ideal has somewhat rapidly become a term of censure for whole nations.

"We shall be faced, as a matter of course, with the regulation formula that there can be no talk of concessions to a people who have been recently in rebellion. The Russian bureaucracy used to talk in that fashion, and we have seen the outcome. If those responsible for British rule in Egypt have in any degree learned the lesson, they will as soon as possible set about securing native support by taking natives into council; by giving room for real initiative to the nominal Egyptian ministers, who must know a good deal more about Egypt than do more than a few of the British bureaucracy there, civil or military; and by giving some reality to the form of self-government which thus far has been allowed to count for next to nothing in Egyptian politics. Before the war there were chronic and bitter complaints about the disregard of native wishes, as expressed by the elected representatives, in regard to matters of administration nearly concerning Egyptian welfare. During the war there, as here, must have been the possible minimum of consultation of the people. Perhaps what has happened in the English by-elections within the last month or two may suffice to suggest to the British Government that the sooner it resumes touch with public opinion everywhere the better it will be for national stability, to say nothing of the stability of the ministry. Egyptian mutiny is only the nonconstitutional version of the dissatisfaction that expresses itself in elections in the constitutional country. And, to put the case at its lowest, the safe course is to set about making Egypt constitutional.

"J. M. ROBERTSON."

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"Capt. Wedgwood Benn, in the House of Commons on May 15, initiated a debate on the state of affairs in Egypt. Among other things, he said:

"'It was not too much to say that the reason for the calmness in Egypt, even when the Turks were successful and had overrun the Sinai Peninsula, was that the Egyptians trusted that the assistance they had rendered to the Empire in the war would not be permitted to interfere with the satisfaction of their legitimate aspirations. * * *

"'The peace that had reigned in 1914, because there was trust, was converted by somebody in 1919, when there was disappointment, into a national insurrection. * * * The unrest among that large, busy, and influential class of people was caused by the fact that changes were in the air and nobody had been consulted. The underlying cause was that the status of Egypt had been altered.'

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"Mr. Spoor (Bishop Auckland) said in the House of Commons on the same day:

"'The situation in Egypt appeared to have been aggravated enormously because Egypt was under military control, and military control of a very short-sighted kind. The methods of governing Egypt had become more and more military; and in regard to the censorship of information which was allowed to be sent from that country, it was interesting to note that the Times asserted ever since 1914 it had been the most inept and most savagely ruthless censorship in any country under British control.

"'There were facts which could be thoroughly well authenticated of atrocities of the most extreme kind that had

been committed with the full sanction of our own military authorities. * * * The allegation (of atrocities) had become so general, not only in this country but throughout Europe, that it was high time an inquiry was held.'

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FRENCH VIEWS.

[Speech of M. Goude, of the French Chamber of Deputies, at the sitting of Sept. 4, 1919. Translated from Le Journal Officiel.]

"M. Goude: In his speech of yesterday M. Franklin-Boullon said that under the appearance of 'no compromise' M. Clemenceau had surrendered on every point.

"I will try to show that the president of the council (prime minister) at any rate adopted these tactics when it came to settling a question that he understands thoroughly, a question often discussed from this tribune and upon which the prime minister has often spoken.

"Article 147 of the treaty submitted to us for ratification says:

"'Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on the 18th of December, 1914.'

"This means that Egypt is placed under the protectorate of England without this agreement having ever been ratified by Parliament. Neither in the treaty of peace nor in the report of M. Maurice Long has one dared to directly approach this question: it is well known that it is a thorny one and that it is absolutely contrary to all the principles laid down by the Entente Governments during the course of the war.

"It is known that at the present moment—in spite of their appeals to all the parliaments and all the politicians of the Entente—a people are being placed under the domination of another people. This is being done in an underhand way. We are not asked at first—we the French Chamber—to ratify an agreement recognizing the protectorate declared by England over Egypt in 1914, but we are told: 'We are compelling Germany to recognize the protectorate proclaimed by England over Egypt.'

"The question is brought up, I repeat, in an underhand way, because it is known that if the sole question of the English protectorate in Egypt was brought before Parliament a great debate would spring up, and I am convinced that if this question was the only one under discussion before you such a project of the treaty would never be approved. I therefore wish to know and I ask for what reasons the French Government thinks it right to place under English domination the Egyptian people, who protest with all their might and all their energy, as I will show.

"Is it not well known that Egypt has always shown its determination to be independent? Is it not well known that it is worthy of this independence?

The prime minister himself has vigorously defended the dignity of Egypt. He knows, as we do, that the production of Egypt supports its 16,000,000 of inhabitants, including Egyptians and Soudanese; that almost all the landed property belongs to Egyptians; that its farms are cultivated by native-born subjects to the exclusion of all others; that this country had in 1913 a foreign commerce amounting in value to 12,000.000,000 francs (about $2,400,000,000); that the national budget of Egypt is 800,000,000 francs (about $160,000,000); that intellectual Egyptians cultivate French traditions; that there exists in this country boys' and girls' colleges in large numbers, as well as different high schools, where the French language is exclusively employed, without forgetting the celebrated law school.

"Fifty years ago the Khedive could declare:

"'My country is no longer in Africa. It is a part of Europe.'

"Thirty years or so ago, the prime minister, rising in this tribune to defend Egyptian independence as I defend it to-day, declared:

"'I do not desire to enter into ethnographic consideration as regards the Egyptian race—this is not the place for it—but it is certain that this race, of which we see some remarkable specimens amongst us, in our schools, is a calm and docile race—too docile, it may be said at certain moments—susceptible of culture and application, an industrious race of which surely one has every reason to expect much. No one can stand up in this tribune, no one will come into this Parliament of the Republic to say that these men are incapable of freeing themselves and that we owe no other duty to them, except to govern them with a courbash and a cudgel.'

"['Hear! Hear!' at the extreme left.]

"Thirty-two years ago the prime minister made these declarations. Since then, as we know, European civilization has been spreading itself more and more in Egypt, which ardently desires to Europeanize its civilization, which is modifying its political structure, which has extended the suffrage to all citizens, who have attained their twentieth year—a reform that certain European nations might well envy.

"It must be remembered that at the moment of the declaration of war, on the 2d of August, 1914, Egypt was independent under the sole suzerainty of the Sultan of Turkey. This suzerainty, approved in 1840 by the European powers, consisted in the payment each year by Egypt of a tribute of 15,000,000 francs to the Sultan—and that was all. Having done this, it had an absolute right recognized by the European powers, to manage its own affairs according to its fancy and to have its own constitution. I know well that little by little England, by the force of her armies, had got hold of Egyptian institutions, that the members of the Government were hardly anything more than English officials, and that the President of the Legislative Assembly is appointed by the Government. But this was putting into practice the formula against which we are all struggling: 'Might is right.' England had no precise and express right in Egypt. The most famous English politicians, the heads of the Government, have said so on several occasions, as, for instance, Gladstone, who in the House of Commons as far back as the 23d of June, 1884, stated:

"'We pledge ourselves not to prolong our military occupation in Egypt beyond the 1st of January, 1888.'

"It is the same prime minister who said, on the 18th of September, 1885:

"'England ought to withdraw from Egypt as soon as British honor will permit of it. We will never admit that there can be any question of annexation, of a protectorate, or even of an indefinite prolongation of the English occupation, and we repudiate all idea of any compensation whatsoever for the efforts and sacrifices that we have made up to this day. English policy is founded on an error, and what is best to be done in a matter like this is promptly to put an end to such an intervention.'

"It is Lord Salisbury who said on the 10th of June, 1887, in the House of Lords:

"'Her Majesty's Government, by virtue of its previous engagements and of the rules of international law, does not think that it can place Egypt under a protectorate. Its rule should be limited to coming to an understanding with the Porte to defend the interests of the Khedive against political calamities and to main the statu quo in the valley of the Nile.'

"There has been a large number of the declarations, but to shorten matters I will only quote the one made by Lord Salisbury in the House of Lords on the 12th of August, 1889:

"'We can not proclaim our protectorate over Egypt nor our intention to occupy it effectively and perpetually; this would amount to breaking the international pledges signed by England.'

"Such was the state of the question during the occupation. In the agreement called the 'entente cordiale,' concluded in 1904 between France and England, article 1 begins as follows:

"'The Government of His Britannic Majesty declares that it has not the intention to change the political state of Egypt.'

"In the course of the discussion of the Fashoda affair, when England asked me to withdraw, it was not because the Sudan belonged or could belong to England; it was because of England's declaration that it was Egyptian territory. England has, then, clearly recognized on every occasion the independence of Egypt.

"Has the country, which was independent under the sole suzerainty of the Sultan and under the conditions that I have precisely indicated, become less deserving of our consideration during the war? Is there any reason for modifying, by lowering it, the political status of Egypt?

"You know that Egypt came at once and took her stand with the Allies. It must not be forgotten that the silver thread to which I referred a moment ago still bound it to Turkey.

"Before Turkey declared war Egypt placed itself at the disposal of England—of the English consul general—by saying:

"'If you will promise us our complete independence, if the English armies undertake to quit our country after the war, we will place our financial resources, our provisions, our arms, and our sons, all, in fact, that we possess, at your entire disposal; we are ready to go with you to the Continent to defend the interests of the Allies.'

"To the offer thus made at this moment England replied by a downright refusal.

"Later the situation got worse. Turkey, who was suzerain over Egypt, went to war against the Allies. Egypt renewed its offer in the same way. The Sultan, be it noted, had proclaimed a holy war. Do not forget that Egypt is a Mussulman country, but a country of semi-European civilization, where a very lively sympathy for Europe exists. In spite of the powerful effect that

the proclamation of the holy war might have on the peasant masses, who are profoundly Mussulman in sentiment, Egypt, attracted by European culture, came to us and said once more: 'Insure us our independence after the war and we are with you, body and soul.'

"We have made use of Egypt; it is the Egyptian artillery which checked the impetus of the German-Turkish armies in February, 1915, when these armies tried to seize the Suez Canal and to cut our communications. Egypt put its cotton at the disposal of Europe. Later on, in face of the necessity of growing wheat, it abandoned the profitable production of cotton in order to cultivate wheat, and it put all its provisions at the disposal of the army of Salonica, which it victualed to a great extent.

"With a population of 13,000,000 of inhabitants it has placed 1,200,000 workers at the disposal of the Entente—a figure recognized as exact by the English.

"All this Egypt has done for the Entente. Have we now the right as a recompense for these services to violate the very principles that everyone here invokes, the principles which have been laid down with precision by President Wilson, when, for instance, he said, 'Peoples ought not be passed on from one sovereignty to another by an international conference or an arrangement between rivals and adversaries.' ['Hear, hear,' from several benches of the extreme left.] The national aspirations ought to be respected. The peoples ought to-day be governed by their own consent.

"Is it not there, besides an international interest, that Egypt shall not be placed under the domination of a European power? I have here under my eyes a short extract from a speech of M. de Freycinet, then prime minister, who on the 27th of November, 1886, summed up admirably the Egyptian question by saying:

"'Egypt is a sort of crossing for the Old World. It is a junction between Europe, Asia, and Africa. It is a highway which permits of the penetration of the Far East possessions. Besides, he who is master of Egypt is master to a great extent of the Mediterranean. It is certain that if a great power installed itself definitely in Egypt this would be a very heavy blow to French influence in the Mediterranean in such a manner that, in my estimation, France ought never reconcile herself to the idea that Egypt could definitely fall into the hands of a European power.' ['Hear, hear,' from the extreme left.]

"This is an undoubted fact. And the question ought not to be examined merely from a material standpoint, but also from a moral point of view. This Mussulman country into which European civilization penetrates little by little is being driven by us into a corner where violence is its only recourse. This is henceforth its only political issue. We could, however, have made of Egypt a point of contact between eastern and western civilization. ['Hear, hear,' from the extreme left.] This is exactly what we are not doing.

"Not only will this country, which came of its own accord to the Entente, receive no compensation, but by virtue of the treaty of peace its bounds will be tightened and its chains made heavier.

"* * * in this Chamber, which during such a long time and so very justly complained of the Bismarckian policy, which had left in the side of France the painful scar of Alsace-Lorraine, it is my desire to declare that it is helping to create at this moment another Alsace-Lorraine.

"'M. JEAN LONGUET. Ten Alsace-Lorraines.'

"'M. GOUDE. Certainly, many Alsace-Lorraines; but this one is particularly characteristic. * * *'

"Egypt, which during the whole of the war and in order to insure the victory of the Allies, has endured without complaining the yoke of English militarism, which has borne with all the measures of censure, with all the house searches, trial sentences, etc.

"'M. JEAN LONGUET. With the atrocities!

"'M. GOUDE. Atrocities. Yes: that is the word. Egypt will have no more of that now. It is in full open revolt. You are aware that the president of the Egyptian Council (Egyptian prime minister), who, however, is a nominee of the English and in a certain sense an English official, found the Egyptian people so unanimous against this domination and the protectorate that he resigned. You know that the officials who are specially under English authority, seeing that their written protests were distorted, went out on a general strike in order to emphasize their vote of independence. You are aware that the workingmen are on strike; that revolts have taken place in the streets, in which all classes and creeds have been united by a common determination to win independence; that crowds have been fired upon; that there have been massacres; and that condemnations have been pronounced.'

"Here we have a university professor—a fellow—condemned to penal servitude for life for having made a speech in favor of independence. Here, again—to mention one case amongst many others—we have Ibrahim Chalami sent to the gallows for having cried out at the head of a demonstration, 'Liberty, equality, fraternity.'

"'M. BARTHE. They condemn even those who cry "Long live France."

"'M. GOUDE. There are thousands of examples of this kind. To maintain its protectorate, England has at present 150,000 soldiers; she is obliged to keep soldiers in every village, because amongst university men, notables, commercial men, fellaheen, no one will accept this domination at any price and everyone demands independence. Thrilling appeals have been addressed to President Wilson, M. Clemenceau, to the chairman of our peace commission, to the Italian, American, and English Parliaments.'

"'M. JEAN LONGUET. They are all deaf.'

"'M. GOUDE. But at all times and everywhere everybody remains deaf except, however, the American Senate, the commission of which has proclaimed that Egypt ought to be as independent of English diplomacy as of Turkish diplomacy, and that it must be left master of its own destinies.'

"'Monsieur le President of the Council,' said the orator addressing M. Clemenceau, 'not only have you abandoned Egypt that you know personally, since, I repeat to you, you have spoken very hard words against our friends, the English, from this very tribune when this question was under discussion, but, what is graver still—what seems to me monstrous—is that a peace conference brought together to settle the question of the entire world has, upon the orders of the English Government, refused to hear the Egyptian delegation, composed, as you well know, of the president of the Chamber of Deputies of that country, of members of Parliament, of representatives of the intellectual classes, and of Egyptian notables. And by refusing to hear them you have precipitated Egypt into the only path left open to it—the path of violence!

"I ask you, M. the president of the council, how can Egypt otherwise get out of the situation in which you have placed it? Yes; by your attitude and your decisions you have decreed for that country violence and revolution.

"You said of Egypt that its inhabitants were pacific and docile—too docile, perhaps. A heap of iniquities have indeed been necessary to provoke the revolt of such a peaceable race.

"How is it possible to better such a situation? Is there any means of doing so? To whom should the Egyptian national representatives apply? They already have tried all the means at their disposal.

"The vice president of the Chamber of Deputies and several of his colleagues have been imprisoned simply because they wanted to come to Europe to be heard by a delegation of the peace conference. And never at any single moment has this conference been willing to listen to them.

"More than that, the Egyptian Army has been utilized during the war to occupy Hedjaz. The Egyptian armies have been equally employed to occupy Soudan and put a stop to the German maneuvers. To-day at the conference of the peace, the King of Hedjaz is received—a King entirely of English manufacture created in order that England might have an additional vote. And this King, who has just come into existence, who represents a country inhabited exclusively by nomadic tribes—this King has been given the right to sign a treaty in which a protectorate has been imposed on the neighboring Egyptian people.

"To this point have you gone in your injustices toward Egypt, and yet, M. le president of the council, when you delivered the speech that I have recalled—on the question of Egypt and the Anglo-French relations—you concluded by saying: 'Assuredly if the end of the Anglo-French alliance such as it has been depicted to us and such as it would be applied in practice was to organize with our aid the slavery of the Egyptian people and to reduce them to the position of an inferior race, I would repudiate it with the greatest energy, and I would say to our pretended allies—to our accomplices, I should call them—that I refund my share of responsibility in such a reprehensible undertaking.'

"Thirty years ago you expressed yourself in this manner. Since then Egypt has progressed; it has come closer and closer to European civilization. And you want to-day to make us share the responsibility for the crime committed against Egypt in the peace treaty. For my part, I will not lend myself to it. Besides, I am certain that the English people repudiating English bourgeois traditions [applause on some benches of the extreme left] and united with the French people, will soon redress the injustice and the crime that you are committing by once more enslaving Egypt. [Applause at extreme left.]"

AMERICAN VIEWS.

"President Wilson, in his great address at Mount Vernon, the home of Washington, on July 4, 1918, said:

"'There can be but one issue. The settlement must be final. There can be no compromise. No half-way decision would be tolerable. No half-way decision is conceivable. These are the ends for which the associated peoples of the world are fighting, and which must be conceded them before there can be peace. * * * The settlement of every question, *whether of territory or sovereignty* or economic arrangement or of political relationship upon *the basis of the free acceptance of that settlement by the people immediately concerned and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own influence or mastery.* * * * What we seek is the reign of law based upon the *consent* of the governed and sustained by the organized opinion of mankind.' [Italics ours.]

"Shall Egypt, without the consent of the Egyptians, be turned over to England for the sake of England's influence or mastery?

"In the 14 points advanced by President Wilson we find the following pertinent and applicable provisions:

"'Point 14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of *political independence and territorial integrity to great and small States alike.*' [Italics ours.]

"This principle applied to Egypt would lead to a conclusion directly opposite to the indorsement of the British seizure of Egypt and destruction of Egypt's independence.

"Applying the principle of the seventh point to Egypt and only substituting the word 'Egypt' for 'Belgium,' the seventh point would read:

"'Egypt, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the *whole structure and validity of international law is forever impaired.*' [Italics ours.]"

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THE QUESTION OF EGYPT.

[From the Washington Post, Thursday, Oct. 16, 1919.]

"The question of Egypt's status is brought to the front by Senator OWEN's proposed reservation—interpretative resolution—to the peace treaty. The fact that this reservation—resolution—is offered by a Democrat, a strong supporter of the President, increases the weight of the objections which are finding voice in the United States against the snuffing out of the principle of self-determination of well-defined nationalities. President Wilson gained the support of liberty-loving men throughout the world when he set forth that principle and announced that it would be made effective at Paris. In so far as the conference adhered to this principle its work was good and permanent, and wherever the principle was violated there have been disorders and threats of war.

"Senator OWEN's proposed reservation (resolution), provides that the British protectorate over Egypt shall be recognized as merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed to mean recognition by the United States of British sovereignty over the Egyptian people.

"The story of British ascendancy over Egypt, now apparently to culminate in the extinction of self-government, is comparatively brief. The first occupation by British troops was in 1882 and the ostensible object was to suppress a rebellion against the Khedive. The occupation was to be only temporary, according to Premier Gladstone. He declared that England had given 'specific and solemn pledges to the world' that it would not annex Egypt, and he added that these pledges had earned for England the confidence of Europe. Evidently there was no intention at that time to absorb Egypt. Yet the troops were not withdrawn, and have never been withdrawn, notwithstanding the persistent efforts of the Egyptian people to recover the practical independence they had enjoyed.

"After the World War began the British Government removed the Khedive and appointed another, as a war measure, and announced that Egypt was placed under a British protectorate. The Egyptian people might have been alarmed by this had not King George himself sent a letter to the Egyptians, telling them that the change was but a step toward the complete independence of the people, and that the protectorate would endure only during the war period. This reassurance was satisfactory, and the Egyptians joined the Allies heartily, furnishing troops and large numbers of laborers who built the railroads, pipe lines, and other military works in Palestine and elsewhere.

"When the armistice was signed the Egyptians believed the day of their national independence to be at hand. They sent a commission to Paris to attend the peace conference and to arrange for recognition of the independence of Egypt. But the leaders of this commission were seized by British officers and deported to Malta, where they were placed in a German prison camp.

"From that hour there has been a smoldering volcano of revolt in Egypt. The people have had several serious clashes with British soldiers in which machine guns have quelled popular uprisings. In the meantime Great Britain has obtained from President Wilson a conditional recognition of the protectorate over Egypt, and in the peace treaty is a clause requiring Germany to recognize the protectorate.

"The intentions of Great Britain toward Egypt are somewhat confused in the minds of other Governments on account of conflicting statements issued by British authority. When the Egyptian question was before the Senate Committee on Foreign Relations on September 2, the British Embassy here made public a statement declaring that 'the British Government has carefully avoided destroying Egyptian sovereignty,' and that the British flag in Egypt covered only British military establishments. But the British foreign office a few days later announced that Great Britain had succeeded to the sovereignty of Turkey over Egypt and had acquired Egypt as spoils of war, apparently discarding the pledge of King George and developing a new policy of permanent control over Egypt.

"It may be that unfortunately worded or unauthorized statements by British officials are at the bottom of the public confusion. In that case a clear reaffirmation of Britain's intention to relinquish the protectorate and restore Egypt to its people as soon as the peace treaty is ratified would remove all apprehension. In the meantime, taking the treaty as it finds it, the Senate will doubtless adopt a reservation on the lines suggested by Senator OWEN, for it is quite evident that the United States can not consistently subscribe to a general principle of self-determination and independence of nations and yet concur in the involuntary absorption of Egypt by Great Britain."

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EGYPTIAN BETRAYAL THE MOST HEINOUS OF THE REACTIONIST WRONGS.

[By George H. Shibley.]

"The case of the people of Egypt is a betrayal the most heinous of the reactionist wrongs.

"On December 21, 1914, five months after the opening of the war, the British Liberal Government, after deposing the Egyptian Khedive and placing in office a Sultan of their own choosing, spoke as follows to the people of Egypt in the name of the King of England:

"'I feel convinced that you [the new Sultan] will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt * * *.' (London Times.)

"And yet the so-called peace conference of the allied coalition governments *has actually refused to the 13,000,000 Egyptians their independence under the protection of the league of nations, and the British Reactionist Government has shot down hundreds of the Egyptians who had the manhood to assert their lawfully established rights, won in part of the lives and the sacrifices of we Americans!*

—

EGYPT'S SOVEREIGNTY VIOLATED.

[By Herbert Adams Gibbons, sometime fellow of Princeton University, author of the New Map of Europe, the New Map of Asia, the New Map of Africa, etc.]

"The 'interpretative resolutions' presented by Senator OWEN in the Senate on Tuesday greatly encourage liberal thinkers, who are dissatisfied with the treaty at Versailles not for party or internal but for international reasons. Senator OWEN is a Democrat and a loyal supporter of the administration. He makes it clear that he intends to vote for ratifying the treaty without amendment or reservation. But he feels that the Senate, while unqualifiedly accepting the document from a technical point of view, should not fail to let the world know how the United States stands in regard to many of its provisions.

"Senator OWEN wants the United States to start to work immediately for a change in the league covenant that will give freedom to subject States capable of self-government. Senator OWEN mentions specifically a great wrong done to a sovereign State by the treaty of Versailles.

"'That the protectorate which Germany recognizes in Great Britain over Egypt,' reads the Owen resolution, 'is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transformed to the Egyptian people

and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any right of self-government.'

"This resolution is apt to displease British public opinion, and Senator OWEN may be accused of indulging in the old sport of twisting the lion's tail. But the accusation is unfounded. If we allowed our natural sentiments of affection for our kinsmen overseas to keep us silent at this time, we should find them getting away with a lot of booty—and ourselves unconsciously or unthinkingly giving sanction to high-handed and unjustified acts of oppression and international robbery. We can not be too strong in our condemnation, for instance, of the Anglo-Persian treaty, concluded secretly by intimidation and bribery at the very moment we are asked to give our cooperation to a society of nations which Persia is invited to join.

"The case of Egypt stands out with remarkable clearness. It is one of the few moot questions of the treaty of Versailles which has not two sides. The British protectorate over Egypt is an illegal action, not only violating the sovereignty of Egypt, but also the promises officially made by generations of British statesmen. No denial of this fact is possible. Open any history or go to British official correspondence published by the British foreign office and you will read the repeated assurances given to the Egyptians and to the other powers that Great Britain did not intend to stay in Egypt and would not establish a protectorate over Egypt.

"The excuse for not hearing the representatives of Egypt at the peace conference was that the question of Egypt did not come within the scope of the conference. If this were valid, why did the treaty of Versailles mention Egypt? And what right had the powers to deal with Egyptian questions at all? But Egypt did enter within the scope of the conference, because it was a country whose status had been changed by the war and during the war. Technically, as well as morally, the Egyptians had as much right to participation in the conference as the Arabs of the Hedjaz, and more right to independence, for Egypt was only nominally under the suzerainty of Turkey. By her declaration of war against Turkey, the bond of vassalage was broken. Ipso facto Egypt was independent.

"But the British, who were occupying the country, proclaimed—without taking into their confidence the Egyptian legislative assembly or asking the consent of the Egyptian people—their protectorate over Egypt. In war what is expedient is justifiable. Although formally protesting against this violation of pledges given and reiterated, the Egyptians cooperated loyally with the British throughout the war, waiting for the peace conference to decide upon the legality of British action. The prime minister, who consented to serve the new régime and who continued in office throughout the war, told me when I was in Cairo in 1916 that he was simply waiting until the end of the war to hold the British to their promises. After the armistice Rushdi Pasha asked to be allowed to go to London to take up the matter of the status of Egypt with the British. Permission was refused. A rigorous censorship was maintained. The Egyptians were held prisoners in their own country.

"Rushdi Pasha and the entire cabinet resigned. A period of military dictatorship began. When the elected representatives of the Egyptian people asked for passports to proceed to Paris, the British suddenly arrested without warrant or warning the president of the delegation and three of its leaders and deported them to Malta. This led to the insurrection put down by machine guns and burning of villages. The British used the means of suppressing what they called 'rebellion' which the world roundly condemned the Germans for in Belgium. Finally, force of Egyptian public opinion compelled the release of the delegates and the granting of passports for Paris. But the Egyptian delegation, after its arrival in Paris, was never heard by the conference. The stipulation compelling Germany to recognize the British protectorate was inserted in the treaty of Versailles in defiance of the basic principle President Wilson had declared would be followed in making peace. A whole nation was robbed of its sovereignty and its international status changed against its will and, without having been heard, Egypt was Shantung over again.

"I would not have my readers think that I am writing without knowledge of the facts. A White Book has just been published by the Egyptian delegation, which contains documents setting forth the history of the past year. The British foreign office does not deny the authenticity of these documents. As for the men deported to Malta, I know them personally. No foreigner, even a Britisher, who knows Egypt can deny that these men are honorable and capable and that they represent the Egyptian people. The president of the delegation, Zaghoul Pasha, is one of the best loved men in Egypt, a veritable father of his people; Mohammed Mahmoud Pasha, a graduate of Oxford, was formerly governor of the Suez Canal. The other members of the delegation include the Sheik of the Arabs of the Fayoum, the foremost landowners and lawyers in Egypt, and the librarian of the National Library. They are the cream of the Christian element and the Greek Orthodox and Catholic element, as well as the Mohammedan element. The Egyptians are united, irrespective of creed, in their determination not to be bartered from one sovereignty to another like cattle." * * *

NATIONAL PROHIBITION.

Mr. STERLING. Mr. President, apropos of the final passage of the prohibition bill I send to the desk an editorial from the New York Tribune entitled "Cold Water Strikes." This editorial is short, and I ask that it may be read.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"COLD WATER STRIKES.

"The World published on Sunday an article on the steel strike which contains this notable piece of information:

"Making all allowance for the disorders of the past few days, no strike in the steel industry and few strikes of such extent in any other industry have been so free from violence.

"Partly this is because the men have shown an extraordinary inclination to good behavior, which speaks well indeed for their leaders, since the great majority of the men are so new in their union that they have had a chance to know little if anything of the discipline that is instilled into older men.

"More, however, is due to the fact that the prohibition laws are being enforced in the Pittsburgh district. If the men had been able to get liquor there would unquestionably have been a very different story to tell. If they should come to be able to get liquor there still might be a very different story. There is no shadow, even, of disagreement among the authorities as to this, and the authorities immediately in charge of the situation are men who have lived among strikers all their lives.

"To prohibition must be added the Pennsylvania State Constabulary. The combination of alcoholic drought and that splendidly efficient and fearless force is too strong for even twice the number of men now on strike to overcome.

"Our neighbor has not taken kindly to the cold-water régime. But that régime is a soothing factor in times of passion and disturbance. A very large share of the violence accompanying strikes has been due to whisky. The extreme labor leaders are all protesting against the dry era. Most of them possibly realize that a powerful inciter to disorder is mustered out when the saloon is closed. If we must have strikes it will be far better to have them conducted hereafter on a half of 1 per cent basis."

Mr. JONES of Washington. Mr. President, in connection with the editorial just read, I ask that there may be inserted in the RECORD without reading an editorial in the Christian Science Monitor of October 28 under the title of "The President's Veto." I wish to say that I think this editorial states the situation very clearly and very fairly, and with the conclusions of the editorial I am in hearty accord. I think it states the legal situation conclusively.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S VETO.

"It is almost incomprehensible that at a time when the country is faced with perhaps the gravest economic dispute which has engaged attention in the history of the Republic, the President should have vetoed the enforcement bill passed by large majorities through both Houses of Congress, with a view to assisting the officers of the law in carrying out the prohibition act. If there were any doubt as to the temper of the Nation in this matter of prohibition, the President's action might be more easily understood, but the passage of the constitutional amendment was so obviously the will of the people, that it is difficult to see why Mr. Wilson should attempt to stand between the brewers and the enforcement of the law. Mr. Wilson argues that demobilization has taken place, and, therefore, that there is no necessity for enforcement. But the law for war-time prohibition stands upon the statute book, and, unless it is repealed by Congress, will continue to stand there until national prohibition comes into effect.

"It is quite true, as Mr. Wilson says, that when he was in Paris he requested Congress to repeal the war-time prohibition act. Congress, however, which represents the Nation, and which is peculiarly sensitive to the feeling of the Nation, declined to act on his suggestion. The action of the President, therefore, constitutes something in the nature of a challenge to Congress for having declined to accede to his representations. It must not be forgotten, however, that the President is, after all, an indi-

vidual, no matter how distinguished, and no matter how worthy of respect, whereas Congress constitutes all the representatives of the Nation in close touch with the electors from one end of the country to the other, and, consequently, enabled to discover the wishes of the people with a sensitiveness of touch to which the President can scarcely lay a personal claim.

"Now, at this very moment, when Mr. Wilson is appealing to the whole Nation, as against the decision of a class to enter upon the coal strike, it seems a little inconsistent to decide in favor of a class against the manifest wishes of the Nation, as repeatedly decided, by overwhelming votes in Congress and in the country. During the late disturbances, such as those in Boston and elsewhere, the authorities responsible for the preservation of order rejoiced with exceeding gladness over the fact that the closing of the saloons had relieved them of one of the worst dangers that face any Government in days of riot. It was the attempt of the mob in Russia to gain the control of the drink cellars which gave the Bolshevist government the most difficult of its many difficult quarters of an hour; and it is to the credit of Lenin, and the act no doubt reacted immensely to his advantage, that he never hesitated in his uncompromising attitude toward the use of any intoxicants. The troops of the Soviet government were employed in wrecking the cellars of Petrograd and Moscow at the most critical moment, perhaps, in the history of the Bolshevist government, and the determination and thoroughness with which this destruction was carried through was, most unquestionably, largely responsible for the fact that Lenin was able to maintain his control.

"Mr. Wilson, it is true, draws a distinct line between enforcement of war-time prohibition and national prohibition, but, as has been pointed out, war-time prohibition is still the law of the country, and, being the law of the country, its enforcement is a duty. The drink interests have used every argument to prove that the act ought to lapse because the war is at an end; but the war is not at an end, and even if the Senate should agree forthwith to the treaty with Germany, the fact would not be altered that the treaty with Austria would remain to be considered. In these circumstances it is not surprising that the House, which knows exactly the feeling of the country in the matter, should have replied to the President's veto by re-enacting its decision by the necessary two-thirds majority. So that the matter now rests finally with the Senate. When it is to be remembered that the Senate declined the President's request to repeal war-time prohibition by 55 votes to 11, it would seem that there can not be any doubt whatever as to its action on the present occasion. There is not a Senator who is not as aware as any Representative of the earnestness of the Nation in this matter, and the men who by so huge a majority deliberately declined to consider the repeal of war-time prohibition are scarcely likely to be induced to support the veto.

"The only result of supporting this veto would, indeed, be to make the duties of the Department of Justice more arduous in enforcing the act, which would remain law in spite of the veto. There is no doubt that the agencies which are now attempting secretly to evade the law would feel themselves supported in evincing a tolerably open disregard for it if the Senate were to hesitate in its duty. But this would not remove the responsibility of the Department of Justice for the enforcement of the law, and the curious spectacle would be witnessed of the officers of the law endeavoring to enforce a law the means of doing which effectively had been refused them by the President with the support of the Senate. Such an action might enable a certain section of the public to celebrate a 'wet' Christmas, in the enjoyment of 2.75 per cent beer, combined with a more or less surreptitious resort to the large stocks of alcoholic drinks which are still in existence in the country. No doubt certain saloon keepers would feel supported in their determination to break the law, in their belief of the inability of the officers of the law to enforce the law. But this would not redound particularly to the credit of anyone concerned, even though it might be in strict accord with the boast of the liquor interests that they have always defied the law. Indeed, the defiance of the law by the liquor interests, in conjunction with their consistent contributions to the populating of prisons and reformatories, will constitute their chief future claim to historical recognition.

"Such being the facts of the case, it can hardly be doubted that the Senate will show it is at one with the Nation in rejecting the President's veto. And it should certainly do this with the utmost celerity in order that there may be no incitement to or encouragement of the misguided saloon keeper to pit himself against the law in the belief that there is no means of enforcing it."

ADDITIONAL COMPENSATION FOR EX-SOLDIERS.

Mr. FRELINGHUYSEN. Mr. President, I ask permission to have printed in the RECORD certain resolutions of the Board of Commissioners of the City of Long Branch, N. J., urging Congress to grant additional compensation, in the way of Government bonds or otherwise, to the men lately in the armed forces of the United States.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

I, Alonzo D. Sherman, city clerk of the city of Long Branch, do hereby certify that the following resolution was adopted at a regular meeting of the Board of Commissioners of the City of Long Branch held on October 21, 1919, and is part of the records of such meeting as remain on file in the office of the city clerk:

"Whereas it is fitting and proper that the character and spirit of the patriotic services of the soldiers and sailors and marines of the United States in the World War be appropriately recognized and that their financial sacrifices be in a measure, at least, repaid; and

"Whereas the men who made up the armed forces of the United States came from each State of the Union, and therefore their services and sacrifices should be recognized and provided for by the Federal Government in order to assure all a uniform and adequate compensation so far as possible; and

"Whereas many of the men who served their country sustained financial losses which they could not afford and in consequence thereof are now in actual need owing to the high prices of necessities and the facts that they were not able to save anything from their meager pay after insurance cost and allotments were deducted and have not, in many instances, been able to secure regular and remunerative employment; and

"Whereas there is now pending in the Congress of the United States a bill, introduced by Hon. MARVIN JONES, which provides that each man in service shall receive a $50 4 per cent Government bond for each month or major fractional month that he served in such war; and

"Whereas such provision would be more substantial recognition than this or any other State contemplates, and could be given sooner: Now, therefore, be it

"Resolved by the City Commission of the City of Long Branch, N. J., That the Congress of the United States be respectfully requested and urged to enact such bill or one of the other pending measures granting equally liberal compensation into law at the earliest possible moment, and that each United States Senator of this State and the Congressman from this congressional district be earnestly asked to use his best efforts to secure the early enactment of such measure; and be it further

"*Resolved*, That a suitable copy of this resolution, properly attested, be transmitted to the presiding officer of each House of Congress and to the United States Senators from this State and the Representative of this district in the House of Representatives, and that Hon. JOSEPH S. FRELINGHUYSEN, senior Senator from this State, and Hon. THOMAS J. SCULLY, Member of the House of Representatives from this district, be requested to have same read into the CONGRESSIONAL RECORD."

Dated, Long Branch, N. J., October 22, 1919.

[SEAL.] A. D. SHERMAN, *City Clerk.*

REIMBURSEMENT FOR RAILROAD EQUIPMENT.

Mr. CUMMINS. Mr. President, I ask unanimous consent to take up for consideration the bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

Mr. FLETCHER. Can we not dispose of morning business and then take up the bill at the close of the routine business?

Mr. CUMMINS. There is no opportunity to do it save in the morning hour.

Mr. FLETCHER. I know; but the regular order is reports of committees.

Mr. CUMMINS. This is a measure which is exceedingly urgent—it is imperative—but if the Senator from Florida objects, there is no other course.

Mr. FLETCHER. I ask to proceed with the regular order, and after we get through with the routine business the bill can be taken up.

The PRESIDING OFFICER. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 3621) to establish load lines for certain vessels, reported it without amendment and submitted a report (No. 282) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported, reported it without amendment and submitted a report (No. 283) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1275) awarding a medal of honor to George Murphy, late private, United States Marine Corps, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1742) to correct the naval record of Reuben E. Lawrence, submitted an adverse report (No. 281) thereon, which was agreed to, and the bill was postponed indefinitely.

SUSAN F. BURDINE.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 130, submitted by myself on July 22, 1919, I report it back favorably without amendment, and I ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Susan F. Burdine, widow of William T. Burdine, late a private of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

OFFICERS OF THE COAST GUARD.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably with an amendment the bill (S. 3202) granting leave of absence to officers of the Coast Guard, and for other purposes, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was, in line 4, after the words "leave of absence," to insert "without pay," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to grant leave of absence without pay to such officer or officers of the United States Coast Guard as he may deem advisable, and to permit him or them to accept employment with the Venezuelan Government with such compensation and emoluments as may be agreed upon between the Venezuelan Government and such officer or officers thus granted leave of absence.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the letter from the Secretary of State and the letter from the Secretary of the Treasury recommending the passage of the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters referred to are as follows:

DEPARTMENT OF STATE,
Washington, October 28, 1919.

The Hon. H. C. LODGE,
Chairman Committee on Foreign Relations,
United States Senate.

SIR: Referring to your letter of the 18th instant and to Senate bill 3202, granting leave of absence to an officer or officers of the United States Coast Guard, concerning which you request the department's opinion, I have the honor to say that in the interest of good relations between the Government of the United States and the Government of Venezuela I approve of any legislation which will make the granting of leave of absence possible to enable an officer or officers of the United States Coast Guard to accept employment with the Venezuelan Government.

In this relation I have the honor to inclose a copy of a letter from the Secretary of the Treasury dated October 4, 1919, expressing approval of this proposed legislation.

I have the honor to be, sir,
Your obedient servant,

ROBERT LANSING.

Inclosure: Copy of letter from Secretary of Treasury.

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TREASURY DEPARTMENT,
OCTOBER 4, 1919.

The honorable the SECRETARY OF STATE.

SIR: I have the honor to acknowledge the receipt of your letter of September 29, 1919, stating that a request was made by the Venezuelan Government, through the American Legation in Caracas, to obtain the services of an American naval officer as superintendent of construction in the national navy yard and dry dock at Puerto Cabello, Venezuela, and that the application of Captain of Engineers F. E. Fitch, United States Coast Guard, for the position of technical director of this navy yard has been approved by the Government of Venezuela. It is noted that the State Department, desiring to increase American influence in Venezuela at the present time, would be glad to have favorable consideration of Capt. Fitch's application for permission to take the position.

This department, wishing to comply with the request of the Department of State in this matter, is disposed to grant Captain of Engineers Fitch leave of absence for a reasonable period to enable him to perform the duty stated under the Venezuelan Government.

It would appear, in view of the provisions of Article I, section 9, of the Constitution, that it will be necessary to obtain the consent of Congress in order to permit this officer to accept office under the Venezuelan Government. This department will approve legislation suitable to the case.

Respectfully,

CARTER GLASS, *Secretary.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3329) to authorize an advance to the "reclamation fund" for the prompt completion of drainage work on the Rio Grande project (Texas-New Mexico), and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. NELSON:

A bill (S. 3330) granting an increase of pension to John F. Early; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3331) granting the consent of Congress to the Interstate Construction Corporation to construct a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States; to the Committee on Commerce.

By Mr. NEW:

A bill (S. 3348) to create a Department of Air, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States Air Force, creating the United States Air Reserve Force, and providing for the development of civil and commercial aviation; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 3332) granting the consent of Congress to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River, between Windsor Locks and East Windsor, at Warehouse Point, in said county and State; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 3333) granting an increase of pension to Louisa A. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3334) to encourage reciprocity in trade relations; to the Committee on Foreign Relations.

A bill (S. 3335) granting an increase of pension to Capitola V. Harsh (with accompanying papers);

A bill (S. 3336) granting an increase of pension to Melissa E. Longdon (with accompanying papers);

A bill (S. 3337) granting an increase of pension to Jacob W. Robinson (with accompanying papers); and

A bill (S. 3338) granting a pension to Starks W. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of California:

A bill (S. 3339) granting a pension to Cordelia L. Marsters;

A bill (S. 3340) granting a pension to Emma J. McCumsey;

A bill (S. 3341) granting a pension to Isabella C. Weber;

A bill (S. 3342) granting a pension to Amelia E. Drake;

A bill (S. 3343) granting a pension to George W. Wells;

A bill (S. 3344) granting an increase of pension to Roscoe E. Paschal;

A bill (S. 3345) granting an increase of pension to Stephen S. Joyce;

A bill (S. 3346) granting an increase of pension to John McDonald; and

A bill (S. 3347) granting an increase of pension to Howard G. Cleaveland; to the Committee on Pensions.

WITHDRAWAL OF PAPERS—CATHERINE SMITH.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 1473, Sixty-fourth Congress, first session, granting a pension to Catherine Smith, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE ARMISTICE AGREEMENTS (S. DOC. NO. 147).

Mr. LODGE. Mr. President, there is a good deal of inquiry for the documents, and as I have succeeded in securing them I ask to have printed the terms of the armistice agreements concluded between the allied and associated Governments and the Governments of Germany, Austria-Hungary, and Bulgaria. It is the text of the different armistices. They are brief. I should state that in the case of three of them between Germany

and Austria-Hungary it is the English text laid before Parliament. The other one is taken from the French text as laid before the French Chamber, and I have had it translated into English. I ask that they be printed in the RECORD and also printed as a document.

The PRESIDING OFFICER. Does the Senator desire to have them printed as a Senate document or as a public document?

Mr. LODGE. As a public document.

The PRESIDING OFFICER. Without objection, the request of the Senator from Massachusetts will be complied with.

The armistice agreements are as follows:

TERMS OF THE ARMISTICE AGREEMENTS CONCLUDED BETWEEN THE ALLIED AND ASSOCIATED GOVERNMENTS AND THE GOVERNMENTS OF GERMANY, AUSTRIA-HUNGARY, AND BULGARIA.

Terms of armistice with Germany 11th November, 1918.

Between Marshal Foch, commander in chief of the allied armies, acting in the name of the allied and associated powers, with Admiral Wemyss, first sea lord, on the one hand and

Herr Erzberger, secretary of state, president of the German delegation,
Count von Oberndorff, envoy extraordinary and minister plenipotentiary,
Major General von Winterfeldt,
Captain Vanselow (German Navy),
duly empowered and acting with the concurrence of the German chancellor on the other hand.

An armistice has been concluded on the following conditions:

Conditions of the armistice concluded with Germany.

A. CLAUSES RELATING TO THE WESTERN FRONT.

I. Cessation of hostilities by land and in the air 6 hours after the signing of the armistice.

II. Immediate evacuation of the invaded countries—Belgium, France, Luxemburg, as well as Alsace-Lorraine—so ordered as to be completed within 15 days from the signature of the armistice.

German troops which have not left the above-mentioned territories within the period fixed shall be made prisoners of war.

Occupation by the allied and United States forces jointly shall keep pace with the evacuation in these areas.

All movements of evacuation and occupation shall be regulated in accordance with a note (annexe 1) determined at the time of the signing of the armistice.

III. Repatriation, beginning at once, to be completed within 15 days, of all inhabitants of the countries above enumerated (including hostages, persons under trial, or condemned).

IV. Surrender in good condition by the German armies of the following equipment:

5,000 guns (2,500 heavy, 2,500 field).
25,000 machine guns.
3,000 trench mortars.
1,700 aeroplanes (fighters, bombers—firstly all D. 7's and night-bombing machines).

The above to be delivered *in situ* to the allied and United States troops in accordance with the detailed conditions laid down in the note (annexe 1) determined at the time of the signing of the armistice.

V. Evacuation by the German armies of the districts on the left bank of the Rhine. These districts on the left bank of the Rhine shall be administered by the local authorities under the control of the allied and United States armies of occupation.

The occupation of these territories by allied and United States troops shall be assured by garrisons holding the principal crossings of the Rhine (Mainz, Coblenz, Cologne), together with bridgeheads at these points of a 30-kilometre (about 19 miles) radius on the right bank and by garrisons similarly holding the strategic points of the area.

A neutral zone shall be reserved on the right bank of the Rhine, between the river and a line drawn parallel to the bridgeheads and to the river and 10 kilometres (6¼ miles) distant from them, between the Dutch frontier and the Swiss frontier.

The evacuation by the enemy of the Rhine districts (right and left banks) shall be so ordered as to be completed within a further period of 16 days, in all 31 days after the signing of the armistice.

All movements of evacuation and occupation shall be regulated according to the note (Annexe 1) determined at the time of the signing of the armistice.

VI. In all territories evacuated by the enemy, evacuation of the inhabitants shall be forbidden; no damage or harm shall be done to the persons or property of the inhabitants.

No person shall be prosecuted for having taken part in any military measures previous to the signing of the armistice.

No destruction of any kind shall be committed.

Military establishments of all kinds shall be delivered intact, as well as military stores, food, munitions, and equipment, which shall not have been removed during the periods fixed for evacuation.

Stores of food of all kinds for the civil population, cattle, etc., shall be left *in situ*.

No measure of a general character shall be taken, and no official order shall be given which would have as a consequence the depreciation of industrial establishments or a reduction of their personnel.

VII. Roads and means of communications of every kind, railroads, waterways, roads, bridges, telegraphs, telephones, shall be in no manner impaired.

All civil and military personnel at present employed on them shall remain.

Five thousand locomotives and 150,000 wagons, in good working order, with all necessary spare parts and fittings, shall be delivered to the associated powers within the period fixed in Annexe No. 2 (not exceeding 31 days in all).

Five thousand motor lorries are also to be delivered in good condition within 36 days.

The railways of Alsace-Lorraine shall be handed over within 31 days, together with all personnel and material belonging to the organization of this system.

Further, the necessary working material in the territories on the left bank of the Rhine shall be left in situ.

All stores of coal and material for the upkeep of permanent way, signals, and repair shops shall be left in situ and kept in an efficient state by Germany, so far as the working of the means of communication on the left bank of the Rhine is concerned.

All lighters taken from the Allies shall be restored to them.

The note attached as Annex 2 defines the details of these measures.

VIII. The German command shall be responsible for revealing within 48 hours after the signing of the armistice all mines or delayed-action fuses disposed on territories evacuated by the German troops and shall assist in their discovery and destruction.

The German command shall also reveal all destructive measures that may have been taken (such as poisoning or pollution of wells, springs, etc.).

Breaches of these clauses will involve reprisals.

IX. The right of requisition shall be exercised by the allied and United States armies in all occupied territories, save for settlement of accounts with authorized persons.

The upkeep of the troops of occupation in the Rhine districts (excluding Alsace-Lorraine) shall be charged to the German Government.

X. The immediate repatriation, without reciprocity, according to detailed conditions which shall be fixed, of all allied and United States prisoners of war, including those under trial and condemned. The allied powers and the United States of America shall be able to dispose of these prisoners as they think fit. This condition annuls all other conventions regarding prisoners of war, including that of July, 1918, now being ratified. However, the return of German prisoners of war interned in Holland and Switzerland shall continue as heretofore. The return of German prisoners of war shall be settled at the conclusion of the peace preliminaries.

XI. Sick and wounded who can not be removed from territory evacuated by the German forces shall be cared for by German personnel, who shall be left on the spot with the material required.

B. CAUSES RELATING TO THE EASTERN FRONTIERS OF GERMANY.

XII. All German troops at present in any territory which before the war formed part of Austria-Hungary, Roumania, or Turkey shall withdraw within the frontiers of Germany as they existed on 1st August, 1914, and all German troops at present in territories which before the war formed part of Russia must likewise return to within the frontiers of Germany as above defined as soon as the Allies shall think the moment suitable, having regard to the internal situation of these territories.

XIII. Evacuation of German troops to begin at once, and all German instructors, prisoners, and agents, civilian as well as military, now on the territory of Russia (frontiers as defined on 1st August, 1914) to be recalled.

XIV. German troops to cease at once all requisitions and seizures and any other coercive measures with a view to obtaining supplies intended for Germany in Roumania and Russia (frontiers as defined 1st August, 1914).

XV. Annulment of the treaties of Bucharest and Brest-Litovsk and of the supplementary treaties.

XVI. The Allies shall have free access to the territories evacuated by the Germans on their eastern frontier, either through Danzig or by the Vistula, in order to convey supplies to the populations of these territories or for the purpose of maintaining order.

C. CLAUSE RELATING TO EAST AFRICA.

XVII. Evacuation of all German forces operating in East Africa within a period specified by the Allies.

D. GENERAL CLAUSES.

XVIII. Repatriation without reciprocity, within a maximum period of one month, in accordance with detailed conditions hereafter to be fixed, of all interned civilians, including hostages and persons under trial and condemned, who may be subjects of Allied or Associated States other than those mentioned in Clause III.

FINANCIAL CLAUSES.

XIX. With the reservation that any subsequent concessions and claims by the Allies and United States remain unaffected, the following financial conditions are imposed:

Reparation for damage done.

While the armistice lasts no public securities shall be removed by the enemy which can serve as a pledge to the Allies to cover reparation for war losses.

Immediate restitution of the cash deposit in the National Bank of Belgium and, in general, immediate return of all documents, specie, stocks, shares, paper money, together with plant for the issue thereof, affecting public or private interests in the invaded countries.

Restitution of the Russian and Roumanian gold yielded to Germany or taken by that power.

This gold to be delivered in trust to the Allies until peace is concluded.

E. NAVAL CONDITIONS.

XX. Immediate cessation of all hostilities at sea, and definite information to be given as to the position and movements of all German ships.

Notification to be given to neutrals that freedom of navigation in all territorial waters is given to the navies and mercantile marines of the allied and associated powers, all questions of neutrality being waived.

XXI. All naval and mercantile marine prisoners of war of the allied and associated powers in German hands to be returned without reciprocity.

XXII. To surrender at the ports specified by the Allies and the United States all submarines at present in existence (including all submarine cruisers and mine layers), with armament and equipment complete. Those that can not put to sea shall be deprived of armament and equipment and shall remain under the supervision of the Allies and the United States. Submarines ready to put to sea shall be prepared to leave German ports immediately on receipt of a wireless order to sail to the port of surrender, the remainder to follow as early as possible. The conditions of this article shall be completed within 14 days of the signing of the armistice.

XXIII. The following German surface warships, which shall be designated by the Allies and the United States of America, shall forthwith be disarmed and thereafter interned in neutral ports, or, failing them, allied ports, to be designated by the Allies and the United States of America, and placed under the surveillance of the Allies and the United States of America, only care and maintenance parties being left on board, namely:

6 battle cruisers.
10 battleships.
8 light cruisers (including two mine layers).
50 destroyers of the most modern type.

All other surface warships (including river craft) are to be concentrated in German naval bases, to be designated by the Allies and the United States of America, completely disarmed and placed under the supervision of the Allies and the United States of America. All vessels of the auxiliary fleet are to be disarmed. All vessels specified for internment shall be ready to leave German ports seven days after the signing of the armistice. Directions for the voyage shall be given by wireless.

XXIV. The Allies and the United States of America shall have the right to sweep up all mine fields and destroy all obstructions laid by Germany outside German territorial waters, and the positions of these are to be indicated.

XXV. Freedom of access to and from the Baltic to be given to the navies and mercantile marines of the allied and associated powers. This to be secured by the occupation of all German forts, fortifications, batteries, and defence works of all kinds in all the routes from the Cattegat into the Baltic, and by the sweeping up and destruction of all mines and obstructions within and without German territorial waters without any questions of neutrality being raised by Germany, and the positions of all such mines and obstructions to be indicated, and the plans relating thereto are to be supplied.

XXVI. The existing blockade conditions set up by the allied and associated powers are to remain unchanged, and all German merchant ships found at sea are to remain liable to capture. The Allies and United States contemplate the provisioning of Germany during the armistice as shall be found necessary.

XXVII. All aerial forces are to be concentrated and immobilized in German bases to be specified by the Allies and the United States of America.

XXVIII. In evacuating the Belgian coasts and ports, Germany shall abandon, *in situ* and intact, the port material and material for inland waterways; also all merchant ships, tugs and lighters, all naval aircraft and air materials and stores, all arms and armaments, and all stores and apparatus of all kinds.

XXIX. All Black Sea ports are to be evacuated by Germany; all Russian warships of all descriptions seized by Germany in the Black Sea are to be handed over to the Allies and the United States of America; all neutral merchant ships seized in the Black Sea are to be released; all warlike and other materials of all kinds seized in those ports are to be returned, and the German materials as specified in Clause XXVIII are to be abandoned.

XXX. All merchant ships at present in German hands belonging to the allied and associated powers are to be restored to ports specified by the Allies and the United States of America without reciprocity.

XXXI. No destruction of ships or of materials to be permitted before evacuation, surrender, or restoration.

XXXII. The German Government shall formally notify all the neutral governments, and particularly the Governments of Norway, Sweden, Denmark, and Holland, that all restrictions placed on the trading of their vessels with the allied and associated countries, whether by the German Government or by private German interests, and whether in return for specific concessions, such as the export of shipbuilding materials, or not, are immediately cancelled.

XXXIII. No transfers of German merchant shipping of any description to any neutral flag are to take place after signature of the armistice.

F. DURATION OF ARMISTICE.

XXXIV. The duration of the armistice is to be 36 days, with option to extend. During this period, on failure of execution of any of the above clauses, the armistice may be repudiated by one of the contracting parties on 48 hours' previous notice. It is understood that failure to execute Articles III and XVIII completely in the periods specified is not to give reason for a repudiation of the armistice, save where such failure is due to malice aforethought.

To ensure the execution of the present convention under the most favourable conditions, the principle of a permanent international armistice commission is recognized. This commission shall act under the supreme authority of the high command, military and naval, of the allied armies.

The present armistice was signed on the 11th day of November, 1918, at 5 o'clock a. m. (French time).

(Signed) F. FOCHT.
R. E. WEMYSS.
ERZBERGER.
OBERNDORFF.
WINTERFELDT.
VANSELOW.

—

11TH NOVEMBER, 1918.

The representatives of the Allies declare that, in view of fresh events, it appears necessary to them that the following condition shall be added to the clauses of the armistice:

"In case the German ships are not handed over within the periods specified, the Governments of the Allies and of the United States shall have the right to occupy Heligoland to ensure their delivery."

(Signed) R. E. WEMYSS, *Admiral.*
F. FOCH.

"The German delegates declare that they will forward this declaration to the German Chancellor, with the recommendation that it be accepted, accompanying it with the reasons by which the Allies have been actuated in making this demand."

(Signed) ERZBERGER.
OBERNDORFF.
WINTERFELDT.
VANSELOW.

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ANNEXE NO. 1.

I. The evacuation of the invaded territories, Belgium, France, and Luxemburg, and also of Alsace-Lorraine, shall be carried out in three successive stages according to the following conditions:

1st stage.—Evacuation of the territories situated between the existing front and line No. 1 on the enclosed map, to be completed within 5 days after the signature of the armistice.

2nd stage.—Evacuation of territories situated between line No. 1 and line No. 2, to be carried out within 4 further days (9 days in all after the signing of the armistice).

3rd stage.—Evacuation of the territories situated between line No. 2 and line No. 3, to be completed within 6 further days (15 days in all after the signing of the armistice).

Allied and United States troops shall enter these various territories on the expiration of the period allowed to the German troops for the evacuation of each.

In consequence, the allied troops will cross the present German front as from the 6th day following the signing of the armistice, line No. 1 as from the 10th day, and line No. 2 as from the 16th day.

II. *Evacuation of the Rhine district.*—This evacuation shall also be carried out in several successive stages:

(1) Evacuation of territories situated between lines 2 and 3 and line 4, to be completed within 4 further days (19 days in all after the signing of the armistice).

(2) Evacuation of territories situated between lines 4 and 5 to be completed within 4 days further (23 days in all after the signing of the armistice).

(3) Evacuation of territories situated between lines 5 and 6 (line of the Rhine) to be completed within 4 further days (27 days in all after the signing of the armistice).

(4) Evacuation of the bridgeheads and of the neutral zone on the right bank of the Rhine to be completed within 4 further days (31 days in all after the signing of the armistice).

The allied and United States Army of occupation shall enter these various territories after the expiration of the period allowed to the German troops for the evacuation of each; consequently the Army will cross line No. 3, 20 days after the signing of the armistice. It will cross line No. 4 as from the 24th day after the signing of the armistice; line No. 5 as from the 28th day; line No. 6 (Rhine) the 32d day, in order to occupy the bridgeheads.

III. *Surrender by the German Armies of war material specified by the armistice.*—This war material shall be surrendered according to the following conditions: The first half before the 10th day, the second half before the 20th day. This material shall be handed over to each of the allied and United States Armies by each larger tactical group of the German Armies in the proportions which may be fixed by the permanent international armistice commission.

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ANNEXE NO. 2.

Conditions regarding communications, railways, waterways, roads, river and sea ports, and telegraphic and telephonic communications:

I. All communications as far as the Rhine, inclusive, or comprised, on the right bank of this river, within the bridgeheads occupied by the allied armies shall be placed under the supreme and absolute authority of the commander in chief of the allied armies, who shall have the right to take any measure he may think necessary to assure their occupation and use. All documents relative to communications shall be held ready for transmission to him.

II. All the material and all the civil and military personnel at present employed in the maintenance and working of all lines of communication are to be maintained in their entirety upon these lines in all territories evacuated by the German troops.

All supplementary material necessary for the upkeep of these lines of communication in the districts on the left bank of the Rhine shall be supplied by the German Government throughout the duration of the armistice.

III. *Personnel.*—The French and Belgian personnel belonging to the services of the lines of communication, whether interned or not, are to be returned to the French and Belgian Armies during the 15 days following the signing of the armistice. The personnel belonging to the organization of the Alsace-Lorraine railway system is to be maintained or reinstated in such a way as to ensure the working of the system.

The commander in chief of the allied armies shall have the right to make all changes and substitutions that he may desire in the personnel of the lines of communication.

IV. *Material*—(*a*) *Rolling stock.*—The rolling stock handed over to the allied armies in the zone comprised between the present front and line No. 3, not including Alsace-Lorraine, shall amount at least to 5,000 locomotives and 150,000 wagons. This surrender shall be carried out within the period fixed by clause 7 of the armistice, and under conditions the details of which shall be fixed by the permanent international armistice commission.

All this material is to be in good condition and in working order, with all the ordinary spare parts and fittings. It may be employed together with the regular personnel or with any other upon any part of the railway system of the allied armies.

The material necessary for the working of the Alsace-Lorraine railway system is to be maintained or replaced for the use of the French Army.

The material to be left *in situ* in the territories on the left bank of the Rhine, as well as that on the inner side of the bridgeheads, must permit of the normal working of the railways in these districts.

(*b*) *Permanent way, signals, and workshops.*—The material for signals, machine tools, and tool outfits, taken from the workshops and depots of the French and Belgian lines, are to be replaced under conditions, the details of which are to be arranged by the permanent international armistice commission.

The allied armies are to be supplied with railroad material, rails, incidental fittings, plant, bridge-building material, and timber necessary for the repair of the lines destroyed beyond the present front.

(*c*) *Fuel and maintenance material.*—The German Government shall be responsible throughout the duration of the armistice for the release of fuel and maintenance material to the depots normally allotted to the railways in the territories on the left bank of the Rhine.

V. *Telegraphic and telephonic communications.*—All telegraphs, telephones, and fixed W/T stations are to be handed over to the allied armies, with all the civil and military personnel, and all their material, including all stores on the left bank of the Rhine.

Supplementary stores necessary for the upkeep of the system are to be supplied throughout the duration of the armistice by the German Government according to requirements.

The commander in chief of the allied armies shall place this system under military supervision and shall ensure its control, and shall make all changes and substitutions in personnel which he may think necessary.

He will send back to the German Army all the military personnel who are not in his judgment necessary for the working and upkeep of the railway.

All plans of the German telegraphic and telephonic systems shall be handed over to the commander in chief of the allied armies.

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Convention prolonging the armistice with Germany, 13th December, 1918.

CONVENTION.

The undersigned, in virtue of the powers with which they were endowed for the signing of the armistice of the 11th November, 1918, have concluded the following additional agreement:

1. The duration of the armistice signed on the 11th November, 1918, has been prolonged for a month, i. e., till 5 a. m. on the 17th January, 1919.

The one month's extension will be further extended until the conclusion of peace preliminaries, provided this arrangement meets with the approbation of the allied Governments.

2. The clauses of the convention (11th November) which have been incompletely fulfilled will be carried out during the period of extension, according to the conditions laid down by the Permanent International Armistice Commission following the orders given by the allied generalissimo.

3. The following clause is added to the convention of the 11th November, 1918 [This condition was first announced in a note of the Allies, December 12, 1918, in which infractions of 12 articles of the armistice by Germany were listed. These included failure to deliver war material, aircraft, railroad rolling stock, and naval vessels in the time and quantity provided. In connection with the last category the statement read: "Five submarines in Spain, one in Norway, and one in Netherlands ought to be delivered," and "The refusal of the German Government to deliver the vessels condemned by the prize court is considered as contrary to the terms of the armistice." Other infractions were stated to be illtreatment of inhabitants of evacuated territory and neglect of liberated prisoners of war; failure to indicate live mines in evacuated regions; failure to open navigation to the Baltic and removal of securities and gold reserves pledged as a financial guaranty to the Allies. Germany replied on the same day, asserting her good faith and that such infractions as had occurred were due to physical impossibilities and the upset condition of the country. The Allies, however, reasserted the new condition, taking account particularly "of the illtreatment and cruelty inflicted upon allied prisoners, as well as the diminution of financial guaranties given by Germany to the Allies." (Quoted in Holland News 2: 2520 et seq. from Deutsche Allgemeine Zeitung, December 17, 1918.)]:

"From now onwards the generalissimo reserves to himself the right of occupying (when he deems it advisable), as an additional guarantee, the neutral zone on the right bank of the Rhine, north of the bridgehead of Cologne, and as far as the Dutch frontier.

"Six days' notice will be given by the generalissimo before the occupation comes into effect."

Trèves, 13th December, 1918.

(Signed) F. FOCH,
WEMYSS, Admiral.
ERZBERGER,
A. OBERNDORFF,
WINTERFELDT,
VANSELOW.

Convention prolonging the armistice with Germany, 16th January, 1919.

CONVENTION.

The undersigned plenipotentiaries (Admiral Browning taking the place of Admiral Wemyss), vested with the powers in virtue of which the armistice agreement of 11th November, 1918, was signed, have concluded the following supplementary agreement:

1. The armistice of the 11th November, 1918, which was prolonged until the 17th January, 1919, by the agreement of the 13th December, 1918, shall be again prolonged for one month, that is to say, until the 17th February, 1919, at 5 a. m.

This prolongation of one month shall be extended until the conclusion of the peace preliminaries, subject to the approval of the allied Governments.

2. The execution of those clauses of the agreement of the 11th November which have not been entirely carried out shall be proceeded with and completed during the prolongation of the armistice, in accordance with the detailed conditions fixed by the Permanent International Armistice Commission on the instructions of the allied high command.

3. In substitution of the supplementary railway material specified by tables 1 and 2 of the Spa protocol of 17th December, i. e., 500 locomotives and 19,000 wagons, the German Government shall supply the following agricultural machinery and instruments:

400 two-engined steam plough oufits, complete, with suitable ploughs,
6,500 drills,
6,500 manure distributors,
6,500 ploughs,
6,500 Brabant ploughs,
12,500 harrows,
6,500 scarifiers,
2,500 steel rollers,
2,500 Croskill rollers,
2,500 mowing machines,
2,500 hay-making machines,
3,000 reapers and binders,

or equivalent implements, according to the scale of interchangeability of various kinds of implements considered permissible by the Permanent International Armistice Commission. All this material, which shall be either new, or in very good condition, shall be delivered together with all accessories belonging to each implement, and with the spare parts required for 18 months' use.

The German Armistice Commission shall, between the present date and the 23rd January, supply the Allied Armistice Commission with a list of the material that can be delivered by the 1st March, which must, in principle, constitute not less than one-third of the total quantity. The International Armistice Commission shall, between now and the 23rd January, fix the latest dates of delivery, which shall, in principle, not extend beyond the 1st June.

4. The officers in Germany delegated by the allied and associated powers to organize the evacuation of the prisoners of war belonging to the armies of the Entente, together with representatives of the relief associations of the United States, France, Great Britain, and Italy, shall form a commission charged with the care of Russian prisoners of war in Germany.

This commission, the headquarters of which shall be in Berlin, shall be empowered to deal with the German Government direct, upon instructions from the allied Governments, regarding all questions relating to Russian prisoners of war.

The German Government shall accord the commission all traveling facilities necessary for the purpose of investigating the housing conditions and food supply of such prisoners.

The allied Governments reserve the right to arrange for the repatriation of Russian prisoners of war to any region which they may consider most suitable.

5. *Naval clauses.*—Article XXII of the armistice agreement of the 11th November, 1918, shall be supplemented as follows:

"In order to ensure the execution of such clause the German authorities shall be bound to carry out the following conditions:

"All submarines capable of putting to sea or of being towed shall be handed over immediately, and shall make for allied ports. Such vessels shall include submarine cruisers, mine layers, relief ships, and submarine docks. All submarines which can not be surrendered shall be completely destroyed or dismantled under the supervision of the allied commissioners.

"Submarine construction shall cease immediately, and all submarines in course of construction shall be destroyed or dismantled, under the supervision of the allied commissioners."

Article XXIII of the armistice agreement of the 11th November, 1918, shall be supplemented as follows:

"In order to ensure the execution of such clause the German commission shall furnish the interallied naval armistice commission with a complete list of all surface vessels constructed or in course of construction (launched or on the stocks), specifying probable dates of completion."

Article XXX of the armistice agreement of 11th November, 1918, shall be supplemented as follows:

"In order to ensure the execution of such clause the allied high command informs the German high command that all possible measures must be taken immediately for delivery in allied ports of all allied merchantmen still detained in German ports."

6. *Restitution of material carried off from Belgium and French territories.*—As restitution of material carried off from French and Belgian territory is indispensable for setting factories once more into working order, the following measures shall be carried out, viz.:

(*a*) All Machinery, machinery parts, industrial or agricultural plant, accessories of all kinds and, generally, all industrial or agricultural articles carried off by German military or civilian authorities or individuals, under any pretext whatever, from territories formerly occupied by the German armies on the western front, shall be placed at the disposal of the Allies for the purpose of being returned to their places of origin, should the French and Belgian Governments so desire.

These articles shall be returned without further alteration and undamaged.

(*b*) In view of such restitution the German Government shall immediately furnish the armistice commission with all official or private accounts, agreements for sale or hire, or correspondence relating to such articles, together with all necessary declarations or information regarding their existence, origin, adaptation, present condition, and locality.

(*c*) The delegates of the French or Belgian Governments shall cause inventories or examinations of such articles to be made on the spot in Germany, should they think fit.

(*d*) The return of such articles shall be effected in accordance with special instructions to be given as required by the French or Belgian authorities.

(*e*) With a view to immediate restitution, declarations shall more particularly be made of all stocks of driving belts, electric motors and parts thereof, or plant removed from France or Belgium and existing in depôt parks, railways, ships, and factories.

(*f*) The furnishing of the particulars referred to in articles 3 and 6 hereof shall commence within 8 clear days from the 20th January, 1919, and shall be completed in principle before the 1st April, 1919.

7. As a further guarantee, the supreme allied command reserves to itself the right to occupy, whenever it shall consider this desirable, the sector of the fortress of Strassburg formed by the fortifications on the right bank of the Rhine, with a strip of territory extending from 5 to 10 kilometres in front of such fortifications, within the boundaries defined on the map appended hereto.

The supreme allied command shall give 6 days' notice prior to such occupation, which shall not be preceded by any destruction of material or of buildings.

The limits of the neutral zone will, therefore, be advanced by 10 kilometres.

8. In order to secure the provisioning of Germany and of the rest of Europe, the German Government shall take all necessary steps to place the German fleet, for the duration of the armistice, under the control and the flags of the allied powers and the United States, who shall be assisted by a German delegate.

This arrangement shall in nowise affect the final disposal of such vessels. The Allies and the United States shall, if they consider this necessary, replace the crews either entirely or in part, and the officers and crews so replaced shall be repatriated to Germany.

Suitable compensation, to be fixed by the Allied Governments, shall be made for the use of such vessels.

All questions of details, as also any exceptions to be made in the case of certain types of vessel, shall be settled by a special agreement to be concluded immediately.

Trèves, 16th January, 1919.

(Signed) FOCH.
BROWNING.
ERZBERGER.
OBERNDORFF.
VON WINTERFELDT.
VANSELOW.

Convention prolonging the armistice with Germany, 16th February, 1919.

CONVENTION.

The undersigned plenipotentiaries, possessed of the powers in virtue of which the armistice agreement of 11th November, 1918, was signed, have concluded the following additional agreement:

Admiral Wemyss being replaced by Admiral Browning, General v. Winterfeldt by General v. Hammerstein, and the minister plenipotentiary Count v. Oberndorff by the Minister Plenipotentiary v. Haniel.

I. The Germans are to cease all hostilities against the Poles at once, whether in the district of Posen or any other district. With this end in view, they are forbidden to allow their troops to cross the following line—the old frontier between East and West Prussia and Russia as far as Louisenfelde, from thence the line west of Louisenfelde, west of Gr. Neudorff, south of Brzoza, north of Schubin, north of Exin, south of Samotschin, south of Chodziesen, north of Czarnikau, west of Miala, west of Birnbaum, west of Bentschen, west of Wollstein, north of Lissa, north of Rawitsch, south of Krotoschin, west of Adelnau, west of Schildberg, north of Doruchow, to the Silesian frontier.

II. The armistice of 11th November, prolonged by the agreements of 13th December, 1918, and 16th January, 1919, until 17th February, 1919, is further prolonged for a short period, the date of expiry not being given, the allied powers and those associated with them reserving to themselves the right to terminate the period at 3 days' notice.

III. The carrying out of those clauses of the agreement of 11th November, 1918, and of the additional agreements of 13th December, 1918, and 16th January, 1919, the terms of which have not yet been fully

carried into effect, will be continued and completed during the prolongation of the armistice, according to detailed arrangements made by the permanent armistice commission, acting on instructions issued by the supreme allied command.

Trèves, 16th February, 1919.

(Sd.) FOCH.
BROWNING.
ERZBERGER.
FREIHERR V. HAMMERSTEIN.
VON HANIEL.
VANSELOW.

Terms of armistice with Austria-Hungary, 3rd November, 1918.

A. MILITARY CLAUSES.

1. Immediate cessation of hostilities by land and sea and air.

2. Total demobilization of Austro-Hungarian Army and immediate withdrawal of Austro-Hungarian forces operating on front from North Sea to Switzerland.

Within Austro-Hungarian territory limited as in clause 3 below there shall only be maintained as an organized military force a maximum of 20 divisions reduced to prewar effectives.

Half the divisional corps and army artillery and equipment shall be collected at points to be indicated by Allies and United States of America for delivery to them, beginning with all such material as exists in territories to be evacuated by Austro-Hungarian forces.

3. Evacuation of all territories invaded by Austria-Hungary since the beginning of the war. Withdrawal within such periods as shall be determined by commander in chief of allied forces on each front, of Austro-Hungarian armies behind a line fixed as follows: From Piz Umbrail to north of Stelvio it will follow crest of Rhetian Alps to sources of the Adige and Eisach, passing thence by the Reschen and Brenner and the heights of Oetz and Ziller.

The line thence turns south, crossing Mount Toblach as far as present frontier of Carnic Alps. It follows this line as far as Mount Tarvis, thence to watershed of Julian Alps by Col de Predil, Mount Mangart, the Tricorno (Terglou) and watershed Podberdo, Podlaniscan, and Idria. From this point the line turns southeast toward the Schneeberg, excluding the whole basin of the Save River and its tributaries; from Schneeberg it descends the coast in such a way as to include Castua, Mattuglia, and Volosca in evacuated territories.

It will follow the administrative limits of present Province of Dalmatia, including to the north Lisarica and Tribania and to the south territory limited by a line from the shore of Cape Planka to the summits of watershed eastwards so as to include in evacuated area all the valleys and watercourses flowing toward Sebenico, such as Cicola, Karka, Butisnica, and their tributaries. It will also include all the islands in the north and west of Dalmatia from Premuda, Selve, Ulbo, Scherda, Maon, Pago, and Puntadura Islands, in the north, up to Meleda, in the south, embracing Sant' Andrea, Busi, Lissa, Lesina, Tercola, Curzola, Cazza, and Lagosta, as well as neighbouring rocks and islets and Pelagosa, only excepting the islands of great and small Zirona, Bua, Solta, and Brazza.

All territories thus evacuated will be occupied by allied and American troops.

All military and railway equipment of all kinds (including coal) within these territories to be left *in situ*, and surrendered to the Allies and America according to special orders given by commander-in-chief of forces of associated powers on different fronts.

No new destruction, pillage, or requisition by enemy troops in territories to be evacuated by them and occupied by associated powers.

4. Allied armies shall have the right of free movement over all road and rail and waterways in Austro-Hungarian territory which shall be necessary.

Armies of associated powers shall occupy such strategic points in Austria-Hungary at such times as they may deem necessary to enable them to conduct military operations or to maintain order.

They shall have right of requisition on payment for troops of associated powers wherever they may be.

5. Complete evacuation of all German troops within 15 days not only from Italian and Balkan fronts, but from all Austro-Hungarian territory.

Internment of all German troops which have not left Austria-Hungary before that date.

6. Administration of evacuated territories of Austria-Hungary will provisionally be entrusted to local authorities under control of the allied and associated armies of occupation.

7. Immediate repatriation, without reciprocity, of all prisoners of war and interned allied subjects and of civilian populations evacuated from their homes on conditions to be laid down by commanders-in-chief of forces of allied powers on various fronts.

8. Sick and wounded who cannot be removed from evacuated territory will be cared for by Austro-Hungarian personnel, who will be left on the spot with medical material required.

B. NAVAL CONDITIONS.

1. Immediate cessation of all hostilities at sea and definite information to be given as to location and movements of all Austro-Hungarian ships.

Notification to be made to neutrals that free navigation in all territorial waters is given to the naval and mercantile marines of the allied and associated powers, all questions of neutrality being waived.

2. Surrender to the Allies and United States of America of 15 Austro-Hungarian submarines completed between years 1910 and 1918 and of all German submarines which are in or may hereafter enter Austro-Hungarian territorial waters. All other Austro-Hungarian submarines to be paid off and completely disarmed and to remain under supervision of the Allies.

3. Surrender to the Allies and United States of America, with their complete armament and equipment, of 3 battleships, 3 light cruisers, 9 destroyers, 12 torpedo boats, 1 mine layer, 6 Danube monitors, to be designated by the Allies and United States of America.

All other surface warships (including river craft) are to be concentrated in Austro-Hungarian naval bases to be designated by the Allies and United States of America, and are to be paid off, completey disarmed, and placed under supervision of Allies and United States of America.

4. Free navigation to all warships and merchant ships of allied and associated powers to be given in Adriatic, in territorial waters, and up River Danube and its tributaries, and Austro-Hungarian territory.

Allies and associated powers shall have right to sweep up all mine fields and obstructions, and positions of these are to be indicated.

In order to ensure free navigation on the Danube, Allies and United States of America shall be empowered to occupy or to dismantle all fortifications or defence works.

5. Existing blockade conditions set up by allied and associated powers are to remain unchanged, and all Austro-Hungarian merchant ships found at sea are to remain liable to capture, with the exceptions which may be made by a commission nominated by Allies and United States.

6. All naval aircraft are to be concentrated and immobilized in Austro-Hungarian bases to be designated by Allies and United States of America.

7. Evacuation of all the Italian coast, and of all ports occupied by Austria-Hungary outside their national territory, and abandonment of all floating craft, naval materials, equipment, and materials for inland navigation of all kinds.

8. Occupation by Allies and United States of America of land and sea fortifications and islands which form defences, and of dockyards and arsenals at Pola.

9. All merchant vessels held by Austria-Hungary belonging to Allies and associated powers to be returned.

10. No destruction of ships or of materials to be permitted before evacuation, surrender, or restoration.

11. All naval and mercantile prisoners of war of allied and associated powers in Austro-Hungarian hands to be returned without reciprocity.

The undersigned plenipotentiaries, duly authorized, signify their approval of above conditions:

3rd November, 1918.

Representatives of Austro-Hungarian supreme command.

VICTOR WEBER, EDLER VON WEBENAU.
KARL SCHNELLER.
Y. VON LIECHTENSTEIN.
J. V. NYÉKHEGYI.
ZWIERKOWSKI.
VICTOR, FREIHERR VON SEILLER.
KAMILLO RUGGERA.

Representatives of Italian supreme command.

Ten. Gen. PIETRO BADOGLIO.
Magg. Gen. SCIPIONE SCIPIONI.
Colonn. TULLIO MARCHETTI.
Colonn. PIETRO GAZZERA.
Colonn. PIETRO MARAVIGNA.
Colonn. ALBERTY PARIANI.
Cap. Vasc. FRANCESCO ACCINNI.

Supplement to protocol.

Contains details and executive clauses of certain points of the armistice between the allied and associated powers and Austria-Hungary.

I. MILITARY CLAUSES.

1. Hostilities on land, sea, and air will cease on all Austro-Hungarian fronts 24 hours after the signing of the armistice, i. e., at 3 o'clock on 4th November (central European time).

From that hour the Italian and allied troops will not advance beyond the line then reached.

The Austro-Hungarian troops and those of her allies must retire to a distance of at least 3 kilometres (as the crow flies) from the line reached by the Italian troops or by troops of allied countries. Inhabitants of the 3-kilometre zone included between the two lines (above mentioned) will be able to obtain necessary supplies from their own army or those of the Allies.

All Austro-Hungarian troops who may be at the rear of the fighting lines reached by the Italian troops, on the cessation of hostilities, must be regarded as prisoners of war.

2. Regarding the clauses included in articles 2 and 3 concerning artillery equipment, and war material to be either collected in places indicated or left in territories which are to be evacuated, the Italian plenipotentiaries representing all the allied and associated powers give to the said clauses the following interpretation, which will be carried into execution:

(*a*) Any material or part thereof which may be used for the purpose of war, must be given up to the allied and associated powers. The Austro-Hungarian Army and the German troops are only authorized to take personal arms and equipment belonging to troops evacuating the territories mentioned in article 3, besides officers' chargers, the transport train, and horses specially allotted to each unit for transport of food supplies, kitchens, officers' luggage, and medical material. This clause applies to the whole army and to all the services.

(*b*) Concerning artillery—it has been arranged that the Austro-Hungarian Army and German troops shall abandon all artillery material and equipment in the territory to be evacuated.

The calculations necessary for obtaining a complete and exact total of the artillery divisions and army corps at the disposal of Austro-Hungary on the cessation of hostilities (half of which must be given up to the associated powers) will be made later, in order to arrange, if necessary, for the delivery of other Austro-Hungarian artillery material and for the possible eventual return of material to the Austro-Hungarian Army by the allied and associated armies.

All artillery which does not actually form part of the divisional artillery and army corps must be given up, without exception. It will not, however, be necessary to calculate the amount.

(*c*) On the Italian front the delivery of divisional and army corps artillery will be effected at the following places: Trento, Bolzano, Pieve di Cadore, Stazione per la Carnia, Tolmino, Gorizia, and Trieste.

3. Special commissions will be selected by the commanders in chief of allied and associated armies on the various Austro-Hungarian fronts, which will immediately proceed, accompanied by the necessary escorts, to the places they regard as the most suitable from which to control the execution of the provisions established above.

4. It has been determined that the designations M. Toblach and M. Tarvis indicate the groups of mountains dominating the ridge of Mts. Toblach and the Valley of Tarvis.

5. The retirement of Austro-Hungarian troops and those of her allies beyond the lines indicated in article 3 of the Protocol of Armistice Conditions, will take place within 15 days of the cessation of hostilities, as far as the Italian front is concerned.

On the Italian front, Austro-Hungarian troops and those of her allies must have retired beyond the line: Tonale—Noce—Lavis—Avisio—Pordoi—Livinallongo—Falzarego—Pieve di Cadore—Colle Mauria—Alto Tagliamento—Fella—Raccolana—Selle Nevea—Isonzo by the fifth day; they must also have evacuated the Dalmatian territory indicated above.

Austro-Hungarian troops on land and sea, or those of her allies not having evacuated the territories indicated within the period of 15 days will be regarded as prisoners of war.

6. The payment of any requisitions made by the armies of the allied and associated armies on Austro-Hungarian territory will be carried out according to paragraph 1 of page 227 of "Servizio in Guerra—Part II. Edizione 1915," actually in force in the Italian Army.

7. As regards railways and the exercise of the rights confirmed upon the associated powers by article 4 of the armistice agreement between the allied powers and Austria-Hungary, it has been determined that the transport of troops, war material, and supplies for allied and associated powers on the Austro-Hungarian railway system,

outside territory evacuated in accordance with the terms of the armistice, and the direction and working of the railways shall be effected by the employees of the Austro-Hungarian railway administration, under the supervision of special commissioners selected by the Allied Powers, and the military Italian headquarters, which it will be considered necessary to establish, the Austro-Hungarian authorities will give priority to allied military trains and will guarantee their safety.

8. On territory to be evacuated at the cessation of hostilities, all mines on roads or railway tracts, all minefields and other devices for interrupting communications by road or rail must be rendered inactive and harmless.

9. Within a period of 8 days from the cessation of hostilities, prisoners and Italian subjects interned in Austria-Hungary must cease all work except in the case of prisoners and interned who have been employed in agricultural pursuits previous to the day on which the armistice was signed. In any case they must be ready to leave at once on request of the Commander in Chief of the Italian Army.

10. Austria-Hungary must provide for the protection, safety, and supplies (expenses of these to be repaid) of the various commissions selected by the allied Governments to take over war material and to exercise general control, whether in the territory to be evacuated or in any other part of Austria-Hungary.

II. NAVAL CLAUSES.

1. The hour for the cessation of hostilities by sea will be the same as that of the cessation of hostilities by land and air.

Before that time the Austro-Hungarian Government must have furnished the Italian Government and those of the associated powers with the necessary information concerning the position and movements of the Austro-Hungarian ships, through the wireless station at Pola, which will transmit the information to Venice.

2. The units referred to in Articles II and III, to be surrendered to the associated powers must return to Venice between 8 a. m. and 3 p. m. on the 6th November; they will take a pilot on board 14 miles from the coast. An exception is made as regards the Danube monitors, which will be required to proceed to a port indicated by the Commander in Chief of the forces of the associated powers on the Balkan front, under such conditions as he may determine.

3. The following ships will proceed to Venice:

"Teghethoff,"
"Prinz Eugen,"
"Ferdinand Max,"
"Saida,"
"Novara,"
"Helgoland."

Nine destroyers of "Tatra" type (at least 800 tons) of most recent construction.

Twelve torpedo-boats (200-ton type).

Minelayer "Chamaleon."

Fifteen submarines built between 1910 and 1918, and all German submarines which are, or may eventually be, in Austro-Hungarian waters.

Premeditated damage, or damage occurring on board the ships to be surrendered will be regarded by the allied governments as a grave infringement of the present armistice terms.

The *Lago di Garda* flotilla will be surrendered to the associated powers in the Port of Riva.

All ships not to be surrendered to the associated powers will be concentrated in the ports of Buccari and Spalato within 48 hours of the cessation of hostilities.

4. As regards the right of sweeping minefields and destroying barrages, the Austro-Hungarian Government guarantees to deliver the maps of minefields and barrages at Pola, Cattaro, and Fiume to the Commander of the Port of Venice, and to the Admiral of the Fleet at Brindisi within 48 hours of the cessation of hostilities, and within 96 hours of the cessation of hostilities, maps of minefields and barrages in the Mediterranean and Italian lakes and rivers, with additional notification of such minefields or barrages laid by order of the German Government as are within their knowledge.

Within the same period of 96 hours a similar communication concerning the Danube and the Black Sea will be delivered to the commander of the associated forces on the Balkan front.

5. The restitution of merchant ships belonging to the associated powers will take place within 96 hours of the cessation of hostilities in accordance with the indications determined by each associated power, which will be transmitted to the Austro-Hungarian Government. The associated powers reserve to themselves the constitution of the commission referred to in article 5, and of informing the Austro-Hungarian Government of its functions and of the place in which it will meet.

6. The naval base referred to in Article VI is Spalato.

7. The evacuation referred to in Article VII will be effected within the period fixed for the retirement of the troops beyond the armistice lines. There must be no damage to fixed, mobile, or floating material in the ports.

Evacuation may be effected *viâ* the Lagoon canals by means of Austro-Hungarian boats which may be brought in from outside.

8. The occupation referred to in Article VIII will take place within 48 hours of the cessation of hostilities.

The Austro-Hungarian authorities must guarantee the safety of vessels transporting troops for the occupation of Pola and of islands and other places as provided for in the terms of the armistice for the land army.

The Austro-Hungarian Government will give directions that the ships belonging to associated powers proceeding to Pola should be met 14 miles out by pilots capable of showing them the safest way into port. All damage to the persons or property of the associated powers will be regarded as a grave infringement of the present armistice terms.

The undersigned duly authorized plenipotentiaries have signified their approval of the above conditions.

3rd November, 1918.

Representatives of the supreme command of the Austro-Hungarian Army.	*Representatives of the supreme command of the Italian Army.*
VICTOR WEBER, EDLER VON WEBENAU.	Ten. Gen. PIETRO BADOGLIO.
KARL SCHNELLER.	Magg. Gen. SCIPIONE SCIPIONI.
Y. VON LIECHTENSTEIN.	Colonn. TULLIO MARCHETTI.
J. V. NYÉKHEGYI.	Colonn. PIETRO GAZZERA.
ZWIERKOWSKI.	Colonn. PIETRO MARAVIGNA.
VICTOR, FREIHERR VON SEILLER.	Colonn. ALBERTO PARIANI.
KAMILLO RUGGERA.	Cap. Vasc. FRANCESCO ACCINNI.

Text of military convention between the Allies and Hungary, signed at Belgrade, 13th November, 1918.

MILITARY CONVENTION REGULATING THE CONDITIONS UNDER WHICH THE ARMISTICE SIGNED BETWEEN THE ALLIES AND AUSTRIA-HUNGARY IS TO BE APPLIED IN HUNGARY.

1. The Hungarian Government will withdraw all troops north of a line drawn through the upper valley of the Szamos, Bistritz, Maros-Vasarhely, the river Maros to its junction with the Theiss, Maria-Theresiopel, Baja, Funfkirchen (these places not being occupied by Hungarian troops), course of the Drave, until it coincides with the frontier of Slavonia-Croatia.

The evacuation to be carried out in 8 days, the Allies to be entitled to occupy the evacuated territory on the conditions laid down by the general commander in chief of the allied armies. Civil administration will remain in the hands of the Government.

In actual fact only the police and gendarmerie will be retained in the evacuated zone, being indispensable to the maintenance of order, and also such men as are required to ensure the safety of the railways.

2. Demobilization of Hungarian naval and military forces. An exception will be made in the case of six infantry divisions and two cavalry divisions, required for the maintenance of internal order, and in the case of small sections of police mentioned in paragraph 1.

3. The Allies to have the right of occupying all places and strategic points, which may be permanently fixed by the general commander in chief of the allied armies.

The allied troops to be allowed to pass through or to remain in any part of Hungary.

The Allies to have permanent right of use, for military purposes, of all rolling stock and shipping belonging to the State or to private individuals resident in Hungary, also of all draught animals.

4. The rolling stock and railway staff usually employed in the occupied territory will remain (*see* paragraph 1), and a reserve of 2,000 wagons and 100 locomotives (normal gauge) and 600 wagons and 50 locomotives (narrow gauge) will also be handed over within the month to the general commander in chief. These will be for the use of the allied troops and to compensate for the deficiency of material from Serbia due to the war. Some portion of this material could be levied from Austria. The figures are approximate.

5. The ships and crews usually employed in the service of the occupied territory will remain, in addition to monitors, will be surrendered to the Allies immediately at Belgrade. The rest of the Danube flotilla will be assembled in one of the Danube ports, to be appointed later by the general commander in chief, and will be disarmed there. A levy of 10 passenger vessels, 10 tugs, and 60 lighters will be made on this flotilla as soon as possible for the use of the allied troops, to compensate for the deficiency of material from Serbia due to the war. The figures are approximate.

6. Within 15 days a detachment of 3,000 men from the railway technical troops are to be placed at the disposal of the general commander in chief, supplied with the material necessary to repair the Serbian railways. These figures are approximate.

7. Within 15 days a detachment of sappers of the telegraph branch are to be placed at the disposal of the general commander in chief, provided with material necessary for establishing telegraphic and telephone communications with Serbia.

8. Within one month 25,000 horses are to be placed at the disposal of the general commander in chief, together with such transport material as he may deem necessary. These figures are approximate.

9. Arms and war material to be deposited at places appointed by the general commander in chief. A portion of this material will be levied for the purpose of supplying units to be placed under the orders of the general commander in chief.

10. Immediate liberation of all allied prisoners of war and interned civilians, who will be collected at places convenient for their despatch by rail; they will there receive directions as to time and place of repatriation, according to the orders issued by the general commander in chief. Hungarian prisoners of war to be provisionally retained.

11. A delay of 15 days is granted for the passage of German troops through Hungary and their quartering meanwhile, dating from the signing of the armistice by General Diaz (4th November, 3 p. m.). Postal and telegraphic communication with Germany will only be permitted under the military control of the Allies. The Hungarian Government undertakes to allow no military telegraphic communication with Germany.

12. Hungary will facilitate the supplying of the allied troops of occupation; requisitions will be allowed on condition that they are not arbitrary, and that they are paid for at current rates.

13. The situation of all Austro-Hungarian mines in the Danube and the Black Sea must be communicated immediately to the general commander in chief. Further, the Hungarian Government undertakes to stop the passage of all floating mines sown in the Danube upstream from the Hungarian and Austrian frontier and to remove all those actually in Hungarian waters.

14. The Hungarian postal service, telegraphs, telephones, and railways will be placed under allied control.

15. An allied representative will be attached to the Hungarian Ministry of Supplies in order to safeguard allied interests.

16. Hungary is under an obligation to cease all relations with Germany and stringently to forbid the passage of German troops to Roumania.

17. The Allies shall not interfere with the internal administration of affairs in Hungary.

18. Hostilities between Hungary and the Allies are at an end.

Two copies made 13th November, 1918, at 11.15 p. m. at Belgrade.

Signed for the Allies by the delegates of the general commander in chief.

VOIVODE MISHITCH.
GENERAL HENRYS.

Signed for Hungary by the delegates of the Hungarian Government.

BÉLA LINDER.

Bulgaria—Armistice—Convention, September 29, 1918.

MILITARY CONVENTION REGULATING THE CONDITIONS OF SUSPENSION OF HOSTILITIES BETWEEN THE ALLIED POWERS AND BULGARIA.

(1) Immediate evacuation of the territories still occupied by Bulgarians in Greece and Serbia; no cattle, cereals, or provisions to be exported from such territories, which must be left undamaged, the Bulgarian civil administration will continue to function in the parts of Bulgaria actually occupied by the Allies.

(2) Immediate demobilization of the entire Bulgarian Army, with the exception of a fighting force comprising 3 divisions of 16 battalions

each, 4 regiments of cavalry, which will be employed, 2 divisions for the defense of the east frontier of Bulgaria and of the Dobrudja, and 1 division for guarding the railways.

(3) Surrender at points designated by the high command of the armies of the east of arms, munitions, and military vehicles belonging to the elements demobilized, which will be stored by the Bulgarian authorities and under the control of the Allies. The horses also will be handed over to the Allies.

(4) Restitution to Greece of the material of the Fourth Greek Army Corps taken from the Greek Army at the occupation of eastern Macedonia, in so far that it has not been sent to Germany.

(5) The elements of the Bulgarian troops now at the west of the meridian of Uskub will lay down their arms and will be considered, until further order, as prisoners of war; the officers will be allowed to keep their swords.

(6) The Bulgarian prisoners of war in the east will be employed by the allied armies until the peace without reciprocity as concerning the prisoners of war of the Allies. These last will be immediately surrendered to the allied authorities and deported civilians will be wholly free to reenter their own country.

(7) Germany and Austria will be allowed a delay of four weeks to withdraw their troops and military organizations from Bulgaria. The diplomatic and consular representatives of the Central Powers, as well as their citizens, must withdraw in this same period. The orders for the cessation of hostilities will be given at the time of the signature of the present convention.

(Signed) Gen. FRANCHET D'ESPEREY.
(Signed) ANDRÉ LIAPTCHEW.
(Signed) Gen. LOUKOFF.

MILITARY COVENANT REGULATING THE CONDITIONS OF THE SUSPENSION OF HOSTILITIES BETWEEN THE ALLIED POWERS AND BULGARIA.

Secret articles.

(1) The eventual passage of the allied military forces over Bulgarian territory, as well as the utilization of railways, roads, waterways, and harbors, will be the object of a special covenant between the Bulgarian Government and the high command of the army of the east. Some negotiations to this effect will begin in about eight days at the most. They will concern, also, the control of telephone, telegraph, and the stations of T. S. F.

(2) A certain number of strategical points in the interior of the Bulgarian territory will be occupied by the great allied powers. This occupation will be provisional, and will serve purely as a guaranty. It will not give way to coercion or arbitrary requisition. The general in chief of the armies gives assurance that unless unusual circumstances arise, Sofia will not be occupied.

(3) The general in chief reserves for himself, in case of necessity, the right to demand absolute cessation of every relation between Bulgaria and her former allies.

(4) The opening of Bulgarian ports to the vessels of allied and neutral powers.

(Signed) Gen. FRANCHET D'ESPEREY.
(Signed) ANDRÉ LIAPTCHEW.
(Signed) Gen. LOUKOFF.

FAVORABLE FACTORY CONDITIONS.

Mr. DIAL. Mr. President, in these unsettled times it is very encouraging to read the remarks of one who compliments the people of the United States who furnished funds to give employment to our people. During the war we learned to respect and love the King and Queen of the Belgians. I have here an extract from a paper, giving the impressions of Queen Elizabeth of the Belgians on the conditions in our factories. I desire to have the extract inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"'You ask if I have gained any impressions from the factories I have visited,' Her Majesty continued, with one of her charming smiles. 'I have been very much impressed with the clear-eyed, red-cheeked girls I have seen in your workrooms. I think their evident happiness is due to the pure air, the cleanliness, and the generally splendid surroundings. It is my hope that employers of working people in Belgium and all over Europe will model their factories after those in the United States.'"

LONGSHOREMEN'S STRIKE.

Mr. SHERMAN. I present a letter from the New York Towboat Exchange, through its manager, Mr. Mason, together with a copy of a letter addressed by the exchange to Secretary of Labor Wilson, setting forth the unfitness of Mr. James L. Hughes to act on the conciliation commission in the longshoremen's strike. They set forth a great variety of reasons showing general unfitness, among which is habitual and overwhelming intoxication, disabling him from the discharge of his duties. I ask to have the letter of Mr. Mason, on behalf of the towboat exchange, and also the letter addressed to Secretary of Labor Wilson, printed at length in the RECORD without reading.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW YORK CITY, *October 27, 1919.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

SIR: We inclose herewith copy of letter sent to the Hon. William B. Wilson, Secretary of Labor, Washington, D. C., regarding Mr. James L. Hughes.

Up to the present time we have not received a reply to the inclosed letter, and so far as we know Mr. Hughes is still in New York as mediator on the differences between the striking longshoremen and their employers.

The object of this letter is merely to bring the matter to your attention.

Yours, very truly,
NEW YORK TOW BOAT EXCHANGE (INC.),
CHARLES A. MASON, *Manager.*

OCTOBER 20, 1919.

Hon. WILLIAM B. WILSON,
Secretary of Labor, Washington, D. C.

DEAR SIR: The announcement of the appointment of Mr. James L. Hughes as mediator of the differences between the striking longshoremen of this port and their employers has been read by us with interest, not to say astonishment. As you are apparently unfamiliar with Mr. Hughes's activities here while acting as your representative last spring, we feel it our duty to you and to the maritime interests of New York to acquaint you with the facts.

You will probably recall that in March, 1919, Mr. Hughes was designated by your department to act as mediator in the strike of the operatives of railroad and privately owned harbor equipment in this port. For the following six weeks Mr. Hughes spent the greater part of his time in this city in his so-called mediation efforts, and we had the fullest opportunity to observe him and his activities at close range. We will summarize very briefly the results of our observations:

1. On April 5 Mr. Hughes arranged a meeting, to be held that evening, between representatives of our associations and representatives of the strikers. This meeting was attended by nine of our members and by about an equal number of spokesmen for the strikers. Mr. Hughes arrived in a grossly intoxicated condition, and became progressively more inebriated as the evening advanced. He was totally incapable of appreciating what was being said or done in his presence, and devoted his energies to incoherent and disgraceful denunciations of the employers. He finally fell asleep, and had to be awakened at the termination of the conference. It was a decidedly painful affair.

2. On March 14, 1919, at a conference between four of our representatives and Mr. Hughes, the latter, for the purpose of coercing a settlement with the strikers, accused our representatives and their counsel of the commission of criminal acts, and threatened to bring these alleged offenses to the attention of the Federal district attorney if a settlement was not reached. The accusations were basely slanderous and without foundation, and Mr. Hughes was sharply warned that any repetition of them would lead to the immediate termination of the interview. It is, perhaps, needless to add that the Federal district attorney never acted in the matter, and so far as we are advised was never requested by Mr. Hughes to take any action. In this connection we take the liberty of calling your attention to the fact that under the law of New York an unfounded threat of criminal prosecution or an offer to withhold such prosecution constitutes a felony.

3. Between March 31, 1919, and April 4, 1919, our association effected settlements with the Tidewater Boatmen's Union and the Lighter Captains' Union, as a result of which the members of those organizations returned to work. The negotiations leading to these settlements were initiated and encouraged by Mr. T. V. O'Connor, president of the International Longshoremen's Association. On several occasions subsequent to April 4, 1919, Mr. Hughes reviled T. V. O'Connor with obscene and profane language for aiding in the settlement of these controversies and accused said O'Connor of corruption and of ulterior and dishonest motives in the matter.

4. The strike of the towboat operatives lasted from March 4, 1919, to April 19, 1919. During the closing weeks of the strike a strong sentiment developed among the men in favor of returning to work upon the very liberal terms of settlement offered by the employers. During this period Mr. Hughes attended several meetings of the strikers and personally urged them to hold out a little longer, promising them more favorable terms. His action in this regard undoubtedly prolonged the strike and greatly increased the cost to all concerned. The men finally returned to work on terms less favorable than those rejected upon the advice of Mr. Hughes.

5. On April 16, 1919, Mr. Hughes requested representatives of our associations to meet the Secretary of Labor on the following day at No. 45 Broadway, this city, for a full discussion of all matters in controversy. On arriving at that meeting our representatives were surprised to find that the assurances of Mr. Hughes that the Secretary of Labor would be in attendance were false, and that, in fact, this meeting was being conducted by

the Hon. John F. Hylan, mayor of this city. During the course of the proceedings before him the mayor frequently stated that he had been solicited to act in the matter by Mr. Hughes.

6. The strike of the harbor operatives, which began March 4, 1919, followed a wage award of Mr. V. Everit Macy, acting as an umpire of the National War Labor Board. The employees regarded this award as unfavorable to them and cast it aside with derision. Mr. Hughes aided and encouraged them in this course and was largely instrumental in establishing the principle that an arbitration award, if deemed unfavorable, may be treated as a scrap of paper. The identical proposition is involved in the present longshoremen's strike, and the stand of the strikers is amply justified by the attitude of your representative, who is now called upon to mediate.

7. The attitude of Mr. Hughes throughout the strike from March 4 to April 19 was that of grossest partisanship toward the Marine Workers' Affiliation. When the cause of the strikers was proceeding favorably, Mr. Hughes was always strangely absent. When discontent developed in the strikers' ranks, or when disaster threatened their cause, Mr. Hughes was present and assiduous in his efforts. His close relations with the leaders of the strike and his obvious bias toward them were little short of a public scandal.

We are prepared at any time or place to substantiate the charges made above. Permit us to express the hope that the present appointment of Mr. Hughes marks the end of his activities in maritime matters affecting the port of New York.

Very truly, yours,

(Signed) JOSEPH H. MORAN,
For New York Tow Boat Exchange.
(Signed) H. M. LEE,
For Lighterage Association of the Port of New York.
(Signed) JOSEPH H. SINGLETON,
For New York Boat Owners' Association.

THREATENED STRIKE OF COAL MINERS.

The PRESIDING OFFICER. Resolutions coming over from a previous day are now in order.

Mr. THOMAS. I have a resolution, being Senate joint resolution No. 120, coming over from a previous day, which I am anxious to finally dispose of during the morning hour, but I am not desirous of interfering with the bill which the Senator from Iowa [Mr. CUMMINS] says is of such great and pressing importance and which he desires disposed of this morning. So, if I may be permitted, I will defer calling up my resolution until the Senator from Iowa shall have been heard.

The PRESIDING OFFICER. That order will be made.

FEDERAL TRADE COMMISSION.

Mr. MYERS. Mr. President, a few days ago the Senate adopted a resolution offered by the Senator from Washington [Mr. JONES] calling upon the Federal Trade Commission for particulars as to the authorship and circulation of a public statement previously issued by the commission, which attacked a Member of this body, the Senator from Indiana [Mr. WATSON]. The reply of the Federal Trade Commission, I learn, was made to this body yesterday and laid before the Senate at that time. I was not present when it was received and have just read it this morning. The reply of the Federal Trade Commission assumes full responsibility for the public attack which it recently made upon the Senator from Indiana [Mr. WATSON] and its public circulation. I take occasion now, at the first opportunity, to say that I think it is outrageous for a branch of the executive department of the Government to make a scurrilous attack on the record and standing of a respected and honored Member of this body simply because he introduced a resolution, which the Senate adopted, asking for an investigation as to some of the employees of that branch of the Government. I think it entirely out of place and a violation of all propriety.

I do not know whether or not there are any socialists or Bolshevists who are employees of the Federal Trade Commission. I do know, however, that there have been socialists and Bolshevists who have been employees of this Government. There may or may not be such in the employ of the Federal Trade Commission, but the Senator from Indiana had a right to introduce his resolution for an investigation of that subject, and, as I have stated, the Senate put its seal of approval upon that right by unanimously adopting his resolution. In speaking now of the action of the Federal Trade Commission, which I condemn, I do not refer to its reply to the resolution of inquiry of the Senator from Washington [Mr. JONES], which was proper, but to its published statement which called for the introduction and adoption of the resolution of the Senator from Washington and which attacked the Senator from Indiana [Mr. WATSON] apparently because he introduced a resolution to investigate some employees of the commission. That I brand as improper.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CUMMINS. I rise to a point of order, though I am very sorry to do so. The bill to which I referred a few moments ago is so important that I must ask for the regular order, in order that I may have an opportunity to present it.

Mr. MYERS. Mr. President, if the Senator from Iowa will bear with me a very few minutes longer, I will conclude. I have said nearly all I intended saying.

Mr. CUMMINS. I am sure of that, but I fear that what the Senator from Montana has said may give rise to a good deal of discussion.

Mr. MYERS. The Senator from Iowa, then, is fearing others and not me. That being the case, I bow to his point of order. I have to admit, of course, his right to raise it at this time.

REIMBURSEMENT FOR RAILROAD EQUIPMENT.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 237, being Senate bill 3319; but before the request is granted I think it is due to the Senate that I shall explain, briefly, the nature and object of the bill.

Mr. President, the Government has expended in betterments and additions and for equipment in the railway service something like a billion dollars since it has been in operation of these properties. It will be imperatively necessary that the Government shall carry for a very considerable time, probably for 10 years, a large portion of these advances, for the railway companies will be utterly unable to repay these expenditures which have been made upon and for their properties and which are properly chargeable to capital account. Among the expenditures I have mentioned there are in the aggregate about $375,000,000 for equipment; that is to say, for engines, cars, and the like.

The President, the railway companies, and certain bankers have negotiated an arrangement through which about $225,000,000 of the expenditures for equipment can be funded for a period of 15 years. It is to be accomplished through the organization of a corporation which is to acquire the title of the equipment which is now in the Government and transfer that equipment to the several railway companies, which are to execute securities upon which the corporation will issue what is known as car-trust-equipment certificates. The bankers have agreed to take of these certificates an amount substantially equal to $225,000,000. That will return to the Government at this time that amount of money.

The Government will be compelled to carry in some form the remainder, or, together with the reserve fund that is to be established, substantially $150,000,000.

When the arrangement had been made and everything had been agreed upon between the parties, including the Government, the counsel for the bankers who were to underwrite these securities reached the conclusion that there was no authority in the act of March 21, 1918, for the arrangement which was proposed. The Railroad Administration was of the contrary opinion, that the President already had the authority required to enable him to carry out the plan which had been proposed and which was agreeable and satisfactory to all who were concerned. In that difference of opinion the negotiations were suspended, and no matter how well founded the view of the President and his advisers may be, if the bankers who are to advance the money or to underwrite the arrangement feel that the authority does not exist, the negotiation must come to an end and the plan must be abandoned.

The bill which has been introduced and which has received the unanimous recommendation of the Committee on Interstate Commerce is designed simply to supply the authority which it is feared the present law does not contain, and that will enable the President to go forward with this funding operation.

I feel that I could not more completely explain the measure if I were to consume further time.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. May I ask the Senator a question for information?

Mr. CUMMINS. Certainly.

Mr. NELSON. Are the credits which are to be advanced by the bankers credited to the individual railroad companies separately or is it a pooling arrangement?

Mr. CUMMINS. It is not a pooling arrangement. The equipment to which I have referred which has given rise to a great

deal of controversy and dispute among the railroads and as between the railroads and the Government has now been allocated or distributed to the various railroad companies.

Mr. NELSON. So that each road will have to pay its share?

Mr. CUMMINS. Each road will have to pay its own share.

Mr. NELSON. There is a further question I should like to propound. In reference to the advances to be made by the bankers or by the corporation referred to by the Senator, does the Government assume any liability in connection therewith? In other words, will it directly or indirectly guarantee those obligations?

Mr. CUMMINS. The Government does not directly or indirectly guarantee the trust certificates. The Government, it will be understood, is now the creditor of the railroad companies. It has no way of securing payment except from the railroad companies, and the railroad companies are entirely incapable at this time of repaying this vast sum of money. It is only about two-fifths of the entire sum which the railroad companies owe the Government upon capital account. The Government will not occupy any less advantageous position than it now occupies.

The bankers take these certificates, and the Government will get about $225,000,000 out of the operation. It will be remembered that the Government must then accept a subordinate position financially to these certificates, so far as the remaining $150,000,000 are concerned; but it has that position now, and it gets into the Treasury of the United States about $225,000,000 that otherwise it would be unable to secure.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. Just for a question. The Senator has rightly stated, as I understand the facts, that the $225,000,000 will be covered back into the Treasury of the United States. That leaves approximately $150,000,000 which is undisposed of. Now, as I understand the situation, the director general's office purchased these locomotives and cars for the purpose of distributing them among the various roads in proportion to their several needs.

Mr. CUMMINS. He did.

Mr. POMERENE. Some little time ago a part of these cars had not been distributed or allotted to the roads. What portion of these still remain in the director general's control and have not as yet been allotted?

Mr. CUMMINS. Mr. President, I shall have to answer that in this way: The dispute between the railroad companies and the Government has been settled and the distribution has been agreed upon; that is, the number of cars that each company is to take and the number of locomotives that each company is to take has been agreed upon. Just what the physical location of the cars may be, I do not know; but the matter has all been disposed of by common consent.

Mr. POMERENE. So that the only matter that remains unsettled is the determination of the character of these securities?

Mr. CUMMINS. That is all. The only question is one of authority. Does the President of the United States have the authority under the act of March 21, 1918, to do the thing which he desires to do? The lawyers in New York hold that he has not that authority; his own advisers say he has; and this bill is to remove the uncertainty or doubt with regard to the power.

I ask unanimous consent for the present consideration of the bill.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. I do not object to unanimous consent for the present consideration of this bill, but suggest, on the contrary, that it should be granted. I think the bill should be considered and disposed of very promptly.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to make provision for the reimbursement of the United States for the sums advanced to provide motive power, cars, and other equipment ordered by the President for the railroads and systems of transportation now under Federal control, herein called "carriers," pursuant to the authority conferred by the second paragraph of section 6 of the act of March 21, 1918, the President may, upon such terms as he shall deem advisable, receive in reimbursement cash, or obligations of any carrier, or part cash and part such obligations, or in his discretion he may accept for such motive power, cars, or other equipment, cash or the shares of stock or obligations, secured or unsecured, of any corporation not a carrier organized for the purpose of owing equipment or equipment obligations, or part cash and part such shares of stock and obligations, and he may transfer to such corporation any obligations of carriers received on account of motive power, cars, or other equipment, and he may execute any instruments necessary and proper to carry out the intent of the second paragraph of section 6 of said act of March 21, 1918, to the end that title to the motive power, cars, and other equipment so ordered by the President as aforesaid for the carriers may rest in them or their trustees or nominees.

In addition to the powers herein and heretofore conferred, the President is further authorized to dispose, in the manner and for the consideration aforesaid, of motive power, cars, and other equipment, if any, provided by him in accordance with any other provisions of said section, and of any obligations of carriers that may be received in reimbursement of the cost thereof.

SEC. 2. That any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding 15 years, shall be fully paid and the conditions of purchase fully performed. Any such contract shall be in writing, and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within 60 days after the delivery thereof, and shall be valid and enforceable as against all persons whomsoever.

SEC. 3. That nothing herein contained shall be deemed to abrogate or limit the powers conferred upon the President by said act of March 21, 1918.

SEC. 4. That the President may execute any of the powers herein granted through such agencies as he may determine.

SEC. 5. That this act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said act of March 21, 1918.

Mr. ROBINSON. Mr. President, reference is made in the bill to section 6 of the act of March 21, 1918, which is the so-called Federal-control act. I ask that section 6 of that act be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEC. 6. That the sum of $500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed by any carrier by reason of any such additions, betterments, or road extensions so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section 3 thereof.

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the utilization and operation of canals, or for the purchase, construction, or utilization and operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways, and may in the operation and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall deem in the public interest.

Mr. ROBINSON. I call particular attention to the first and second paragraphs of that section, which are as follows:

That the sum of $500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President such advances to be charged against such carrier and to bear interest at such rate and to be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Under the authority of section 6, as stated by the Senator from Iowa, there have been expenditures aggregating approximately $1,000,000,000, and this sum is now due the Government from the railroads. This bill proposes an arrangement by which a portion of that amount may be reimbursed to the Government through the activities of a car trust.

It is observable that section 6 of the Federal control act contemplates additional legislation, and without going into that subject in detail, it does seem to me that there is sufficient doubt as to the authority of the President to make this arrangement to justify the legislation which the Senate is now considering.

The bill relates to one of the complicated problems growing out of Federal control. It effectuates an amicable agreement which has finally been reached between the Railroad Administration and the carriers. The benefits that will accrue to the Government are in part, at least, that the Government promptly will be reimbursed in the sum of something like $225,000,000—I believe the Senator from Iowa has stated that—and the Government will therefore be relieved from carrying that sum in the future.

Mr. President, it is, of course, clear that the railroads themselves will be benefited by the arrangement which this bill carries out. It will relieve them from the immediate obligation to reimburse the Government for approximately $225,000,000 which, considered in connection with their other obligations, it is impossible, or at least impracticable, for them immediately to pay. They must be given time, and if the plan of this bill should be rejected and no other is adopted, this part of the debt of the railroads to the Government will have to be funded along with the remainder. In my judgment this is about the best arrangement that has been suggested, and the bill ought to be enacted.

Let me call to the attention of the Senator from Iowa some language in the bill, and ask him a question regarding it.

It is provided by section 2—

> That any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding 15 years, shall be fully paid and the conditions of purchase fully performed.

This language is also found:

> Any such contract shall be in writing, and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within 60 days after the delivery thereof.

I wonder if the Senator from Iowa can state whether it is the intention of this language to require both parties to the contract to swear to it or to acknowledge it, using the exact language of the bill, or whether it is merely intended that the proper officers of the carriers may make such acknowledgment?

Mr. CUMMINS. Mr. President, the plan is that the Government shall transfer the title of these properties, the equipment properties, to a corporation which I assume is to be organized under the law of a State. The corporation is then to transfer conditionally the title of the property to the several carriers; and that contract, being one of sale, is to be acknowledged and filed with the Interstate Commerce Commission.

Mr. ROBINSON. Both by the Government corporation and by the carrier corporation?

Mr. CUMMINS. Both.

Mr. ROBINSON. That is the information which I desired upon that point. Now, calling attention to section 5, this language—

> That this act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said act of March 21, 1918.

What is the value and what is the effect of that language?

Mr. CUMMINS. Mr. President, I think it has no value whatever, nor has it any meaning; but the bill which I introduced and which was before the Interstate Commerce Committee was prepared jointly, as I understand, by the Railroad Administration or its advisers, by the attorneys for the banking institutions which were to underwrite the certificates, and by the carriers; and it came to me with a memorandum that it had been agreed upon in that form by all these parties. I perceived at once that this last section has no effect whatever, or is of no value whatever, but I did not think it was sufficiently important to change it.

Mr. ROBINSON. I do not see any objection to the language, but I agree with the Senator from Iowa that it has very little if any legal effect.

I am satisfied that the bill ought to pass.

Mr. SMOOT. Mr. President, as I understand the situation, the Government has purchased $375,000,000 worth of motive power—cars and other railroad equipment—and this is to be transferred to a corporation to be hereafter organized. That corporation is to pay to the Government $225,000,000 in cash, and the Government is to take the obligation of the corporation for another $150,000,000.

Mr. CUMMINS. No; that is not quite the arrangement. Assuming that the amount is $375,000,000—and it may vary; it may be $10,000,000 more or $10,000,000 less—the Government is to transfer to this corporation to be organized this property, and the corporation is then to transfer it to the several railroad companies to which it has been allocated by the Government itself by arrangement already made. The company is thereupon to issue car-trust certificates.

Mr. SMOOT. For $225,000,000?

Mr. CUMMINS. For about $250,000,000, and the Government is to subscribe to the stock of the corporation in a sum of about $150,000,000. The corporation then disposes of the car-trust certificates through the bankers who have already entered into an agreement to underwrite them. About $25,000,000 of the proceeds are to be deposited as a reserve fund with the Government; $225,000,000 of the proceeds are to be applied upon the general indebtedness of the railroads, extinguishing that amount of the indebtedness which the railroads now owe the Government, and the Government has in its possession, free and clear, about $225,000,000.

The carriers agree to pay all the interest charges, not only upon the stock but upon the car-trust certificates, and one-fifteenth of the principal each year, so that the whole sum at the end of 15 years is satisfied and discharged.

Mr. SMOOT. I can not see yet, Mr. President, but what the railroad companies will owe the corporation $150,000,000 instead of owing it to the Government as to-day. The Government turns over $375,000,000, in round numbers, of railroad equipment to the corporation that is to be organized. That corporation then transfers all this property to the railroads, according to their needs, as agreed to by the Government and the railroads.

Mr. CUMMINS. No; the carriers give the corporation of which I am speaking their obligations for $375,000,000.

Mr. SMOOT. That is exactly what I said in the first place, instead of the obligation of the railroads of $375,000,000 being with the Government, the railroads will be obligated to the corporation to be incorporated.

The CUMMINS. I think so.

Mr. SMOOT. The railroad equipment has been turned over to the corporation by the Government. Therefore it seems to me that the corporation should in some way pay $150,000,000 more than the $225,000,000, and not the railroads, because the railroads will have to pay it to the corporation and the corporation to the Government.

Mr. CUMMINS. The railroads execute their obligation to the corporation for the entire sum.

Mr. SMOOT. That is as I understand it.

Mr. CUMMINS. And upon the sum, and upon the additional title which is transferred, the corporation issues $250,000,000 of car-trust certificates. The bankers take them, and that amount is turned over to the Government. The Government subscribes for $150,000,000 of the stock of the company and carries for 15 years the debt that it now has in that form.

Mr. SMOOT. In other words, the Government, instead of carrying an obligation against the railroads for the $150,000,000, subscribe to the stock of this corporation for $150,000,000, and they then in turn will take their chance, at the dissolution of the corporation, of receiving back that amount. No doubt they will receive it back, and they certainly will if the railroads have already agreed to take the property at $375,000,000.

Mr. CUMMINS. Exactly.

Mr. SMOOT. That is as I understood the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THREATENED STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States.

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate proceed to the consideration of Senate joint resolution 120.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCormick	Robinson
Ball	Hale	McKellar	Sheppard
Bankhead	Harris	McNary	Shields
Borah	Harrison	Moses	Simmons
Brandegee	Henderson	Myers	Smith, Ariz.
Calder	Hitchcock	Nelson	Smith, Ga.
Capper	Johnson, Calif.	New	Smith, Md.
Chamberlain	Johnson, S. Dak.	Newberry	Smoot
Colt	Jones, N. Mex.	Norris	Spencer
Cummins	Jones, Wash.	Nugent	Swanson
Curtis	Kendrick	Overman	Thomas
Dial	Kenyon	Owen	Townsend
Dillingham	Keyes	Page	Trammell
Elkins	King	Phipps	Walsh, Mass.
Fall	Kirby	Pittman	Walsh, Mont.
Fernald	Knox	Poindexter	Warren
Fletcher	La Follette	Pomerene	Wolcott
Gay	Lodge	Ransdell	

Mr. SHEPPARD. The Senator from Mississippi [Mr. WILLIAMS], the Senator from Rhode Island [Mr. GERRY], and the Senator from California [Mr. PHELAN] are absent on official business. The Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness in his family. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. There is a quorum present. The question is upon the motion of the Senator from Colorado.

Mr. BORAH. Mr. President, is the motion of the Senator from Colorado now before the Senate?

The PRESIDENT pro tempore. The Chair understands that the Senator from Colorado has moved to proceed to the consideration of Senate joint resolution 120.

Mr. BORAH. I have no objection to that.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States.

Whereas the officers of the United Mine Workers of America have ordered all miners in the bituminous coal mines of the United States to strike on Saturday, the 1st day of November next, notwithstanding efforts of the Secretary of Labor to secure some basis of negotiation suspending or preventing same; and

Whereas the representatives of said organization have arbitrarily rejected the President's earnest counsel for compromise; and

Whereas strikes in other fields of industry heretofore ordered and still unsettled threaten to continue indefinitely; and

Whereas demands for increased wages and shorter hours, accompanied by expressed or implied determination to enforce such demands, if necessary, by strikes in other fields of industry, have been and are being made; and

Whereas the threatened strike of the bituminous coal miners will, if carried into effect, interfere with, injure, or suspend nearly all the national pursuits and industries, inflict continued and incredible hardship and suffering upon all the people of the United States and provoke disorder, violence, bloodshed, and insurrection throughout the land; and

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. BORAH. Mr. President, did the Senator from Colorado intend to address the Senate?

Mr. THOMAS. No, Mr. President; I think the proclamation of the Attorney General, if I may call it so, which was published in the morning papers, is all the argument that may be needed for such a resolution. I think it ought to be passed without objection.

Mr. BORAH. Mr. President, I have no objection to the body of the resolution proper, with a slight change which might be made, because, as I understand the resolution, it does nothing more than indorse the action of the Government in maintaining law and order.

Mr. THOMAS. What change does the Senator recommend?

Mr. BORAH. The first change I was going to recommend was to strike out the preamble.

Mr. THOMAS. But the Senator stated that he had no objection to the body of the resolution, with a slight amendment, and my inquiry goes to that.

Mr. BORAH. The amendment which I had in mind was the amendment which the Senator and I discussed the other day, which I understood was satisfactory to the Senator; that is, to insert, after the word "Government," on page 2, line 7, the words "in using such constitutional means as may seem necessary."

Mr. THOMAS. Mr. President, if it will facilitate immediate action upon the resolution, I want to state to the Senate that I am not insistent upon the preamble. I think the preamble should remain in the resolution. That is a personal opinion, however. But, of course, I am more concerned about the resolution itself.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Idaho.

The SECRETARY. On page 2, in line 7, after the word "Government," insert the words "by resorting to such constitutional means as may be necessary."

Mr. THOMAS. "Constitutional and lawful means."

Mr. BORAH. Very well; that suits me just as well.

The amendment as modified was agreed to.

Mr. BORAH. Mr. President, I desire to ask the Senator if he is willing to strike out the preamble?

Mr. ROBINSON. May I ask whether the amendment submitted by the Senator from Idaho was agreed to?

The PRESIDENT pro tempore. It was agreed to.

Mr. McCORMICK. Mr. President, what is the part of the preamble to which the Senator from Idaho refers? Is it the first three lines?

Mr. BORAH. All the "Whereases," so as to restrict it to the resolution itself.

Mr. THOMAS. The preamble extends to the line numbered 1 on page 2. So far as I am authorized to do so, I am willing to accept the suggestion of the Senator from Idaho.

Mr. BORAH. I move to strike out the title and the preamble, except the words "joint resolution," beginning with the word "assuring" and ending with the word "end," on page 2, at the close of the preamble.

The PRESIDENT pro tempore. The Chair is of the opinion that amendments to the preamble should follow the disposition of the resolution itself. The Chair is not entirely certain of that, but thinks the rules of the Senate so provide in effect.

Mr. BORAH. In this particular instance I would not vote for the preamble itself and would want to oppose the joint resolution with the preamble in it. The Senator from Colorado has a perfect right, of course, to amend the joint resolution in any way he desires.

The reason why I am opposed to the preamble is because, in my judgment, it recites and concludes the case against the miners, which I do not think we ought to undertake to do upon such facts as we have before us. Indeed, as a legislative body, we have nothing to do. So far as supporting the Government in maintaining law and order and protecting the rights in the district and protecting lives in the district, of course I desire to be recorded in favor of it, but I do not want to vote even in the form of a preamble for a statement of fact which seems to pass upon the question as between the operators and the miners. While perhaps the rule is as the Chair states it, I think we ought to settle the preamble in this case before we vote upon the joint resolution.

The PRESIDENT pro tempore. The Chair is so doubtful about the application of the rule that he will not enforce it unless the point is raised by some Senator. The proposed amendments to the preamble can proceed.

Mr. THOMAS. While I do not believe that the preamble to the proposed joint resolution has the effect which the Senator from Idaho has stated, I am willing to accept any method of securing favorable action upon the joint resolution itself that is possible, without making the motion myself.

Mr. BORAH. Then I make the motion, Mr. President, that all after the title, "Joint resolution" down to the word "Resolved," in line numbered 1 on page 2, be stricken out.

Mr. BRANDEGEE. I wish to ask the Senator from Idaho if he sees any particular objection to leaving in the last clause of the preamble, on page 2? It seems to me to be germane and a rather appropriate description of the relation in the body of the resolution.

Mr. BORAH. That is an axiomatic proposition, with which I have no controversy. That is merely stating in the preamble what is contained in the resolution proper, to wit, the enforcement of law and the maintenance of order. I have no objection to that, if the Senator desires to leave it in.

Mr. BRANDEGEE. As the Senator says, it may be axiomatic, but it calls the attention of the country to the fact that it is the paramount duty of the Government at all times effectively to safeguard life and property, and I think it is very proper to state it in this connection.

Mr. BORAH. I have no objection to that, because I am in favor of maintaining law and order.

Mr. LODGE. Mr. President, I wish to say to the Senator that there certainly can be no doubt that the title may not be amended until after the joint resolution is passed, but in this instance I have no objection to doing that. I do not think, however, that we ought to fall into the practice of amending the title before a bill or joint resolution is passed.

Mr. BORAH. I ask unanimous consent that the title be stricken out. I am not going to support the joint resolution with any such generalizations in it.

Mr. BRANDEGEE. To which portion of the preamble does the Senator refer?

Mr. BORAH. I mean where it says, "assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States," and so forth.

Mr. THOMAS. As I understand the motion of the Senator now——

Mr. JONES of New Mexico. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from New Mexico will state his point of order.

Mr. JONES of New Mexico. Rule XXIII reads:

> When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

Mr. LODGE. There is no doubt about the rule, but that we can do what we desire by unanimous consent was my suggestion.

The PRESIDENT pro tempore. The Chair did not hear the point of order raised by the Senator from New Mexico. The Senator will state it again.

Mr. THOMAS. Mr. President, I think I can relieve the situation. I will accept the amendment offered by the Senator from Idaho to eliminate all matter in the resolution beginning with the word "assuring" on page 1 and including the first whereas on the second page.

Mr. POMERENE. Does not the Senator want to include in his motion the following words, "Therefore be it"?

Mr. BORAH. They are in now.

Mr. POMERENE. They should be included in the motion just made.

Mr. LODGE. A parliamentary inquiry, Mr. President. The Senator from Colorado is not required to make a motion; he can modify his own resolution.

Mr. POMERENE. I was just going to suggest that he would want to begin his resolution with the word "*Resolved*."

Mr. THOMAS. It does so begin. The preamble precedes instead of succeeding the word "*Resolved*."

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho that the preamble of the joint resolution shall be considered before the disposition of the resolution itself?

Mr. LODGE. Mr. President, the right to modify at this stage belongs to the mover of the resolution, and if he cares to modify it, it can be done, of course, under the rule.

Mr. THOMAS. I consent to the modification of the joint resolution by accepting the amendment proposed by the Senator from Idaho, and ask to strike out all in the resolution beginning with the word "assuring," on the first page, and extending to and including the first whereas of the preamble, on page 2, so that the resolution will begin with the last whereas, on page 2, and comprise that whereas and the resolution itself.

Mr. McCORMICK. I want to suggest to the Senator from Colorado, in view of the amendment to the preamble, that the emergency to which reference is made in line numbered 5 on page 2 might be any great emergency. I suggest that the words "confronting us" be stricken from the resolution, and that in lieu thereof the words be inserted "arising out of the impending strike of bituminous coal miners."

Mr. THOMAS. I accept the amendment.

Mr. BORAH. May I ask that the amendment be read as amended?

The PRESIDENT pro tempore. The Secretary will read the joint resolution as modified.

The SECRETARY. It is proposed, on page 2, in lines numbered 5 and 6, to strike out the words "confronting us" and insert in lieu thereof the words "arising out of the impending strike of bituminous coal miners," so that as amended the resolution has no title and reads as follows:

> Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency arising out of the impending strike of bituminous coal miners, and call upon them to vindicate the majesty and power of the Government by resorting to such constitutional and lawful means as may be necessary in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The PRESIDENT pro tempore. Shall the joint resolution as amended be reported to the Senate?

Mr. FRANCE. I call for the yeas and nays.

Mr. BORAH. Before the yeas and nays are ordered, while I have no objection to that, yet I wish to make just a brief statement in order that I may not be misunderstood hereafter.

The letter of the Attorney General, in so far as it states the duty of the Government with reference to upholding and enforcing the law with reference to the rights of citizens, meets with my entire and hearty approval. But, Mr. President, I disagree with the Attorney General upon some of the facts which he has stated in his letter. I do not know that it is necessary at this time to discuss them; perhaps it is not necessary to go further than to merely state them.

I think the contract under which these men were working has terminated. I do not believe it is in existence at this time.

It is not existent for the reason, first, that so far as this contract is concerned the war is over, and, even if that were not true, the action of the Government with reference to this particular contract heretofore has, in my judgment, terminated it. I do not want, therefore, by reason of what the Senator from Colorado [Mr. THOMAS] has stated, that the statement of the Attorney General is sufficient and ample to cover the entire matter, to be understood as admitting that the contract under which the miners were operating is still in existence. That is a debatable question, in my judgment, to say the least.

Mr. POMERENE. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. POMERENE. I, perhaps, ought to say, preliminarily, that I do not agree with the Senator from Idaho that the war has terminated or that this contract has terminated; but I desire to call the Senator's attention to the language following that statement in the Attorney General's letter in which he says that there are other contracts in which there is no such limitation. I may not state the exact language, but that is the substance of it.

Mr. BORAH. I do not admit the fact. There is no other contract under which strikes are being ordered. I may be in error, but I have that statement from those who ought to know.

Mr. THOMAS. The Senator from Idaho is mistaken about that in so far as some of the mines in Colorado are concerned.

Mr. BORAH. Of course, I have not seen the contracts, but I have the statement from those who are in a position to know, who claim that those contracts are not being disregarded. What I have reference to when I say that the contract is no longer binding is the contract to which the Attorney General refers in particular, leaving out now the disputed proposition as to whether there are other contracts which are under different conditions and are expressed in different terms; but the contract to which the Attorney General refers as not being terminated, in my judgment, is terminated; at least it is a debatable question, and I do not want to be concluded upon it by any vote that I cast here to-day.

Mr. BRANDEGEE. Mr. President, of course I am in favor of the adoption of every lawful means by the Government to protect persons and property in times of disturbance in this country. Before proceeding I should like, if I may, to have the attention of the Senator from Colorado [Mr. THOMAS] for just a moment, inasmuch as the suggestion I am about to make concerns his resolution. There was inserted, at the suggestion of the Senator from Idaho [Mr. BORAH], in the latter part of the joint resolution, where it calls upon the Government to vindicate the majesty and power of the Government, a provision that it should do so in a lawful and constitutional manner. There is no such provision in the first part of the joint resolution, in which we pledge our support unqualifiedly. While, of course, I am not assuming that the Government will adopt any unlawful means, I am aware that in times of great excitement, where great conflicting interests depend upon the exercise of severe measures of restraint, there is frequently a difference of opinion as to whether some means employed by governments in times of emergency may or may not be lawful. Unless the resolution has been amended without my knowledge, it now provides:

> That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency—

And so forth.

That, Mr. President, absolutely pledges us to an unqualified support of anything that the Government may do.

Mr. THOMAS. But the Senator from Connecticut has overlooked the first amendment which was offered by the Senator from Idaho [Mr. BORAH].

Mr. BRANDEGEE. I should be glad to have my attention called to it.

Mr. THOMAS. The first amendment proposed by the Senator from Idaho refers to that identical question.

Mr. BORAH. My amendment reads, "by resorting to such constitutional and lawful means as may be necessary."

Mr. BRANDEGEE. But the Senator from Idaho put that in the place where we call upon the administration "to vindicate the majesty and power of the Government"; but he did not put it in the place where we pledge ourselves unqualifiedly to support the national administration, and so forth. While I intend to give every support possible to any lawful action of the Government, I feel a little hesitant concerning the phraseology, because I would not support the Government in what I thought was an unlawful procedure any more than I would support the coal miners in an unlawful procedure.

I want the language so framed that if the Government at some time shall do something that I think is a gross violation of the constitutional right of an American citizen, I shall not have this thrown in my face and be accused of a breach of faith on my part. I do not think we ought to pledge unqualified support to some excited military commander or some Attorney General who may take an entirely different view of the Constitution of this country from that the Senate takes.

I desire to make a suggestion, which I do not think will weaken the resolution at all, but which will make it more agreeable to me at least. In line 5, on page 2, after the word "support," or at any other place where it will accomplish the purpose, I suggest the insertion of some language like this, "in the use of all lawful means," so as to read, "support in the use of all lawful means in the great emergency confronting us."

Mr. BORAH. I think that is a very good suggestion, but as the sentence is punctuated, the amendment which I offered covers the same thing. However, I myself have no objection to the amendment suggested by the Senator from Connecticut.

Mr. BRANDEGEE. If the punctuation makes the language susceptible of that construction, I shall certainly not press my amendment; but in line 6, as the Senator will notice, after pledging our support, it proceeds to a different proposition and says, "and call upon them to vindicate the majesty and power of the Government," and so forth.

I will propose an amendment if the Senator from Colorado himself does not wish to modify his resolution to meet the suggestion.

Mr. THOMAS. Mr. President, I feel perfectly certain that the amendment proposed by the Senator from Idaho covers the identical objection, and I am unable to perceive the necessity of duplicating it, as would be the case if the suggestion of the Senator from Connecticut were acted upon.

Mr. BRANDEGEE. Mr. President, in view of that statement I will not offer the amendment. I have the assurance of the Senator from Colorado that he thinks that is the sense of the joint resolution now. All I want to preserve is my right to criticize an unlawful act of the Government.

Mr. THOMAS. I think that is unquestionably the effect of the amendment of the Senator from Idaho, but if it will suit the Senator from Connecticut better, I am perfectly willing, with his consent, to transpose the amendment by inserting it between the word "support" and the word "in," in line 5.

Mr. BRANDEGEE. The Senator from Colorado, if I understand him, suggests to the Senator from Idaho that the amendment which was agreed to in the place where the Senator from Idaho suggested it be inserted should be transposed so as to follow the word "support," in line 5, and thus modify the whole provision.

Mr. BORAH. That is perfectly satisfactory to me.

Mr. THOMAS. Very good; that is agreeable.

Mr. McCORMICK. Let the joint resolution as amended be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution as amended.

The SECRETARY. It is proposed to amend the joint resolution by inserting the words "by resorting to such constitutional and lawful means as may be necessary," to follow the word "support," in line 5——

Mr. THOMAS. Now, let the Secretary read the resolution as amended.

The Secretary read as follows:

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support by resorting—

Mr. BORAH. Instead of the words "by resorting to," I suggest that the words "in the use of" be employed. That would be better language.

The Secretary read as follows:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary in the great emergency arising out of the impending strike of bituminous coal miners, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. THOMAS. Mr. President, the junior Senator from Illinois has suggested to me the striking out of the words "and call upon them to vindicate," in line 6, and substituting therefor the words "in vindicating."

Mr. McCORMICK. "And in vindicating."

Mr. THOMAS. "And in vindicating." That suggestion I am very glad to accept.

Mr. SMOOT. Mr. President, may I call the attention of the Senator from Colorado to the fact that transposing the amendment offered by the Senator from Idaho in its modified form it appears to me will make the meaning rather obscure. I therefore suggest to the Senator that the word "in" be stricken out and the words "to meet" be inserted.

Mr. THOMAS. In what line?

Mr. SMOOT. On page 2, line 5, after the word "necessary," at the end of the amendment proposed by the Senator from Idaho, insert the words "to meet," so as to read "to meet the great emergency confronting us."

Mr. THOMAS. "Unqualified support to meet"—that is not grammatical.

Mr. SMOOT. "To meet the great emergency confronting us," so that it would read in this way:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the great emergency confronting us.

Mr. THOMAS. I accept that suggestion.

Mr. KENYON. Mr. President, I should like to ask the Senator from Idaho what support Congress can give the Department of Justice or any other branch of the Government in carrying out the laws? Have they not full power now to execute the laws? What does this joint resolution amount to?

Mr. BORAH. This is not the joint resolution of the Senator from Idaho.

Mr. KENYON. The Senator was discussing it, and I was wondering just what support we could give the administration.

Mr. BORAH. I presume it would be a moral support.

Mr. THOMAS. Precisely.

Mr. KENYON. Moral support?

Mr. BORAH. Yes; but, of course, as a legal proposition we are not giving them any additional support at all.

Mr. FALL. What is the difference between a moral obligation and a legal obligation?

Mr. GORE. That is a point in casuistry.

Mr. KING. The question might be referred to the league of nations society.

Mr. ROBINSON. Mr. President, I desire to call the attention of both the Senator from Idaho and the Senator from Colorado to the fact that the amendment as now proposed strikes out the title of the joint resolution. I think that under the procedure and practice of the Senate, and, in fact, of both Houses of Congress, a joint resolution should have a title. For instance, the rule provides for the reading of bills the first and second time by title only, and that rule applies to joint resolutions. I desire to suggest that some title appropriate to the joint resolution as it has been agreed upon or is about to be agreed upon should be inserted as a part of the amendments that are being arranged.

The PRESIDENT pro tempore. The Chair desires to state that it is the joint resolution that is now before the Senate; the preamble is not before the Senate at this time.

Mr. ROBINSON. I was not speaking of the preamble. I was speaking of the title.

Mr. LODGE. Mr. President, I do not know that the Senator from Arkansas was here, but I called attention to that point, and the title—which, of course, under the rule must be dealt with last—was stricken out by unanimous consent. Of course, we can do anything by unanimous consent.

Mr. ROBINSON. Certainly; and I presume by unanimous consent we can adopt a title after we have adopted the joint resolution.

Mr. LODGE. I think we are bound to do so.

Mr. ROBINSON. The Senator, then, agrees with me that the joint resolution must have a title?

Mr. LODGE. I should say so, offhand.

Mr. BORAH. Well, we can name the child after it is born.

Mr. GORE. Mr. President——

Mr. THOMAS. I am perfectly willing to meet that difficulty, if it can be done, by making this a concurrent instead of a joint resolution. I understand that a concurrent resolution does not require a title. I inquire of the Senator from Massachusetts whether that is the case or not.

Mr. LODGE. I should suppose that any resolution would require a title. I have not the rule before me.

Mr. THOMAS. I do that in deference to the Senator from Idaho. Personally I am satisfied with the title to this joint resolution. I think the Senator's amendment went too far, but for the purpose of securing immediate action I was willing to accept it.

Mr. FALL. Mr. President, I think by all means it ought to be a joint resolution, as it is a reassurance to the Chief Magistrate of this country. If it is a joint resolution, it will be sent to him. If it is a concurrent resolution, it will rest in our archives.

Mr. THOMAS. It will go to him anyway.

Mr. GORE. Mr. President, I had risen to suggest the action just proposed by the Senator from Colorado that this be changed from a joint resolution to a concurrent resolution. It would only be a joint resolution on the assumption that it required the President's signature. A concurrent resolution, of course, does not require the President's signature. It seems to me that a resolution of reassurance of this character ought not to call for his signature. It is purely an expression of congressional support, looking to the equal punishment of the offending and the equal protection of the unoffending.

Mr. LODGE. The rule simply says "a resolution." It does not confine it. It says "a bill or resolution." That covers all resolutions.

Mr. JONES of Washington. Mr. President, I desire to ask whether or not the statement of the Attorney General has been put in the RECORD?

The PRESIDENT pro tempore. The Chair is advised that it has not.

Mr. JONES of Washington. The Attorney General is the legal adviser of the administration. He states pretty clearly his idea as to the legal effect of the present situation. I ask that the statement of the Government's side, as appearing in the Washington Post this morning, together with the statement of the miners' side, may be inserted in the RECORD. The article is headed, "Two sides to the coal strike."

The PRESIDENT pro tempore. Is there objection?

Mr. HITCHCOCK. I would suggest to the Senator that it might be well in connection with that statement to have inserted also the proclamation of the President which preceded these statements.

Mr. SMOOT. I think that has been put in the RECORD.

Mr. HITCHCOCK. I am not sure. I did not request it, and I do not know that anyone has done so.

Mr. JONES of Washington. I do not see that here, but I have no objection to its going in.

Mr. HITCHCOCK. I think that would be wise.

Mr. KING. Mr. President, if the Senator will permit me, that went into the RECORD in the House day before yesterday.

Mr. HITCHCOCK. Very well.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Washington Post, Oct. 30, 1919.]

THE TWO SIDES TO THE COAL STRIKE.

The United States Government's Side.

Attorney General Palmer issued the following statement outlining the Government's attitude toward the coal strike at the Department of Justice at 8 o'clock last night after a long conference with Secretary Wilson, Director General Hines, Secretary Tumulty, Dr. Garfield, Assistant Attorneys General Francis P. Garvin and C. B. Ames:

"There can be no doubt that the Government has the power in the public interest, under the law, to deal with the projected strike of the bituminous coal miners without infringing upon the recognized right of men in any line of industry to work when they please and quit work when they please. The illegality of this strike can and will be established without in any way impairing the general right to strike, and the general right to strike is not in issue in any sense whatever in the present situation.

"This is true because the circumstances differentiate this case from the case of any other strike that has ever taken place in the country. It does not follow that every strike is lawful merely because the right to strike is recognized to exist. Every case must stand upon its own bottom and be governed by its own facts. Therefore, when the President said in his statement last Saturday that 'such a strike in such circumstances' is not only unjustifiable but unlawful, reference was had only to the conditions in the pending situation.

"The proposed strike was ordered in a manner, for a purpose, and with a necessary effect, which, taken together, put it outside the pale of the law. After the war began the production of fuel was regarded as one of the subjects of such peculiar public importance as to justify a special statutory enactment.

"The Fuel Administration was created to supervise the subject, and matters of wages as well as prices were considered and sanctioned by the Fuel Administration. After the cessation of hostilities the Fuel Administration suspended certain of its orders, but did not terminate them, and they are subject to reinstatement at any time upon the President's order, and the statute under which the orders were made is still in full force.

RECALLS VIOLATION OF CONTRACT.

"With this situation existing, the convention of United Mine Workers at Cleveland, last September, decided to annul all wage contracts on November 1, and took the unprecedented step of deciding in advance of any opportunity for consultation either with the Government or with the coal operators, to strike on November 1, unless satisfactory new arrangements should be made.

"Without any expression from the workers themselves, the organization promulgated a demand for a 60 per cent increase in wages, a six-hour day, and a five-day week, and authorized a strike to be effective November 1, before the demands were even presented to the operators. The demand for a new wage agreement covered only a part of the coal fields, but the strike order was sent broadcast to workers in other fields where operators had been given no opportunity to even consider demand for increased wages or decreased hours.

"All this has been done while the miners in every field, through their right of collective bargaining, had entered into a solemn contract with the operators fixing wages and hours for a definite period which has not yet expired. The operators, upon the insistence of the President, indicated their willingness to negotiate and arbitrate providing the strike is deferred, while the miners rejected the President's request for arbitration as a means of settlement, and refused to defer the strike. Some of the wage contracts were made with the sanction of the Federal Government, operating through the Fuel Administration, to run during the continuation of the war, or until April 1, 1920. Many others, however, run until a time still in the future without regard for the continuation of the war.

"While it is perfectly plain that the war is still on and any contract running until its conclusion is still in force, whatever weight may be given to the argument that the successful operation of the war no longer requires such contracts, it has no application whatever to the large number of such contracts which expire at a fixed date without regard for the war period.

POSITION OF CONGRESS AND COURTS.

"The armistice did not end the war, and the courts in many cases have held that the war-emergency statutes are still in force. The same rule must apply to war-emergency contracts. The Congress has held to this position so late as October 22, when an act of Congress was approved making even more effective the food and fuel control act.

"The suspension of the restrictions as to the price of coal is not necessarily permanent, and conditions warrant a renewal of those restrictions at this time; and yet the Government, if it reinstates the order fixing a maximum price, would be absolutely helpless to protect the people against exorbitant prices of the product if the contracts made under its sanction should now be deliberately broken.

"This does not mean that a change could not be negotiated and either agreed upon or arbitrated if proper protection of the public be accorded in the settlement, but it does mean that the public welfare in the war-time emergency must still be the permanent interest to be served by both parties. The Government is the protector of the public welfare.

"The proposed strike, if carried to its logical conclusion, will paralyze transportation and industry; it will deprive unnumbered thousands of men who are making no complaint about their employment of their right to earn a livelihood for themselves and families; will put cities in darkness; and if continued only for a few days will bring cold and hunger to millions of our people; if continued for a month, it will leave death and starvation in its wake. It would be a more deadly attack upon the life of the Nation than an invading army.

MORE DEADLY THAN INVADERS.

"By enacting the food and fuel control act Congress has recognized the vital importance in the present circumstances of maintaining production and distribution of the necessaries of life and has made it unlawful for any concerted action, agreement, or the arrangement to be made by two or more persons to limit the facilities of transportation and production, or to restrict the supply and distribution of fuel, or to aid or abet the doing of any act having this purpose or effect. Making a strike effective under the circumstances which I have described amounts to such concerted action or arrangement.

"It is the solemn duty of the Department of Justice to enforce this statute. We have enforced it in many cases. We must continue to do so, irrespective of the persons involved in its violation. I hope it will not be necessary to enforce it in this case. Indeed, I am hearing from many sources that large numbers of the miners themselves do not wish to quit work, and will not do so if assured of the protection of the Government, of which they properly feel themselves a part. It is probably unnecessary for me to say that such protection will everywhere be given, so that men may exercise their undoubted right of continuing to work under such terms and conditions as they shall see fit. The facts present a situation which challenges the supremacy of the law, and every resource of the Government will be brought to bear to prevent the national disaster which would inevitably result from the cessation of mining operations."

The Miners' Unions' Side.

INDIANAPOLIS, *October 29.*

The following statement was issued by the chiefs of the United Mine Workers after their conference here to-day:

"The conference of United Mine Workers, composed of members of the international executive board, the scale committee of the central competitive district, and the district presidents, United Mine Workers of America, gave most profound consideration to the statement of the President of the United States, which appeared in the public press recently, relative to the impending strike of bituminous miners set for November 1. No communication was received by the international officers of the United Mine Workers of America from either the President or any representative of the Federal Government.

"A canvas of the entire situation shows that a strike of bituminous miners can not be avoided. A regularly constituted convention of representatives of United Mine Workers held at Cleveland, Ohio, on September 25, ordered a strike of bituminous mine workers to become effective November 1 in the event a wage scale was not negotiated before that time.

ACCUSE THE OPERATORS AGAIN.

"The highest authority of the organization have acted in this manner, and no representatives of the organization have authority to set such action aside. The facts are that the same supreme authority which ordered the pending strike is the same as that which approved the contract which has now expired.

"The responsibility for the strike rests with the coal operators. They have refused to negotiate a wage agreement, notwithstanding the fact the mine workers' representatives have urged and beseeched them to do so. The fundamental causes which prompted the mine workers to take this drastic action are deep seated. For two years their wages have remained stationary. They appealed one year ago to the Federal Fuel Administrator, Dr. Garfield, and from him to the President of the United States, for an increase in wages sufficient to meet the increase in the cost of the necessaries of life. Their appeal was rejected and their request refused. Notwithstanding this, they continued mining coal until now their contract expires, when they are determined that their grievances must be adjusted in a reasonably satisfactory manner.

"The courts have held that the workingmen have a right to strike and may quit work either singly or collectively for the purpose of redressing grievances and righting wrongs. The Constitution and guaranties of this free Government give men the right to work or quit work individually or collectively.

ACTING UNDER THE CONSTITUTION.

"The mine workers, therefore, are but exercising the right guaranteed by the Constitution and which can not be taken away by the representatives of government when they quit work or when they refuse to work until their grievances are adjusted. The mine workers' representatives are ready, willing, and anxious to meet the coal operators for the purpose of negotiating an agreement and bringing about a settlement of the present unhappy situation. They will respond at any time to call for such a meeting and will honestly endeavor to work out a wage agreement upon a fair and equitable basis, which agreement alone will put the mines in operation and guarantee the Nation an adequate supply of coal. We assert that the mine workers have no other purpose in view—other than to secure a working wage agreement. All of their demands are incorporated in the wage proposal submitted to the coal operators, and each and all are subject to negotiation.

"Conscious of the grave responsibility resting upon the representatives of the coal miners, we have no other alternative than to carry out the instructions of the United Mine Workers' convention. The issue has been made, and if it must be settled upon the field of industrial battle, the responsibility rests fairly and squarely upon the coal barons alone."

Mr. KENYON. Mr. President, I should like to ask the Senator from Colorado if this should not be a concurrent resolution instead of a joint resolution? It requires the signature of the President, I assume, as a joint resolution, while a concurrent resolution would not require his signature.

Mr. THOMAS. A few moments ago the Senator from Oklahoma [Mr. GORE] suggested that it should be a concurrent resolution instead of a joint resolution.

Mr. KENYON. I did not hear him.

Mr. THOMAS. The Senator gave as his reason that inasmuch as this was a pledge of support to the administration its validity should not require the signature of the President; and I ask leave to make it a concurrent resolution if that should be its appropriate form. What I am concerned about is getting the resolution passed. It is not material about its designation as a joint or a concurrent resolution. I intend, after it is passed upon, to present a title to the resolution for consideration.

Mr. FALL. Mr. President, the Senator from Colorado [Mr. THOMAS] has said that his desire was to have the resolution passed. Of course, I can understand that, or he would not have introduced it; but I must say that I can see no necessity for it.

We are all here sworn to support the Constitution and laws of the United States. We are a distinct department of the Government of the United States. It is the duty of the administration to execute the laws and the Constitution of the United States, and, of course, it is our duty to sustain them in the execution of such laws. Unless something has occurred here in this body recently, they should not need any assurance of the fact that the Congress of the United States will stand by the laws and the Constitution of the United States. That should go without saying, or else the Congress of the United States should be dissolved by the council of the league of nations or some other power or authority. So long as we are here, we are supposed to be engaged in lending our support.

If the purpose is to give notice to those who are seeking to interfere with the due process of the law in the United States, if that is the purpose of the joint resolution, then it is directed to the wrong parties. It should give the notice directly to the United Mine Workers of America and others that the Congress of the United States agrees with and will support the administration in the administration of all the laws of the United States. How it can be necessary, however, to give such notice to those who are proposing to violate, if anybody is proposing to violate, the law, or under what theory it may be necessary to give the administration the assurance that the Congress of the United States will stand with the administration and uphold their hands in the performance of their duties under the Constitution and the laws, I do not know.

I must say that it seems to me entirely unnecessary—unless, as I say, by virtue of the recent occurrences here in the Senate, such reassurance is necessary—to utter a word upon the subject. Unless some one is convinced—as I may say that while not yet convinced I have been somewhat led to think recently—that occurrences here in the Senate would tend to merge the bars upon that flag into the red flag of socialism, and to dim the stars upon it; unless something of that kind has occurred which renders it necessary for us to give a reassurance of our adherence to the Constitution and to the laws of the United States, I shall vote against the joint resolution.

Mr. TOWNSEND. Mr. President, I think I understand the purpose of the Senator from Colorado in introducing this resolution. That there is a serious menace now confronting the United States, no man in this body or in the United States doubts. People have been calling upon us for protection—I assume they have been calling upon you the same as they have upon me—to pass some kind of legislation to safeguard the general welfare. We have assumed that there was sufficient law to deal with its infractions. Now, I think that inasmuch as the question is up the least the Senate can do under the present situation is to express its approval of what the President stated

and what we understood him to say the other day, namely, that he was going to enforce the law against its violators, and we all know what he had in mind.

So far as I am concerned, I am very desirous of going on record in favor of this declaration as incorporated in the resolution introduced by the Senator from Colorado, and I do not care to haggle over the verbiage of it, either. I want to go on record as favoring law enforcement, and serving notice not only upon the administration but upon all law breakers of the country that we propose, as far as we can, to encourage all proper means and methods for enforcing the law and protecting the rights and welfare of the people.

Mr. BRANDEGEE obtained the floor.

Mr. FRANCE. Mr. President, will the Senator yield to me one moment?

Mr. BRANDEGEE. I yield; certainly.

Mr. FRANCE. I desire to ask the Senator from Michigan if it has not been hitherto considered safe for the Congress to assume that the executive department would carry out the statutes which are enacted by this body?

I am not a lawyer, but I have labored under the impression that our business was to enact statutes and that the executive department was charged with the duty of enforcing them. I must admit that during the course of the war the Government seems to have been subverted. It has seemed to me to have become the practice for the Executive to interfere with the legislative business in the way of dictating, in a sense at least, or at least by strongly advising, legislative measures. I am under the impression that our Government will operate more efficiently in the performance of all of its functions if we adhere to the doctrines of the fathers that the legislation should arise from the people, should be enacted by the legislative body, and enforced by the Executive. I should like, personally, to know the object of this measure, and if there is any evidence that the executive department is unable, for any particular reason, to execute the statutes which have been enacted?

Mr. TOWNSEND. Is that a question?

Mr. FRANCE. Yes. I desire to ask the Senator that question, as to whether there is any evidence of any breakdown in the executive department which would indicate the necessity of the legislative department assuming to direct or support or help in any extraconstitutional way the executive department to take proper action?

Mr. TOWNSEND. Mr. President, I do not care to discuss at this time the question as to whether one department of the Government has infringed upon another or not. The passage of this resolution will not invade executive prerogatives. I confess that I have some serious doubts as to whether there is sufficient law at the present time to govern and control a situation such as impends, but I have been unable to prepare a remedial statute. I know of no proposition prepared by any other Senator. I am not in favor of unconstitutional means being employed. There must be some lawful way to protect the people. I remember, however, a few years ago, when this country was confronted with a similar disturbance, that when President Roosevelt appointed a commission to determine the facts and settle the strike, he was charged with having acted without authority of law. Anyway, he acted and the country approved, for that commission was potential in settling the disturbance.

I am not advising the President or instructing him to enforce the law. He has made a statement, if the papers published it correctly, which met with my approval, and I want the country to know that the United States Senate is in sympathy with that proposition. I would like to inform the President that if existing law is not adequate he can secure additional legislation when he shows its need. If it were proposed to pass a law now, we could express our ideas through that law; but no Senator proposes such a remedy at this time. Many think that existing law is sufficient. The President has said that he was going to enforce the statutes, and I want to believe him; and I want to approve now, and especially since this resolution has been presented to the Senate, the course he has said he would take. If you vote it down now, you say to the country that the Senate is not in sympathy with the proposition of law enforcement. There might have been some argument as to the propriety of introducing the resolution, but it is here, and being here I want to vote to approve its sentiment.

Mr. BRANDEGEE. Mr. President, I am very glad I yielded, because the Senator from Michigan [Mr. TOWNSEND] has almost completely expressed my views upon this question.

However, without criticizing at all the action of the Senator from Colorado [Mr. THOMAS], which is usually very wise and always well-intended, I want to say that I do not think it was really necessary to introduce this resolution, because it is a resolution expressive of confidence and of assurance of support in the administration to see that the Constitution and laws of this country are enforced. Every Senator takes an oath to that effect every time he is elected to the Senate, and really I do not think it is necessary to renew the oath every few days, and I do not think it gives any additional sanctity to the oath to adopt a resolution stating that we are still of the same opinion. Of course, every Senator is going to enforce the laws and the Constitution and uphold the hands of those whose duty it is to do so outside of this Chamber. Although I agree with the Senator from Michigan and I do not think it was necessary to ask us to redeclare our allegiance to a Government of law and order, now that the resolution is here it ought to be passed, in my opinion.

When the question comes up whether we are in favor of law and order or not, I think we had better vote, even if it is a work of supererogation, that we are in favor of law and order, if anybody doubts it; and that is what this resolution calls on us to do. I am in favor of the resolution as it has been amended, and I think it would be a mistake for the Senate as a body to vote it down now, irrespective of the action of individual Members of the Senate, although I appreciate the theory upon which some Senators may think that they ought to vote against it.

Mr. POMERENE. Mr. President, I had concluded not to speak upon this subject, and would not except for the issue that has been raised between the Senator from Michigan [Mr. TOWNSEND] and the Senator from Maryland [Mr. FRANCE]. Personally I have no doubt about the law being sufficient to handle this situation, and I shall be only too happy if the Attorney General carries out his statement that he intends to enforce the law; and knowing the Attorney General as I do know him, I believe that he will enforce the law. I am satisfied that these men who are bringing on this strike can be punished criminally under the conspiracy statutes. They can be punished under section 9 of the Lever bill. The Government under the broad equity powers which our courts have can reach this situation.

Bear in mind, please, that the situation is very different from what it has been in the past, in this, that the railroads, for instance, are now under the control of the Government. They are a Government agency. It is the duty of the Government to see that our people can perform their ordinary duties and be protected in them. The situation is not very different from what it was at the time of the great strike in Chicago, except that the Government has more power now to deal with the strike than it did have then. I just want to read one paragraph from the decision of the Supreme Court in re Debs, in One hundred and fifty-eighth United States, page 582. After reviewing the decisions of the courts, Mr. Justice Brewer said:

> It is obvious from these decisions that while it is not the province of the Government to interfere in any mere matter of private controversy between individuals, or to use its great powers to enforce the rights of one against another, yet, whenever the wrongs complained of are such as affect the public at large, and are in respect of matters which by the Constitution are intrusted to the care of the Nation, and concerning which the Nation owes the duty to all the citizens of securing to them their common rights, then the mere fact that the Government has no pecuniary interest in the controversy is not sufficient to exclude it from the courts or prevent it from taking measures therein to fully discharge those constitutional duties.

The Government now has a pecuniary interest in these railroads. It is our business to operate them for the common good of our people and to see to it that the people do not freeze. There can be no question about it, and, as it seems to me now, the issue is this, Shall the Government control Lewis or shall Lewis control the Government? I am for the Government on that issue. Every vote against this resolution, in my humble judgment, is a vote that will have the effect, whatever the purpose, of encouraging the present strike.

Mr. LODGE. Mr. President, I shall detain the Senate but a moment. I am entirely willing to admit that this is simply a reiteration of our duty, which we would perform, I hope and trust, in any event, under our oath. I am quite ready to admit that it is a matter of sentiment. But men are largely governed by sentiment, and I think this is a very appropriate moment to say that the Congress of the United States is prepared to stand behind the administration in the enforcement of the law. I hope they would do it, anyway, but I think it is a good time to just say that, and say it over to the people of the United States.

Mr. BORAH. Mr. President, in voting for this resolution I do not want it to be understood that I am accepting the construction which seems to be placed upon it by some of those who are advocating it. In voting for the resolution I do not determine by any means that it is a fight between Lewis and the Government. The evidence might show it to be a fight between the operators and the Government. I do not know yet what the facts are sufficiently to say that it is a question of whether Lewis will run the Government or the Government will run Lewis. I am simply

voting for the resolution because I believe in enforcing the law and maintaining order, regardless of whether it affects Lewis or affects the operators. That is as far as I want to be understood as going in voting for this resolution. I shall not prejudge the miners, but I shall always avow maintenance of law and order regardless of classes or interests.

Mr. WILLIAMS. Mr. President, laying all legal technicalities and all mere verbalities aside, the American people are faced at this moment with this situation: That owing to a controversy between the coal miners and the coal operators there is a threat to freeze to death the American fathers and mothers and children. That constitutes a conspiracy to commit murder. That is a very grave statement to make, but it is none the less the truth. All men are responsible for the natural and probable results of their acts, individual or collective. The fact that November 1 was fixed as the date for its inception clinches the statement which I have just made. From April to April has hitherto been the coal-working contract year. November 1 is about the day on which even in the middle South fires must begin to burn to warm the family for the wintertime. One of the suspicious things about this is that not only are increased wages and shortened hours demanded but the date of expiration of contracts between the workers and the owners of the mines is sought to be changed from April 1, when the people, the public, have a chance, to November 1, when the people have no chance.

Mr. President, we are called upon, regardless of the merits of the controversy between these people, owners and employees, to submit to being frozen to death during the approaching winter; not exactly all of us, but most of us. The threat does not go to Mississippi, remember; I am not speaking for Mississippi. Mississippi has plenty of wood to burn, and Mississippi can get along without a pound of coal, except for her factories and railroads. Her factories, of course, would have to close down. Even the railroads would have to stop transportation, because they could not readjust locomotives to wood burning quickly. But the little children in the house could be kept warm. But what are you going to do with the great Middle West, the prairie States, that never had wood enough, even in pioneer times, but had to import coal or wood, one or the other, from some other part of the country, in order to keep the fires burning to keep the children alive.

Mr. President, I do not care what the purposes of these men were; I am not questioning their motives. I am simply dealing with the consequences and effects of their action. If a successful strike to cut off the production of bituminous coal could go into operation upon November 1 and continue in operation until the men engaged in it had overpowered the Government of the people, and then the people themselves, no tongue, much less a tongue as weak as mine, could describe the suffering that would take place in what used to be called the prairie States.

Not only that, Mr. President, but since that time the forests have been cleared in the old forest States. They have not wood enough to keep the people alive, even if they could get the wood to the firesides and adjust them to its burning. Not only that, but the factories would have to close down. Not only that, but the railroads would have to close down, and transportation would be cut off. We would not only be reduced to the old stagecoach period, but we would be in a worse condition, because we would not have any stagecoaches ready.

Mr. President, there is a higher thing in the United States than either capital or labor, than either employers or employees, in industrial pursuits, in transportation, or in coal mining. There is a thing of more importance than both of them put together, not only of more importance but outnumbering them in manifold measure, and that is the common weal, which, when in its aggregate form, we call the Commonwealth of the United States—the general public.

Mr. President, the administration has announced its determination to execute the laws regardless of fear or favor, regardless of capital or labor, regardless of capitalists or operatives, and a resolution coming from the legislative branch of the Government merely expressing its sympathy and its desire to cooperate with the Executive in that great work certainly can not do any harm. I differ with the Senator from Connecticut [Mr. BRANDEGEE] when he says that he has some doubt as to whether it ought to have been introduced. I think it ought to have been introduced. I wish I had thought of it myself. If I had, I would have introduced it.

It is time that the great American public was expressing itself, the great middle classes. It is not only well that the President of the United States issued his late letter, it is not only well that the Attorney General has issued his opinion, but it would be well that the legislative branch, the Congress, should issue its opinion, declare its purpose, if for no other reason than simply for the moral weight accompanying it and for the sake of the reinforcement given to the executive branch of the Government.

I want to go one step further. I not only want to see the legislative branch of the United States Government back up, bolster up, and encourage and add its moral weight to the action of the executive branch of the Government, but I want to see the people do something. Well, you say, what can the people do? I say that they can do this, and I ask attention to it: The doctor, the lawyer, the groceryman, the man who keeps the tailor shops and the clothing stores in the country, the druggist, the schoolteacher—everybody not connected with either one of these two mad adversaries, who would endanger civilization in their quarrel, across the lines of which lies the interest of the public—have something to say, or, at any rate, if they are men and women of the right type, ought to have something to say. I would advise them in every locality where this strike takes place to meet in solemn assembly, as our forefathers met before and during the Revolution, and to pass resolutions that they will sell no food, no clothing, no shoes, that they will furnish no drugs, to either capitalists or laboring men who do not agree to leave the controversy between them to arbitration, and fair arbitration at that, unless they submit to an industrial peace league, if you please; a people's boycott, you may call it, if you will, should follow.

There are times when governmental action does not answer every purpose, because the man against whom the issue is decided says, "It was the Government; you had to call the Government in in order to put me down." Let us put them both down. Neither of them is altogether right. Let not the law alone do it—the administrative and the Executive—but let the people form unions of their own, if you choose to call them so, make a strike of their own, if you choose to call it so, and let them agree to furnish neither food nor clothing nor drugs nor doctors' service nor legal service nor anything else to either of the mad parties to this blind controversy, who are threatening civilization and the other institutions of the United States, until they quit it; and the time for knowing when they have quit it will be when they agree to leave to fair arbitration the questions in controversy between them, going on with the work of mining and transporting coal in the meantime, while the arbitrators, representing the public, are hearing and deciding.

I do not believe the miners have been solely at fault. I have a notion that when they entered into the original contract and said it would last until the end of the war, both sides probably meant until the end of the fighting, not thinking about the technicalities of it. But whatever may be involved upon the merits of the question, let the people in every locality absolutely refuse to feed or clothe or doctor or legally advise or furnish medicine to those engaged on either side in this conspiracy to murder the people by freezing them into submission. Let the public strike just a little bit just now—not strike by its own initiative by refusing public service to the Republic, not strike by freezing, but simply by saying, "In our opinion, when you threaten to freeze the American people you become, regardless of law, regardless of the war, regardless of disease, regardless of all merely technical things, criminals in the eyes of God and of men, and especially in the eyes of God."

I wish to God that I had the voice, the influence, the character, the standing that could arouse the great American public to the importance of this trouble, not only in itself but as it applies to the future. No man with common sense denies the right of any man to quit work. No man with any spirit of modern progress in him denies the right of any set of men to strike. But there are limitations to every right. I have the right to do what I choose, provided I do not injure you in doing it. These people have the right to their miserable quarrel—and, by the way, it has ceased to be a quarrel between them; it is now a quarrel between both of them on the one side and the public on the other side. They both have the right to fight like Kilkenny cats, "cats which in Kilkenny fought until of cats there weren't any," but they have no right to fight until there are none of us left.

I am not speaking for my own people nor for myself. I can go down to the plantation and burn wood, and all the balance of my people can do likewise. They can not hurt us in our homes. But, Mr. President, think a moment! New York, Philadelphia, Chicago, Cleveland, Baltimore, and the great cities of this country depending from day to day, among the poorer classes, upon a bushel or 5 bushels of coal to keep themselves warm! The cause of labor is a great cause; there is no doubt about that. God knows I sympathize with the under dog all the time. I resolve every doubt in his favor, but the cause of human lives, of women, and little children is a greater cause than all the causes and quarrels between capital and the greatest proletariat that have ever happened since the beginning of the world.

I had the honor some time ago to say upon the floor of the Senate that the time had come when the public must take charge. I want to say that the time is rapidly approaching when there must be an industrial league of peace and when men shall not be permitted to take their quarrels into their own hands in connection with these great controversies which affect the health and life of the public, but both sides in such cases should be forced to submit to some form of fair arbitration, where common sense and common justice and peace and mercy under the agencies of God shall prevail.

Mr. President, draw three pictures for yourself, if you please. The fat old capitalists gathered around the table saying, "Well, let them strike and go to the devil; they can not hurt us." Labor agitators, for the most part hyphenates or aliens of one sort and another, gathered in another place, saying, "We have the whip hand and we can starve the American people to death in a month if we begin on the 1st of November and stand by one another." Then look at the third picture—the seamstress in her little apartment, the shoemaker and his wife and children, the brick mason and his people, the dry goods clerk wherever he happens to live. Look at these two people striking at one another, the two of them masters of the industry, the capitalist able to get his coal and the miner able to get his coal, by agreement more or less subterranean, and these other people whom I have described—the innocent bystander—shivering, while the mother piles upon the children all the blankets and all the extra clothing that she can get, while she herself goes cold.

Mr. President, this war has brought upon the world a new era in a great many respects. The old relationship between capital and labor must be readjusted. The old way of settling these things can not continue. In justice to labor it can not continue; in justice to the public it can not continue; and, taking it at a far-flung battle-line distance, in justice to capital, it can not continue. But, notwithstanding that fact, the readjustment must be made sensibly and slowly and gradually and commonsensically, if I may frame that adverb.

The American people, whatever else may happen, are not going to adopt soviet government; I do not believe they are going to nationalization of raw materials and of the necessities of life, though that may some day happen; but certainly they are not going to government by class.

In Russia there were two parties—the Bolsheviki and the Mensheviki, as they call them. One—the Mensheviki—stood for all the people; that is, a majority of all the people of all classes; the other stood for a class. Mr. President, speaking for myself and, as I earnestly believe, for the American people, I will no more submit to the rule of the proletariat as a class than I will submit to the rule of soldiers or sailors as a class; I would no more submit to either than I would submit to the rule of lawyers or doctors or livery-stable keepers, respectively, as a class.

The whole theory of Anglo-Saxon civilization, beginning away back yonder in Great Britain, carried by every Englishman wherever he went, to every part of the world, is the theory of the government of the people, under representative institutions, more or less limiting that government. So far as the removal of limitations is concerned, let the good work go on; but let there be no interference with the great fundamental principle that it must be a rule of the majority, and a majority constituted of all classes, from the man who fills the pulpit on Sunday down to the man who cleans out the sewers on Tuesday. That is the Anglo-Saxon and British theory that has accompanied the race around the world and that finds its home now not only in the old country but in Canada, in Australia, New Zealand, and South Africa, and supremely and at its best, perhaps, herein America, amongst the children of the English-speaking race which rebelled and taught the father of this household that he must respect the rights of his children.

My call would be upon the people everywhere to help the Executive and to help the legislative; to have public meetings and denounce both sides of this controversy, saying, "If you do not by a certain date"—say the 10th of November—"agree to arbitrate the controversies between you"—meantime going on with coal mining—"you shall have no food; you shall have no clothing; you yourselves shall have no fuel; we will take what you have selfishly provided against us and for yourselves; you shall have no medical attention; you shall have nothing except the services of the undertaker, if you happen to die or the services of the priest while you are dying, if you believe in the need of absolution."

Mr. THOMAS. Mr. President, I ask unanimous consent to change this resolution from a joint resolution to a concurrent resolution. I think that can be done under the provisions of Rule XXI.

Mr. FLETCHER. I have no objection to that. I think the Senator is doing precisely the right thing, but Rule XXI provides that—

> Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

It is, therefore, not necessary for the Senator to ask unanimous consent, for, as the mover of the resolution, he has the right to modify it.

Mr. LODGE. Not after the resolution has been amended.

Mr. FLETCHER. But the resolution has not been amended.

Mr. LODGE. It has been amended.

Mr. FLETCHER. Even so, I think the mover may modify it.

Mr. LODGE. If the Senator will look at the rule he will find that under the rule the right of modification is prior to any action on a bill or resolution.

The PRESIDING OFFICER (Mr. KING in the chair). The Senator from Colorado asks unanimous consent that the resolution be changed to a concurrent resolution. Is there any objection to the change suggested by the Senator from Colorado? The Chair hears none, and the resolution is changed accordingly.

Mr. THOMAS. I now move to insert as the title of the resolution:

> Concurrent resolution assuring the administration of the support of the Congress in dealing with the impending strike.

I have submitted the changed title to the Senator from Idaho [Mr. BORAH] and it has received his consent.

Mr. LODGE. That modification, of course, properly should come after action on the resolution, but by unanimous consent it can be made now.

The PRESIDING OFFICER. Does the Senator from Colorado ask unanimous consent for the consideration of his amendment now?

Mr. THOMAS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the title of the resolution is amended as suggested by the Senator from Colorado.

Mr. FRANCE. Mr. President, I do not wish to prolong a futile debate on what appears to me to be a perfectly useless measure. I am not one of those who believe that the executive departments have so completely broken down that they need to be assured of the support of the legislative branch of this Government at this time by any such measure as this. I must confess that there are many evidences that the executive department has lamentably failed during the recent months to meet the responsibilities which have been placed upon it; but I am not prepared to go so far as to say that it is so disorganized and demoralized as to be in need at the present time of any such support as this which we are offering in a resolution, which proposes no legislative remedy, and which, apparently, if I may judge by this debate, has been drawn and supported by Senators who, because of their many other duties, are absolutely unaware of any of the conditions which have brought about this most unfortunate situation.

It is always very easy when an emergency such as this arises to intensify the misconception and the misunderstanding by abusing the other fellow. For myself I must say that I think an emergency has arisen in this country which can not be met by an antagonistic spirit, by condemning the other man. The time has come when every man must look to his own conduct and to his own responsibility to see whether he may possibly be in part responsible for the situation which has been created.

It is very easy to blame the leaders of the miners; it is very easy to condemn the industrious and courageous miners working deep beneath the surface of the earth, and to say that they are responsible for bringing about an intolerable situation. It is very easy for us to assume that we have within our breasts more of the milk of human kindness and that we have more sympathy for the children who may suffer from lack of fuel than have the miners themselves, who, sirs, have frequently experienced in their own homes the suffering which comes from poverty. The situation has not been created entirely by the miners. It has been created by lack of administrative capacity on the part of certain agencies of the Government. I am not prepared to say that the miners are without blame; I am sure that the operators are not without blame, and I know that the Government is far from being blameless in the causing of this situation.

Now, I wish to introduce—and I said I would speak only briefly—portions of three letters simply to illustrate how these great controversies arise and how they may be the result of a lack of cooperation between the various interests concerned. There has been here a lack of cooperation between the operators, the Government, and the miners.

First, I introduce a letter written July 12—which, mind you, was long before there was any talk of a coal strike—from the secretary of one of the trade-union councils of my State:

ALLEGANY TRADES COUNCIL OF ALLEGANY COUNTY, MD.,
Cumberland, Md., July 12, 1919.

To the CONGRESSMEN AND SENATORS
FROM THE GREAT STATE OF MARYLAND.

DEAR SIRS: It has been published in the newspapers about the coal shortage this winter.

I beg to inform you that if there is any coal shortage and suffering it will be up to the coal barons, as at present the Georges Creek region is not working more than 20 per cent of the miners in this region, and then on short time.

The coal barons blame the slump on the miners for digging dirty coal. I wish to inform you that the law of this State gives the mining company the privilege of cutting 500 pounds of coal off of every car the miners send out of the mine if the coal is dirty, with a company man as judge.

The Hunkin-Conkin Construction Co. is trying to get a work train on the Cumberland & Pennsylvania Railroad to bring those miners to this city to work on the Kelley Springfield Tire Co. plant as laborers, at 35 cents per hour, and then they say a coal shortage. Why?

Hoping you will give this your kind attention.

I remain, yours,
[SEAL.] (Signed) JOHN O. FISHER, *Secretary*,
64 South Mechanics Street.

Mr. President, the miners sincerely believe that the operators, or, as they call them, the "coal barons," are responsible. Let me read next an extract from a letter from one of the operators, a very prominent and a truly patriotic man, as sincere and as good a man, I believe, as the miner who wrote the other letter; and that is complimenting the operator, because I know of the miner, and I know the kind of a man he is:

The writer is general manager of two companies operating in Maryland, the ——— Co. and the ——— Co., and one company operating in Somerset County, Pa., the ——— Co., and I wish to state to you herewith the true condition of our car supply from July 1 to August 15, inclusive.

The ——— Co. during the month of July, out of a total of 208 working hours, had a car supply for 144 hours' work—lost 64 hours on account of having no cars. The same company, from August 1 to 15, inclusive, out of a total of 104 working hours, had cars to operate only 43 hours; lost 2 hours on account of wreck and lost 59 hours account of no cars.

The ——— Co. during the month of July had a total of 208 working hours, had a car supply to operate only 95 hours, and lost 113 hours on account of no car supply. The same company, from August 1 to 15, inclusive, with a total of 104 working hours, had a car supply to work only 31 hours; lost 73 hours account no cars.

The ——— Co. during the month of July, out of a total of 208 working hours, had a car supply for 106 hours, and lost 102 hours account no cars. The same company, from August 1 to 15, inclusive, out of a total of 104 hours, received cars enough to work only 38½ hours; lost 3 hours account of wreck and lost 62½ hours account no cars.

I ask permission to insert in the RECORD, without reading, other paragraphs from this letter.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

You will note from the above statement that July 1 to August 15, inclusive, the ——— Co. had railroad cars to work 187 hours and lost during the same period 123 hours account of not having railroad cars, or worked 60 per cent of the time and lost 40 per cent account no railroad cars. This company has a present car rating of 235 net tons per day.

The ——— Co., from July 1 to August 15, inclusive, had railroad cars sufficient to operate 126 hours and lost 186 hours account not having railroad cars, or worked approximately 40 per cent time and lost approximately 60 per cent time account railroad car shortage. This company has a present car rating of 220 net tons per day.

The ——— Co., from July 1 to August 15, inclusive, had railroad cars sufficient to work 144½ hours and lost 164½ hours account not having railroad cars, or worked approximately 46 per cent of the time and lost approximately 54 per cent of the time account shortage of railroad cars. This company has a present car rating of 280 net tons per day.

As the rules of the United States Railroad Administration, car-service section, their Circular C831, require that all coal cars be distributed equally on a percentage basis among all operators in the various districts, and if these rules are being carried out, the experiences of the above-mentioned companies necessarily represents the true performance of all coal companies in these two producing districts—that is, the Somerset district of Pennsylvania and the Georges Creek district of Maryland—and in view of the above-mentioned experiences, and in further view of the fact that the United States Railroad Administration require every coal company to furnish them a statement each day of the total number of cars received, the number of hours worked each day, and the number of hours lost each day, with the reason therefor, of which the statements made above are a résumé, Mr. Hines necessarily has at his disposal every day the true conditions of the car situation; and it is beyond the comprehension of any fair-minded person how Director General Hines could make the statement to the Senate committee or to the public in general that there is no serious car shortage, when the true condition has been, at least, a 50 per cent car shortage for the past six weeks; and I sincerely trust that you will convey this information to the Hon. Senator POMERENE, and, if possible, have Mr. Hines advise why our mines are idle approximately 50 per cent of the time when we are making requisitions for cars every day and do not receive the cars and are advised by the railroad officials that we do not receive the cars because they do not have them to distribute.

Certainly if Mr. Hines is sincere in his statement to Senator POMERENE and the Senate committee that there is no car shortage, then we would like to know why we are not being furnished cars sufficient to operate our mines every workday.

Mr. FRANCE. These extracts show that the mines in that region were unable to operate owing to a shortage of cars. Whose fault was that? Was that the fault of the man who got up in the early morning or in the middle of the night, perhaps, to go to the Maryland mine to work in the dark damps of the mine? He wanted to work. There was no Bolshevism in him when he put on his mining suit and put his lamp on his head and got ready to go down in the mine and do an honest day's coal digging. He was estopped because of the incompetence of a Railroad Administration which had not furnished the cars; yet we sit here in Washington and accuse the miners, because now they are discontented, of Bolshevism, and pride ourselves, sir, that our patriotism and our love of country is greater than theirs. Some of us are tempted to do that, if I may judge by this debate.

Now, let us see what the Railroad Administration says. The Senator from Ohio and myself, both being interested in the miners, took up this matter with the Railroad Administration. Shall we unqualifiedly condemn them? The Railroad Administration wrote me this letter:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, August 23, 1919.

MY DEAR SENATOR: Replying to your favor of the 18th instant with reference to shortage of coal cars, particularly in the Allegany County coal region of Maryland.

The increased demand for coal started about the middle of July, and necessary arrangements were made to take care of same, both in the matter of allotment of new equipment and operating arrangements for repairs to bad-order coal cars and distribution to the various roads to meet their requirements.

Just about the time this increased demand started in we had intermittent shop craft trouble, and this finally culminated in a somewhat general strike of these men, which seriously interfered with the car-repair program and tied up the operation of some mines badly, preventing the usual circulation of empty cars to the mining regions. The Baltimore & Ohio road, which distributes the cars to the region referred to in your letter, was likewise affected. The cars referred to as standing around were some 500 bad orders which had accumulated during the shop trouble.

There has been considerable improvement in the car supply on this road during the past 10 days, which we expect will be continued.

Yours, truly,
(Signed) WALKER D. HINES.

HON. JOSEPH I. FRANCE,
United States Senate, Washington, D. C.

Well, now, who is to blame? We do not know the causes which led to that shop trouble, which led to the accumulation of cars out of repair, which led to the cars not going to the mines, which led to the miners not having cars to fill, which compelled the operators to close the mines.

I only present these facts to show you that this coal miners' strike raises a complicated question, and that Government officials may be to blame as much as the men may be at fault who are working in the mines, if they are at fault, which I am not prepared to admit.

I do know that so far as Maryland is concerned the miners have testified that they have not been able to work, and the operators confess that they have been compelled to reduce the working hours because of the shortage of cars. We do know that a governmental agency is at fault for some of the difficulty. I do not say that the closing down of certain of the mines during the months of July and August for so considerable a period had anything to do with the general coal strike; but I do say that it is time for us to examine into all aspects of this question before seeming to take sides in such a way as would tend to cause one class of our citizens to feel that they were being unjustly discriminated against, or that their case was being prejudged.

I do not wish the Congress ever to do anything which will intensify the widespread and ever wider-spreading conviction that in some way the Government does not represent the people. We observe on every hand evidences of profound unrest, and I believe that the profound unrest which we observe has a deeper underlying cause, and I believe that cause is one for which we ourselves are responsible. I believe it is this: If I understand the theory of our Government properly, it is a Government founded upon the theory that the people themselves are sovereign, upon the theory that legislation should arise from the people, that the popular will should be expressed to representatives in the legislative bodies, and that those representatives should enact the popular will into statutes and then that it is the duty of the Executive department—the chief duty, perhaps the sole duty—to see that those statutes are executed in a broad and comprehensive manner.

If that is the theory of our Government, we must all admit that during the period of the war our Government has been practically subverted. The legislation, instead of originating with the people, instead of being enacted by the legislators as a result of a popular mandate, has originated with the Executive and has descended to the legislative, and by the legislative body it has been imposed upon the masses of the people. That, I

think, is a clear subversion of the whole theory of our Government; and it is, I believe, as a result of such subversion of the Republic, as a result, so to speak, of attempting to stand the pyramid upon its apex, that this profound unrest has taken place. The people feel that the Government is not responsive to their needs and to their wish.

I know that perhaps this seems somewhat academic, but I think it touches a very real and vital question; and, so far as I am concerned, the sooner the condition is cured, the better I shall be satisfied.

Lincoln said: "The people of these United States are the rightful masters of both Congresses and courts; not to overthrow the Constitution, but to overthrow the men who pervert the Constitution"; and, so far as I am concerned, the sooner the American people rise in support of the great Constitution, and the sooner they overthrow the men who have perverted it, the better I shall be satisfied, because I realize that standing upon the broad principles of that Constitution we have a government which is permanent and rational, and which always will be responsive to the popular will.

We must very shortly, sirs, give up government by intimidation, government by repression, and restore government by the people, government by discussion; and there can be no government by discussion until every statute is removed which prevents free and fearless discussion.

I am not opposing this resolution; but I do wish to say that I consider it utterly useless, and I do wish to say that it is not fair that the case of the miners should be prejudged until all of the factors have been carefully considered which have brought about this great and serious difficulty. Certainly I have already indicated to you that one of the great governmental agencies—the Railroad Administration—created by our act has in part broken down. Personally, I think that act was unwise. Personally, I think it was a colossal blunder to turn the railroads over to the Government for administration and operation; but if it was a blunder that blunder has been committed. Certainly, so far as the supply of coal cars to the mines is concerned, the administration has failed. Whether all of the failure can be attributed to the strike in the car shops, to which reference was made, I do not know; but the strike in the car shops has not been examined into, and it might have been founded upon most excellent reasons.

So, therefore, the whole question should not be prejudged; for I feel that we can get better results from letting the miners, from letting the operators, from letting all of the Government officials concerned in connection with this situation know that we are disposed as a legislative body to do everything we can to see that all of them are given fair consideration when they come before the bar of public opinion to present their case.

Personally—be it radical or not, I do not know—I have shared the view that there might some time come a happy period in the history of men's affairs when he who did the most dangerous and burdensome work for the community would be among the best paid and would work the shorter hours.

If it is a fair day's work for the intellectual worker, employed at tasks congenial to him, to continue at those tasks for 12 hours in a comfortable office, surrounded by his books and his secretaries, certainly a five or six hour day to the man who goes into the damps and dangers of the earth to work constantly at the hazard of his life does not seem to be too much in the way of generosity.

I am in favor, as a medical man, of a short day for the miner, and I believe that the interests of the community at large would be subserved by a recognition of the fact that no man can continuously mine coal for any great number of years without sacrificing much of his health, if not his life, as a result of engaging in that occupation. The miner's working life is a short one, comparatively, and the character of the work must be taken into consideration when we are discussing the subject of hours and pay.

I am not attempting to discuss this question in any large way, but I do feel that before this resolution passes the miners should be assured that we do not call them pariahs, that we do not prejudge their case, that we do not impugn their patriotism. I feel that we should clearly announce that this resolution does not mean that.

I need not say these words for the Maryland miners. They know my attitude toward them. They know that I will stand here, or in any legislative body in which I have the honor to be, and contend for a fair deal for the miners and for a fair consideration of their claims. I did feel that before this resolution passed something should be written into it as an evidence that this is not a simple controversy between a trade-union leader and the Government, but that it is a great problem, to be met in a broad spirit, a great difficulty to be removed, not by repressive but by constructive, upbuilding methods, based on a true knowledge of conditions.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk, to come in at the end of the resolution as printed, on line 10.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which the Secretary will read.

The SECRETARY. Add, at the end of the concurrent resolution, the following words:

And we hereby assure the coal miners that they will in like manner be protected in the exercise of all lawful means in any effort to secure their rights.

Mr. LA FOLLETTE. On that amendment, Mr. President, I ask for the yeas and nays.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	Lenroot	Shields
Ball	Gronna	Lodge	Smith, Ga.
Bankhead	Hale	McKellar	Smith, Md.
Borah	Harris	McNary	Smoot
Brandegee	Harrison	Moses	Spencer
Capper	Henderson	Myers	Sterling
Chamberlain	Hitchcock	Nelson	Sutherland
Colt	Johnson, Calif.	New	Swanson
Culberson	Johnson, S. Dak.	Newberry	Thomas
Cummins	Jones, N. Mex.	Norris	Townsend
Curtis	Jones, Wash.	Nugent	Trammell
Dial	Kellogg	Overman	Walsh, Mass.
Dillingham	Kendrick	Owen	Walsh, Mont.
Elkins	Keyes	Page	Warren
Fall	King	Poindexter	Williams
Fernald	Kirby	Ransdell	Wolcott
Fletcher	Knox	Robinson	
France	La Follette	Sheppard	

Mr. SHEPPARD. I desire to announce the absence on official business of the Senator from Rhode Island [Mr. GERRY], the Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Arizona [Mr. SMITH].

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present.

Mr. THOMAS. Mr. President, I hope that the amendment offered by the Senator from Wisconsin will be rejected, because I think that if the resolution should pass thus amended it would commit us to an expression of opinion as between contending parties. But I join with the Senator in the request for a yea-and-nay vote, which I hope will be granted.

Mr. LA FOLLETTE. I ask to have the Secretary report the amendment which I offered.

Mr. KNOX. I would like to have the resolution reported in connection with the amendment, so that we may know how the resolution would read as amended.

The PRESIDENT pro tempore. The Secretary will read the resolution as it has been modified by the Senator from Colorado. Afterwards the Secretary will state the amendment proposed by the Senator from Wisconsin.

The SECRETARY. The concurrent resolution as it now stands reads as follows:

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the great emergency arising out of the impending strike of bituminous coal miners and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The Senator from Wisconsin [Mr. LA FOLLETTE] offers an amendment, as follows:

Add at the end of the concurrent resolution the following words: "And we hereby assure the coal miners that they will in like manner be protected in the exercise of all lawful means in any effort to secure their rights."

Mr. LA FOLLETTE. Upon that, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, I move to amend the amendment of the Senator from Wisconsin by inserting in place of the words "the coal miners" the words "all citizens," and after the word "lawful" to strike out the remainder of the amendment and to insert the word "rights," so that the amendment as amended would read:

And we hereby assure all citizens that they will in like manner be protected in the exercise of all lawful rights.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Nebraska what new thing that adds to the original resolution?

Mr. HITCHCOCK. It is my purpose to avoid singling out any particular class of individuals for a senatorial assurance that they will be protected in their rights.

Mr. TOWNSEND. I agree with the Senator that that should not be done; but I am asking what there is in the original resolution as presented by the Senator from Colorado that does not protect the interests and rights of every citizen in the United States without class distinction?

Mr. HITCHCOCK. I think it does. It is entirely satisfactory to me as proposed by the Senator from Colorado, but I am making this motion to amend the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the resolution was introduced by the Senator from Colorado [Mr. THOMAS] and amended at the suggestion of the Senator from Idaho [Mr. BORAH]. The preamble was stricken out down to the last "whereas" on page 2. A further amendment suggested by the Senator from Idaho comes after the word "support" in line 5:

In the use of such constitutional and lawful means as may seem necessary.

Mr. President, in that form, with the elimination of the preamble, no body of men in this country was designated against whom this resolution could be presumed to be directed. But at the suggestion of the junior Senator from Illinois [Mr. MCCORMICK] the resolution was further amended to designate especially the miners and the impending strike which it is understood has been ordered by that organization. Hence as the resolution stands, now to be voted upon by the Senate, it is plainly directed against the coal miners' organization of this country. I submit that in a measure it prejudges this organization and assumes that it is about to engage in an unlawful act.

Mr. President, up to this hour it is lawful for labor to strike. It is the only weapon that labor has for the betterment of its conditions in dealing with the great organizations of capital which have been permitted to be built up in this country, so powerful that no individual laborer can protect his individual interests for a moment in dealing with it or bargaining with it.

I do not believe that it is just, upon the eve of this strike, by any suggestion that Congress may make, to intimate that unlawful proceedings are to result from it. I am not impressed with the opinion of the Attorney General which has been issued. He has failed to designate any particular statutes or any special laws that are to be violated. I am entirely content that a resolution should pass, if it is deemed necessary by the Senate and by the Congress, pledging support to the enforcement of law and order in this country, but I protest against the passage of a resolution which implies in advance that the proposed strike of the miners is unlawful. We have no right to make that assumption.

I have been a member of this body for some twelve or thirteen years. I do not remember to have heard Senators upon this floor protest against the increase in the price of coal upon the people of the United States. Unlawful organization has advanced the price of anthracite outrageously. When there was no monopoly controlling it the price of anthracite coal at the seaboard was $2.50 a ton. It is now selling at from $12 a ton to twenty-odd dollars a ton, depending upon where it is delivered. I have heard no protest from Senators upon this floor against the extortionate prices levied upon the public.

Bituminous coal, when mined under conditions of competition, sold at 70 and 80 and 90 cents a ton at the mouth of the mine, and was delivered at $1 to $1.50 per ton to consumers. It is now quoted all over the country at from $5 to $9 and $10 a ton, and even more than that in some localities, and no one has risen here to protest against the action of the mine owners.

But some one will say that these excessive prices for coal result from the increased cost of production due to the high wages paid to labor. Mr. President, this talk about high wages paid to labor is without any just foundation. The actual wages paid to labor in the United States have steadily declined for 20 years. What does it profit the laborer if you give him, as they have given these coal miners, an advance of 30 to 70 per cent in their wages, and then take from them 150 to 200 per cent in an advance in the cost of living? This enormous increase in the cost of living has been brought about through monopoly control of the necessaries of life. By that increase in the cost of providing for a family there has been taken away from the workers nearly twice as much in the aggregate as they have been given by the increase of wages.

I have not full information as to the condition of these miners, but I have ascertained, after such limited investigation as I could make, that they have reached the point where the wages paid to them and the time they are allowed to work will not buy food enough to properly nourish their families.

I do not ask to have their case prejudged in their favor; neither do I think it just to pass this resolution in a form to condemn them in advance of a full hearing and a fair determination of all the facts involved in the controversy between them and the mine owners.

Mr. President, I do not believe that these miners are about to do an unlawful thing. I have never met one of these coal miners; I have never interviewed one of their officers except for a few minutes, when I met the vice president of this national organization in the marble room. I sent for him myself and I put this question to him: "What is it you people complain of? I would like to know. I have but a moment because of pressing business upon the floor." The answer was this: "Chiefly because we can not get work enough to support our families and feed them and take care of them and shelter them." I have seen none of the other leaders, and I have no more information upon the subject excepting that to be found in the newspapers.

I do not object to the passage of this resolution. I believe in the enforcement of law against mine owners as well as miners.

I want to see this whole subject investigated, all the facts laid before the public, to the end that the public may judge as between the claims of the miners and the mine owners. The men certainly indicated a degree of support to the Government that ought to exempt them from the charge of being lawless. During the war period they were ready to enter into an agreement that should give the Government and the people of the United States an ample coal supply during that period of stress, and they made an agreement that there should be no change in the wages which they were to be paid for labor during the period of the war when it was actually on. They lived up to that agreement until it expired. I suppose when they made that agreement they thought that when the war was over there would be a decline in these excessive prices charged for the necessaries of life; but what do they find? They find prices have gone up day by day, month by month, steadily higher and higher and higher, and the Government does nothing effective to stop it. The Government moves slowly, and it moves very cautiously, when it moves against the coal operators and the United States Steel Trust; but it moves summarily when any body of wageworkers in the country are asserting their rights.

Mr. President, I believe that the amendment which I offered should be agreed to. I believe that if the coal miners are named in the body of the resolution the amendment I have offered should be agreed to, assuring to the miners like approval in all of their lawful undertakings to secure justice.

Mr. OWEN. Mr. President, it is perfectly obvious that this resolution is directed to the coal miners. In view of that, I think the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] ought to stand.

Mr. TOWNSEND. Mr. President, I am not entirely familiar with the changes that were made in the resolution as introduced by the Senator from Colorado [Mr. THOMAS], but as I read the resolution it contains no distinction between classes of our citizens. If some people tremble at any of its provisions it will not be those who are not proposing to break the laws or inflict disaster and destruction upon the country.

That there is an impending danger to the country now threatening which the administration and various committees have sought to moderate and compose, there is no question. I regard the threatened coal strike as a serious matter, if it be carried out as it has been proclaimed it will be carried out, more serious to our people than the late war so far as affecting our institutions and the health, happiness, and welfare of our people are concerned.

The Senator from Wisconsin [Mr. LA FOLLETTE] states that prices of commodities have far outrun wages. I refer the Senator to the Secretary of Labor, who appeared before a subcommittee of the Committee on Interstate Commerce the other day. He said to us that he had made careful figures, closely calculating the cost of everything affecting living, and that labor earnings had more than kept pace with the cost of living; that the miners to-day were better off than they ever were before in the history of this country. He further stated that if we were to assume—and he did assume, and not only assumed but proved—that actual wages had met the increased cost of the actual necessities of life, then, in addition to that, there never was a time when labor was insured such constant employment as it is to-day, and that it never received so much for overtime. Secretary Wilson spoke from the record. He is a union miner; he came to Congress as a union miner; he was put into the Cabinet as a representative of organized labor in this country. He made

these statements to us, and I believed him, because he had taken great pains in collating all the facts that were necessary to establish them.

Mr. President, there is not a man in the Senate who desires to do an injustice to labor or to anybody else; but I submit that the Senate ought to act courageously on this proposition and apply it to all labor and all employers. I am perfectly willing to designate no class, but to make the language so comprehensive as to include every lawbreaker and public enemy. I do not like to designate classes. I think the benefit of the resolution, if it has any benefit in it at all, is to convey to the miners, to the operators, and to the people of the country generally the fact that the United States is in favor of an impartial, complete, and fearless administration of the laws.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. TOWNSEND. I yield.

Mr. LA FOLLETTE. I am wondering whether the Senator from Michigan was present this morning when the resolution was changed upon the suggestion of the junior Senator from Illinois [Mr. McCORMICK] to specify the coal-miners' strike, writing into the resolution for the first time a pointed designation of a particular class of citizens of this country to which it was directed? If the Senator was here at that time, I did not hear him then protest that all American citizens should be treated alike in the resolution and that nobody should be singled out or designated.

Mr. TOWNSEND. Mr. President, I was not then present.

Mr. LA FOLLETTE. I should like to ask if the Senator would favor striking out the reference to the coal miners?

Mr. TOWNSEND. I would like once more to hear the inserted language. Does the Senator from Wisconsin state the resolution now refers in terms to the coal miners now threatening a general strike?

Mr. LA FOLLETTE. Yes; to a coal strike; it specifies a particular strike. With some hundreds of strikes already on in the United States, it singles out one in particular and directs the resolution against it.

Mr. TOWNSEND. But, Mr. President, the one situation that threatens the country to-day is the coal-miners' strike. That is the one thing that will be on the country day after to-morrow. If the Senate wants to sit here and take no action whatever, express no opinion, it can do so by a majority vote; but, so far as I am concerned, the question now being here, I am in favor of taking cognizance of that fact. If the language of the resolution is offensive to the Senator, I had just as soon the designation should be applied to the danger which threatens us. I take it that is what we are considering.

I do not want this resolution to be construed as referring to the league of nations as the "emergency" matter which is now before us. I myself thought it better, although I was not here when the amendment was made, that we should confine it directly to the subject that we have in mind. I do not want by that to prejudice the miners or the operators. I want it to apply to both with equal impartiality. That is, I want the law enforced equally against both. But this resolution is simply an approval of prompt, efficient enforcement of law to preserve the public welfare. If any class does an unlawful or unconstitutional thing, I want the administration to take prompt action.

I agree with a great many Senators who have criticized this resolution on the ground that we are practically volunteering advice to the administration to do its duty; but, I repeat, the question is now before us and I think we can not back away from it.

Mr. McCORMICK. Mr. President, will the Senator from Michigan yield to me?

Mr. TOWNSEND. I yield.

Mr. McCORMICK. If some other Senator has an amendment to offer in lieu of the one which I have proposed which will serve to particularize the emergency, certainly I shall not stand in the way of the adoption of such an amendment. The preamble, which happily was stricken out, indicated that the resolution was introduced to meet a certain situation. When the preamble was stricken out, I offered an amendment, which, perhaps, might be improved, in order that at some future time the emergency might not be construed as any one of the many emergencies which confront a great Government like ours. Certainly I want order preserved and justice done not merely in this strike but as between any of those contending in the industrial field to-day.

I have not heard the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], which was read just before I came on the floor, but I assume that it is intended to secure equal justice and equal protection for all citizens of the United States, no matter who they may be.

Mr. TOWNSEND. If I may interrupt the Senator just a moment——

Mr. McCORMICK. I have concluded.

Mr. TOWNSEND. Suppose we say "to meet the great emergency confronting the industrial life of the Nation to-day." Would that satisfy the Senator from Wisconsin?

Mr. LA FOLLETTE. Yes. I would be inclined to withdraw my amendment if that language were adopted.

Mr. TOWNSEND. That would meet with my approval if it would be satisfactory to other Senators.

Mr. THOMAS. I accept the suggestion.

Mr. McCORMICK. I have no objection to the substitution of those words.

Mr. MYERS. Mr. President, I ask that the resolution be read as it is now pending before the Senate.

The PRESIDENT pro tempore. The Secretary will read the resolution as it has been modified by its author, the Senator from Colorado; it has not been modified by the adoption of any amendment.

The Secretary read as follows:

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the great emergency arising out of the impending strike of bituminous coal miners, and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. MYERS. I ask that the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] be read. It was offered when I was temporarily out of the Chamber, and, I believe, is the pending amendment.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. At the end of the resolution it is proposed to add the following words:

And we hereby assure the coal miners that they will in like manner be protected in the exercise of all lawful means in any effort to secure their rights.

To which Mr. HITCHCOCK offered an amendment reading:

And we hereby assure all citizens that they will in like manner be protected in the exercise of all lawful rights.

Mr. MYERS. Mr. President, the President of the United States and the Attorney General have said that the strike of the coal miners which has been ordered is unlawful. I agree with them and see no reason why we should be timid about saying so, if that is our sentiment.

The existing contract against which the coal miners propose to strike is a contract for the duration of the war, and the Attorney General of the United States has ruled in a number of instances that the war will not terminate until peace is declared.

I am very heartily in favor of this resolution. I think it time that all branches of the Government determine to enforce law and order in this country and to uphold a stable Government. I think it timely and well that a declaration to that effect be made not only by the President and the Attorney General, who have made it, but by Congress.

For weeks past this country has been on bended knees to organized labor which is striking or threatening to strike; for weeks past the Government has been tearfully and imploringly begging and pleading with the bituminous coal miners please not to strike. "Please do not strike and freeze us to death" has been the attitude of this country for weeks past as a suppliant at the feet of its masters. I think the time for that sort of thing has passed, if it ever existed. We have been endeavoring to confer, compromise, arbitrate, mediate, and conciliate, and all without any effect whatever.

The condition is that about half a million bituminous coal miners, at the highest estimate, have had 109,500,000 people in this country on their knees to them as suppliants, although the majority of these 500,000 bituminous coal miners, if there be that many, are ignorant foreigners, most of them illiterate, unacquainted with our institutions, and having no appreciation of the binding force of obligations and contracts, led by a few designing leaders and agitators who appear to want to plunge the country into industrial trouble and chaos, regardless of the

consequences to the miners or the public or the Government, for some sinister purpose that appears to be behind their motives.

I think we have conferred and attempted to compromise and conciliate and arbitrate and mediate too much already. I think that has gone too far. There has been entirely too much begging and supplicating on behalf of the Government, which represents the 110,000,000 people of this country, to perhaps a half million bituminous coal miners, at the highest estimate, who show no regard for their contracts and apparently no regard for the welfare of the country. According to statements made before the subcommittee of the Senate Committee on Interstate Commerce, of which subcommittee I happen to be a member, which has been investigating the coal situation, the striking bituminous coal miners are now getting an increase of wages of 70 per cent above their prewar wages, and they now come and ask for a further increase of 60 per cent, which would make an increase of 130 per cent above the prewar wages.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I yield, with pleasure.

Mr. GRONNA. I trust that the Senator will not justify his position by saying that the wages of labor have increased 70 per cent. The Senator from Montana, I am sure, upon reflection will know that the wages of labor must increase in proportion to the increased cost of the articles they buy; and the Senator has very often stated on this floor during this session—and I agree with much of what he said—that the volume of money has increased from $15,000,000,000 to $45,000,000,000, or exactly 300 per cent. The deposits of the world have increased from $27,000,000,000 to $75,000,000,000. In other words, the cost to the laborer to live has increased 300 per cent; and there is not a Senator on this floor who can justify his position by saying that the wage of labor has increased 70 per cent.

Mr. MYERS. Mr. President, statistics issued by the Department of Labor, which are accepted as accurate and official, and are not unfriendly to labor, show that in the last four or five years the cost of living in this country has nearly doubled; that it has increased about 85 or 90 per cent. I say statements before a subcommittee which has been investigating coal conditions, and of which I happen to be a member, show that the bituminous coal miners are receiving now 70 per cent higher wages than before the war. That is not quite as much as the cost of living has increased in the last four or five years; but they are asking for a further increase of 60 per cent, which would be an increase of 130 per cent over prewar wages, and Government statistics show that the cost of living in this country since prewar times has not increased 130 per cent; it has not increased quite 100 per cent.

Mr. DIAL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. MYERS. I yield, with pleasure.

Mr. DIAL. How many days a week do the miners propose to work and how many hours a day?

Mr. MYERS. I was going to get to that in a minute. There has been no such increase in the cost of living in this country as to justify an increase in wages to the bituminous coal miners of 130 per cent above prewar times. There is nothing to justify it. In addition to that, the miners have arbitrarily made a demand for a six-hour day from bank to bank and five days a week, a 30-hour week. That is in addition to their demand for a 60 per cent increase in wages on top of the 70 per cent increase they are already getting.

Now, is there anybody here who will say that those demands are reasonable demands; that there is anything in the existing condition of affairs that makes those demands reasonable or even decent? I say they are not decent demands, in the face of the conditions that now exist, and coupled with the very plain determination of the miners to take the people of this country by the throat, throttle them, strangle them, freeze, and starve them into submission. I say the demands are unreasonable and indecent, entirely beyond the pale of all reason and decency. No wonder the President says their strike is unjustifiable and unlawful. I for one am tired of seeing 110,000,000 people of this country get down on their hands and knees and crawl to a half million people, a small segment of the population, and tearfully beg at their hands, "Please do not strike and freeze and starve us to death." I agree with the President and the Attorney General that this strike is unlawful and that the time has come to use force. I believe that force should be met with force and that iron should be met with iron. Lawlessness and defiance of authority call for stern measures. There should be no shrinking.

Mr. BORAH. Mr. President, does the Senator understand that the Attorney General and the President have advised force?

Mr. MYERS. I take it from what they have said that they purpose using force if necessary, and so far as lawful. I am for all the force that may be necessary.

Mr. BORAH. If that construction is placed upon this resolution, it will not pass the Senate if I can help it.

Mr. MYERS. The Senator may put his own interpretation upon it. I say the President and the Attorney General have said that this strike is unlawful. In that I agree with them. They have said that all the power of the Government will be brought to bear, so far as they are able, to maintain law and order. If it takes force to do that I am in favor of it, and I suppose they are, too. I am in favor of the use of any lawful power to maintain the dignity and the honor of this country and to maintain law and order and a stable condition of government; and I think the time has come to declare that the law will be enforced, and stable government will be upheld, no matter what it may take to do it. The President and the Attorney General have so declared, and I am with them, and I think it would be quite timely, appropriate, and proper for us to declare that Congress is with them. I believe the people of the country are with them in their declaration. I do not believe the people of the country will supinely be overridden or overawed by a small class of the population, bent upon holding up the country by unreasonable demands or inflicting industrial anarchy. Let Congress do its duty fearlessly and declare to the world its determination to uphold the Government against all assaults.

Mr. TOWNSEND. Mr. President, I ask that the amendment which I proposed, and which I understood was accepted by the Senator from Colorado, may be stated to the Senate.

Mr. THOMAS. Mr. President, as the Chair knows I have been trying all day to secure the passage of this concurrent resolution in some form that will not diminish its force or purpose; and because of that desire I have kept strangely quiet during the discussions that have punctuated its consideration.

During the remarks last made by the Senator from Michigan [Mr. TOWNSEND] he suggested that certain words forming part of one of the amendments suggested by the junior Senator from Illinois [Mr. MCCORMICK], referring to "the emergency caused by the threatened coal strike," be changed to the expression "the present industrial emergency." I understood the Senator from Illinois to say that that was satisfactory to him, and the Senator from Wisconsin [Mr. LA FOLLETTE] says it is satisfactory to him, and that if it is inserted in the concurrent resolution in place of the words suggested by the Senator from Illinois he will withdraw the amendment upon which the yeas and nays have been ordered.

Mr. President, that change can be made very easily by striking out the word "great," in line 5, and of course by eliminating the changes suggested by the Senator from Illinois, and then adding to the phraseology of the amendment of the Senator from Idaho, so that if that change is made it will read as follows:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience—

And so forth.

Upon that assurance, I move that the Senate reconsider the vote by which the amendment of the junior Senator from Illinois was adopted.

The PRESIDENT pro tempore. Will the Senator from Colorado permit the Chair to observe that he recognized the right of the Senator from Colorado to modify his concurrent resolution, and the change to which he has just referred was not adopted by vote but was accepted as a modification.

Mr. THOMAS. I think the Chair is mistaken. It was adopted while the Senator from Utah [Mr. KING] was in the chair.

The PRESIDENT pro tempore. That may be true. It was not done while the present occupant of the chair was presiding.

Mr. THOMAS. Hence, my motion to reconsider.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment referred to was adopted will be reconsidered.

Mr. THOMAS. Now, Mr. President, I move—if a motion is necessary—to substitute for the amendment offered by the Senator from Illinois an amendment striking out the word "great," in line 5, and adding to the amendment of the Senator from Idaho, previously adopted, the words "the present industrial," so that there will be one amendment which reads:

The use of such constitutional and lawful means as may be necessary to meet the present industrial emergency.

Mr. LA FOLLETTE. Mr. President, perhaps it would be best for me first to ask unanimous consent to vacate the order by which the yeas and nays were ordered upon the amendment which I introduced, and also to ask leave to withdraw that amendment. If this amendment is agreed to, I shall do exactly that thing.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. HITCHCOCK] offered an amendment to the amendment proposed by the Senator from Wisconsin, and it would be necessary that he should consent.

Mr. HITCHCOCK. I give my consent. I request the privilege of withdrawing my amendment to the Senator's amendment.

The PRESIDENT pro tempore. Is there objection to the course proposed by the Senator from Wisconsin?

Mr. FALL. Mr. President, I do not know just "where I am at," nor do I think Senators know "where they are at." Therefore I would like to know whether a motion would now be entertained to lay upon the table the resolution, with all pending amendments, substitutes, and suggestions?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion would be in order.

Mr. FALL. Then, Mr. President, I shall, before making the motion, state again my reasons for it.

In the first place, I think, as I have said before, that the Congress of the United States has enough to do to attend to its own business. If there is any necessity for the passage of legislation to make laws which are now on the statute books more strict or more lenient, that is our business, and let us proceed to it.

Mr. ASHURST. Will the Senator yield to me, because when his motion is put it will not be debatable?

Mr. FALL. I yield to the Senator.

Mr. ASHURST. I am in accord with the Senator in his suggestion. If the Senate is unable to deal with a treaty which the Constitution gives us the power to deal with, how much more hopeless it is to attempt to grapple with that which the executive arm only should deal with?

Mr. FALL. Mr. President, it was first proposed in the original resolution that this body should say to the administrative department, which is a coordinate department of the Government, that we would, in obedience to the Constitution and the laws of the United States, sustain that department in the discharge of its legal duties.

Mr. President, we are now asked to say indirectly to the judiciary department of the United States that we would expect them to perform their duty. Each of these three departments is supreme in its own sphere, and there is one way that Congress can reach either the officials of the administrative or of the judiciary department if they do not perform their duty.

Mr. President, for these reasons I shall, in any event, unless my motion is adopted, vote against amendments and vote against the resolution.

I now make the motion that the resolution, with the pending amendments and everything attached to it, be laid upon the table.

Mr. TOWNSEND. On that, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. KELLOGG (when his name was called). I am paired with the senior Senator from North Carolina [Mr. SIMMONS]. He is absent from the Senate, and I withhold my vote.

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote. I vote "nay."

Mr. McCORMICK (when his name was called). Mr. President, I have a general pair with the junior Senator from Nevada [Mr. HENDERSON], who has left the Chamber. If I were voting, I should vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce the absence of my colleague [Mr. SIMMONS] on account of illness. He has a pair with the junior Senator from Minnesota [Mr. KELLOGG].

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. He is absent, and I withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is absent on account of illness. He is paired with the junior Senator from Ohio [Mr. HARDING]. If my colleague were present and not paired, he would vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. OWEN (after having voted in the negative). I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from Louisiana [Mr. GAY] and let my vote stand.

Mr. DIAL. I desire to announce the absence of my colleague, the senior Senator from South Carolina [Mr. SMITH], on account of illness in his family. He is paired with the senior Senator from South Dakota [Mr. STERLING]. If my colleague were here and not paired, he would vote "nay."

Mr. GERRY. I wish to announce the absence on official business of the Senator from Nevada [Mr. HENDERSON] and the Senator from Louisiana [Mr. GAY]. I desire also to announce that the senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are necessarily absent on public business.

Mr. CURTIS. I have been requested to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 6, nays 67, not voting 23, as follows:

YEAS—6.

Fall	France	Nelson	Norris
Fernald	McNary		

NAYS—67.

Ashurst	Hale	McKellar	Robinson
Ball	Harris	McLean	Sheppard
Bankhead	Harrison	Moses	Shields
Borah	Hitchcock	Myers	Smith, Ariz.
Brandegee	Johnson, Cal.	New	Smith, Ga.
Capper	Johnson, S. Dak.	Newberry	Smith, Md.
Chamberlain	Jones, N. Mex.	Nugent	Smoot
Culberson	Jones, Wash.	Overman	Spencer
Cummins	Kendrick	Owen	Sutherland
Curtis	Keyes	Page	Swanson
Dial	King	Penrose	Thomas
Dillingham	Kirby	Phelan	Townsend
Elkins	Knox	Phipps	Trammell
Fletcher	LaFollette	Pittman	Walsh, Mass.
Gerry	Lenroot	Poindexter	Warren
Gore	Ledge	Pomerene	Williams
Gronna	McCumber	Ransdell	

NOT VOTING—23.

Beckham	Harding	Reed	Underwood
Calder	Henderson	Sherman	Wadsworth
Colt	Kellogg	Simmons	Walsh, Mont.
Edge	Kenyon	Smith, S. C.	Watson
Frelinghuysen	McCormick	Stanley	Wolcott
Gay	Martin	Sterling	

So the Senate refused to lay the concurrent resolution on the table.

Mr. THOMAS. Mr. President, if it is in order, I now renew the request to further amend the pending resolution by striking out the word "great," in the fifth line, and adding to the amendment hitherto moved by the Senator from Idaho [Mr. BORAH] and adopted the words "present industrial," so that the resolution will read:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency—

And so forth.

The PRESIDENT pro tempore. The resolution will be modified as requested by its author, the Senator from Colorado.

Mr. WARREN. Now, let the resolution be read at length from the desk.

The PRESIDENT pro tempore. The Secretary will read the resolution as amended.

The SECRETARY. Without reading the preamble, the resolution, now Senate concurrent resolution 15, as amended, reads:

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency, and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. THOMAS. I ask for the adoption of the resolution as amended.

The concurrent resolution as amended was agreed to.

The PRESIDENT pro tempore. The Secretary will report the amendment to the title.

The SECRETARY. Amend the title to agree with the amendment just agreed to so as to read:

Concurrent resolution assuring the administration of the support of the Congress in dealing with the present industrial emergency.

The PRESIDENT pro tempore. Without objection, the title will be so amended.

TREATY OF PEACE WITH AUSTRIA.

Mr. MOSES. Mr. President, I ask unanimous consent for immediate consideration of the order which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the order.

The Secretary read as follows:

Ordered, That the original manuscript of Senate Document No. 92, entitled "Treaty of Peace with Austria," be withdrawn from the files of the Senate.

Mr. LODGE. I should like to ask the Senator the reason for the order?

Mr. MOSES. I will state that the person through whom the original copy was furnished to the Senator from Massachusetts has requested that it be returned to him.

Mr. LODGE. There is no objection to the order.

Mr. HITCHCOCK. I did not hear the request.

Mr. LODGE. The request is to withdraw the manuscript copy of the treaty with Austria, which I presented. It has been reprinted for the use of the Senate.

Mr. HITCHCOCK. To withdraw the original?

Mr. LODGE. Yes.

The order was agreed to.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. The Senator from Wisconsin [Mr. LA FOLLETTE] gave notice that he would offer an amendment, which, I presume, will be offered at this time.

Mr. LA FOLLETTE. I move to strike out all of pages 487 to 517, inclusive, the same being Part XIII of the treaty of peace with Germany pending before the Senate; and upon that motion I call for the yeas and nays.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to amend by striking out, beginning at the top of page 487, "Part XIII, labour, section 1, organization of labour," and all the treaty down to and including the last line on page 517.

Mr. MYERS. May I ask the Senator from Wisconsin if he proposes by his amendment to strike out the entire labor clause?

Mr. LA FOLLETTE. Yes; Part XIII of the treaty.

Mr. THOMAS. Mr. President, the Senator from Wisconsin has asked for the yeas and nays upon his amendment.

Mr. LA FOLLETTE. I will withdraw that if the Senator wishes to take the floor.

Mr. THOMAS. I am perfectly willing that the Senator should test the Senate upon that question now, but before the vote is taken I desire to address myself to the Senate upon Part XIII.

Mr. LA FOLLETTE. I will withdraw for the present the request for the yeas and nays.

Mr. THOMAS. I am perfectly willing that the Senator should make the request now.

Mr. LA FOLLETTE. I withdraw it for the present.

Mr. THOMAS addressed the Senate. After having spoken for some time,

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. THOMAS. I yield.

Mr. PENROSE. This is a very important matter that is under discussion now, one of the most important, I think, to be considered in the whole debate.

Mr. THOMAS. I shall not continue very long this afternoon.

Mr. PENROSE. I want the Senator to continue, but I want to have a quorum present.

Mr. THOMAS. I hope the Senate will take a recess in a half hour. I am willing to talk, however, until 6 o'clock.

Mr. PENROSE. I think we ought to have a quorum, even for a half hour. There is only a handful of Senators here when one of the most important matters in the treaty is under consideration.

Mr. THOMAS. That is nothing strange. That is not an unusual condition here.

Mr. LA FOLLETTE. It ought not to be the case.

Mr. PENROSE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gronna	Lodge	Shields
Bankhead	Hale	McCumber	Smith, Ariz.
Borah	Harris	McLean	Smith, Md.
Brandegee	Harrison	McNary	Smoot
Capper	Hitchcock	Moses	Spencer
Chamberlain	Johnson, Calif.	Myers	Sutherland
Colt	Johnson, S. Dak.	Nelson	Swanson
Cummins	Jones, N. Mex.	New	Thomas
Curtis	Jones, Wash.	Newberry	Townsend
Dial	Kellogg	Norris	Trammell
Dillingham	Kendrick	Nugent	Walsh, Mass.
Elkins	Keyes	Overman	Warren
Fall	King	Page	Williams
Fernald	Kirby	Penrose	Wolcott
Fletcher	Knox	Pomerene	
France	La Follette	Ransdell	
Gore	Lenroot	Sheppard	

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Iowa [Mr. KENYON], the Senator from South Dakota [Mr. STERLING], the Senator from Colorado [Mr. PHIPPS], and the Senator from Tennessee [Mr. MCKELLAR] are absent in attendance at a meeting of a subcommittee of the Committee on Education and Labor.

Mr. SHEPPARD. The Senator from Louisiana [Mr. GAY], the Senator from Rhode Island [Mr. GERRY], the junior Senator from Nevada [Mr. HENDERSON], the Senator from California [Mr. PHELAN], the senior Senator from Nevada [Mr. PITTMAN], the Senator from Arkansas [Mr. ROBINSON], the Senator from Georgia [Mr. SMITH], and the Senator from Montana [Mr. WALSH] are necessarily absent on official business.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum of the Senate is present. The Senator from Colorado will proceed.

[Mr. THOMAS resumed his speech. After having spoken, in all, for nearly an hour, he yielded the floor for the day.]

UNITED STATES DISTRICT JUDGES.

Mr. NELSON. Mr. President, I ask unanimous consent that the nomination of Edwin Y. Webb, of Shelby, N. C., to be United States district judge for the western district of that State, and the nomination of John W. Peck, of Cincinnati, Ohio, to be United States district judge for the southern district of that State, be laid before the Senate and referred to the Judiciary Committee as in secret executive session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations will be referred to the Committee on the Judiciary.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Friday, October 31, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate October 30, 1919.

UNITED STATES DISTRICT JUDGE.

Edwin Y. Webb, of Shelby, N. C., to be United States district judge, western district of North Carolina. (An additional appointment made under the provisions of the act approved Feb. 25, 1919.)

John W. Peck, of Cincinnati, Ohio, to be United States district judge, southern district of Ohio, vice Howard C. Hollister, deceased.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 30, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Soul, out of whose loving heart sprang all that we cherish in life, we thank Thee for the pure and noble, just and merciful, great and holy, left to us out of the holocaust through which we have just passed; the millions who faced death; the thousands who sacrificed their lives; the thousands wounded and left impaired in health; the thousands of heroic men and women who gave themselves to succor the wounded and comfort the dying on the field of carnage and helped the brave men to win the war for justice, liberty, and

peace; for the many great patriotic organizations at home and abroad who have poured out their hearts and substance to alleviate the innocent men and women who suffered untold misery in the wake of unholy war.

Contrast the German Kaiser and his ruthless followers, who have justly inherited the hate of all true men, with the King of the Belgians and his little band of soldiers, exalted, glorified, in their heroic stand for right and truth and justice. Thus right lives and wrong perishes in the dispensation of Thy providence; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. BYRNES of South Carolina. Mr. Speaker, Hon. PHILIP H. STOLL has been elected to fill the vacancy, from the sixth district of South Carolina, caused by the death of J. Willard Ragsdale. Mr. STOLL's credentials have been filed with the Clerk of the House. He is present, and I ask that he be permitted to take the oath of office as a Member of this House. [Applause.]

The SPEAKER. The gentleman will escort him to the area.

Mr. STOLL appeared at the bar of the House and took the oath of office.

CHANGE OF REFERENCE.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for a change of reference of House Document No. 273, which was referred to the Committee on Naval Affairs, and which I think belongs to the Committee on Appropriations.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

PROPOSED RECESS.

Mr. BLANTON. Mr. Speaker, I ask permission to ask the gentleman from Wyoming a question.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for a minute. Is there objection?

There was no objection.

Mr. BLANTON. A short time ago the distinguished majority leader, the gentleman from Wyoming [Mr. MONDELL], stated on the floor, in response to a question I propounded, that we could expect a short recess, from the 8th or 10th of November until the meeting of the regular session on December 1. It is rumored around the Capitol this morning that there will not be any recess until just a few days before the regular session meets on December 1, and that then it is to be taken only "for prudential reasons." I would like to ask the gentleman from Wyoming, in behalf of a few of us Members who live some 2,000 miles away from here, whether we may still expect a chance to go home, at least for a few days, before the regular session? Some of us have been here ever since the war Congress convened in April, 1917, continuously on the job, with no chance to visit our homes except a few days on business, and I would like to say in that connection that if it is expected to take a recess just for two or three or four days before the regular session meets, merely for "prudential reasons," I do not think it will be done by unanimous consent, because we Members who live a long way from our districts ought to be given a chance to make a short visit to our homes. I request the majority leader to kindly inform us upon what we may definitely rely, so that we may make our plans accordingly.

Mr. MONDELL. Mr. Speaker, I have not changed my mind as to the advisability of as long a recess as it is possible to secure between the present session and the regular session, which meets on the 1st day of December, and I still hope that by the 10th or 11th of next month we may be able to adjourn. I hope that before that time we will pass the railroad bill. [Applause.] I hope before that time we shall have taken up the Berger case and disposed of some other legislation now before the Congress. Then, I trust, it may be possible to secure an agreement with the Senate under which we can adjourn.

Mr. POU. Mr. Speaker, I should like to ask the gentleman from Wyoming a question.

Mr. MONDELL. I want to say that what I have stated is simply a hope. The matter is not sufficiently developed so that I can say there is any assurance of it. I yield to the gentleman from North Carolina.

Mr. BLANTON. I hope the gentleman from Wyoming will not let politics keep us from having a recess.

Mr. MONDELL. I shall not change my mind in the matter, though I may not be able to control the situation.

Mr. POU. The gentleman from Wyoming has yielded to me for a question.

Mr. MONDELL. Yes.

Mr. POU. The question is this; we might as well speak frankly: Is it not true that the money for the mileage of Members has already been appropriated and that all this talk of adjourning for a week or three or four days in order that somebody may get mileage is all bunk and that there is nothing to it?

Mr. MONDELL. The gentleman is entirely right about that.

Mr. POU. I have been informed that the money has been appropriated, as it should have been, and all of these suggestions about adjourning in order that anybody may get mileage are absolutely without any foundation.

Mr. BLANTON. The remark about adjourning for prudential reasons came from our distinguished ex-Speaker [Mr. CLARK of Missouri].

Mr. KNUTSON. He said it as a joke. He did not mean it.

Mr. BLANTON. The gentleman from Missouri always means everything he says.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. FERRIS. What is the status of the railroad bill, which is the big remaining piece of legislation?

Mr. MONDELL. The railroad bill, as I understand it, will be reported to the full committee to-day. My hope has been that the railroad bill would be reported to the House so that it could be taken up next Monday.

Mr. FERRIS. Is it the plan to follow this leasing bill with the railroad bill?

Mr. MONDELL. There will be some matters taken up between the time we dispose of this bill and the time when the railroad bill comes up.

Mr. FERRIS. That is the only other important thing left for the House to do.

Mr. MONDELL. There is a bill from the Committee on the Merchant Marine and Fisheries that would take a day, which we ought to dispose of, and which I hope may be reported this week.

Mr. MADDEN. And a bill from the Committee on Military Affairs.

Mr. MONDELL. I have hoped that there would be a report from the Committee on Military Affairs, and these matters could both be disposed of without interfering with the adjournment program which has been suggested.

Mr. FERRIS. One question more. Is it the plan of the majority to do anything at all about soldier legislation at this session?

Mr. MONDELL. The matters I have referred to are those things that we feel quite confident we can dispose of. There are other questions under consideration, but we feel quite certain about the matters to which I have referred.

Mr. FERRIS. As a matter of fact, however, there is a plan to let it go over until December.

Mr. MONDELL. That may be the outcome.

Mr. DENISON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Wyoming may be extended five minutes. I want to ask him a question.

The SPEAKER. The gentleman from North Carolina asks that the time of the gentleman from Wyoming may be extended five minutes. Is there objection?

There was no objection.

Mr. DENISON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DENISON. Has the gentleman any assurance or intimation from the chairman of the Committee on Interstate and Foreign Commerce that the railroad bill can be reported to the House by next Monday?

Mr. MONDELL. Neither the chairman of the committee or any member of the committee would be justified in saying when the bill will be reported to the House. That must be determined by the committee, and must be determined in view of what their views are in regard to the legislation when they come to consider it in committee, which they will do this afternoon. I am very hopeful that the work of the subcommittee will be found to be so excellent that the full committee will not require a very great deal of time for consideration. Of course, I can not say when the bill will be reported.

Mr. DENISON. I share the hope of the gentleman, but the full committee will insist on its rights to read the bill in full before it is reported.

Mr. MONDELL. Why, certainly; nobody has suggested, and nobody will suggest, that they have not that right or that the committee will not give it due consideration.

Mr. DENISON. I do not think it can be reported back by Monday.

Mr. MONDELL. I am simply hopeful. My hopes may not be fully realized. If the bill is not reported Monday, it will be very soon thereafter, I hope.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Florida.

Mr. CLARK of Florida. I understand the gentleman to name certain measures that he hopes to dispose of before adjournment. I want to say that the Committee on Public Buildings and Grounds reported a bill some months ago—certainly some weeks ago—that every member of that committee is very much interested in.

Mr. MONDELL. I think that bill has much merit, and it was one of the bills that we considered, and while we do not feel confident we may take it up with other matters.

Mr. CLARK of Florida. We hear a great deal of talk here about economy, and by this bill we propose to cut down or cut off some enormous expenses of the Government that absolutely do no good on earth, and it would seem as if this House might take an hour of its time and dispose of it. We can pass it in that period. I am satisfied that there is not 10 per cent of the membership of the House that will oppose the passage of that bill when we can have an opportunity to submit it.

Mr. MONDELL. I yield to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. The gentleman expressed strong hopes that the railroad bill will be reported to the House and passed by November 10. That is another evidence that hope springs eternal from the human breast. I notice the gentleman did not express his belief. Does the gentleman from Wyoming really believe that this railroad bill, containing, perhaps, 100 pages, will be reported out by the full committee and passed by this House, or even considered by the House, by the 10th of November?

Mr. MONDELL. I think the House by beginning early and sitting reasonably late could consider that legislation in a week.

Mr. KITCHIN. Next week?

Mr. MONDELL. I think it could do it in that length of time. That is my personal view. Of course, I shall have no control over the situation. The gentleman asked my opinion.

Mr. KITCHIN. Yes; the gentleman has not expressed his opinion or belief.

Mr. MONDELL. It is my belief that the House can fully consider even that very important measure in six legislative days, beginning at 11 o'clock, if it seems wise to the House, and sitting until half past 5.

Mr. KITCHIN. I want to say that the Members here are not only willing to meet at 11 o'clock and sit until half past 5, but are willing to have evening sessions, if they can get the bill through before we adjourn.

Mr. MONDELL. We might do that. I think it is important to pass the bill before we adjourn.

Mr. KITCHIN. Let me ask the gentleman a question about another matter. On October 27 the gentleman inserted in the RECORD, by unanimous consent, a very wise and timely and resolute statement of the President in respect to the projected coal strike. The gentleman said, in answer to a question by the gentleman from Louisiana [Mr. ASWELL], that he most thoroughly and heartily indorsed the President's utterance. The gentleman from Texas [Mr. CONNALLY] that very day introduced a concurrent resolution approving the President's utterances and pledging the support of the House and the Senate, or Congress, to the President in all constitutional measures that he may adopt to enforce the laws of the United States in respect to the coal strike. That was sent to the Committee on the Judiciary. I wish to ask the gentleman to inform us Members who wish to go on record, as the gentleman has done, in approving the President's position, by a vote on that resolution—has the Judiciary Committee considered that resolution at all; and if so, what is the gentleman's opinion as to when they will report it out? Will they report it before the strike actually occurs tomorrow night at 12 o'clock or before? Why can not we take it up at once?

Mr. MONDELL. I have no information in regard to the action of the committee, whether it has considered the measure or not. But I will state to the gentleman frankly my own position. I speak only as an individual. While every Member of the House has the right and in my opinion it is the duty of Members to make clear their position individually in a matter of this gravity, of this importance, I doubt the wisdom of the Congress of the United States establishing the precedent of expressing by resolution approval or disapproval of the acts of the Executive. I think if we started in on that sort of a practice, something we never have done in our history, so far as I recollect, we would soon find ourselves very much involved and embarrassed. Gentlemen would be continually asking us to express not only approval but disapproval of executive acts by resolution. I think it would be most unfortunate for the Congress to adopt any such policy.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes so that I can ask him some more questions.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I have nothing further to say.

Mr. KITCHIN. But the gentleman does not know what I may ask him. [Cries of "Regular order!"]

The SPEAKER. Is there objection?

Mr. KING. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The gentleman from Indiana [Mr. SANDERS] is recognized.

OPERATION OF TRANSPORTATION SYSTEMS UNDER FEDERAL CONTROL—CONFERENCE REPORT (H. DOC. 419).

Mr. SANDERS of Indiana. Mr. Speaker, by direction of the managers on the part of the House, I call up the conference report upon the bill S. 641, an act to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will read.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Indiana asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 19, and agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In the proviso of said amendment, after the word "made," insert the words "by him," and at the end of said amendment insert the following: "except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act"; and the House agree to the same.

JOHN J. ESCH,
E. L. HAMILTON,
Managers on the part of the House.

ALBERT B. CUMMINS,
ROBERT M. LA FOLLETTE,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The Senate conferees agreed to recommend the acceptance of amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 19, being all of the amendments passed by the House except amendments numbered 1 and 11.

Amendment numbered 1, inserted on page 1, line 13, after the word "control" the words "or with any order of the President consistent with this act."

Section 10 with this amendment reads in part as follows:

"SEC. 10. That carriers, while under Federal control, shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control, or with any order of the President consistent with this act."

The managers on the part of the House agreed to recommend that the House recede from its disagreement to the amendment.

Amendment No. 11, on page 3, line 14, after "systems," struck out all down to and including "granted" in line 18, and inserted:

"except that the amendment of August 9, 1917, to section 15 of the act to regulate commerce, which provides that until January 1, 1920, no increased rate, fare, charge, or classification shall be filed, except after approval thereof has been secured from the commission, shall not be applicable to rates, fares, charges, or classifications initiated or changed by the President: *Provided*, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States."

As to this amendment the managers on the part of the Senate agreed to recommend that the Senate recede from its disagreement to the amendment and agree to the same with the following amendment:

In the proviso of said amendment after the word "made" insert the words "by him," and at the end of said amendment insert the following:

"except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act."

The managers on the part of the House agreed to this amendment.

The effect of this action is to make it clear that the proviso was a limitation upon the action of the President and also to provide that the cases, which are now pending before the Interstate Commerce Commission should not be affected by the provisions of the bill.

JOHN J. ESCH,
E. L. HAMILTON,
Managers on the part of the House.

Mr. KITCHIN. Mr. Speaker, will the gentleman permit an interruption there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. KITCHIN. I see the conference report is signed only by the majority members of the Senate and the House conference committees. No minority members have signed either the report or the statement. Why is that?

Mr. SANDERS of Indiana. I do not know.

Mr. SIMS. Mr. Speaker, I can tell the gentleman why. I am not in favor of it. I opposed the passage of the bill in the House.

Mr. KITCHIN. Did the gentleman file a minority report at all?

Mr. SIMS. No; it is so plain that I did not need to. I will explain my position. Will not the gentleman from Indiana indicate something about the division of the time before he begins to discuss the matter?

Mr. SANDERS of Indiana. How much time does the gentleman want.

Mr. SIMS. Of course, the gentleman can move the previous question within the hour. I suppose the gentleman is willing to divide the time?

Mr. SANDERS of Indiana. I do not want a hour, or anything like it.

Mr. SIMS. Why not divide the time equally? The gentleman may be forced to take more time than he expects, and the same is true of myself.

Mr. SANDERS of Indiana. So far as I know, no one desires to speak on this side of the House.

Mr. SIMS. I would like to have one-half of the time, to be controlled by myself. It is not my purpose to use up the time in debate simply to consume time, but gentlemen often ask questions of conferees, and it is difficult to state how much time will be used.

Mr. SANDERS of Indiana. I will yield the gentleman whatever time he desires.

Mr. SIMS. Thirty minutes.

Mr. SANDERS of Indiana. I yield the gentleman 30 minutes. Mr. Speaker, this bill originated in the Senate. It is a bill the purpose of which is primarily to restore to the Interstate Commerce Commission its prewar powers with reference to rates. The House amended the bill to provide that the power of the Interstate Commerce Commission should cover only interstate rates, and that before any intrastate rates should become effective the State regulatory tribunal in that jurisdiction should approve the rate. There were a number of amendments made by the House. The first House amendment restored this expression in section 10:

Or with any order of the President consistent with this act.

In conference that expression was stricken out. In other words, the House conferees yielded on that amendment. The important amendment put on by the House granting to the State regulatory tribunals the authority to pass on intrastate rates was left as provided by the House, with the exception that the conferees added the expression "by him," so as to clarify the amendment, so that it might be clear that the amendment was a limitation upon the power of the President in initiating the rates. There was also added to this amendment by the conferees the following:

Except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act.

This is merely a provision that the passage of this act shall not affect pending legislation. It is the same provision usually found in acts of this kind. With those exceptions, the Senate receded in each case, so that the bill comes back to the House with only those two changes from the form in which it left the House—the change omitting the expression "or with any order of the President consistent with this act," the slight change in the proviso in order to clarify it, so that it is clearly a limitation upon the power of the President, and the provision that it should not affect pending litigation. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, it was not necessary to write a minority report, because the objection I have to the report is so easily stated that a written report is not needed. What is the effect of this legislation? It leaves the initiation of rates with the President. It leaves war-time control of rates to the President, so far as initiation is concerned, but it gives the power to the Interstate Commerce Commission to suspend the rates that he may initiate. Therefore the President's function is merely a clerical function. If you are going to restore to the commission the power it had prior to Federal control of the railroads, why not restore to the railroads and the State commissions the prewar power which they had and exercised prior to Government control?

This bill does not do that. The railroads know better what rates they need than the President or the Railroad Administration, because each road knows exactly what it needs. Prior to Federal control the railroads initiated and filed their rates. If they were not suspended by the Interstate Commerce Commission at the end of 30 days they went into effect. But if suspended they remained suspended until the commission acted. Now, if you restore the rate-initiating power, which I tried to do by amendment on the floor, to the carriers and they file the schedules of rates, the State commissions and the people have ample opportunity to know what the rate is before it goes into effect, but a President-initiated rate goes into effect as soon as filed.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. SANDERS of Indiana. It would not if this bill were passed.

Mr. SIMS. What would it do?

Mr. SANDERS of Indiana. It restores to the Interstate Commerce Commission the same power it had before.

Mr. SIMS. To suspend?

Mr. SANDERS of Indiana. Yes.

Mr. SIMS. The President's power to initiate remains and the provision of the war control law that puts the rates into effect immediately remains.

Mr. SANDERS of Indiana. I do not think the gentleman is correct.

Mr. SIMS. I think I am correct about it. There is no alteration in that respect except to give the commission the power to suspend a war-initiated rate. But the bill does not change the law as to the rates so initiated going into effect as soon as made.

But here is the milk in the coconut: The bill makes the President initiate the rates if they are to be initiated, which then go immediately into effect in all the States of the Union if not suspended, but the commission only has the power to suspend an interstate rate or an intrastate rate. It need not suspend an intrastate rate. The President has the right to initiate intrastate rates as well as interstate rates, and the commission can suspend the interstate rates but leave the intrastate rates remain as initiated.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HUDSPETH. Do I understand this conference report does not restore to the State railway commissions their prewar powers in making rates?

Mr. SIMS. It does not. The railroads ought to initiate the rates. I offered an amendment when the bill was pending providing that upon the passage of this act the railroads should initiate all rates, but it was voted down, which leaves the President to initiate or not initiate, as he may see proper, both as to interstate and intrastate rates.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SANDERS of Indiana. Referring to the question that was just asked the gentleman by the gentleman from Texas, our present bill has this provision:

> That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without first having secured the approval of the proper State regulating tribunals conformable to the laws of the several States.

Now, that remains in the measure, with the exception that it says "hereafter to be made by him," referring to the President. Is not that true?

Mr. SIMS. But suppose he does not initiate any change in the rates. No power remains in the State commissions to do anything at all regarding rates. Now, why urge a peace-time condition so far as interstate rates are concerned and leave the Interstate Commerce Commission with power only to suspend any rate made by the President?

Mr. RAYBURN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. RAYBURN. The State commissions have got no power if we do not pass this bill.

Mr. SIMS. None at present.

Mr. RAYBURN. What is the gentleman kicking about?

Mr. SIMS. I am kicking because you are leaving the President to initiate intrastate rates as well as interstate rates.

Mr. RAYBURN. The gentleman is talking about the power of the President over the railroads and their rates. When we were fighting in the committee to make it 12 or even 24 months' time the President could hold the railroads after the war, the gentleman said there ought not to be any time at all.

Mr. SIMS. I say so now. I think that history is going to prove that I was right. Now, why do you want to manacle the States and let them make no changes? They can not initiate rates, the railroads can not initiate rates, but the commission can suspend any rates the President initiates. We have been notified informally through the Railroad Administration that it does not expect to make any increase in rates.

Mr. RAYBURN. Will the gentleman yield again?

Mr. SIMS. Yes.

Mr. RAYBURN. Does the gentleman think, in the State of Texas if this bill becomes a law, that the President can increase rates down there without the approval of the Texas commission?

Mr. SIMS. He can initiate them.

Mr. RAYBURN. I am not talking about that. I am asking if he can put them into effect without the approval of the Texas commission, after this bill becomes a law?

Mr. SIMS. That is the position taken by the gentleman from Indiana.

Mr. RAYBURN. That is exactly the position——

Mr. SIMS. That had reference to its being finally approved——

Mr. RAYBURN. No; it says that no rate shall go into effect until approved by the regulatory power of the States affected.

Mr. SIMS. Why is there any need for the President to initiate rates in the State of Texas, while leaving no power in any Texas authority to suspend or modify the rates so initiated?

Mr. RAYBURN. Will the gentleman yield again?

Mr. SIMS. Why not let the railroads initiate the rates, and of course——

Mr. RAYBURN. If the gentleman will yield again, I went on record in this House in favor of the Sweet amendment, that took that power away from the President; and if the gentleman will look at the RECORD he will see how he voted.

Mr. SIMS. I introduced an amendment, and voted for it, to take the initiative away from him if the power to suspend such rates is given to any subordinate body.

Mr. RAYBURN. The gentleman voted against the Sweet amendment that would leave the power in the State commissions and Interstate Commerce Commission over rates.

Mr. SIMS. The gentleman from Wyoming [Mr. MONDELL], the leader of the House, stated here a few moments ago that he hoped and believed the general bill that is going to be reported out could be passed in a week; that he hopes and believes it will be reported by Monday. Why rush this kind of legislation through when you will have every opportunity under your general bill to make any provision touching this matter or any other matter that is germane to it?

Mr. RAYBURN. I can not answer the gentleman's question, if he wants an answer.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HUDSPETH. I would like to ask the gentleman if under this bill the State Railway Commission of Texas can decrease the rates without first securing the approval of the President?

Mr. SIMS. Of course not. They are war-made rates. Neither can the State commission initiate them or suspend the President-initiated rates. Suppose the President should initiate an increase in intrastate rates, then suppose the Interstate Commerce Commission should decide not to suspend them? They go into effect. When the gentleman from Illinois [Mr. MANN] stated on the floor of this House that this was pure chicken-feed legislation, I think he expressed the facts. Now, I believe we are going to report the general bill in reasonable time, and that it will pass the House, and it is perfectly germane to put this legislation in it. Why do you want to rush it, pell-mell, in advance of the general bill? If gentlemen think we will not have any general legislation for a long period of time, and think the rates ought to be increased, and the President can initiate them, and the commission can suspend them if they do not approve them, I can see some reason for passing this bill.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. I will.

Mr. SANDERS of Indiana. How can it be contended that this legislation would be germane to the general bill, when this legislation deals only with the rate situation during Federal control, and the general bill in its terms will terminate that control?

Mr. SIMS. I think it will make it absolutely unnecessary. Inasmuch as we are going to have a bill terminating Federal control, you can provide in the bill for anything to be done after Federal control. We are providing in both bills that the rates then in effect shall continue in effect until changed and modified by lawful authority. I do not see why there should be this great hurry to pass a bill that in practice will amount to nothing unless the President initiates higher rates. If he initiates lower rates, I do not believe any commission under heaven would suspend them. Now, why all this pell-mell hurry? Have we not got agitation, confusion, unrest, and trouble enough? Why not legislate in a deliberate way in a bill dealing with the entire subject matter which is to be passed in both Houses before the 1st day of January? There is no useful purpose to be served; not a particle, unless, perchance, a general bill is to be delayed indefinitely. So far as I am concerned, I think there ought to be more time to deliberate upon general legislation than we can possibly have if it is intended to go through as indicated.

Mr. DENISON. Will the gentleman yield?

Mr. SIMS. I will.

Mr. DENISON. I think in fairness to the House the gentleman should state that this bill passed the Senate way along last summer, and passed the House a month or so ago, and that this is simply a final conference report on the action of the two Houses.

Mr. SIMS. Certainly. There were mistakes in the conference report—and it had to be vacated and changed, and all that sort of thing—that were not foreseen when the bill was in the Senate and in the House. But the fact exists that this is the 30th day of October, and if the roads are to be returned before the 1st of January how many rates can be considered and passed upon by the Interstate Commerce Commission and the State commissions, or any other body on earth, in that time? Why break our necks to have the President increase rates or initiate them between now and the 1st day of January?

Mr. DENISON. I was going to ask the gentleman from Tennessee if he had any objections to the bill now that he did not have when the bill was before the House? The gentleman is simply repeating the speech and arguments that he made here when the bill came before the House.

Mr. SIMS. They are of more weight now, because we are nearer general legislation than we were then.

Mr. DENISON. About a month nearer, that is all.

Mr. SIMS. The time has been indicated as the 31st day of December when the roads will be returned, with or without legislation. Now, if this bill is passed and signed, which I hope it will not be, then there will be only two months, and if the President should not initiate increased rates what can this bill accomplish?

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SANDERS of Indiana. Suppose the House should pass the bill introduced by the gentleman to continue Federal control for five years, does the gentleman think this legislation ought not to be in effect?

Mr. SIMS. That is so pertinent to this question that it answers itself. Now, there is such a thing as "passing the buck" to somebody, and having an excuse for assuming responsibility. If we pass this bill and the President does not increase rates, and if the deficits continue, some gentleman would say that the President only had power to initiate increased rates and that he would not do it. Then if he does initiate increased rates some would say the President did that, and, therefore, unless the Interstate Commerce Commission suspends them they will go into effect, and there is no time for the Interstate Commerce Commission to act. So the administration will be charged up with the responsibility either way. Passing an ineffectual measure simply to have some excuse for failing to exercise our own responsibility will not excuse us. If we are going to pass this bill as a suspension of rates we should have adopted my amendment authorizing the railroads to initiate them, and then they would not go into effect for 30 days, giving the Interstate Commerce Commission that much time before the effective date in which we suspend the rates. Now, under this bill they will be operative as soon as filed. And where is our speed going to result in anything of benefit to the people at large?

Mr. DENISON. Will the gentleman yield for one more question?

Mr. SIMS. Certainly.

Mr. DENISON. I assume that the gentleman from Tennessee remembers the testimony before the House committee, of Mr. Hines, the Director General of Railroads, upon this question. Does he?

Mr. SIMS. Substantially.

Mr. DENISON. And Mr. Hines stated that in making the rates during Federal control there was complete harmony and cooperation between the Railroad Administration and the Interstate Commerce Commission, and that, so far as he was concerned, and so far as the effect of this legislation upon the Railroad Administration was concerned, it would not affect it materially, because they would cooperate the same hereafter as heretofore.

Mr. SIMS. He said they intended to cooperate, but he opposed the legislation, and gave his reasons for opposing it.

Mr. SANDERS of Indiana. He opposed the policy?

Mr. SIMS. Yes; the policy of making, in effect, a rate clerk, a mere rate-initiating instrument out of the President, while taking from him all power to even put such rates into effect.

Mr. SANDERS of Indiana. He said that power ought to remain with the President?

Mr. SIMS. Yes; so long as the Government liability continued. I was not in favor of either. But if you are going to take away the power of putting the rates into effect, let the railroads initiate them. Then they do not go into effect under the law until 30 days, and in the meantime the commission has time to suspend them or approve them or let them go without action. There is no need of adopting this report. It will not accomplish that which was thought necessary when the bill was originally introduced and passed in the Senate and in the House, and we ought to vote it down; and then, of course, pass the other bill as soon as we can and provide that the war-control-made rates will continue for a certain time, if not sooner changed by the Interstate Commerce Commission as to interstate commerce, and by the State commissions in intrastate rates.

That is business. That is logic. That is good administration. What is the use of putting the Railway Administration to the trouble of investigating as to what is needed in the way of increased rates when it has no power to enforce those rates? Under the war-control law they went in and stayed in, but subject upon complaint to final action of the Interstate Commerce Commission. But they went in, and the revenues of the roads increased to the extent the rate was increased. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used 20 minutes. Ten minutes remain.

Mr. SIMS. Mr. Speaker, I do not think I will use the remainder of my time. [Cries of "Vote!"]

The SPEAKER pro tempore. Does the gentleman reserve the balance of his time?

Mr. SIMS. Yes.

The SPEAKER pro tempore. The gentleman from Indiana has 19 minutes remaining.

Mr. SANDERS of Indiana. Mr. Speaker, I shall not use very much of that 19 minutes. There is just one point that the gentleman from Tennessee [Mr. SIMS] made which I think is not consistent with the provisions of the bill. This is the provision of the bill with reference to the power of the Interstate Commerce Commission after this legislation shall have passed, and is as follows:

That during the period of Federal control the right to initiate or change rates, fares, charges, classifications, regulations, and practices exercised prior to the 29th day of December, 1917, by the carriers now under Federal control shall hereafter be exercised by the President, but such right as to interstate or foreign commerce shall be exercised under all the limitations and conditions which were imposed upon said right by the act to regulate commerce approved February 4, 1887, as amended.

Now, it is clear, Mr. Speaker, from that that all of the powers are restored to the Interstate Commerce Commission, all their prewar powers. Of course, there is a little limitation later, providing that the President shall not be required prior to filing these rates to secure the approval of the Interstate Commerce Commission; but all of the provisions with reference to the notice to the interested parties and a hearing by interested parties, with the right to a suspension by the Interstate Commerce Commission, with the right to a continuance of their suspension, if necessary, for a certain period by the Interstate Commerce Commission—all of those rights, all of those powers, are restored to the Interstate Commerce Commission.

The reason for this legislation lies in the necessity for a hearing by all of the interested parties in the question of the advancement of freight rates prior to the taking effect thereof. The need for it and the demand for this legislation throughout the country grew out of the fact that under Federal control the director general could put rates into effect, no matter how comprehensive, no matter how radical the change, without notice to the interested parties, except such as he might choose to give, and therefore those who were vastly interested did not have their day in court, and this legislation gives them that day in court.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Indiana moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SIMS. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 47, noes 2.

So the conference report was agreed to.

On motion of Mr. SANDERS of Indiana, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

HOUSE CONCURRENT RESOLUTION 35.

Mr. KITCHIN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from North Carolina rise?

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Judiciary from the further consideration of House concurrent resolution 35, and proceed immediately with the consideration of that resolution.

Mr. REAVIS. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to discharge the Committee on the Judiciary from the further consideration of the resolution indicated. Is there objection?

Mr. SANFORD. I object.

The SPEAKER pro tempore. The gentleman from New York objects.

MINING OF COAL, OIL, PHOSPHATE, ETC.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 2775, in accordance with the resolution.

The SPEAKER pro tempore. The gentleman from Oregon moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 2775. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The CHAIRMAN. The Clerk will read.

Mr. SINNOTT. Mr. Chairman, I have an amendment to offer.

Mr. ANDERSON. Mr. Chairman, there is an amendment pending, is there not?

The CHAIRMAN. There is an amendment pending, offered by the gentleman from New York [Mr. SNELL].

Mr. SINNOTT. This is the Snell amendment.

Mr. ANDERSON. Was it not the pending amendment proposed by the gentleman from Oklahoma?

Mr. SINNOTT. No. This is an amendment to perfect the text.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. SINNOTT offers the following to amend the amendment offered by Mr. SNELL: Before the figures "60," insert the following: "For past production 70 per cent and for future production"; also insert before the figures "30" the following: "For past production 20 per cent and for future production"; so that the Snell amendment will read as follows:

"Page 72, line 15, strike out the figures '45' and insert 'For past production 70 per cent and for future production 60'; line 19, page 72, strike out the figures '45' and insert 'For past production 20 per cent and for future production 30.'"

The CHAIRMAN. The question is on the amendment.

Mr. SINNOTT. Mr. Chairman, I wish very briefly to explain the effect of my amendment to the Snell amendment. It merely relates to the moneys that will be received for past production, and leaves the Snell amendment intact for the future. My amendment provides that as to any moneys that may be paid in on account of past production the reclamation fund, which the entire Nation shares in, will receive 70 per cent instead of 60 per cent as in the Snell amendment and instead of 45 per cent as in the original House provision. Then it provides that the States shall receive 20 per cent instead of 45 per cent. For the future it leaves the Snell amendment as it is—10 per cent to the Government, 60 per cent to the reclamation fund, and 30 per cent to the State.

I have discussed this matter with a number of Members, and if there is not a unanimous agreement on it, I think there is a very general desire among members of the committee and those who have given this matter attention to approve of this amendment. That is about all I care to say concerning it at the present time.

Mr. FERRIS. The gentleman from Oregon has made a very comprehensive statement about it, which I think will help the House very much in arriving at a conclusion. Will the gentleman have any objection to stating just exactly what amount the reclamation fund is to get of the accumulated funds now on hand? I should like to have him include both the money held under receiverships under the Department of Justice and those under temporary contracts handled by the Interior Department.

Mr. SINNOTT. The figures that I shall give are absolute minimums and are up to last June, nearly six months ago.

Mr. FERRIS. Those figures would be augmented somewhat.

Mr. SINNOTT. They would be considerably augmented, because a number of wells have come in since that time, and some of the areas that were thought circumscribed have been enlarged. Further oil stands have been discovered, and one might safely say that these figures may be increased by $3,000,000 or $4,000,000. After the one-eighth has been paid the total figure to divide amounts to approximately $7,226,340.

Mr. FERRIS. That is the proportionate part that goes to the Government, is it?

Mr. SINNOTT. That is the part that is paid over to the Government. That is the one-eighth sum that the Government is going to receive, of which one-eighth the reclamation fund is to get 70 per cent.

Mr. FERRIS. Let me interrupt the chairman, if I may. Does this $7,226,340 include all of the money in Secretary Lane's hands under the so-called temporary contracts as well as under the receiverships?

Mr. SINNOTT. This includes both. In the hands of the Department of Justice in California there is something over $17,000,000. Now of that $17,000,000 practically one-half comes from the naval reserve, and that all goes into the Treasury of the United States; and on account of a recent gusher coming in the funds outside of the naval reserve in California somewhat exceed one-half of the $17,000,000. Of course, both in Wyoming and in California, since these figures were given, the fund has been augmented.

Mr. FERRIS. The Senate provision proposed to take immediately 45 per cent of this $7,000,000 and give it to the States, and to give 45 per cent to the reclamation fund, and to give 10 per cent to the Government.

Mr. SINNOTT. Yes.

Mr. FERRIS. If the gentleman's amendment prevails, the reclamation fund, which is a revolving fund, will get 70 per cent, the States will get 20 per cent, and the Government will get 10 per cent, and under my provision the reclamation fund would get the entire 100 per cent.

Mr. SINNOTT. Would get the entire 100 per cent for the time being.

Mr. FERRIS. I understand, and later on 50 per cent of that would come back to the States, after it has been used once in reclamation.

Mr. SINNOTT. Yes.

Mr. ELSTON. May I interject this question: In the seven million and some odd hundred thousands of dollars, which you say is now in the hands of the Secretary of the Interior or impounded through prosecutions instituted by the Department of Justice, is there included as well all the moneys impounded from receipts from the naval reserve?

Mr. SINNOTT. No; that does not include the moneys impounded in the cases where there are adverse decisions in the lower courts. I have deducted that in order to be absolutely sure. Should the Government win out in those suits, this amount will be increased from $3,000,000 to $5,000,000, possibly more.

Mr. ELSTON. Does that seven million and some odd hundreds of thousands of dollars include, however, receipts from the naval reserve in cases which have not gone adversely to the Government?

Mr. SINNOTT. Certainly.

Mr. ELSTON. Then the chairman's answer to the gentleman from Oklahoma is not in detail absolutely correct, for this reason: Whatever proportion of that $7,000,000 and some odd hundreds of thousands is represented by receipts from the naval reserve, as to that portion 100 per cent of it is covered into the Treasury of the United States as miscellaneous receipts for the benefit of the naval reserve.

Mr. SINNOTT. The gentleman misunderstands me. I stated a while ago that about one-half of this $17,000,000 belonged to the naval reserve, and that goes into the Treasury of the United States, and I do not take one-eighth of that at all. I take one-eighth of $8,637,846. By letter of October 22 the Department of Justice informed me that in California there were impounded $17,370,799 on June 30, since then $95,107 has been paid to successful litigants, leaving a balance as of that date of $17,275,692, of which one-half is $8,637,846; the other one-half I assign to the naval reserve, which is approximately correct.

Mr. ELSTON. That explains the matter nicely. I wish to make it clear that no part of this seven million and some odd hundreds of thousands of dollars came from production in the naval reserve.

Mr. SINNOTT. This all comes from production outside of the naval reserve.

Mr. ELSTON. That is what I wanted to know.

Mr. SINNOTT. All that I have allocated—to use a word that is now in vogue.

Mr. EVANS of Nevada. Will the gentleman yield for a question?

Mr. SINNOTT. Certainly.

Mr. EVANS of Nevada. There is some confusion about that revolving fund. To what extent is it a revolving fund? Some claim it is to be used just once for a short period, but later extended more indefinitely.

Mr. SINNOTT. What revolving fund does the gentleman refer to?

Mr. EVANS of Nevada. The money going into the reclamation fund. The gentleman calls that a revolving fund.

Mr. SINNOTT. Yes; that is supposed to be a revolving fund.

Mr. EVANS of Nevada. There is some confusion concerning the understanding of that term.

Mr. SINNOTT. When the settlers on the reclamation project pay their construction charges it goes back into the reclamation fund and then is allotted again on a new project. If a dollar comes in to-day, the same dollar is expended to-morrow on another project.

Mr. EVANS of Nevada. Some claim that it is just used once—that there is one revolution—and then it goes into the Government Treasury with interest.

Mr. SINNOTT. That is not true as to the reclamation fund. It continues to revolve.

Mr. EVANS of Nevada. It is a revolving fund actually and not partially.

Mr. SINNOTT. It is a revolving fund.

Mr. MAYS. Mr. Chairman, I desire to proceed for 10 minutes on the several amendments.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to address the committee for 10 minutes. Is there objection?

There was no objection.

Mr. MAYS. Mr. Chairman, I trust the amendment offered by the gentleman from Oklahoma will not prevail. The Committee on Public Lands of the Senate carefully considered the provision which the gentleman seeks to eliminate, the Senate passed the bill as it now stands in this regard, your Committee on the Public Lands debated the provision thoroughly and voted to retain it. It was decided by the committee that the States from which the minerals were taken should have an interest in the rentals and royalties, in lieu of taxes, which ordinarily are available to the States and counties.

If this bill brings the operations which its friends predict, great enterprises will be established, towns will be built, roads must be constructed, schools must be maintained, local governments must be supported, the States must police and protect the properties. Titles to all the lands are to remain in the Federal Government exempt from taxation. Where are the States and the counties to get the money? Gentlemen say the improvements are to be taxable. But we must realize that the tipple of the coal operation or the derrick of the oil well represent but a small value compared to the coal or oil resources of the land itself.

The chairman of the committee favors the amendment offered by the gentleman from New York. In taking this position of course he will make it plain that he does not represent the committee. In his own general leasing bill, H. R. 560, prepared and introduced into the Congress during this special session, I find that he provided in section 34, page 30, that of the royalties and rentals to be received 33⅓ per cent should be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are located. He provided that the remaining 66⅔ per cent should be paid into the reclamation fund; he made no provision for the Federal Treasury.

It is interesting to note the chairman's arguments on the Oregon-California land-grant bill which was debated and passed in the House in the month of May, 1916. It will be remembered that the title to some 3,000,000 acres of timber lands formerly held by the railroad companies was revested in the United States and provision made for the disposition of the timber, the minerals, and the agricultural lands. The committee in considering the provisions of that bill realized that the State and county in which the lands were located must receive some proportion of the proceeds of sales, and incorporated in the bill a provision that 30 per cent of all the proceeds should go to the counties in which the lands were located, and an additional 20 per cent should go to the State, making a total of 50 per cent of the proceeds of all the sales which were to be devoted to the support of schools, local governments, and the building of roads.

The gentleman who is now chairman of our committee strenuously objected to what he called the unjust treatment of his State, and demanded that of all the proceeds of the sales of timber, minerals, and land, the counties should receive 40 per cent and the State an additional 40 per cent. He was not particular as to what disposition should be made of the remainder.

The gentleman represented that timber constituted the chief resource of value in the counties in which this land was located. In some counties in my State coal constitutes practically everything of value. In some of the counties in other States oil is the chief thing of value. Under the Oregon-California land bill the lands containing timber were to be sold, the timber was to be sold, the minerals were to be exploited, and were to pass into private ownership, thus becoming subject to taxation. Under this bill the lands containing coal, oil, and other resources are to be withheld permanently from taxation. It should be clear that the States must have some portion of these funds in lieu of such taxation. Some States are blessed with great wealth in agricultural lands, and representatives of these States are constantly boasting of such wealth. Some have few resources. Those having minerals often have but little else. The States entered the Union on terms of equality. It would be an infringement of this equality to use the resources of one poor State to further enrich its more fortunate neighbor. Mr. Chairman, it should be evident to us that we can not rob any member of our Union without doing vital harm to the whole country, any more than you can vitally injure one portion of your body without doing harm to your whole system. Through the crisis of the war we realized the solidarity—the unity of purpose of the Republic—that it was indeed one Nation. It has often seemed to me that Members of this Congress hailing from the more prosperous States have been inclined to regard the less-favored States as legitimate prey, from whose scanty resources the larger States might be still further enriched. These Members seem to regard an appropriation for a road in one of these far-away States as a charitable contribution to a foreign country rather than as a patriotic effort to improve the common country. They say, What interest has New York or Massachusetts or Oklahoma in a road or canal in Utah or Oregon? To such I commend the words of a former distinguished Representative of Massachusetts made on the floor of this House:

> Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States not as separated but as united. We love to dwell on that Union and on the mutual happiness which it has so much promoted and the common renown which it has so greatly contributed to acquire. In our contemplation Carolina and Ohio are parts of the same country, States united under the same General Government, having interest common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains and lines of latitude to find boundaries beyond which public improvements do not benefit us. We who come here as agents and representatives of these narrow-minded and selfish men of New England consider ourselves as bound to regard with an equal eye the good of the whole in whatever is within our powers of legislation. Sir, if a railroad or canal beginning in South Carolina and ending in South Carolina appeared to me to be of national importance and national magnitude, believing as I do that the power of Government extends to the encouragement of works of that description, if I were to stand up here and ask, "What interest has Massachusetts in a railroad in South Carolina?" I should not be willing to face my constituents. These same narrow-minded men would tell me that they sent me here to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling; one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Mr. Chairman, the reclamation fund is used to reclaim arid, swampy, and cut-over timberlands of the whole country. The money is not a gift but a loan to the settlers. Every dollar is to be returned, and even through the first 17 years of the history of the service, when experience had to be gained at great cost and mistakes were inevitable, over 90 per cent of all money expended, with interest, will be returned to the Federal Treasury, according to the latest statement of the director of the service. The law provides that the proceeds of sales of public lands shall be devoted to this fund. These sales will go on as heretofore. Timberlands and timber will be sold, homestead lands will be sold, grazing lands will be sold, precious mineral lands will be sold, and the proceeds turned into the reclamation fund. Royalties from the power-site leases under the general power bill will go into the reclamation fund. In addition to all these funds, this bill, as reported by the committee and as it passed the Senate, provides that 45 per cent of all the royalties shall be paid into the reclamation fund. If this bill operates as its friends predict, this percentage of royalties and rentals, when added to the other moneys available, will amply provide for the reclamation fund. In any event the local governments must be maintained; schoolhouses must be constructed and teachers paid.

I call the committee's attention to the fact that we have always recognized the necessities of local and State governments. Even in the general power bill we provided that 50 per cent of all royalties received in the national parks shall be appropriated to the building of roads in such parks. We provided that 50 per cent of all royalties received in forest reservations shall be devoted to the building of roads in such forests. Highways must be constructed in the counties having these resources. Justice must be administered. Some sources of revenue must be available. These necessities can not wait 20 or 30 years for payments to be returned by settlers occupying reclaimed lands. The States and counties must have the funds as they are realized from the operation of this bill, and will probably need them earlier. Some States have drawn their prosperity from their less fortunate sister States. The great industries of the East are largely supported by money and food from agricultural and mining regions. The vast fortunes of San Francisco, for instance, came largely from the mines of Nevada. Mount Davidson, in that State, poured a half billion dollars into the waiting laps of California magnates, but where is Nevada to-day? She represents so much geography, holding the balance of the earth together. Some of these funds should have gone into roads, into schools of the States producing the minerals. It is now stated by geologists that Nevada has resources in oil, in phosphates, potash, and sodium. She certainly has no available reclamation projects of any importance. Let the State have

some benefit from her own resources. You would not take her meager wealth and send it to more prosperous States? Utah has coal; several of the counties having this resource have little else of value. None of the other minerals covered by this bill have been found in Utah in paying quantities. The lands containing coal are worthless for anything else. Most States are receiving the benefit of their mineral production in royalties, in taxes, and otherwise. The schools of Oklahoma, are bulging with wealth, the same is true of Michigan, Wisconsin, Missouri, from money derived from the proceeds of minerals found within the boundaries of those States. The same is true of Texas, Wyoming, and other States. Of course, the States farther east have ample resources to support their schools and local governments and to build roads.

The Supreme Court has held that Utah does not own the coal even under the school sections granted to the State for the benefit of the school system. No reservations are expressed, but the court decided same should be implied. This was a serious blow to the future education of the children of the State. Seventy-five per cent of the area of the State is withheld from taxation; the 25 per cent must bear all the burdens. The tax rate is already the highest of any State with which I am acquainted, and if the gentleman's amendment should prevail, in the vast country containing the coal measures developed under the operations of this bill there would be no means of providing roads, schools, local governments, police protection to the communities to be formed. What is true of Utah is also true of the other States in the West. The committee has acted wisely, and the bill should not be amended as proposed.

Mr. Chairman, we are now dealing with a part of the country that Daniel Webster in a debate on the floor of the Senate characterized as follows:

> What do we want of that vast and worthless area, that region of savages and wild beasts, of deserts, of shifting sands, whirling winds, dust, cactus, and prairie dogs? To what use could we ever hope to put those great deserts and those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever do with the western coast, a coast of 3,000 miles, rock-bound, cheerless, and uninviting?

There have been several States carved out of that "vast and worthless area," and it is to these States which the gentleman from Oklahoma [Mr. FERRIS] refers when he says he would not give them anything of their own resources in order to help build roads or establish schools or pay teachers. He offered an amendment which would provide, in the first place, that none of this fund realized from royalties and rentals should ever go to these States until it had been used by the reclamation fund, and then he offered to support an amendment suggested by the gentleman from Colorado [Mr. VAILE], stating that if Mr. VAILE would support the amendment he would offer it, which would provide that the States should never get any of these funds. On that subject I desire to address the House.

Mr. FERRIS. Will the gentleman yield?

Mr. MAYS. For a question.

Mr. FERRIS. The West will get every cent of it under my amendment and will get 10 per cent under the other amendments.

Mr. MAYS. The gentleman said, in answer to a question propounded by the gentleman from Colorado, that if he—the gentleman from Colorado—would vote for an amendment striking out the provision that the States should never get anything in the way of taxation to support schools or build roads, and so forth, he [Mr. FERRIS] would offer it.

Mr. FERRIS. The gentleman is mistaken. There was a colloquy, and something of that kind was said, but that is not involved here. Every penny of it goes to the reclamation fund, and every penny of the reclamation fund is expended in the West.

Mr. MAYS. The RECORD will show what was said. I have here in this picture an illustration of what we have to deal with. We have 7,000,000 acres of coal land in Utah, of which this picture is typical; 5,000,000 acres in Colorado, of which this is typical. Ten years ago I tried to establish this camp 20 miles from any human habitation. It is the only town in that county of any importance and the largest town in the county. Will the gentleman answer this question: In building roads and establishing schools, building houses and paying teachers, would his amendment give anything whatever to the State producing the minerals?

Mr. FERRIS. Under my amendment the Reclamation Service is kept intact. Every penny is used, every dollar is used in the West. Under the gentleman's proposition the reclamation fund would be torn down and a little spent here and a little spent there, and would do no good.

Mr. MAYS. This whole county is on the public domain. How would you irrigate anything there?

Mr. FERRIS. It looks as if it was not worth irrigating.

Mr. MAYS. Such land as here shown is held at $300 per acre by the Government and comes under the general leasing provision of the bill perpetually withheld from taxation. The gentleman says that the State may tax the improvements. The operation there now is producing 4,000 or 5,000 tons of coal a day, and I wish the gentleman would look and see where the county assessors would find anything to assess, so that they might receive taxes to build roads, pay teachers, administer justice, and police the properties.

Mr. FERRIS. Under a paragraph of this bill, already agreed to, any coal or oil taken out you can put an output tax on. You can put an output tax on every well or machinery, every derrick, or anything else.

Mr. MAYS. You can not put an additional output tax on that production. The Government is collecting an output tax on it of so much a ton, and if the States should undertake to do it, it must be absorbed by the consumers locally. It is passed on to the consumer and added to the price, thus increasing the high cost of life's necessities.

Mr. FERRIS. That is true of every tax. Will the gentleman let me give him the tax provision in the bill?

Mr. MAYS. I prefer to continue in my own way.

The gentleman from Oklahoma [Mr. FERRIS] has been chairman of our Committee on Public Lands for the past eight years. I have served five of those years with him. He has considered these measures. He has introduced bill after bill. He has reported them to the House, and they have passed this House, and in a speech the day before yesterday he stated that the amendment which he was offering, and which would take funds from the States producing these resources and give them to the reclamation fund, was taken bodily from such former bills as had passed this House six or seven times. I wish to call his attention to his last word on the subject—the last bill he ever reported after considering the subject for eight years, being, we would think naturally, the best thing that he ever submitted to this House. I have here his conference report on that bill, H. R. 3232, and find the following important provision:

> Any citizen or any association composed of persons severally qualified by law to enter coal lands, or any corporation incorporated under and by virtue of the laws of any State or Territory, or any municipality in any State or Territory, shall, upon application to the register of the proper land office, have the right to enter by legal subdivision any quantity of vacant coal lands of the United States within any State or Territory of the Union, including the Territory of Alaska, not otherwise appropriated by competent authority, not exceeding 2,560 acres, upon payment to the receiver of not less than $10 per acre for such lands, where the same shall be situated more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as shall be within 15 miles of such railroad—

And so forth. He also provided that oil lands should pass into private ownership, whereas this particular bill retains perpetual ownership in the Federal Government.

Every bill heretofore offered by the gentleman, reported by the committee, and passed by the House contained a provision for passing title of both coal and oil lands to private ownership, thus making available to the States some sources of support through taxation.

The county in which this particular operation here illustrated is located has but little else of value in it. A great portion of the State, representing a large proportion of my colleague's district, has but little else of value upon which taxes may be levied for support of schools, building of roads, and the like.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. STEVENSON. About what per cent of the gentleman's State is still Government property?

Mr. MAYS. Seventy-four per cent of the State is still untaxable.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAYS. Twenty-five per cent of the State must bear the burdens of the whole State. The tax rates in Utah are exceedingly high, due to this condition, resulting from a shortsighted policy, we believe.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MAYS. For a question.

Mr. EVANS of Nebraska. What portion of the 75 per cent is mineral land that has been prospected, and on which there are patented claims?

Mr. MAYS. A very small percentage has been patented.

Mr. EVANS of Nebraska. Is all of the mineral land which is subject to prospecting for minerals included within the 75 per cent of the gentleman's State?

Mr. MAYS. Yes; it includes the mineral lands in public ownership.

Mr. EVANS of Nebraska. So that all of the mines for gold and silver are included in that 75 per cent?

Mr. MAYS. If they are on public lands. Right in that connection the gentleman from Oklahoma accuses us of wanting to break down the reclamation fund. That is not at all our desire. We desire, however, that some of this money may be available to build schools and roads, because communities will build up immediately upon the beginning of these operations, and if this bill operates as we hope it will, there will be communities built up at once. You have to hire teachers, you have to build schoolhouses and roads, and you have to pay for the administration of justice.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. HUDSPETH. Mr. Chairman, I would like to ask the gentleman where he is getting the revenues now to run the schools there.

Mr. MAYS. From taxation. This particular operation is in private ownership.

Mr. HUDSPETH. And under this bill you could not tax that?

Mr. MAYS. They could not tax anything else, because the balance of it is in public ownership.

Mr. HUDSPETH. And that would deprive you of any revenue?

Mr. MAYS. It deprives us of any revenue unless, as the gentleman from Oklahoma [Mr. FERRIS] says, we may tax improvements. There is a tipple that might be taxed; but anyone looking at that operation would see that, as compared with the resources of the land, compared with the coal in the land, the tipple and other equipment are of very small value. There is nothing there that could be taxed to support the schools. The reclamation fund will go on getting the funds it has heretofore.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. MAYS. In a moment. All of the public lands outside of these mineral lands covered by leases, such as homestead lands, grazing lands, timberlands, and precious-mineral lands, are sold, and the funds all go into the reclamation fund. Forty-five per cent of these rentals and royalties, as the bill provides, go into the reclamation fund. I yield now to the gentleman from California.

Mr. BARBOUR. If this money goes into this revolving reclamation fund, as provided in the amendment offered by the gentleman from Oklahoma, and starts to revolve, how long will it take before the States and communities such as the photograph shows could reasonably expect to get any of it?

Mr. MAYS. Probably not during the lifetime of any Member here. The settlers must, of course, pay back to the Government the money that they borrow from the Government. The loans generally are for 20 years. Our soldier settlement bill made it 40 years. The reclamation fund is simply loaned to the settlers. They pay every dollar of it back. The Government really is not contributing any money; it is simply loaning it; but in this instance, gentlemen of the committee, we are dealing with districts that have nothing much else of value except the resources covered by this bill. You would not give a dollar an acre for that land. It is worth nothing, except possibly to graze a few sheep upon it. Probably the commercial value would be $2 or $3 an acre for that purpose. It is worth nothing for anything else. You can not, as the gentleman from Oklahoma says, bring water there to irrigate that county. In the meantime that county must exist and the State must exist.

Mr. EVANS of Nebraska. Will the gentleman yield?

In speaking of the value of the land the gentleman referred to the surface. The gentleman does not mean to say the coal under that is not worth a dollar——

Mr. MAYS. I mean outside of the coal. I may say in this connection the United States Government is now holding similar land at about $300 an acre. Nobody buys it. Everybody out there believes it is simply held at a prohibitive figure until it can be held perpetually in governmental ownership, exempt from taxation.

Mr. EVANS of Nebraska. Under the provisions of this bill the proceeds that come out of that, except this royalty of from 5 to 12½ per cent, go to the citizens of the State and are subject to taxation. Is not that true?

Mr. MAYS. How is that?

Mr. EVANS of Nebraska. All of the proceeds of the products which had come from this land provided for in this bill go to the citizens, and under your laws are subject to taxation?

Mr. MAYS. Oh, few of them, if any. Outsiders generally own the operating properties. That is what I am kicking about. Now, we have recognized, gentlemen, in all legislation the necessity for the States in which the resources are found to have a considerable portion of the rentals and royalties. In the first place, we provided in every bill that the gentleman from Oklahoma has introduced that these lands might still pass to private ownership, and we provided in every bill introduced that one-fourth of the land involved in every oil permit should go into private ownership, and we must remember now at this time we provide that all of these lands shall be held perpetually in Government ownership and all exempt from taxation.

The chairman of the committee will remember we revested title in 3,000,000 acres of timberland, having 60,000,000,000 feet of timber, and the United States Government appropriated five or six hundred thousand dollars to pay back taxes, and his bill provided that all of these back taxes should be paid and the land in the future should be sold and passed into private ownership, and it provided, further, that all timber upon those lands should be sold, all agricultural lands should be sold, all minerals should be sold, and of all those proceeds 50 per cent should go to the State of Oregon—30 per cent to the counties and 20 per cent to the State itself. Gentlemen will remember also in the general power bill we provided the national forest reserve should get 50 per cent of all the proceeds for the construction of roads in the forests furnishing the receipts. In national parks 50 per cent of all the royalties received from power licenses go to building roads in the parks furnishing the receipts. We have always recognized this principle, and should in this bill. Roads must be constructed, governments must be sustained, schools must be built, and I would like to have some gentleman say, if you take a county such as this, 90 per cent of it in the public domain and will remain there permanently, how you are going to get the money. That is the question. The reclamation fund will not suffer. We do not desire to take a dollar from it that rightfully belongs to it. Now, the gentleman from New York [Mr. SNELL] did not pose as a friend of the West in his argument, and he has not so posed. He has consistently fought the interests of the West, as I considered it, throughout in the committee, yet the gentleman from New York recognizes the absolute necessity, and said so in his speech in favor of his amendment, that those States in lieu of taxation should get some considerable portion of this fund, and he put that at 30 per cent—10 per cent to the Government and the balance to the reclamation fund. The gentleman from New York bases his estimate of what ought to be paid to the States upon what they receive now in the forest reserves. The gentleman from New York was wrong when he said that the States get 35 per cent of forest receipts. They get 45 per cent, just what this bill carries in it now. This bill carries little enough for the States producing the resources.

There is quite a difference in the necessities of the forest reserves and the requirements of a live, active community. A forest reserve has few requirements, whereas a community of people must have improvements, must have schools, must have teachers who must be paid. They have to build roads to get anywhere. Now, to illustrate the argument of the gentleman from Oklahoma. Nevada has 90 per cent of its land in the public domain. It was twice larger in population when the gentleman from Oklahoma was born than it is now. It has no reclamation project of any importance. Every dollar extracted from that State should be employed to build roads, establish schools, and make life in the State more endurable.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Chairman, I ask unanimous consent for two minutes more and then I will finish.

The CHAIRMAN. The gentleman from Utah asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MAYS. It is a manifest injustice to take the resources of Nevada, meager as they are, and send them to other States. It has some prospects of oil, some potash, some phosphates, and some sodium, but not much else—but to take those scanty resources and send them into Oklahoma, already bursting with prosperity and conceit [laughter], would be an injustice to the State of Nevada.

The gentleman from Oklahoma exhibited the pitiable weakness of his position when the gentleman from Nevada asked him the following question:

Mr. EVANS of Nevada. The gentleman's remarks are very pleasing, but I want to ask him who will build the roads in Nevada, where 90 per cent of the territory is Government owned? Who would build the roads?

And he answered:

Mr. FERRIS. Oh, my answer to the gentleman is, Who will buy me a Packard automobile?

I am asking for equality here. The amendment of the gentleman from New York [Mr. SNELL] is much fairer than the amendment of the gentleman from Oklahoma [Mr. FERRIS]. It should not be adopted, however. I am not opposed to the amendment offered by the gentleman from Oregon, so far as it relates to past production, except I want to say this: It seems to me that the chairman of the committee and the members of the committee, after adopting a bill, ought to stand by its essential features; but, even if others favor the Snell amendment, I am opposed to it. As to future production, the bill should stand as it is, and I think it will ultimately stand as it is, thus doing a degree of justice to the States producing the minerals with which we deal to-day. I thank the committee. [Applause.]

Mr. MONDELL. Mr. Chairman, there should be no difference of opinion as to the rights of the States and their communities to be compensated for the great losses in taxing values which they will suffer by reason of holding perpetually in Federal ownership untaxed very great areas of land that will in time support large populations and require great outlay for the support of the institution of government. The only question that ever ought to be raised in this connection is as to what portion of the rents and royalties that will be received by the Government are necessary to compensate the States and their communities for their loss in taxing value. In the case of forest reserves, lands that do not entail great expense for administrative purposes, we give the States directly 25 per cent of the receipts to compensate for the losses which the State suffers by reason of its inability to tax these lands. We give 10 per cent of those receipts for the building of roads on the reserves. We grant 10 per cent of those receipts to the fund to construct roads in cooperation with the communities on and off the reserve, so that 45 per cent of the receipts by the Federal Government from these reserved lands are paid directly to or used for purposes and expenditures which would otherwise have to be paid for by the community. The areas we are proposing to withhold from sale and taxation now are very much more valuable than the forest areas. When they are developed they will support a very considerable population of miners and oil developers. The outlay for school purposes and for roads will necessarily be large, and the only method whereby the State and communities can secure funds from these lands other than those we are now seeking is by means of a tax on the improvements and on the output. Of course, a tax on the output from these lands held in Government ownership can not be greater than a tax on output generally, and a tax on the improvements of an oil or coal field is necessarily comparatively small in amount, because it can not be higher per dollar of property than the tax on personal property generally.

The question is how much of the rents and the royalties are the States and their communities entitled to in order to reimburse them for their losses in taxing opportunities? No one can say definitely. There is no way of more than approximately arriving at a determination of the matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. When this bill was originally drawn, it provided for an equal division of the rents and royalties as between the States and their communities and the reclamation fund. By a curious bit of legerdemain which occurred just before the bill was introduced it was provided that the 50 per cent of the fund that was to go to the States was not to be paid to the States until it had gone into the reclamation fund and been expended and paid back, manifestly a provision which was a mere legislative joker. The States would never get any funds in that way. The 45 per cent for the States in lieu of taxes carried in this bill is none too great. In fact, an equal division between the States and the Reclamation Service would, in my opinion, be eminently fair.

But we have been contending for and discussing this matter for a long, long time. I have urged the immediate payment to the States of a portion of the receipts every time the question has been before Congress heretofore. I have not had much support. I am glad that a number of Members are now urging the view I have taken. The gentleman from New York [Mr. SNELL] has proposed the immediate payment of 30 per cent of the funds to the States and their communities. The gentleman from Oregon [Mr. SINNOTT] modifies that as to the sums to be received from past operations. It is not, in my opinion, a fair division. It does not, in my opinion, give the States and their communities a sufficient sum to compensate them for their losses by reason of the permanent retention of title in the Federal Government.

But I think we have discussed this matter long enough. I know that there must be some compromise in the House as between widely different views, and, so far as I am concerned, while I do not think the division now proposed is a fair division, while I do not think the sum proposed is as much as the States and their communities are entitled to, and expect the sum will be increased in conference, I shall not further protest against the amendment as suggested at this time. This is the first time we have been able to get the House to agree to give the States any of the funds, and perhaps we are doing well to get nearly one-third now and the hope we may get more later. In this connection I desire to present a memorandum which I have prepared on this subject and which is as follows:

MEMORANDUM ON DISPOSITION OF FUNDS ARISING OUT OF RENTS AND ROYALTIES UNDER SENATE BILL 2775, THE COAL AND OIL LAND LEASING BILL.

Those who have not followed the history of oil and coal land leasing legislation from the beginning and have not had their attention called to the important questions involved, as viewed from the standpoint of the States and communities affected, have, in some instances at least, failed to fully understand the basis of the distribution of the funds as proposed in section 35 of Senate act 2775. As something of a review of the whole subject matter is necessary to an understanding of these questions, such a review, as briefly stated as possible, is herewith presented.

The almost universal rule of land tenure in the United States is that of ownership in fee. Limitations on the fee title are the rare exception. The Supreme Court long since held that the Federal Government holds the public domain in trust for the future citizens of the States or Territories in which the lands were located, who might become the owners through the operation of the land laws. And these laws were from the beginning enacted with a view of passing title to the individual as speedily as he might desire them and comply with the requirements of the land laws. These laws have varied widely in character, but they were all intended to encourage acquisition of lands by individuals.

EFFECT OF RETENTION OF LANDS IN PUBLIC OWNERSHIP UNTAXED.

Early in the history of public-land States and regions the unfortunate effect of the retention of large areas in Federal ownership untaxed was acutely felt; but as the areas which had not passed from Federal ownership were, in the main, unoccupied, no great amount of local expenditure was necessary in connection with them while in that condition and, therefore, the communities managed to sustain themselves by rather heavy taxation of the lands which had passed into private ownership during the transition period. Great hardship sometimes resulted, however, where, for one reason or another, considerable areas were so withheld from taxation for some time after the surrounding lands had been disposed of.

With a view of somewhat compensating the communities for the lack of opportunity to tax lands during the period of settlement and until title had passed, it was early provided that upon the sale of the lands the State should receive 5 per cent of the sale price, an amount perhaps equal to the sum that would ordinarily be secured during a period of three or four years by taxation. Of course, immediately upon the passing of title to the individual, the lands became taxable, and the communities were able to maintain government, support schools, and build roads through the ordinary methods of taxation.

FIRST DEPARTURE FROM POLICY OF DISPOSING OF PUBLIC LANDS.

The first departure from a policy of gradually disposing of public lands as application was made for them, or as they were settled under the public-land laws, came with the establishment of the forest reserves. Many people have wondered why it happened that there was so little sentiment favorable to the establishment of the forest reserves, or the national forests as they came to be called, in the regions in which they were established, and why a policy which most people now believe to be more beneficial than otherwise was so fiercely opposed by western people generally and rather forced upon them by the so-called conservationists in the East. The reason for this opposition, which has been most frequently referred to, arose out of the reckless manner in which the first reserves were established without careful examination, and frequently with but little knowledge as to the character of the lands embraced in a reserve and whether or not they were actually forested.

Another reason, which has not been so widely advertised but which was the most compelling with the thoughtful residents of the West, grew out of opposition to a policy which proposed to retain large areas permanently in Federal ownership, with limited opportunities for use and development and without the opportunity on the part of the States and communities to tax them and thus support the necessary activities of local government.

One feature of this opposition was overcome by the law authorizing the settlement and the passing of title to lands within the reserves that were found fit for agriculture. The other objection was met by providing that a portion of the proceeds of the rental and use of the lands and products of the reserved areas should be paid to the communities in lieu of the taxes which were lost to them by reason of permanent Government ownership and the dedication of further portions of the receipts for improvements which would otherwise have to be paid for by the communities.

There was some difference of opinion at the beginning as to the portion of the national forest revenues that the States and their communities were entitled to in lieu of the taxes they would otherwise have collected, but eventually an agreement was reached whereby at the present time the States and their communities in which the forest reserves are located secure the benefit of 45 per cent of all of the receipts from the reserves. These receipts grow out of the granting of grazing privileges and stumpage, or royalty on timber cutting, etc. Twenty-five per cent of the receipts are paid directly to the States for the benefit of the counties in which the reserves are situated; 10 per cent are used by the forest administration for the building of roads necessary for the use of the reserves by the community; and an additional 10 per cent is dedicated to the reimbursement of the fund provided by section 8 of the good-roads bill, which fund is utilized for the building of roads on or in the vicinity of the

reserves in cooperation with the States and their communities. The receipts to some of the States from forest reserves is very considerable, Oregon, California, Idaho, and Washington receiving the largest sums, in the order named, and as time passes these States, as well as some others, will receive large sums as their share of the receipts of the forest reserves.

POLICY OF REIMBURSING STATES FOR LOSS OF TAX REVENUES ESTABLISHED.

It is highly important to keep these facts in mind, because, up to this time and until the coal and oil leasing bill shall become a law, the forest reserves, or national forests, are the only areas which have been permanently reserved in Federal ownership. It is interesting to note that by a series of enactments, all taken after careful consideration, the sum of 45 per cent of the total receipts of the reserves was determined upon as the sum which the States and their communities were entitled to by reason of their loss of the power to tax the lands which were thus permanently held in public ownership.

Some time elapsed between the establishment of the forest reserves in the nineties and the agitation for the retention of further large areas permanently in Government ownership. This agitation took the form of a demand for the repeal of the laws which had been enacted with a view of passing title to coal and oil lands to individuals and the substitution of a system under which the Federal Government should retain title and lease the lands on a royalty basis.

BEGINNING OF AGITATION FOR LEASING LAND.

This agitation for a coal and oil land leasing law first became vigorous in the early part of President Roosevelt's administration. It originated with certain Government bureaus and with a certain body of people almost wholly in the East who advocated the change as a policy of conservation. The West did not take kindly to the plan proposed. In fact the opposition to the creation of the forest reserves was mild compared with the opposition which arose in the public-land State to the conservation theories as crystallized in the proposals to retain vast areas of great potential value in Federal ownership and secure their utilization through a system of Federal leases.

This opposition was based on the same ground as the opposition to the extension of the forest reserves, but it was the more active and earnest because of the much greater and more important interests involved. While it was early admitted by some in the West that there might be some virtue in retaining rough, rocky, elevated areas unfit for cultivation and containing little, if any, mineral, and mostly mountainous in character, permanently in Federal ownership as forest reserves, providing the States could be reasonably reimbursed for the loss of sources of revenue by taxation, the sentiment was practicaly unanimous against a similar policy applied to lands and regions of great potential value whose resources, when developed, would bring large populations and lay a heavy burden upon the institutions of Government for the maintenance of order, the building and maintenance of schools, and the construction of roads.

It was, of course, assumed that no such plan would be undertaken without making some provision, as in the case of the forest reserves, to supply from the revenues which the Government would obtain in the way of rents and royalties the deficiencies in local revenue resulting from the loss of the taxing power over the lands and their values.

But while it was believed that the burden of expenditures over areas such as would be included in forest reserves would not fall very heavily upon the communities, and therefore could be recouped through receiving a portion of the Federal revenues, it was realized that the burdens upon local government in the active and populous centers which would be built up by the development of oil and coal lands would be very great, and it was doubted if they could be met through and by receiving even a very liberal portion of the rents and royalties which the Federal Government would obtain.

PLAN NEW AND NOVEL.

The plan and purpose of reserving large areas in public ownership untaxed, to be rented or leased, was entirely new and novel to English-speaking people. We had no experience under such a system as was proposed. It could be assailed, as it was, as the most gigantic plan of absentee landlordism that the world had ever known, and with the added indictment that in this case the landlord, being the sovereign, could absolutely paralyze the activities of local governmental administration by denying the right of taxation. Of course, the answer to this was that provision would be made under such a system whereby the communities would be reimbursed for their losses in taxes by being given a liberal portion of the receipts from the rents and royalties. While no one at that time assumed to suggest that a denial would be made of the rights of the communities in this regard, fear was expressed lest the amount would be insufficient to meet the absolute needs of the communities, particularly in the maintenance of schools and the building of roads—the two heaviest items of expenditures in a new country and in regions of mineral development.

The many objections urged against a leasing system by those living in the country affected would undoubtedly have prevented the enactment of legislation were it not for the fact that conditions arose through administrative methods whereby the regions affected must accept leasing, whether they liked it or not, as the only way out of a condition created by Executive action which tied up their resources and practically made their development impossible.

The first action along these lines was taken in President Roosevelt's administration, when the coal-land law, which provides for the sale of coal lands at the minimum price of $10 an acre when more than 15 miles from a railroad and $20 per acre when nearer a railroad, was interpreted as giving the administration authority to place a higher price on coal lands. Approximately 60,000,000 acres of coal lands, or of lands which were within coal regions, were withdrawn from entry under the coal-land law and after a more or less cursory examination the land found devoid of coal was restored to entry and the sale prices of the remainder largely increased. Up to that time the great coal areas of Illinois and Indiana and other Central States had been sold as agricultural land at from $1.25 to $2.50 an acre, and under the coal-land law the coal lands in Western States were sold at from $10 to $20 per acre. Under the new classification lands were classified at prices ranging all the way from $10 to $600 per acre. Very considerable areas of coal lands in sections far removed from centers of population were classified at the higher rates.

EFFECT OF CHANGE OF POLICY AS TO COAL.

The result of this radical change of law by interpretation was an immediate discouragement of the opening of new coal mines, and for the past 10 years or more practically no new coal properties have been opened through the purchase of public lands, except in a few cases of inferior and low-grade coals classified at or near the minimum price or otherwise, where the demand became so insistent that people were warranted in paying the very high price for coal lands with a view of beginning new operations. So far as coal lands are concerned a condition has been created under which Government coal lands are much higher than those equally desirable in private ownership in various parts of the country, and in many sections of the West a real monopoly has been created in the mines opened before the rise in the sale prices of public coal lands because of the great cost of buying public lands for new operations.

Furthermore, the General Land Office adopted an interpretation of the coal-land laws under which it became practically impossible to secure enough public coal land in a body to justify opening a commercial mine. Applications to purchase coal lands at the classified price were, in some cases, denied on the ground that the applicant did not present convincing evidence that the application was for his own use and benefit, and patents were denied to considerable areas which had been paid for and the money of applicants retained on the claim that the entry and purchase was not exclusively for the use and benefit of the applicant. Thus the laws intended to pass title to coal lands were so interpreted that it became difficult to secure an acreage sufficient for a commercial operation even on payment of the high classified price.

When under conditions like these a leasing law is proposed as the only way out of an unsatisfactory condition it is likely to be accepted, not as the most desirable thing, but as the only means of making development possible.

OIL-LAND WITHDRAWALS.

In 1909 President Taft made the first oil-land withdrawals, and from that date until the present time oil-land withdrawals have been numerous and have amounted in the aggregate to many millions of acres. The Government has not ordinarily withdrawn lands after geological examination and never as a result of actual exploration, but Government agents have kept closely in touch with private development, and as locations have been made under the oil-placer act on lands believed to contain oil Government agents have noted them, have kept close track of the drilling operations, and in almost every instance where oil has been discovered in commercial quantities, all of the lands in the section which were still in public ownership were withdrawn from entry.

The withdrawal act protects in their rights against withdrawals those who as locators are in possession and actually engaged in work leading to the discovery of oil at the time the withdrawal is made. Otherwise the withdrawal order wipes out the locator's rights, if he has not made a discovery that will be accepted as sufficient by the General Land Office. As conditions are frequently such as to deny even the best intentioned and most active of locators and developers of their rights, frequent withdrawals have fallen like a wet blanket on oil development at a time when the Nation was badly in need of oil. Not only were those who had already located oil ground thoroughly discouraged, but prospective locators hesitated to expend the time and money necessary for geological examinations, preliminary explorations, and initial locations of new territory, through the fear that at any moment the lands they were seeking to develop might be withdrawn under conditions that would wipe out their investment.

EFFECT ON LOCATORS AND THOSE SEEKING TO DEVELOP.

Under conditions like this any legislation that promised anything like security and any tolerable settlement of the controversies created by the withdrawals was accepted as better than the intolerable conditions existing. And, therefore, the West came to be tolerant, if not favorable, to leasing legislation, not because people were wholly convinced of its wisdom or desirability but because it was the only apparent way out of an intolerable condition which was holding up development, discouraging initiative, and jeopardizing investments.

These were the conditions in their earlier development, existing at the time the first oil and coal leasing bills were introduced. Among the first bills on the subject which provided a detailed plan of operations were bills introduced by Mr. MONDELL, of Wyoming, in the closing days of the Taft administration. Mr. MONDELL also introduced somewhat similar bills in the beginning of the Wilson administration. These bills, those relating to coal and oil lands being in separate measures, divided the proceeds from rents and royalties between the States in which they were collected and the "reclamation fund." This provision with regard to the "reclamation fund" was simply carrying out provisions of the reclamation act of June 17, 1902, which dedicated the receipts from the sale and disposal of public lands, excepting the 5 per cent reserved from sales to be paid to the States, to the "reclamation fund." This division was made after consultation with certain officials of the Interior Department and the Reclamation Service and was understood to meet their approval as a fair division of the receipts.

DIVISION AS BETWEEN STATES AND THE RECLAMATION FUND AGREED UPON.

In the very early days of the Wilson administration certain gentlemen of the House and Senate collaborated with officials of the Interior Department in the drafting of an oil and coal leasing bill and, in the discussion of the question of division of the funds, the division into equal parts as between the "reclamation fund" and the States was apparently assumed to be a fair division, as is evidenced by the fact that the bill finally agreed upon made such a division.

Curiously enough, however, the bill as finally introduced in the House, while it recognized the claims of the States and their communities to reimbursement for the losses of revenues by taxes to the extent of 50 per cent of the receipts, the payment to the States of the sums thus due them was deferred until the moneys, having first been paid into the "reclamation fund," were expended and, under the terms of the reclamation law, repaid, whereupon the 50 per cent due to the State was to be paid over.

HOW IT HAPPENED.

On inquiry of those who had been instrumental in the drafting of the bill, particularly officials of the Interior Department, it was explained that this extraordinary arrangement was an eleventh-hour proposition adopted at the earnest insistence of the then Chief of the Reclamation Service, who urged, first, that the Reclamation Service was so badly in need of funds that they thought they were justified in asking that, for a brief time at least, all of the receipts should flow into the "reclamation fund"; and, second, and probably more persuasive, that if the bill was introduced with a half-and-half division there might be such persistent urging on the part of those who represented the claims of the States from which the receipts were obtained that a larger percentage would eventually be secured for the States. It was urged, therefore, that the extraordinary provision thus inserted in the bill just before it was finally introduced afforded trading material not only on the matter of receipts but on other matters that might be in controversy. In a con-

versation with regard to this matter between a western Member and an official of the Interior Department influential in the drafting of the bill, this official stated that he had no doubt that the House committee would restore the provision to its original form, under which the States would receive their portion of the receipts directly and immediately.

EFFECT OF SUCH A PROVISION.

It must have been patent to those who urged this extraordinary change in the provision relative to the division of the funds that while it recognized the rights of the States and their communities it really amounted to a denial of those rights. Assuming for the sake of argument that such an arrangement could be made workable the payments to the States and their communities would come too late to serve the purposes for which these funds were intended. The greatest burden on local government in regions of oil and coal development falls during the early period of the development when schoolhouses must be built for the first time and essential roads constructed, and this burden continues to bear heavily upon local government during the period of expansion. In other words, the community must have every possible resource of revenue at the very moment when rents and royalties begin to be paid—during the period when under systems of private land ownership taxes are the heaviest. Under the system of postponed payment the sums proposed to be paid to the States would be paid to them, if at all, during a period of from 10 to 30 years after the rents and royalties had been collected. In the meantime the communities would have been starved and impoverished and their public activities paralyzed. Oil sections would frequently have been exhausted and abandoned before the community received any funds. The fact is, however, that the provision referred to is a miserable and transparent joker. Under it the States would never receive any funds, because of the fact that it would be utterly impossible to identify funds received from any particular State after they were paid into the reclamation fund, and no one would be in a position to say when any particular contributions to the fund were paid out, or when or where used, or when they returned to the fund in the form of repayments.

PROVISION NOT CHANGED AS EXPECTED.

For various reasons, which it is not necessary to discuss in this connection, the House committee adhered to the language of the bill as thus drafted and presented. In the Senate, however, there was from the beginning an insistence both upon the part of the Senate committee and the Senate itself that the States receive their share of the funds direct and immediately after the expiration of the year in which they were collected, and this is provided for in the Senate bill as it passed in the present session and has been adopted by the House committee. Ten per cent of the receipts is retained in the Treasury to pay the cost of administration of a leasing system and the remainder is divided equally between the States from which the revenues were derived and the "reclamation fund."

While no one active in the beginning of the agitation for leasing legislation assumed or pretended to deny the validity of the claim of the States to a portion of the receipts of a leasing system to reimburse them for the loss of tax revenues, the bill of which the present bill is the successor, having clearly acknowledged the soundness of the principle and suggested an equal division, some who have not given the matter careful consideration have at one time or another seemed to question the rights of the States and their communities in this regard. Extraordinary as this viewpoint is, it has been held by some, and hence must be considered.

HOW IS LOCAL GOVERNMENT TO BE MAINTAINED?

Some few have urged that while it was true that States were denied the right to tax the lands and mineral deposits reserved from sale and disposition under a leasing bill, the States and their communities could recoup themselves for these losses by taxes on improvements placed on the property and by a mine output tax. The fallacy of this argument is easily shown. If what was proposed was a reservation by the Federal Government of the title tax free to all of the lands in a Commonwealth, it is barely possible that some system of taxation might be invented or developed that would take the place of the land tax. This would be a system diametrically opposite to that of the disciples of Henry George, who would tax land values and nothing else, and it is very doubtful whether any such plan could be worked out in case the landlord, the Government, laid upon all of them a burden of rent or royalty, no part of which was allowed to take the place of the revenues lost by prohibition of land taxation. But whether or no it would be possible, under the conditions suggested, to work out an adequate taxation system which did not include the taxation of lands, it is very evident on the most superficial examination that nothing of the kind could be accomplished under conditions such as would exist under this bill, where title to only a portion of the lands is retained by the Government untaxed, and where a large portion of the lands, even those of approximately the same value and character, have heretofore passed into private ownership and are taxable in the usual way.

Let us imagine, for instance, a coal field one-half of which is in private ownership, and is assessed at $200 an acre, exclusive of the improvements, and on the output of which there is an output tax. Such lands at a tax rate of 2 per cent would afford a tax revenue of $4 per acre per annum on the land value, $2,640 per section, and $95,040 per township. If only half of the township were land of this character and in private ownership, the land-tax revenue from the land values would be $47,520. Let us assume that the other half was still public land of similar character retained in public ownership under this bill. When it reached a point of development where the values were the same as those of the privately owned lands, the communities would lose $47,520 per annum in tax revenue by reason of the retention of the lands in public ownership.

It has been suggested, as above stated, that the community recoup itself for this loss by an extra output tax and an extra tax on improvements. But the privately owned lands are already paying a tax on the improvements apart from the land values and an output tax. Does anyone imagine that any State in the Union would, or would be allowed to, place a higher output tax or a higher tax per dollar of improvements on the improvements located upon, or on the output from, lands the title of which was retained in the Federal Government than upon lands the title of which was in private ownership? The Federal Government would be the very first to protest against any such discrimination.

Examples of oil development could be cited that would show even more clearly not only the inequity and the injustice but the fundamentally destructive character of the conditions that could thus be created. If the Federal Government can retain title to extensive areas of very great value in States and communities and hold them thus indefinitely, free from taxation, the Federal Government can through that means absolutely arrest development, bankrupt a community partly developed, and paralyze the operations of local government. The doctrine that such a policy is tolerable is monstrous. No one who can give consideration to the matter can hold it for a moment.

One of the most striking cases of the recognition by Congress of the right of the States and their communities to the opportunity to secure support of local government through taxation was presented by the recent legislation reported out by the Committee on Public Lands covering the California & Oregon Railway lands in Oregon and Washington. These lands had been granted to the California & Oregon Railroad and had been taxed for years. Finally the Federal Government took steps to forfeit the grant. While the case was being tried in the courts the railroad company refused to pay taxes. The grant was finally forfeited. Whereupon in connection with the legislation providing for the disposition of the lands, provision was made whereby the Federal Government paid all the back taxes and the accrued penalties. This payment amounted to several hundred thousand dollars.

NEED OF REVENUE COMES WITH DEVELOPMENT AND POPULATION.

The specious argument has been made, by those who have not thought of the matter deeply, that inasmuch as the lands which will be affected by this legislation are now in the hands of the Federal Government and untaxed, there is no injustice in retaining them in the hands of the Federal Government untaxed. The most superficial examination of the matter reveals the fallacy of such an argument. As has been stated, communities have sometimes been seriously embarrassed and handicapped by the large amount of untaxed public lands in their midst, but this condition under past procedure only exists in the period during which the lands are being settled and developed, and unless development is very slow the difficulties of the situation, while trying, are not insurmountable. The public lands thus withheld from taxation are uninhabited, they lay but little obligation on the community for the maintenance of order and none for the maintenance of schools, and the temporary roads or trails built over and across them are not expensive. The moment, however, those lands come to be settled and populations go upon them, requiring the maintenance of the institutions of government, including schools and the improvement of highways, they have under our policy passed from Government ownership into private ownership, the community has received 5 per cent of the sale price, the property has gone upon the tax roll, and such levies are made as are necessary to the maintenance of the institutions of the community.

Under a leasing plan, however, lands untaxed when unoccupied and not a source of considerable expense to the community would remain untaxed when they become highly developed, when they were covered with oil wells or coal mines, and contained the very considerable populations which such enterprises require, and when in the new and pioneer condition of affairs the demand for improvements, particularly roads, is heavier, as compared to the resources of the communities, than it ever is at a later date. Clearly to retain such lands in an untaxed state and make no provision to recoup the revenue losses through a portion of the revenue derived from the land is to create a condition leading to governmental distress, disaster, and bankruptcy. The provisions of section 35, which the House committee has adopted, will afford the States and their communities the funds necessary to avert disaster which the bill without such a provision would bring.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nevada. Mr. Chairman, the State of Nevada sent me here to speak for them, in my own way, guided only by my sense of right; to represent with honor in Congress a whole State whose great aim is to build, to restore, and reclaim the West; to guard, that no suspicion touch Nevada. With that high resolve ever in mind, I do protest against the spirit of this bill, which would delegate to a Secretary of the Interior an interpretation of our law and conduct.

To give him authority to withdraw from entry, thereby blasting ambitions of whole counties, because slander may say that some pioneer, perhaps with good intent, with zeal to bring in values, who may have devoted a lifetime of honest toil, and may violate a provision, will be judged by a Secretary and not a court.

The traditions of our courts are sacred.

Our most progressive laws came from the West where we yield to none in our sense of duty to our Nation.

It is my duty here to speak for the rugged honesty of our courts and their power to bring malefactors, if there be any, to the bar of justice. Nevada does not consent that some average man, appointed by some other average man, shall decide her future course nor pass judgment upon her men.

There are men in Congress who believe it wiser to trust interior interests to the State in which existent.

Every man's duty here is to study this important bill, changing as it does our entire policy of public lands, with insinuations of fraud upon many pages.

Women of the West do not work in mines. We men of the West protect our women. What western man in committee permitted the innuendo to crawl across a page defining such restrictions?

An eastern man who, through goodness of disposition and lack of information, supports this accusation can be forgiven, but for a man from the great and glorious West who so stumbles in his judgment there is no excuse.

Section 35 is the most rational provision in the whole measure and the amendments are offered only in the interest of sectional advantage. It provides first the Government take 10 per cent for administration.

Second: Forty-five per cent to loan upon irrigation projects where your security is the industry, economy, and desire to build. Money was never advanced upon better security than the building instinct of America, to be returned with interest. Leaving 45 per cent to be expended by the State, which has a record superior to your Government for efficiency and economy, to build and maintain roads, under the direction of a legislature which is elected every two years; for schools and educational purposes, and to maintain law and order.

Nevada sent to training camps, without cost to our Government, 8 per cent of our entire population. In view of the record, which is submitted, we resent insinuation as to distribution:

WAR DEPARTMENT PRAISES NEVADA.

To the press of Nevada:

Adjt. Gen. Sullivan is in receipt of a telegram from Gen. Crowder congratulating Nevada on the fact that she took second place in the nation-wide race in the classifying of the remaining registrants of the September, 1918, registration.

A short time ago the first race for the classification and physical examination of all registrants between the ages of 19 and 36, in which every State in the Union was making strenuous competition, Nevada also took second place, and resulted in this State obtaining prominent recognition by Washington as well as by the other less fortunate States.

The success of Nevada in making the splendid record she did in both races is in a large measure due to the work of the boards of the State. Every board entered into the spirit of the race from the very first, and without any limit to the amount of time they expended on this war work, lent every effort to complete their respective tasks in record time. Had one board failed to respond, the entire State's work would have been in vain.

Esmeralda was the first county to finish the work in this race. This is the home county of our Representative in Congress.

Mr. VAILE. Mr. Chairman, I merely want to make an observation or two in view of the fact that my colloquy with the distinguished gentleman from Oklahoma [Mr. FERRIS] was brought into the discussion by the gentleman from Utah.

I endeavored to get the gentleman from Oklahoma [Mr. FERRIS] to concede that the States at some time were entitled to a part of this fund, in fact, to half of this fund. I was not quite able to get him to concede that on the floor the other day, but I do believe he concedes in his heart now that the States are entitled to half, or 45 per cent. The difficulty is that the gentleman from Oklahoma is looking at the situation from the standpoint of the needs of the Reclamation Service, and, of course, with particular reference to the needs of his own great Commonwealth.

The point I wish to emphasize is this, that in a presently developing community, as, for example, the State of Colorado, where we expect great developments from oil shale, the need is immediate. Schools and roads must be built as the development proceeds, and we should not be compelled to wait until the revolving fund in its cycle gets around to those States in their turn. It was virtually admitted by the gentleman from Oklahoma that under his plan these funds might not be available to the States for 20 years. I take it from the gentleman's remarks that he will support the chairman's amendment, and while I entirely agree with the gentleman from Wyoming [Mr. MONDELL] that it does not allow enough to the States, in fact, is a very niggardly allowance in view of the permanent withdrawal of these lands from taxation, yet since it does at least allow that what they shall get shall come to them at the period of their need, I shall be glad to support the gentleman's amendment as a compromise in the interest of the passage of this most important measure. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. FERRIS. Mr. Chairman, I do not want to take up much of the time of the committee, but I do not want the House to proceed under a misapprehension of the facts. My good and distinguished friend from Utah [Mr. MAYS] has been very zealous, and properly so, in securing all he can for the Western States. That is entirely proper; I do not blame him, and I do not blame the gentleman from Colorado [Mr. VAILE]. It is the most natural thing on earth for them to do. I do not blame the members of the Committee on Public Lands. Fifteen out of the 21 live out in the remote parts of the country, and it is natural and proper for them to be zealous and active in behalf of their localities. It seems to me also to be the duty of some of us to look after the Government's interest, in which the entire country has an interest. But in either event, Mr. Chairman, the Government gets very little out of it. It all goes to the West. Of course, that helps the country. I do not want to be captious about it, but if my amendment prevails every penny of this money that is taken in by the Government, aggregating up to June of this year the sum of $7,226,000—every bit of that would go into the reclamation fund and be spent in the Western States, so that it is not so much a controversy as to whether or not we are going to take it from the West as it is a question of how we are going to spend it in the West. We are not going to take it from the West. The West gets it, no matter how we proceed. The question is whether we shall give it to them now or give it to them from the reclamation fund.

My own opinion is and my own thought is that the chairman of the committee [Mr. SINNOTT] and the majority leader [Mr. MONDELL] and the Republican Party generally ought to be very careful and not allow a great national fund to be depreciated, disintegrated, taken away and scattered out, and expended now to the hazard and detriment of the great national reclamation fund.

I am not, as I said, captious about it. The responsibility is not so much mine. My own thought is that they ought to put the money in the reclamation fund and spend it all in the West and keep that great national fund alive. This seems to me to be the broader view. This seems to be the correct view. This would save the fund. This would be keeping the country——

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. VAILE. Let me suggest only this to the gentleman: We want this fund before our children are grown, before our schoolhouses are built, and before our roads are constructed.

Mr. FERRIS. Yes. The gentleman is like the 4-year-old boy that wants his Christmas present on the 20th of December and can not wait until the 25th. It is simply the old, old story.

Mr. VAILE. Oh, the boy wants it before he is grown up.

Mr. FERRIS. He is like the child who wants to eat between meals, and is not content to wait until the dinner bell rings. He is like the boy who wants to get his candy right now, and can not wait a minute. [Laughter.]

Mr. EVANS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. EVANS of Nevada. The gentleman's remarks are very pleasing, but I want to ask him who will build the roads in Nevada, where 90 per cent of the roads and hundreds of miles of territory are Government owned? Who will build the roads?

Mr. FERRIS. Oh, my answer to the gentleman is who will buy me a Packard automobile? Who will furnish the money to do for me the things I can not do for myself? The gentleman would go down into the Government Treasury and take money to spend locally that ought to be spent by the people locally. The gentleman would go on and do that ad infinitum. The gentleman from Utah [Mr. MAYS], a very able and capable Member always, exhibited a picture, and while showing it he was so plaintive in his appeals for the interests surrounding that picture that he would almost bring tears to the eyes of the fence posts, but at another moment he showed you how that was a great, seething, vast, prosperous community. Now, the gentleman himself is a successful business man, eminent in his State, and we all are very proud of him as a Member of the House.

I repeat, the responsibility is not altogether mine. The House is now controlled on that side of the aisle, and they should be more alert in not allowing ambitious Members to break down a great service like the Reclamation Service.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for five minutes more. I do not think I shall use it all.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FERRIS. The responsibility, I repeat, Mr. Chairman, is not mine. It is over there on the other side. But when some Member from the remotest part of Colorado, Utah, or some of the arid States comes here and asks for some money with which to irrigate the arid West, and which was intended to create a great revolving reclamation fund, not for the benefit of a single community here or there, and the Government has to answer, "We give all the money to the States, townships, and the counties," the responsibility would still be over there. The answer will be we should have kept that great fund intact. It should not have been depleted.

That side of the House in 1902 inaugurated a great reclamation policy for the irrigation of 16 or 17 of the great public-land States. Now, little by little they are carving it away, little by little they are robbing it of the funds that belong to it.

If you take 45 per cent away from the reclamation fund to-day, as proposed in this bill, and give it to the States direct, you carve away 45 per cent of the revenue to keep reclamation going. If you take away 20 per cent, as proposed by the chairman's amendment, you carve that much away; and if you take away 30 per cent, as proposed by the Snell amendment, you

carve that much away; and so on. It is all a raid on this fund. It is a diversion of this fund. I fear we shall too soon be sorry.

They say I am here opposing the West. I am here trying to save the West against its own folly. You will find it out. If I were the chairman of the committee, I would move to recommit this bill and move to instruct the committee to provide that this money should be put into this reclamation fund, every cent of which should be sent to the West.

The gentleman from Colorado [Mr. VAILE] and the gentleman from Utah [Mr. MAYS] tried to make me say—I know through a misapprehension—that I was in favor of taking all the money away from the West. I would not do any such thing. I would not say such a thing. If I had such an opinion, I surely would have developed it heretofore when from year to year this bill has been in my charge.

I have defended this measure here from year to year since this leasing plan was first taken up. I have been asked to do it by my good friends from the West. My friend from Utah [Mr. MAYS] asserts that I am unfriendly to the West because I do not want him now to tear down and take from the reclamation fund the money that ought to be retained in that fund.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. In a moment. The gentleman from Colorado [Mr. VAILE] suggested that I may be moving on account of some selfish reason for the benefit of my own State.

Mr. VAILE. Oh, no. Absolutely the gentleman has that right.

Mr. FERRIS. I want to make it clear. My selfishness, Mr. Chairman, is simply this: My State has contributed from $6,000,000 to $7,000,000 to this reclamation fund, and we have never had any irrigation from it. But under the law we contributed so much and were entitled to receive something, and have never received a cent. Now, I do not complain about that for our turn may yet come, but what I do say is this: This great fund ought to be kept intact.

I said the other day, and I say it again now, that my dear friend from Oregon [Mr. SINNOTT] is, in my opinion, the very best chairman of the Committee on the Public Lands that we have ever had during my service here, and if he is willing to let these people carve this reclamation fund to the extent of his amendment, all right. If the majority leader [Mr. MONDELL] is willing to do it, I suppose I can not stop it. So, Mr. Chairman, it all resolves itself into this: This section 35 is a section which provides for the disposition of the money under this great western development bill. My own notion is that it all ought to go into the Reclamation Service in the West. These gentlemen want it now paid direct to them. It should not be dissipated in that way. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. WELLING. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. WELLING. Mr. Chairman and gentlemen of the committee, the total area of the State of Utah is 54,393,600 acres. Of that amount the Government has withdrawn and is now controlling under its national-forest policy approximately 8,000,000 acres of land. There is unappropriated and unsurveyed land in the State of Utah amounting to 31,321,987 acres, making a total of withdrawn land and unappropriated land not now owned or occupied by any individual in the world an empire of 39,273,421 acres, a little more than 73 per cent of the entire area of the State. As before stated, this vast area is held either by the Government in its forest reserves or it is unappropriated, unoccupied desert or mineral lands. There are in this great western Commonwealth about 7,000,000 acres of coal land, and very nearly the entire amount of that land is in Government ownership. The State derives no benefit from it. Under the terms of this bill the land is withheld forever from State ownership, but the Government proposes to go out there as a landlord and lease that land for the benefit of the people of the United States. I have not very much objection to that, providing there can be arranged here a just division of the revenues that come from those leases. Under this bill, as I understand it, it is proposed that 45 per cent of the receipts from royalties or rental shall be turned over to the States in which this mineral wealth is found, that 45 per cent of it shall be turned over to the Reclamation Service to be used as a revolving fund and expended out there in developing reclamation projects in the West, and that 10 per cent of the fund shall be used for administration purposes by the National Government. I am in accord with that suggestion. I can in no case consent to any provision which reduces the percentage which the State is entitled to receive. I believe that is a proper and wise distribution of the income to be derived from the mineral wealth of the West, including its oil and coal lands, but I do not believe that it is a proper thing to reduce the State's receipts below that point. It has never been done in the division of the timber resources of the Western States heretofore. The States have participated in the distribution of the income from the national forests in somewhat the same proportion, and surely those States which have three-fourths of their area permanently withdrawn from ownership by private individuals, and therefore withdrawn from taxation, ought to have a proper division of the revenues that are derived from these lands in those States. [Applause.]

The conservation policy of the Government in dealing with our public lands, our national forests, and our nonnavigable streams has been harmful to the West. There is in Utah more coal than in Pennsylvania. We have enough undeveloped oil-shale land to furnish the needs of the Nation for 100 years. We have the greatest undeveloped oil dome in the southeastern section of the State that is known in America to-day. We have more iron ore than can be found in Michigan and Alabama combined.

These resources in coal and iron and oil are virtually all upon our public domain. Restrictions have been imposed upon those who have sought to develop these lands in the past to such an extent that capital has been slow to take hold of this great fund of national wealth.

Under the provisions of this bill it is confidently hoped that these hidden treasures will be developed.

I object to the amendment of the gentleman from Oklahoma [Mr. FERRIS], which seeks to turn over all rentals received under the law to the Reclamation Service.

The States must exist to-day. Their schools must be maintained and their State governments must be supported. It is quite true that former bills contained the provision which he now proposes, but it is also true that those bills, contrary to the letter and spirit of this bill, passed title to much of the oil and mineral land, thereby permitting the State to tax such holdings. Under this bill the title remains in the Government, and the State, if deprived of these royalties or rentals, would be obliged to maintain schools, exercise police power and all other functions of government over three-fourths of its total area, from which it was deprived of receiving a cent of revenue. The proposition is so obviously unjust that I am sure the House will not adopt such a provision. If any change from the Senate provision is seriously proposed, the percentage turned over to the States should be increased and not diminished. [Applause.]

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes on this amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am in favor of good roads and proper appropriations for that purpose. I am in favor of schools of all grades, with proper appropriations, and in favor of everything that the local governments can do for their advancement.

A proper expenditure of the money is one thing. An improper expenditure is another thing. The misfortune of this legislation will be that the localities from which the product comes will receive but a small portion of the benefit of it. Everybody knows that the coal mines, the gas and oil wells, and the phosphate deposits are in localities that are thinly populated, where there are very few people, and you know that they have to depend on development from within. When the money goes to the States for general distribution it is scattered very thinly over the various districts of the State. The only proper division would have been to return the money to the county——

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. Not at present. I want to complete this idea. The only proper way would have been to return the funds to the county where the revenue originated, and then you would have built up the community that most needed it. That has not been done in this bill.

Mr. MONDELL. Now, will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. MONDELL. Does not the gentleman believe that the Legislature of the State of California will make a fair distribu-

tion of these funds and will give them in the main to the immediate community from which the funds were derived? That is certainly what will be done in other States.

Mr. RAKER. California will endeavor to pass proper and appropriate laws.

Mr. MONDELL. Then we do not need to dispose of that question in this legislation.

Mr. RAKER. I can not yield further. I hope the gentleman will allow me to proceed until I develop this one thought. We will try to pass appropriate State laws, but ordinarily they are general, and the money is distributed over the State.

Now, gentlemen, what I want to get at is this: So far as the action of the House is concerned we have adopted at least three times the amendment offered by the gentleman from Oklahoma. The Senate has passed it. It went through conference, and it has been adopted there by both Houses heretofore, and while I am a western man, living in a part of the community affected by this bill, I believe there is a need for proper legislation in regard to the entire subject. The main thing is to obtain this money for the reclamation of the arid lands of the West, and that this fund may be increased and not depleted. Since the reclamation act was passed, unless there has been some special legislation, all moneys obtained from the sale of public lands have gone into the reclamation fund for the purpose of building up irrigation projects, and when a project is completed and the money is repaid, it comes back into the Treasury again for the purpose of completing more irrigation projects, and continues to be a revolving fund. I want to say to my friends from the West now that there is danger that we will tinker and fool with this question of receipts until we will get a feeling from other Members that we are trying to get something to which we are not entitled, and they will not give us the appropriations that we ought to have. In fact, we are not getting them now.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. In just a moment.

Mr. MONDELL. I want to ask the gentleman if he is not in favor of his State receiving 25 per cent of the receipts from the great forest reserves in his State?

Mr. RAKER. That is disposed of, and the water has gone over the wheel.

Mr. MONDELL. Does not the gentleman——

Mr. RAKER. I would like to complete my thought on this matter. This reclamation fund is put to a use in the State whereby to-day the projects are bringing in more taxation than you will get by turning over the money under this bill to the several States. Is it not better to increase that reclamation fund instead of trying to borrow more money, and paying interest on it, to put more money into that fund? We borrowed $20,000,000. Is it not better to increase that fund from the sale of the public lands and the rentals under this bill so that we may increase the present reclamation project and add more to the taxable land in our States? I am in favor of turning the entire fund over to the Reclamation Service as this amendment provided, then to the States after it is once used for reclamation purposes.

Mr. BARBOUR. I have asked the question several times but have not had an answer. If this money goes into the revolving fund and revolves, within what time can the States expect to get any of it?

Mr. RAKER. It depends on the time—1 to 20 years. The picture presented on the board before you this morning illustrates that in the land that was in private ownership a small part of taxation was received. They did not tax the value of the mine; none of them do. They do not know what is in it. They tax the land for a reasonable amount and then tax the output, as they will do in these cases.

Mr. MAYS. Will the gentleman yield?

Mr. RAKER. It is so patent on the face of it that all know that they tax the land a reasonable amount and then they tax the value of it as the coal is taken out.

Mr. MAYS. Does not the gentleman know that you can measure coal as accurately in the ground as you can measure wheat in the bin?

Mr. RAKER. No.

Mr. MAYS. The geologists say so.

Mr. RAKER. I know it; but it is not so.

Mr. MAYS. Do they not appraise the value of the land and then the value of the coal?

Mr. RAKER. Yes; but it is theory, and not anything practical. They maintain these western towns by assessments on the improvements, collections on personal-property tax, just as they did in the illustration presented here. Every irrigation project that you start you will add that much more taxation to the country. We will get some revenue that will go to the irrigation fund, and that taxation comes to the State. The surrounding territory is improved by residences, and a town springs up there on or off the land where the oil well is and where the coal land is.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HERSMAN. Mr. Chairman, it impresses me, listening to the gentleman who has just preceded me, that this whole thing is a matter of Federal Government pleading under the Ferris amendment to borrow a certain amount of money from the State from 1 to 20 years. Under the Ferris resolution this money comes back in the course of time to the different States. If the Federal Government needs the money, they can go out in the market and hire that money for 3 to 4 per cent. The only difference is that they would get this money from the State for nothing over a period from 1 to 20 years when if they went into the market and borrowed it they would have to pay 3 or 4 per cent. It impresses me that is the point, because under the Ferris resolution the money ultimately comes back to the State. But when do the States need that money? The States need that money primarily at the time the development occurs. The State needs the money for roads; it needs the money for schoolhouses; it needs the money at that time for the development that comes; and the only advantage in the world that the National Government can get out of it is that they get it from 1 to 20 years without the payment of interest.

Mr. BLANTON. Will the gentleman yield?

Mr. HERSMAN. I will.

Mr. BLANTON. The reclamation fund is a revolving fund, and the State of California gets its share of it.

Mr. HERSMAN. Suppose the reclamation fund needs more money.

Mr. BLANTON. The Government has been letting the reclamation fund have money all the time. They let it have twenty millions not long ago.

Mr. HERSMAN. Where does that money come from?

Mr. BLANTON. The gentleman says that the Government can go out and get the money for 3 or 4 per cent. It is paying 4¼ per cent in interest now.

Mr. HERSMAN. Well, call it 4¼; it might be 3 or 4 per cent under normal conditions. But where does the money come from? It comes from borrowing in the open market. The only difference between these propositions is that if it goes to the irrigation fund it extends over a period of 1 to 20 years, and the difference is in the rate of interest the Government must pay.

Mr. BLANTON. The gentleman must not forget that all this money belongs to the Government. This is a question of whether the Government will let the States have the benefit of it for the good purposes mentioned in the bill.

Mr. HERSMAN. I can see absolutely no difference, and the only advantage to the National Government is that it gets it without interest, whereas if it went into the market it would have to pay interest at 4 or 4¼ per cent. I think that the Federal Government ought to go into the market and get the money if it needs it for development. Most of all these large propositions are manipulated on borrowed money. That is the way we got the Liberty loans, by going into the market. So that it seems to me if it is to be given to the States, if it is to be given to the States at all, the time to give it is now, when the States need it, and let the Government pay the interest on any bonds it sees fit to issue. Under the reclamation laws both principal and interest are returned and the Government loses nothing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the question is on the amendment offered by the gentleman from Oregon to the amendment offered by the gentleman from New York.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York as amended.

The amendment as amended was agreed to.

Mr. FERRIS. Mr. Chairman, I think we had better give my amendment the dignity of a burial. So I will withdraw it. [Laughter.]

The CHAIRMAN. Without objection, the gentleman from Oklahoma withdraws his amendment.

There was no objection.

The Clerk read as follows:

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he

may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale for such period, or accept the value thereof from the lessee: *Provided, however,* That pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further,* That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question if I may. Recurring to the beginning of the section, or rather lines 9 and 10 of the first paragraph, the provision, as I understand it, is to require a royalty to be paid in kind. What is the purpose of that? Is the Government to provide storage for both oil and gas?

Mr. SINNOTT. Well, the Government might need the oil, and in case the Government did need the oil it would have an opportunity to secure it under this provision.

Mr. EVANS of Nebraska. How will it store this gas?

Mr. SINNOTT. I do not know. We could store a good deal of it here in this Chamber, I think.

Mr. EVANS of Nebraska. Is it not impossible, Mr. Chairman, to store gas?

Mr. SINNOTT. Helium gas is stored. Helium gas is shipped by compression, I believe.

Mr. EVANS of Nebraska. This is common fuel gas that is referred to here.

Mr. SINNOTT. That part may be in operation very little, but the Government might as well have it.

Mr. EVANS of Nebraska. Is it not a fact, then, that under this provision that you have it would be impossible to store gas, and it will be drawn away unless left in the soil——

Mr. SINNOTT. I did not catch the gentleman's interrogation.

Mr. EVANS of Nebraska. It is impossible to store gas; you can not store fuel gas except in the ground. Is not that the fact?

Mr. SINNOTT. Well, I am not fully informed on that. I know they store the helium gas.

Mr. EVANS of Nebraska. Yes; but that is in a limited quantity.

Mr. SINNOTT. And other gas is stored. I think there will be very little question as to that, and it is a mere matter of precaution in——

Mr. EVANS of Nebraska. It requires it to be paid in kind. So they are required to store it. They can not collect the royalty except by taking in kind of the production.

Mr. SUMMERS of Washington. If the gentleman will permit, it says that it is on demand of the Secretary of the Interior. If gas is in great demand, when they need it they could pipe the gas and use it from day to day and not store it. It is only on demand of the Secretary of the Interior.

Mr. SINNOTT. The gentleman is aware that they store illuminating gas.

Mr. EVANS of Nebraska. That is only for one day.

Mr. SUMMERS of Washington. In the instance I have pointed out it may be used from day to day over a long period of time and used very advantageously.

Mr. ELSTON. In case the gas can not be stored he can demand the royalty in money. It is at the option of the Secretary of the Interior to demand in kind or money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nebraska. I would like to proceed for five minutes, as I desire to ask some more questions.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS of Nebraska. Mr. Chairman, turning to page 74, what is the purpose in fixing the price at private sale from the lessee at "value" and the price at which it is sold to the Government at "market price"? Is there any purpose in that?

Mr. SINNOTT. In this part of the proviso—

that pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale at not less than the market price: *And provided further,* That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

Mr. EVANS of Nebraska. That is a portion of it; but beginning at the top of the page.

The Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale for such period, or accept the value thereof from the lessee.

Without any qualification, of course, as to whether it shall be market price. He could sell at private sale, either below the market price or above.

Or accept the value thereof from the lessee.

Now, when it comes down to the provision read by the gentleman he uses the term "market price." Is there any reason for the difference in terms?

Mr. SINNOTT. No; there is no reason. The Secretary would, no doubt, require market price.

Mr. EVANS of Nebraska. Well, "value" does not necessarily mean "market price."

Mr. SINNOTT. I think it does. When you speak of "value" you mean "market value."

Mr. WELLING. I do not think the gentleman would wish the Government to sell anything derived from royalties at less than the market price.

Mr. EVANS of Nebraska. Then why did not they fix it at market price in reference to private sale?

Mr. SINNOTT. Well, that is to take care of little job lots that it would not pay to put it up at public bidding.

Mr. SUMMERS of Washington. I think the proviso covers that where it says:

Provided, however, That the Secretary of the Interior may sell the current product at private sale at not less than the market price.

The process of sale is indicated in lines 1 and 2.

Mr. EVANS of Nebraska. If the gentleman will permit me again. the contract at private sale has no qualification or requirement as to whether it shall be——

Mr. SINNOTT. I have no objection to the gentleman offering an amendment to insert "at not less than the market price" after "private sale."

Mr. EVANS of Nebraska. Well, I am calling to the chairman's attention this matter, and I think it ought to be fixed so that there can not be any question about it.

Mr. SINNOTT. Mr. Chairman, I offer an amendment, on page 74, line 2, after the word "sale," to insert "at not less than the market price."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Page 74, line 2, after the word "sale," insert "at not less than the market price."

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Texas moves to strike out the section.

Mr. BLANTON. Mr. Chairman and gentlemen, I have noticed, both in this and in the Sixty-fifth Congress, that when the House has spent some three or four or five or six days upon any piece of legislation that toward the close of its consideration some time was then spent in eulogy upon either the measure or the committee which brought the legislation before the House. We have spent now four days upon this bill—Saturday, Monday, Tuesday, and Thursday. And I have been wondering why some one at this particular time has not spent at least a few moments in eulogizing either the measure or the committee.

Mr. SINNOTT. Go to it.

Mr. RAKER. Will the gentleman yield?

Mr. BLANTON. I regret that I can not yield right now.

This is a bill to provide for leasing of coal lands, so that the coal may be taken out of the ground in order to help the country and the people. We have spent four days of valuable time on it, right in the face of the fact that day after to-morrow, with only 30 days' supply of coal above the ground, 500,000 miners are going to walk out under order of their autocratic chiefs and quit work, with winter in front of us, with hundreds of thousands of innocent women and little children, many of them flesh of their flesh and bone of their bone, threatened with freezing to death this winter, and here we have taken no steps whatever to protect them from cold and hunger, or to guarantee to the whole people that law and order will be enforced.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLANTON. I regret that I can not yield, as I have not the time. I wonder if it would not have been better for this country if we had spent at least 15 minutes of this time in taking up and passing the resolution that was introduced here the other day by my colleague from Texas [Mr. CONNALLY], which would indicate to the country that the Congress of the United States is standing behind the President in this matter, that the Congress of the United States is to give the lawbreakers of our land, is to give the anarchists of our land, to understand that the Congress of the United States is not going to stand any monkey business in the transactions which are threatening to occur within the next week or so. Would it not have been bet-

ter, I say, if this House and the Congress had taken some action, and have let the country know that the rights of the people are going to be protected and are not going to be jeopardized, and that the women and the little children are not going to be permitted by this Government to stand to suffer this winter.

I was in hopes this morning when one of our distinguished leaders [Mr. KITCHIN] asked the gentleman from Wyoming [Mr. MONDELL] why it was we could not take up and pass that resolution, that a satisfactory answer would be given, and that it would be taken up immediately by unanimous consent and passed.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. In just a moment I will yield to my colleague. What is holding it back? Is it because it was introduced by a Democrat? I want to say that I can not agree with the distinguished gentleman from Wyoming [Mr. MONDELL] when he says that he does not want the Congress to be in the attitude of having to approve or disapprove of Executive action. I want to say that the Congress of the United States, in my opinion, has the right to express, and it should express, its approval or its disapproval of every single act of our Chief Executive in this Government.

Now I yield to my colleague from Texas [Mr. BLACK].

Mr. BLACK. I just came into the Chamber, and I first gathered the impression that the gentleman was taking the position that Congress had not already provided sufficient laws to deal with this particular situation.

Mr. BLANTON. I was just referring to the Connally resolution, but I will also mention the proposed emergency legislation I introduced in the House Tuesday and discussed yesterday, and also the fact that the distinguished gentleman from Texas, my colleague [Mr. BLACK], has offered a bill here which ought to be passed by the Congress, and it ought to be passed immediately, to meet present emergencies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. CAMPBELL of Pennsylvania. I wish to offer an amendment in line 11, page 73, to strike out after the word "act" the word "and" and insert "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CAMPBELL of Pennsylvania: Page 73, line 11, after the word "act," strike out the word "and" and insert in lieu thereof the word "or."

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, my purpose in offering this amendment is that it is important to remember that the public-land States are generally very remote from pipe lines and from oil markets, generally in very sparsely settled communities, and the direct result is reflected in a relatively low price for crude oil. It is well known that pipe-line transportation for oil is very much cheaper than railroad transportation. Oil can be moved through a pipe line for 1,000 miles or more for about one-third the cost of railroad transportation for the same distance.

As an example, the State of Wyoming is approximately equal in distance from Chicago as parts of Oklahoma, which has pipe-line transportation both to the Gulf and to Whiting, Ind., in the vicinity of Chicago. The cost of the pipe-line transportation is approximately one-third of the railroad cost of transportation to the above points. The result has been that Oklahoma crude oil commands a price approximately as much higher as the cost of pipe-line transportation is less than that of railroad transportation. In this connection also it should be borne in mind that the price of crude oil for the past five years has been everywhere increasing. In Wyoming and California, the States principally concerned in this bill, the price has at least doubled, and in some instances trebled, and this has been true notwithstanding the fact that no large main pipe lines have been constructed to carry the oil from the Wyoming fields to a large central market.

With the passage of this bill, which is designed to open up for exploration and to promote and encourage the development of new oil fields, sufficient oil is expected to be developed to warrant the construction of trunk pipe lines from Wyoming to central markets where the refined product is now transported by expensive railroad haul. Should the Government be forced to auction off its oil on the present market, it would be deprived of the benefits of the rising oil market and be deprived of all the benefits that are certain to result from cheaper transportation. This loss in a few years would amount to millions of dollars.

The Secretary of the Interior has at his command all the information gathered by the Geological Survey, the Bureau of Mines, and the Federal Trade Commission, and is therefore in as equally good position, if not a better position, to judge as to the prospective value of oil and the times when to sell and make contract for the sale of the Government's royalty oil as any producer or purchaser of oil in the United States.

There is no law existing that obliges a producer to sell or any purchaser to buy oil at any time. They are both left equally free to take advantage of conditions and the market. It seems therefore that the Government, through the Secretary of the Interior, who represents the Government, should be in as equally favorable position as any other producer or as any purchaser in this respect in order to secure for the Government the advantages of changing conditions and increased facilities for the transportation and marketing of oil.

It is elementary in business to avoid a situation which compels forced sales. There is absolutely no reason why in a bill such as the one now pending, which clothes the Secretary with the broadest powers and the widest discretion in matters of much greater importance, such as fixing the rates of royalty and the important terms and conditions of practically all leases, that there should be a provision robbing him of discretion, making it mandatory upon him to sell the Government's portion of the oil resulting from any lease at the very moment of time that he makes the lease instead of waiting for an opportunity that would be favorable and advantageous to the Government.

This section was undoubtedly designed to provide a method that would enable the Government to dispose of the oil that is reserved by way of royalty from the production that will be had under the operation of the law, and in the most advantageous manner. However, a careful analysis of it would indicate that it is so drawn in this particular mandatory provision as to result in advantage to some prospective purchaser of oil rather than to the advantage of the Government in making the best sale possible of its oil.

It will therefore be seen that robbing the Secretary of discretion violates every business principle and is clearly against the interest of the United States.

Mr. SINNOTT. Mr. Chairman, I rise to oppose the amendment. This amendment would really kill the purpose of this section. This section was inserted here mandatory in form so that the little independent refiners would have a chance to get hold of some of the royalty oil at public auction and at public sale. We have upon some of our Indian reservations a situation somewhat analogous to this. I know of scandals arising during past administrations, when it was claimed by people living in the neighborhood that the timber upon the reservation was withheld from public sale in the interest of large timber holders owning contiguous areas of timber. I do not know whether the charges were true or not. This provision, as I understand it, was inserted in the Senate bill at the request of Senator KENDRICK. I had a talk with him about the provision, and he is very much opposed to changing this language and making it discretionary. There is a large discretion resting in the Secretary. He may reserve the oil for the uses of the United States, and I think under that he has a broad, discretionary power. I hope the committee will not strike out the word "and" and insert "or."

Mr. CAMPBELL of Pennsylvania. Will the gentlemen yield?

Mr. SINNOTT. Certainly.

Mr. CAMPBELL of Pennsylvania. Why should the Government favor the small refiner and increase the cost of the production to the consumer at the expense of the Federal Government?

Mr. SINNOTT. I think the Government should give the small refinery a chance to operate and to exist.

Mr. CAMPBELL of Pennsylvania. Suppose the man sells the royalty or the oil on the basis of a thousand-barrel well, and the well produces 5,000 barrels, and they put a pipe line in there, and he transports the oil for one-third the cost it was going to cost him when he bids on it. Should not the Government have the benefit of that?

Mr. SINNOTT. It will have the benefit of it.

Mr. CAMPBELL of Pennsylvania. Not if he sells it on the basis of rail transportation. He sells it at the time he grants the lease.

Mr. SINNOTT. Upon advertisement, on sealed bids, or at public auction.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. CAMPBELL].

The question was taken, and the amendment was rejected.

Mr. BLACK. Mr. Chairman, I have an amendment.

Mr. WELLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 74, line 6, after the word "at," strike out the language "not less than the market price," occurring on lines 6 and 7, and insert "a fair and reasonable price"; and on line 8, after the word "at," strike out the language "not less than the market price," and insert "a fair and reasonable price."

Mr. BLACK. Now, Mr. Chairman, under the provision of this bill, pending the making of a contract for the sale of the royalty by the Secretary of the Interior, he is authorized to sell the current product of these oil wells and gas wells, but he is limited to not less than the market price. Of course, ordinarily a fair and reasonable price would be synonymous with the market price. But times do come when the market price is unreasonably high. The time comes in periods of scarcity when some large concerns control the product subject to sale in such a way as to make the market price too high, and I submit that a restriction of this kind might prove harmful, at least in some instances.

We have heard a good deal of criticism of the oil monopolies and of the unreasonableness of the prices of their products, and I think that the Secretary of the Interior, if an occasion of that kind should arise and the market should be too high and he could assist the public in any way in lowering the market, ought to be permitted to sell at a price that he would regard as fair and reasonable, even though it should be materially lower than the market price.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. ANDERSON. Of course, there is nothing produced from these wells except crude oil. Does the gentleman think it would result in any reduction of the price of the product if this crude oil was sold to the Standard Oil Co. at less than the standard price?

Mr. BLACK. There would be a good deal in what the gentleman says if the Standard Oil Co. should be the only buyer; but, of course, it is not and there are other concerns that deal in oil besides the Standard Oil Co. I can see where conditions might arise where the Secretary of the Interior could benefit the public by having the ability to go out and sell these oil products at what he would term a fair and reasonable price, instead of the market price, and I believe it would be better language and give him a wider and more needful discretion.

Mr. SINNOTT. Mr. Chairman, I wish to oppose this amendment. If it is necessary to assist the general public, that should be done out of the Treasury of the United States. Most of this royalty oil, 80 per cent, belongs to these Western States and to the reclamation fund under the terms of this bill, and you really would take the money away from them for the benefit of the people who are suffering from high prices. If that is to be done, that should be done by an appropriation out of the Treasury and not from the reclamation fund and from the States' share.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. BLACK. We hear a great deal of complaint about the unreasonableness of the prices of many commodities and a good deal of the complaint is justified. Now, does the gentleman think that if the Government holds a commodity such as oil collected in payment of a royalty which is ruling at an unreasonable price, the hands of an official of the Government ought to be tied so that he is bound to hold up the public for that unreasonable price?

Mr. SINNOTT. The gentleman's premises are wrong. The Government does not own this royalty oil. It owns a part of it, and the reclamation fund and the States own the remainder under the provisions of this bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New Mexico [Mr. HERNANDEZ] offers an amendment, which the Clerk will report.

Mr. HERNANDEZ. It comes in at the end of section 37. Section 37 has not been read.

Mr. WELLING. Mr. Chairman, an amendment was pending that ought to be withdrawn by the gentleman from Texas [Mr. BLANTON], to strike out section 36. It was a pro forma amendment.

Mr. BLANTON. I withdraw that, Mr. Chairman.

The CHAIRMAN. The Chair understood that was a pro forma amendment. The Clerk will read.

The Clerk read as follows:

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals and the lands containing such deposits, including lands and deposits described in joint resolution No. 38, approved August 1, 1912, shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at a date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Mexico.

The Clerk read as follows:

Amendment offered by Mr. HERNANDEZ: Page 74, line 19, after the word "discovery," insert "*Provided*, That all persons having located or acquired claims are hereby required to file within six months after the passage of this act a true copy of the location notice thereof with the register and receiver of the United States land office for the district in which such claims or locations may be situated."

Mr. HERNANDEZ. Mr. Chairman, my purpose and intent in offering this amendment at this time is to give the present locator a chance to file with the register and receiver of the land office a copy of the location notice that they are required to post up on the land under existing law and thus avoid conflicting claims being made for the same land.

That is all that this amendment is proposed to do. This is, as the gentleman from Texas said, a very important measure. We have by this amendment and by this section protected the rights of the present locators. We are doing intensive prospecting out West for oil at the present time. The oil fever has spread all over that country.

We have immense deposits of coal in my State. Over 5,000,000 acres of coal lands are lying there awaiting development. They belong to the Government. We will not freeze to death. The women and children of this Nation will not freeze to death for the next 500 years for lack of coal, and if it need be done, if the half million miners walk out to-morrow from those mines we will walk in there and keep our women and children from freezing to death. [Applause.] That is one way of curing that situation.

The bill under consideration has had my approval and support both in the Committee on the Public Lands and in the House and will have my vote.

The State of New Mexico has within its 222,000 miles a good deal of area which we know contains coal. A good many enterprising men are now prospecting very extensively in the public domain, State lands, and privately owned lands for oil and gas. The prospects are very encouraging in some sections and we hope they will discover and develop good producing oil wells.

The amendment that I have offered to section 37 is intended to prevent conflicts and to keep the department informed as to all lands which have been located prior to the passage of this act, and thus preclude the possibility of leasing being given covering oil lands heretofore located and held under placer claim laws.

If these locations are to be recognized, and in all fairness they should be, they should also be accorded a definite, unequivocal standing, which will not be susceptible of any misunderstanding and lead to litigation. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Mexico [Mr. HERNANDEZ].

Mr. SINNOTT. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. GRIFFIN. Mr. Chairman, I suggest the absence of a quorum. I make a point of order to that effect. This matter is now approaching the culmination. We ought to have a quorum here now if we are expected to vote at the end of the debate.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and five Members present, a quorum. The Clerk will report the amendment offered by the gentleman from Nevada [Mr. EVANS].

The Clerk read as follows:

Amendment offered by Mr. EVANS of Nevada: On page 74, line 10, strike out all of section 37 and insert in lieu thereof the following:

"SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas herein referred to, in lands valuable for such minerals, shall be subject to disposition only in the form and manner provided in this act, except that bona fide claims existent at date of the passage of this act upon which no discovery has been made prior to the passage of this act, but which shall thereafter be maintained in compliance with the laws under which said claims were initiated, may be perfected under such laws, including discovery, provided such discovery be made within one year after the passage of this act: *Provided further*, That if no discovery be made upon such lands within the period of one year after the passage of this act, then and in that event the locators thereof or their assignees, heirs, or successors in

interest shall have a preference right for the period of 30 days after the expiration of said period of one year within which to locate said lands under this act, in order to initiate a right to obtain a prospecting permit and lease hereunder."

Mr. BLANTON. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment. Does the gentleman from Nevada wish to be heard?

Mr. BLANTON. I make the point of order that the amendment is not germane.

Mr. FERRIS. I hope the gentleman will reserve that for a moment. The gentleman from Nevada has very urgent appeals from his State on this subject. I hope the gentleman from Texas will withhold his point of order.

Mr. BLANTON. I will withhold it.

Mr. EVANS of Nevada. Mr. Chairman and gentlemen, I rise in support of my amendment to strike out section 37, which has been so ably amended by the distinguished Member from New Mexico [Mr. HERNANDEZ]. But my amendment goes further, seeking solely and absolutely to protect the newly acquired claims during recent months, made by citizens, great numbers of whom are returned soldiers, and Nevada recognizes their patriotic services, many of whom have been staked to locate and develop oil claims under the present law. It is my plain and certain purpose that such claims have full legal protection and valid recognition as the stated circumstances fully justify.

Mr. SINNOTT. I rise to oppose the amendment of the gentleman from Nevada.

Mr. BLANTON. I make the point of order that the amendment is not germane to the substitute or to the subject matter of the bill.

Mr. BLACK. Mr. Chairman, I do not pose as a parliamentary authority, but it certainly seems to me that that amendment is in order. It provides that the man who has already made a location shall have one year for discovery, and if he fails to make a discovery within one year that his heirs and assigns may have a preferential right to lease the land. Now this is a leasing bill, and I can not see where the amendment contravenes any rule of germaneness whatever.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment.

The question being taken, the amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to extend my remarks on section 37 of this bill.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. HERNANDEZ. I make the same request.

The CHAIRMAN. The gentleman from New Mexico makes the same request. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. I ask unanimous consent to revise and extend my remarks on the Mexican situation.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks on the Mexican situation. Is there objection? The Chair hears none.

Mr. BLANTON. Mr. Chairman, a point of order. I think that kind of a request should more properly come in the House than in Committee of the Whole.

The CHAIRMAN. The gentleman has a perfect right to ask to extend his remarks. The Chair put the request, and the Chair heard no objection.

Mr. BLANTON. I rose as soon as I could. That is a matter wholly extraneous to the subject matter under consideration.

The CHAIRMAN. The Chair begs the gentleman's pardon. The question is closed. The Chair put the request, and there was no objection.

Mr. RAKER. Mr. Chairman, on page 74, line 16, after the word "at" and before the word "date," I move to strike out the word "a," which ought not to be there.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 74, line 16, after the word "at," strike out the word "a."

The amendment was agreed to.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think I should give a brief explanation of what the Committee on Public Lands understood by the language in section 37: "Valid claims existent at the date of the passage of this act." Some Members of the House have expressed to me solicitude concerning the status of locators on oil lands at the time of the passage of this act should it become a law, who have not made discovery. Prior to the Taft withdrawal of September 27, 1909, a valid claim was considered one where discovery had been made. But the "valid claim" referred to in section 37 does not require discovery. It is the "valid claim" referred to in the case of the Consolidated Oil Co. et al. against the United States, a decision of the circuit court of appeals of the ninth judicial district (245 Fed. 521), where the court, in rendering its decision, says:

It is insisted on behalf of the Government that exemptions from the effect of the order of the President therein provided for will not be properly held to apply to any land upon which at the time of its promulgation no mineral had been discovered, even though as in the present case the land had been located under and by virtue of the mining laws, its boundaries properly marked on the ground, and the assignees of the locators in the bona fide actual possession and actively engaged in seeking mineral therein.

The court goes on further:

A mining claim perfected under the law is property, in the highest sense of the term, which may be bought, sold, and conveyed, and will pass by descent. It is not, therefore, subject to the disposal of the Government. President Taft, who had himself been a distinguished Federal judge, of course, well knew this; and we think it altogether unreasonable to hold that the words employed by him in his order, "All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination," were intended or can be fairly construed to apply to lands upon which discoveries have already been made and to which its locators have already acquired an equitable title, but, on the contrary, that they were intended and should be held to apply to all locations and claims existing at the time of the making of the withdrawal order, to which the locators or claimants have some valid right.

In the consideration of the bills H. R. 3232 and S. 2812 before the Public Lands Committee of the House, Sixty-fifth Congress, second session, Francis J. Kearful, Assistant Attorney General of the United States, representing the Attorney General in the hearings on said bill, on page 969, gave the following explanation of "a valid claim":

If you undertake to define what are valid rights existing under the present law—if you intended to express the intent which Mr. LENROOT thinks is expressed here—you could only quote from the Pickett Act or from the language of the Express Oil Co. case, which was the foundation of the Pickett Act, and which no court has ever disputed; that is, that one who is in the diligent prosecution of work leading to discovery, although he has made no discovery, has a valid claim in which he will be protected against any intrusion by any person, and so long as he continues in the diligent prosecution of that work he will be protected, and when he makes a discovery his location will be complete. There never was any reason from any quarter to doubt the soundness of that proposition.

Mr. Kearful further furnished the committee at said hearings with the following memorandum explaining the meaning of the term "valid claim." It is found on page 943 of the hearings:

THE WITHDRAWAL OF SEPTEMBER 27, 1909.

By Executive order of September 27, 1909, "in aid of proposed legislation," large areas of public land in California and Wyoming were "temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws." The order declared that "all locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination."

In Consolidation Mutual Oil Co. v. United States (245 Fed., 521, 526), the Circuit Court of Appeals for the Ninth Circuit held that the exception from the Executive order of "all locations or claims existing or valid" was intended to save the rights of prospectors who, although they had made no discovery, were in bona fide actual possession and diligently engaged in the prosecution of discovery work. No reason is perceived to doubt the correctness of this ruling. The intention to save rights which would otherwise be cut off is manifest, and as those who had made discoveries had rights which could not be divested, the rights intended to be saved must have been those inchoate rights existing before discovery which the law then recognized as entitled to protection; that is, rights founded upon actual bona fide possession accompanied by the diligent prosecution of discovery work.

(See also United States v. McCutchen, 234 Fed., 702, 711; United States v. Stockton Midway Oil Co., 240 Fed., 1006, 1009; United States v. Thirty-two Oil Co., 242 Fed., 730, 734.)

Mr. Kearful's statement and citations were in reference to section 31 of the House bill found on page 22 of the hearings, which was as follows:

SEC. 31. That the deposits of coal, phosphate, oil, and gas herein referred to in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws.

From these citations and the statement of Mr. Kearful it is apparent that the phrase "valid claims" referred to in section 37 do not contemplate a claim whereon discovery is made.

The Clerk read as follows:

SEC. 38. That the United States shall have the preferential right to obtain, extract, and remove helium from all lands permitted, leased, or otherwise granted under the provisions of this act, and from gas or oil or from gas and oil, or other products found within such deposits, or under lands containing the same, under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Mr. SINNOTT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Oregon offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section to the bill as follows:

"SEC. 39. That until otherwise provided the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid to registers and receivers of the United States land offices on account of business transacted under the provisions of this act."

Mr. SINNOTT. Mr. Chairman, I ask the Clerk to read a letter which I have received from the Department of the Interior, requesting this amendment.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, October 27, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: In our consideration of the leasing bill we forgot to give any consideration to the suggestion made by Secretary Lane on page 11 of his report to you on S. 560, August 5, 1919, that a new section be added to the bill, as follows:

"That until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act."

The bill makes no provision for compensation of local land officers, although the law would entail an immense amount of work upon them. It is believed that some provision should be made along the line suggested, at least until Congress shall have had time to give the entire question of salaries, fees, and commissions of registers and receivers further consideration.

In many cases registers and receivers now complain that their fees and commissions fall so far below the maximum of $3,000, which they are allowed under the law, that they can not get a decent living out of their positions.

The bill will make an immense amount of work for them, but makes absolutely no provision for paying them for that work. Commissioner Tallman is exceedingly anxious that some such provision may be made, and we thought possibly you could see your way clear to introduce it as an amendment to the bill on the floor of the House.

Very truly, yours,

E. C. FINNEY,
Member Board of Appeals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling attention to section 38. I am going to offer no amendment to it. I shall not suggest that it be stricken out, but I think it is a curious illustration of the hysteria which sometimes takes possession of Congress in connection with legislation. A great many years ago we made life a burden to many good people along the southeastern coast by our absurd laws and regulations relative to the live oak. We were so fearful that our Navy would run short of live oak that for a time we had a large portion of the population of Florida and the Carolinas in jail from time to time for interfering in one way and another with the live oak of that region. We had some such experience with regard to naval stores, turpentine, and so forth. We became so hysterical about those matters that we went to the extreme of overprotection. Just now there is some hysteria about helium. Helium is a noninflammable gas that is useful for dirigible balloons, and, of course, a certain amount of helium gas is necessary and important, but it is perfectly absurd to reserve the helium gas in all of the lands which would be affected by this bill and in all of the products of all of the lands affected by this bill.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. The only difficulty about the matter is this: That some very active employee of the department, possessed with the idea that this is the most important thing in all the world, may some day, when no one is looking, put a regulation in leases or a provision in the regulations for the administration of this act which will be very trying to many operators. Of course, in time we will correct and outgrow it. After attention has been called to the absurdity of these things and a great many men have been annoyed or injured, we will remedy the matter, and so eventually get from under the effect of the hysteria that suggests putting such a provision in legislation. If I were a member of the committee just at this time, I think perhaps I would agree to this same provision, but I would not do it with the idea that it is necessary, and I doubt if the committee has.

Mr. TAYLOR of Colorado. I think the committee feels very much the same as the gentleman from Wyoming, but let me call attention to the fact——

Mr. MONDELL. I shall not ask to have it stricken out, because there are some good people who think it ought to be in. Let us hope it will be harmless.

Mr. TAYLOR of Colorado. The gentleman overlooked the hysteria that went over the country about radium a few years ago. They came up here pell-mell and wanted us to withdraw all of the United States for radium, and now they have forgotten all about it.

Mr. RAKER. Mr. Chairman, I desire to offer the following amendment, to strike out all after the word "that," in the substitute, and add the following as an amendment to the substitute.

Mr. ELSTON. What substitute?

Mr. RAKER. That which is from the beginning to the end of the bill.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. SINNOTT. Mr. Chairman, I make the point of order against the amendment.

Mr. BLANTON. It is not germane to the substitute and it is not germane to the subject matter.

The CHAIRMAN. How can the gentleman tell?

Mr. BLANTON. Because it is the Senate bill which the gentleman is offering.

Mr. RAKER. The gentleman does not know.

Mr. BLANTON. Oh, I am a mind reader.

Mr. SINNOTT. Mr. Chairman, I wish to argue the point of order.

The CHAIRMAN. The Chair suggests that the gentleman wait until we find out whether the amendment is subject to the point of order.

Mr. SINNOTT. The gentleman has stated what it is.

The CHAIRMAN. Does the gentleman care to state what it is, without having it read?

Mr. GRIFFIN. Mr. Chairman, I make the point of order that the amendment has to be reported before there can be any criticism of it. I ask that it be reported.

The CHAIRMAN. The Clerk will report the amendment, and then we will decide.

Mr. RAKER. Mr. Chairman, let us do this. Let us consider the amendment read, and then I will state in a very few words just what it is.

Mr. PARRISH. Mr. Chairman, I demand the regular order.

Mr. RAKER. I will state to the House, to save time, what it is, if I may be permitted to do so.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 38, line 11, strike out all of the remainder of the bill, after the word "That," and insert——

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is it proper, where a point of order has been made against the matter, for the time of the committee to be taken up in reading 40 pages of a document which is offered as an amendment?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BLANTON. I make the point of order that the matter which the gentleman from California is offering here consists of numerous pages of printed matter which has already been considered by the committee, and the substance of which this Chair has ruled out of order upon a point of order previously made.

The CHAIRMAN. The Chair can not decide the point of order on a matter that he knows nothing about.

Mr. BLANTON. Can not the matter be considered by unanimous consent, as the gentleman from California suggests?

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the gentleman from California be permitted to state the substance of his amendment.

Mr. RAKER. Mr. Chairman, I will not agree to that. I want my amendment to be considered as read, to go into the RECORD, and then I will state the difference, and then the Chair may hear it, if he desires to, on the point of order and decide whether it is well taken.

Mr. PARRISH. I reserve all points of order on it.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The rule brought in by the Committee on Rules and adopted by the House made in order for the consideration of this committee certain legislation only, which is in the nature of a substitute. The measure which the gentleman from California [Mr. RAKER] offers as an amendment is the very matter which is not in order under the rule brought in here and adopted by the House. I submit to the Chair that the matter which the gentleman offers here as an amendment, which clearly heretofore has been ruled out of order by the Chairman, should be considered by the Chair upon the point of order, without taking up the time of the committee to read 30 pages, and the Chair should decide whether or not it is in order under the rule which the House has adopted.

Mr. TILSON. Will the Chair hear me?

The CHAIRMAN. The Chair will hear the gentleman from Connecticut.

Mr. TILSON. Mr. Chairman, if objection is made, it seems to me that under the rules of the House the amendment will have to be read until a point in the amendment is reached which discloses the fact that the amendment is out of order. When that stage has been reached, it seems to me that then the point of order made by the gentleman from Texas should be sustained, but until a point has been reached in the reading of the amendment indicating that it is subject to the point of order the gentleman's point of order does not lie.

Mr. BLANTON. And in the meantime he would have to read 30 pages before reaching that point.

The CHAIRMAN. Let the Chair state this question. Now, it is manifest that any point of order against this amendment can not be given consideration by the Chair until the Chair knows what is contained in the amendment, and unless the committee wishes the amendment read or gives its consent to agree upon a state of facts which might be contained in the amendment, and thus enable the committee to determine the question of its admissibility and germaneness, why, the Clerk will read the amendment.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that this proceeding be followed: That the objection be considered as pending, and that the amendment be considered as read and printed in the RECORD.

Mr. SINNOTT. Mr. Chairman, reserving the right to object, will the gentleman yield to me just for a question?

Mr. RAKER. Yes.

Mr. MONDELL. Mr. Chairman, I shall object to that proceeding, so it is not necessary to take up that time.

The CHAIRMAN. Objection is heard.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SINNOTT. Mr. Chairman, I ask it for the purpose of interrogating the gentleman from California.

Mr. RAKER. An interrogation; just a moment.

Mr. SINNOTT. I have the time.

Mr. RAKER. All right; I yield.

Mr. SINNOTT. I understand that the substitute of the gentleman contains sections 40 and 41 of the Senate bill. That is true, is it not?

Mr. RAKER. With respect to answering or not answering, I have stated that I will ask unanimous consent to have the amendment considered as read and printed in the RECORD, and I will make a statement in two minutes to the committee——

Mr. SINNOTT. Well——

Mr. RAKER. Now, I am going to have the amendment read if——

Mr. SINNOTT. Will the gentleman answer my question?

Mr. RAKER. I have not any time.

Mr. SINNOTT. Well, I will yield the gentleman time to answer my question yes or no.

Mr. RAKER. Oh, well, you can not do that on me. In response to the gentleman's question I ask unanimous consent that the point of order be considered as pending, that the amendment be considered as read and printed in the RECORD, and then I will state to the House identically what is in the bill so there will be no question, and the Chair can pass on it. Now, is not that fair?

Mr. SINNOTT. The gentleman will state it in two minutes?

Mr. RAKER. I can state it in less than two minutes.

Mr. SINNOTT. I have no objection.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the following procedure——

Mr. MONDELL. Mr. Chairman, the amendment of the gentleman contains, as the gentleman knows it contains, although he has refused to say so——

Mr. RAKER. I have not refused anything.

Mr. MONDELL. Two provisions offered as amendments to this bill and ruled out on the point of order.

Mr. BLANTON. They are the Harris amendments.

Mr. MONDELL. And the gentleman refused to answer the chairman of the committee——

Mr. RAKER. No.

Mr. MONDELL. He refused to answer a fair question——

Mr. RAKER. No.

Mr. ANDERSON. Mr. Chairman, I demand the regular order.

Mr. MONDELL. As to what is contained in his amendment, and he can not expect any privileges or any unanimous consents on the part of the House.

The CHAIRMAN. The regular order is demanded.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that sections 40 and 41 of the amendment be read now.

The CHAIRMAN. Is there objection?

Mr. RAKER. Now, Mr. Chairman, reserving the right to object, I will consent to that with the statement that the amendment be considered as read and printed in the RECORD.

Mr. HASTINGS. I object to that, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RAKER. I object on the other.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, a new point of order. I submit this to the Chair: If the Chair will consider subdivisions 40 and 41 of the amendment offered by the gentleman from California, he himself will readily see that they are questions upon which he has already passed upon points of order and which points of order he has already sustained.

The CHAIRMAN. The Chair thinks the statement of the gentleman from Texas does the Chair too much credit. The Chair is no mind reader——

Mr. BLANTON. But if he will read 40 and 41——

The CHAIRMAN (continuing). To enable him to pass upon the question; but the Chair will pass upon the question very promptly when it is submitted to him in a proper way.

Mr. PARRISH. Mr. Chairman, is the amendment of the gentleman from California in order when it contains a section which has already been submitted to the committee and under the ruling of the Chairman of the committee has gone out on a point of order?

The CHAIRMAN. Well, the Chair desires to ask the gentleman from Texas this question: How does the gentleman from Texas know that the amendment contains these subdivisions? The Chair does not know.

Mr. BLANTON. Because he has been keeping up with the proceedings.

Mr. MONDELL. Mr. Chairman, may I suggest that the Chair has a perfect right to read that amendment? If he reads the amendment, he will discover that it shows that sections 40 and 41 have been ruled out on a point of order.

The CHAIRMAN. If there is no objection, the Chair will read the section. [Laughter.]

Mr. CAMPBELL of Kansas. May I make a suggestion to the Chair?

Mr. ANDERSON. Mr. Chairman, I ask for the regular order.

Mr. CAMPBELL of Kansas. I desire to make a suggestion, Mr. Chairman.

Mr. SINNOTT. Mr. Chairman, I move that sections 40 and 41 be read.

Mr. RAKER. I object to that.

Mr. ANDERSON. I make the point of order that the motion is not in order.

Mr. CAMPBELL of Kansas. I suggest to the Chair that it is the privilege of the Chair when an amendment is offered to take the amendment from the Clerk and examine it, and decide whether or not it is subject to the point of order made.

Mr. ANDERSON. The committee has a right to know what the Chair is passing on, and it can not know unless the Chair reads the amendment.

The CHAIRMAN. The Chair will assume the responsibility of reading to the committee one of the amendments of the two suggested by the gentleman from California [Mr. RAKER].

Section 40 of the amendment that he proposes reads:

> No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. Just a moment. Let the Chair have a minute. The gentleman from Texas [Mr. BLANTON] makes the point of order against the amendment offered by the gentleman from California [Mr. RAKER], and the Chair having disclosed by the reading of section 40 of the amendment offered by the gentleman from California——

Mr. RAKER. Just a moment.

The CHAIRMAN. Just let the Chair make this statement.

Mr. RAKER. Before you rule on that——

The CHAIRMAN. Just let the Chair make a statement. The Chair having disclosed that section 40 of the amendment offered

by the gentleman from California is contrary to the spirit of the provisions of the bill, and seeks to prevent the acquisition of stock in a corporation by individuals or stockholders of another corporation, and provides for punishment under certain circumstances, and indicates by the provisions of the section that it has no relation whatever to the provisions of the bill, wishes to say that the former Speaker of the House, Mr. Speaker CLARK, on December 5, 1912, having ruled upon a question on all fours with this, on a point of order made to a bill providing for the physical valuation of railroads, when a provision dealing with the future issuance of stocks and bonds was pending, and held the amendment not to be germane, and held the point of order made against it as good, and sustained it, so the Chair under the present circumstances feels constrained to rule that the amendment of the gentleman from California [Mr. RAKER], offered at this stage of the bill, covering cases already having been passed upon during the consideration of the bill, is out of order, and the point of order is sustained.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last two words.

In the course of the debate frequent suggestions have been made that these lands belong to the thirteen original States and that the thirteen original States really have a right to call for this money to be turned over to them. Here is the statement of indebtedness of various States of the Union of certain amounts deposited with them as loans under the act of June 23, 1836:

Maine, $955,838.25.

Mr. BLANTON. Mr. Chairman, I make a point of order against the argument. It is not germane.

The CHAIRMAN. The gentleman from Nebraska will proceed in order.

Mr. ANDREWS of Nebraska. Mr. Chairman, I simply want to show by the citation of these figures the indebtedness of the various States of the Union and the rights of the other States of the Union to share in the provisions of this bill.

Mr. BLANTON. Mr. Chairman, I make the point of order that the indebtedness of Maine and other States has nothing whatever to do with this bill.

Mr. ANDREWS of Nebraska. Oh, I am not coming to Texas yet.

The CHAIRMAN. The gentleman from Nebraska will proceed in order.

Mr. BLANTON. I think we have got other business before the committee.

Mr. ANDREWS of Nebraska. Mr. Chairman, the total amount involved in this bill for leasing relates to the reclamation fund in such a way as to suggest the importance of maintaining that fund at its maximum. I am sure that in the progress of the years the States of the South, needing drainage instead of irrigation, will find under this reclamation fund a great opportunity for their people. With this fund revolving from year to year, when Delaware shall have paid its $286,751 and interest for 83 years, we will have that much more to count upon in this general fund, and that with the indebtedness of all these States of $28,101,000, with interest for 83 years, we will have the Treasury in much better shape.

Many millions of acres of public lands have been withheld from entry for an extended period of years.

This policy has prevented the development of a large portion of the territory in Western States. Under the terms of this bill it is proposed to lease those lands upon conditions that will induce the investment of capital; yield financial returns to the National Treasury for the expansion of the reclamation fund. These policies will benefit not only the communities in which the lands will be improved, but also large sections of arid lands.

It is very important that the Federal Government should conserve all the rights and resources it now holds in these public lands and at the same time provide for their development with such financial returns as will aid greatly in the improvement of these portions of the country.

A brief visit to farms under successful irrigation will readily convince anyone as to the practical value of this policy.

It is necessary that strict reservations should be made under which the sections of the country will be in absolute control of the Government in the leasing of these lands and the general conduct of the business. Effective protection should be embodied in the law against the acquisition or independent control of such lands by corporations. The terms of this bill seek to accomplish that result, and it is earnestly hoped that there will be no disappointment in this particular.

In the course of the debate and in private conversation it is frequently intimated and even asserted that these public lands rightfully belong to the thirteen original States.

I quote the following from the record of the Treasury Department in relation to the deposits with various States under the act of June 23, 1836:

Maine	$955,838.25
New Hampshire	669,086.79
Massachusetts	1,338,173.58
Vermont	669,086.79
Connecticut	764,670.60
Rhode Island	382,335.30
New York	4,014,520.71
New Jersey	764,670.60
Pennsylvania	2,867,514.78
Delaware	286,751.49
Maryland	955,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.69
Georgia	1,051,422.69
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Ohio	2,007,260.34
Missouri	382,335.30
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49
Arkansas	286,751.49
Total	28,101,644.91

Section 13 of that act reads as follows:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers, or other competent authorities to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurers or other competent authorities, on receiving certificates of deposits therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations, and pledge the faith of the State, for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required, by the Secretary of the Treasurer, for the purpose of defraying any wants of the Public Treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in rateable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding $10,000, from any one State, in any one month, without previous notice of 30 days, for every additional sum of $20,000, which may at any time be required. (5 Stat., 55.)

The terms of said section required the certificates of deposit to "express the usual and legal obligations" and pledge the faith of the States, "for the safe-keeping and repayment" of the money to the National Treasury. They have faithfully observed their pledge as to the "safe-keeping" of their deposits and still retain them.

Said section authorized the Secretary of the Treasury to recall the funds "in ratable proportions" to meet the needs of the department. This authority, however, was rescinded by an act approved October 2, 1837, which contained the following:

Be it enacted, etc., That the transfer of the fourth installment of deposits directed to be made with the States under the thirteenth section of the act of June 23, 1836, be, and the same is hereby, postponed till the 1st day of January, 1839: *Provided*, That the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress. (5 Stat., p. 201.)

As it has not yet been "otherwise directed by Congress," those deposits still remain in the possession of the States, as shown by the foregoing statement.

It will be observed from section 13 of that act that the Secretary of the Treasury was authorized and directed to withdraw said deposits "in ratable proportions" whenever said money or any part thereof was needed to defray the expenses of the Government. It will also be observed that the act of October 2, 1837, suspended the exercise of that authority and directed that the three installments that had been made under the act of June 23, 1836, should remain on deposit with the States until otherwise directed by Congress. Up to this date Congress has not otherwise directed. For a period of 70 years and more those loans were carried in the quarterly accounts of the Treasurer of the United States as though the cash was in the National Treasury. In 1907 Congress was requested to enact legislation that would either cancel the indebtedness, call for immediate payment or transfer the charges from the Treasurer's cash account to the ledgers of the department. At a later date Congress directed the transfer of the charges, and accordingly each State now stands upon the ledgers of the department as a debtor to the General Government for the amount of the original loan.

Interest has not yet been computed or entered as a charge upon the books of the department against the States.

If interest should be computed upon the total amount, $28,101,644.91, at 4 per cent, the principal and interest to date would approximate $121,000,000. If this amount should be recovered and added to this reclamation fund or used in defraying the general expenses of the Government it would surely bring a few moments of consolation to the chairman of the Ways and Means Committee and also to the chairman of the Committee on Appropriations, as well as other Members of the House, unless it should be those who come from the States that owe the debts.

A concurrent or joint resolution may be sufficient under the terms of the act of October 2, 1837, to carry into effect the direction of Congress for the return of the money.

Perhaps a joint resolution in substantially the following form would answer the purpose:

Whereas the States named above are indebted to the Federal Government for the respective amounts set opposite their names; and
Whereas the Federal Treasury is now in urgent need of unusually large receipts to meet current expenses and liquidate unpaid obligations resulting from the recent war; and
Whereas such deposits are to remain with said States under existing law until otherwise directed by Congress: Therefore be it

Resolved, etc., That such States be, and hereby are, requested and directed to return said deposits to the National Treasury, with interest at 4 per cent from date of deposit.

Resolved further, That the Secretary of the Treasury is hereby directed to withdraw said deposits from said States in accordance with the terms of section 13 of the act of June 23, 1836, under which they were made.

Mr. Chairman, this is evidently an opportune time for the withdrawal of these funds. When is our National Treasury likely to be in greater need of the money than now? It has surely been lenient with the States that have had the use of this money for 83 years. The rate of interest—4 per cent, as suggested—is very reasonable. It is probable that the States holding the loans could not have secured the funds from other sources at a lower rate of interest.

Of course, the Members of this House from the States that have not shared in these loans do not desire to press undue embarrassment upon the Members representing the States that have received them. It would perhaps be wise to grant a brief period of time for reflection upon this matter in the hope that the States will voluntarily return the money notwithstanding the existing provision of law. If so, the whole matter could be adjusted without embarrassment. The only inconvenience suggested by existing conditions appears in the comparison of the membership of the House and Senate from the debtor States with those from the other States. There are 26 debtor States, having 52 Senators and 314 Members of the House.

At first glance this may seem to be an insuperable difficulty in securing an order for the return of the money. But when we recall the fact that those Senators and Members are very anxious to liquidate the indebtedness of their respective States to the Federal Government in this time of stress, we should proceed upon the belief that there will be a general rush for the Federal counter to return those deposits, principal and interest, approximating $121,000,000.

Let us hope that this happy consummation will be fully realized at an early date.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's remarks are not germane.

Mr. ANDREWS of Nebraska. I am coming to the amendment.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON:

"SEC. 4. That no stockholder of any corporation or any association engaged in producing or refining petroleum or any of the by-products thereof, for sale in interstate commerce, produced from land leased under this act shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any persons who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, on the ground that it is not germane either to the substitute or to the subject under consideration.

The CHAIRMAN. The gentleman from Texas makes the point of order that the amendment is not germane either to the substitute or to the subject under consideration.

Mr. ANDERSON. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, the Chair has just ruled out of order an amendment which proposes to amend the antitrust law. The Chair was clearly correct in ruling that amendment out of order, because it introduced a new subject, and it dealt with articles which were not produced upon lands leased under this act. But the amendment which I have offered is confined to regulation of the sale of products produced from lands leased under this act.

Now, there are many provisions in this act dealing with the sale and disposition of the products of lands leased under the bill, and there are many provisions in this act which deal with the relations of stockholders in corporations organized for the purpose of mining the products or dealing in the products of lands leased under this act. May I call the attention of the Chair, for instance, to section 27 of the act, which prohibits any person, association, or corporation from holding any more than one coal, phosphate, or sodium lease? It prohibits any corporation from holding more than three oil or gas leases granted hereunder in any one State and more than one lease within the geological structure of the same producing oil or gas field. It prohibits any person or corporation from taking or holding any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions of this act where both holdings are in excess of the permitted acreage. In another section there are provisions against the creation of a monopoly of the use or sale of the products of the lands leased under this act.

I direct the Chair's attention again to the fact that this amendment is expressly limited to corporations or associations engaged in producing or refining petroleum or by-products thereof produced from lands leased under this act. It does not deal with any production or the production of any land except the production and the lands specifically dealt with in this act. For that reason it seems to me the amendment is clearly germane to the bill.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment is not germane to the section immediately preceding the amendment. And in that connection I call the Chair's attention to the ruling made by the distinguished gentleman from Iowa [Mr. GOOD] in holding that an amendment offered as a new section is nevertheless a part of the preceding section and must be germane to it.

Mr. ANDERSON. I wish, Mr. Chairman, to direct the attention of the Chair to the fact that I made exactly the same point of order a few days ago that the gentleman from Texas is now making, and that I at that time called the attention of the Chair to the decision to which the gentleman has now referred. In the determination of that point of order the Chair ruled that an amendment offered as a new section need not be germane to the preceding section if it were germane to the bill as a whole.

Mr. SINNOTT. Mr. Chairman, one test of germaneness is this: Would the Committee on the Public Lands have jurisdiction over a bill which embodies the proposition submitted in this amendment? If this amendment were incorporated in a bill and dropped into the basket, it certainly would not be sent to the Committee on the Public Lands. It would be sent to the Committee on the Judiciary.

On that point I wish to cite Hinds' Precedents, volume 5, on page 472, where Mr. MANN of Illinois made a point of order upon a substitute on the ground of its germaneness. The Chair stated that the raising of a point of order necessarily throws upon the Chair the responsibility of deciding it. As the Chair stated in ruling on the point of order, one test of the germaneness of an amendment that can always be made is this:

Could the subject embraced in the amendment, if offered as an independent bill in the House, be referred to the committee which had reported the bill under consideration?

The most cursory reading of the amendment submitted by the gentleman from Minnesota [Mr. ANDERSON] discloses the fact that were it dropped into the basket as an independent bill the same would be referred to the Committee on the Judiciary.

The CHAIRMAN. The Chair is constrained to rule that the amendment of the gentleman from Minnesota [Mr. ANDERSON] goes outside of the provisions of the bill under consideration, inasmuch as it deals with the ownership of stocks of individuals

and corporations and provides punishment for those who, under stated conditions, may acquire such stocks and control of such stocks, either directly or indirectly. The Chair thinks on that account it is not germane either to the bill itself or to the section of the bill which it seeks to follow. The Chair sustains the point of order.

Mr. GRIFFIN. Mr. Chairman, I ask that my amendment be read.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. Mr. Chairman, before leaving this section of the bill which relates to helium, I would like to add just a word to what the gentleman from Wyoming [Mr. MONDELL] has said. He suggested that the restrictions contained in this bill were perhaps unnecessary, and might have to be relaxed later. As to that, I do not know, but I should not like to have this subject passed without just a word as to the importance of helium gas.

As we all know, observation balloons are a very important part of the paraphernalia of war. If one had gone along the western battle front in Europe during the war he would have seen a succession of sausage-like objects suspended in the air. They were observation balloons, from which information of great value was obtained. The chief danger in using these—and there was always very great danger—was the fact that they contained highly inflammable gas. In the development of ammunition during the war the incendiary bullet was brought to such a state of perfection that if a single bullet could be made to pass through the wall of the container—and it was a very large target—it would set on fire the gas within. Even if the observer jumped from the basket, the balloon would burn and crumple up so suddenly and fall so rapidly that it would overtake the parachute upon which the observer was descending, and kill him before he reached the ground.

The properties of helium gas have been known for some time, but it was so expensive of production that it was not thought possible to secure enough to make it practicable for balloons. During the war there was a great advancement in the development of helium gas, and before the armistice was signed we had reached a stage where it was being produced at a comparatively reasonable figure. It was well within the bounds of hope that if the war had gone on we should have been able to use helium gas very extensively for observation balloons. Its use would have rendered it comparatively safe to move these lofty outlooks to points much nearer to the enemy's lines. Its use for dirigibles has already been suggested, and as time goes on if we can produce, cheaply and commercially, a gas that is noninflammable, it would be of the very greatest importance in aerial navigation. [Applause.]

Mr. ANDERSON. Mr. Chairman, I offer a further amendment as a new section 41.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON:

"SEC. 41. That no stockholder of any corporation or any association engaged in producing or refining oil produced from land leased under this section shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months."

Mr. BLANTON. Mr. Chairman, a point of order; first, that the amendment is not germane to the substitute or the subject; second, that it is not germane to the section immediately preceding it; and, third, that this identical question has been passed on by the Chairman adversely to the gentleman who offers the amendment, and that it has been held subject to the point of order.

Mr. ANDERSON. Mr. Chairman, I do not wish to argue either the second or the third proposition presented by the gentleman from Texas, because neither one of them has any basis whatever.

I simply want to call the attention of the Chair to the fact that this amendment is limited, and relates only to oil produced on the land leased under the provisions of this act. I will not argue that the Chair was in error in the previous ruling, because the Chair may have been of the opinion that the inclusion of the by-products of petroleum in the prior amendment introduced into this question an entirely new element not germane to the provisions of the bill, which relate alone to oil produced from land leased under the act. In order to bring this amendment within the rule of germaneness, and to make it perfectly clear that it does not introduce any new subject not contemplated by the bill, I have confined the amendment to include only oil or corporations producing or refining oil produced upon land leased under this act. There are many provisions in the act with reference to the oil from the lands leased under the act which go far beyond this provision. This amendment simply puts onto the bill another condition with respect to the oil itself, dealt with in this bill, produced upon lands leased under the bill. It is clearly within the rule of germaneness.

Mr. GRIFFIN. Mr. Chairman, I would like to be heard on the point of order, for the reason that the amendment of the gentleman from Minnesota is practically, in substance, the same as the amendment which I now have at the desk.

In order to determine the germaneness of this amendment I think we ought to inquire, first of all, just what this bill does. It proposes to open up to our citizenship the boundless wealth of the West, concealed in Government-owned land, and to permit the leasing of certain tracts thereof for mining and oil discovery and exploitation.

The bill prescribes certain limitations as to the quality of land to be leased, the character of the persons, individual and corporate, to whom leases shall be granted, the terms of the leases as to time, royalty, and many other incidentals.

This amendment proposes one more condition; one more limitation upon the granting of leases. It comes under the above-mentioned category of "character of persons, individual and corporate, to whom leases shall be given."

It prescribes, in substance, that no stockholder of any corporations or associations engaged in exploiting the leased land shall acquire or control the whole or any part of the stock of any other corporation engaged in the same business, when both of said corporations have been created pursuant to a decree of the court or in avoidance of a prosecution under the antitrust laws.

There is no use in mincing words over this proposal. It is manifestly aimed at the great industrial serpent whose body has been divided, but whose vigor, venom, and menace have not been diminished or mitigated by prosecution under the antitrust laws.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. BLANTON. But I make a point of order, which, as I understand it, takes him off the floor. I make the point of order that there is no criminal provision in the substitute bill, and there are criminal provisions in the amendment offered, which would clearly not be germane to the substitute.

Mr. GRIFFIN. We may very well take judicial notice of its existence, just as we take notice that oil and gas and coal are in the ground to be leased and that there are persons standing ready to take the leases. So may we assume that among those most ready to grasp the prize, when this act lets down the barriers, are those separated but still active, and kindred units which our antimonopoly laws have vainly striven in the past to eliminate.

Mr. BLANTON interrupts.

The CHAIRMAN. The Chair recognized the gentleman from New York, and wishes to hear what he has to say.

Mr. GRIFFIN. We may assume, I say, that those who will stand ready to grasp these lands and leases as soon as the barriers are thrown down will be the component parts of this Standard Oil Trust.

The CHAIRMAN. The Chair is ready to rule.

Mr. GRIFFIN. Pardon me. I have not really come to the point. So far I have only indicated what the amendment is aimed at. As to the parliamentary phase of the matter, the proposed amendment will not prevent any one of those units from taking a lease, but it is aimed—and properly aimed—to prevent each individual unit or subsidiary of the parent corporation in each of the 48 States from taking 48 leases in each of the States where oil may be struck.

The provision therefore is in the nature of a limitation to protect the individual citizen in each State, and in effect provides that the plain, average citizen of moderate wealth shall not be shut out in the competition for desirable lands, as surely he would be if this very moderate and sane safeguard is not embodied in the bill.

This is a very fair proposal, and is strictly germane to the bill. The Senate provision—No. 40—of the Senate bill undertook to amend the antitrust law, and its substance was so broad in its scope as to take in the whole field of commerce—see line 16, page 36, of the bill—and was not limited, as my

proposed amendment is limited, only to those engaged in operating the lands to be leased under this act.

I think, Mr. Chairman, you will see that there is a distinction; and if you propose to found your ruling upon the decision of ex-Speaker CLARK, which you quoted, I beg with all deference to say that it has no relevancy to the present case, because this amendment is specifically confined only to the further regulation and control of matters which are already regulated and controlled to some extent in this bill. The Raker amendment embodied the idea of general application to commerce generally. This amendment is confined strictly to a limitation of the powers of the lessee under this act. The first Anderson amendment was objected to on the ground that it provided a penalty. In the present amendment the object is confined wholly to the terms on which a lessee may hold the lands leased under this act. The penalty is struck out, and nothing remains of it but what is wholly germane to the subject and scope of the bill.

The rule, as embodied in the precedents, is that any amendment is germane if it falls within the class of propositions to which the bill relates; in other words, its subject matter. Now, what is the subject matter of this bill? Why, the opening up of Government coal, oil, and other classes of land for exploitation by the granting of leases. If the bill proposed to limit that object by only one regulation there might be some doubt of the germaneness of the further regulation embodied in the proposed amendment. But we find, on the contrary, that in this bill numerous safeguards are thrown around the granting of leases. We find that the bill limits the size of the plots to be leased, the royalty to be paid as rent, and the periods and renewals of the leases. Further, in section 27 we find an attempt made to limit the number of leases which may be held by one person or corporation. It permits one person, association, or corporation to hold three oil or gas leases in one State; but it does not prevent one corporation from holding three leases for oil or gas in every State where the public lands are thrown open. Every one of the subsidiary branches of the Standard Oil, or any other oil combination, can therefore hold three leases in each of such States. Furthermore, individual stockholders of such corporations can also preempt and control three leases in each of such States. Surely it does not require much vision to see what is likely to happen. And can it be pretended, or honestly contended, that an amendment, such as this before us, which prohibits such community of stockholding is so far remote from the subject matter as not to be germane to the bill itself? Such a contention is so finely drawn I confess I can not see the line of demarcation.

Mr. LONGWORTH. Mr. Chairman, I do not care to argue the merits of this proposition or the point of order. I merely desire to propound this inquiry to the Chair: Is it ever in order on a bill which has no criminal sections in it to offer a section which is criminal in its nature? Does not that of itself introduce a new matter? And would the Committee on the Public Lands have jurisdiction originally in such a matter as this?

What I desire is for the Chair to rule on the question, Is it ever in order as a germane amendment to introduce a criminal section in a bill which has no criminal section in it?

The CHAIRMAN. The Chair thinks it is fair to state that he believes that if the matter contained in this amendment were in a separate bill it would go to the Committee on the Judiciary for consideration. The pending bill does not provide for the punishment of individuals for violating antitrust laws, and the introduction of an amendment covering that subject, as in the present instance, is not considered by the Chair to be germane to the bill, and therefore the Chair sustains the point of order.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

Mr. GRIFFIN. May I ask, Mr. Chairman, that the amendment I have at the desk may be read, to show the relation that it bears to what has been offered?

The CHAIRMAN. The gentleman from New York will have an opportunity to offer his amendment later.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a new section:

"SEC. 41. That no stockholder of any corporation or any association engaged in producing or refining oil produced from land leased under this section shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane to the substitute bill brought in by the Rules Committee or to the subject of that bill; and, secondly, that this amendment is a matter dealing with stock companies and corporate stocks, upon which the Chair has already ruled and held out of order in previous amendments. Thirdly, that it is not germane to the section immediately preceding this section, of which preceding section this amendment is evidently a part.

Mr. ANDERSON. Mr. Chairman, I do not know what was in the Chair's mind in ruling on the last amendment. It may be, however, that the Chair had in mind a proposition such as was stated by the gentleman from Ohio [Mr. LONGWORTH]—that is, that inasmuch as there was no criminal provision in the bill, the amendment previously offered introduced a new element into the bill which was not germane to the general provisions in providing a penalty, and so forth, for the violation of the section. I have offered the same amendment leaving off the provisions for criminal penalties.

The amendment, therefore, falls within the general line of the bill, particularly in section 27, prohibiting such ownership or holding of stock as would result in the collusion and consequent lack of competition between the various subsidiaries of the corporation any one or two of which might have a lease under this act. It appears to me, in view of the general provisions of section 27, many of which deal directly with the ownership and control of stock in corporations producing or dealing in oil produced from land leased under this act, that the amendment I have just offered makes no provision which is outside of the purview of the general provisions of the bill. Therefore whatever may have been the situation with respect to amendments I have previously offered, if there was anything in those amendments which was not germane to the bill, there is nothing in this amendment which is in any way outside of its general provisions. On the contrary, these provisions may very well have been carried in section 27.

Mr. BLANTON. Mr. Chairman, this would clearly go to the Judiciary Committee if it was in a separate bill and dropped in the basket.

Mr. CAMPBELL of Kansas. Mr. Chairman, section 27 of the present bill deals with the number of leases that a corporation may hold under the provisions of this act. The amendment offered by the gentleman from Minnesota as a new section deals with an entirely different subject. It deals with a proper amendment to the antitrust laws or the Clayton Act. But in no sense is the amendment germane to any of the provisions in section 27, or any other section of this bill. Clearly, if this amendment was introduced, as the Chair suggested a moment ago, as a bill, it would be sent to the Judiciary Committee, rather than to the Committee on Public Lands; whereas if any germane amendment to section 27, which deals with leases on the public domain to one or more companies and to stockholders of one or more companies, were introduced as a separate bill it would be sent to the Committee on Public Lands. So that clearly the point of order comes within decisions that have already been made by the Chair.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Kansas [Mr. CAMPBELL], I think, has overlooked some of the provisions of section 27. The last part of section 27 applies to acts which are in restraint of trade, applies to acts which to a certain extent come under the Sherman Act and governs leases accordingly. This provision which is offered by the gentleman from Minnesota [Mr. ANDERSON] is merely a further extension of the provisions contained in the latter part of section 27.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. This is not offered as an amendment to section 27. We have passed that and the committee has approved it. This is offered as an amendment to section 39, and is offered in the state of a new section, section 40; but undoubtedly it is a part of section 39.

Mr. GREEN of Iowa. It is offered as a separate section.

Mr. BLANTON. But under the ruling of the distinguished gentleman from Iowa [Mr. GOOD] it is a part of section 39, nevertheless.

Mr. GREEN of Iowa. That has not become the settled practice of the House as yet. These provisions which are contained in the latter part of section 27, if suggested by themselves in the shape of a separate bill, would have to go to the Committee on the Judiciary. That argument, while it has some bearing, of course, in considering the whole situation, is by no means conclusive. The amendment is germane in connection with the provisions of section 27.

Mr. TILSON. Mr. Chairman, just one sentence on the point of order made by the gentleman from Texas. I call the Chair's attention to section 777 of the manual from which I read, as follows:

Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered, and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

The CHAIRMAN. The Chair thinks that the amendment of the gentleman from Minnesota [Mr. ANDERSON] does not come under any part of the provisions of section 27 of the bill, even assuming section 27 is the one that was to be amended. That section provides that there shall be no combination or conspiracy in restraint of trade with respect to mining or the sale of coal. The amendment offered by the gentleman from Minnesota provides that no stockholder of a corporation or association may acquire, directly or indirectly, the whole or any part of the stock, share, or other capital of any other corporation or association——

Mr. ANDERSON. Will the Chair permit me to direct his attention to the fact that all of the provisions, beginning with 65, are general to all of the provisions of the bill which preceded?

The CHAIRMAN. True; but each of the sections to which the gentleman has just called attention provides either with respect to coal or oil or gas or phosphate or shale, while the amendment offered by the gentleman as a separate section provides that stock in one corporation shall not be acquired by individuals or other corporations engaged in the production of oils on the lands subjected to lease under this bill.

The Chair thinks the amendment is clearly out of order, and so rules.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

Mr. GRIFFIN. Mr. Chairman, a point of order. There is another amendment at the desk, which I desire to offer.

The CHAIRMAN. If there are other amendments pending, of course they will be considered. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GRIFFIN: Page 75, after line 2, insert a new section as follows——

Mr. GRIFFIN (interrupting the reading). Mr. Chairman, I ask unanimous consent to withdraw the amendment which the Clerk is about to read, because I think it is covered by the ruling on the amendment offered by the gentleman from Minnesota.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, I now offer the other amendment which is at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 75, after section 40, insert a new section, as follows:

"SEC. 41. It shall be unlawful for any corporation or association engaged in producing or refining petroleum, or any of the by-products thereof, or in the production or mining of any of the products taken from lands leased under the provisions of this act, either directly or indirectly, to sell or offer for sale any petroleum, or by-product thereof, within the United States or any Territory thereof, or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States, at a different price than that at which the same grade or quality of petroleum, or by-product thereof, is sold or offered for sale by any other corporation or association so engaged when the stockholders of such corporation or association own or control 25 per cent or more of the stock, or share capital of such other corporation or association, nor shall any such corporation or association discriminate in price in the same or different communities: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation: *And provided further*, That nothing herein contained shall prevent corporations or associations engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade. Any person who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for a term of not less than six months."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, first——

The CHAIRMAN. The Chair sustains the point of order.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill in the nature of a substitute with amendments, with the recommendation that the amendments be agreed to and the substitute as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2775) to promote the mining of coal, phosphates, oil, gas, and sodium on the public lands, a substitute for which had been made in order by House resolution 358, that the committee had directed him to report the substitute back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the substitute as amended do pass.

The SPEAKER. Under the rule the previous question is considered as ordered on the substitute and all amendments thereto to final passage.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Under the rule whatever amendment has been placed on the substitute by the committee shall first be considered, and then the question comes upon the adoption of the substitute.

The SPEAKER. Yes.

Mr. RAKER. When would the motion to recommit under the present status of the bill be in order?

The SPEAKER. It would be in order after the third reading of the bill. Is a separate vote demanded on any of the amendments?

Mr. ANDERSON. Mr. Speaker, I demand a separate vote on the amendments offered by the gentleman from Oklahoma. The first amendment is on page 60, beginning in line 23; the second amendment is on page 62, line 7; and the third amendment on page 58, line 8.

The SPEAKER. The gentleman from Minnesota demands a separate vote on three amendments. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The question now is on the first amendment, on which the gentleman from Minnesota demands a separate vote. The Clerk will report the first amendment.

The Clerk read as follows:

Page 60, line 23, after the word "however" strike out all of line 23, all of lines 24 and 25, and all of lines 1 and 2, on page 61, down to and including the word "section," and insert in lieu thereof the following: "That no fraudulent claimant shall be entitled to any lease provided for in this section but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith."

The question was taken; and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. GRIFFIN) there were—ayes 53, noes 21.

Mr. EVANS of Nebraska. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman makes the point of order of no quorum.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry. It has been called to my attention that inadvertently the Chair stated that the amendment was not agreed to.

The SPEAKER. No; the amendment was agreed to.

Mr. EVANS of Nebraska. Mr. Speaker, I withdraw the point.

Mr. CRAMTON. Mr. Speaker, I renew the point.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. CRAMTON. Mr. Speaker, I withdraw the point.

The SPEAKER. The gentleman from Michigan withdraws the point of no quorum.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the second amendment.

The Clerk read as follows:

Page 62, strike out lines 7 to 10, inclusive, and insert in lieu thereof the following: "*Provided, however*, That no fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant, without notice of fraud at the time such interest was acquired shall not be charged therewith."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the third amendment.

The Clerk read as follows:

Page 58, line 8, after the word "that," strike out the remainder of the paragraph and insert in lieu thereof the following: "No fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant, without notice of fraud at the time such interest was acquired, shall not be chargeable therewith."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the adoption of the substitute as amended.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BLANTON. This is on the passage of the substitute?

The SPEAKER. This is on the question of agreeing to the substitute, not on the passage of the bill.

The question was taken, and the substitute was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIFFIN. To make a motion to recommit.

The SPEAKER. This is not the time to make such motion.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. RAKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is there any other gentleman who wishes to offer a motion to recommit?

Mr. ANDERSON. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. Is the gentleman from California opposed to the bill?

Mr. RAKER. I am in favor of the bill, but I desire to place certain amendments in it.

The SPEAKER. Is the gentleman from Minnesota on the committee?

Mr. ANDERSON. No.

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. GRIFFIN. I am opposed to the bill.

The SPEAKER. The Chair will recognize the gentleman from New York to offer a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. GRIFFIN moves to recommit the bill with instructions to amend and report the same forthwith, with the following amendments, to wit: Adding two new sections as follows:

"SEC. 40. No stockholder of any corporation or any association engaged in mining, producing or refining any of the products or by-products taken from lands leased under the provisions of this act, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws."

Mr. SINNOTT. Mr. Speaker, the reading has gone far enough to show that the motion to recommit is subject to a point of order on account of not being germane. The same amendments were offered in the House and ruled out, and they are really amendments to amend the Clayton Antitrust Act.

Mr. BLANTON. Mr. Speaker, I make the further point of order that it provides for punishment of the violations of certain criminal laws, and there is no such provision in the substitute bill adopted by the House. It provides punishment for the violation of certain laws.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. Does the gentleman from New York wish to be heard?

Mr. GRIFFIN. I desire to say there is an error in the enumeration of the sections. There has been a section called 39 added to the bill, so that the first section that is offered ought to be 40 and the following one 41, and I ask the Clerk to make that change.

The SPEAKER. That change can be made. Does the gentleman wish to be heard on the point of order?

Mr. GRIFFIN. I would like to say this, Mr. Speaker: We have had an almost continuous discussion of this proposal since this bill has been under consideration. The purpose of these two amendments has been to provide some limitation in the bill whereby intending claimants for land may be protected. In offering these two amendments we are simply taking cognizance of the fact that there are large corporate interests, with many subdivisions, in this country of ours ready and waiting for an opportunity to step in and take up these valuable tracts the moment the barriers are let down.

Mr. PARRISH. Mr. Speaker, I make the point of order that the gentleman is not discussing the merits of the point of order at all, but is discussing a different proposition.

The SPEAKER. The Chair will admonish the gentleman to confine himself to the point of order.

Mr. GRIFFIN. I trust the Speaker, at least, will have patience with me. I know that the gentlemen opposed to this proposition are very impatient and do not like to listen. But I can not impress upon their minds, and I hope it will not be so with the Speaker, that in order to frame an amendment you must keep in mind the purpose that is before you and the object at which you aim. Now, I have simply gone this far in stating that there are interests in this country who are ready to grab this tremendously valuable property the moment that the barriers are let down.

Mr. PARRISH. Mr. Speaker——

Mr. GRIFFIN. Now, the question is how far we may go.

Mr. PARRISH. I make the point of order that the gentleman is not discussing the merits of the bill.

Mr. GRIFFIN. Mr. Speaker, may I be interrupted when I am being heard on the point of order?

The SPEAKER. Will the gentleman from New York submit for a moment to a question by the Chair? Is this substantially the amendment which the gentleman offered in the Committee of the Whole?

Mr. GRIFFIN. This is substantially the amendment which I offered in the committee, and the only purpose of it is to regulate and control the conditions under which these leases are to be granted. It provides against a community of stockholding. It provides that a stockholder shall not take a tract and then hold stock in every other subsidiary which may be able to take 4 square miles of valuable mining, oil, or coal land and hold it indirectly for the benefit of the parent corporation.

Mr. TILSON. Mr. Speaker, I make an additional point of order against the amendment, so that it may be pending if the Chair should need to consider it. My point of order is that this amendment is offered to the wrong part of the bill, and that under the practice of the House it should be offered so as to come in at that place in the bill which considers the subject matter of the gentleman's amendment, which would be at section 27 and not at the end of the bill. In the interest of orderly procedure I make that point of order.

Mr. GRIFFIN. I have a point that bears on that question.

The SPEAKER. This is substantially the amendment debated in the committee, and the Chair was in the committee and heard some of the discussion and the ruling of the chairman of the committee. The Chair supports the ruling that was then made and sustains the point of order.

The question is on the passage of the bill.

Mr. ANDERSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Minnesota offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recommit the bill to the Committee on the Public Lands, with instructions to that committee to report the same back to the House forthwith with an amendment striking out the proviso, on page 70, beginning with line 22 and ending with the word "situated," in line 24, and with a further amendment striking out the proviso beginning on page 71, line 16, down to and including all of line 21.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have.

Mr. ANDERSON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 23, noes 66.

Mr. GRIFFIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present.

Mr. GRIFFIN. I withdraw the point, Mr. Speaker.

Mr. ANDERSON. I make the point of order that there is no quorum, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn. The question is on the motion of the gentleman from Texas.

The question was taken, and the motion was rejected.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, those in favor of the motion to recommit will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

Mr. RAKER. May we have the amendment reported?

The SPEAKER. Without objection, the Clerk will report the amendment once more.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 44, nays 201, answered "present" 6, not voting 181, as follows:

YEAS—44.

Anderson	Dowell	Longworth	Rogers
Begg	Ellsworth	McFadden	Rose
Bland, Ind.	Evans, Nebr.	McLaughlin, Mich	Schall
Bland, Va.	Gallagher	Mapes	Scott
Browne	Griffin	Michener	Steenerson
Burroughs	Hoch	Moore, Ohio	Strong, Kans.
Carss	Huddleston	Nichols, Mich.	Tilson
Christopherson	James	Platt	Volstead
Cramton	Keller	Ramseyer	Walters
Crisp	King	Randall, Calif.	Wason
Denison	Knutson	Reavis	Wilson, Ill.

NAYS—201.

Alexander	Echols	McArthur	Sanford
Almon	Elston	McDuffie	Sherwood
Andrews, Nebr.	Evans, Mont.	McGlennon	Siegel
Anthony	Evans, Nev.	McKinley	Sinnott
Aswell	Ferris	McPherson	Smith, Idaho
Ayres	Fisher	MacCrate	Smith, Mich.
Baer	Flood	MacGregor	Snyder
Bankhead	Fo ht	Madden	Steagall
Barbour	Foster	Major	Stedman
Barkley	Freeman	Mann, S. C.	Stephens, Ohio
Bee	French	Mansfield	Stevenson
Benham	Fuller, Ill.	Martin	Stiness
Black	Garland	Mays	Stoll
Bland, Mo.	Garrett	Miller	Strong, Pa.
Blanton	Glynn	Monahan, Wis.	Summers, Wash.
Box	Green, Iowa	Mondell	Sumners, Tex.
Briggs	Greene, Vt.	Moon	Sweet
Brinson	Hadley	Moore, Va.	Tague
Brooks, Ill.	Hardy, Colo.	Morgan	Taylor, Colo.
Brumbaugh	Harrison	Mott	Taylor, Tenn.
Buchanan	Hastings	Murphy	Temple
Burdick	Hawley	Neely	Tillman
Butler	Hayden	Nelson, Mo.	Timberlake
Byrnes, S. C.	Hays	Nelson, Wis.	Towner
Byrns, Tenn.	Hernandez	Newton, Minn.	Upshaw
Campbell, Kans.	Hersman	Nolan	Vaile
Campbell, Pa.	Hickey	O'Connor	Vinson
Candler	Houghton	Oldfield	Ward
Cannon	Hudspeth	Oliver	Watkins
Caraway	Hull, Tenn.	Osborne	Watson, Pa.
Carter	Husted	Overstreet	Watson, Va.
Chindblom	Igoe	Padgett	Weaver
Clark, Mo.	Jacoway	Park	Webb
Classon	Johnson, Miss.	Parrish	Webster
Coady	Johnson, Wash.	Porter	Welling
Connally	Jones, Tex.	Pou	Welty
Cooper	Kahn	Purnell	Whaley
Crago	Kearns	Quin	White, Kans.
Cullen	Kettner	Rainey, Ala.	White, Me.
Currie, Mich.	Kinkaid	Raker	Williams
Curry, Calif.	Kitchin	Randall, Wis.	Wilson, La.
Dale	Kleczka	Rayburn	Wingo
Davis, Tenn.	Kraus	Rhodes	Woods, Va.
Dent	Kreider	Ricketts	Wright
Dickinson, Mo.	Lampert	Riddick	Yates
Dickinson, Iowa	Lankford	Romjue	Young, N. Dak.
Dominick	Larsen	Rowe	Young, Tex.
Dunbar	Layton	Rubey	Zihlman
Dunn	Lazaro	Rucker	
Dupré	Lonergan	Sanders, Ind.	
Dyer	Luhring	Sanders, La.	

ANSWERED "PRESENT"—6.

Haugen	Juul	Sears	Thompson
Hull, Iowa	Reber		

NOT VOTING—181.

Ackerman	Fields	LaGuardia	Reed, N. Y.
Andrews, Md.	Fordney	Langley	Reed, W. Va.
Ashbrook	Frear	Lanham	Riordan
Babka	Fuller, Mass.	Lea, Calif.	Robinson, N. C.
Bacharach	Gallivan	Lee, Ga.	Robsion, Ky.
Bell	Gandy	Lehlbach	Rodenberg
Benson	Ganly	Lesher	Rouse
Blackmon	Gard	Linthicum	Rowan
Boies	Garner	Little	Sabath
Booher	Godwin, N. C.	Luce	Sanders, N. Y.
Bowers	Goldfogle	Lufkin	Saunders, Va.
Brand	Good	McAndrews	Scully
Britten	Goodall	McClintic	Sells
Brooks, Pa.	Goodwin, Ark.	McCulloch	Shreve
Browning	Goodykoontz	McKenzie	Sims
Burke	Gould	McKeown	Sinclair
Caldwell	Graham, Pa.	McKinley	Sisson
Cantrill	Graham, Ill.	McLane	Slemp
Carew	Greene, Mass.	McLaughlin, Nebr	Small
Casey	Griest	Magee	Smith, Ill.
Clark, Fla.	Hamill	Maher	Smith, N. Y.
Cleary	Hamilton	Mann, Ill.	Smithwick
Cole	Hardy, Tex.	Mason	Snell
Collier	Haskell	Mead	Steele
Copley	Heflin	Merritt	Stephens, Miss.
Costello	Hersey	Minahan, N. J.	Sullivan
Crowther	Hicks	Montague	Swope
Dallinger	Hill	Mooney	Taylor, Ark.
Darrow	Holland	Moore, Pa.	Thomas
Davey	Howard	Moores, Ind.	Tincher
Davis, Minn.	Hulings	Morin	Tinkham
Dempsey	Humphreys	Mudd	Treadway
Dewalt	Hutchinson	Newton, Mo.	Vare
Donovan	Ireland	Nicholls, S. C.	Venable
Dooling	Jefferis	O'Connell	Vestal
Doremus	Johnson, Ky.	Ogden	Voigt
Doughton	Johnson, S. Dak.	Olney	Walsh
Drane	Johnston, N. Y.	Paige	Wheeler
Eagan	Jones, Pa.	Parker	Wilson, Pa.
Eagle	Kelley, Mich.	Pell	Winslow
Edmonds	Kelly, Pa.	Peters	Wise
Elliott	Kendall	Phelan	Wood, Ind.
Emerson	Kennedy, Iowa	Radcliffe	Woodyard
Esch	Kennedy, R. I.	Rainey, H. T.	
Fairfield	Kiess	Rainey, J. W.	
Fess	Kincheloe	Ramsey	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. ANDREWS with Mr. WISE.

Mr. VARE with Mr. CASEY.

Mr. VESTAL with Mr. CAREW.

Mr. WALSH with Mr. CANTRILL.

Mr. MAGEE with Mr. THOMAS.

Mr. VOIGT with Mr. HARDY of Texas.

Mr. BACHARACH with Mr. WILSON of Pennsylvania.

Mr. KENDALL with Mr. LEE of Georgia.

Mr. WOODYARD with Mr. BELL.

Mr. DAVIS of Minnesota with Mr. LONERGAN.

Mr. FESS with Mr. ROBINSON of North Carolina.

Mr. FORDNEY with Mr. RIORDAN.

Mr. GOOD with Mr. HENRY T. RAINEY.

Mr. KENNEDY of Iowa with Mr. LEA of California.

Mr. KENNEDY of Rhode Island with Mr. LANHAM.

Mr. HULL of Iowa with Mr. MCKEOWN.

Mr. THOMPSON with Mr. LINTHICUM.

Mr. GOODALL with Mr. PHELAN.

Mr. GOODYKOONTZ with Mr. PELL.

Mr. GRAHAM of Pennsylvania with Mr. OLNEY.

Mr. GRAHAM of Illinois with Mr. O'CONNELL.

Mr. GREENE of Massachusetts with Mr. NICHOLLS of South Carolina.

Mr. GRIEST with Mr. MOONEY.

Mr. TINCHER with Mr. DOUGHTON.

Mr. MOORE of Pennsylvania with Mr. GODWIN of North Carolina.

Mr. MORGAN with Mr. GOODWIN of Arkansas.

Mr. MORIN with Mr. GOLDFOGLE.

Mr. BRITTEN with Mr. TAYLOR of Arkansas.

Mr. BROOKS of Pennsylvania with Mr. SULLIVAN.

Mr. WHEELER with Mr. CALDWELL.

Mr. BROWNING with Mr. SMITHWICK.

Mr. SMITH of Illinois with Mr. COLLIER.

Mr. SNELL with Mr. CLEARY.

Mr. KIESS with Mr. JOHNSTON of New York.

Mr. WINSLOW with Mr. BLACKMON.

Mr. HAMILTON with Mr. MONTAGUE.

Mr. MANN of Illinois with Mr. BABKA.

Mr. HASKELL with Mr. MINAHAN of New Jersey.

Mr. HUTCHINSON with Mr. MEAD.

Mr. RODENBERG with Mr. ASHBROOK.

Mr. TINKHAM with Mr. CLARK of Florida.

Mr. NEWTON of Missouri with Mr. GARNER.

Mr. OGDEN with Mr. GARD.

Mr. PAIGE with Mr. GANLY.

Mr. PARKER with Mr. GANDY.

Mr. BURKE with Mr. SMITH of New York.

Mr. PETERS with Mr. GALLIVAN.

Mr. COLE with Mr. SMALL.

Mr. RADCLIFFE with Mr. EAGLE.

Mr. BOWERS with Mr. JOHN W. RAINEY.

Mr. LUCE with Mr. VENABLE.

Mr. BOIES with Mr. SEARS.

Mr. IRELAND with Mr. MAHER.

Mr. COPLEY with Mr. SISSON.

Mr. COSTELLO with Mr. SIMS.

Mr. JEFFERIS with Mr. MCLANE.

Mr. JOHNSON of South Dakota with Mr. MCKINLEY.

Mr. TREADWAY with Mr. BOOHER.

Mr. RAMSEY with Mr. EAGAN.

Mr. REED of West Virginia with Mr. DRANE.

Mr. ROBSION of Kentucky with Mr. DOREMUS.

Mr. CROWTHER with Mr. SCULLY.

Mr. DEMPSEY with Mr. SAUNDERS of Virginia.

Mr. SANDERS of New York with Mr. DOOLING.

Mr. KELLEY of Michigan with Mr. MCCLINTIC.

Mr. SELLS with Mr. DONOVAN.

Mr. SINCLAIR with Mr. DEWALT.

Mr. LAGUARDIA with Mr. JOHNSON of Kentucky.

Mr. LEHLBACH with Mr. HUMPHREYS.

Mr. ELLIOTT with Mr. SABATH.

Mr. ESCH with Mr. ROWAN.

Mr. SLEMP with Mr. DAVEY.

Mr. JONES of Pennsylvania with Mr. MCANDREWS.

Mr. FAIRFIELD with Mr. ROUSE.

Mr. LUFKIN with Mr. HOWARD.

Mr. MCKENZIE with Mr. HOLLAND.

Mr. MCLAUGHLIN of Nebraska with Mr. HEFLIN.

Mr. MERRITT with Mr. HAMILL.

Mr. WOOD of Indiana with Mr. BENSON.

Mr. KELLY of Pennsylvania with Mr. LESHER.

Mr. LANGLEY with Mr. FIELDS.

Mr. ACKERMAN with Mr. STEELE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I demand a division.
Mr. GRIFFIN. I demand a division.
Mr. BAER. I will say to the gentleman from Texas that I am going to ask for the yeas and nays.
Mr. BLANTON. Pending that, Mr. Speaker, I ask for the yeas and nays.
The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Twenty-one Members, not a sufficient number. The yeas and nays are refused.
Mr. BLANTON. I make the point of no quorum, Mr. Speaker.
Mr. MAYS. Mr. Speaker, I submit that the roll has just been called and the presence of a quorum developed.
Mr. BLANTON. Other business has been transacted.
Mr. FAIRFIELD. No business has been transacted at all.
Mr. BLANTON. That roll call was upon a motion to recommit, and this is upon the passage of the bill. I think we should have a roll call on this bill. We have spent four days in the consideration of it.
The SPEAKER. The Chair thinks the point of order made by the gentleman from Utah is well taken.
Mr. HASTINGS. A parliamentary inquiry. If a vote should now be taken, it would not be taken on the passage of the bill, because the Chair has already declared the bill passed.
The SPEAKER. No; the gentleman is mistaken about that.
Mr. BLANTON. I asked for a division, Mr. Speaker, and pending that I asked for the yeas and nays.
The SPEAKER. That is correct. The Chair sustains the point of order made by the gentleman from Utah. The question is on the passage of the bill.
The question being taken, Mr. RAKER demanded a division.
The House divided; and there were—ayes 169, noes 39.
Mr. GRIFFIN. Mr. Speaker, I make the point of no quorum.
The SPEAKER. The gentleman from New York makes the point of no quorum. The Chair will count.
Mr. GRIFFIN. Mr. Speaker, can we not have the yeas and nays?
The SPEAKER. The House has refused the yeas and nays.
Mr. GRIFFIN. I make the request again, that instead of a quorum call we have the yeas and nays.
The SPEAKER (after counting). The Chair has counted 216 Members, without counting all those present. A quorum is present. The ayes have it, and the bill is passed.
By unanimous consent, the title of the bill was amended so as to read "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain."
On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WALSH, for five legislative days, on account of business.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to extend remarks on the bill just passed to Mr. MONDELL, Mr. GRIFFIN, Mr. RAKER, Mr. EVANS of Montana, Mr. HAYDEN, Mr. SMITH of Idaho, Mr. SINNOTT, Mr. TAYLOR of Colorado, Mr. HERSMAN, Mr. CAMPBELL of Pennsylvania, and Mr. KELLER.

NATIONAL PROHIBITION ACT.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.
The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a resolution which the Clerk will report.
The Clerk read as follows:

House resolution 369.

Resolved, That 44,000 additional copies of Public Law 66, entitled "National prohibition act," be printed for the use of the House of Representatives.

The SPEAKER. Is there objection to the immediate consideration of the resolution?
There was no objection.
The resolution was agreed to.

ADJOURNMENT.

Mr. SINNOTT. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until Friday, October 31, 1919, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. HAWLEY: A bill (H. R. 10285) to authorize the purchase by the city of Myrtle Point, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916; to the Committee on the Public Lands.
By Mr. KINKAID: A bill (H. R. 10286) making available additional moneys for the reclamation fund, and for other purposes; to the Committee on Irrigation of Arid Lands.
By Mr. JOHNSON of Washington: A bill (H. R. 10287) granting the consent of Congress to the Interstate Construction Corporation to construct a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the United States; to the Committee on Interstate and Foreign Commerce.
By Mr. MADDEN: A bill (H. R. 10288) authorizing the President to appoint Army Field Clerk Henry Kehl as a first lieutenant in the United States Army and then placing him on the retired list of the United States Army as such; to the Committee on Military Affairs.
By Mr. STEENERSON: A bill (H. R. 10289) to provide for increased allowances for rent, light, and fuel in third-class post offices; to the Committee on the Post Office and Post Roads.
By Mr. FLOOD: A bill (H. R. 10290) for the purchase of buildings and grounds for the embassy of the United States at Brussels, Belgium; to the Committee on Foreign Affairs.
By Mr. KAHN: A bill (H. R. 10291) to amend an act entitled "An act making appropriations to supply the deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes," approved July 11, 1919, to place men furloughed to the Regular Army reserve in the same status as regards preferment in the civil service as honorably discharged soldiers, sailors, and marines; to the Committee on Reform in the Civil Service.
By Mr. GARRETT: Resolution (H. Res. 366) providing for the consideration of House concurrent resolution 35; to the Committee on Rules.
By Mr. GARLAND: Resolution (H. Res. 368) providing for the investigation of certain reports regarding organized wage earners in western Pennsylvania, and particularly Allegheny County, in said State; to the Committee on Rules.
By Mr. JUUL: Joint resolution (H. J. Res. 242) proposing an amendment to the Constitution and providing that all amendments thereto shall be ratified by three-fourths of the voting strength herein provided for of the legislature of the several States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. BENHAM: A bill (H. R. 10292) granting an increase of pension to Mattie Shepherd; to the Committee on Invalid Pensions.
By Mr. HAYS: A bill (H. R. 10293) granting a pension to Martha E. Holder; to the Committee on Invalid Pensions.
By Mr. IRELAND: A bill (H. R. 10294) granting an increase of pension to Frank Godar; to the Committee on Pensions.
By Mr. JAMES: A bill (H. R. 10295) granting a pension to May A. Sanders and minor children; to the Committee on Pensions.
By Mr. KEARNS: A bill (H. R. 10296) granting an increase of pension to William Perkins; to the Committee on Invalid Pensions.
By Mr. LUCE: A bill (H. R. 10297) granting a pension to Flora E. Horton; to the Committee on Invalid Pensions.
By Mr. McDUFFIE: A bill (H. R. 10298) granting a pension to Jacob Cain; to the Committee on Pensions.
By Mr. MONAHAN of Wisconsin: A bill (H. R. 10299) granting a pension to Eliza M. Keyes; to the Committee on Invalid Pensions.
By Mr. SCULLY: A bill (H. R. 10300) to remove the charge of desertion against Nelson P. Robinson; to the Committee on Military Affairs.
By Mr. SMITH of Illinois: A bill (H. R. 10301) granting an increase of pension to Patterson Short; to the Committee on Invalid Pensions.
By Mr. SWEET: A bill (H. R. 10302) granting a pension to Mary Hewitt; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10303) granting an increase of pension to Benjamin Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10304) granting a pension to Rhoda Beeler; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 367) to pay Emil Edward Hurja, clerk to the late Hon. Charles A. Sulzer, one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRIGGS: Petition of Soldier Settlement Board of Texas, indorsing Mondell bill for soldier settlement under the so-called Lane plan; to the Committee on Military Affairs.

Also, petition of Ninetieth Division Association, indorsing universal military training in limited form; to the Committee on Military Affairs.

By Mr. BURROUGHS: Resolutions of the Educational Council of New Hampshire, by H. P. Swett, secretary, advocating the passage of the Smith-Towner bill; to the Committee on Education.

By Mr. CRAGO: Petition of Ninetieth Division Association, Dallas, Tex., favoring an adequate Regular Army as a nucleus for properly training citizens universally for military service; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Philadelphia Board of Trade, opposing passage of Senate bill 1469; to the Committee on Banking and Currency.

By Mr. FULLER of Illinois: Petition of Free Sewing Machine Co., Rockford, Ill., favoring passage of Senate bill 2904 and House bills 8115 and 8315; to the Committee on Patents.

Also, petition of the Monroe County (N. Y.) Civil War Veterans' Association, favoring the Fuller pension bill, House bill 9369; to the Committee on Invalid Pensions.

Also, petition of the Women's Relief Corps, of Streator, Ill., for increase in Civil War pensions; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of Ninetieth Division Association on the importance of universal military training for the youths of the United States; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade in opposition to the bill to create a Federal home loan board; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: Petition of Sanford, Chamberlain & Albers Co., of Knoxville, Tenn., favoring passage of House bill 5123 without amendments; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of bottling concerns of New Haven, Conn., for repeal of section 628 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. VARE: Petition of Philadelphia Board of Trade, protesting against passage of Senate bill 1469, to create a Federal loan board; to the Committee on Ways and Means.

SENATE.

FRIDAY, *October 31, 1919.*

(Legislative day of Thursday, October 30, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The message also announced that the House had passed a bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate numbered 15 assuring the administration of the support of the Congress in dealing with the present industrial emergency.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; and

H. R. 9697. An act to extend the time for the completion of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.

TREATY RESERVATIONS (S. DOC. NO. 148).

Mr. LODGE. Mr. President, I ask unanimous consent for a reprint of Senate Document No. 135, a compilation of treaty reservations. It includes all that were in the bound volume, but there were some treaties later that were not included in the bound volume and in which I find two cases of reservations. I should like to have a reprint to include those two cases.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEAGUE FOR PRESERVATION OF AMERICAN INDEPENDENCE.

Mr. LODGE. I present a letter from the Nebraska League for the Preservation of American Independence. I ask that it may be printed with the enrolled membership in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEBRASKA LEAGUE FOR THE
PRESERVATION OF AMERICAN INDEPENDENCE,
Fremont, Nebr., October 27, 1919.

HON. HENRY C. LODGE,
Chairman Committee on Foreign Relations,
Washington, D. C.

DEAR SENATOR LODGE: Herein find a batch of original membership rolls in our League for the Preservation of American Independence. Many other towns are in process of organization, and many actually organized have retained the membership rolls.

This inclosure contains the following signed rolls from the following places in Nebraska, with the number of signers, to wit:

Fremont and Dodge County	188
Fairmont	64
Hastings	84
Callaway	8
Hebron	10
St. Paul	27
Fullerton	15
Pawnee City	20
Ord	11
Oakdale	105
South Omaha	10
Lexington	148
Fairbury	2
Total	692

In addition to the foregoing, there are large organizations in each of the following towns in Nebraska, to wit:

Omaha, Lincoln, Beatrice, Aurora, David City, Columbus, Silver Creek, and others.

Practically without funds or men we have accomplished all this in four weeks.

The strongest argument against the present covenant of the league of natfons we have found to be the covenant itself.

The sole obstacle we encountered has been the serene belief of the people that the Senate could be trusted to prevent the consummation of this international assininity.

We all believe our fight won, but are conscious that there are often relapses in hysteria.

We thank you for your great service to the Nation.

Yours, very truly,

W. M. CAIN, *Secretary.*

THE GOVERNMENT AND THE STRIKE.

Mr. POMERENE. Mr. President, in this morning's Washington Post there appears an editorial on the Government and the strike. It expresses the situation so clearly and so plainly that he who runs may read. I ask unanimous consent that it may be printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

"THE GOVERNMENT AND THE STRIKE.

"The resolution adopted by the United States Senate accurately reflects public sentiment. The people stand solidly behind the President and applaud the vigorous policy of the Government in preparing to frustrate the efforts of the deluded men who seek to freeze and starve the country into surrender

to their unreasonable demands. If the leaders of the coal miners have any discretion, they will avoid going a step farther on the road that leads to prison; and if the miners stop and think, they will refuse to be made the tools of agitators who are seeking only their own individual advantage.

"The Government is in duty bound to protect the people. If moderate measures do not avail, then sterner measures will be used. There is no limit to the power that can be exerted by the Government. It can crush to powder any combination that raises its hand against the public welfare. It can reach out and take into custody every individual, high or low, who conspires to interfere with the output of coal or who aids or abets in such interference. It can take charge of the mines, put men at work, and protect them while they work. The utter folly of the United Mine Workers' leaders in assuming that they can with impunity defy the United States will become apparent very quickly if they dare to go on with their criminal work.

"There are rumors that other labor leaders will endeavor to bolster up the coal strike by ordering strikes on the railroads. Let us hope that these leaders will not make such a mistake, which would be so disastrous to themselves personally and so injurious to the cause which organized labor has given into their keeping. These leaders have no right to sacrifice their followers through motives of malice, anger, or private advantage. They hold a solemn trust—the welfare of hundreds of thousands of families. They should put aside their personal feelings and recognize their responsibility to their followers. The same law which forbids conspiracies to limit coal production also forbids conspiracies to interfere with transportation. The penalty for violation of the law is plainly stated, so that no man need become guilty through ignorance. If any man draws down upon him the heavy hand of the Government and is sent to prison, it will be his own fault, because he has been duly warned to avoid committing unlawful acts.

"The blunders made by such men as Foster in the steel strike and Lewis in the coal strike are a sharp reminder to union labor that it should be extremely careful in selecting its leaders. The man of violent speech and extreme action is not the man who should be clothed with responsibility for the cause of union labor. This is not a brute-force struggle, but a battle of brains. If the workers will run over the list of labor leaders during the last 50 years, they will notice that union labor received most benefit from moderate, quiet, intelligent men, who carefully worked forward, point by point, and held by law and logic every inch they gained. The least benefit was derived from the haranguing agitators who bragged of their devotion and who advocated extreme methods. The most successful labor unions are those that are never engaged in strikes or other interruptions.

"Americans are more than glad to defend the rights of labor. All of them who are worth their salt are themselves workers at something useful. The country looks with favor upon unions and recognizes that a man has a right to work or quit work as he pleases. The Government has not the slightest intention to interfere with the right of the coal miners to quit work. Attorney General Palmer has made this fact very clear. This is a free country, and the people will keep it free. Those who wish to quit can quit, but they can not make others quit. Those who wish to work can work, but they can not make others work. Therefore there is no ground whatever for the fear expressed by certain labor leaders, to the effect that the Government is to be used as an instrument of tyranny in behalf of employers against employees. That suggestion is a gratuitous piece of disloyalty, and if the labor leaders in question were really patriotic Americans they would not have uttered it. They arouse suspicion as to the quality of their Americanism when they impute base motives to their own Government.

"This is not a propitious time for any labor leader to impugn the Government, but rather a time for fearless opposition to the Bolshevism that anti-Americans are trying to inject into organized labor."

EX-PRESIDENT TAFT'S VIEW OF THE STRIKE SITUATION.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to an Associated Press dispatch in the morning papers giving an account of a speech made by ex-President Taft in Massachusetts. In that speech this language was used, according to the Associated Press dispatch:

"In an ordinary strike," he said, "incidental annoyance to the public, which is negligible, does not render the strike illegal. But when enormous combinations of workingmen deliberately enter upon a country-wide plan to take the country by the throat and compel the country to compel the employers in that particular field of industry to yield to the demands of the men, they are engaged in an unlawful conspiracy. The sacredness of their individual right to labor on such terms as they choose and to leave their employment when they will does not protect or justify them in such a conspiracy.

"That is the kind of a conspiracy the bituminous coal miners propose to begin on November 1."

I ask that the entire dispatch may be printed in the RECORD, and I ask the consideration of the Senate to the suggestion that there are two different kinds of strikes, and that the class of strikes referred to by the ex-President and termed "unlawful" and termed a "conspiracy" against the Government is one that we may well reach not only now under the fuel-control act but in time of peace, and that if legislation is not already sufficient to suppress such a movement the responsibility is upon us to pass such legislation.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"TAFT DECLARES CALLING OF SOFT-COAL STRIKE ILLEGAL CONSPIRACY.

"MALDEN, MASS., *October 30.*

"Former President William H. Taft, speaking to-night at a political rally here, declared that the bituminous coal miners in calling a strike were 'engaged in an unlawful conspiracy,' and that Congress had full power to 'condemn such a cruel conspiracy as an offense.'

"'In an ordinary strike,' he said, 'incidental annoyance to the public, which is negligible, does not render the strike illegal. But when enormous combinations of workingmen deliberately enter upon a country-wide plan to take the country by the throat and compel the country to compel the employers in that particular field of industry to yield to the demands of the men, they are engaged in an unlawful conspiracy. The sacredness of their individual right to labor on such terms as they choose and to leave their employment when they will does not protect or justify them in such a conspiracy.

"'That is the kind of conspiracy the bituminous coal miners propose to begin on November 1. The extent of the suffering that they plan to impose upon the public can not be measured. It will fall upon the poor wage earner whose employer will have to shut down for lack of coal.

"'The locomotive firemen are threatening a similar strike. If they enter upon this plan, it will constitute a conspiracy to starve the people of the United States into some kind of action to compel the authorities to pay the wages they demand. Congressmen condemn this as an unlawful conspiracy, too.'"

INDUSTRIAL UNREST.

Mr. DIAL. Mr. President, I have here a very timely editorial from the Laurens Advertiser, of Laurens, S. C., one of the very sound newspapers of the country, on the subject of strikes. I ask unanimous consent that without reading it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"INDUSTRIAL UNREST.

"Picking up at random a daily paper of Saturday and reading the top headlines of every column on the page showed that without exception every column dealt with the industrial unrest of the day. Six of the seven columns dealt with labor troubles in the United States and the seventh dealt with similar troubles in England. The problem of the war has given way to its after effects, and the after effects seem harder to solve than the war itself. Their results, in this country at least, promise to be more far-reaching than the war.

"The problem of the equitable distribution of profits in industry is a difficult one. That the laborer with his hands as distinguished from the laborer of brains is entitled to a fair share of profits can not be denied, the difficulty being a division of the profits without endangering the permanence of the industry. When the rewards of mental labor cease to be as large as those for hand labor the incentive for education and training will be removed, to the great loss of the industry itself. This and the creative power of capital with the risks that capital runs do not seem to appeal to those why cry out for 'industrial freedom' and demand an unreasonable return for the day's labor. They may be killing the goose that is laying the golden egg. Unless a stopping place is reached pretty soon we may expect a paralysis of industry, and the regular pay roll, small as it may seem now, may cease altogether, and conditions in this country will arise similar to those in Russia to-day.

"Collective bargaining, so called, is all right, provided it is confined to bargaining. When it begins to resolve itself into collective intimidation and opposition to the law it is all wrong. The Constitution of this country guarantees every man the right to earn an honest living, and when collective bargaining is stretched into the privilege of keeping another man from work it has transgressed the rights guaranteed to every citizen. The law and the Constitution should be upheld to the letter."

PERSONAL EXPLANATION.

Mr. KNOX. Mr. President, as a matter of personal privilege, I should like to call attention to the fact that in this morning's New York Tribune there appeared two articles, one of which was intended to put me in a very ridiculous position in the eyes of the world and the other in rather an embarrassing position as between myself and one of my colleagues in the Senate, both of which were absolutely untrue.

The first purported to give a report of my call upon the King of the Belgians during his visit to the city of Washington, in which it was said I was compelled to cool my heels in the antechamber while the King was conversing with Mr. Samuel Gompers. I never called on the King of the Belgians while he was in the city of Washington and never saw the King of the Belgians except as I saw him here in the Chamber, where we all were glad to do him honor.

The other article had reference to a remark made by the Senator from Wisconsin [Mr. LA FOLLETTE] during his address in the Senate yesterday. It was in relation to some confusion in the Chamber, and it is stated that the Senator from Wisconsin turned and remarked that if there was a little more order in the coal section of the Senate he could proceed, indicating, as the paper stated, Senator KNOX, of Pennsylvania, Senator SUTHERLAND, of West Virginia, and Senator ELKINS, of West Virginia.

I have not spoken to the Senator from Wisconsin upon this subject at all, but I should like to ask him if at any time during that or any other address he ever made while I was in the Chamber he did not receive my most respectful attention?

Mr. LA FOLLETTE. Mr. President, I will say that whenever I have addressed the Senate I have always been honored and encouraged by the considerate attention of the junior Senator from Pennsylvania [Mr. KNOX]. I remember well the first attempt that I made to address the Senate at the beginning of my service here. The junior Senator from Pennsylvania sat very near to me then, in what was known as "the Cherokee strip," and by suggestions and friendly attention encouraged me throughout my first speech in the Senate. I presume he has forgotten that occasion, but, sir, I never have forgotten it. From that time down to this day I have never made an address in the Senate that I have not had the very closest attention from the Senator from Pennsylvania when he was present, often I have thought beyond the deserving of my effort.

Upon the occasion to which he has just referred, when I spoke upon the resolution offered by the Senator from Colorado [Mr. THOMAS], I recall that I was interrupted by the audible conversation of other Senators sitting quite apart from the Senator from Pennsylvania [Mr. KNOX]. I did at the time make some reference to the interruption, which I withdrew from the RECORD, as I was satisfied that no discourtesy was intended.

HOUSE BILL REFERRED.

H. R. 9112. An act authorizing the Secretary of War to loan Army rifles to posts of the American Legion was read twice by its title and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented the petitions of L. G. Grey, a citizen of the State of Michigan, praying for the separation of the league of nations covenant from the treaty of peace with Germany, remonstrating against the adoption of the proposed league of nations covenant unless certain reservations are adopted, and remonstrating against the ratification of the treaty of peace with Germany, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 848, Brotherhood of Railway Carmen, of Muskegon, Mich., remonstrating against the adoption of certain clauses in the so-called Cummins bill for the private ownership and control of railroads, which was ordered to lie on the table.

He also presented a memorial of the Michigan Association of Creamery Owners and Managers remonstrating against the enactment of legislation which will in any way conflict with the established trade practices in the creamery industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Council No. 1585, Knights of Columbus, of Baraga, Mich., remonstrating against the War Department taking over work heretofore performed in Army camps by various welfare societies, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a memorial of the Ladies' Auxiliary, Ancient Order of Hibernians of America, remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. LODGE presented a memorial of the State Council of New Jersey, Junior Order United American Mechanics, and a memorial of sundry citizens of Framingham, Mass., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations are adopted, which were ordered to lie on the table.

DEPORTATION OF ALIENS.

Mr. DILLINGHAM. Mr. President, yesterday I reported from the Committee on Immigration the bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported. The bill has passed the House, and I understand by a unanimous vote. I am in possession of a letter from the Attorney General urging the immediate passage of the bill. It should be done before the treaty is acted upon, as without this additional legislation those who are now interned and those who have violated any of the war acts and have been convicted of the same must be turned free. I therefore ask unanimous consent for the present consideration of the bill.

Mr. GRONNA. Mr. President, I do not know that I shall have any objection whatever to the bill, but I wish to say that I can not consent this morning to its immediate passage without some consideration.

The PRESIDENT pro tempore. Objection is made.

CANADIAN OWNERSHIP OF AMERICAN RAILROADS.

Mr. KELLOGG. By direction of the Committee on Interstate Commerce I report back favorably without amendment Senate resolution 222, and I ask unanimous consent for its immediate consideration. I will state that the resolution simply requests the Interstate Commerce Commission to investigate and furnish the Senate the information as to either the present or the prospective ownership by the Canadian Government of any railroads within the United States.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Interstate Commerce Commission be directed to investigate and report to the Senate the facts in connection with the present or prospective ownership or control by the Government of the Dominion of Canada, either directly or through the ownership and control of the stocks of any corporation or company, of any line or lines of railway or part thereof, situate within the territory of the United States, together with a statement of the mileage of said railroads.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WOLCOTT:

A bill (S. 3349) granting an increase of pension to John A. McAleer; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3350) granting an increase of pension to Henry S. Back (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3351) to create in the Army of the United States a corps to be known as the Corps of Chaplains; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3352) increasing the limit of cost of the Aqueduct Bridge across the Potomac River; to the Committee on Public Buildings and Grounds.

By Mr. HENDERSON:

A bill (S. 3353) to save daylight in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRANDEGEE:

A bill (S. 3354) to authorize the President of the United States to reappoint Seth William Scofield major of Cavalry; to the Committee on Military Affairs.

By Mr. HENDERSON:

A joint resolution (S. J. Res. 121) declaring November 11 a legal public holiday to be known as armistice day; to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS—SALLIE HARDWICK.

On motion of Mr. FLETCHER, it was

Ordered, That the papers accompanying the bill (S. 589, 66th Cong., 1st sess.) granting a pension to Sallie Hardwick, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE IRISH QUESTION.

Mr. WALSH of Massachusetts. I ask unanimous consent to have printed in the RECORD a letter from Michael J. O'Brien, the historiographer of the American Irish Historical Society of New York, in answer to a portion of a recent speech by the Senator from Mississippi [Mr. WILLIAMS] in regard to the service of soldiers of Irish extraction in the Civil War. The letter is very short, and I ask that it be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 22, 1919.

Hon. DAVID I. WALSH,
United States Senator from Massachusetts,
Washington, D. C.

DEAR SIR: I am taking the liberty of addressing you for the purpose of requesting that you have inserted in the CONGRESSIONAL RECORD an answer to the speech of the Hon. JOHN SHARP WILLIAMS in the Senate on October 16. In that speech much was said about the Irish in the Civil War. It was asked, among other things, "What did the Irish have to do with it?"

In a previous letter I quoted, among other unquestionable evidence proving Irish participation in the Revolutionary War, the testimony of the commanding general of the enemy forces, and I shall now quote for your information a statement of the commanding general of the enemy forces in the Civil War, Gen. Robert E. Lee.

If one will look up the files of the New York Sun at the Library of Congress and turn to the issue of that paper of April 17, 1885, he will find a report of a long interview which Rev. George W. Pepper, chaplain of the Fifteenth Corps, Army of the Tennessee, had with Gen. Lee. The interview was held in Richmond a short time before the close of the war, and among the many interesting things contained in it I quote the following, word for word:

"To the question, 'What, Gen. Lee, in your opinion, caused the failure of the South?' 'I am not a very good extemporaneous speaker,' he replied. 'The most important factor was the superiority in the immense numbers of your soldiers and in your unbounded resources. The North had all the advantages, a land of vast wealth, cities secure from the evils of civil war, and a constant stream of emigrants from Ireland and Germany to replenish your diminished ranks. In a speech of Mr. Everett's, which I have been reading this very day, he states that there were at one time 200,000 Irishmen in the Federal armies. The population of the South was never more than 7,000,000. With 5 to 1 against them the men of the Confederacy performed a mighty task and made a tremendous step toward their independence.'"

In another part of this remarkable interview, Dr. Pepper wrote: "Our next topic of conversation was the European element in both armies. Speaking of the Irish, he declared with much feeling that 'the South could not reconcile with their ideas of consistency how Irishmen who were so violently opposed to the thraldom of Britain could enlist on the northern side when all the wrongs of Ireland were mosquito bites in comparison to those inflicted on the South.'

"Adverting to the character of the Irish as soldiers, the general paid them a high compliment. 'Cleburne,' he said, 'was possessed of a hero's heart and a soldier's honor. On a field of battle he shone like a meteor in a clouded sky. Not a single vice stained him. The care which he took of his soldiers was incessant. His integrity was proverbial.'

"I mentioned the name of Thomas Francis Meagher as the popular idol of the northern Irishmen. 'Yes,' continued he, 'Meagher on your side, though not Cleburne's equal in military genius and experience, rivaled him in bravery and in the affections of his soldiers. The heroic stand and desperate though fruitless gallantry of that brigade of Meagher's upon the heights of Fredericksburg never has been equaled. Though totally routed they reaped a harvest of glory. Their reckless and splendid charges upon our lines excited the heartiest applause of our soldiers and officers. Meagher was the bravest of the brave.'

"I inquired about the residence of John Mitchel, upon whom I subsequently called. He gave me the address and continued: 'Mitchel is a born Confederate, a powerful and brilliant writer, a scholar of splendid ability, a gallant gentleman, to the South always true, and a tower of strength to our cause.'"

It is to be assumed that Gen. Lee was as competent a witness to testify upon the events of the Civil War as Gen. Clinton was upon the events of the Revolutionary War, and now that the Senator has had this remarkable statement brought to his attention, I hope he will act the part of a southern gentleman and withdraw his cruel and unjustifiable animadversions upon the Irish in the Civil War.

Very respectfully, MICHAEL J. O'BRIEN.

PRESSING DOMESTIC QUESTIONS.

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have inserted in the RECORD an article by Mr. William R. Boyd, jr., national campaign manager of the League to Enforce Peace, the article being entitled "Serious business," and calling attention to the number of very serious domestic questions the solution of which is awaiting the disposal of the pending treaty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"SERIOUS BUSINESS."

[By William R. Boyd, jr., national campaign manager League to Enforce Peace.]

"A merchant in a middle western town recently said to me that the Senators will soon discover something serious is likely to happen to business unless action is had on the peace treaty. His statement recalls the old negro woman who, when told of the sudden death of her husband, exclaimed, 'My Gawd! Dere must a been sumpin serious de matter wid him.'

"There is something seriously the matter with the whole world. No one knows it better than the American business man. He knows that the Senate of the United States is playing with fire every day it delays the ratification of the peace settlement.

"The business man knows that almost all of Europe and Asia is in a state of upheaval, evolution, and revolution. He knows that right here in America a fire is being fanned by a large, unassimilated, and un-Americanized foreign population.

"INDUSTRIAL RECONSTRUCTION WAITS.

"The business man knows that capital, ever timid, hesitates to pour its money into industrial reconstruction through fear of political disturbance or revolutionary changes in industrial methods. He knows that credit and currency and living costs are inflated, and that the public generally is restless and clamoring for reduced prices for necessities and all manufactured goods. He knows that operating costs and wage levels are skyrocketing and production decreasing.

"The business man knows that the country over merchants report an orgy of consumers buying luxuries, both in rural and urban sections, with a tendency to expand individual credit. He knows that the country banks, though bulging with deposits, are loaned almost to the limit of their capacity.

"The business man knows that international problems do have a far-reaching effect upon the prosperity of this Nation and the happiness of its people. Ditto, domestic problems, like the seemingly forgotten transportation situation, in which even the babes in arms of our land have a vital interest.

"The business man knows there is important work to be done by the Congress of the United States and that the Senate ought to facilitate that work by ratifying the treaty of peace now—and without amendment or destructive reservations that would require renegotiations or resubmission to another conference of nations, thus holding in abeyance the settlements growing out of the war.

"WHILE THE SENATE TALKS,

"Knowing these things, ought not the business man to tell the Senate what he knows in forceful and unmistakable language? And, to purloin a Wattersonian phrase, in America every man who is not a policeman or a dude—the banker, the minister, the lawyer, the doctor, the farmer—is a business man.

"While the Senate consumes precious time gas attacking parts of the treaty which it knows it can not rewrite without the consent of other signatory nations, Germany is mobilizing for war. Oh, no; not in a military sense, for the treaty will force her to beat her swords into plowshares once it gets into effect. Already Germany is 'consolidating her positions,' industrially speaking, and her horde of commercial soldiers are invading Russia and Scandinavia and all the rest of the world where she may be able to obtain passports for them. Thus, while our Senate talks, talks, talks, our chief enemy consolidates her industrial forces for teamwork to attempt to commercially Germanize the markets of the world. Now, Great Britain, France, Italy, and Belgium have ratified the settlement made at Versailles and are moving their commercial batteries into position.

"THE FOUR BIG FACTORS.

"Here four powerful and contributory forces are admittedly influencing readjustments and the status of our domestic and foreign commerce, to wit:

"First. The peace treaty.

"Second. The labor problem.

"Third. The money market.

"Fourth. Foreign credits and exchange.

"Business, generally, optimistically expects all four of these problems to be worked out with reasonable promptness. The war settlement contained in the peace treaty is regarded as the paramount factor in readjustments. It also has particular influence upon the third and fourth propositions above stated. Therefore, the first move to be expected is action by the Senate, as it alone has the power to remove the first disturbing factor and permit final decision on the many business commitments that are being deferred until the treaty is ratified.

"CAPITAL, LABOR, THE PUBLIC.

"The second proposition—the labor problem—is now under discussion by the Industrial Conference, meeting in Washington upon invitation of the President. There two warring elements have been brought together in council—with representatives of the consuming public occupying the middle ground—to confer over conditions fundamental to the tranquillity and prosperity of the entire citizenship of the Nation. Business circles regard this conference as an augury of better arrangements; as an opportunity to prove that labor, capital, and the public can work with, not for, each other; a chance for them to get together and pull together during the era of commercial rivalry which we are now entering upon.

"The third proposition—the money market—is only partially dependent upon the working out of the first and second. In a degree not altogether measurable we are suffering from abnormal speculation, due in part perhaps to the fact that some elements of business are joy-riding and exceeding the speed limit. The turnover in high-priced and luxurious mercantile stocks is remarkably large and testifies how 'leaky' the dollar is, and partially explains the general demand for higher compensation for service. Large amounts of money are being diverted into highly speculative channels while credit and currency are required in large volume for crop moving and governmental and legitimate corporate financing. Despite all this, however, thanks to our admirable Federal Reserve system, there is no scarcity of money at the moment for purely commercial requirements, though the rate is high.

"FOREIGN CREDITS AND EXCHANGE.

"The fourth proposition—foreign credits and exchange—can not be worked out definitely until after ratification of the peace treaty. Safe and definite plans must be made to facilitate the carrying on of our trade with the rest of the world. In the case of Europe and South America the exchange situation is hindering American exports, and it is imperative that an early solution be found of the method of payment for the goods we sell them. A sound system of credits must be developed and inaugurated if we are to enjoy the prosperity that follows the sale of our surplus commodities for foreign consumption. To aid in finding the solution of some of these pressing problems, business men from England, France, Italy, Belgium, and other countries are now meeting with American business men in Atlantic City, under the auspices of the Chamber of Commerce of the United States. Here the viewpoint of the occidental business world will seek common denominators by means of round-table discussion, a principle sought to be applied to the settlement of many world problems through the proposed league of nations.

"JOHN H. PATTERSON'S VIEWS.

"One of America's foremost and far-sighted business men is just home from an investigation of business conditions in France, England, Belgium, and Germany. He publicly reports his impressions, and, among other things, he emphatically says:

"I have just returned from a trip to Europe. I went to study business conditions. The most important thing to do to restore international business is to quickly ratify the treaty of peace and establish a league of nations.

"That business man is John H. Patterson, the president and general manager of the National Cash Register Co., which concern has ramifications throughout the commercial world. His viewpoint seems to be general among business men everywhere.

"The American business man knows the Senate ought to ratify the treaty at the earliest possible moment, and then get the Congress down to work on other pressing problems. He knows that the mind of individual Senators is decided about what each is going to finally do when the vote on the treaty is taken.

"Why, then, can not American business, big and little, from Duluth to Mobile and from Santa Barbara to Wilmington, let the Senate know that what it needs and wants is more light and less heat, more speed and less procrastination on Capitol Hill, Washington, D. C.? Concerted action on the part of the American public usually gets results, for the people's Senators understand what that means.

"Let the American business man do some quick thinking and acting. Also the American farmer, who, collectively taken, is the biggest business man of all; he should speak first and loudest."

OIL AND GAS LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. I move that the Senate disagree to the amendments of the House, and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. SMOOT, Mr. FALL, Mr. LENROOT, Mr. MYERS, and Mr. PITTMAN conferees on the part of the Senate.

Mr. SMOOT. I ask that the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain be printed, showing the amendments of the House.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONTROL OF RAILROAD TRANSPORTATION—CONFERENCE REPORT.

Mr. CUMMINS. I submit a conference report on the disagreeing votes of the two Houses on the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918. I ask that the report be printed in the RECORD. I hope to call it up to-morrow.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, it will be so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 641, entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In the proviso of said amendment after the word "made" insert the words "by him," and at the end of said amendment insert the following: "except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act"; and the House agree to the same.

ALBERT B. CUMMINS,
ROBERT M. LA FOLLETTE,
Managers on the part of the Senate.

JOHN J. ESCH,
E. L. HAMILTON,
Managers on the part of the House.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	La Follette	Sheppard
Ball	Hale	Lenroot	Sherman
Brandegee	Harris	Lodge	Smith, Ariz.
Capper	Harrison	McCumber	Smith, Ga.
Chamberlain	Henderson	McLean	Smith, Md.
Colt	Hitchcock	McNary	Smoot
Culberson	Johnson, S. Dak.	Moses	Spencer
Cummins	Jones, N. Mex.	Nelson	Sterling
Curtis	Jones, Wash.	Newberry	Swanson
Dial	Kellogg	Norris	Thomas
Dillingham	Kendrick	Nugent	Townsend
Elkins	Kenyon	Owen	Trammell
Fall	Keyes	Page	Walsh, Mass.
France	King	Phipps	Walsh, Mont.
Gay	Kirby	Pomerene	Williams
Gerry	Knox	Robinson	Wolcott

Mr. CURTIS. I was requested by the chairman of the Committee on Military Affairs to announce that that committee is holding a joint meeting with the Committee on Military Affairs of the House this morning and that a number of Senators on that committee are absent on that account.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from North Carolina [Mr. OVERMAN], and the junior Senator from Kentucky [Mr. STANLEY] are detained

on public business. The Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business. The Senator from North Carolina [Mr. SIMMONS] and the Senator from Missouri [Mr. REED] are detained on account of illness. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

Mr. GAY. The senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate on official business.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

Mr. THOMAS resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

Thursday, October 30, 1919.

Mr. President, on the 22d of August last I submitted some observations to the Senate upon the provisions of Part XIII of the proposed treaty. I had previously devoted considerable time and thought to the 40 articles constituting that portion of the treaty, and expressed some surprise that it had not been discussed in the Senate and by the press. I then regarded it as in many respects the most important portion of the treaty. Since then I have reexamined it, giving to the task all the time which my other duties permitted, and prompted by the determination to comprehend, if possible, the full scope and extent of its provisions.

Yesterday I gave close attention to the speech of the Senator from Wisconsin [Mr. LA FOLLETTE] upon this part of the treaty. He has reached a conclusion identical with my own, but bases it upon an entirely different line of reasoning. Stated concretely, the Senator from Wisconsin criticizes Part XIII because it does not protect and safeguard American labor. But he also challenges the constitutionality of some of the articles, and in that respect I am disposed to accept his contention. Without repeating what I said last August, I shall consider Part XIII as an integer of the league and its relation to the Government and people of the United States, together with certain changes by way of amendment already in contemplation. For I am persuaded that Part XIII as now constructed contains the framework of a supernation, armed with certain conditional powers of administration, both executive, legislative, and judicial, including the power to summon a member upon the complaint of any industrial organization, of the governing body, or of any delegate to the general conference, who may charge it with failure to enforce its covenants to the bar of its commissions of inquiry and pass judgment upon it.

Treaties between nations are stated by a competent authority to be "unconstrained acts of independent powers placing them under an obligation to do something which is not wrong." As understood by writers upon international law, a treaty constitutes a pact or agreement between two or more nations acting in their sovereign capacity and competent to make and observe the covenant.

The pending treaty purports to be one of 27 nations with Germany, but it as well includes a segment or class of people common to all of them, and that the wage-earning class. These are lifted from the common mass of mankind and given a distinct individuality in the treaty, which confers upon them certain rights and privileges in recognition of what is said to be their peculiar need, and of course in the interests of a permanent universal peace. That is the remarkable feature of Part XIII; one hitherto unknown in the treaty agreements negotiated heretofore between sovereign nations.

Part XIII was not drafted by the Versailles congress. The Senator from Wisconsin told us yesterday of its origin. It was drafted by a commission, representing several nations, not exceeding 9 or 10, and consisting in the aggregate of about 15 delegates. These delegates were the representatives of, and identified with, the class to which Part XIII relates. I think it may be assumed that men empowered to draft an agreement in their own interest will carefully and vigilantly safeguard that interest, whether the agreement be between individuals or between nations. That is human nature. I am not criticizing, I am commending it, but I emphasize the fact that in the preparation of Part XIII the principal thing in view was not permanent peace among the nations, not the welfare of all mankind, except as that welfare might be common to the class for whose benefit Part XIII was specially designed.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. THOMAS. I yield.

Mr. LA FOLLETTE. Will the Senator permit me in that connection to call attention to the fact that the five great nations, constituting the power of decision in the peace conference, were represented in this legislative commission of which he is now speaking?

Mr. THOMAS. Yes; that is, the United States, the British Empire, France, Italy, and Japan.

Mr. LA FOLLETTE. Yes; and of course they held the controlling power on the commission.

Mr. THOMAS. They were the controlling power.

Mr. LA FOLLETTE. They were represented by two delegates each to whom were added——

Mr. THOMAS. To whom were added the representatives of four other nations.

Mr. LA FOLLETTE. To whom were added the representatives of four other nations.

Mr. THOMAS. Belgium, represented by two delegates; Cuba, Poland, and the Czecho-Slovak Republic, represented by one delegate each. That is correct.

Mr. OWEN. Was it a unanimous report?

Mr. THOMAS. I think the report was unanimous. It would, perhaps, be more correct to say that the report was made by the president and secretary by the direction of the commission.

Upon the return of Mr. Gompers to America he stated, among other things, in discussing Part XIII, that "the labor articles of the treaty were drawn by labor men for labor." That is a very frank and clear statement of the fact. It does credit to Mr. Gompers, who gives the plain, unvarnished truth to the people. A treaty or a part of a treaty drawn by a certain class of men for themselves, whatever their occupation, is not in essence intended for the peace of the world or the welfare of mankind, but it is intended for the benefit of that selected portion thereof authorized to negotiate articles for their peculiar interest. Indeed, Part XIII begins and concludes with recitals supporting this contention. The preamble reads:

Section I.

ORGANISATION OF LABOUR.

Whereas the league of nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example——

And so forth.

Turning now to the concluding article in this part of the treaty, I read:

Article 427.

The high contracting parties, recognising that the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the league of nations.

These gentlemen regarded that section of humankind which they represented and were identified as needing special international regulations for their welfare because their "well-being, physical, moral, and intellectual," was "of supreme international importance"; and when we ratify this treaty we commit the United States to an official and irrevocable indorsement and recognition of that recital. So far as it goes, the recital may be true; but I contend that the well-being of the industrial wage earner, either in the United States or elsewhere, is of no more "supreme international importance" than is the welfare of the farmers, the intellectual wage earners, the merchants, and the manufacturers of the world. All are of equal importance in all well-regulated and law-abiding communities; and I question the propriety or the justice of incorporating such a distinction in a treaty, however important it may be for the peace of the world, for it unquestionably confers upon the particular class thus distinguished the right not only to insist but to assume and to base the assumption upon an international covenant that their welfare is of an importance superior to and beyond that of all other classes of men and therefore entitled to special consideration.

I am unable to harmonize such a declaration with the general doctrine of democracy which is founded upon the principle of equality and dedicated to the principle that the welfare of all men is the first duty of governments. If this war was fought "to make the world safe for democracy"—an assertion which I have sometimes questioned—the end for which our blood and treasure were expended in unstinted measure must be ignored, if we are to supplement our victory by crystallizing into a treaty of peace the official recital that one part of the people of the world is of supreme international importance as compared with all other parts thereof.

If in place of the words "industrial wage earners," in section 427, we inserted the word "farmers," the assertion of the sentence would be equally true; and when we consider that in the United States there are 4,000,000 unionized wage earners and 13,800,000 farmers, numerically speaking, it would be more true. We might substitute for the words "industrial wage earners" those which are descriptive of any other class, and it would be true; but if we did, we would be accused of class discrimination and warned that its elevation by treaty covenant instead of securing would inevitably disturb the future peace of the world. Let us not forget that these recitals are a part of the treaty and part of the league covenant. Once ratified they may stand for all time as the solemn recognition by the world of an international class distinction, which can not well be recalled, and which will sooner or later vex the peace of the world.

The basis and justification for Part XIII, as stated in its beginning and at its close, emphasize a fundamental objection to its integrity.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. THOMAS. I yield.

Mr. LA FOLLETTE. Does not the Senator from Colorado see a relationship between the recitals which he is now criticizing and the beginning of the second paragraph of section 1 of Part XIII? Ought not the two really to be read together? Does not the Senator think that the words in article 427, "Recognizing that the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance," ought to be taken into account and construed with the recital in the first two lines of the second paragraph of section 1 of Part XIII, where it is stated, "And whereas conditions of labor exist"——

Mr. THOMAS. I did read them together, Mr. President.

Mr. LA FOLLETTE. I know the Senator did; but he is directing his criticism particularly against the language of article 427 and has departed from and quite lost sight, apparently, of the recitals in section 1, where it is said, recognizing an existing condition, which I think will not be disputed by the Senator from Colorado:

> And whereas conditions of labor exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled.

Therefore, does it not follow logically that a better condition is necessary; that "the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance," taking into account the recitals made in section 1?

Mr. THOMAS. Mr. President, to that suggestion I have two replies. The first is that the better condition can be obtained without a species of international class legislation. Moreover, assuming the truth of these recitals, the structure of Part XIII is such that if put into full operation it will not better but reverse those conditions. The rest of mankind will then more likely be involved in these conditions of injustice, hardship, privation, and so forth, which now are said to imperil the peace of the world because imposed upon labor. The other answer is that the conditions mentioned, while existing in many places in the world, is not peculiar to the wage earner; and I shall contend hereafter that Part XIII is designed for the organized wage earners of the world only and not for the vast body of wage earners outside the pale.

[At this point Mr. THOMAS yielded to Mr. PENROSE, who suggested the absence of a quorum, and the roll was called.]

Mr. THOMAS. Mr. President, whatever the final action of the United States may be with regard to this treaty, whether Part XIII remains a part of it or not, the conditions recited in section 1 of Part XIII, however deplorable in fact, will not be effaced. They may be mitigated; they may be changed; but, in my judgment, they will be accentuated, and in the United States particularly; for it is as true to-day as at the dawn of creation that an equalizing process can only be made effective downward. You may raze the mountain to the plain; you can not elevate the plain to the summit of the Sierras. The surface of the ocean is the standard from which all heights and depths are measured, and the general mass of mankind must always furnish the standard for any leveling process designed to secure equality.

I may say, in passing, that the expressed purpose of Part XIII to produce strict uniformity in conditions of labor throughout the world is impossible and would be grotesque if it were not pathetic. It may be done through years of suffering, of oppression, and of agony, by processes with which Russia has become unhappily familiar, by the decimation of the human race and the return to primitive conditions, but when it is over the level will be that of China and India, not that of the United States.

In his great work upon "Liberty and Democracy," Mr. Lecky has demonstrated with the precision of a problem in Euclid that democracy and liberty are inconsistent, but that democracy and equality are synonymous. Liberty consists in the right to exercise every power with which a man has been endowed, either by nature or by acquisition, of course in recognition of and limited by the exercise of a similar right in every other citizen. That does not produce equality. It is the antithesis of equality; it is liberty, which does not consist with pure democracy. It is a remarkable fact that in all of the writings, speeches, and public documents of Abraham Lincoln you can not find the word "democracy" except as descriptive of a political party in America.

When Mr. Jefferson founded the Democratic Party, he properly christened it "the Democratic Republican Party"—a democracy governed through a republic, a representative government; and it was that to which Mr. Lincoln devoted his life, and in whose preservation he suffered martyrdom. We may pile treaty upon treaty, and convention upon convention, in the vain task of establishing strict uniformity in labor conditions in the world; but in the end we shall confront the fact that in their practical operation the high standards reached in advanced countries like the United States and Canada must give way to those lower ones more universally prevailing or the end will never be attained.

Moreover, Mr. President, the hard conditions of labor, said to involve injustice, hardship, and privation to wage earners, are just as common to other classes and conditions of men, and particularly in this country; as the Senator from Utah [Mr. SMOOT] suggests, much more common with some of the others.

If Part XIII assumed to separate the great farming class of the world from the rest of mankind, and give them international rights of conditional legislation and power to enforce their covenants, labor would justly complain. Indeed, the effort was made at this congress to include the farming elements of the world in the new dispensation. That was vigorously contended for by the delegates from France and from Italy, but unsuccessfully so. If the manufacturing class were so selected and favored, all other conditions of men would protest. So of any other class except the wage earners. I have been amazed, Mr. President, that this differentiation between millions of human beings from all other human beings in a great State paper, and their endowment with privileges and rights of legislation and of recognition not accorded to all, has passed almost unnoticed in the Senate or by the public, while months have been devoted to the consideration of Part I of the league, although Part XIII is another and an equally essential portion of it.

Mr. GORE. Mr. President, I desire to ask the Senator if he knows what countries objected to this particular recognition of the farmers to which he has just referred?

Mr. THOMAS. I do not remember the report clearly, but my recollection is that the others objected.

Mr. GORE. All of them?

Mr. THOMAS. Yes. I will be glad to furnish the Senator with a copy of that report, if he would like it.

Mr. GORE. I would thank the Senator for it.

Mr. PENROSE. Does the Senator realize that this provision was considered and favorably passed on without a full realization of what it meant?

Mr. THOMAS. Mr. President, I am satisfied that those who drafted Part XIII knew well what it meant.

Mr. PENROSE. I have no doubt that some of the conspirators did.

Mr. THOMAS. But I can not understand its adoption by the congress at Versailles in its present form upon any rational hypothesis.

Mr. PENROSE. The reason why I ask, Mr. President, is that I think it ought to be realized fully by the Senate, for instance, that this provision was indorsed at a meeting at Atlantic City by the American Federation of Labor. Since then several of the heads of different trade-unions have called on me to tell me that the convention did not understand the full effect of this part of the treaty, and repudiated it, asking me to vote against it.

Mr. THOMAS. Yes; I know, Mr. President, that some sections of organized labor have become impressed, and I am glad to know it, with a realizing sense of the dangers involving them in this part of the treaty. The farmers are against it, so far as I have heard from them, and well they should be. The seamen are against it.

Mr. PENROSE. I believe, Mr. President, that if it was understood there would not be a trade-union in the United States that would not repudiate this article.

Mr. THOMAS. Mr. President, I hope to demonstrate before I resume my seat that one or two of these articles are plainly and palpably unconstitutional, and that we can not vote to accept Part XIII consistently with our oaths of office.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I yield.

Mr. McCUMBER. The Senator will recall that the Committee on Foreign Relations, in adopting a number of reservations which are to go into and become a part of the treaty, adopted No. 4.

Mr. THOMAS. Yes; I am aware of that.

Mr. McCUMBER. And Part IV very briefly states that—

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

Mr. THOMAS. I am familiar with that reservation.

Mr. McCUMBER. The only virtue I see in this entire labor provision is its impotency, that it is unworkable; and, conceding that, does not the Senator believe that if this reservation is adopted it will really dispose of the whole matter?

Mr. THOMAS. It will be much better than nothing, Mr. President. I have studied that reservation carefully, and I have prepared and introduced four of my own. But I am not at all satisfied that they go far enough or that they can go sufficiently far to cure many of the objections that I see to it. Nor do I regard this part of the treaty as impotent.

Mr. McCUMBER. Certainly the Senator must agree that everything which pertains to labor is purely a domestic question; and doubly so in this country, where it is domestic as to the Federal authorities and still more so as to the State authorities.

Mr. THOMAS. That is very true.

Mr. McCUMBER. And the question can not be submitted either under our Constitution or, if this is adopted, under this provision to anybody else.

Mr. THOMAS. That is very true, Mr. President. But there is a practical side to this Part XIII which no reservation can reach. I refer to the expense of its administration. I believe I can show to the satisfaction of the Senate, before I am through, that the administration of Part XIII will cost fully as much as the administration of our own Government and require almost as large a staff of officials, servants, and employees as we use in our civil administration. No reservation has reached that feature, and I do not think it can be safeguarded in any other way than in rejecting the proposition in toto. Of course, I shall vote for the reservation, if this part remains in the treaty, and I hope that it will have the effect, in practical operation, that the Senator from North Dakota [Mr. McCUMBER], in whose judgment I have every confidence, hopes for.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. KING. I heard only a portion of the suggestion of the Senator from North Dakota [Mr. McCUMBER]; but, with the permission of the Senator from Colorado, I wish to make this suggestion: If Part XIII remains, the duty unquestionably would rest upon this Nation to do its part to carry out its terms, to appoint the delegates, and leave somebody to challenge the constitutionality of the action of this Government. Certainly the Senator does not take the position that if we adopt the treaty with Part XIII in we would refrain from doing anything because of the reservation of control over domestic affairs. We would attempt to reconcile a reservation with respect to domestic affairs with some sort of action taken under the treaty, and there would constantly be a conflict between the legislation which we enacted, or the steps which the Government took, and the contention that we were infringing on the Constitution and were violating the terms of the peace treaty because we were committing to this international tribunal matters that were purely domestic.

Mr. McCUMBER. With the permission of the Senator from Colorado, I will call the attention of the Senator from Utah to the next to the last paragraph of article 405, which paragraph makes the decisions of this labor convention advisory only, and especially provides that it shall be construed only in that light. Taking that into consideration, and in connection with a reservation that I believe will be adopted, I can not see that it will have any other influence than a mere advice or suggestion, which, by the terms of the treaty, must be treated by this country only as a suggestion.

Mr. THOMAS. Mr. President, the interchange of ideas between the Senator from Utah and the Senator from North Dakota anticipates one feature of the argument which I have outlined, and which I will reach later.

Let me say, however, that this introductory statement leads us to the proposition that Part XIII creates a supernation composed of a particular class of people in the world and practically confers upon that class the authority to legislate conditionally and enforce its covenants after acceptance by members of the league. In other words, a scheme for the permanent peace of the world is linked with a covenant recognizing and exalting a class common to all the nations, upon the hypothesis that it is essential to that peace. That is what the treaty of Vienna did for autocracy and for the same reason. Where is autocracy to-day?

[At this point Mr. THOMAS yielded the floor for the day.]

Friday, October 31 (legislative day of October 30), 1919.

Mr. THOMAS. Mr. President, the international organization provided by Part XIII is to be framed by its own representatives in its own interest and then made permanent. The executive council and the assembly under Part I of the treaty are composed of representatives chosen by the member nations, and, while there is no limitation upon their tenure of office, it is presumably subject to the control of the appointing power.

In the framework of the organization under Part XIII the general conference is selected by the member nations in the proportion of two representatives of the Governments, one representative of employees, and one representative of employers. These are appointed also without limitation as to time of service, and, like the members of the executive council and the assembly under Part I, they are presumably under the control of the appointing authority. But in their selection there is this difference, that the employer delegate to the conference and the employee delegate to the conference must be chosen in agreement with industrial organizations which are most representative of these two classes of people. These delegates select the members of the governing body by the choice of eight delegates representing the principal manufacturing or industrial nations, the remaining delegates to the conference selecting four others. The remaining twelve are elected by the delegates to the general conference representing employers and employees, respectively, each choosing six representing their respective pursuits.

They hold office for three years and appoint the director who is an executive and administrative official, having the power of appointment and selection of all subordinate officials and employees of the organization.

Now, at first blush, the composition of the general conference would indicate an equality of representation between the members, on the one hand, and two classes upon the other, to wit, the employers and the wage earners. That apportionment was bitterly opposed by some labor organizations and by some of the members of the drafting commission because unfair and unjust to the wage-earner class. It was not, therefore, an arrangement which satisfied all representatives in that body, but the prospect of controlling the member delegates induced its acceptance. In his report to the Versailles conference, Mr. Gompers, referring to this feature of Part XIII, said:

Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Government should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible if the employers voted in a body against them.

This arrangement was accepted then because of the probability that the wage-earning class would be more likely than the employers to secure the cooperation or control of the delegates representing the member nations; and I think that this expectation will be realized, particularly in countries like France, Spain, Italy, and Germany, which latter has just been given representation in the conference, and other nations where the modern political labor movement is either in the ascendant or possesses a predominant influence in political circles.

Hence we may agree with Mr. Gompers that in practical operation the delegates to the general conference will be dominated by the interests subserved by Part XIII, and that they will sooner or later become the distinctive controlling feature of the international labor organization.

We have, therefore, as the official organization of the league of nations, first, an executive council consisting of the principal allied and associated powers and four other members to be chosen as provided by Part I; second, the assembly of the league of nations; and third, a permanent, powerful organization created in the interest of and controlled by a specifically designated section of the people of the world.

This is said to be necessary to a permanent and enduring peace. If so, it can be defended; but I affirm that there can

be no enduring peace in a world whose people are subdivided by a treaty expressly distinguishing and discriminating some of them from the masses of mankind and endowing them with power to legislate in their own behalf.

The fundamental vice of autocracy, of oligarchy, of plutocracy is their domination by certain sections of the people; classes jealous of their own prerogatives and sternly opposed to their extension to others; governments founded upon injustice and inequality, therefore leading inevitably to revolution and insurrection. With the example of the world's history confronting the Versailles congress and with full knowledge of the eternal fact that governmental inequalities between the people produce discord and difficulty, it has deliberately crystallized into the proposed treaty that unfortunate distinction; and the result will be identically that which would have followed if any other class of people had been selected for its bestowal.

There can be no harmony between modern democracy and class distinctions in political life. I care not whether the discrimination falls in one or in another direction; it is the principle which is vicious, and through its operation peace and happiness can not endure.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I yield.

Mr. HITCHCOCK. The Senator speaks of an organized effort in the interest of the laboring classes as a class distinction. Well, so it may be; but is it not a fact that every civilized government has found it necessary to legislate concerning the laboring classes in its own country? Has it not found that it was necessary to protect them from oppression, to protect them from certain dangers from which they were not able to protect themselves? The Congress has done it, every one of our State legislatures has done it, and I think it has been done in every civilized country, because, from the very nature of those who belong to the laboring classes, they have not been considered in a position to protect themselves. Out of that there has grown quite a distinction between countries as to labor conditions. We have found in this country, for instance, after having eliminated pauper labor, the claim made that pauper labor from other countries was coming into competition with our labor, because of goods imported into this country that cost a great deal less to manufacture than goods manufactured here.

Now, is it not possible for the Senator to see that if labor all over the world could in a measure be equalized, if child labor could be restricted, if the hours of labor could be equalized, that cause of friction between different countries might be eliminated; and would it not be a reasonable thing, if nations are entering into this arrangement for the good of mankind, to have these international conferences for the purpose of equalizing labor all over the world and putting a stop to this inequality of conditions and the disturbance of commerce as a result?

Mr. THOMAS. Mr. President, it is true that in every enlightened modern nation laws have been enacted for the protection of the weak and the unfortunate. They have also been enacted for the welfare of what is generally termed the laboring class. They have also been enacted favoring farmers and manufacturers. It is the duty of every government to protect, by equitable laws, those who can not protect themselves. No man questions the wisdom or the necessity of such legislation. It would also be a consummation of great benefit to humankind if an equality of conditions could be attained as to the wage earner all over the world. Such a situation would be as near an approach to the millennium, provided it eliminated discontent, as any human situation ever can be; but no scheme of man is sufficiently omniscient and powerful to accomplish such a benign result. I discussed that feature of world conditions yesterday somewhat briefly. I then sought to maintain the proposition that inequalities will always exist until some leveling process downward can be secured and acted upon which will prove satisfactory to mankind.

Mr. President, legislation by governments for the welfare and protection of the helpless and dependent should, and probably will, continue to be enacted, whatever the fate of this treaty; and such enactments, I trust, will be all sufficient, as in the United States they have proven more than sufficient, to reduce inequalities and extend protection. The analogy which the Senator suggests, however, does not exist. If in America the people were to establish a tribunal composed of and representing the wage earners, the farmers, or any other distinctive class, endowing them with the power to make their own legislative recommendations, to carry on their own governmental equipment, function governmentally side by side with that of the United States, and possessing the added power to cite the latter before the tribunals upon complaint made against it regarding its particular legislation, that would furnish some analogy to the edifice which is to be erected upon the foundations of Part XIII.

Now, every man of common sense knows that such an arrangement would prove inoperative. There can be no such thing as a dual government, equal in authority and in jurisdiction, anywhere. One or the other must become supreme, and in the interval between their establishment and the supremacy of the stronger there must be disorder, difference, conflict, and possible bloodshed.

It is not, therefore, the need suggested by the Senator from Nebraska that I am discussing, but the method by which it is proposed, in a world treaty, to accomplish that need; and that method seems to me so irreconcilable with all our notions of government, with all our experiences in the activities of a great democracy, and with every object sought to be subserved by the ratification of this treaty, that I am unable to give my assent to it.

Mr. President, the officials of the international labor office and the general labor conference and I suppose the other high officials of the organization will enjoy diplomatic immunity under article 7 of Part I, which I presume will extend to their households and subordinates. I have no objection to that as a general proposition; but the immediate application of the principle to affairs now existing in Washington furnishes an object lesson of the extent to which it can be carried, because here in the city of Washington are delegates to this first international labor conference from Germany and from Austria, with whom we are technically yet at war, and who last night, by an overwhelming vote, with but one dissenting, were admitted to full membership. They may be, and probably are, entirely free from any other purpose than that of serving their respective countries in this conference; but it is a startling fact that to-day in the city of Washington are these delegates, enjoying diplomatic immunity, from the Governments of Germany and Austria, with the peace treaty yet to be ratified. It is a modern instance of the lion and the lamb lying down together; it may be a precedent which time will demonstrate to be entirely innocuous; but, frankly, it is a sinister situation that to me seems most disturbing.

The disturbing feature is that the first conference under Part XIII, called in Washington before the treaty has been ratified, wholly disregards the conditions of membership imposed on the delegations of that organization by the express terms of Part XIII. These delegates must be confined to the members of the league, each being entitled to four, with their advisers. There is no thought of admitting Germany or Austria to the league in the immediate future, unless the announcements made heretofore by the Versailles conference are unimportant and meaningless. But these countries have had no difficulty whatever, treaty or no treaty, in identifying themselves with an international body to be established by it, although it prescribes the qualifications of delegates to that body to which they can not possibly conform. Mr. President, the labor conference now in session is not entirely responsible for this sudden, summary admission of delegates from enemy countries to its membership.

They are merely acting upon the recommendation of the Versailles conference, whose president and spokesman is Premier Clemenceau. On the 22d day of last May Count Brockdorff-Rantzau, in the name of the German delegation, sent a communication to the Congress protesting against the framework of Part XIII. I shall have occasion to refer to that hereafter. On the 31st of May Premier Clemenceau replied to that letter, and answering one of the objections said:

> 4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the governing body attached thereto.

We have had recommended to us for ratification the framework of a treaty, supposedly the official product and the complete official product of the treaty-making powers at Versailles, which creates a body known as the general labor conference, which limits delegations to it and prescribes their qualifications. But a month and a half before it reached us that identical congress officially recommended the disregard of these qualifications by accepting representatives from countries which are not and for a long time can not become members of the league. I am unable, Mr. President, to reconcile this advice—and it is very difficult to comprehend to whom the advice was given, as there was no organization to receive it—with the express terms of a national compact, and particularly when that advice recommends the inclusion in the conference of the delegates of the two powers with which we are still at war. Here is an inconsistency which requires a higher intellect than mine to reconcile.

The press also announces that this conference, now in session, or some delegate to it, has recommended the inclusion of dele-

gates from Mexico. Why not? Mexico, a disorganized country, is at least a friendly country, politically speaking. Her delegation should be more welcome than those of Germany and Austria; and if Mexico, why not every other nation on the earth, whether they be invited to membership in the league of nations or not?

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. THOMAS. I yield.

Mr. TOWNSEND. Does the Senator understand that the conference which is now being held here in Washington, to which the Senator refers, is called and held by virtue of the provisions of the league covenant?

Mr. THOMAS. Yes; ostensibly so.

Mr. TOWNSEND. Who called it?

Mr. THOMAS. It is fixed by the recitals of Part XIII.

Some time ago the Department of Labor, through the President, called the attention of Congress to the probable convening of this body before final action was taken by the Senate upon the treaty, and requested special authority to invite these delegations here notwithstanding, and that authority was given.

Mr. BRANDEGEE. Mr. President, I will state to the Senator that the annex provides, under article 426, that—

> The Government of the United States of America is requested to convene the conference.

Mr. THOMAS. Of course; but the manner of its convening was, as I have said, by this resolution of the Congress conferring special authority in advance of final action upon the treaty. I am not prepared to say that the invitation was extended to Germany and to Austria, although it must have been, else their delegations would not have been selected and admitted. We do not know how they were selected. There may be two members representing the Government, one representing the employer class and one the wage earners.

Mr. MOSES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. In just a moment. On the other hand, they may have been selected upon some other basis, which, under the circumstances, would be quite as lawful as though the provisions of the treaty had been complied with. Now, I yield to the Senator from New Hampshire.

Mr. MOSES. The Senator must be aware of the fact that it is easy to make inquiry as to whether invitations were sent out by this Government to the Governments of Austria and Germany to send official representatives from those countries to this conference.

Mr. THOMAS. Undoubtedly; but the outstanding fact is that they are here, that they have been admitted, and that they have all the qualifications and powers of delegates to that conference that will be bestowed upon member nations when this treaty is ratified.

Mr. McCUMBER. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. McCUMBER. Does the Senator see either any inconsistency or any impropriety, considering the purposes of Part XIII, in inviting the German and Austrian delegates to participate?

Mr. THOMAS. Yes; I do.

Mr. McCUMBER. The purpose of Part XIII, as I read it, is to equalize labor and labor conditions throughout the world, and inasmuch as the second object, which might be included under the second proposition, is to reduce the number of working hours throughout the world, and thereby reduce the output of labor, would it not be quite proper that they should hold Germany and Austria to the same conditions of six or eight hours, in order that the other nations of the world might be able to compete in their products? Is not that one of the purposes? I do not agree with their purposes at all, but is not that the purpose of Part XIII?

Mr. THOMAS. Mr. President, at present I am not concerned with the purpose but with the abrogation of an important article of the treaty. I will refer later, before I take my seat, to some of the articles which comprehend a part of the purpose. But I contend there is no reason which would exclude Germany and Austria from membership in Part I of the league of nations that does not exclude them from membership in Part XIII. They should either be excluded entirely or they should be required to come in and enjoy all of the privileges and assume all of the responsibilities of the league as a whole. We must not forget that the two together comprise the league of nations; not one of them, but both. It becomes a complete entity only by the functioning of the executive council, the secretariat, the assembly, the general labor conference, the governing body, and the director. To admit our enemies to participate in two of these bodies and exclude them from the other two is a self-evident contradiction, and that regardless of the purpose to be subserved by the respective branches of this quadrilateral creation.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS. Certainly.

Mr. KING. I think the Senator ought to suggest at this point that if these delegates possess such unlimited power as that now, in defiance of the terms of the treaty, and admit persons to participation who have no right under the treaty, it is a prophecy of what this organization may grow into in the future. It may seek the assumption of governmental powers far beyond that which is contemplated by the terms of the treaty, and it may admit members ad infinitum from various Governments of the world and various organizations until it may become a veritable imperium in imperio.

Mr. THOMAS. I shall refer to that later on, Mr. President.

Mr. KING. I want to suggest, if the Senator will pardon me, one thought in connection with the suggestion of the Senator from North Dakota [Mr. McCUMBER]. If this provision of the treaty contemplates the diminution of production or the reduction of production, it ought to be a very strong argument against the adoption of this portion of the treaty.

Mr. McCUMBER. If the Senator from Colorado will allow me, does the Senator from Utah doubt for a moment that that is one of its purposes? Does the Senator doubt for a moment that one of its purposes is to decrease the hours of labor throughout the great manufacturing world and thereby decrease labor's output?

Mr. KING. Probably that is the thought in the minds of some who are proponents of the plan; yet I can not conceive that the representatives of labor would be desirous of committing suicide and of working irreparable damage and injury to the entire world.

Mr. THOMAS. In this connection, Mr. President, it may be well to read into the RECORD article 387, which is the first article of chapter 1, and which provides for the permanent organization of this international labor body. It recites that—

> The original members of the league of nations shall be the original members of this organization, and hereafter membership of the league of nations shall carry with it membership of the said organization.

Of course, the converse of the proposition is equally obvious: There can be no representation without such membership.

Mr. President, I have very hastily and imperfectly sketched some of the consequences which may flow from the inclusion in this conference of the delegates from these enemy countries. The action of the conference, though ultra vires, seems to have the sanction of the Versailles conference.

Mr. MOSES. Mr. President——

The PRESDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I will in just a moment, if the Senator will pardon me.

The members from Germany may hold the balance of power in the conference and so determine its action. The United States has no representation in that conference, because it has not yet ratified the treaty; hence the inclusion in the conference of these outside delegations is done by those who have been commissioned to that conference from other nations, and they, therefore, have a greater authority and voting power, relatively speaking, than would otherwise be the case. Germany, though excluded from the first 26 articles of the treaty, may nevertheless enjoy the prerogatives of one of those articles and of the 41 articles of Part XIII, and Germany may, also, be one of the members of chief industrial importance from whose delegation one member of the governing body may be selected. I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I wish to ask the Senator if he intends, before concluding his comments upon this part of the treaty, to advert once more to the suggestion of the Senator from North Dakota [Mr. McCUMBER] that the underlying and fundamental purpose of Part XIII is to bring about a general, universal, and uniform reduction in the hours of labor, with its consequent effect upon productivity, and if that be the case may I indicate to the Senator another of the purposes of the treaty, inasmuch as the great powers of the reparations commission will be directed toward the speeding up of German productivity in order that Germany may be able to meet the extraordinary demands which have been laid upon her under the terms of the powers granted to the reparations commission?

Mr. THOMAS. I can not enter into the discussion of that phase of Part XIII at this time, although its importance is obvious.

In the speech which I delivered upon this subject on August 22, I attempted to analyze a number of the articles composing Part XIII. I shall not repeat that analysis, but rather attempt to supplement it by considering certain other articles which were then barely referred to and which I have since had occasion to examine at greater length.

I come to a consideration, therefore, of certain specific articles in this part of the treaty, because they illustrate, as nothing else can, the character of the proposed organization and the consequences, financial and otherwise, to the United States when they become practically operative.

Article 399 may be called the financial portion of Part XIII. I will read it:

Each of the members will pay the traveling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the conference or governing body, as the case may be.

All the other expenses of the international labor office and of the meetings of the conference or governing body shall be paid to the director by the secretary general of the league of nations out of the general funds of the league.

All the other expenses shall be paid to the director general by the secretary general of the league of nations out of the general funds of the league, and, of course, all funds must be furnished by the members of the league, doubtless in proportion to their resources. If that be so, the contribution of the United States to this fund will necessarily exceed, and very largely exceed, that of any other nation and perhaps of all the smaller nations combined.

It is well to consider what the expense of the assumption of any new enterprise may be, whether that enterprise be personal or national. There are many things which men would like to do and many duties which nations would like to assume, but which are not undertaken because of the enormous burden of expenditure essential to their accomplishment. I said yesterday, and I repeat, that once this international labor office is established under the treaty and equips itself for the performance of the activities which are imposed upon it, the employees essential to the accomplishment of the task and the expense attending its administration will parallel, if they do not exceed, the actual expenditures of the Government of the United States, exclusive of extraordinary expenditures entailed upon us by the war.

I now turn, in elaboration of that assertion, to article 394, which provides for a director of the international labor office, to be appointed by the governing body, subject to the instructions of that body, responsible for the efficient conduct of the office, "and for such other duties as may be assigned to him." That reads like the general-welfare clause of the Constitution.

Article 395 provides that—

The staff of the international labor office shall be appointed by the director, who shall, so far as is possible with due regard to the efficiency of the work of the office, select persons of different nationalities. A certain number of these persons shall be women.

The director, then, has the supreme appointing power, with no limitations of civil service, which may prove to be a blessing. His authority is absolute, limited only to the recognition of nationalities and of sex.

We can well imagine, from our experiences here, the influences that will be brought to bear upon this director, whoever he may be, to appoint everybody who wants to work for the international organization. I have already received a number of applications for indorsement of gentlemen who genuinely thirst for an opportunity to display their abilities under this new organization, and I have no doubt that as soon as the treaty is ratified these applications will come in, not by the hundreds but by the hundreds of thousands. What is true of the United States is true also of the world, for there are just as many people, relatively speaking, in Japan, Great Britain, France, Greece, Spain, and Belgium perhaps needing employment of this sort whose merits and whose influence will be brought to the attention of the director.

Let us see how many he may need, although, like other appointing powers, he may not strictly confine himself to the necessities of the situation. Article 396 provides that—

The functions of the international labor office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor—

That is a pretty big program—

And particularly the examination of subjects which it is proposed to bring before the conference, with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the conference.

The proper collection and distribution of information upon all subjects relating to the international adjustment of conditions of industrial life and labor necessarily means its collection and distribution throughout the world. Inasmuch as we are now admitting enemy countries to this organization that assertion must be taken literally.

I have made a tabulation of the populations of those countries which participated in the making of this treaty, exclusive of Germany and her recent allies. They aggregated 1,210,007,605 people, to which must now be added the populations of Germany and Austria, making in round numbers 1,300,000,000 of people from whom these statistics and information must be collected and to whom they must be distributed—1,300,000,000 of people, covering an area of 31,330,414 square miles, including populations speaking more than 16 different tongues. The mathematical problem presenting itself here for solution is, given this task, how many people are essential to its performance and how much material? My prediction is that employees essential to the performance of this task will aggregate at least 1,000,000, and inasmuch as their activities are world-wide they must travel over the face of the globe; certainly all agents must familiarize themselves with these conditions throughout the territory of their own nation; the material acquired must then be sent to Geneva and there published and circulated.

Mr. NEW. Under frank.

Mr. THOMAS. I have no doubt that the franking privilege will be invoked, but whether it is or not we must bear the expense. The mails will be burdened constantly, overburdened most of the time, with thousands upon thousands of tons of so-called industrial literature, which not one man or woman in 10,000 will read and which not one man out of a thousand in most of the countries constituting the membership can read. To this vast army of agents obtaining and distributing this literature must be added those needed to print and bind it in appropriate form for mailing. Then the housing problem, somewhat acute here some months ago, but by no means so acute as it will be in Geneva, immediately presents itself. Where can shelter be found for this new industrial army of tax eaters? The commonest principles of humanity will demand that if they can not be found they must be furnished. And where can storage places be discovered for the constantly accumulating masses of documentary information? They are not in Geneva. Hence they must be built, and we will be required to supply the needed funds.

We must remember that international building should be appropriate to the dignity of this great supernation. The building program necessary to house the activities of this branch of the league will dwarf the building programs in the desolated parts of France and Belgium, not in magnitude or area but in prodigality of expenditure; and if the buildings are constructed on the plan of the six-hour day, five days in the week, and time and a half for overtime, an added increase in expense must be provided for.

But I have not finished reading the duties of this international labor conference. The article proceeds:

It will carry out the duties required of it by the provisions of this part of the present treaty in connection with international disputes.

These international disputes, Mr. President, will be countless as the sands of the sea once this treaty is ratified. Be it remembered that under Part XIII any organization of wage earners, I care not how small or how remote, is given authority to complain that any member nation is not effectuating or observing its covenants, including those which may be subsequently adopted, whereupon the nation complained of is required to make answer at Geneva. If the horseshoers' union in Melbourne, Australia, feels that the United States Government has been derelict in its observance of one of these covenants it may cable or otherwise communicate its grievance to the governing body, upon which the United States will be respectfully asked to show cause why the complaint of the horseshoers' union should not be affirmatively considered.

When we contemplate that what is true of the instance suggested is true universally, and that complaints against the enforcement of the law, many of them doubtless well founded, are one of the common conditions of our domestic industrial life, and when we further consider that any member of the conference, as well as the governing body itself, may also summon nations to the bar for similar reasons, we may be sure of a constant procession of complaints, notices, and trials, each crowding the heels of the other, thus creating an activity of investigation irritating in the extreme and expensive to the last degree.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I yield.

Mr. LODGE. As I understand the Senator from Colorado, my analysis of the provisions, such as I have been able to give, led to the same conclusion—that is, that any labor union anywhere can bring the United States or any other country to the bar of this international conference.

Mr. THOMAS. That is a fact. That power is given it by article 409 of Part XIII. But this labor office must also—

Edit and publish in French and English, and in such other languages as the governing body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

"A periodical paper" may include a paper issued every year, every month, every week, every day, or every hour. It is safe to say that such a periodical, "dealing with problems of industry and employment of international interest," will be produced in rapid succession, weekly if not daily. To print it in French and English is provided expressly, but discretion is given to print also "in such other languages as the governing body may think desirable."

I have called attention to the fact that there are 16 or 17 languages involved in the membership of this proposed league, and certainly those who can not speak English or French will not be satisfied until this periodical is translated and printed in their own language. There is no question, therefore, that it will accommodate itself to the linguistic necessities of all the members of the league; and its circulation among thirteen hundred million of people—and I have no doubt it will be fully circulated—gives added and eloquent suggestions of expenditures of the first magnitude.

We must in this connection also visualize the magnitude of the printing or publishing department of this league. It costs us $8,000,000 a year to run the little Government printing establishment here; what will it cost to publish a periodical in 17 different languages and to be circulated among thirteen hundred millions of people? We shall have to establish a printing house of rather formidable dimensions and employ a printing force almost equal to the population of Switzerland, and quadruple the world's postal capacity to accommodate this periodical. If it is necessary to permanent peace, let us have it; but if it is not, let us not commit ourselves to it without fully comprehending the financial burden this international labor office will impose upon the already overburdened taxpayers of the world. I warn my countrymen that this new obligation will take billions from their pockets with no compensating advantage.

There is another feature of this proposed publication which I desire to impress upon the Senate. The contributing nations will have nothing to do with dictating or controlling the substance of its contents. It may publish the wildest and most anarchistic doctrines ever penned by man; it may advocate extremes of revolution; it may adopt and disseminate the doctrines of I. W. W.ism over the world, while those who pay the bill have nothing to say, either as to what shall be printed or where it shall be sent. I can conceive of no more formidable scheme for subjecting the rights and the property of the world to the propagation of any doctrine or any proposition, however irresponsible its authors or however dangerous its character.

Mr. President, I have made no estimate of the aggregate cost involved in the administration of this international labor office, but I have no hesitation in again affirming that the cost will equal, if not exceed, the annual expenditures of the Government of the United States, and most of it must come from the pockets of our people, since we can better respond to such a demand than any other nation, and that will be one of our obligations under the league. Unless I can be convinced that this enterprise is absolutely essential to the welfare of all mankind, I can not accept it. Its expense is prohibitory, its usefulness may well be challenged, and its potentiality for disturbing instead of promoting the peace of the world is almost unbounded.

Mr. President, there is another feature of article 396 to which I will briefly refer. The concluding sentence is:

Generally, in addition to the functions set out in this article, it shall have such other powers and duties as may be assigned to it by the conference.

That is as broad as language can be—"in addition to the functions set out in this article it shall have such other powers and duties as may be assigned to it by the conference." The conference, in other words, is thus endowed with authority to assign such powers and impose such duties upon the international labor office as it may deem necessary or desirable. It may be said that there is a limitation—a constitutional limitation, if you please—existing in some countries which would necessarily restrict the exercise of this authority; but I do not believe that the international conference will be very keen to observe such limitations if they should conflict with any determined purpose of its own or with any object which, in the opinion of a majority—and it will require but a majority to act under the section, as I shall show—should be tested; I do not believe their compunctions would be so great as to restrict or limit their action; and we may be sure that any power or duty which the conference assumes to place upon the international labor office will be accepted by that office and the power will be exercised or the duty will be performed, as the case may be, since nations challenging the power or the duty may be haled before the commission of inquiry by any industrial authority which may be interested in the problem and impatient of objections to its attempted solution. No more comprehensive grant of authority can be found in the charters and constitutions of all time. Its abuse is as sure as the procession of the seasons. The most conservative body clothed with such authority would in time wield it to the undoing of some one. The most radical of all bodies, as these conferences will surely become, will eagerly welcome the opportunity to reform the world by a fanatic and unbridled exercise of every scheme appealing to their sense of social justice.

Mr. President, I have said that this power can be conferred upon the governing body by a majority of the conference. I am aware that it is provided that no recommendation shall be adopted by the conference unless it shall receive a two-thirds vote. But I find in article 403 this very simple but very startling provision:

The conference shall regulate its own procedure, shall elect its own president, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this part of the present treaty, all matters shall be decided by a simple majority of the votes cast by the delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the conference.

Unless my memory betrays me, the requirement of a two-thirds vote is confined to the consideration of items in the agenda. As to all other matters, then, a majority vote of the delegates present, provided 50 per cent of them shall be present, is sufficient to carry any measure. We may, therefore, have imposed upon this international labor office by one or two votes in excess of 25 per cent of the total number additional powers and duties the character of which we can not foresee, the consequences of which we can not anticipate, the expense of the administration of which we can not forecast, but which may be of vast importance to all mankind and may seriously affect the peace of the world.

Mr. President, it seems incredible that these provisions should have been deliberately accepted and crystallized into the structure of the treaty by a body of statesmen supposedly representing the intellect and the experience of all civilized nations, and I can not account for it except upon the theory that the pressure of labor unrest and the threat of social and political disturbance was so imminent in Europe that the congress yielded to the situation, abandoned the exercise of their judgment, and trusted to fate for a peaceful result. We are in no such situation thus far, and it is my earnest prayer that this Nation will never be awed into the enactment of legislation which does not conform to the measured judgment and demand of duty upon those in authority.

I come now to a brief consideration of article 423. If I can distinguish the greater importance of one of these articles from the others, I would select this article:

Any question or dispute—

Any question or dispute!—

relating to the interpretation of this part of the present treaty or of any subsequent convention concluded by the members in pursuance of the provisions of this part of the present treaty shall be referred for decision to the permanent court of international justice.

Every question, every challenge to the justice, the legality, or the constitutionality of any part of this part of the treaty or of any subsequent convention concluded by the members in pursuance thereof is to be subject to the jurisdiction of an international tribunal not yet created and from which there can be no appeal!

Mr. President, this article, if ratified, constitutes an unconditional surrender of the judicial functions of the Government of the United States to an international tribunal. It substitutes that tribunal for our own Supreme Court, as to Part XIII of the treaty, clothing it with authority to determine ultimately and finally every question and every dispute which may confront us in the future, as this part shall function once it has been ratified. Do you tell me that the Supreme Court of the United States has repeatedly decided that we can not enact a treaty in contravention of our Constitution, and that, if we do, the treaty, to the extent that it so conflicts with the organic act, is void? Of course, it could reach no other decision, for we have no more right in the exercise of the treaty power in the Senate to disregard the limitations of the Constitution of the United States than we have to disregard them in the consideration of bills presented for enactment into law. Would the Supreme Court assert its authority regardless of this provision of the treaty? Certainly, and successfully; but, Mr. President, with the organized power of the international labor unions behind them, with the great and irresistible in-

fluence which such bodies even now wield, with competing and interested nations behind them, with their powers of strike and boycott, who can say what might result from a conflict of authority such as I have suggested? We may be sure the international tribunal will assert its jurisdiction once it has been created and that it will be sustained by the truculent influence of the international labor office; hence the collision with this country becomes inevitable.

In the end we might triumph. In the end we would triumph, if the Nation is to survive; but in the interval the difficulties, the turmoils, the anxieties, the apprehensions, the strife, which must ensue from such collision of authority, can well be imagined.

The Senator from Wisconsin [Mr. LA FOLLETTE] only three days ago emphasized the unconstitutionality of section 423. I indorse every word that he said upon the subject, and I am unable to understand those mental processes which can reconcile an affirmative vote for that article in Part XIII with an oath to support the Constitution of the United States. If we had the power to do it we should not, for it is an obvious truth that we can not afford under any circumstances to permit any other than our own tribunals to entertain and dispose of any question which may arise to disturb the even tenor of governmental authority.

I think those who have given me their attention will, if they accept my position even in part, agree that Part XIII goes far beyond Part I or any other treaty in history in what it proposes to effectuate and justifies my contention that the treaty, if ratified, erects under the provisions of Part XIII a supernation endowed with limited legislative, executive, and judicial authority to be exercised for the benefit of a small part of mankind, and necessarily superseding, to the extent that it operates, the sovereignty of those powers which ratify and accept the document.

There is another feature of this supernation thus created which I wish to briefly emphasize. It is this, that no responsibilities or obligations whatever are imposed upon the international labor organization by the provisions of Part XIII. It is given enormous powers but without limitations. That is not true of any country in the world which professes allegiance to established governmental authority. It is axiomatic that power must be attended by responsibility. One of the great difficulties in the present industrial situation lies in the fact that these huge associations of men have acquired and they wield great power with no corresponding responsibility. We have exempted them from it, as far as we can, by legislation and encouraged as far as we could their repudiation of it.

They are not required to incorporate; they are not collectively or individually responsible. Collectively they are politically too powerful to be interfered with. The German Government which perished with the war was a government possessing large powers with comparatively few responsibilities. The distinction between those governments which function for the protection of life and property, and for the securing of happiness to mankind, and those which represent a privileged class, in the last analysis consists of the lack of equilibrium between power and obligation.

The labor conference may disregard the limitations of the treaty; they may propose, and some nations, regardless of others, may accept, covenants which in their operation may be extremely injurious. But whatever injury may flow from them, whatever oppression may result in consequence of them, whatever political, social, or economic disturbances may accompany them, there is no remedy against the authors of the mischief. These tribunals sit supreme and immune from the limitations of human responsibility, and because of that very fact, as all experience demonstrates, will seek to increase at all times and to extend every prerogative which may be invoked from the terms of this treaty.

Notwithstanding this, Mr. President, the so-called provisions of the treaty are criticized by a great many representatives of organized industry because too conservative and too restrictive. They demand the power of independent legislation and, as far as the body framing Part XIII could do so, they have been promised it.

In this connection let me refer for a moment to an article published in the CONGRESSIONAL RECORD of October 17, entitled "Part XIII, Labor, Treaty of Peace with Germany," from which I read this extract:

> In July of this year there met at Amsterdam delegates representing the trade-union movements of the various European nations and the United States with the purpose to reorganize the International Trade Union Congress, and this purpose was effected. On nomination by Mr. Gompers, president of the American Federation of Labor, Mr. W. A. Appleton, secretary of the Confederation of British Trade Unions, was elected president of the International Trade Union Congress, succeeding Carl Legien, of Germany, who was president of the congress at the time of the outbreak of the World War. According to a historical survey of the proceedings of the Amsterdam meeting published in the Democrat, of London, edited by Mr. Appleton, directly after the adjournment of the International Trade Union Congress convention the delegates reassembled into an international socialist convention, in which all countries were represented by the same delegates they were represented by in the International Trade Union Congress, with the exception of the United States and its delegates. According to the same article or survey, the Amsterdam International Trade Union Congress adopted a resolution, binding upon all members, which set the objective in the international labor conferences to be held under the auspices of the league of nations to be the program of the international trade-union conference that was held early in 1919 at Berne, Switzerland. In this connection it is interesting to note that the American labor movement was not represented at the Berne conference. It is also just as interesting to note further that the international trade-union conference at Berne of 1919 declared that an international parliament of labor should be set up by the league of nations with power and authority to issue not only international conventions with the binding force of law behind them but also international laws which, immediately upon adoption, should have the same force legally as national laws in all nations.

That is to say, Mr. President, that the International Trade Union Congress which met at Amsterdam immediately upon adjournment resolved itself into an international socialist convention, the latter composed of precisely the same delegates, with the exception of those from the United States, and then adopted the program of the international labor union at Berne in June previous, wherein the right of independent and effective legislation by this international body was insisted upon.

On the 22d of May Count Brockdorff-Rantzau, head of the German delegation at Paris, and in the name of that delegation, addressed a letter to President Clemenceau upon this subject, protesting against the provisions of Part XIII because they disregarded the demands of the international conference at Berne, and also because delegates from all nations, whether belonging to the league or not, were excluded from participation in the conference. President Clemenceau, in replying to that letter upon the 31st, among other things, said, referring to the labor commission which drafted Part XIII:

> It also adopted a resolution in favor of the organization—

That is, the international organization under Part XIII—

> being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conferences, as provided for under the peace treaty, are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

Mr. Clemenceau attached to his letter a copy of the resolution which this commission seems to have unanimously passed. I read it:

> The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties, with a view to endowing the international labor conference, under the auspices of the league of nations, with power to make, under conditions to be determined, resolutions possessing the force of international law.

That resolution seems to have received the sanction of Clemenceau, speaking as the official head of the conference at Versailles. Does anybody doubt, Mr. President, that the next move to be made, and which will unquestionably be recognized and validated by a number of the members of the league of nations, will be the adoption of a convention clothing the international labor conference with powers of independent international legislation, if this treaty ever becomes an accomplished fact?

I have here an extract from a communication to the New York Times from the pen of Mr. William English Walling, a gentleman who was present at the sessions of the Berne conference, in which he gives an account of the purposes of the Labor Union International, as it is called; that is, the body which was represented at Berne. He says:

> The Labor Union International does not intend to lose time or opportunity. It has decided also to call a conference—which will probably be a regular congress of the entire world-wide organization, representing 17,000,000 organized wage earners. The possible effect of this meeting on the labor-union situation in America, England, and other countries, and even upon world politics, scarcely needs to be insisted upon.
>
> We can easily get a general idea of the position of this organization from the congress at which it was organized a little more than two months ago—a congress at which I was present and where I had every facility for becoming acquainted with the leading delegates.
>
> ULTIMATUM TO LEAGUE OF NATIONS.
>
> The chief action of this congress was an ultimatum to the league of nations, against which the American and British delegates alone protested. This ultimatum declared that the federation would endeavor to prevent the labor organizations of any nation from attending the league of nations labor conference unless two conditions were fulfilled:
>
> (1) All nations must be invited; and
>
> (2) The regular labor organizations affiliated with the international federation must be recognized in every instance as the representatives of the employees.

It is clear, Mr. President, that that part of organized labor for which the international federation assumes to speak will,

if it has its way, be the only part of all the labor of the world permitted to participate in and which proposes to control the proceedings of the conference.

We have, then, a determination, first, to extend the activities of the conference so as to embrace all nations, whether members of the league or not. Second, that unorganized labor need not apply for recognition, nor organized labor, either, unless it submits to the domination of the labor union international. Thirdly, that the organization is to be officially accepted by the league as international spokesman for labor under the covenant; and, lastly, that independent power of international legislation shall be conferred upon the proposed international labor conference.

We are progressing indeed, Mr. President. This Part XIII, christened by the President as the magna charta of labor, is to be endowed with powers of international legislation having universal effect without regard to the conditions and to the sovereignties of the member nations, and it is to be organized and administered in the interest of a close organization of men assuming to be the exponents and the dictators of labor's destiny throughout the world.

Mr. President, think for a moment of the startling fact that only the representatives of Great Britain and of the United States opposed that program in the first instance. Contemplate the additional fact that Germany has been taken into this conference, which represents the ideas outlined by Count Brockdorff-Rantzau on May 22 in his letter to Clemenceau.

Then tell me whether it is extravagant to predict that these separate steps for the establishment of a wage-earning oligarchy will not be taken, and taken in the immediate future.

Mr. President, I must express my admiration for the ingenuity, the ability, the consummate business-like statesmanship displayed by organized labor from the inception of the league of nations idea down to the present time. They have had a program: they have known what they wanted; and they have used their power, their influence, and their ability for the accomplishment of that object. They have never lost sight of it. The permanent peace of the world is wholly subordinate to their ultimate purpose, to dominate mankind though it inevitably means a return to despotism, a despotism without responsibility, a despotism bound to function as all despotisms of the past have functioned, a despotism in the atmosphere of which republican institutions can not survive, a despotism inevitably operating as similar governments have operated in all the history of the past.

It is significant in this connection to reflect upon the fact that this international congress, synchronizing with the meeting of the international conference, and called to meet at Washington, is also now in session. That is not a mere coincidence; it could not be. It is designed to enforce the mandates so clearly outlined by Mr. Walling in the article to which I have referred, and I think it is safe to say that this congress will continue to synchronize with the meetings of the conference until the latter is absorbed or becomes the supine instrument of this labor union international which proposes—let me emphasize that again—to restrict the benefits of this new legislative authority to the members of the international federation only.

The greater part of labor in the world is unorganized. The greater part of it never can be efficiently organized. Under the program of this labor-union international are already created the rudiments of an industrial aristocracy, exclusive as all aristocracies are, but in this instance operating in each direction. Above it rejects all consideration for any other than its own membership. Below it rejects all consideration for any other than its own membership, that it may force into its membership every man and woman in the wide world who, by any extreme of definition, can be called a wage earner, and, of course, the situation will force, as similar situations have always forced, an enormous increase of membership, not from choice but from a necessity as inexorable as fate.

Mr. President, I shall not longer detain the Senate upon this all-important subject. I do not pretend to have covered all the ground. I could not do that if I should exhaust the remainder of the week in its consideration. But I hope that I have, although imperfectly, focussed the attention of the Senate to Part XIII, so comprehensive in its character and so important in its consequences, and I am sure it will give to this part of the treaty a consideration which up to this time it has not received.

I wish I could consider Part XIII as labor's magna charta. I wish I could find something in it to justify the casting of my vote for its acceptance. My judgment is not perfect, my view of public questions by no means so; but through all my life, both public and private, I have tried to stand for the man who needs assistance. I have tried to oppose wrongdoing and improper legislation without regard to the sources or the beneficiaries of the evil. I believe that every man should be made to comply with the requirements of the laws and Constitution of his country.

I am confident that the troubles now confronting us are largely the result of privilege hitherto bestowed by Federal and State governments with a lavish hand, creating inequalities of wealth and power, generating suspicions of the integrity of the Government and of its officers. Their evil results now threaten to overtake us. We must rectify, as far as we can, the evils of class legislation and avoid such serious errors in the future.

I want genuine labor to receive all that it needs for its protection and prosperity. I want all classes and conditions of men to stand equally before the law. I trust, whatever betides America, she may safely outride every stormy sea and vindicate her right to live by her attachment to law, order, the protection of the individual, the vindication of his rights, and the performance of his obligations. No such results can flow from the provisions of Part XIII of this treaty. It is not a magna charta of labor. It is a sentence of death to free institutions, a covenant of national suicide, an abandonment of our most cherished traditions.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McLean	Smith, Ariz.
Brandegee	Henderson	McNary	Smith, Ga.
Capper	Hitchcock	Moses	Smith, Md.
Chamberlain	Johnson, S. Dak.	Myers	Smoot
Colt	Jones, N. Mex.	Nelson	Spencer
Cummins	Kellogg	New	Sutherland
Curtis	Kendrick	Newberry	Thomas
Dial	Kenyon	Norris	Townsend
Dillingham	Keyes	Nugent	Trammell
Fall	King	Owen	Wadsworth
France	Kirby	Page	Walsh, Mass.
Gay	Knox	Penrose	Williams
Gerry	La Follette	Phelan	Wolcott
Gronna	Lenroot	Phipps	
Hale	Lodge	Pomerene	
Harris	McKellar	Sheppard	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, I desire to offer two reservations, which I ask to have read, printed, and lie on the table for future use.

There being no objection, the proposed reservations were read, ordered to lie on the table, and be printed, as follows:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose.

The United States withholds its assent to article 147 and reserves full liberty of action with respect to any matter or controversy which may arise under said article relative to the protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMITH of Georgia. Mr. President, there are many provisions of Part XIII of which I do not approve. I will mention one which would be a serious objection to it. It provides for the circulation of literature without limit at the expense of the Governments members of the league. The preparation and distribution of this literature will be in charge of a commission of five, and certainly not more than one, if any, from the United States will be a party to its control. I would view with a great deal of distrust the character of literature which the labor leaders of Germany would prepare for distribution throughout the United States. I am unwilling through my vote to pledge my Government to bear the expense of distributing free the character of matter which I fear they would be sending all over the United States.

I mention this simply as one objection. The Senator from Colorado [Mr. THOMAS] has mentioned quite a number; yet I do not think we should reach it by amendment. It may be that the provision suits the other members of the league; it may be that they want it; and it will be perfectly easy for us to declare by reservation that we will not participate in the organization provided for under Part XIII. The reservation excepting us from the operations of Part XIII could be made, and acquiescence in our retirement from that part of the treaty would leave them the privilege of going on with it by themselves if they want to; and, if they want to, well and good. I do not want it unless we are guarded a good deal more from the evil effects of Part XIII than the present provisions guard us.

Mr. MOSES. Mr. President, I wish to ask the Senator from Georgia a question before he takes his seat.

Mr. SMITH of Georgia. If the Senator from New Hampshire desires to ask me a question, it is perfectly agreeable to me that he should do so.

Mr. MOSES. Mr. President, I will preface the question with the observation that I was much disappointed that the Senator from Georgia did not pursue the illuminating course which I thought his brief remarks were destined to follow, and I should like to ask him if he can give to the Senate an outline of the character of menacing literature which he fears may flood this country at Government expense in case Part XIII of the treaty goes into effective operation.

Mr. SMITH of Georgia. Mr. President, in view of the Senator's experience in newspaper work and his broad observation of literature, it is entirely unnecessary for me to make a suggestion of that kind to the Senator from New Hampshire.

Mr. MOSES rose.

Mr. SMITH of Georgia. One moment. If the Senator had attended any of the meetings of the Committee on Education and Labor during recent examinations it has been making, or if he had heard recent testimony given before that committee of the literature that is being distributed even now by foreigners in our own country, he would have quite an amount of information about the character of the literature which might be distributed in the United States.

Mr. MOSES. But not at Government expense.

Mr. SMITH of Georgia. I will commend the Senator to a careful study of the record of the testimony taken in the steel-strike investigation before the Committee on Education and Labor. I do not think it necessary to undertake to review it here. The Senator can get from it at least a suggestion of what I fear might be the line of literature prepared by foreign labor organizations.

Mr. MOSES. Oh, yes; I am well aware that the Senator from Georgia has had exceptional advantages to know about this matter by reason of his membership on the Committee on Education and Labor; I am also well aware that both he and I have been especially privileged in the matter of gathering information as the result of our connection with the newspaper business in this country; but, Mr. President, the printed word does not carry the weight of the spoken word. It is the letter that killeth and the spirit that maketh alive. I am sure that those Members of the Senate who are not privileged, as the Senator from Georgia is, to be members of the Committee on Education and Labor, and also journalists, would be very much enlightened if he would from his own deductions and in his own way tell the Senate exactly what it is he fears instead of holding up a nebulous, shadowy menace which leads him to reject in spirit some of the provisions of Part XIII of the treaty, and which leads him to think that menace can be avoided by a reservation rather than by more drastic action.

Mr. SMITH of Georgia. Mr. President, we know that there are many socialists among the labor leaders of Europe. We know that there are men who go even further than socialists among the labor leaders of Europe. I should object to the circulation of views at public expense throughout the United States which these men entertain. I believe that many of the labor leaders of Europe go further along lines that I do not approve than labor leaders in the United States, and I do not desire to see that foreign thought distributed in the United States at Government expense.

Mr. MOSES. Mr. President, that movement is beginning in this city to-day. I understand that the majority of the foreign delegates to the labor conference now sitting in this city correspond to the description which the Senator from Georgia gives of those foreign labor leaders whose influence he fears. They are sitting here by invitation of the United States Government, and an appropriation has been made to bear the expenses of this conference, and I feel quite sure that Government money and the Government frank will carry the utterances of those socialistic delegates all over the country, so that the condition which the Senator fears may result from the treaty already exists.

Mr. SMITH of Georgia. I should like to ask the Senator a question. Does he desire such literature distributed?

Mr. MOSES. Far from it, Mr. President. I have already stated my opinion with reference to the treaty, not only as regards Part XIII but other portions of it; and I intend to take action which shall be not at all subject to any misinterpretation as to what it means. I do not believe that reservations can meet many of the defects in this treaty which we are seeking to remedy; and it is on that account that I have thus far cast every vote of mine in the Chamber, as questions relating to it have been pending, for direct textual amendment to the treaty, concerning which there can be absolutely no dispute as to their meaning.

Mr. FALL. Mr. President, I should like to ask the Senator from Nebraska and the Senate generally if it is not possible to arrive at some agreement as to a final vote upon the treaty, with all pending amendments and reservations, and so forth—to fix a day now when a final vote may be taken?

Mr. HITCHCOCK. Mr. President, I think the best plan would be for the Senator to prepare his request for unanimous consent, so that we can examine it.

Mr. FALL. If we can agree upon a date, the preparation of the request can be easily enough made. Then I will ask the Senator whether it would be agreeable to him that the Senate, if it chose to do so, should agree to a final vote upon this treaty, and all matters pending, by the 10th day of November?

Mr. PENROSE. What day of the week is that?

Mr. FALL. Monday, the 10th day of November. That would give us to-day and to-morrow and all of next week for discussion.

Mr. HITCHCOCK. I think that is a matter which we had better take up next week, then. I should like to see the proposal reduced to writing, so that we can examine it.

Mr. FALL. That proposition needs no reduction to writing.

Mr. HITCHCOCK. Yes; it does.

Mr. FALL. The details of carrying it out would need reduction to writing.

Mr. HITCHCOCK. We do not know how many amendments may be offered, how many reservations may be offered, or how many resolutions of ratification may be offered.

Mr. FALL. That is true.

Mr. HITCHCOCK. We are very anxious, of course, to arrive at such an agreement; but it is a request which, from the very necessity of the case, must be in some detail.

Mr. FALL. My suggestion is that we definitely dispose of all reservations and amendments now pending and to be offered and the resolution of ratification on or before the 10th day of November. If the Senator will agree in principle, I have no doubt that we can agree upon a limitation of debate, and so forth.

Mr. HITCHCOCK. I think the idea is a good one; but I should first have to see the details which the Senator proposes.

Mr. FALL. Then I would suggest a limitation of 10 minutes to each speaker on any proposition.

Mr. HITCHCOCK. I mean to say, we would have to have a statement setting forth how much time should be devoted to each of the various propositions that may come before the Senate and limiting the number.

Mr. FALL. Mr. President, is not the Senator able to say now whether he would agree upon fixing that date, or an approximate date?

Mr. HITCHCOCK. Not until I see the details of the unanimous-consent agreement.

Mr. FALL. I will agree with the Senator now, beforehand, that the details of any proposition that I will make will be nothing like so voluminous as the treaty details.

Mr. HITCHCOCK. The Senator realizes that we still have some amendments to consider.

Mr. FALL. Yes.

Mr. HITCHCOCK. And no one can tell how long those amendments may take.

Mr. FALL. But we can tell if we will fix a limit.

Mr. HITCHCOCK. No; we can not even tell then. We might spend all the time on the amendments, right up to the last day, and the reservations have no time. I want a distribution of time on the various questions.

Mr. FALL. Why, Mr. President, upon any amendment that may be offered any Senator who desires to speak upon any proposition, either pending or not pending, concerning this treaty, as the Senator well knows, can use his discretion and speak upon it.

Mr. HITCHCOCK. Well, for the present I should like to see the Senator's proposal in writing.

Mr. FALL. Then, as I understand, the Senator declines now to agree upon a date?

Mr. HITCHCOCK. The Senator asks to have the Senator from New Mexico place his proposed unanimous-consent agreement in writing, so that we may offer amendments to it.

Mr. FALL. Mr. President, of course I am now asking the leader of the protreaty forces upon the other side if he will agree to a date for a vote upon the treaty and all pending reservations and amendments, including the resolution of ratification.

Mr. LODGE. Mr. President, if the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. FALL. I yield.

Mr. LODGE. I only want to say that I should be extremely glad if we could agree upon a day to take the final vote. The details, I think, can be arranged without difficulty, if we can agree on the day to take the final vote.

Mr. HITCHCOCK. Mr. President, I am very much gratified that the Senator is willing to propose such a unanimous-consent agreement, and if he will have it in shape on Monday we will be able to give him a very prompt answer.

Mr. FALL. A portion of the time will have been expended by that time, and of course the argument can be used that the date proposed now—that is, the 10th of November—would limit the time too much.

Mr. SMITH of Georgia. Mr. President, I should like to make a suggestion.

Mr. FALL. I yield to the Senator.

Mr. SMITH of Georgia. It does seem to me that a tentative agreement, not formally made, might be had to vote by the day named by the Senator, and that the Senator from New Mexico or the Senator from Massachusetts could confer with the Senator from Nebraska, and the details could be worked out and formally submitted to-morrow morning. I believe that all Senators desire to conclude this matter by the 10th, as suggested by the Senator from New Mexico, and I can not doubt but that the details can be agreed upon.

Mr. LODGE. Mr. President, I think it would be well to agree on the 10th; but I should not object, and I do not suppose the Senator from New Mexico would object, if we made it Tuesday or Wednesday, say, the 11th or 12th. We are not standing on one particular day, but we want an agreement, as early as possible, to take the final vote on the treaty and all reservations and amendments that may be offered.

Mr. SMITH of Georgia. I can understand why the Senator from Nebraska wishes it stipulated that a certain length of time might be had upon the reservations, but I do not think there will be a bit of trouble about that. I think the amendments will be disposed of this week. I think we will be on the reservations by Monday.

Mr. CURTIS. Mr. President, the point raised by the Senator from Georgia could be reached by providing for a vote upon the legislative day of November 10. Then we could prolong that day as much as might be necessary for the consideration of the reservations. Of course, this could not be done if the date is fixed for the calendar day.

Mr. FALL. I would much prefer the calendar day, so that we would know definitely, once for all, just exactly at what moment we were going to take the vote, and everybody could be here for that purpose. The legislative day might continue indefinitely.

Of course, I have no right, in the first place, to make the suggestion and convey the impression that I am making it by agreement or making it by authority. I am simply asking for my own information. The Senator from Massachusetts [Mr. LODGE] is the leader upon this side, and is recognized as such leader. It has been suggested to me that we should agree now to dispose of all amendments this week. That is perfectly satisfactory to me. As a matter of fact, if I consulted my own personal desires in the matter, I would agree to vote at 6 o'clock this afternoon on the ratification resolution; I would agree to vote at noon to-morrow, at 6 o'clock to-morrow, or stay over until Sunday as the legislative day, and vote on Sunday, or Monday, or Tuesday, or Wednesday, or any day; but it seems to me certainly that another week might be sufficient in which to argue the reservations, the ratification resolution, and all amendments.

We are constantly told that the country is expecting us to do something. We are constantly being urged here that we must vote by a given hour upon a certain amendment; but whenever we seek to have a date fixed for concluding this matter entirely, the other Senators are not so insistent. In other words, an amendment is pending now. They would like, I presume, to have a vote upon it at this moment; but as is apparent from my suggestion and the reception which it has met, it would not facilitate the final adoption or rejection of this treaty.

It makes no difference how many votes you might agree upon now unless you can agree upon a final vote. A unanimous-consent agreement for a vote within five minutes on the pending amendment would not facilitate final action on this treaty, and that is what I am seeking to obtain. It is impossible, apparently. I will accommodate the Senator by writing down, or dictating to some one else and having written down, a proposition, and I will not wait until Monday to present it, either, unless the Senate adjourns over. I will undertake to present it to the Senator to-morrow at the latest.

Mr. President, I have referred to Part XIII of this treaty upon two occasions in the Senate. Of course, my remarks upon those occasions were rather incidental to a discussion upon other phases. I made the statement on the floor of the Senate, Mr. President, that by the first article of the proposed treaty we are delegating to a foreign body the power or right or authority to pass upon the external relations of the United States with all countries. Whether the council and the assembly of the league of nations constitute a superior or a supine government by the adoption of the league articles we are assisting in constituting a government unknown to the Constitution of the United States.

I referred in this connection to the fact that by the adoption of Part XIII of the treaty we are now attempting to confer jurisdiction upon an extra constitutional body in all the domestic affairs of the United States. It is impossible, or practically impossible, to imagine or to conceive any phase of domestic legislation which is not affected directly or indirectly by the labor problem. Mr. President, I am sorry to interrupt the proceedings. [A pause.]

The PRESIDENT pro tempore rapped for order.

Mr. FALL. I realize the fact that an attempt, even in this body, to cite the Constitution of the United States in the last few days has become entirely uninteresting. I realize that the frame of mind in which some of my colleagues find themselves is such that they have no patience with a legal or a constitutional argument. I do not assume any extraordinary ability as a constitutional lawyer; but there are some constitutional questions involved in the consideration of this treaty which should be apparent to any ordinary intellect, whether that of a layman or of one who has had some experience in the practice of law.

The article which was just introduced and printed in the RECORD at the request of the Senator from Mississippi [Mr. WILLIAMS], as I understood from his statement, was one attempting to point out the effect of delay in the adoption of this proposed treaty upon the domestic affairs of this country. Certainly we have not yet lost all interest in our domestic affairs, even if we are ready to delegate to a foreign body the control over our external affairs.

Upon several occasions, Mr. President, the lawyers of this country and the Members of both branches of the legislative department of the Government have been interested in questions touching the power of this body under the Constitution to make treaties of certain kinds. The last great discussion between the two branches of the Congress of the United States followed the treaty for the purchase of Alaska. For months the House of Representatives stood upon its constitutional right, as it claimed; and only by a compromise was it finally decided that the Senate of the United States had the constitutional power to ratify the Alaskan treaty. Great lawyers, recognized authorities upon international law, fortified by their opinion the contention of the House that a treaty such as the Alaskan treaty must be submitted to both branches of the legislative department of the Government. Never yet has it been held by a reputable lawyer, within my knowledge, that the Senate, one of the branches of the legislative department, and the administrative department of the Government acting together could constitutionally deprive another coordinate branch of this Government of its constitutional prerogatives. As I said, by a drawn battle, finally a compromise, the Alaskan treaty was ratified, and the amount provided for the purchase of Alaska was voted by the Congress. But never yet, to my knowledge, has it been contended that the Congress as a whole could take from the administrative department, or from the judiciary department, coordinate branches of our Government, the constitutional authority vested in either of those branches. Never has it been claimed that either could take from this department of the Government its constitutional power and authority.

Under the articles of the league of nations provision is made for the possible creation of a world court; but under that provision it is distinctly stated that the judgment or decision of that world court should be only advisory upon the council or the assembly. In other words, as to external matters, foreign affairs, treaty interpretations, or disputes of any character between nations, the opinion of the world court may be called for by the council or the assembly, but the final decision as to such matters rests in the political body itself, the council or the assembly, as the case may be, and the decision of the great international court is only advisory.

But we find in Part XIII that the decisions of this same court upon the domestic affairs of this country shall be binding, or else, if we do not comply with the decisions, that we, by virtue

of such declination, become an international outlaw, subject to the penalties provided by the articles themselves. In other words, not by indirection, not by inference, but directly, by written word, as I construe it, the judiciary department of the Government of the United States is to be abolished by one branch of the legislative department, acting in conjunction with the administrative department, represented by the President of the United States, or else we suffer the consequences. We would become an international outlaw, agreeing beforehand that the penalties provided shall be visited upon us. We will not even be entitled to the privilege of retaliation against economic or financial pressure. We will not legally be entitled to recognition as a belligerent in event it comes to armed force. But we are an international pirate, an international outlaw, by our own agreement, if we do not cast aside and refuse to acknowledge here as applicable or binding in this country the decisions of our own great Supreme Court, and adopt the decisions of this international tribunal.

Mr. President, to me the facts are sufficient to condemn as unconstitutional Part XIII of this treaty. I pointed out some time since and quoted from the official document a note from Great Britain to this country in which, in answer to the contentions set up by the President of the United States that Great Britain had no right to call in question an act of the Congress of the United States upon a matter which we claimed was peculiarly within our province, Great Britain claiming that if enforced it would interfere with her treaty rights, the doctrine was laid down by Great Britain at that time that it was not necessary for her to await injury under the act of Congress; that it was not necessary for her to await the proclamation of the President putting in force the exemption as to the Panama tolls, but that the enactment of the legislation itself was sufficient to give The Hague tribunal jurisdiction of the question, although Great Britain had not been injured and might never be injured. In other words, under a treaty provision Great Britain maintained that she had jurisdiction to inspect, investigate, and pass upon our domestic legislation, and if, in her judgment, such domestic legislation, although never enforced, might threaten some treaty right which she claimed to have, that the jurisdiction to decide the case should be taken from the United States and vested in The Hague tribunal; and at the present time, under this treaty, it would be vested in a council and in an assembly where Great Britain has six votes to one of the United States.

Mr. NORRIS. May I ask the Senator a question?

Mr. FALL. I yield to the Senator.

Mr. NORRIS. To what tribunal is the Senator referring as having jurisdiction to make that decision?

Mr. FALL. At the present time?

Mr. NORRIS. Under the treaty.

Mr. FALL. Under the treaty, in the event Great Britain claimed that the resolution which was adopted here yesterday might tend to violate any treaty rights which she had with us, the jurisdiction to try the question would be taken from our courts, and in the event we refused, under article 12, to submit the question to arbitration, automatically the council would take jurisdiction of the case. Then upon motion of either party the matter is referred to the assembly. So the political body, not even a judicial body, but the political body in the assembly, in which Great Britain would have six votes, would have jurisdiction of the case. Of course, if Great Britain and all her colonies were parties to the question, then they would be excluded from the decision, as would we were we a party; but if Great Britain alone was a party to the dispute with the United States, then her five colonies would have five votes and we would have none.

Mr. NORRIS. The purpose I had in asking the question was to determine whether or not this particular provision, Part XIII of the treaty, would be responsible for the bringing about of such a condition.

Mr. FALL. No.

Mr. NORRIS. That exists anyway without this provision.

Mr. FALL. This particular article would not be responsible for it, more than any other article, the difference being that the league article itself—that is, article 1—deals with matters in dispute concerning external relations. Article 13 would deal with all matters in dispute concerning domestic relations, and if Great Britain claimed that, even in a matter of domestic relations, the act of Congress was in conflict with any treaty of hers or with any provision of this treaty itself, it would take the jurisdiction from our own courts or any body constituted by ourselves.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New Mexico yield to the Senator from Wisconsin?

Mr. FALL. I yield.

Mr. LENROOT. The Senator, I think, gives that construction upon the theory that, if the recommendation be one of legislation, no affirmative acceptance of that recommendation is necessary to bind the United States.

Mr. FALL. Affirmative action, I think, should be taken to bind the United States.

Mr. LENROOT. Does the Senator contend that Great Britain could invoke the jurisdiction conferred by Part XIII in any case where, previous to that time, the United States had not affirmatively accepted, either through ratification of a draft convention or by legislation, the recommendations of this conference?

Mr. FALL. Not under Part XIII. I did not intend to so state.

Mr. LENROOT. No; I thought not.

Mr. FALL. But under article 1, which I was discussing in connection with Part XIII, she could do so.

When the Senator from Wisconsin was discussing one phase of this matter a few days since I called his attention at that time to the agenda which had been written and agreed upon for the consideration of the conference now in session. In subsection 4 of article 426 it is provided that this conference now should take into consideration and might make recommendation or adopt drastic conventions concerning the employment of children, the minimum age of employment, employment during the night, employment in unhealthy processes, extension and application of international conventions adopted at Berne on the prohibition of night work for women, and so forth.

The point which I attempted to make at that time, in calling attention to this agenda, was that by legislation and by a large majority the Congress of the United States has heretofore adopted child-labor laws. I voted for the acts as they came up. I resolved any constitutional doubt in favor of the legislation because I thought it was proper legislation. I thought if the States themselves would not do what I conceived to be their duty with reference to child labor, then, in the interest of the people of the United States, the Congress of the United States should intervene. There was very grave doubt as to the constitutionality of the act expressed upon the floor of this body as well as upon the floor of the House, and finally, after its passage, the Supreme Court of the United States held that it was unconstitutional.

Now, undoubtedly the Congress, by resolution or otherwise, can affirmatively approve any recommendation which may be made by the international labor union. If they do so approve it, whether they approve it by mere legislation adopting the principle, or whether they approve it by enactment of proposed legislation immediately, whatever the means of approval may be, having once done it, in my opinion the jurisdiction of the Supreme Court of the United States is ousted and the jurisdiction is vested in the labor council and the high labor court.

Mr. LENROOT. Mr. President——

Mr. FALL. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator means, I take it, that literally under the terms of the treaty the jurisdiction would be ousted.

Mr. FALL. That is what I mean.

Mr. LENROOT. The Senator does not mean, nor do I believe, that the jurisdiction of the Supreme Court would be ousted concerning any draft convention or recommendation that the Supreme Court might find to be in violation of our Constitution.

Mr. FALL. Mr. President, if the Senator votes for the ratification of this article, I think that, in so far as it is possible for him to do so, he is voting to oust the Supreme Court of the United States from its jurisdiction. As to the legal result of such vote, I agree with him that if the Constitution of the United States remains at all, you can not by this treaty oust the Supreme Court of the United States from its jurisdiction.

Mr. LENROOT. The Senator will agree with me that the Constitution does remain in full force and effect, notwithstanding any provision of any treaty?

Mr. FALL. Mr. President, I thought I was one, possibly, among the Senators here to occupy that position. Listening to the arguments, I had come to the conclusion that I was possibly alone, and I wondered if I was demented; I wondered if my mind was affected to such an extent that I alone yet believed that the Constitution of the United States would remain in force after the adoption of this treaty.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. Certainly.

Mr. NORRIS. I want to get the Senator's idea. I am deeply interested in what he is saying in reference to this provision of the treaty. In order to get his idea, I want to put a concrete question to the Senator.

Mr. FALL. Will the Senator, before he propounds the question, allow me to continue for a sentence or two as to the matter which has just been suggested before I get away from that question?

Mr. NORRIS. Certainly.

Mr. FALL. I made the remark which I just have made concerning my position with reference to the Constitution of the United States for the reason that, having discussed first the constitutionality or unconstitutionality of the proposed league covenant, I later attempted in my poor way to take up some of the arguments made by Senators here as to the power to put in effect, the authority to enforce, any of the powers or rights or jurisdictions which we were, constitutionally or unconstitutionally, attempting to vest in a super or extra constitutional body. In discussing the question from that phase, I alluded to the historical debates concerning our own Constitution. There was no provision in the Constitution of the United States by which the United States itself could use force to put in effect in any State any act of the Congress of the United States. For 30 years or more in the Senate of the United States, in various political campaigns, and in the House of Representatives, it was solemnly and earnestly asserted that under the Constitution of the United States there was no power in the Federal Government to enforce in a State any act of the Congress of the United States. This culminated in the nullification resolutions and Andrew Jackson's threat to hang John C. Calhoun. The constitutional debates between Calhoun and Hayne upon the one hand—I mention only the more illustrious of the great orators and statesmen and constitutional expounders of the day—and Daniel Webster upon the other, I submit at the present day would be most instructive in forming literature for the perusal of some of the Senators.

As I called attention at that time, the remarks of one of the Senators from Tennessee and other Senators in this body were identical, almost word for word, sentence for sentence, and with the same punctuation marks, as the remarks of John C. Calhoun and Hayne in attacking the power of the Congress of the United States to enforce its acts in a State. I then called attention to Webster's answer to the proposition, that so long as they remained in the league, as they called it, so long as they remained in the Union of States, they could not nullify; that they might revolt with all the consequences of revolution, but they could not nullify; and, looking upon the effect of those articles as I do, differently from the position taken by eminent colleagues upon this floor and for whose great ability and legal knowledge I have the utmost respect, occupying yet as I do the position which I entertained when I first read this document, I say that their arguments are answered by Webster's statement that you can not fail to carry out the recommendations of the council without revolution. Your argument is the nullification argument of John C. Calhoun and of Hayne.

To me the statement that there is no power in the council or the assembly to enforce its decrees or its orders, whatever they may be, is John C. Calhoun's and Hayne's argument with reference to the acts of Congress, even to the tariff act, precisely. The broadest latitude is given them to deal with all affairs which affect the peace of nations or the peace of the world or the welfare of the world; they can make any order they please, any recommendation they please; but you say they are most powerless, with no force with which to carry it out.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. FALL. I yield.

Mr. BRANDEGEE. Supposing force were tendered to the league to carry out its decrees without any expense to itself?

Mr. FALL. I propose to touch upon that point, Mr. President, and I thank the Senator for calling my attention to it. I will refer to it now.

Under article 8 of the proposed league covenant, among other things, it is provided that armaments shall be reduced "to the lowest point consistent with national safety and the enforcement by common action of international obligations." It is useless to say to me that "enforcement by common action" was just simply language thrown in; that it means nothing, especially in view of the wording of article 9, to which I have called attention upon more than one occasion and to a portion of the history of which I want to call attention again.

Article 9, as originally proposed, was the Bourgeois French proposition. Bourgeois is now the French member of the council, having been recently appointed. His proposal, for which article 9 was substituted, provided for an international staff and an international army with which to enforce international obligations, but in words such as he used "the big four" would not adopt his proposition. They couched it in much subtler language, but in language, according to my judgment, practically of equal strength.

> A permanent commission shall be constituted—
>
> By a majority of the council—
>
> to advise the council on the execution of the provisions of articles 1 and 8.

That language has been referred to as amounting to nothing whatever; it has been stated that that simply had reference to the question of the entrance of new States into the league, upon the one hand, in article 1, and to the question of disarmament, which is incidentally referred to in article 8, upon the other. Senators in commenting upon it have most assiduously and carefully refrained or else wisely overlooked the provisions that the permanent commission shall advise the council as to "the enforcement by common action of international obligations"—a military commission.

Article 11, as I have insisted from the opening of this debate, from the day that the treaty was placed before us, and not article 10, is the heart of this treaty in so far as it affects our domestic rights, constitutional privileges, and the future destiny of the United States of America. It is provided in article 11, among other things, that the league, acting through the assembly or the council—and in this instance it is the council—

> Shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

Still I am told, with a sneer, that these words mean nothing. Why? Because definitely it is not provided that they shall have, if they can secure the means, the inferential power to enforce their orders. When it is recalled that the Supreme Court of the United States has declared that the Union has the inferential power to enforce its orders, and that only the means need be provided, the answer to the question asked by the Senator from Connecticut [Mr. BRANDEGEE] becomes, of course, apparent. Means only are necessary. They have the power; they have the military advisers; they have been given the authority; their military staff has been provided. That is what the permanent commission provided for in article 9 amounts to. Disguise it as you may, the league has been given military advisers to aid in determining how the orders shall be executed. They have been invested with the authority to promulgate their orders; the only failure has been to provide the means which they may use to carry them out.

It is, therefore, a very pertinent question which is asked by the Senator from Connecticut. Suppose that Great Britain tenders the use of her fleet and her Army or that she tenders the use of her fleet and another nation the use of her Army. I ask the strict constructionists on the floor, who have been illuminating this question by their great wisdom, what provision is there in the league covenant which denies the right to use such a loaned force to enforce the obligations?

Mr. NORRIS. Mr. President——

Mr. FALL. I yield to the Senator from Nebraska.

Mr. NORRIS. If it will not disconcert the Senator in what he has to say, I wish to refer back to a question which I intended to ask earlier, although it does not pertain to the matter that he is now discussing.

Mr. FALL. I am glad to have the Senator from Nebraska ask the question.

Mr. NORRIS. I am very much interested in the Senator's discussion of the constitutional question involved as it pertains to any recommendations that might be made under the labor provisions of the treaty. I desire to base a question on the facts which the Senator himself has brought out. He has referred to the child-labor law enacted by Congress which was held by the Supreme Court to be unconstitutional. Now, let us assume that the conference under the labor provisions of this treaty is in session, and one of the questions of which they have jurisdiction is child labor; let us assume that they recommend to us and to the other nations a child-labor law; and for the purposes of the question let us assume that it is the same law that Congress passed and that the Supreme Court held to be unconstitutional, and that, in accordance with the provisions of the labor part of the treaty, Part XIII, it is referred to Congress and Congress approves it. Now, we are brought up to the point where, through this indirect means, we have the child-labor law back just as we passed it and just as it was in effect nullified by the Supreme Court. What is the legal condition, then, of that law?

Mr. FALL. So far as the legal condition is concerned, Mr. President, it is difficult to answer except as to my own conception. I would unhesitatingly say that it was yet unconstitutional, because I maintain that the Constitution of the United States remains in force and can not be abrogated by Part XIII or any other provision of any treaty.

But what is the position, aside from my conception of the legal proposition? It is to be assumed—and it is no violent assumption—that the Supreme Court would again declare it unconstitutional, because I say to you, sir, that the Supreme Court is never going to allow itself to be deprived by treaty or by act of its constitutional powers and prerogatives.

Therefore in what position are we? We have agreed by resolution approving the recommendation of the labor conference that we would enact legislation to put it in force; we enact the legislation and the Supreme Court declines to allow it to be enforced. The people of the United States, in my judgment, are not yet ready to overthrow the Supreme Court of the United States. If they do, then, of course, they will change their Constitution, as the people have a right to change it; we have not. But we have agreed beforehand that in such event penalties shall be inflicted upon this Nation by an embargo or economic or financial pressure, and, according to my conception of the league of nations covenant, we would finally be subject to armed compulsion, because the league of nations is compelled finally to assist the labor council in putting into effect the provisions of the articles when they are violated.

Mr. NORRIS. Then, Mr. President, if the Senator will yield further——

Mr. FALL. I yield.

Mr. NORRIS. Would we not be in this position: Assuming now that we had gone on as far as suggested in my original question and the power were exercised under this treaty to compel us to obey, after Congress had agreed as before stated, and the provision in regard to the infliction of punishment were about to be enforced, then we would be faced with the proposition that we would either have to defend ourselves against the league of nations or against the Supreme Court of the United States, would we not? We would either have to violate the decree of the Supreme Court of the United States or we would have to refuse to carry out the decree of the league.

Mr. FALL. Exactly.

Mr. NORRIS. And in that case we might get into trouble by being subjected to the punishments that are provided for in the treaty.

Mr. FALL. In the one case we must refuse to obey the decision of the Supreme Court, a coordinate branch of this Government, which means revolution, the overthrow of law, or we would be in rebellion against the league of nations and an international pirate, not to be treated under our own agreement even as a belligerent entitled to be protected by the rules of civilized warfare.

Mr. SHERMAN. Mr. President, will the Senator yield for a moment?

Mr. FALL. I yield to the Senator.

Mr. SHERMAN. There is not only in the league of nations covenant a provision governing the procedure referred to by the Senator, but in article 414 of the treaty there is a provision that a commission of inquiry shall be created to investigate these questions and make a report.

Mr. FALL. Certainly.

Mr. SHERMAN. That article also provides that the commission of inquiry "shall also indicate in this report the measures, if any, of an economic character against a defaulting government."

Mr. FALL. Certainly.

Mr. SHERMAN. So that an embargo could be laid upon our commerce and port regulations could be enforced to exclude our ships from the harbors of any nation seeing fit to take such action, or other economic pressure that might be very burdensome could be applied to us. In the case of Great Britain can not the Senators see what a tremendous power in connection with foreign commerce would be afforded?

Mr. FALL. Yes; and, of course, Mr. President, the Senator recognizes that Great Britain has 24 votes in this labor league to 4 of the United States, and that in the final analysis, economic pressure not being sufficient to make us comply, the league of nations stands behind to compel our compliance, and, as I have said, even with armed force if such an armed force is provided by being loaned or otherwise; and we become an international outlaw.

Mr. President, the matter of the inquiry is one of the things I had in mind when I referred to Great Britain's declarations with reference to our domestic legislation which amounted to a statement that she had a right to supervise the acts which we pass here, and at any time when she conceived that one of those acts was an interference of a treaty with her she need not wait to be injured or have the act enforced to her injury, but that at once, under the treaty and The Hague agreement, our tribunals were divested of authority and authority was conferred upon the arbitration tribunal, which now would be the council and the assembly of the league of nations. Under this provision to which the Senator has called attention not only would that be the case—that is, that our domestic legislation would be subject to investigation and supervision to ascertain whether in any respect it might be an impairment of a treaty obligation—but, under this provision, it would be subject to inquiry as to whether it in any way infringed upon any of the provisions of Part XIII or any of the orders taken in pursuance of those provisions.

Why, Mr. President, to me it is almost academic to discuss these propositions. I must admit that I am somewhat at a loss to find words in which to convey my meaning, except words of the very simplest character, because the meaning of the provisions themselves is so apparent that they should need no discussion to emphasize them. It is hard to discuss an obvious matter.

But, Mr. President, another complication with reference to this article, as well as with reference to other provisions of this treaty, which affects us as it affects neither of the other allied and associated powers, the five great powers—another complication which has not been referred to; or, if so, only in the most casual manner, here upon this floor—grows out of the diverse population of the respective countries.

Great Britain has a homogeneous population. Ninety-five per cent of her laboring class are organized. In other words, organized labor in Great Britain numbers 95 per cent of the total labor of the kingdom. In this country organized labor numbers less than 8 per cent, or approximately 8 per cent, of the total. In Great Britain the labor is British labor, whether English, Welsh, Irish, or Scotch. In France the labor is French labor. In Japan it is Japanese labor. In Italy it is Italian labor. In the United States, what is it? We are told now that more than 60 per cent of the labor engaged in the great steel strike is foreign labor. What the number of foreigners may be now engaged or proposing to engage in the great coal strike, I do not know. I have heard it placed as high as 73 per cent. In my own State of New Mexico, from the coal mines of which we supply all the great smelters and the railroads of the Southwest, I will say that at least 60 per cent of the labor is foreign. In dealing with the other great nations with whom we are proposing to form an alliance, we overlook the fact that we have conditions confronting us here that they have not to confront. They have populations born and raised under their laws, the laws existing for centuries. Out of a total of 81,000,000 of white stock populating this country in 1910, thirty-two and a fraction million were foreigners, either foreign born or of the first generation.

I have here a table prepared from the census reports, official, but compiled from various sources in the reports themselves, showing not only the foreign and first-generation population in 1910, but even, as it has been drawn for me, showing the numbers of such population by race; and after referring to it for a moment in passing I am going to ask that it may be printed at the conclusion of my remarks on this point for the information of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FALL. This data is taken from the census reports of 1910.

Out of a total white stock of 81,000,000 in the United States, the foreign-born population at that time numbered 13,345,545; of foreign parentage—that is, children born here, both parents born abroad—the population was 12,916,311; of the children born here at least one of whose parents was born abroad, the population numbered 5,981,526; a total of 32,243,382.

By percentages, the total foreign white stock in the United States in 1910 numbered 32,243,382, of whom 13,345,545, or 41⅓ per cent, were foreign-born whites; 12,916,311, or 40⅕ per cent, were native whites of foreign parentage; and 5,981,526, or 18.6 per cent, were native whites of mixed parentage.

Now, let us see——

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. I yield.

Mr. NORRIS. Before the Senator passes to another subject—my attention was attracted just when the Senator commenced, and he may have given this information—do the percentages and the figures which the Senator has been giving relate to any particular part of the population?

Mr. FALL. No; simply the foreign white stock of the population. In other words, the total white stock in the United States of all classes in 1910 was a fraction over 81,000,000. Of this white stock 32,243,382 were either foreign born or of the first generation.

Mr. NORRIS. I was wondering whether they applied to the whole population, as I see they do, or whether the Senator was attempting to apply them to the laboring people only.

Mr. FALL. No. I am going to read, as rather interesting, the numbers of the racial stocks.

England, for instance, had here of foreign-born population 876,455; of foreign parentage—that is, the first generation—592,285; of mixed parentage, 853,702. In other words, there were more Americans of white stock in America of English ancestry than there were Americans of white stock in America of any other race. Ireland had of foreign-born population, in 1910, 1,352,155; of the first generation, 2,141,577; and of the mixed parentage, first generation, 1,010,628; or a total of 4,504,360.

Mr. NORRIS. The Senator means there were that many Irish in America?

Mr. FALL. Certainly.

Mr. NORRIS. As the Senator read it—I say this because I am satisfied he will be glad to have the impression corrected—it would appear as though he were reading statistics from Ireland.

Mr. FALL. Oh, no; I was reading the statistics of the white foreign stock in the United States, of course, and I was simply reading, as a matter of interest, the racial derivation of some of this white stock, because in the other tables which have been compiled I have not seen the racial differences set up.

Germany, foreign born—of course, this is in the United States—2,501,181; of foreign parentage, 3,911,847; of mixed parentage, first generation, 1,869,590; or a total of 8,282,618.

Of Swedes, a total of 1,364,215.

Of Italians, 2,098,360.

Of Russians, 2,541,649.

Of Austrians, 2,001,559.

Of Hungarians, 700,227.

Of Roumanians—of course, many of the Roumanians are classed as Austrians or of other nationalities, where in Austria, as in the Baltic countries, the population of each of the States, of course, is mixed—87,721.

Bulgaria, Serbia, and Montenegro, small, only about 22,000.

Greece, 109,665.

Canada, total French, English, and Irish, 2,754,615.

Mexico, 382,002.

I ask that this table may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

Country of origin of the foreign white stock.

[Page 875, Vol. I, Census of 1910.]

Country.	Foreign born.	Foreign parentage.	Mixed parentage.	Total.
England	876,455	592,285	853,702	2,322,442
Scotland	261,034	175,391	223,238	659,663
Wales	82,479	84,934	81,534	248,947
Ireland	1,352,155	2,141,577	1,010,628	4,504,360
Germany	2,501,181	3,911,847	1,869,590	8,282,618
Norway	403,858	410,951	164,290	979,099
Sweden	665,183	546,788	152,244	1,364,215
Denmark	181,621	147,648	70,795	400,064
Netherlands	120,053	116,331	57,190	293,574
Belgium	49,397	26,448	13,419	89,264
Luxemburg	3,068	2,381	1,496	6,945
France	117,236	78,937	96,216	292,389
Switzerland	124,834	90,669	86,147	301,650
Portugal	57,623	41,680	11,819	111,122
Spain	21,977	4,387	6,770	33,134
Italy	1,343,070	695,187	60,103	2,098,360
Russia	1,602,752	873,055	65,842	2,541,649
Finland	129,669	76,261	5,096	211,026
Austria	1,174,924	709,070	117,565	2,001,559
Hungary	495,600	191,059	13,568	700,227
Roumania	65,920	20,707	1,094	87,721
Bulgaria, Serbia, and Montenegro	21,451	948	286	22,685
Greece	101,264	5,524	2,877	109,665
Turkey in Europe	32,221	2,560	533	35,314
Europe—not specified	2,853	2,926	1,797	7,576
Turkey in Asia	59,702	17,480	1,449	78,631
All other countries	4,612	517	2,135	7,264
Canada—French	385,083	330,976	216,179	932,238
Canada—other	810,987	307,291	704,099	1,822,377
Newfoundland	5,076	1,836	1,723	8,635
Cuba and other West Indies	23,169	8,681	9,992	41,842
Mexico	219,802	107,866	54,334	382,002
Central and South America	9,069	807	3,634	13,510
All other	40,167	14,214	20,142	74,523
Of mixed foreign parentage		1,177,092		1,177,092
Total	13,345,545	12,916,311	5,981,526	32,243,382

SUMMARY FOR 1910.

The total foreign white stock in the United States in 1910 numbered 32,243,382, of whom 13,345,545, or 41.5 per cent, were foreign-born whites, 12,916,311, or 40.1 per cent, were native whites of foreign parentage, and 5,981,526, or 18.6 per cent, were native whites of mixed parentage.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator about the last figures he gave—the Mexicans. Does that total include the mixed parentage?

Mr. FALL. It does; but the mixed parentage is 54,334, and, of course, the Senator understands that that does not apply to the treaty citizenship. In other words, the population figures here do not apply to New Mexico, my State, and to other States such as Arizona, California, and Texas, where these Mexicans came in by treaty as citizens. It applies only to the foreign immigration.

Mr. NORRIS. I only asked the question because I wanted further to illuminate the subject that the Senator is discussing. I think it is an exceedingly interesting proposition in connection with this labor provision of the treaty, particularly after the Senator has coupled it, as he has, with the fact that this is the only country in the league, or, at least, it is the only one of the principal countries in the league, where that condition exists.

Mr. FALL. The only one of the five principal allied and associated powers.

Mr. NORRIS. I confess that the idea had never before occurred to me, and I can see its importance. In none of the other nations—England, France, Germany, Italy, or Japan—is that question involved. They do not have to give it consideration, as we ought to do.

Mr. FALL. That is true, Mr. President; and the fact that it should be very seriously considered here in this country is confirmed by the fact, well known, that in the Balkan countries and in the remaining portion of the remnants of the Austrian Empire the question of mixed nationalities is a burning question to-day, with which the Senate must be confronted and must deal in a short time.

Mr. NORRIS. Mr. President, if the Senator will permit me, it is a burning question and always will be a burning question here. If we get into any difficulty in which the races in Europe are our antagonists, we will have a line-up immediately, as was the case in this war. We can not avoid it on account of our mixed population.

Mr. FALL. Undoubtedly, Mr. President. The fact is that we, of the five allied and associated powers which are to-day undertaking to govern the world, are the only power in which, of the total white population, more than one-third, approximately 40 per cent, are of foreign birth or of foreign parentage, and which, coming from all of the nationalities of the earth, enters into every phase of our everyday life. But the matter I have reference to particularly in saying this is that the questions now agitating the storm center of the world, the Balkans, would be presented to us and must be met by us, is we have saddled upon ourselves by this treaty the disposition and settlement of those questions, and have left our own domestic questions of the same character entirely unsettled or to be settled by foreigners.

We have provided that Roumania, Poland, Czechoslovakia, the Czecho-Slovene State, Hungary, and the other Balkan States of mixed blood, must enter into a treaty with us by which we will see that they are guaranteed the rights of racial minorities and linguistic minorities. We have assumed that burden, and to-day we are, because of our cowardice in the front of labor, or for some other reason, afraid to deal with the foreign question within our own boundaries; or at least we fail to do it.

We go out in the world and hunt up propositions to saddle upon the people of this country, for unknown generations, burdens to be borne by the taxpayers of this country in dealing with the Roumanian or Ruthenian populations in Hungary or Poland, when we have here at home our own burning racial questions and linguistic questions. We passed an act, in force now, that no foreign-language paper shall be sent through the mails until a translation of what is contained in it shall be filed with the Postmaster General; and then we propose to say to Roumania, "You must never pass such an act, no matter what the circumstances, with reference to any Serb or Croat or Slovene within your boundaries; and we, the United States of America, will see that you do not pass such an act."

We deal with it in labor, we deal with it in all foreign questions, and then, Mr. President, this phase of it may possibly appeal to some statesman who must seek reelection at the hands of his people next year. We will deal with it in every political campaign from the election of an alderman in New York City to an election of a President of the United States. So long as you inject yourself into foreign questions concerning the disposition of Fiume and into trouble between the Serbs, Croats, and Slovenes on the one hand and Italy on the other the Italian colony in Albuquerque, N. Mex., will want to know where the candidate for Congress, upon the Republican or upon the Demo-

cratic ticket, stands with reference to the disposition of Fiume. In the coal mines the Serbs, the Croats, and the Slovenes, the Roumanians, the Italians, and the Sicilians will all be aroused, and every candidate must make a pledge or lose the vote of one or the other, and if he makes his pledge and gains the vote of one he loses the vote of the other. The United States, with sufficient troubles of her own, with her labor troubles, with her great economic questions to settle, is now proposing that into politics, where those questions belong—because there the people speak—into our political campaigns, shall be injected every row, every foreign question, with reference to the ultimate disposition of the free city of Danzig. The Poles will be arrayed on the one hand and the Germans upon the other, fronting every election booth at the next election.

And still some of our friends flatter themselves that this league will not be a political question in the next campaign. I say to you now—and mark whether I am a political prophet—that it will be a burning political question in every campaign in the United States until the people have elected a Congress which will obey their wishes and restore the constitutional Government of the United States and throw this treaty into the sea, because that can be done finally. The Congress of the United States, elected by the people of the United States, can denounce a treaty, as they denounced the treaty of alliance with France and as they denounced the treaty of amity and commerce and immigration with Russia. The people of the United States will force you back into Americanism, or else, if they do not, they themselves are not worthy of the American Government formed by our fathers.

Mr. President, I have spoken at greater length than I had anticipated. The argument of the Senator from Colorado [Mr. THOMAS] upon the different phases of this particular question now pending covered the subject so fully and so thoroughly, and was so lucid in its explanation and exposition of the different provisions, that it would be a matter of supererogation to undertake to discuss the different provisions in detail; therefore I have confined myself entirely to the legal, constitutional, and governmental questions involved. Again, while not a prophet nor the son of a prophet, I venture to say to you that you may abrogate your powers, you may surrender your constitutional authority, the President of the United States may abdicate in favor of Lloyd-George, but the Supreme Court of the United States will yet remain as the rock of this Government, the ark of this covenant, and will maintain an American Government until the American people themselves can be heard.

Mr. SHERMAN addressed the Senate. After having spoken for some time,

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. SHERMAN. I yield.

Mr. LODGE. I offer a unanimous-consent agreement, which I ask to have printed and lie on the table. It may go over until Monday, when I shall call it up. I ask for this interval of delay because the Senator from Missouri [Mr. REED], who, as everyone knows, has a very deep interest in this question, is ill and confined to his house; and I should like him to have an opportunity to see this proposed agreement before it comes up for consideration. So I merely introduce it now and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HITCHCOCK. Let it be read, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the calendar day of Wednesday, November 12, 1919, the Senate will vote finally upon the resolution of ratification of the peace treaty with Germany; that on and after the calendar day of Monday, November 3, 1919, up to the calendar day of Monday, November 10, 1919, no Senator shall speak more than once nor for a longer period than one hour upon any amendment to the text of the treaty, or upon any amendment proposed or that may be proposed to the resolution of ratification, or to any reservation pending or offered thereto; that on and after the calendar day of Monday, November 10, 1919, no Senator shall speak more than once nor for a longer period than 10 minutes upon any amendment pending or offered to the text of the treaty, or upon any amendment pending or proposed to the resolution of ratification, or to any reservation proposed to be incorporated therein; that at the hour of 5 o'clock p. m., on the calendar day of Wednesday, November 12, 1919, debate shall end and voting shall begin, and shall be proceeded with until all amendments and reservations and the perfected resolution of ratification have been finally disposed of: *Provided*, That nothing in this agreement shall prevent the Senate from voting upon any amendment or reservation as the same is reached.

Mr. HITCHCOCK. Mr. President, I offer the following unanimous-consent agreement, which I also ask to have printed and lie on the table in accordance with the request already made by the Senator from Massachusetts:

That beginning with the adoption of this unanimous-consent agreement the Senate shall proceed with the consideration of the pending German treaty, including proposed amendments, reservations, interpretations, and resolutions of ratification, at sessions which shall begin at 11 o'clock a. m. each day. No Senator shall speak more than once nor longer than 15 minutes on any pending question during the further consideration of this treaty and relating to action upon it.

The PRESIDENT pro tempore. Without objection, the proposed unanimous-consent agreement of the Senator from Nebraska will be printed and lie on the table.

Mr. BORAH. I understand that both these unanimous-consent agreements are simply to be printed and lie on the table.

The PRESIDENT pro tempore. Both proposals are to be printed and lie on the table until Monday.

[Mr. SHERMAN resumed his speech. After having spoken in all about one hour, he yielded the floor for the day.]

ADJOURNMENT TO MONDAY.

Mr. SMOOT. Mr. President, it is now 5 o'clock, and I understand that it is agreeable to both sides that the Senate shall adjourn until Monday. I move that the Senate adjourn until Monday next.

The motion was agreed to; and the Senate (at 5 o'clock p. m.), as in open legislative session, adjourned until Monday, November 3, 1919, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *October 31, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, impart unto our authorities in State and Nation wisdom, courage, fortitude, tempered with charity, that they may meet the great calamity which threatens the Nation, that law and order may obtain for the good of all.

Bring in Thine own good time together capital and labor, without hate and rancor, that justice and equity may be the fruits of their labors; and Thy name be hallowed, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3202. An act granting leave of absence to officers of the Coast Guard, and for other purposes.

The message also announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 15.

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency, and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3202. An act granting leave of absence to officers of the Coast Guard, and for other purposes; to the Committee on Expenditures in the Treasury Department.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; and

H. R. 9697. An act to extend the time for the completion of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.

THREATENED STRIKE OF COAL MINERS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take Senate concurrent resolution 15 from the Speaker's table and consider the same.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to take from the Speaker's table Senate concurrent resolution 15 and consider the same. The Clerk will read.

The Clerk read as follows:

Senate concurrent resolution 15.

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

There was no objection.

Mr. CLARK of Missouri. What about debate?

Mr. MONDELL. I would like to know what time the gentleman from Missouri would like to have. It had not been my thought that any extended debate was necessary, but I would be very glad to yield whatever time the gentleman desires. I expect to make a very brief statement.

Mr. CLARK of Missouri. Why not divide the hour half and half?

Mr. MONDELL. I do not think we will occupy half an hour on this side.

Mr. CLARK of Missouri. If you do not, you can quit.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that debate on this resolution shall not exceed one hour, one-half to be controlled by the gentleman from Missouri [Mr. CLARK] and one-half by myself.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that debate on this resolution be limited to one hour, one half to be controlled by himself and the other half by the gentleman from Missouri [Mr. CLARK].

Mr. MONDELL. And at the expiration of that time the previous question shall be ordered.

The SPEAKER. And at the expiration of that time the previous question shall be ordered. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, yesterday morning the gentleman from North Carolina [Mr. KITCHIN] called my attention to certain resolutions that had been presented in the House, the purport and effect of which was an indorsement of the acts of the Chief Executive, and particularly of the statement he issued relative to the threatened coal strike and the situation thus created. I said in connection with the discussion as to whether these resolutions should be taken up that in my opinion, while it was the duty of the Members of Congress on their personal responsibility and individually to express their views in regard to these matters, as I had already done, I did not think it was wise for the Congress to embark upon the practice or enter upon the policy of indorsing—which would, of course, involve the possibility of criticizing—the acts of the Chief Executive in the form of resolutions. I still adhere to that view.

But, Mr. Speaker, the situation presented this morning is quite different from that of yesterday morning. Since that time the Senate of the United States has considered, debated, and adopted a resolution very different in form from the resolution to which the gentleman from North Carolina referred on yesterday—a resolution covering all phases of the present industrial emergency, and giving the national administration assurance of the constant and unqualified support of the Congress in the use of constitutional and lawful means to meet the present industrial emergency, vindicating the majesty and power of the Government, enforcing obedience to the Constitution and the laws, and in protecting all citizens in the maintenance and exercise of their rights and in the observance of their lawful obligations.

That resolution being now before us, it seems to me highly proper that it should be adopted by the House, and I hope that it will be adopted unanimously and without a dissenting voice.

A nation-wide strike is threatened for which the miners have not voted, and for the avowed purpose of enforcing demands which the miners have not individually made, and which have not been officially sanctioned by even the representatives of the miners of some sections. Certain leaders have arrogated to themselves the authority, at least have assumed the responsibility, of calling out miners, many of whom are satisfied with present conditions, and of paralyzing the industries of the Nation and bringing want and misery into millions of homes without any real effort to adjust differences that may exist, and this at a time when miners are well paid, even considering the high cost of living, and when the approach of cold weather guarantees abundant work. I can not believe that the miners will generally allow themselves to be misled by any such arrogant and misguided leadership. If they should, they must remember while men have the right to strike men also have the right to work, and that public sentiment and the instrumentalities of Government will insist that those who may desire to continue to produce coal shall be protected in their right to do so. The country will not allow its industries to be paralyzed and its people, including women and children, to suffer, even though certain misguided men insist upon their right to quit work through a false sense of loyalty to leaders who seem to be utterly reckless of the consequences of their acts.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I am glad that the gentleman from Wyoming [Mr. MONDELL] has seen fit to change his position with respect to this resolution. The situation is just this: A resolution was introduced by the gentleman from Texas [Mr. CONNALLY] which in all essentials is the same as Senate concurrent resolution No. 15. The only difference is that the gentleman from Texas in his resolution proposed to indorse the utterances of the President of the United States while Senate resolution No. 15 indorses the proposed action of the administration. If any living man can detect any essential difference between the two resolutions, he can do what I can not do. The Connally resolution ought to have been passed by this House yesterday. [Applause.] But objection was made on that side of the Chamber to even the consideration of it, accompanied by criticism as to precedent which the action of the House would establish.

Perhaps the next thing we will hear about this resolution will be the boast of the gentleman from Wyoming about the patriotism of the Republican side of the Chamber in adopting and passing this particular resolution.

We might as well talk plain. The truth is this was simply a case of "had to come across." The Rules Committee was called together this morning upon request of two minority members, and the gentleman from Tennessee [Mr. GARRETT] presented a rule providing for the consideration of the Connally resolution. A resolution providing for consideration of Senate resolution No. 15 was unanimously adopted, and at the very moment the gentleman from Wyoming arose to ask that unanimous consent be given that rule was ready to meet any objection.

Mr. MONDELL. Will the gentleman yield?

Mr. POU. I will yield to the gentleman.

Mr. MONDELL. The gentleman knows that when I appeared before the Committee on Rules this morning I stated that we were only asking a rule in case unanimous consent was refused; that I intended to ask unanimous consent. The gentleman does not want to convey the impression that any different action has been taken than was proposed?

Mr. POU. No; I am not suggesting anything of that kind. I am simply suggesting that for some reason yesterday the gentleman from Wyoming interposed two objections to the consideration of practically the same resolution he is asking to be considered by the House by unanimous consent to-day, and I submit that the explanation of the gentleman from Wyoming does not explain.

So it is another of those instances where the President of the United States is doing the bold, courageous thing, and we ought to have upheld him yesterday by unanimous vote. True, it is a little bit late to do it now, but, for God's sake, let us do it without a single objection on this floor.

We had several instances of this kind during the war. The meanest sort of criticism would be leveled against the President, but certain gentlemen, not daring to oppose him here, would

accompany their support with all manner of complaint and criticism and afterwards brag about the wonderful display of patriotism.

The course of the President from the day he took the oath of office down to this good hour has commanded the admiration of the entire world. The position he has taken respecting this strike is just the position every patriotic American expected him to take. It is the position of a great American statesman, and yet during this debate you will hear him criticized. If you do not hear this, it will be because certain gentlemen remain silent, and this is too much to hope for.

Mr. Speaker, let us show the lawbreakers how unanimous we are in supporting the man in the White House.

Mr. MONDELL. Mr. Speaker, does the gentleman from Missouri desire to use any more of his time?

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. Speaker and gentlemen of the House, I most heartily favor the request for unanimous consent to immediately consider the Senate concurrent resolution No. 15 made by the gentleman from Wyoming [Mr. MONDELL]. I have no pride in the fact that I happen to be the author of the resolution which the gentleman from North Carolina [Mr. POU] defines as practically identical with the resolution now before the House. I want to call the attention of the House, however, to a few pertinent facts with reference to the matter.

On Monday last the gentleman from Wyoming [Mr. MONDELL] introduced by unanimous consent into the RECORD the President's statement on the impending coal strike. In reply to an interrogatory propounded to him on the floor at that time he stated that he most heartily indorses the statement made by the President of the United States on the subject, and prior to the introduction of my resolution I stated on the floor of this House that if the gentleman from Wyoming would take the resolution—not necessarily in identical language—and introduce it later in the day and ask unanimous consent for its consideration, I would not introduce such a resolution. The gentleman from Wyoming declined to take that action. I sought to get unanimous consent for its consideration on Monday last and was met with the proposition that it was contrary to the rules of the majority on the floor of this House to consider resolutions of this kind prior to their consideration by a committee. I then went before the Committee on the Judiciary on last Tuesday morning and presented my resolution and asked for its consideration, and no action was had on the resolution by the Committee on the Judiciary until this morning.

I call the attention of the House to the fact that the present resolution, the concurrent resolution from the Senate, has not yet been referred to a committee, and if that fact were ground for objection against the consideration of my resolution on Monday last, it would be equally grounds for objection against consideration of the resolution which is now before the House.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. REAVIS. For the gentleman's information I will state that the Committee on the Judiciary this morning amended the gentleman's resolution and reported out the Senate resolution in its stead.

Mr. CONNALLY. If the gentleman followed my statement, he would have noted that I said there had been no action on my resolution until this morning.

Mr. REAVIS. The gentleman said there had been no action on his resolution, and that this resolution had not yet been before the Committee on the Judiciary, while this resolution had been reported out by that committee.

Mr. CONNALLY. I will say to the gentleman that the Clerk of the Senate, just a few moments ago, after the Committee on the Judiciary had adjourned, reported this resolution officially to the House. [Applause on Democratic side.] The gentleman from Nebraska [Mr. REAVIS] can not successfully employ any sort of legislative shell game here. If the Judiciary Committee of the House took action on the Thomas resolution, it took it upon its own initiative and before that resolution had officially reached the House of Representatives.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY. In a moment. I will say that doubtless the same influences which forced the gentleman from Wyoming to ask for the consideration of this resolution forced a very tardy and unwilling action by the Committee on the Judiciary of this House.

Mr. REAVIS. I merely wanted to put the gentleman right, because I am sure he does not want to make any mistake.

Mr. CONNALLY. Not at all.

Mr. REAVIS. The gentleman's resolution was acted upon in the Committee on the Judiciary.

Mr. CONNALLY. When?

Mr. REAVIS. This morning.

Mr. CONNALLY. That is what I stated.

Mr. REAVIS. And that portion of the resolution following the resolving clause was stricken out.

Mr. CONNALLY. That is all right.

Mr. REAVIS. And the resolution that is now being considered was reported out of the Committee on the Judiciary this morning.

Mr. CONNALLY. That is correct. I do not dispute the gentleman's statement, but I call his attention to the fact that my resolution reposed in the Judiciary Committee from last Tuesday morning until this morning without any action upon it at all, and this morning the Judiciary Committee substituted the Senate resolution for my resolution before the Senate resolution had reached the House or the committee.

Mr. CARAWAY. Does the gentleman mean to charge all of the members of the Judiciary Committee with neglect in that respect?

Mr. CONNALLY. Oh, no; just the majority of that committee. I will say, in reply to the gentleman from Arkansas, that I found the Democratic members of the committee, with whom I conferred, including the gentleman from Arkansas, willing and anxious to have the committee take action on the resolution which was pending before it.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. BEE. So that this report of the Committee on the Judiciary affirmatively reported out the gentleman's resolution, but substituted for it the Senate resolution?

Mr. CONNALLY. Yes. That is true.

In order to arrive at a proper conception of the proceedings which have led up to the present situation it is necessary to review briefly some recent events. The Washington Post gives the following résumé of conditions:

MAIN POINTS IN THE CONTROVERSY THAT LED UP TO GREAT COAL STRIKE AND GOVERNMENT'S INTERVENTION.

These are the outstanding facts concerning the coal strike and what led up to it:

United Mine Workers of America, meeting at Cleveland on September 23, sounded the first strike alarm by declaring the war-time wage agreement ended on November 1.

Executive officers charged with the duty of negotiating a new agreement were ordered to stand out for three demands, and, if not granted, to issue a strike call for more than 400,000 soft-coal miners in 28 States. These demands were:

A five-day working week, a six-hour day, and a wage increase of 60 per cent.

SCALE MEETING A FAILURE.

At scale committee meetings at Buffalo and Philadelphia miners and operators thrashed over their differences without peaceful settlement. Representatives of the miners contended that the demands were not arbitrary, that the 60 per cent wage increase was set as a basis for negotiations, and that a six-hour day meant actual time the miners were to work underground.

The miners insisted on a five-day week, they said, because there were not four days' work a week the year round for each miner. They contended by limiting each miner to five days there would be a more equitable distribution of the work. The leaders denied that it was the beginning of a nation-wide campaign for a shorter working schedule.

After a failure of the two sides to get together the strike order was issued, and Secretary of Labor Wilson, acting by direction of the President's Cabinet, immediately called into conference the heads of the mining and operating associations. Subsequently the full scale committee of each were called in and various proposals were offered and rejected.

The final proposal was made by President Wilson. It suggested for negotiation without reservation, submission of questions still in dispute with the failure of negotiations to arbitration, and continued operation of the mines pending final settlement.

OPERATORS ACCEPT OFFER.

The operators, as set forth in a statement by Secretary Wilson, accepted the offer in its entirety; the miners accepted the offer of negotiation "and held the other two for consideration later." This, as explained by Secretary Wilson, abruptly ended the conference.

At my request the Secretary of Labor has furnished me with the following statement of the negotiations conducted at a conference of operators and officials of the miners called by the Secretary:

The following is a list of the propositions, in the order in which they were presented, which were submitted for consideration at the conference of operators and miners with the Secretary of Labor, held in the city of Washington, D. C., October 21 to 24, 1919, inclusive. No record was made of the discussions or explanations, and only the propositions and the substance of the responses are given:

TENTATIVE PROPOSITION MADE BY SECRETARY WILSON.

That the wages of the miners be increased at the expiration of the present contract an amount equal to the difference between the increase in wages received by the mine workers since July, 1914, and the increase in the cost of living since that date.

That the increase be effective from the termination of the present agreement until March 31, 1920.

That on these conditions the strike order be withdrawn and the miners continue at work on these terms.

That negotiations be entered into at the usual time for the making of a new scale to be effective after March 31, 1920.

Response of the miners, in substance: The miners reject the proposition, because it is indefinite and inadequate.

Response of the operators, in substance: The operators have also found the proposition indefinite and had intended to make some inquiries to get a better understanding of it, but the action of the miners in rejecting it makes it unnecessary either to accept or reject.

TENTATIVE PROPOSITION OF SECRETARY WILSON.

That the pick-mining price be advanced 15 cents per ton.

That machine-mining yardage, dead work, and day wages be advanced in the same ratio.

That the daywork shall be eight hours from bank to bank.

That there shall be a Saturday half holiday.

That with these changes the existing agreement continue in effect until March 31, 1922.

That while the legal termination of the war will not take place until some unknown time in the future, the increase in the cost of living is an existing fact; therefore these changes will go into effect as of November 1, 1919.

Response of the operators, in substance: We will not enter into any negotiations for a new wage scale unless the strike order is withdrawn and it is understood that the present agreement should continue to its legal termination.

Response of the miners, in substance: The proposition is not satisfactory to the miners. We are willing to accept it as the basis of negotiations, but we are not willing to withdraw the strike order pending negotiations.

PROPOSITION OF THE OPERATORS, IN SUBSTANCE.

That if the strike order is withdrawn and it is understood that the existing agreement will continue until its legal termination, we will agree to submit the question of an increase in wages to a board of arbitration and abide by its decision.

Proposition rejected by the miners.

PROPOSITION MADE BY THE SECRETARY OF LABOR.

That all of the questions in dispute be submitted to arbitration and that work be continued pending the decision of the arbitrators.

Proposition rejected by operators and miners.

TENTATIVE PROPOSITION MADE BY SECRETARY WILSON.

That the wage-scale committees of the operators and miners go into conference without reservation for the purpose of negotiating an agreement, as though no demands had been made or rejected, having due regard to the interests of their respective groups.

Response of the miners, in substance: We will go into conference with the wage-scale committee of the operators without reservation for the purpose of negotiating an agreement, having in mind the interests of the mine workers.

Response of the operators, in substance: We will go into conference with the wage-scale committee of the mine workers without reservation for the purpose of negotiating an agreement, having in mind the interests of the operators, if the strike order is withdrawn.

LETTER FROM THE PRESIDENT.

"I have been watching with deep and sincere interest your efforts to bring about a just settlement of the differences between the operators and the coal miners in the bituminous coal fields of the country. It is to be hoped that the good judgment that has been exercised by both operators and miners in years gone by in the adjustment of their differences will again prevail in the present crisis. All organized society is dependent upon the maintenance of its fuel supply for the continuance of its existence. The Government has appealed with success to other classes of workers to postpone similar questions until a reasonable adjustment could be arrived at. With the parties to this controversy rests the responsibility of seeing that the fuel supply of the Nation is maintained. At this time, when the whole world is in need of more supplies, it would be a cruel neglect of our high duty to humanity to fail them.

"I have read with interest the suggestion made by you that the wage-scale committees of the operators and miners go into conference without reservation for the purpose of negotiating an agreement as though no demands had been made or rejected, having due regard to the interests of their respective groups. I am in accord with that suggestion. No body of men knows better the details, intricacies, and technicalities of mining than do the miners and operators. No body of men can work out the details of a wage scale on a more equitable basis. Their judgment would undoubtedly be based upon the sum total of knowledge of the industry. Whatever their differences may be, no matter how widely divergent their viewpoints may be from each other, it is a duty that they owe to society to make an earnest effort to negotiate those differences and to keep the mines of our country in operation. After all, the public interest in this vital matter is the paramount consideration of the Government and admits of no other action than that of consideration of a peaceful settlement of the matter as suggested by you. If for any reason the miners and operators fail to come to a mutual understanding, the interests of the public are of such vital importance in connection with the production of coal that it is incumbent upon them to refer the matters in dispute to a board of arbitration for determination, and to continue the operation of the mines, pending the decision of the board."

Response of the operators, in substance: We take the communication from the President as a command and accept his proposition in its entirety.

Response of the miners, in substance: We look upon the communication from the President as containing two distinct propositions and methods of adjustment: First, to negotiate; second, to arbitrate. We accept the first and hold ourselves ready to negotiate.

The Secretary of Labor was asked for an interpretation of the President's letter.

SECRETARY OF LABOR'S INTERPRETATION, IN SUBSTANCE.

It is apparent that the President desires the continued operation of the mines on a basis that will be just to all persons concerned. He has therefore proposed a method with three distinct parts, each essential to secure the accomplishment of the purpose: First, that negotiations be resumed. Second, that if the negotiations fail to bring about an adjustment, the matters in dispute should be submitted to arbitration. Third, that the mines should be continued in operation.

The operators at that point said:

"We agree with your interpretation, and hold ourselves in readiness to meet at your call or the call of the miners' wage committee to fulfill the requirements of the President's letter," and immediately withdrew.

The Secretary of Labor, who is himself a miner and a member of the United Mine Workers' Union, has energetically sought to avert the pending coal strike, and, after the conference adjourned, as a final appeal sent to John L. Lewis, acting president United Mine Workers of America, the following telegram:

In view of the impending coal strike and the disastrous effect sure to follow, I deem it my duty to urge upon you the advisability, under all the circumstances, of another effort to avert the threatened stoppage of work in the bituminous coal fields set for November 1.

OFFERS EVERY POSSIBLE HELP.

We are all agreed, I think, that nothing should be left undone to avert this calamity, and it is therefore incumbent upon the coal operators, the miners, and the Government to cooperate by every feasible method of joint action to this end.

Having this in mind, I urgently request your international executive board to reconvene at the earliest possible moment the delegate convention of the United Mine Workers of America for a further consideration of the whole question and that, pending the assembling of the convention and its consideration of the matters presented, the miners be notified by your board to continue at work.

In which event, as Secretary of Labor, I will assume the responsibility of calling the operators of not only the central competitive fields but of the entire bituminous coal fields of the country to meet in the same city and at the same time set by your executive board for a reconvening of the delegate convention of the United Mine Workers of America.

WOULD HAVE CALLED OPERATORS.

If you will give this request favorable consideration I feel that the convention called in accordance therewith with coal operators meeting in the same city, a way will be worked out that will be satisfactory to your membership, to the operators, and to the Government of the United States.

I earnestly urge you to do this, feeling that if you do your course will be commended by the people of the United States, and the dire consequences that would follow a nation-wide coal strike will be prevented. If you concur with my request and call a convention, any place selected by your board will be satisfactory. If you desire to meet in the city of Washington, I will gladly make the arrangements for a meeting place and do everything I can to cooperate with you. I am sending you by mail an official copy of the President's statement issued Saturday, October 25.

The statement of the President issued on October 25 and referred to by the Secretary of Labor is as follows:

On September 23, 1919, the convention of the United Mine Workers of America at Cleveland, Ohio, adopted a proposal declaring that all contracts in the bituminous field shall be declared as having automatically expired November 1, 1919, and making various demands, including a 60 per cent increase in wages and the adoption of a six-hour workday and a five-day week; and providing that in the event a satisfactory wage agreement should not be secured for the central competitive field before November 1, 1919, the national officials should be authorized and instructed to call a general strike of all bituminous miners and mine workers throughout the United States, effective November 1, 1919.

RECALLS THE WAR AGREEMENT.

Pursuant to these instructions, the officers of the organization have issued a call to make the strike effective November 1. This is one of the gravest steps ever proposed in this country, affecting the economic welfare and the domestic comfort and health of the people.

It is proposed to abrogate an agreement as to wages which was made with the sanction of the United States Fuel Administration, and which was to run during the continuance of the war, but not beyond April 1, 1920. This strike is proposed at a time when the Government is making the most earnest effort to reduce the cost of living and has appealed with success to other classes of workers to postpone similar disputes until a reasonable opportunity has been afforded for dealing with the cost of living.

It is recognized that the strike would practically shut off the country's supply of its principal fuel at a time when interference with that supply is calculated to create a disastrous fuel famine. All interests would be affected alike by a strike of this character, and its victims would be not the rich only but the poor and the needy as well—those least able to provide in advance a fuel supply for domestic use.

It would involve the shutting down of countless industries and the throwing out of employment of a large number of the workers of the country. It would involve stopping the operation of railroads, electric-light and gas plants, street railway lines, and other public utilities, and the shipping to and from this country, thus preventing our giving aid to the allied countries with supplies which they so seriously need.

The country is confronted with this prospect at a time when the war itself is still a fact, when the world is still in suspense as to negotiations for peace, when our troops are still being transported and when their means of transport is in urgent need of fuel.

WITHOUT APPROVAL OF WORKERS.

From whatever angle the subject may be viewed, it is apparent that such a strike in such circumstances would be the most far-reaching plan ever presented in this country to limit the facilities of production and distribution of a necessity of life and thus indirectly to restrict the production and distribution of all the necessaries of life. A strike under these circumstances is not only unjustifiable, it is unlawful.

The action proposed has apparently been taken without any vote upon the specific proposition by the individual members of the United Mine Workers of America throughout the United States, an almost unprecedented proceeding. I can not believe that any right of any American worker needs for its protection the taking of this extraordinary step, and I am convinced that when the time and money are considered it constitutes a fundamental attack, which is wrong, both morally and legally, upon the rights of society and upon the welfare of our country.

I feel convinced that individual members of the United Mine Workers would not vote, upon full consideration, in favor of such a strike under these conditions.

INTEREST OF PUBLIC PARAMOUNT.

When a movement reaches a point where it appears to involve practically the entire productive capacity of the country with respect to one of the most vital necessities of daily domestic and industrial life, and when the movement is asserted in the circumstances I have stated, and at a time and in a manner calculated to involve the maximum of dangers in the public welfare in this critical hour of our country's life, the public interest becomes the paramount consideration.

In these circumstances I solemnly request both the national and the local officers and also the individual members of the United Mine Workers of America to recall all orders looking to a strike on November 1 and to take whatever steps may be necessary to prevent any stoppage of work.

It is time for plain speaking. These matters with which we now deal touch not only the welfare of a class, but vitally concern the well-being, the comfort, and the very life of all the people.

I feel it is my duty in the public interest to declare that any attempt to carry out the purpose of this strike, and thus to paralyze the industry of the country with the consequent suffering and distress of all our people, must be considered a grave moral and legal wrong against the Government and the people of the United States.

LAWS ARE TO BE ENFORCED.

I can do nothing else than to say that the law will be enforced and the means will be found to protect the interests of the Nation in any emergency that may arise out of this unhappy business.

I express no opinion on the merits of the controversy. I have already suggested a plan by which a settlement may be reached, and I hold myself in readiness at the request of either or both sides to appoint at once a tribunal to investigate all the facts, with a view to aiding in the earliest possible orderly settlement of the questions at issue between the coal operators and the coal miners, to the end that the just rights, not only of those interests, but also of the general public, may be fully protected.

The resolution introduced by me on October 27 is as follows:

Whereas the President of the United States has made a public statement regarding his proposed course of action with reference to the threatened strike in the coal fields of the United States and his intended efforts to enforce the law and maintain the integrity of the Government of the United States: Therefore be it

Resolved by the House of Representatives of the United States of America (the Senate concurring), That the utterances of the President of the United States contained in said statement are approved by the Congress of the United States; and that the Congress hereby pledges to the President of the United States its support in all constitutional measures which the President may take in order to enforce and maintain the laws of the United States in their full integrity.

The Senate resolution now pending before the House is as follows:

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. Speaker, this is not a strike which was voted by the miners—by the miners who dig the coal. It was called by the leaders, who acted without referring the matter to the miners themselves, who alone ought to have the right to say when they shall stop work.

Mr. Speaker, any man who works has the right to quit work whenever he sees fit to do so; any man has the right to continue to work whenever he may see fit to do so. The right to work when he wants to is just as sacred as the right to quit work. The Constitution guarantees the right to work as well as the right to quit work, and the Government owes to every man who desires to continue work the duty to protect him in that right and privilege. To those miners who desire to continue to dig coal to earn livelihood for themselves and their families the Government should give every protection. The operators must also obey the law; they should not be allowed to charge excessive prices, and the authorities state that they shall not be allowed to do so. The country is facing a great crisis; calamity may befall the consuming public at any moment. The Government will fix maximum prices of coal so that the owners and operators can not take advantage of this situation to raise prices; the law will force operators and miners alike to respect the rights of the great consuming public—the public whose patronage pays for both the wages of the miners and the coal of the operators. Neither of these special interests must be allowed, in violation of law, to starve or freeze the public into submission.

I am glad to know that such Members of this House as the gentleman from Ohio, Mr. RICKETTS, himself a union coal miner; the gentleman from Minnesota, Mr. CARSS, a member of one of the railroad brotherhoods; and the gentleman from Ohio, Mr. COOPER, also a member of a railroad brotherhood, will support and vote for the Senate resolution now pending. It is a question of the supremacy of the law.

It is immaterial to me whether you pass the resolution which I introduced or the Thomas Senate resolution. All I want is that this House shall go on record for the enforcement of the law and the guarantee of the constitutional rights of American citizens in this great crisis. [Applause.] I am glad that the Republican Party in this House—although it has done it tardily, although it seems to have done it unwillingly, although it seems to have done it under the spur of absolute necessity—has at last come to the point where it is willing to indorse the administration in the enforcement of the law. However, I want to say furthermore for some gentlemen on the Republican side of the House that a great many of them came to me on Monday last and expressed their hearty approval of my resolution and their willingness to have it considered by this House. This side of the House has been willing all along. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I am sorry, Mr. Speaker and gentlemen of the House, to see a disposition here rather to quibble about politics than to declare what the Congress and the administration ought to do. This is not a party question; it is an American question. [Applause.] We have a clear duty devolving upon us, and that duty is to protect every American in his rights, to protect life and property, to preserve peace and good order, to prevent the usurpation of the power of the Government by any man or combination of men. The people have reached the conclusion that the time is here when a few men in any walk of life shall no longer dictate the policy of the Government. [Applause.] The people will not submit quietly to a determination on the part of any organization, no matter what it is, to declare against the interests of the whole American people. I am glad the President has had the courage for once [applause on the Republican side] to speak out. It is the first time the President has displayed such courage in behalf of all the American people. [Applause on the Republican side.] I am glad to be here to help sustain him in the enforcement of the law.

There is no party politics in that statement; no. I do not make it for any party purpose. We are here to represent the whole American people; we are here to see that no part of the American people are discriminated against by any section of the American people; we are here to see that everybody has a chance to live. If the declaration of the coal miners should be put into force at the opening of the winter season, millions of our people would suffer want and distress, and starvation and death would follow the lack of fuel. This is a question far beyond the rights of any organization; it is a question of whether the Government of the United States shall be supreme [applause], whether it shall have power to enforce the law; and for one I am ready to meet any issue that may arise and help in every way within my power to see that the Government of the United States maintains control of the situation, whatever it may turn out to be. [Applause.]

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER]. [Applause.]

Mr. TOWNER. Mr. Speaker, it is certainly refreshing and reassuring to know that there is no division among the membership of the House upon the fundamental proposition of the enforcement of law and the maintenance of order. To the national administration and to all others in authority the House will unanimously give assurance of its "constant, continuous, and unqualified support" to meet the present industrial emergency. [Applause.] Just now, when it is charged that there exists an organized movement to overthrow the Government and to substitute the rule of a class of reckless and lawless conspirators, who have no interest in the laboring men except to exploit them and who take advantage of every occasion of unrest to stimulate disorder, which they hope will lead to the revolution they plan, the Congress of the United States will be found supporting the President to the utmost of its power in his demand that the law be enforced and that the lives and vital interests of the people be protected. [Applause.]

I regret that gentlemen of the minority see fit to criticize the leader of the majority because he was unwilling upon the spur of the moment to take up the resolution that was introduced by the gentleman from Texas [Mr. CONNALLY]. The resolution of the gentleman from Texas was more in praise of the President than it was for the supremacy of the law and the support of the Constitution.

Mr. CONNALLY. Will the gentleman yield?

Mr. TOWNER. In just a moment I will yield. The gentleman's resolution begins, "Whereas the President of the United States has made a public statement regarding his proposed course of action," "and his intended efforts," "his utterances are approved," and so forth. Nothing about the present emergency, nothing about our duty, except as we learn them through the utterances of the President. It occurs to me that as between such a declaration and the statements of the present concurrent resolution, which declares, "That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet

the present industrial emergency," there should be no question. The one is applicable to conditions. The other is principally praise of an individual. The differences are quite vital.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TOWNER. I will yield first to the gentleman from Texas, who first interrogated me, and then I will yield to the gentleman from Ohio.

Mr. CONNALLY. In view of the fact that the majority leader absolutely approves the statement of the President, I would like to ask the gentleman from Iowa whether or not he approves of the statement of the President.

Mr. TOWNER. I certainly do; but there is——

Mr. CONNALLY. Approve of what?

Mr. TOWNER. I approve of the statement made by the President.

Mr. CONNALLY. All right.

Mr. TOWNER. Certainly, I do. [Applause.] Certainly does every man here; but it is not incumbent on Congress every time the President makes a statement which it approves to pass a resolution of approval. Neither is it wise in time of a great crisis, regarding which we desire to give an expression of our belief and purpose, to approve only what the President has said about it. [Applause on the Republican side.] I now yield to the gentleman from Ohio.

Mr. LONGWORTH. Is it not true also that the resolution by the gentleman from Texas simply approved the President's course with regard to one particular event, and not generally in support of the Government?

Mr. TOWNER. This is true: The coal strike is not the only threatened disturbance. There are many other strikes now in existence, and still others which are threatened. There is, as the pending resolution declares, a "present industrial emergency," general and widespread. However, I do not criticize the resolution of the gentleman from Texas. I am only endeavoring to show there are good reasons for preferring the pending resolution.

Mr. Speaker, in any controversy existing between the employers and employees in the steel industry, the coal industry, or any other industry, Congress does not take the part of either side. It stands impartial between them. But it does say that there must be a peaceful settlement of such controversies, and not a settlement brought about by force and violence. It does say that if either side shall try to force a favorable determination by terrorism and violence they must be restrained and punished.

It certainly can not be charged that Congress has been indifferent or unsympathetic toward labor. Congress has passed within the last few years more legislation in the interest of labor than has ever before been enacted. Congress has not and does not condemn or criticize laboring men for making legitimate efforts to better their condition. But it is a fact that seems to be fully established that those who are violent enemies of the Government and who are plotting to overthrow it are seeking to stimulate discontent and unrest among the workingmen, and in some instances have secured recognition as labor leaders. These are the men, many of them aliens, who counsel resistance of the law, and who out of these conditions of disorder hope to organize a revolution to overthrow the Government. To these efforts, which are in reality as much assaults against the Government as if their promoters were in arms and under a foreign flag, the Government can not be indifferent.

The Government of the United States is not weak. It is by far the strongest Government on earth to-day. It is strong not only in material resources but it is also strong in the affections of the people. Any effort either by intimidation to coerce it or by revolution to overthrow it is doomed to disastrous failure. Such attempt would only bring misery and suffering to thousands who have no sympathy with its purpose. The miners of the country are in the main patriotic and loyal. Their service in the late war demonstrated that fact. The foreigners who have come here for the most part appreciate the Government under which they have so happily bettered their condition. It is inconceivable that they should desire to follow the leadership of men seeking to overthrow the Government. Nothing they could do would so impair their position and jeopardize the advancement of their interests as to yield to the influence and leadership of such men. The people of America are long-suffering and patient, but when they are vitally affected they will find a way swiftly and surely to protect their interests.

It is therefore important that all should be made to understand that in the present emergency there will be no division, no hesitancy, no paltering, no subservience to the forces of disorder or revolution. The administration has spoken, and by the passage of this resolution the Congress will have spoken to the effect that, as stated in the resolution, they will use all the powers and resources of the Government in "enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations." [Applause.]

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT. Mr. Speaker, I am very glad to have the opportunity, as a public official charged in some degree at least with responsibility in public affairs, to express my approval both by voice and vote of this Senate resolution. [Applause.]

There is no disposition upon my part to inject partisanism into this matter, and it is regrettable that in the discussion of it gentlemen can not refrain from criticizing the President of the United States. [Applause on the Democratic side.] The gentleman from Iowa [Mr. TOWNER] who just preceded me criticized the resolution of the gentleman from Texas [Mr. CONNALLY] because it approved the statement of the President of the United States, which the gentleman from Iowa says he himself approves, but he objected to the form of the resolution. As a matter of fact, the President of the United States is the supreme executive authority charged with the enforcement of the law, and, to my mind, it would be highly proper that it be expressed in the wording of the Connally resolution. I am glad to have the opportunity now—I wish I could have had it when efforts to bring this proposition before the House were blocked by Republican objection—to approve it. Criticism has been made of the form of the resolution presented by the gentleman from Texas [Mr. CONNALLY], and yet I call the attention of the House to the fact that the cunning genius of the Republican side in now declaring its approval of the substance did not set itself to working out a form of expression of approval. [Applause on the Democratic side.] Not yet has there been introduced in either the House or the Senate by any Republican a resolution of indorsement. [Applause on the Democratic side.] Feeling so strongly upon the question of asserting approval of law enforcement, I on yesterday afternoon, after repeated efforts had been made on the Democratic side of the House to secure unanimous consent for consideration of the Connally resolution, introduced a resolution to discharge the Committee on the Judiciary from its further consideration and place it upon its passage. This morning when the Committee on Rules convened to consider my resolution the distinguished majority leader appeared before it with a proposition to bring about consideration of the Senate resolution, and the Senate resolution having in the meantime passed the Senate, it was quite agreeable to substitute the Senate resolution for the Connally resolution and his rule for mine.

After all, the question here, my fellow Members, is the law, the supremacy of the law [applause] over threatened disaster, over threatened anarchy, over threatened riot, over threatened conditions which, if the threat be made good, will bring distress such as this country has never witnessed. And it is a happy thing that we are able here to agree to pledge to the executive authority of this country our enthusiastic, our unanimous, our untiring support, in the efforts he will make in behalf of law, because under law alone can liberty prevail. [Loud applause.]

Mr. Speaker, I yield back the remainder of the time allotted me.

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Speaker, I do not care to talk of the past. Both great political parties, from time to time, have exhibited a great desire to command the vote of people who, in my judgment, are not loyal. That applies to some of the leaders who called this strike; it does not apply to the great mass of the people who labor, whether they labor in mines or on railways. When you get down to the Australian ballot, and when you get down to the facts, the largest portion of the people who live by their labor are just as loyal as any other of our citizens. We have gone to the limit on both sides heretofore, gone to the limit and skimming out to the very edge, and sometimes crossing the edge, because there has been propaganda, because people sat in the galleries and did this and that and the other. While you Democrats have been six we Republicans have been half a dozen on this side. [Applause.]

That is behind us. The majority leader, the gentleman from Wyoming [Mr. MONDELL], voiced his approval of the stand of the President. I approve it, and I rejoice in it. [Applause.] I believe, and at least hope, that every Member on each side of the House at last, all of us, stand as a unit for the enforcement of the law. [Applause.] We stand for the enforcement of the law with all of the machinery of the Government if necessary to be called into action, judicial and military, to enforce the law which, like the grace of God, covers every

man, employer or employee, rich or poor, great or small. [Loud applause.]

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Speaker, one of the great, distinguishing characteristics of the American people is fair and square play to all classes. I am rejoiced to be able to vote for this resolution after it has been made to apply to all classes of the people of this country and promises protection to all classes, and is not directed against any one class to the exclusion of any other class. Believing, as I do, in fair play for all classes, I ask unanimous consent, Mr. Speaker, to place in the CONGRESSIONAL RECORD at this point a telegram, dated October 30, 1919, to the Secretary of Labor, Mr. Wilson, from John L. Lewis, president of the United Mine Workers of America.

Mr. BLANTON. I object, Mr. Speaker.

Mr. KING. I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre, of France, and his ending. The gentleman would hang all the laboring people!

Mr. BLANTON. No. Only the autocratic, anarchistic leaders who preach revolution against our Government.

Mr. KING. I refuse to yield to a gentleman at the present time who would hang men as high as Haman.

The SPEAKER. A gentleman must not take the floor without consent.

Mr. KING. Mr. Speaker, I yield back whatever time I have remaining.

Mr. CLARK of Missouri. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am heartily in favor of the passage of the Thomas resolution giving the national administration the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial situation. I can not see why we should not have passed the Connally resolution on Wednesday last, which, while differently worded, meant the same indorsement and support of the administration. The truth is that what this country expects is for Congress to back up the Constitution and law of the land and to openly support the President whenever he speaks as the Executive of this great country in support of law and order. The people of my State feel that Congress has been playing too much politics. [Applause.] As I said here the other day, what the people want us to do, and what Congress needs for its reputation, is to eschew politics and look to the welfare of the country. [Applause on the Democratic side.]

There are more than 300 strikes in this country at the present time, and while they are continuing Congress, instead of devising a system for the settlement of labor and capital disputes and thereby again establishing peace and prosperity in the land, excites itself politically and tries to make campaign material, of which there is a plenty, and buttress its respective parties for the great battle of next year. The party which eschews politics and best serves the people will best serve its future destiny and success. Let us whole-heartedly, nonpolitically, and with the welfare of the people ever at heart give to the national administration that constant, continuous, and unqualified support in spirit as well as in law, to the end that peace, prosperity, and happiness may again prevail. We Democrats must look to you Republicans for this support, as you are now in full control of both branches of Congress. It is to you that the country will look for congressional action and activity, and to you will be largely due any credit or discredit for what is done.

No body of men could give a stronger indorsement than we give in that resolution. We went no further when we declared war and said that all our men and our money should be at the disposal of the national administration for the carrying on of the war. Here we say that we will give them "our constant, continuous, and unqualified support" in carrying out the law in this matter. If Congress lives up to that indorsement, I do not believe we will have any protracted strike. I believe these men will consider some agreement. It seems strange and deplorable to me that in a great, civilized country of 100,000,000 people and more, that 500,000 miners can not agree with their employers without having a strike and the destruction of millions of dollars' worth of property. Certainly there ought to be some solution for such a situation. I believe with the indorsement given by this resolution, and the President speaking out boldly for the people of this country, that some solution will be reached and that we will avert this strike or a protraction of it, which would strike terror into the hearts of the people of this country, and which would mean to the women and children through this coming winter distress, sickness, and desolation, for want of fuel for heat and cooking.

I recognize the fact that labor has the full right to organize and conduct its business through labor organizations. There are more than 4,000,000 labor organization members in this country, and I have invariably given them my support in all matters appertaining to their welfare and prosperity. I shall continue to do this so long as it is in accordance with the Constitution and laws of the land.

I likewise realize the fact that capital also has its rights and is entitled to an adequate return upon its investments. It is patent to all of us that neither labor nor capital can prosper except by working in unison for production and profit. We must also remember that the consumers of the country have their rights; they are unorganized; nevertheless their wants and needs are the very essence of existence. All classes are consumers, and thereby all people are interested in the settlement of labor and capital disputes, to the end that production may be enlarged, that labor may be well paid, and that capital may receive its return upon its investments, and yet at the same time that the consumer, by virtue of the production and prosperity, may be able to reduce his cost of living, now so extremely high. Why, Mr. Speaker, if we could once rid ourselves of labor and capital disputes that in itself would reduce the cost of living by increased production.

With the vast number of strikes now existing and with the coal strike imminent and practically certain, one can not calculate the injury they mean to the country in nonproduction, destruction, and discomforts of life. There certainly ought to be some system by which such catastrophes could be avoided and the loss discontinued. I feel that out of this emergency should grow some legislative action or agreement, through the combined efforts of the Government and capital and labor, which will bring about a solution of the present deplorable situation and method.

When we realize what it would mean to this country, what it would mean to the defenseless women and children as well as the aged of the land, not to be adequately provided with heat, we can but realize what a strike of this kind means to the discomfort of our people. It is highly essential that the national administration, while recognizing the rights and liberties of the strikers and their inalienable rights under the Constitution, should by all means at its disposal not alone uphold the Constitution and laws of the land but by such additional action provide the necessary fuel for the conduct of our industries, the transportation of our food and clothing supplies, and the warming and cooking for the people of our land.

The crisis which confronts the country, which if allowed to prevail, would be a calamity and strike to the hearts of the people almost as badly as did the Great War, from which we have so successfully emerged. That Congress has guaranteed its support of the national administration is a great credit to the two bodies composing the legislative branch of the Government; that the President has acted with such firmness and promptness endears him to the hearts of the people and to every law-abiding citizen of the land. To him the people look for their protection and rights, to him who brought us through the Great War with success and glory do the people look with trust and confidence. [Applause.]

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Speaker, I ask leave to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I yield to the gentleman from Oregon [Mr. MCARTHUR] such time as he desires.

The SPEAKER. The gentleman from Oregon is recognized.

Mr. MCARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial from the Portland Morning Oregonian of last Friday, entitled "The public and the labor union."

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD by the insertion of the editorial referred to. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I yield to the gentleman from Idaho [Mr. FRENCH].

The SPEAKER. The gentleman from Idaho is recognized.

Mr. FRENCH. Mr. Speaker, this resolution should receive the vote of every Member of the Congress. In the midst of a great crisis half a century ago a man later to become President said, when Lincoln was assassinated, "The Government at Washington still survives." In the crisis now upon our Nation the Congress by this resolution says to the American people, em-

ployer and employee, all alike, that the Government at Washington still survives, and that the interests of 110,000,000 people are greater than any selfish interests of any group or class of citizens. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

The SPEAKER. The gentleman from Missouri is recognized for two minutes.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection.

There was no objection.

Mr. RUCKER. Mr. Speaker, obviously nobody can discuss this resolution adequately in two minutes; therefore I will not attempt it, except to say that I give it my most hearty and cordial approval, and I want to congratulate the House upon the unanimity of action which I think will be taken here this morning.

A few moments ago a colloquy occurred across the aisle with reference to printing in the RECORD a certain telegram. It is not always that I indorse the action of everybody on the Democratic side, but I do indorse the action of the gentleman from Texas [Mr. BLANTON] in reference to the request to print in the RECORD that vile calumny upon the President of the United States. [Applause.] Such men as that man Lewis are responsible for the condition that confronts us to-day, and I hope that the legal department of this Nation will be able to hale him into a court of justice where he will be dealt with as his crime, in my judgment, requires that he be dealt with. I would have objected myself to the insertion in the RECORD of that arrogant, impudent, audacious tirade against the President of the United States if the gentleman from Texas had not objected.

Now, Mr. Speaker, gentlemen on both sides say there is no politics in this resolution. There is none. I am glad to know that there is no politics in it. I am glad to know, notwithstanding the telegram which was sought to be put into the RECORD here to-day, denouncing the President for what he has done, that every man on both sides of the aisle stands ready here and now to indorse and to approve what the President has done and what he is going to do. [Applause.] And I hope within the next few days the clouds which to-day hover over us will disappear, and that what threatened to be a national disaster will be averted through the activity of the one man whose matchless courage, great patriotism, and Americanism will bring order out of impending chaos, and that the law of this Nation will prevail, and the lawless, like Lewis, Foster, and others, will be placed where they will have time for reflection and repentance. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. KITCHIN].

The SPEAKER pro tempore (Mr. TILSON). The gentleman from North Carolina is recognized for five minutes.

Mr. KITCHIN. Mr. Speaker, I rise for the purpose of expressing my great happiness in seeing such unanimity of opinion on both sides of the Chamber with respect to the passage of this resolution. I was in favor of the Connally resolution; I am in favor of the Senate resolution. I favor either, and I favor both. Each has the same object, and I rejoice now that to-day, even if it is a little late, this House is going to show its courage and wisdom and patriotism in the passage of this Senate resolution.

It would have been much better to have passed some such resolution as the Connally or the Senate resolution earlier. We could not consider now the Connally resolution with appropriateness, for the reason that the strike begins to-night at 12 o'clock. The pending resolution which the Senate passed yesterday is substantially similar and has the same object in view, and if we were to consider and pass the Connally resolution to-day it would have to go back to the Senate, and the Senate would have to stop its proceedings and its discussion of the league of nations and then consider the resolution. It would then be too late. The strike would be on. I think the Committee on the Judiciary did the proper thing this morning in substituting this Senate resolution for the Connally resolution, and I think the distinguished gentleman from Wyoming [Mr. MONDELL] did the proper thing this morning in asking the unanimous consent of the House for the immediate consideration of the Senate resolution.

However, I do not want the House to understand that I approve the course of the gentleman from Wyoming or any gentleman in this House, Republican or Democrat, in not trying long before to-day to get consideration by the House of some kind of a resolution to let the "walking delegates" and red, radical labor agitators and leaders of this country know that this House is behind the President in his wise and courageous stand [applause], and is behind any other constituted authority in the United States in its efforts to frustrate the conspiracy upon the part of the Lewises and the Fosters and the Fitzpatricks of this country against the very life of the Nation and its institutions. [Applause.]

This House has made a very serious mistake in not speaking its mind long before this. Earlier action might have had some effect in preventing the strike. But passage of this resolution now gives notice and warning to the patriotic people, in and out of labor organizations, that the time has come when they must take their stand with their Government and with its Constitution and its laws or with these Bolshevik leaders and their wild teachings and counsels. [Applause.] The choice must be made.

The gentleman from Iowa [Mr. TOWNER] was mistaken in saying that we asked the House to pass the Connally resolution. No such request was made. On last Tuesday and yesterday there was a request made for unanimous consent for this House to consider it, and that was objected to by the distinguished gentleman from Wyoming, the majority leader—not to pass it, but to give the House, to give all Republicans and all Democrats here a right to express their opinion on that resolution by their vote; and if that resolution was not worded properly, if it went too far or did not go far enough, the House could amend it. What I asked for, what we asked for, was an opportunity to consider it in the House, with the privilege of amendment if the House desired, so that we could send forth to the country the judgment and the intentions of this House upon the situation now confronting us. But we were denied that by the majority leader.

In conclusion let it be understood that neither the President's statement nor the statement of the Attorney General nor the Connally resolution nor the pending resolution affects or proposes to affect the right of labor, the right of the employees, individually or collectively, to quit work. This is not the issue involved in the present contest. The issue is, Will the Government and the constituted authorities throughout the country permit the Lewises, the Fosters, the Fitzpatricks, and other red, radical labor agitators and leaders to bring distress and disaster to the 110,000,000 American people? [Applause.]

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire how the time stands.

The SPEAKER pro tempore. The gentleman from Missouri has 5 minutes remaining and the gentleman from Wyoming has 10 minutes remaining.

Mr. MONDELL. I yield to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, I heartily approve the passage of this resolution as giving decided and desirable emphasis to the fact that Congress unanimously stands with the President and pledges its full support for the enforcement of law in the emergency growing out of the threatened coal strike or any similar conspiracy against government or the welfare of the people, but I do not think it can be said that there was ever any question about how the membership of this House stood, or that there is any occasion for any display of partisanship in the matter. The majority leader, the gentleman from Wyoming [Mr. MONDELL], asked unanimous consent on Monday at the earliest moment for the insertion of the President's proclamation in the RECORD, with the statement that he fully and heartily approved it. And a little later, when the gentleman from Texas [Mr. CONNALLY] was speaking in favor of the introduction of a resolution somewhat similar to this, my colleague from New York [Mr. SNYDER] asked if there was a single Member of this House who was opposed to the sentiments expressed in the President's proclamation. The answer was that no such Member was known.

For my own part on Sunday, as soon as I had read the proclamation, I wrote a letter to the Secretary of the Treasury, then presiding at Cabinet meetings, expressing my satisfaction and approval of the stand of the President and of the Cabinet, and at the same time I wrote and mailed for publication in the newspaper of which I am the editor, the Poughkeepsie (N. Y.) Eagle-News, the following editorial:

COAL STRIKE UNLAWFUL.

Once more the country is behind President Wilson. Certain great labor unions, in control of radical leaders who have absolutely no regard for the welfare of the country or even of their own members, whom they exploit, are seeking to hold up the country and the Gov-

ernment, and the President has met them as they deserve to be met. Nine people out of ten are with him. The demands of these leaders are absolutely preposterous. To grant them would curtail greatly the output of coal at a time when every consideration, not only of patriotism but of common humanity and of the rights of other workers of the country, demands that the output shall be kept up and increased. Nearly every industry in the country depends upon coal, and if coal should go as high as these radical leaders want it to a considerable number of industries would be forced to close.

The arrogance of these labor leaders, who have refused all offers of negotiation or arbitration, is unprecedented, and the President points out that they have called this great strike or entered into this great conspiracy apparently "without taking any vote upon the specific proposition by the individual members of the United Mine Workers of America throughout the United States."

The President points out that this great conspiracy has been entered into at a time when "the war itself is still a fact, when the world is still in suspense as to negotiations for peace, when our troops are still being transported, and when their means for transport is still in urgent need for fuel." He does not directly say that the very fact that the treaty of peace is not yet ratified is what gives him the authority to declare the strike unlawful, but that is, of course, the truth. The fuel and food laws are still in force, and any conspiracy to prevent the production or distribution of a necessity is unlawful and the leaders can be arrested. No new laws are needed to give the President full power to handle the situation.

The threatened strike is not primarily a strike, but a part of the revolutionary program of the radical socialists, and it might as well be met now. Once entered upon there should be no further offers of compromise. Order should be rigidly maintained, and the right to work of those who want to work should be fully safeguarded. It may be safely said that the great majority of miners, who are making from $5 to $15 a day, are not entering upon the strike willingly, and will gladly resume work if they can be given protection.

Mr. MADDEN. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CONNALLY. I make the same request.

Mr. MONDELL. I ask unanimous consent that all gentlemen have three legislative days in which to extend remarks on the subject of this resolution.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that all gentlemen have three legislative days in which to extend remarks on this resolution. Is there objection?

Mr. BLANTON. Reserving the right to object, will the gentleman have it understood that the privilege shall be extended to their own remarks?

Mr. MONDELL. To their own remarks and directly on the subject matter of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Speaker, how much time have I remaining.

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. MONDELL. I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, this is no time for petty politics or attempts to get party advantage. This body was practically unanimous in standing behind the President during the trying days of the war. There is just as much, if not more, reason for our standing behind him now in this crisis, because the problem that we have confronting us is fraught with more danger to the American people, unless properly solved, than were those that confronted us during the war. [Applause.] I have had occasion to criticize the President of the United States in times past, sometimes pretty severely, but upon this occasion I commend him from the bottom of my heart that he had the courage to speak in behalf of the American people in language that all can understand. [Applause.]

It strikes me that if there ever was a time when the representatives of the people of the United States should stand in solid phalanx in behalf of constituted government and good order and in behalf of the best interests of all the people whom they represent it is now. [Applause.] It seems almost unthinkable that a few men in this country should attempt to destroy the fabric of the Government that means so much to all who live within its embrace, and that is the real purpose of those who are responsible for this situation. In the district from which I come there is a seething mass of economic and social unrest—enemies of our Government preaching its overthrow. There are in that district the greatest steel mills in the world, and I know that a very large, yea, the larger, per cent of the men who are affected by the steel strike now on are out against their will. I have letters coming to me every day from men who say that they had no complaint to make either with reference to wages or working conditions, but that they have been forced out against their will at the behest of some men who are seeking to destroy the land of opportunity for the laboring men and the best interests of the true laboring men, by those who are bent on destruction and who care nothing for the result except the destruction they may bring about. [Applause.] I hope that the representatives of the American people will stand fast in the discharge of their duty; that they will not only provide a way for solving this question that is immediately confronting us in this crisis, but that they will find a way to prevent its recurrence in the future. During the war there were more than 6,000 strikes in the United States. There are more than 300 strikes pending in this country to-day. The President and all constituted authority is appealing to all men and all women to produce and produce more. Yet, in the face of these facts, these agencies are not only interfering with production but are absolutely destroying that which has been produced. It strikes me that there must be some way whereby the American people, who have been equal to every emergency in the past, can solve these difficulties between the people who are interested, without the interference of those who have no interest save their own personal sinister interests, without resorting to the strike as a mediator. Waste, indescribable waste! It is impossible to calculate the great waste that has occurred by reason of the 6,000 strikes that we had during the war and by reason of the strikes that are now in existence. If this proposed coal strike should be carried into effect, and on top of it should come the firemen's strike that is also threatened, tying up all the railroads in the country, the misery that would result is beyond calculation. It can not be and it must not be. Some way must be found to avert it that will do exact justice to all concerned. The representatives of the American people, by sounding their voices at this time in support of the patriotic and humane position taken by the President of the United States, can say not only to the men who are asked to go out and destroy their own best interests, and the best interests of the people of the United States, but they can say to all the American people that we are standing here in unalterable opposition to this attempt against our institutions, and that neither the autocracy of labor nor the autocracy of capital shall stand in the way of the proper conduct of our Government, the very purpose of which is to provide protection for all the people without distinction as to class. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I rejoice that we are united here to-day, every man of us, in our purpose to give solemn assurance to the country that we are standing back of the President of the United States in this crisis. [Applause.] There is no politics in this matter. Our only differences here are as to the best way in which we can effectively state our support. Some gentlemen think that the Connally resolution most effectively states it. Others, among whom I am one, think that this resolution most effectively states it. The gentleman from Indiana [Mr. WOOD] has just said that there are now 300 strikes prevailing in this country, but the Connally resolution refers to only one. In all of these strikes there may be menace to life, to liberty, and to property. Why not adopt the resolution which gives assurance to the country and to the world that this Congress will support in every case the President of the United States and this Government in their every effort to enforce law and order for the protection of life, liberty, and property in the United States of America? [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, the Thomas resolution which just came over from the Senate and which we are now considering is in these words:

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. Speaker and gentlemen, ever since I have been here I have observed that when it comes to a question of upholding the law and keeping the peace in this country there is very little difference, if any at all, between Democrats and Republicans. [Applause.] We are simply Americans and glory in the fact. The American people love liberty. No people were ever more jealous of it, but it is liberty founded on and regulated by law. [Ap-

plause.] The President of the United States is simply the greatest Executive in the land, and therefore this Congress indorses what he has done, in this particular, at any rate. [Applause.] There ought to have been no politics lugged in here. King Solomon says, "There is a season for every purpose under the sun," and when it comes time for politics I am in it as much as anybody else. [Laughter.] But this is not the time for political flouts and jeers.

Politics ought not to have been mentioned here. I have a theory of my own that when a man is inaugurated President of the United States he becomes instanter the President of all of us. [Applause.] It does not make a bit of difference whether he is a Democrat or a Republican.

I was utterly amazed to hear the gentleman from Illinois [Mr. MADDEN] say that this is the only time the President of the United States ever mustered up courage enough to take a position on a great measure. The truth is that you Republicans and some Democrats have been lambasting the President for over six years because he exhibited too much courage in taking his positions. [Applause on the Democratic side.] I, like the gentleman from North Carolina [Mr. KITCHIN] and some others, think that if the resolution is going to be passed at all it should have been passed earlier, but nevertheless there is no doubt about what the people of the United States think, and we simply represent them. They have voiced their sentiments heretofore. It is a very poor time to be criticizing the President when he is sick in bed.

There are three parties to all these controversies, the capitalists, the labor unions, and the consumers. I will tell you something that some people do not seem to think about. There are about 4,000,000 labor-union men, as I understand it. I have helped them since I have been here in every reasonable and legitimate thing that they asked for, and I am going to continue it to the end. The laborer is worthy of his hire. Capital is entitled to a fair return on its investment. The consumers are entitled to be justly treated, not to be gouged or imposed upon or abused by anybody. [Applause.]

How many capitalists there are I do not know, and when a man begins to become a capitalist I do not know. I think if he has one dollar more than he has any need for he is, to that extent, a capitalist. There are, as I say, 4,000,000 labor-union men, but there are 110,000,000 consumers in this country. [Applause.] All three classes are interdependent. Without capital labor would be futile; without labor capital would be as useless as a painted ship on a painted sea; and without the consumers both of them would be in as sad case as was Othello, for their "occupation would be gone."

The capitalists are organized—I do not know whether by title or not. The laboring men are organized, but the consumers are not organized. But, my friends and fellow citizens, they can be organized. [Applause.] Then they will exercise supreme power in this land. They are beginning to be afraid that they are going to be ground between the upper and the nether millstones. I am in favor of this resolution because the President has done his duty, and he has done it fearlessly and well. [Applause.]

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has three minutes remaining.

Mr. MONDELL. Mr. Speaker, on Saturday evening last, from a sick bed, the President of the United States made a very important and emphatic statement relative to the impending coal strike. I took occasion on Monday morning, at the very first opportunity that was afforded, to ask unanimous consent to place that statement in the RECORD, and it was placed in the RECORD, with the strongest personal indorsement that I could give it. I think that indorsement reflected the sentiment of practically all the Members of the House on both sides.

I regret that in the discussion this morning some gentlemen on the Democratic side have seen fit to use their time not to indorse the action about to be taken but to complain that at some time in the past we had not taken such action as they desired. Curiously enough none of these gentlemen have up to this time taken any great pains to express their approval of the stand of the President.

I am glad that such expressions of complaint relating to our attitude did not come from the leaders on the other side. I am gratified beyond words that we stand united to-day in the support of the constitutional authorities of the land and behind them in the support of the Constitution and the laws. We shall as a Congress at all times give the President and all others in authority unqualified support in any proper constitutional action they may take in upholding the might and majesty of the law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired; all time has expired, and the question is on agreeing to the resolution.

Mr. CLARK of Missouri. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 267, nays 0, not voting 165, as follows:

YEAS—267.

Alexander	Elston	Larsen	Rowe
Almon	Esch	Layton	Rubey
Anderson	Evans, Mont.	Lazaro	Rucker
Andrews, Nebr.	Evans, Nebr.	Lee, Ga.	Sabath
Anthony	Evans, Nev.	Linthicum	Sanders, Ind.
Aswell	Ferris	Lonergan	Sanders, La.
Ayres	Flood	Longworth	Sanford
Baer	Focht	McAndrews	Schall
Barbour	Foster	McArthur	Scott
Barkley	Freeman	McDuffie	Siegel
Bee	French	McFadden	Sinnott
Begg	Fuller, Ill.	McGlennon	Smith, Idaho
Benham	Gallagher	McLaughlin, Mich.	Smith, Mich.
Black	Garland	McPherson	Smithwick
Bland, Ind.	Garrett	MacCrate	Snyder
Bland, Mo.	Glynn	MacGregor	Steagall
Blanton	Godwin, N. C.	Madden	Stedman
Box	Goodwin, Ark.	Major	Steenerson
Brand	Graham, Ill.	Mann, S. C.	Stephens, Ohio
Briggs	Green, Iowa	Mansfield	Stevenson
Brinson	Greene, Mass.	Mapes	Stiness
Brooks, Ill.	Greene, Vt.	Martin	Stoll
Brooks, Pa.	Griffin	Mays	Strong, Kans.
Browne	Hadley	Merritt	Strong, Pa.
Brumbaugh	Hamilton	Michener	Summers, Wash.
Buchanan	Hardy, Colo.	Miller	Sumners, Tex.
Burdick	Harrison	Monahan, Wis.	Sweet
Burroughs	Hastings	Mondell	Tague
Butler	Haugen	Montague	Taylor, Colo.
Byrnes, S. C.	Hawley	Moore, Ohio	Taylor, Tenn.
Byrns, Tenn.	Hayden	Moore, Va.	Temple
Campbell, Pa.	Hays	Morgan	Thompson
Candler	Hernandez	Mott	Tillman
Cannon	Hersey	Neely	Tilson
Caraway	Hersman	Nelson, Me.	Timberlake
Carss	Hickey	Nelson, Wis.	Towner
Carter	Hoch	Newton, Minn.	Upshaw
Chindblom	Holland	Nichols, Mich.	Vaile
Christopherson	Houghton	Nolan	Vestal
Clark, Fla.	Hudspeth	O'Connor	Vinson
Clark, Mo.	Hull, Iowa	Olmsted	Volstead
Classon	Hull, Tenn.	Oliver	Ward
Cleary	Humphreys	Olney	Wason
Coady	Husted	Osborne	Watkins
Connally	Igoe	Overstreet	Watson, Va.
Cooper	Jacoway	Padgett	Weaver
Crago	James	Parker	Webb
Cramton	Jefferis	Parrish	Webster
Crisp	Johnson, Miss.	Platt	Welling
Currie, Mich.	Johnson, Wash.	Porter	Welty
Curry, Calif.	Jones, Tex.	Pou	Whaley
Dale	Juul	Purnell	Wheeler
Davis, Tenn.	Kahn	Quin	White, Kans.
Denison	Kearns	Rainey, Ala.	White, Me
Dent	Keller	Raker	Williams
Dickinson, Mo.	Kelly, Pa.	Ramseyer	Wilson, Ill.
Dickinson, Iowa	Kettner	Randall, Calif.	Wilson, La.
Dominick	King	Randall, Wis.	Wingo
Dowell	Kinkaid	Rayburn	Winslow
Dunbar	Kitchin	Reavis	Wood, Ind.
Dunn	Kleczka	Reed, W. Va.	Woods, Va.
Dupré	Knutson	Rhodes	Wright
Eagan	Kraus	Ricketts	Yates
Echols	Kreider	Riddick	Young, N. Dak.
Edmonds	Lampert	Robinson, N. C.	Young, Tex.
Elliott	Lanham	Romjue	Zihlman
Ellsworth	Lankford	Rose	

NAYS—0.

NOT VOTING—165.

Ackerman	Davis, Minn.	Hamill	McClintic
Andrews, Md.	Dempsey	Hardy, Tex.	McCulloch
Ashbrook	Dewalt	Haskell	McKenzie
Babka	Donovan	Heflin	McKeown
Bacharach	Dooling	Hicks	McKinley
Bankhead	Doremus	Hill	McKinley
Bell	Doughton	Howard	McLane
Benson	Drane	Huddleston	McLaughlin, Nebr.
Blackmon	Dyer	Hulings	Magee
Bland, Va.	Eagle	Hutchinson	Maher
Boies	Emerson	Ireland	Mann, Ill.
Booher	Fairfield	Johnson, Ky.	Mason
Bowers	Fess	Johnson, S. Dak.	Mead
Britten	Fields	Johnston, N. Y.	Minahan, N. J.
Browning	Fisher	Jones, Pa.	Moon
Burke	Fordney	Kelley, Mich.	Mooney
Caldwell	Frear	Kendall	Moore, Pa.
Campbell, Kans.	Fuller, Mass.	Kennedy, Iowa	Moores, Ind.
Cantrill	Gallivan	Kennedy, R. I.	Morin
Carew	Gandy	Kiess	Mudd
Casey	Ganly	Kincheloe	Murphy
Cole	Gard	LaGuardia	Newton, Mo.
Collier	Garner	Langley	Nicholls, S. C.
Copley	Goldfogle	Lea, Calif.	O'Connell
Costello	Good	Lehlbach	Ogden
Crowther	Goodall	Lesher	Paige
Cullen	Goodykoontz	Little	Park
Dallinger	Gould	Luce	Pell
Darrow	Graham, Pa.	Lufkin	Peters
Davey	Griest	Luhring	Phelan

Radcliffe	Sanders, N. Y.	Smith, Ill.	Vare
Rainey, H. T.	Saunders, Va.	Smith, N. Y.	Venable
Rainey, J. W.	Scully	Snell	Voigt
Ramsey	Sears	Steele	Walsh
Reber	Sells	Stephens, Miss.	Walters
Reed, N. Y.	Sherwood	Sullivan	Watson, Pa.
Riordan	Shreve	Swope	Wilson, Pa.
Robsion, Ky.	Sims	Taylor, Ark.	Wise
Rodenberg	Sinclair	Thomas	Woodyard
Rogers	Sisson	Tincher	
Rouse	Slemp	Tinkham	
Rowan	Small	Treadway	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. TREADWAY with Mr. BOOHER.

Mr. VOIGT with Mr. HARDY of Texas.

Mr. SNYDER with Mr. CARTER.

Mr. GRIEST with Mr. MEAD.

Mr. WATSON of Pennsylvania with Mr. BLACKMON.

Mr. LUCE with Mr. VENABLE.

Mr. LANGLEY with Mr. FIELDS.

Mr. ROBSION of Kentucky with Mr. JOHNSON of Kentucky.

Mr. MAGEE with Mr. THOMAS.

Mr. TINCHER with Mr. DOUGHTON.

Mr. BOIES with Mr. SEARS.

Mr. GOOD with Mr. HENRY T. RAINEY.

Mr. GOODYKOONTZ with Mr. PHELAN.

Mr. ACKERMAN with Mr. WISE.

Mr. LAGUARDIA with Mr. MCCLINTIC.

Mr. ANDREWS of Maryland with Mr. WILSON of Pennsylvania.

Mr. BACHARACH with Mr. LESHER.

Mr. BOWERS with Mr. TAYLOR of Arkansas.

Mr. LEHLBACH with Mr. LEA of California.

Mr. LITTLE with Mr. JOHNSTON of New York.

Mr. BRITTEN with Mr. SULLIVAN.

Mr. GRAHAM of Pennsylvania with Mr. PELL.

Mr. HICKS with Mr. PARK.

Mr. HULINGS with Mr. O'CONNELL.

Mr. LUHRING with Mr. HUDDLESTON.

Mr. SHREVE with Mr. CASEY.

Mr. MCCULLOCH with Mr. HOWARD.

Mr. BROWNING with Mr. STEPHENS of Mississippi.

Mr. CAMPBELL of Kansas with Mr. STEELE.

Mr. HUTCHINSON with Mr. NICHOLLS of South Carolina.

Mr. IRELAND with Mr. MOONEY.

Mr. JOHNSON of South Dakota with Mr. MOON.

Mr. JONES of Pennsylvania with Mr. MINAHAN of New Jersey.

Mr. MCKENZIE with Mr. HEFLIN.

Mr. MCKINLEY with Mr. HAMILL.

Mr. COSTELLO with Mr. SMITH of New York.

Mr. SLEMP with Mr. CAREW.

Mr. CANTRILL with Mr. SMITH of Illinois.

Mr. MCLAUGHLIN of Nebraska with Mr. GOLDFOGLE.

Mr. CROWTHER with Mr. SMALL.

Mr. DARROW with Mr. SISSON.

Mr. DAVIS of Minnesota with Mr. SIMS.

Mr. SNELL with Mr. CALDWELL.

Mr. DEMPSEY with Mr. SHERWOOD.

Mr. MANN of Illinois with Mr. GARNER.

Mr. MOORE of Pennsylvania with Mr. GARD.

Mr. MORIN with Mr. GANLY.

Mr. MUDD with Mr. GANDY.

Mr. MURPHY with Mr. GALLIVAN.

Mr. SWOPE with Mr. BLAND of Virginia.

Mr. TINKHAM with Mr. BENSON.

Mr. VARE with Mr. BELL.

Mr. WALSH with Mr. BANKHEAD.

Mr. NEWTON of Missouri with Mr. FISHER.

Mr. OGDEN with Mr. EAGLE.

Mr. PAIGE with Mr. DRANE.

Mr. KELLEY of Michigan with Mr. MAHER.

Mr. PETERS with Mr. DOREMUS.

Mr. EMERSON with Mr. SCULLY.

Mr. FAIRFIELD with Mr. SAUNDERS of Virginia.

Mr. FESS with Mr. ROWAN.

Mr. KENNEDY of Iowa with Mr. MCLANE.

Mr. FORDNEY with Mr. ROUSE.

Mr. FREAR with Mr. RIORDAN.

Mr. FULLER of Massachusetts with Mr. JOHN W. RAINEY.

Mr. KENNEDY of Rhode Island with Mr. MCKINIRY.

Mr. KIESS with Mr. MCKEOWN.

Mr. RADCLIFFE with Mr. DOOLING.

Mr. RAMSEY with Mr. DONOVAN.

Mr. RODENBERG with Mr. DEWALT.

Mr. WALTERS with Mr. BABKA.

Mr. WOODYARD with Mr. ASHBROOK.

Mr. ROGERS with Mr. DAVEY.

Mr. SANDERS of New York with Mr. CULLEN.

Mr. SNYDER. Mr. Speaker, I have a pair with the gentleman from Oklahoma, Mr. CARTER, to be effective beginning to-morrow. I desire to be recorded "yea," and have so voted; and I am quite sure that the gentleman from Oklahoma desires also to be recorded "yea."

The result of the vote was announced as above recorded.

ARRESTS ON DEPORTATION WARRANTS.

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up House resolution 365, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Washington calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 365.

Resolved, That the Secretary of Labor be, and he is hereby, requested to report to the House of Representatives the number of arrests on deportation warrants—

(a) Under authority of that provision of section 19 of the act of February 5, 1917, which provides for deportation of aliens who shall be found advocating or teaching anarchy, the unlawful destruction of property, or the overthrow by force or violence of the Government of the United States; and

(b) Under authority of the provisions of the act of October 16, 1918.

Such report by the Secretary of Labor to include a statement showing the number of arrests made and the causes therefor; the number of deportations effected and the causes therefor; the number of cases in which deportation was defeated, and the causes or grounds upon which deportation proceedings were undertaken.

Mr. JOHNSON of Washington. Mr. Speaker, this resolution is in the form necessary to make it a privileged resolution. It is not unfriendly to the Department of Labor. It must not be presumed that the Labor Department is withholding the information which is requested for the information of the Members of the House for the information of the committee which reports the resolution, the Committee on Naturalization and Immigration. It will be noticed that the resolution called for the numbers of persons arrested under certain clauses of the immigration act of February 5, 1917, and under the provisions of the act of October 16, 1918, which was a broadening of the clauses of the first-named immigration act. Many Members of the House have been asked by their constituents as to why numerous arrests have been made of aliens under these provisions of the law, and why, after these aliens have been started toward actual deportation, they have not been deported. Now, it has become the belief of your committee that there is some difficulty, not in the fault of this particular department, but perhaps through the failure of certain laws to apply, or perhaps the laws not permitting sufficient coordination between the Department of Justice and this department. What is the difficulty? Are the clauses of the immigration acts mentioned in the resolution not strong enough? Are we in the law asking the Department of Labor to do more than it has the machinery to do or to do that it has not the funds with which to do? We are not asking in this resolution for answers to these questions which I have propounded, but we are asking for certain facts to assist the committee in coming to conclusions.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. SABATH. Could not the committee secure this information from the Secretary? Does not the gentleman believe that the committee could get this information without the passage of this resolution?

Mr. JOHNSON of Washington. I will say to the gentleman I have not made a direct written request for the information in this particular form. The committee has made requests, has received replies, has heard witnesses—although the Secretary has not been asked to appear—but has been unable to secure the exact facts, and that is what we want. I feel that we can save the time of the Secretary and of the committee by requesting a direct, concise, official report.

Mr. SABATH. The fact is this, that I do not wish to place the Secretary of Labor in the position that he has refused the committee——

Mr. JOHNSON of Washington. Oh, no.

Mr. SABATH. Or any Member this information.

Mr. JOHNSON of Washington. I think the Secretary will be glad to give the information. I think he will be glad to elaborate the details to the committee soon after we have had a basic statement. Remember, the Committee on Immigration and Naturalization is not an appropriating committee, and, for the information of the House, let me say that if it is disclosed that the Department of Labor, which has the authority to enforce the carrying out of the laws concerning immigration and to

make deportations, is without sufficient machinery actually to do the work, or without sufficient appropriation to do a greatly increasing work, we will be able to show that fact by this inquiry. Or if court convictions are necessary to secure certain deportations, we may desire to recommend amendment of the law.

Mr. RAKER. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. RAKER. The resolution requires that the number of arrests on deportation warrants under both of those acts named be furnished. Now, there were a number of arrests and deportations started, but the gentleman's resolution will not get the number which were actually deported, if any. Does not the gentleman believe that he ought to amend, in line 3, after the word "warrants," by adding "and the number deported"? The gntleman will see we will not get the deportations—only the number of arrests.

Mr. JOHNSON of Washington. The gentleman will find that resolution calls in another place for the number of cases in which deportation was defeated and the causes therefor and the grounds upon which deportation proceedings were undertaken. Now, by the process of elimination we will discover——

Mr. RAKER. Well, I do not believe there will be an objection if the gentleman will insert at the end of line 3 "the number deported," and then you will get the number arrested and the number deported and the number now remaining upon which there is a contest.

Mr. JOHNSON of Washington. The only question of putting that in is that there is no desire to add to the labor of the department. We do not care for all deportation cases, but only certain kinds of cases which are specifically mentioned.

Mr. RAKER. Under these particular acts for these offenses named?

Mr. JOHNSON of Washington. Yes.

Mr. GALLAGHER. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. GALLAGHER. Does not the language in line 14, "the number of deportations affected," cover it?

Mr. RAKER. That is another subdivision, another law.

Mr. JOHNSON of Washington. I think the words quoted cover it. If the gentleman will read the bill carefully, he will see that "a" and "b" are mentioned, and that then "a" and "b" are included in the paragraph, beginning with line 12. That covers all. If there are no further questions, I ask for a vote on the resolution.

The question was taken, and the resolution was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN YANKTON COUNTY, S. DAK., AND CEDAR COUNTY, NEBR.

Mr. CHRISTOPHERSON. Mr. Speaker, I wish to make a request for unanimous consent to take up at this time the bill S. 2883, which is a bridge bill authorizing the construction of a bridge across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr. The reason for asking this action at this time is that the parties there have assurance that the Meridian Highway will be laid out through there if this bridge is constructed. They have made all arrangements for the construction of the bridge, and now there should be final action on the bill in the House.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMONDS. Mr. Speaker, reserving the right to object, how long will this take?

Mr. CHRISTOPHERSON. It will take two minutes, not over that.

Mr. EDMONDS. If it will not take any longer, I shall not object, but we have been waiting all day to get in on the floor.

The SPEAKER pro tempore. Is there objection?

Mr. SANFORD. Mr. Speaker, reserving the right to object, does the resolution have the approval of the War Department?

Mr. CHRISTOPHERSON. Yes; and the report of the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 2883) authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.

Be it enacted, etc., That the Meridian Highway Bridge Co., a corporation organized under the laws of the State of South Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto across the Missouri River at a point or points suitable to the interest of navigation, in section 18, township 93, range 55 west, or section 13, township 93, range 56 west, Yankton County, S. Dak., to the shore opposite thereto at a point in sections 11 or 12, township 33 north, range 1 west, Cedar County, Nebr., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CHRISTOPHERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BILLS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills upon the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the bills be considered in the committee in the regular order on the calendar.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EDMONDS] asks unanimous consent that the bills may be taken up in the regular order as they appear on the calendar. Is there objection? [After a pause.] The Chair hears none.

CELVELAND TRINIDAD PAVING CO.

Mr. EDMONDS. Mr. Chairman, I call up for consideration the bill (H. R. 5238) for the relief of the Cleveland Trinidad Paving Co.

This bill has been up twice, but owing to the absence of the gentleman from Ohio [Mr. EMERSON], whom I do not see here now, I would suggest that it be passed over without prejudice.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF NAME OF STEAMER.

The next business on the Private Calendar was the bill (H. R. 6857) authorizing the change of the name of the steamer *Charlotte Graveraet Breitung* to *T. K. Maher.*

Mr. EDMONDS. I ask that the bill be read, Mr. Chairman.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon the application of the owner, the Morrow Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Charlotte Graveraet Breitung*, official No. 27665, to the *T. K. Maher.*

Mr. EDMONDS. Mr. Chairman, it is just the ordinary procedure to change the name of a steamer before the bill that passed a week ago becomes a law. I ask that the bill be laid aside with a favorable recommendation.

Mr. VAILE. Mr. Chairman, reserving the right to object, does this not also involve the changing of the sex of the steamer?

Mr. EDMONDS. The gentleman well knows that a steamer is always a "she."

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry. How much debate is allowed on this bill?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EDMONDS] is entitled to an hour.

Mr. BLAND of Indiana. And is all the debate confined to the bill?

The CHAIRMAN. The debate is confined to the bill under the rules.

Mr. BLAND of Indiana. Does the Chair state that the debate is confined to the bill under the rule?

The CHAIRMAN. The Chair thinks that as to bills on the Private Calendar debate is confined to the bill. The question is on the motion of the gentleman from Pennsylvania [Mr. EDMONDS] to lay the bill aside with a favorable recommendation.

The motion was agreed to.

FAXON, HORTON & GALLAGHER, AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 6377) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.

The bill was read as follows.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Faxon, Horton & Gallagher the sum of $888; to Long Bros. Grocery Co. the sum of $197; to A. Rieger the sum of $327; to Rothenberg & Schloss the sum of $441; to Ryley, Wilson & Co. the sum of $466; and to Van Noy News Co. the sum of $866; said sums being in full payment of the value of United States internal-revenue stamps destroyed by flood, as shown by the findings of the Court of Claims, reported in Senate Document No. 642,

Radcliffe	Sanders, N. Y.	Smith, Ill.	Vare
Rainey, H. T.	Saunders, Va.	Smith, N. Y.	Venable
Rainey, J. W.	Scully	Snell	Voigt
Ramsey	Sears	Steele	Walsh
Reber	Sells	Stephens, Miss.	Walters
Reed, N. Y.	Sherwood	Sullivan	Watson, Pa.
Riordan	Shreve	Swope	Wilson, Pa.
Robsion, Ky.	Sims	Taylor, Ark.	Wise
Rodenberg	Sinclair	Thomas	Woodyard
Rogers	Sisson	Tincher	
Rouse	Slemp	Tinkham	
Rowan	Small	Treadway	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. TREADWAY with Mr. BOOHER.
Mr. VOIGT with Mr. HARDY of Texas.
Mr. SNYDER with Mr. CARTER.
Mr. GRIEST with Mr. MEAD.
Mr. WATSON of Pennsylvania with Mr. BLACKMON.
Mr. LUCE with Mr. VENABLE.
Mr. LANGLEY with Mr. FIELDS.
Mr. ROBSION of Kentucky with Mr. JOHNSON of Kentucky.
Mr. MAGEE with Mr. THOMAS.
Mr. TINCHER with Mr. DOUGHTON.
Mr. BOIES with Mr. SEARS.
Mr. GOOD with Mr. HENRY T. RAINEY.
Mr. GOODYKOONTZ with Mr. PHELAN.
Mr. ACKERMAN with Mr. WISE.
Mr. LAGUARDIA with Mr. MCCLINTIC.
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Mr. BACHARACH with Mr. LESHER.
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Mr. LEHLBACH with Mr. LEA of California.
Mr. LITTLE with Mr. JOHNSTON of New York.
Mr. BRITTEN with Mr. SULLIVAN.
Mr. GRAHAM of Pennsylvania with Mr. PELL.
Mr. HICKS with Mr. PARK.
Mr. HULINGS with Mr. O'CONNELL.
Mr. LUHRING with Mr. HUDDLESTON.
Mr. SHREVE with Mr. CASEY.
Mr. MCCULLOCH with Mr. HOWARD.
Mr. BROWNING with Mr. STEPHENS of Mississippi.
Mr. CAMPBELL of Kansas with Mr. STEELE.
Mr. HUTCHINSON with Mr. NICHOLLS of South Carolina.
Mr. IRELAND with Mr. MOONEY.
Mr. JOHNSON of South Dakota with Mr. MOON.
Mr. JONES of Pennsylvania with Mr. MINAHAN of New Jersey.
Mr. MCKENZIE with Mr. HEFLIN.
Mr. MCKINLEY with Mr. HAMILL.
Mr. COSTELLO with Mr. SMITH of New York.
Mr. SLEMP with Mr. CAREW.
Mr. CANTRILL with Mr. SMITH of Illinois.
Mr. MCLAUGHLIN of Nebraska with Mr. GOLDFOGLE.
Mr. CROWTHER with Mr. SMALL.
Mr. DARROW with Mr. SISSON.
Mr. DAVIS of Minnesota with Mr. SIMS.
Mr. SNELL with Mr. CALDWELL.
Mr. DEMPSEY with Mr. SHERWOOD.
Mr. MANN of Illinois with Mr. GARNER.
Mr. MOORE of Pennsylvania with Mr. GARD.
Mr. MORIN with Mr. GANLY.
Mr. MUDD with Mr. GANDY.
Mr. MURPHY with Mr. GALLIVAN.
Mr. SWOPE with Mr. BLAND of Virginia.
Mr. TINKHAM with Mr. BENSON.
Mr. VARE with Mr. BELL.
Mr. WALSH with Mr. BANKHEAD.
Mr. NEWTON of Missouri with Mr. FISHER.
Mr. OGDEN with Mr. EAGLE.
Mr. PAIGE with Mr. DRANE.
Mr. KELLEY of Michigan with Mr. MAHER.
Mr. PETERS with Mr. DOREMUS.
Mr. EMERSON with Mr. SCULLY.
Mr. FAIRFIELD with Mr. SAUNDERS of Virginia.
Mr. FESS with Mr. ROWAN.
Mr. KENNEDY of Iowa with Mr. MCLANE.
Mr. FORDNEY with Mr. ROUSE.
Mr. FREAR with Mr. RIORDAN.
Mr. FULLER of Massachusetts with Mr. JOHN W. RAINEY.
Mr. KENNEDY of Rhode Island with Mr. MCKINRY.
Mr. KIESS with Mr. MCKEOWN.
Mr. RADCLIFFE with Mr. DOOLING.
Mr. RAMSEY with Mr. DONOVAN.
Mr. RODENBERG with Mr. DEWALT.
Mr. WALTERS with Mr. BABKA.
Mr. WOODYARD with Mr. ASHBROOK.
Mr. ROGERS with Mr. DAVEY.
Mr. SANDERS of New York with Mr. CULLEN.

Mr. SNYDER. Mr. Speaker, I have a pair with the gentleman from Oklahoma, Mr. CARTER, to be effective beginning to-morrow. I desire to be recorded "yea," and have so voted; and I am quite sure that the gentleman from Oklahoma desires also to be recorded "yea."

The result of the vote was announced as above recorded.

ARRESTS ON DEPORTATION WARRANTS.

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up House resolution 365, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Washington calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 365.

Resolved, That the Secretary of Labor be, and he is hereby, requested to report to the House of Representatives the number of arrests on deportation warrants—

(a) Under authority of that provision of section 19 of the act of February 5, 1917, which provides for deportation of aliens who shall be found advocating or teaching anarchy, the unlawful destruction of property, or the overthrow by force or violence of the Government of the United States; and

(b) Under authority of the provisions of the act of October 16, 1918.

Such report by the Secretary of Labor to include a statement showing the number of arrests made and the causes therefor; the number of deportations effected and the causes therefor; the number of cases in which deportation was defeated, and the causes or grounds upon which deportation proceedings were undertaken.

Mr. JOHNSON of Washington. Mr. Speaker, this resolution is in the form necessary to make it a privileged resolution. It is not unfriendly to the Department of Labor. It must not be presumed that the Labor Department is withholding the information which is requested for the information of the Members of the House for the information of the committee which reports the resolution, the Committee on Naturalization and Immigration. It will be noticed that the resolution called for the numbers of persons arrested under certain clauses of the immigration act of February 5, 1917, and under the provisions of the act of October 16, 1918, which was a broadening of the clauses of the first-named immigration act. Many Members of the House have been asked by their constituents as to why numerous arrests have been made of aliens under these provisions of the law, and why, after these aliens have been started toward actual deportation, they have not been deported. Now, it has become the belief of your committee that there is some difficulty, not in the fault of this particular department, but perhaps through the failure of certain laws to apply, or perhaps the laws not permitting sufficient coordination between the Department of Justice and this department. What is the difficulty? Are the clauses of the immigration acts mentioned in the resolution not strong enough? Are we in the law asking the Department of Labor to do more than it has the machinery to do or to do that it has not the funds with which to do? We are not asking in this resolution for answers to these questions which I have propounded, but we are asking for certain facts to assist the committee in coming to conclusions.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. SABATH. Could not the committee secure this information from the Secretary? Does not the gentleman believe that the committee could get this information without the passage of this resolution?

Mr. JOHNSON of Washington. I will say to the gentleman I have not made a direct written request for the information in this particular form. The committee has made requests, has received replies, has heard witnesses—although the Secretary has not been asked to appear—but has been unable to secure the exact facts, and that is what we want. I feel that we can save the time of the Secretary and of the committee by requesting a direct, concise, official report.

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make deportations, is without sufficient machinery actually to do the work, or without sufficient appropriation to do a greatly increasing work, we will be able to show that fact by this inquiry. Or if court convictions are necessary to secure certain deportations, we may desire to recommend amendment of the law.

Mr. RAKER. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. RAKER. The resolution requires that the number of arrests on deportation warrants under both of those acts named be furnished. Now, there were a number of arrests and deportations started, but the gentleman's resolution will not get the number which were actually deported, if any. Does not the gentleman believe that he ought to amend, in line 3, after the word "warrants," by adding "and the number deported"? The gntleman will see we will not get the deportations—only the number of arrests.

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Mr. RAKER. Under these particular acts for these offenses named?

Mr. JOHNSON of Washington. Yes.

Mr. GALLAGHER. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. GALLAGHER. Does not the language in line 14, "the number of deportations affected," cover it?

Mr. RAKER. That is another subdivision, another law.

Mr. JOHNSON of Washington. I think the words quoted cover it. If the gentleman will read the bill carefully, he will see that "a" and "b" are mentioned, and that then "a" and "b" are included in the paragraph, beginning with line 12. That covers all. If there are no further questions, I ask for a vote on the resolution.

The question was taken, and the resolution was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN YANKTON COUNTY, S. DAK., AND CEDAR COUNTY, NEBR.

Mr. CHRISTOPHERSON. Mr. Speaker, I wish to make a request for unanimous consent to take up at this time the bill S. 2883, which is a bridge bill authorizing the construction of a bridge across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr. The reason for asking this action at this time is that the parties there have assurance that the Meridian Highway will be laid out through there if this bridge is constructed. They have made all arrangements for the construction of the bridge, and now there should be final action on the bill in the House.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMONDS. Mr. Speaker, reserving the right to object, how long will this take?

Mr. CHRISTOPHERSON. It will take two minutes, not over that.

Mr. EDMONDS. If it will not take any longer, I shall not object, but we have been waiting all day to get in on the floor.

The SPEAKER pro tempore. Is there objection?

Mr. SANFORD. Mr. Speaker, reserving the right to object, does the resolution have the approval of the War Department?

Mr. CHRISTOPHERSON. Yes; and the report of the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 2883) authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.

Be it enacted, etc., That the Meridian Highway Bridge Co., a corporation organized under the laws of the State of South Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto across the Missouri River at a point or points suitable to the interest of navigation, in section 18, township 93, range 55 west, or section 13, township 93, range 56 west, Yankton County, S. Dak., to the shore opposite thereto at a point in sections 11 or 12, township 33 north, range 1 west, Cedar County, Nebr., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CHRISTOPHERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BILLS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills upon the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the bills be considered in the committee in the regular order on the calendar.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EDMONDS] asks unanimous consent that the bills may be taken up in the regular order as they appear on the calendar. Is there objection? [After a pause.] The Chair hears none.

CELVELAND TRINIDAD PAVING CO.

Mr. EDMONDS. Mr. Chairman, I call up for consideration the bill (H. R. 5238) for the relief of the Cleveland Trinidad Paving Co.

This bill has been up twice, but owing to the absence of the gentleman from Ohio [Mr. EMERSON], whom I do not see here now, I would suggest that it be passed over without prejudice.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF NAME OF STEAMER.

The next business on the Private Calendar was the bill (H. R. 6857) authorizing the change of the name of the steamer *Charlotte Gravcruet Breitung* to *T. K. Maher.*

Mr. EDMONDS. I ask that the bill be read, Mr. Chairman.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon the application of the owner, the Morrow Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Charlotte Gravcruet Breitung*, official No. 27665, to the *T. K. Maher.*

Mr. EDMONDS. Mr. Chairman, it is just the ordinary procedure to change the name of a steamer before the bill that passed a week ago becomes a law. I ask that the bill be laid aside with a favorable recommendation.

Mr. VAILE. Mr. Chairman, reserving the right to object, does this not also involve the changing of the sex of the steamer?

Mr. EDMONDS. The gentleman well knows that a steamer is always a "she."

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry. How much debate is allowed on this bill?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EDMONDS] is entitled to an hour.

Mr. BLAND of Indiana. And is all the debate confined to the bill?

The CHAIRMAN. The debate is confined to the bill under the rules.

Mr. BLAND of Indiana. Does the Chair state that the debate is confined to the bill under the rule?

The CHAIRMAN. The Chair thinks that as to bills on the Private Calendar debate is confined to the bill. The question is on the motion of the gentleman from Pennsylvania [Mr. EDMONDS] to lay the bill aside with a favorable recommendation.

The motion was agreed to.

FAXON, HORTON & GALLAGHER, AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 6377) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.

The bill was read as follows.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Faxon, Horton & Gallagher the sum of $888; to Long Bros. Grocery Co. the sum of $197; to A. Rieger the sum of $327; to Rothenberg & Schloss the sum of $441; to Ryley, Wilson & Co. the sum of $466; and to Van Noy News Co. the sum of $866; said sums being in full payment of the value of United States internal-revenue stamps destroyed by flood, as shown by the findings of the Court of Claims, reported in Senate Document No. 642,

Sixty-fourth Congress, second session; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. EDMONDS. Mr. Chairman, I am going to let the gentleman from Pennsylvania [Mr. KELLY] explain this bill, as he has examined it thoroughly. I will yield to him such time as he may need for that explanation.

Mr. BLANTON. In that connection, will the gentleman yield to me to ask some questions?

Mr. KELLY of Pennsylvania. I would like to make a statement on the bill first.

Mr. BLANTON. I think, probably, with the suggestion I will make, the opposition heretofore had on the part of the minority will be withdrawn.

Mr. KELLY of Pennsylvania. I will make a brief statement, and then the gentleman from Missouri [Mr. BLAND] will be glad to give a further explanation.

This bill has been before the Committee on Claims a number of times and favorably reported, but never has been acted upon in the House. It provides for the payment of certain sums to various firms located in Kansas City, Mo. The matter was referred some years ago to the Court of Claims, and a finding of fact was made, and upon that finding the committee has based its action.

Now, these different firms—Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and the Van Noy News Co.—were all in business and operating in 1903 in Kansas City at the time of a great flood which lasted some three days and caused a great deal of destruction. During that flood their warehouses and stores were flooded and their property destroyed. Amongst this property there was a number of caddies and boxes of cigars, tobacco, cigarettes, and so forth, each one bearing internal revenue stamps, and upon the loss of the stamps, properly vouched for and identified, these different firms made claim for compensation on the ground that the stamps had been destroyed and that no value had been received from them. The Court of Claims in their finding of fact stated that the firms were in business at the time, and the following statement was made:

II. On May 31, 1903, and for several days thereafter a great flood occurred in the Missouri River at Kansas City, Mo., which overflowed and destroyed a large quantity of cigars, cigarettes, tobacco, and snuff belonging to all of the above-named claimants and destroyed the United States internal-revenue stamps attached to the boxes and packages of cigars, cigarettes, tobacco, and snuff. The value of the internal-revenue stamps so destroyed on the boxes and packages aforesaid which belonged to Faxon, Horton & Gallagher was $888. The value of the said stamps on boxes and packages belonging to Long Bros. Grocery Co. was $197. The value of said stamps on boxes and packages belonging to A. Rieger was $327. The value of said stamps on boxes and packages belonging to Rothenberg & Schloss was $441. The value of said stamps on boxes and packages belonging to Ryley, Wilson & Co. was $466. The value of said stamps on boxes and packages belonging to the Van Noy News Co. was $866. The value of all of said stamps so destroyed has not been paid to any of these claimants. These internal-revenue stamps had been attached to the boxes and packages of cigars, cigarettes, tobacco, and snuff by the manufacturers thereof and not by the claimants.

III. Claims for pay for the value of said stamps were made by all of the aforesaid claimants to the Commissioner of Internal Revenue, Treasury Department, directly after said loss, but were disallowed for want of authority of law to pay the same. Said loss was entirely without fault or neglect of all of the said claimants.

CONCLUSION.

Upon the foregoing findings of fact the court concludes that these claimants named in the first finding have neither legal nor equitable claims against the United States and any payment thereof rests in the bounty of Congress.

Mr. Chairman, the committee went thoroughly into the case and into this finding of fact, and considered that compensation was due these claimants, and that the statement of the court, where it says that "neither legal nor equitable claims against the United States" are found, simply refers to the legal technicality of a claim resting against the United States Government for the loss of these internal-revenue stamps. The Claims Committee has wider authority than strict law and strict legal interpretation, and is empowered to bring in what it considers fair, reasonable, and just findings on these bills. In this case these internal-revenue stamps were sold for a certain purpose, which was that the manufacturer thereby secured the right to sell these goods, and the dealers thereby secured the right to sell them. Now, having never served that purpose, and their loss being established with proper identification, it is just and fair to recompense these dealers for the amount.

Mr. BLACK. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield.

Mr. BLACK. The gentleman, of course, recognizes that in the payment of taxes on tobacco, cigars, and snuff the tax is an accrued, settled liability when the stamp is attached to the package. Now, the gentleman does not contend, does he, that these merchants who had bought from the manufacturers had ever paid any sort of tax on these particular commodities? And, therefore, I am at a loss to understand how the gentleman thinks the Federal Government can entertain either a legal or an equitable claim to repay taxes which it has collected, to some one who in no way paid the tax.

Mr. KELLY of Pennsylvania. I want to answer the question, Mr. Chairman, and the gentleman from Missouri [Mr. BLAND] will give further information later. We do contend that the purpose for which these stamps were sold was well known and specific; that that purpose was to give to the manufacturer and the retailer or the wholesaler the right to vend those products; that it was the intent of Congress to impose an internal-revenue tax upon dealers only where the goods are actually used in trade. We contend that those stamps have not served that purpose, and that there was never any opportunity for them to serve that purpose. These stamps have no great intrinsic value. They are only paper evidence that a tax on commercial transactions has been paid.

Mr. BLACK. Mr. Chairman, will the gentleman yield further?

If your premise is correct, does it not follow that in every fire that we might have in this country where tobacco and snuff and cigars are not insured and the commodities are destroyed with the stamps on them, the Government of the United States would just as legally and just as equitably and just as morally be bound to refund that tax as it would be if the commodities were destroyed by flood, and we would be confronted with an interminable amount of such claims if we once recognized a factor of that kind?

Mr. KELLY of Pennsylvania. The gentleman understands that when bank notes, for instance, issued under the authority of the United States, are destroyed by fire or in any way mutilated beyond all use, all that it is necessary to do is to send back the fragments of those bills or bank notes and the amount will be refunded in new bills. Why is that? Simply because the money did not serve the purpose for which it was issued. Its destruction meant that it was out of circulation. The Government desires to go on record as being willing to pay that obligation.

Now, the same thing is true in this case. These stamps are issued for the purpose of permitting the sale of tobacco, cigars, cigarettes, and so forth. They were not so used, and therefore we contend that it is equitable and just and reasonable to return the amount of money that was paid for those stamps.

Mr. BLACK. If they are issued for a purpose, do they not serve that purpose when they are attached to the original package and the tax thereby is paid?

Mr. KELLY of Pennsylvania. Absolutely not. The purpose is to permit the sale of these goods, and until they are sold there has been no advantage whatever derived. The Government is therefore in the position of taking money from certain citizens without rendering any service therefor.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. CHINDBLOM. Who bought these revenue stamps and affixed them to the packages?

Mr. KELLY of Pennsylvania. The finding of fact shows that they were bought by the manufacturers and affixed to the packages.

Mr. CHINDBLOM. They were not bought by these claimants?

Mr. KELLY of Pennsylvania. They were bought by these claimants in effect, though affixed by the manufacturer, because the claimants paid for them.

Mr. BAER. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. BAER. Take an instance like this: In our country we have a hailstorm once in a while. If the hail comes down and wipes the stamps off a cigar box could the owner bring in a claim and say that it did not subserve its purpose?

Mr. KELLY of Pennsylvania. That is a far-fetched case.

Mr. BAER. If you would take into account losses of this kind on account of rain or fire or hail, as the gentleman from Texas [Mr. BLACK] suggests, we would have thousands of claims.

Mr. KELLY of Pennsylvania. If it can be proved that these revenue stamps have been destroyed without having served their purpose, and are properly identified, I think the money should be returned. The committee has acted upon that principle several times.

Mr. BLAND of Missouri rose.

Mr. KELLY of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BLAND of Missouri. Mr. Chairman and gentlemen of the committee, before I enter into the merits of this case, I want to call attention to the decision——

Mr. BLANTON. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. BLAND of Missouri. Yes.

Mr. BLANTON. With regard to this claim——

Mr. EDMONDS. Mr. Chairman, I believe I have charge of the time. I understood the gentleman from Missouri [Mr. BLAND] wanted to ask a question. But I will yield to the gentleman from Texas.

Mr. BLANTON. I would like to ask a question or two of the gentleman from Missouri.

Mr. EDMONDS. Then I will yield to the gentleman from Missouri such time as he needs to explain the bill.

Mr. BLANTON. I will state that during the Sixty-fifth Congress, when a member of the Committee on Claims, I filed a minority report against this claim—being the document read by the gentleman from Illinois [Mr. MADDEN] objecting—upon the ground that if we allowed this claim, as suggested by my colleague from Texas [Mr. BLACK], every time a person had his house burned, if perhaps he had in it Liberty bonds which he could not identify by number, or prove the existence of by evidence extraneous of his own testimony; every time a person had postage stamps destroyed in his store or in his private home; or every time a person had this or that thing connected with the Government, documentary stamps of all kinds destroyed, he could come to Congress and ask to be reimbursed, and we would have to rely wholly upon his own testimony, and that would open up such an avenue for fraud and a great flood of cases that it ought not to be the policy of Congress to recognize a claim of that kind. I went into a lengthy discussion of that question in the minority report. The gentleman from Missouri [Mr. BLAND], after learning of that minority report, assures me that he has evidence of the fact and that he is able to furnish both the committee and the House with proof of the fact that these particular stamps were identified, were seen and identified in their damaged condition after loss, by Government agents who passed upon this matter; that they were identified to the extent of ascertaining the amount found to be due by the Court of Claims. If that is the case, it meets with one objection raised in the minority report.

But I want to say this, that there ought not to be a policy established by Congress whereby every time a person loses stamps or bonds or war-saving certificates, unless they can be absolutely identified by number or by evidence submitted to a Government official, so that the Government side of the case can be heard and determined—it ought not to be the policy of Congress to allow them. But where they can identify them by number, for instance, as might be the case where you would lose by fire or water a thousand-dollar Liberty bond, if you can establish the number and ownership of that bond and identify it beyond a question of doubt, then the Secretary of the Treasury should allow the claim and issue a duplicate bond in lieu thereof.

Mr. BAER. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. And it would not require any act on the part of Congress.

Mr. BAER. Suppose a man found this bond with a certain number?

Mr. BLANTON. I mean where the bond is destroyed by fire or water, not when it is merely lost; because when it is lost, and comes into the possession of the finder, it ipso facto comes into his hands in such a way that he can go to any bank and cash it, or sell it to any private individual. Therefore I say that ought to be the policy of the House, and we ought not to establish any other policy, as it would be a dangerous one.

Mr. BLAND of Missouri. Mr. Chairman, before discussing the merits of this bill, I wish to direct the attention of the House to the decision of the Supreme Court of the United States in the case of the United States *v.* American Tobacco Co. (166 U. S., 468). If I am incorrect in my understanding of the proposition of the gentleman from Texas [Mr. BLACK], I hope that he will correct me. My understanding of his proposition is that the moment the stamps were affixed to the boxes they had served their purpose, and that if they were subsequently destroyed there can be no recovery against the Government.

Mr. BLACK. And this other proposition, that when they go into the hands of a third party that third party is not the taxpayer, and he has no right to be subrogated to whatever other right the manufacturer may have had.

Mr. BLAND of Missouri. In answer to that, the purpose is to tax the transaction until it passes into the hands of the consumer and the stamps have been finally used. After that there could be no recovery. Or if these stamps were stolen they might go into use and serve the purpose for which issued, in which case there could be no recovery. But here the stamps were purchased by the manufacturer, attached to the boxes, and the sale made to the wholesaler. When the goods were sold to the wholesaler he paid the price of the stamps, because necessarily they were carried into the price of the goods. I do not think there can be any denial of the proposition that wherever a stamp tax is imposed the manufacturer carries the price of the stamps into the price of the goods that the wholesaler pays him.

Now, I come back to this case of the United States against the American Tobacco Co. The syllabus is:

> The tobacco company purchased from an internal-revenue officer of the United States revenue stamps to the amount of $4,100.10, to be put upon its tobacco as manufactured. April 2, 1893, its factory in New York and all the contents were destroyed by fire. Among the contents were the stamps so purchased. Of these, stamps to the value of $1,356.63 had not been used and stamps to the value of $2,743.47 had been put upon packages of tobacco which were still in the factory, unsold.

So that the stamps were attached to the packages of tobacco, that is, some of them, and some of them had not been attached.

Under section 3426 of the Revised States it is declared that—

> The Commissioner of Internal Revenue may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps issued under the provisions of this title, or of any internal-revenue act, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended.

Let me call attention to the language of the Supreme Court in discussing the principle involved in that case. The Supreme Court declared:

> The purpose of the statute was to have the Government reimburse the person who had bought and paid for internal-revenue stamps which had been destroyed under the circumstances mentioned in the statute before they had been used. To make such reimbursement would be no loss to the Government, while to retain the amount paid would be highly inequitable. The Government recognized this fact by the passage of the statute in question. * * * The tax was laid upon sales of tobacco, and the stamps were resorted to as a convenient means of collecting the tax on such sales. Of course, if no sales of packages or tobacco took place upon which the stamps might be affixed, no tax had become due to the Government, and therefore if after the purchase of the stamps they were destroyed by fire the purpose of their purchase was frustrated and the Government was not entitled, upon any equitable ground, to retain the money paid for the stamps.

Further, the Supreme Court says—

> Where the stamps have been destroyed under the circumstances detailed in this case, and those who paid for them apply to the Government to be reimbursed for their value, what materiality is there in the fact that the applicant has been paid the value of such stamps by an insurance company under and by virtue of a separate contract made with that company on the part of the claimant upon good consideration? * * * The Government loses nothing by payment in such case. It simply repays money which it has no equitable right to retain.

So, I say, the Government loses nothing by payment in this case. The amount simply represents money which it has no equitable right to retain.

Let me announce my theory in this case. The purpose was to tax a transaction from which a profit will be derived on reaching the ultimate consumer of the article taxed. The manufacturer pays the tax, the stamps are attached to the box. It has not reached the consumer. It has not reached the use intended for the article itself. It is transferred only to the wholesaler, who pays the tax. He in turn sells to the retailer; but when the article is sold and passed into consumption and is used, then the tax really attaches. The profit comes into the transaction and the stamp should be destroyed.

These gentlemen paid the tax upon this tobacco because it was charged up by the manufacturer, and if the manufacturer can secure a refund after he has attached the stamps to the box is it not equally equitable and just that the wholesaler who paid that tax should likewise secure the refund from the Government? The Government pays him nothing and loses nothing.

Mr. BLACK. Now, will the gentleman yield?

Mr. BLAND of Missouri. I will.

Mr. BLACK. The decision that the gentleman has read holds this, that where stamps are sold by the Government for the purpose of the payment of a tax and are destroyed before that tax accrues, then the Government should reimburse the loss; but does the gentleman contend that if the American Tobacco Co., for instance, was the manufacturer of this tobacco and snuff, and that it affixed the stamps and then sold them to Faxon, Horton & Gallagher, and to Long Bros. Grocery Co., and others, the tax accrued while in the possession of those gentlemen, and that they would have any legal, equitable right to come back on the Government?

Mr. BLAND of Missouri. I say that the letter of the statute covered the exact case of the American Tobacco Co. I say that the spirit of the statute and of this decision reaches out and covers this transaction, because it was the intention of the Government to collect the tax only upon a transaction where a profit would be derived and where the article was placed in the hands of the ultimate consumer. That is the purpose of it. The Government loses nothing by this refund. Subsequent to the

destruction of the tobacco, reports were made by the deputy collectors, as they were called immediately after the destruction of the stamps by water occurred. Understand that the cigars were not floated away. A flood unprecedented in history came up, a flood that probably will never be equaled. It can hardly be conceived that it will ever again be equaled in volume. It entered the warehouses and destroyed the goods in many instances. The deputy collector saw the stamps, took the exact value and number of the stamps, and made a report thereof. The Court of Claims finds that the claimants in this case were absolutely without any negligence on their part, and that they had paid the tax over 16 years ago upon cigars which they never sold and from the sale of which they never derived a profit. My opinion is that this Government intends to tax the tobacco when it is placed in the hands of the consumers, when it reaches the ultimate consumer.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. BLAND of Missouri. I will.

Mr. EVANS of Nebraska. Suppose the cigars in question had been sold to the consumer, and he had never opened them or used them when the stamps were washed away, would the Government in that case be liable?

Mr. BLAND of Missouri. If it was an unbroken package. That, however, is not this case, but if I were the Government and attempted to act equitably I would refund the money. I think it would only be just and equitable that it be done. The purpose of Congress in passing the statute—section 3246 of the Revised Statutes—was not to tax transactions on which no profit was derived.

Mr. EVANS of Nebraska. Was not there a profit derived in the transaction from the manufacturer to the wholesaler, or, to put it differently, if the manufacturer had sold to the wholesaler without the stamps, would not they have been committing a crime?

Mr. BLAND of Missouri. There was not a profit derived by the party who paid the tax to the Government, and that is the wholesaler. The manufacturer did not, in fact, pay the tax to the Government because it was refunded to the manufacturer by the wholesaler. The wholesaler is the party who paid the tax and never derived any benefit from the stamps.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BLAND of Missouri. I will.

Mr. JONES of Texas. If the Government should establish a precedent of refunding money in a case like this, would not the Government be flooded with claims arising in the case of fire and floods and all the way down from the manufacturer to the retailer?

Mr. BLAND of Missouri. I think not, because it would be impossible to establish the identity; but here is a case where there was no question about the identity, where the inspector or the deputy collector examined and stated the exact value. If it be the purpose of the Government to impose a tax where a profit is derived from the transaction, where they pass into consumption, then it is within the spirit of this decision and within the spirit of the law to refund the money—this particular tax which has been exacted and that has never served its purpose, as in this particular case. If you hold a Treasury note, as suggested by the gentleman from Pennsylvania, and you can identify it, carry it to the Treasury of the United States, a refund is made, though it is only a part of the note. In this particular case the Government does not lose a cent. The Government has received this tax imposed upon this tobacco, and these gentlemen who have sustained this loss have never received any benefit from it.

Mr. JONES of Texas. Would the gentleman advocate the refund of tax money in all instances where the goods were not consumed and where the stamps could be identified?

Mr. BLAND of Missouri. What does the gentleman mean? His question is too general.

Mr. JONES of Texas. Would the gentleman advocate the Government refunding taxes in all instances where the goods have not been consumed and where the stamps destroyed could be identified?

Mr. BLAND of Missouri. Where the goods are actually or partially consumed, as applied to what? If you apply it to tobacco, I answered that a moment ago. If the Government exacts a tax upon the article where the article does not pass into consumption and that is the purpose for which the tax is imposed, I think it equitable, and I think if the proof is sufficient and satisfactory the Government should make a refund. Is there any greater reason for making a refund to the manufacturer in any case where he has attached the stamps to the boxes?

Mr. JONES of Texas. In that case it has never got into the trade. In the instance at bar they have.

life.

Mr. BLAND of Missouri. What is the difference in principle?

Mr. JONES of Texas. Until it gets into commerce the question of refund applies.

Mr. BLAND of Missouri. What is the difference in principle between the equity of the manufacturer's claim and the equity and justice of the claims of the wholesalers?

Mr. JONES of Texas. The practical side of identifying it and taking care of it.

Mr. BLAND of Missouri. In this case the identity is complete. There is absolutely no difference between the equity of this case decided by the Supreme Court of the United States or the justice of it as applied to the American Tobacco Co. in the One hundred and sixty-sixth United States and the wholesalers in this case who paid the tax on this tobacco which they never sold.

Mr. BEE. Will the gentleman yield?

Mr. BLAND of Missouri. Yes.

Mr. BEE. Do I understand that if this case had been the manufacturers instead of the wholesalers there would have been no question about it?

Mr. BLAND of Missouri. Absolutely, under the decision of the Supreme Court of the United States.

Mr. CANDLER. Will the gentleman yield?

Mr. BLAND of Missouri. Yes.

Mr. CANDLER. The practice is that whenever there is a loss of postage stamps, or money, or bonds, or any obligations of the Government that have been issued, where they are destroyed and you can identify them beyond question, the Government has paid for them in every instance?

Mr. BLAND of Missouri. And where the Government in fact suffers no loss.

Mr. CANDLER. No loss; but the gentleman's case differentiates in this respect from the suggestions made by the gentleman from Texas [Mr. JONES] and other Members, because the cases to which they refer are cases where the loss occurred and the identity can not be established. In this case, you proved the identical amount, number, and value of all of the stamps, and it is fixed in the decision by the Court of Claims. The Court of Claims said that you had no legal right to recover, because there was no law authorizing it, and if there was a law authorizing it, you would not be here asking Congress to pay it. That is the difference in the cases. In your case you have established it, and it ought to be paid.

Mr. BLAND of Missouri. That is true. There is no difference in spirit between the status in the case of the manufacturer, in the American Tobacco Co.'s case, and the wholesalers in this case. There is no difference in sound principle. The only difference is that one is within the letter of the law enacted by Congress, and within the letter of the decision of the Supreme Court of the United States, and the other is within the spirit and intent of the meaning and justice of that law and that decision.

Mr. BLACK. Using the postage-stamp illustration that the gentleman from Mississippi [Mr. CANDLER] used, suppose you affixed a postage stamp to a letter and sent it through the mail and the postmaster forgot to cancel the stamp. The service has been rendered. Does the gentleman think that he could go to the Post Office Department with an admission that the letter had received governmental service and redeem the postage stamp?

Mr. BLAND of Missouri. Oh, no.

Mr. BLACK. In a tobacco-stamp tax the stamp has been paid by the manufacturer, the service has been rendered, and the identical same situation would prevail.

Mr. BLAND of Missouri. But in the case the gentleman mentions the postage stamp has been actually used.

Mr. CANDLER. And it has answered the purpose for which it was intended. In this case these stamps had not been used and they have not answered the purpose for which they were issued and for which the man paid the Government.

Mr. BLAND of Missouri. Absolutely not. There is no difference between the status of the American Tobacco Co. and this case to which I have directed attention and the facts in the case now under consideration.

Mr. KELLY of Pennsylvania. Is it not true that postage stamps that have been mutilated and never can be duplicated can be recovered?

Mr. BLAND of Missouri. Yes.

Mr. KELLY of Pennsylvania. And United States bonds also?

Mr. BLAND of Missouri. Yes.

Mr. CHINDBLOM. When does it become the duty of the manufacturer to place the revenue stamp on the cigars; as soon as he has manufactured the goods or when he tries to float them in the market?

Mr. BLAND of Missouri. I think it is upon the completion of the manufacture of the goods. That is my recollection.

Mr. CHINDBLOM. So that it is a tax on the manufacture and not upon the sale?

Mr. BLAND of Missouri. It is a tax upon the transaction itself, from which the individual derives a profit ultimately, and it is intended to go upon that article until it passes into consumption and use. The wholesaler does not consume it.

Mr. CHINDBLOM. Is it a sort of license for doing the business of manufacturing tobacco or is it a license to sell the goods?

Mr. BLAND of Missouri. It is not a license for doing business as a manufacturer.

Mr. CHINDBLOM. I mean in effect a license?

Mr. BLAND of Missouri. It is a tax imposed on this particular article which is entitled to pass into consumption.

Mr. ANDREWS of Nebraska. An internal-revenue stamp is put upon the box of cigars as an evidence of the right and authority of the manufacturer to sell them. He had to do that in order to sell them.

Mr. BLAND of Missouri. That is right.

Mr. ANDREWS of Nebraska. Did the wholesaler buy the stamps, or the cigar man?

Mr. BLAND of Missouri. The latter buys both the cigars and the stamps. He buys the cigars and pays the tax as well. The manufacturer does not really pay the tax.

Mr. ANDREWS of Nebraska. Does the gentleman think that his invoice would show so much for cigars and so much for stamps?

Mr. BLAND of Missouri. No. It shows the total price that is charged, and into that price is carried the cost of the revenue stamps.

Mr. ANDREWS of Nebraska. When the stamp was used in that sale, and it had to be used in order to authorize the manufacturer to make the sale, the authority of the Government has been granted, and the stamp in all probability was canceled, was it not?

Mr. BLAND of Missouri. The stamp was canceled when it was attached to the box originally.

Mr. ANDREWS of Nebraska. But when it went into the sale?

Mr. BLAND of Missouri. No; it was canceled when it went onto the box originally.

Mr. ANDREWS of Nebraska. After it has been canceled and has gone into trade, is it not a great risk as a matter of precedent to expect the Government to redeem the stamp?

Mr. BLAND of Missouri. Has it not gone into trade the moment the manufacturer purchases the stamp and makes the cigars and attaches the stamp to the box and cancels it? It has then gone into trade; it has gone into the manufacturer's trade.

Mr. ANDREWS of Nebraska. It has not gone into commerce until it is transferred in sale from the manufacturer to the wholesaler.

Mr. BLAND of Missouri. It is in commerce that moment.

Mr. ANDREWS of Nebraska. True, but it has not passed from hand to hand.

Mr. BLAND of Missouri. I yielded only for a question; but I will answer the last question of the gentleman. The only reason that the manufacturer can recover is because Congress in its wisdom has passed this law, and the Supreme Court has enunciated the spirit and intention of that law, and for the very reason upon which this law is founded. I am not talking of the technical right to recover, else we would not be here with this claim.

And for the very reason upon which this decision was based and upon which the law itself is based it applies to the wholesaler with equal force of equity and justice as it does to the manufacturer.

Mr. PARRISH. Will the gentleman yield for a question?

Mr. BLAND of Missouri. I will yield for a question.

Mr. PARRISH. Had not the stamps when they were put on the tobacco by the manufacturer served in part the purpose for which they were intended to serve?

Mr. BLAND of Missouri. I think not. Where the manufacturer puts them on the goods he has to cancel them. They are then in a sense used stamps. When he transfers the goods to the wholesaler the wholesaler pays this tax. The manufacturer does not pay it; the wholesaler pays it.

Mr. PARRISH. That enters into the cost of the tobacco as the thing that goes to make up the full cost of production of the goods?

Mr. BLAND of Missouri. The wholesaler pays for the article. These stamps have a certain ascertained definite value. There is no trouble in making a separation from the goods. There is no trouble about that, there is no uncertainty or indefiniteness about it, and here is our great Government imposing a tax on a transaction which has never occurred. The Government pays nothing to these men, the Government simply refunds to them the money which the Government has had for over 16 years. The interest, as the old negro in the South said, has eaten up the principal a long time ago.

Mr. HERSMAN. Will the gentleman yield?

Mr. BLAND of Missouri. I will.

Mr. HERSMAN. I am asking this for information. It seems to me that these stamps were not canceled until the box is finally opened and disposed of.

Mr. BLAND of Missouri. Yes; the stamps must be destroyed when the box is finally opened.

Mr. HERSMAN. But not until then.

Mr. BLAND of Missouri. Not until then.

Mr. HERSMAN. That will go into the retail trade before it is finally destroyed?

Mr. BLAND of Missouri. Yes.

Mr. HERSMAN. And they have a definite money value until they are in retail; in other words, they are like postage stamps, they are worth their face value until they are finally canceled.

Mr. BLAND of Missouri. And the Government has lost absolutely nothing on the stamps if refund is made.

Mr. BLACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK. When can I be recognized in my own right to oppose the bill? I do not want to interfere——

The CHAIRMAN. The gentleman can be recognized now.

Mr. EDMONDS. Mr. Chairman, how much time have I left?

The CHAIRMAN. Fifteen minutes.

Mr. EDMONDS. May I yield the gentleman some time? How much time would the gentleman desire—10 minutes?

Mr. BLACK. Ten or fifteen minutes, depending upon how many questions are asked me.

Mr. EDMONDS. I will yield the gentleman from Texas 14 minutes of that time.

Mr. BLACK. Mr. Chairman, I regret to oppose a private bill introduced by a Member whom I like so well as the gentleman from Missouri [Mr. BLAND]. I have always believed that when we come to the Private Calendar we should take up bills wherever they are meritorious and pass them as expeditiously as possible, so that a claimant who does have a just claim against the Government can collect it. Many claimants have had to wait entirely too long to collect claims to which they were justly entitled. But in respect to this claim, I see that it has been brought in the Court of Claims, and that court, after careful examination, says it has neither a legal nor an equitable status.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. BLACK. Yes; certainly.

Mr. BLAND of Missouri. The gentleman understands that the Court of Claims simply means by that that it is not a claim that can be enforced in a court of equity or a court of law?

Mr. BLACK. Well, I will state to the gentleman that I interpret the language to mean what it says.

Mr. BLAND of Missouri. But the gentleman understands what it means.

Mr. BLACK. I do not understand it in the same sense as the gentleman. The Court of Claims, after hearing this case, simply came to this decision—that tobacco and snuff and cigars were destroyed to which there had been affixed an aggregate number of stamps to the amount of $3,185, and that those stamps were destroyed in a flood, and then arriving at these facts stated its legal conclusions, and said, "That we conclude that there is neither a legal nor an equitable claim against the United States." And I think the court was eminently correct in the conclusion, because let us look to the Revised Statutes and see what the law says. Now, I read from section 3364 of the Revised Statutes:

SEC. 3364. Every manufacturer of tobacco or snuff shall, in addition to all other requirements of this title relating to tobacco, print on each package, or securely affix, by pasting, on each package containing tobacco or snuff manufactured by or for him, a label, on which shall be printed the proprietor's or manufacturer's name, the number of the manufactory, the district and State in which it is situated, and these words:

"Notice. The manufacturer of this tobacco has complied with all requirements of law. Every person is cautioned, under the penalties of law, not to use this package for tobacco again."

How has he complied with all the requirements of the law? He has paid the tax that the law requires, and the Government requires him to caution every man into whose hands the pack-

age goes that the tax has been paid and that he must not use the package again.

Mr. MADDEN. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. MADDEN. Of course, the tax would not have been required to be paid unless the tobacco had been manufactured?

Mr. BLACK. Certainly not.

Mr. MADDEN. And when the tobacco was manufactured and sought to be put into trade the tax was required. If the tobacco was lost or if any of that would be lost, it ought not to be any claim against the Government.

Mr. BLACK. There should not be any claim. That is what I am trying to bring out. Now, I will give an illustration with reference to the decision of the court. Suppose that in this flood that the tobacco had been destroyed and not the package with the revenue stamps and these claimants had undertaken to fill up the packages again. What does the law say? Why, it says, "you have got to pay a new tax, Mr. Dealer; you can not use that package any more, because the manufacturer who did use it paid the tax, and if you use it again you must put a new stamp upon it."

Now, here is the decision in that respect.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. BLACK. In just a moment.

Where cigars are repacked in new boxes they become liable to the same tax that was imposed when they were first taxed.

Mr. BLAND of Missouri. In this case it says that some of the goods were salvaged and stamps destroyed, and the wholesaler in that instance purchased new revenue stamps. So there was a double tax on the same article that goes into trade. The Government never intended that. It only intended to tax that particular package once. But in that case there was a double tax imposed, and it should be refunded.

Mr. BLACK. The Government has said to every manufacturer of tobacco that "whenever you manufacture it and put it into a package you must then and there affix and cancel a stamp." And I undertake to say that the decision the gentleman read simply says this, "That if you hold in your possession some revenue stamps that have not been affixed, and they are destroyed, the Government will reimburse you." There is nothing new about that. That is upon the same basis as if postage stamps were destroyed by a fire before they had been affixed to letters.

Mr. BLAND of Missouri. Will the gentleman yield further?

Mr. BLACK. Yes.

Mr. BLAND of Missouri. The gentleman has just made a statement that shows a misapprehension of the decision of the Supreme Court. The Supreme Court has said that, and as a matter of fact, the Supreme Court in that particular case permitted recovery for $1,300 worth of stamps that had never been used and permitted recovery for some $2,700 worth of stamps that had been used, attached to the boxes and canceled. Now, the gentleman is mistaken in his statement. The gentleman bases his opinion upon that.

Mr. BLACK. The gentleman from Missouri, of course, has read this case from the Supreme Court more carefully than I have, because I did not have it called to my attention until the gentleman read it. But in that decision the court quotes from the opinion in Jones *v.* Van Benthuysen (103 U. S., 87, 88), in which Mr. Justice Miller said, speaking for the court:

On the other hand, we are of opinion that when they are once attached to the tobacco and canceled, and can never be lawfully used again, they cease to have any separate and independent value, and that which they had previously has become merged into that of the tobacco. All subsequent sales are made upon the basis of the increased value the tobacco has acquired by the payment of the stamp duty and can never be estimated apart from this.

If that does not announce an opinion against the gentleman, I have not read the case close enough.

Mr. BLAND of Missouri. Did the gentleman read the syllabus?

Mr. BLACK. I have read from the case itself.

Mr. BLAND of Missouri. I understand; but the syllabus is the law.

Mr. BLACK. I think the case is the law.

Mr. CHINDBLOM. Will the gentleman from Texas yield?

Mr. BLACK. I yield.

Mr. CHINDBLOM. Suppose that these packages of tobacco, cigars, and cigarettes had been consumed in the fire and destroyed; would not the owners have been able to recover the value of the tobacco, together with the value of the revenue stamps, from an insurance company?

Mr. BLACK. I will state to the gentleman——

Mr. CHINDBLOM. Because, as the court says in this case, the revenue stamps and their value have been merged into the packages themselves.

Mr. BLACK. I think the gentleman has stated the case correctly. Let me in a moment—because my time, I think, is about to expire—show you how unreasonable a claim of this kind would be if we allowed it. Now, let us suppose that Rothenberg & Schloss, a firm mentioned in this bill, were handling that old familiar brand of tobacco known as "Brown Mule," and on which, of course, the tax had been paid by the manufacturer, and that on the day previous to the flood the firm had sold a caddy of this "Brown Mule" to a country merchant down at the crossroad store, and it was also destroyed by the raging waters; then that gentleman also would have a right to come here and ask Congress to reimburse him for his loss of tax on the caddy of "Brown Mule" and would have just as legal and just as equitable a claim as the ones we have before us. Now, the point I am making, gentlemen, is that you can not afford to set the precedent of passing a bill of this kind, because, as the Supreme Court says in that decision, when the stamp is once affixed to the box and canceled, it loses its independent value and becomes a part of the value of the tobacco; and whenever the consumer, be he wholesaler, retailer, or country merchant, buys it, the only way he has to protect himself is by insurance. And if he is unfortunate enough not to have insurance, then he loses the amount of the tax as well as the value of the tobacco.

Mr. KELLY of Pennsylvania. I would like to ask the gentleman what he conceives to be the purpose of affixing these internal-revenue stamps on caddies of tobacco and boxes of cigars?

Mr. BLACK. The purpose is this: The law says every manufacturer who manufactures snuff, or cigars, or cigarettes for sale shall, at the time that he puts them into the packages, affix a stamp, and the purpose of the stamp is to evidence the payment of the tax. And when he has paid the tax it is then, I say, an accrued liability, and there can be no liability on the part of the Government to refund the amount of the tax to some third party who has bought the article. Now, if the stamp, of course, is destroyed before it is affixed and you can establish that fact by clear and unmistakable evidence, undoubtedly the Government would be both legally and morally bound to refund the money. But after the tax has accrued and has been paid, even in the hands of the manufacturer, it can not be collected, and certainly not in the hands of the wholesaler or retailer, who had no direct connection with the payment of the tax.

Mr. BLAND of Missouri. In that declaration the gentleman overrules the Supreme Court of the United States.

Mr. BLACK. No. I state frankly that I have not read the decision as closely as the gentleman from Missouri has read it, because I have just had it called to my attention; but even granting the construction that the gentleman puts upon the decision, even saying that the gentleman is correct in his interpretation of it, I contend that it would have no application whatever to a wholesaler into whose hands the tobacco has gone and where there was no tax payment whatever between him and the Government.

Mr. EDMONDS. Mr. Chairman, I ask for the reading of the bill for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Faxon, Horton & Gallagher the sum of $888; to Long Bros. Grocery Co. the sum of $197; to A. Rieger the sum of $327; to Rothenberg & Schloss the sum of $441; to Ryley, Wilson & Co. the sum of $466; and to Van Noy News Co. the sum of $866, said sums being in full payment of the value of United States internal-revenue stamps destroyed by flood, as shown by the findings of the Court of Claims, reported in Senate Document No. 642, Sixty-fourth Congress, second session; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I think this bill ought not to be paid. Of course, that means that the pending bill ought not to be passed.

To begin with, these stamps would never have been used if the tobacco was not manufactured, and immediately upon the manufacture of the tobacco the law requires the use of stamps. Now, then, as my colleague [Mr. CHINDBLOM] a few moments ago said, if this tobacco with the stamps on it had been burned in a fire it is altogether likely that the owner of the tobacco, including the stamps, would have had insurance on it for that purpose and would have recovered the loss. In this case the loss was in a flood, and the chances are that the owners of the tobacco had no insurance against loss by flood. So the owners come to the United States Government with a claim for a return of the money paid for the stamps.

Now, the stamps were a part of the tobacco value after they had been placed on the packages, and whoever bought the to-

bacco bought the stamps, because he could not buy the tobacco without at the same time paying for the full value of the stamps.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLAND of Missouri. In the particular case I cited the Supreme Court of the United States held that $1,300 worth of the stamps were not attached to the tobacco, and the balance of the $4,000 worth, or $2,700 worth, were attached to the packages of tobacco and canceled. Now, then, did they become a part of the value of the tobacco when attached to the packages and canceled?

Mr. MADDEN. I am not paying much attention to what the Supreme Court has decided in that case. These claims embraced in the pending bill are brought here because payment for them could not be secured elsewhere. These claims have been pending for 16 years, and I have no doubt many efforts have been made to collect the money, and without success, before the claimants came to Congress, and for that reason we have the pending bill before us.

Mr. BAER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BAER. I am in favor of paying for the stamps that were not used. That is the way the Post Office Department does. If a postmaster turns in damaged or mutilated stamps and they are identified they are paid for. The gentleman from Illinois is contending against the payment for the stamps that are actually on the boxes and in use?

Mr. MADDEN. Yes.

Mr. BAER. But you would allow them for the stamps that were not used and which were identified by the department?

Mr. MADDEN. Yes. If anybody has a lot of stamps that were not used, and these stamps were destroyed, the department would refund the money. But in this case the claimants are seeking to recover for stamps that were used.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. ANDREWS of Nebraska. If I understand it correctly, these stamps had authorized and secured the transfer in trade of the tobacco from the manufacturer to the wholesaler?

Mr. MADDEN. Yes. That was the only way the tobacco could get into the trade.

Mr. ANDREWS of Nebraska. Otherwise the manufacturer would have been liable for penalties under the law?

Mr. MADDEN. Certainly. Let us take a case.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Not now. Suppose an owner of a house has taxes levied against it by the local assessor. Suppose the owner pays the tax, and the next day his house is burned down, with no insurance on it. Nobody would say that he could go to the local authorities and get back the tax that he has paid. Could he? Certainly not. That is this case exactly.

Mr. BLAND of Missouri. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. BLAND of Missouri. Mr. Chairman, I want to call attention to this case again. Evidently the gentleman from Texas [Mr. BLACK] has misapprehended the decision I have cited, and the gentleman from Illinois [Mr. MADDEN] declares he does not care what the decision of the Supreme Court may be in that particular case. Now, I do. Ought the manufacturer to occupy any more favored position than the legitimate wholesaler in a transaction of this kind? The Congress passes a law that would reimburse that loss to the manufacturer, and there is no question about his right to recover in that case. If that be true, why should not the Congress exercise its sense of equity and of justice, as it can and should, and refund the particular value of this tax to the wholesaler?

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield for a question?

Mr. BLAND of Missouri. I can not. I have not the time. I want to present this case; otherwise I would gladly yield.

Now, in this case the syllabus declares that a part of these stamps were attached to the boxes and part were not attached. There is no question about that. I hope no gentleman will question that fact. I do not think the gentleman from Texas [Mr. BLACK] will question that fact since reading the decision. In the finding of facts by the Supreme Court it was stated that some of the stamps had never been used, aggregating a face value of $1,300. The other stamps, aggregating in value $2,700, had been attached to the packages of tobacco. If these things be true, why could not every word of the argument that the gentleman from Texas [Mr. BLACK] has made, and every word of the argument that the gentleman from Illinois [Mr. MADDEN] has made, apply with equal force against the refund of those stamps that have been attached to the packages of tobacco by the manufacturer just as strongly, I say, just as persuasively, as the arguments which they now make against the refund of the money to these wholesalers, who, in fact, paid the tax?

I want to say, gentlemen of the committee, that in this particular case the manufacturer did not pay the tax. The wholesaler paid the tax. The manufacturers charged for the stamps by adding their value to the price of the cigars and passed it on to the wholesaler, and under the same circumstances under which the manufacturer had been permitted to recover the wholesaler should recover. These gentlemen say the wholesaler shall be denied the right of recovery. If I were sitting as a court of equity, with adequate powers, I would not hesitate to render a decree. It would probably not be within my power, unless I had express authority of statute to do that, but Congress has that authority, because Congress passed the very statute under which compensation is given to the manufacturer.

The United States Government is not out one single cent in this transaction. These men paid this tax over 16 years ago, and because of the delay existing in hearing private claims their case has been pending in the Court of Claims and been pending here in the Sixty-fourth and Sixty-fifth, and now in the Sixty-sixth Congress; and if this claim is disallowed here, you declare that the manufacturers of this country belong to a favored few, and the wholesalers of this country shall be denied equal justice.

I say advisedly that if this claim is disallowed, then you will declare that the manufacturers of this country belong to the favored few, and that the wholesalers and others of this country shall be denied equal justice.

Mr. MADDEN. Mr. Chairman, I move to lay the bill on the table.

The CHAIRMAN. The Chair does not think that motion is in order now. The proper motion by those favoring the bill would be to lay the bill aside with a favorable recommendation, and a negative vote would accomplish the gentleman's purpose.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last two words. With reference to this bill, the gentleman from Missouri [Mr. BLAND], who has just concluded his statement, seems to rest his case upon the action of the Supreme Court of the United States. He submitted this claim, through the proper channels, to the Court of Claims, and the Court of Claims found against him, and if he believed that the Supreme Court of the United States was in his favor his remedy was clear. It was an appeal to the Supreme Court. Because the Court of Claims held in express terms—it is a part of the report—that there is neither equitable nor legal basis for the claim, that settles the law of this case. It is the law of every tribunal to which it could be presented, so long as the decision of the Court of Claims is not appealed from and reversed.

Mr. BLAND of Missouri. The Court of Claims held that it was a claim which could not be enforced in a court of law or equity, but that the claimant's only remedy was by an act of Congress, and therefore it is presented to Congress.

Mr. MADDEN. Mr. Chairman, I move to lay this bill aside with a recommendation that it do lie upon the table.

The CHAIRMAN. The gentleman from Illinois moves that this bill be laid aside with the recommendation that it do lie upon the table.

The question being taken, on a division (demanded by Mr. BLAND of Missouri) there were—ayes 27, noes 18.

Mr. BLAND of Missouri. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Missouri asks for tellers. Those in favor of ordering tellers will please rise and stand until counted. [After counting.] Eleven Members, not a sufficient number.

Mr. BLAND of Missouri. I make the point of order that there is no quorum present.

Mr. BLANTON. Mr. Chairman, I make the point of order that when the point of no quorum is made in the committee the roll call is not on the motion, but simply to ascertain the presence of a quorum.

The CHAIRMAN. The gentleman from Missouri has the right to make the point of no quorum.

Mr. BLANTON. But the roll call is not on the vote, but simply for the purpose of ascertaining the presence of a quorum.

The CHAIRMAN. Only for the purpose of ascertaining the presence of a quorum.

Mr. CHINDBLOM. Will that bring another vote on the bill?

The CHAIRMAN. If the absence of a quorum is determined and a roll call is had, then when a quorum appears the vote will be taken.

Mr. BLAND of Missouri. In view of the fact that there are many other private claim bills on the calendar, I withdraw the point of no quorum.

The CHAIRMAN. The point of no quorum is withdrawn. The motion is agreed to, and the bill is ordered to be laid aside with the recommendation that it do lie upon the table. The Clerk will report the next bill.

MARTIN GOLDSMITH.

The next business on the Private Calendar was the bill (H. R. 7030) for the relief of Martin Goldsmith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martin Goldsmith, late hospital steward, United States Navy, who served as assistant surgeon from June 2, 1862, until October 31, 1862, the sum of $583.33, the difference between the pay of hospital steward, which he actually received, and the pay of an assistant surgeon, to which he was entitled for the period named.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. EDMONDS] desire recognition?

Mr. EDMONDS. Mr. Chairman, this is a war-claim bill, and I think the gentleman from Nebraska [Mr. EVANS] would like to explain it.

Mr. EVANS of Nebraska. Mr. Chairman, I am somewhat embarrassed at the position in which I find myself. The chairman of the committee having in charge this claim has been called away suddenly and I am not very familiar with the facts, but will endeavor to give them to the committee as best I can.

This is a bill for the relief of Martin Goldsmith, who during the Civil War was a druggist, and who entered the service as a hospital steward, and was placed upon one of the vessels of the Federal Navy in that position. The commanding officer finding himself without a surgeon, and Martin Goldsmith having taken a portion of the course necessary to a degree in medicine, was assigned to the position of surgeon on the vessel and performed the surgeon's duties from the 2d day of June to the 31st day of October, in the year 1862. He was paid only the wages of a steward, and this bill is to give him the difference between the salary of a hospital steward and that of an assistant surgeon.

Mr. McLAUGHLIN of Michigan. Who presents the claim now?

Mr. EVANS of Nebraska. The claim is presented by the gentleman himself, who is now 80 years of age, feeble, and receiving a pension of something like $22 a month. I have in my hand his personal affidavit, which I will read, which will give the committee the information that is in the hands of the Committee on War Claims.

The part of the affidavit that is material reads as follows, referring to the time he was on the vessel:

It was soon apparent to all on board that the surgeon had neither the ability nor experience, and from the very first day all the medical and surgical duties devolved on me. Late in May, 1862, a sailor fell from the yardarm and fractured his skull, and as the surgeon did not perform the necessary operation and ordered me under arrest for undertaking it, I placed myself under the protection of the captain, and the surgeon was ordered to report at Washington, June 2, 1862. Capt. Armstrong then sent for me and read from a letter he had received from the Secretary of the Navy these words: "The surgeon steward whom you so highly recommend will act as surgeon until another is appointed in his place." This being an official document must have been copied and should be among the annals of the Navy Department. That I satisfactorily performed all the duties of the position from June 2 to October 31, 1862, is evidenced in the accompanying letter from Capt. Armstrong, and the fact that no other person was appointed or sent in my place is prima facie evidence that the department was fully convinced of my ability and the performance of the duties of the position.

I am now nearly 80 years of age and have had two strokes of paralysis, consequently am unable to do anything to add to my income; my pension is only $22.50 per month.

The salary of assistant surgeon in the Navy was $1,700 per year. That of surgeon steward was $25 per month, and I most respectfully present my claim for the difference in salary for the five months that I had the position of surgeon and fulfilled all the duties satisfactorily.

MARTIN GOLDSMITH,
Egg Harbor City, N. J.

Sworn and subscribed to.

Attached to the report is the letter referred to, which is in the following language——

Mr. McLAUGHLIN of Michigan. Is that the original letter?

Mr. EVANS of Nebraska. No. The affidavit which I read is the original, but the letter is in the report. I have not the original letter here.

Mr. TIMBERLAKE. The original letter was submitted to the committee.

Mr. EVANS of Nebraska. I am presenting this matter, having never seen it until just now, except as it was presented in the report. I do not have the original letter. This copy which I now propose to read is one that has been presented in a number of reports by previous committees, all of whom, so far as I have any knowledge, have reported favorably upon this claim. The letter is as follows:

NOVEMBER 20, 1862.

SIR: It gives me pleasure to state that during the time you were serving on board this ship as hospital steward your conduct merited my approbation.

A portion of the cruise, owing to the sickness of the surgeon, and afterwards to his detachment, you were placed in a very responsible position, which I am glad to say you filled with credit to yourself and to the satisfaction of all on board.

I wish you success.

Very respectfully,
JAS. T. ARMSTRONG,
Commanding.

Mr. MARTIN GOLDSMITH, *Philadelphia.*
(With J. G. Baker, jr., druggists.)

The facts of the case are presented in the affidavit and statement. Personally, from investigation I know nothing more than I have stated here, but the policy of Congress in many cases, and where it has been permitted under the law, the practice of the department has been to pay men the salary of the position which they filled, although not holding the particular rank.

Mr. WASON. Will the gentleman yield?

Mr. EVANS of Nebraska. I will.

Mr. WASON. What is the date of the affidavit that the gentleman read? When was it executed and sworn to?

Mr. EVANS of Nebraska. On the 13th day of September, 1917.

Mr. VAILE. Then the claimant is now two years older than he was at that time.

Mr. EVANS of Nebraska. Yes.

Mr. McLAUGHLIN of Michigan. And still living.

Mr. EVANS of Nebraska. Yes; so far as I know. The bill is for him as an individual and not for his heirs. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. EVANS of Nebraska. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 30 ayes and no noes.

So the motion was agreed to.

JULIUS JONAS.

The next bill on the Private Calendar was the bill (H. R. 3258) for the relief of Julius Jonas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Julius Jonas, a resident of Walden, N. Y., the sum of $500, and interest, at the rate of 3 per cent per annum, from November 1, 1901, to August 1, 1918, in redemption of United States coupon bond No. 446, for $500, of the 3 per cent loan of 1908 to 1918, with interest coupons attached dated February 1, 1902, to maturity, inclusive, the said bond and coupons alleged to have been destroyed by fire: *Provided*, That the said Julius Jonas shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupons of the said bond, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the alleged destroyed bond, hereinbefore described or the coupons belonging thereto.

Mr. GLYNN. Mr. Chairman, this is a bill to reimburse the owner for the loss of a bond which had been destroyed. No coupons have been presented since 1901. The Government is secured, because under the terms of the bill before reimbursement is made a bond must be given in double the amount of the principal of the bond lost or destroyed. The Government loses nothing.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. GLYNN. Yes.

Mr. McLAUGHLIN of Michigan. I noticed as the bill was read it provides for payment of the principal of the bond and interest up to some time in 1918. I presume that was the time the claim was filed here. If it should be determined that the claim was a proper one and should be paid, why should not the interest be paid to this date?

Mr. GLYNN. I think perhaps that is true, but I am not in favor of paying people more than they ask for.

Mr. STEENERSON. That would depend upon whether any more coupons were due.

Mr. GLYNN. The bond has matured, as I understand it.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of asking some questions. Under the stipulations in this bill, on the day that this bond is alleged to have been lost—18 years ago exactly to-day—in all of this time, so far as I know, this is the first time that Congress has been asked on the floor of the House to reimburse the owner for a lost bond, not only the principal but the interest at 3 per cent for 18 years. It does seem to me that when people sleep on their rights for 18 years, which is nearly one generation for mankind,

that the practice which is sometimes asked for and obtained in court, that when they sleep on their rights they suffer the consequences, should prevail here.

I do not know what the real circumstances were surrounding this particular bond. I wish the gentleman from Nebraska, who has much knowledge on such matters, having been an auditor for years, were on the floor for he could throw some light on it. I do not think people ought to wait until witnesses die, until the department officials change, and the evidence against them is perhaps destroyed or forgotten, or put where it can not be found, before they come in and ask the Government for relief. I would like to ask why these people have waited 18 years to come here and ask for reimbursement on this $500 bond.

Mr. GLYNN. I will say that the bond did not mature until August, 1918.

Mr. BLANTON. There were interest coupons and interest payments due every year on that bond. In other words, in 1902 there was an interest payment due from the Government. Parties are usually not derelict in collecting interest. If the bond was lost and they failed to collect the interest—they knew that the bond was not in existence—why should not they have come in during the second, fourth, tenth, or even fifteenth year and ask for reimbursement at the hands of Congress?

Mr. GLYNN. I have a communication showing that the loss was reported in 1902.

Mr. BLANTON. To whom?

Mr. GLYNN. To the Treasury Department.

Mr. BLANTON. Why have they waited 18 years? I dare say that the owner of the bond lost 18 years ago is not living.

Mr. PLATT. Oh, yes; he is.

Mr. BLANTON. I dare say that if we had the facts and circumstances, that the claimant who is now asking Congress for reimbursement is a descendant of the original owner of the bond.

Mr. PLATT. That is not true.

Mr. BLANTON. The claimant is the one who owned the bond 18 years ago?

Mr. PLATT. The same man.

Mr. BLANTON. Then he ought to be in the insane asylum if he has waited 18 years to establish his claim.

Mr. PLATT. Does the gentleman want me to answer his question?

Mr. BLANTON. I would like to hear from the gentleman from New York.

Mr. PLATT. I will say to the gentleman——

Mr. BLANTON. We have to go to New York usually for help on all financial matters.

Mr. PLATT. These people have made claim to this money from the time the bond was lost, but it was a close question whether the Treasury could return the money without an act of Congress. The testimony is almost complete as to people having actually seen the bond destroyed.

Mr. BLANTON. But it has taken them 18 years to find out that it takes an act of Congress to grant relief?

Mr. PLATT. The Treasury Department will not approve an act of Congress until every other resource has gone by.

Mr. BLANTON. I think that unreasonable laches are present here and a very careless sleeping on rights, to say the least of it.

Mr. PLATT. These people used every means possible to get the department to refund the bond.

Mr. BLANTON. I am going to vote against this bill. It is too old.

Mr. PLATT. The bond was burned. It could not be definitely proven that anybody actually saw it burn, but it was swept off a desk into a waste-paper basket and burned. The owner's son burned the stuff in the waste-paper basket.

Mr. EVANS of Nevada. I might suggest to the gentleman that it is a common practice of banks, when they get a bond for double the amount of a certificate of deposit which has been lost, to pay the certificate.

Mr. BLANTON. But you do not find any banks in this land under supervision of either State or Federal inspection that would pay interest on an evidence of indebtedness for 18 years when it is shown to be lost for that length of time.

Mr. EVANS of Nevada. Oh, I think they do.

Mr. BLANTON. They do not do business in that way on Wall Street, in the gentleman's State of New York.

Mr. PLATT. I do not live on Wall Street, I will say to the gentleman.

Mr. BLANTON. The gentleman could not live on a better street when it comes to money matters.

Mr. GLYNN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 46, noes 0.

Mr. BLANTON. There is such a big attendance here to-day, Mr. Chairman, that I shall not make any further point. There is an unusual attendance here for claim day.

So the bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

JOHN ZIMMERMAN.

The next business on the Private Calendar was the bill (H. R. 1024) authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of equal acreage, also located in the Colorado National Forest, Colo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue a patent to John Zimmerman for the following-described lands: The north half of the southwest quarter of the southeast quarter of section 32; the south half of the southeast quarter of the southeast quarter of section 33, township 9 north, range 74 west of the sixth principal meridian; and the north half of the north half of the northeast quarter of the northwest quarter of section 4, township 8 north, range 74 west of the sixth principal meridian, upon the transfer by the said John Zimmerman to the United States of the following-described lands: The northeast quarter of the northeast quarter and the north half of the north half of the southeast quarter of the northeast quarter of section 31, township 9 north, range 74 west of the sixth principal meridian: *Provided*, That upon the reconveyance of the surrendered lands they will become part of the Colorado National Forest, Colo.

Mr. VAILE. Mr. Chairman, this is merely an exchange of 50 acres of land for 50 acres of other land, both located on the exterior limits of the Colorado National Forest. The exchange is of lands of equal value and of equal extent. It has been approved by the Secretary of Agriculture, whose letter accompanies the report. If no one desires to ask any question, I ask that the bill be read for amendment.

Mr. EVANS of Nebraska. Will there be any question of right of way by reason of this exchange?

Mr. VAILE. None at all. The lands that Mr. Zimmerman asks for are three separate small pieces, which he desires in order to give access to his own lands. The land which he conveys to the Government, and the conveyance of which is approved by the Secretary, is a contiguous tract; and in each piece of land there is the same stream.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. VAILE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 45, noes 2.

So the bill was ordered to be laid aside with a favorable recommendation.

ARTHUR WENDLE ENGLERT.

The next business on the Private Calendar was the bill (H. R. 795) for the relief of Arthur Wendle Englert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Arthur Wendle Englert, late of Albion, Mendocino County, Calif., out of any money in the Treasury not otherwise appropriated, the sum of $500, being the value of work done and improvements made by him in good faith during the year 1911 on lands then shown by records of the San Francisco land office to be unpatented, and for which lands patent was issued to said Englert in accordance with law, but which patent was a nullity, said lands having a long time previously been patented by the United States to other persons.

Mr. GLYNN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HERSMAN].

Mr. HERSMAN. Mr. Chairman, this bill asks that $500 be appropriated to cover the value of work done and improvements put on certain lands that were patented by Arthur Wendle Englert in 1914, it afterwards developing that the lands had been patented by other parties.

Arthur Wendle Englert was an ex-soldier of the war of 1848. On learning 40 acres of land near Albion, Mendocino County, Calif., was unpatented on the 1st of August, 1911, he filed in the United States land office of San Francisco a declaratory statement, paid the fees, and took the ordinary steps for procuring a homestead title thereto. He took possession of the land, built fences, built a home, grubbed up a certain number of acres, planted a certain number of acres in trees each year, and proceeded to make his home there. He thought he would have a piece of land on which he could successfully make a living. On August 7, 1914, patent issued to the land. In February, 1916, Englert procured an abstract of title to the land and found for the first time that a patent had issued to an-

other person in June, 1880. Englert's patent, therefore, was a nullity. This ex-soldier spent years of effort and all his available funds to improve this 40-acre tract; through the fault of the Government which he had served he found himself without a home and without money. The records of the San Francisco land office showed that the land at the time Englert took possession of it was open to patent, and he proceeded on the records of the land office, which were the only records he had available.

This case has been heard by the committee, and the committee unanimously reports that it should pass. A letter from the Secretary of the Interior reports that it should pass. I will read an extract from that letter. It says that the facts have been duly verified and that this ex-soldier, after finding that it was patented away back in 1880, made a relinquishment of his entry.

Mr. MADDEN. Will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. MADDEN. Does the gentleman want the Congress to assume the rights of an entryman to whom patent was granted to take over all improvements made by this man and have the Government pay for those improvements?

Mr. HERSMAN. When it is clearly shown that it is the fault of the Government.

Mr. MADDEN. Well, I do not see that that has got anything to do with the case. The question here is, here is a man who entered a piece of land supposed to be open to entry. He began to comply with the provisions of the public-land laws. He cultivated the land and built improvements. It turned out afterwards the land was patented by somebody else. Now, if the Government was honest in the matter, or those charged with the enforcement of the land laws, they would require the man to whom patent was issued to pay for the improvements. But what did they do? They turned the patent over to the other man, let him take possession of the other man's improvement, and then ask us to pay out of the Treasury of the United States seven hundred and some odd dollars for their delinquency. Is that right or decent? It ought not to be done.

Mr. HERSMAN. I do not get that at all from the testimony that is presented here.

Mr. MADDEN. What became of the improvements? Who got them?

Mr. HERSMAN. These improvements—there were no improvements on this property when patent was issued to Englert.

Mr. MADDEN. Then what is this money for?

Mr. HERSMAN. There were no improvements on this property when this land was entered by this ex-soldier. It was absolutely without improvement.

Mr. MADDEN. I understand he put improvements on it?

Mr. HERSMAN. He put improvements on it.

Mr. MADDEN. And somebody else got the improvements, did they not?

Mr. HERSMAN. No. The gentleman will find that he cultivated the soil and put an orchard out and made certain improvements; then it developed that this land had been patented 30 years before, and the records of the San Francisco land office showed that it was open to homestead entry at the time he filed on it.

Mr. MADDEN. Who gets the benefit of improvements?

Mr. HERSMAN. The man who patented the land in 1880.

Mr. MADDEN. And the Government of the United States, through the Secretary of the Interior, comes to Congress and asks that $700 be paid out of the Treasury of the United States when they could just as well force the man to whom patent was granted to pay for those improvements.

Mr. HERSMAN. If the gentleman from Illinois could get the point; it is impossible to force this man to pay for it. This man owned the land in 1880 by patent from the United States Government. Now, the records of the San Francisco land office were erroneous. The Government was at fault in keeping its records. This soldier entered the land, made application, and filed on it, and finally four years afterwards secures patent to the land. Then it develops that the Government had not kept its books correctly, they probably having been destroyed in the San Francisco fire. In restoring the books some Government employee made an error of which this ex-soldier is the victim.

Mr. MADDEN. Let us see what the minority of the committee says about this.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. MADDEN. I have not the floor. I am speaking in the time of this gentleman who yielded to me. Here is what the minority of the Committee on Claims says:

Mr. HERSMAN. Where is that?

Mr. MADDEN. I am just reading. I have it right here in hand:

The record shows that the claimant filed upon the 40 acres of land in question on August 7, 1911, and, after complying with formalities, on October 3, 1911, went upon the land and remained thereon in actual peaceable possession thereof, using, occupying, cultivating, and enjoying the same, in open, notorious, and undisturbed possession thereof until March 27, 1916. So far as the record discloses, no adverse claimant ever set up any claim to the land or made any demand for possession, but in February, 1916, claimant had an abstract title made to the land, same then disclosing for the first time that the land had been patented to another on June 1, 1880, and that the claimant, without any demand being made upon him, on March 27, 1916, filed a relinquishment of his claim to the land with the Government and requested the return of the $62 he had paid out in fees.

This is what part of the Committee on Claims considering this bill said. Then the minority report goes on to say:

I understand that under the laws of California, if an attempt had been made by the prior patentee to eject him, claimant could have recovered from the patentee the value of all the improvements.

Mr. HERSMAN. Read that again; I did not catch it.

Mr. MADDEN. The minority report says:

If an attempt had been made by the prior patentee to eject him claimant could have recovered from the patentee the value of all the improvements which in good faith he had placed upon said land, and in justice and good conscience said prior patentee should have paid for such improvements made in good faith, for in six more months the title of claimant to said land would have been perfected by the five-year statute of limitations existing in California.

But without any demand—now, listen—without any demand being made upon him by anybody, the claimant voluntarily relinquished the land and relinquished his title back to the Government and abandoned the land which he had occupied for four and a half years and left all of his improvements, which he claims had not been valuable and made in good faith, as a present and a gift to an unknown prior patentee named Dallas, who, so far as the record shows, had never asserted any claim to the land after 1880.

Mr. GLYNN. I would like to ask the date of that report.

Mr. MADDEN. There is not any date connected with it.

Mr. GLYNN. By whom was it signed?

Mr. MADDEN. By Mr. BLANTON, a member of the committee. It was in the Sixty-fifth Congress.

Now, if the statement made by the gentleman from Texas [Mr BLANTON] as a member of this committee in a minority report states the facts, and I assume it does state the facts, there was no claim made by the man to whom the patent was granted or for the ejectment of the man who had settled upon the land; and if his statement of the California law be true, to the effect that if the man to whom the patent was granted had demanded the ejectment of the man who was in possession of the land, the man ejected would have the right under the California laws to collect every dollar that he had expended legitimately for himself. But no one demanded his ejectment; no one asked that he relinquish the land. He relinquished it voluntarily, made a request on the Federal Government for $62 that he had paid when he entered the land, and that was all the claim he made. Now, it seems to me, if these are facts, there ought not to be any payment amounting to $700 made to this man, because he has no claim against the Government whatever. He could have stayed on the land. He had six months more to stay. He would have had title to the land if he had stayed that length of time. He evidently did not want to stay. Nobody asked him to leave; he left of his own accord. Now, what do you want to do?

Mr. HERSMAN. I would like to make a statement. This bill with the recommendations was just handed to me by the gentleman from California [Mr. LEA], who has introduced it, and who asked me to bring it up.

Mr. MADDEN. I ask that it be postponed until Mr. LEA is here and until we get the facts in the case, if the gentleman does not know them.

Mr. BLANTON. Mr. Chairman, I ask for recognition in opposition.

Mr. HERSMAN. If there has been any minority report it has not been submitted to me. I asked the chairman of this committee, the gentleman from Pennsylvania [Mr. EDMONDS], if there was a minority report and he said there was not.

Mr. CURRY of California. That minority report was of the last Congress and not this Congress.

Mr. HERSMAN. That is what I wanted to find out, because I did not want to come before this Congress without having all the facts in the case.

Mr. CURRY of California. That minority report has no place on this floor. It is no minority report at all.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. EVANS of Nebraska. What is the fact about the statement of the gentleman from California as to that State having what are generally known as the occupying-claims acts?

Mr. HERSMAN. I am not an attorney, and so I am not able to answer. I will ask the gentleman from California [Mr. RANDALL].

Mr. RANDALL of California. I am not an attorney, but I will say that whatever the law is in California on that subject has no application in this case whatever. The Government cancels the title, and the State of California and the courts of California have nothing whatever to do with it. The Government patented the lands of the original claimant 40 years before this second claim occurred, and the second claimant, after he had secured a patent and asked the title company for a title, the title company showed him the Government had patented the land many years before to another claimant.

Mr. McLAUGHLIN of Michigan. You say that the Federal Government or the Land Office canceled this second patent?

Mr. RANDALL of California. It had the same effect. The title company showed in the certificate of title that the Government had patented the land to the original claimant a number of years previously.

Mr. McLAUGHLIN of Michigan. What did the Land Office do?

Mr. BLANTON. I will answer the gentleman.

Mr. McLAUGHLIN of Michigan. What did the Land Office do? You said it canceled that second patent. What did it do in that direction?

Mr. HERSMAN. Here is the report of the Secretary in this case, in which he recommends that $700 be allowed this man Englert for the value of the improvements and cash paid out. He says this:

It had been patented to other parties before the filing of his application therefor. This fact he duly verified and thereupon filed a relinquishment of his entry.

Mr. McLAUGHLIN of Michigan. Who did? This second man filed a relinquishment?

Mr. HERSMAN. Yes.

Mr. McLAUGHLIN of Michigan. Was it at the demand of the department?

Mr. HERSMAN. That does not appear in the report that I have before me.

Mr. RANDALL of California. Will the gentleman yield?

Mr. HERSMAN. I will.

Mr. RANDALL of California. That would be a necessary act on his part in order to recover his rights and take another homestead.

Mr. McLAUGHLIN of Michigan. He had no rights at all.

Mr. RANDALL of California. He had a right when the Government permitted him erroneously to enter the land. He had to relinquish his right to that entry so that he could make another one.

Mr. BLANTON. I will state to the gentleman that I made a careful investigation of this case, looked at all the proof offered by the claimant, and there was no action taken by the Government whatever to dispossess this man from the land, but after living upon it all these years, when in six months they would have given him a title against the claimant regardless of patent, he wanted to sell his land and went to an abstract company to have the abstract made, and they discovered the fact that years back, in 1880, the Government had issued a patent to a man named Dallas, of whom nobody had ever heard through all those years. Dallas did not claim the land; the Government did not ask the man to give it up, but as soon as he found it had been patented to a man named Dallas in 1880 he went to the Land Office and said, "I will file my deed of relinquishment," and said, "Pay me back the $60 fee."

Mr. McLAUGHLIN of Michigan. The filing of the relinquishment was on his own accord?

Mr. BLANTON. Yes; there is not a scintilla of evidence here to show that the Government asked him to do it or a scintilla of evidence that Mr. Dallas, the patentee in 1880, asked him to do a thing about it. It was his own action. He got tired of his own title and got tired of his own land, and wanted to take up other land. And I want to say this, that not only in California, but in every State of this Union where a man in good faith, believing that he has a title to the land, places valuable improvements upon that land, if a prior claimant comes along with a better title and seeks to dispossess him, in every State of this Union it is the law that he plead in contravention for the amount of the reasonable value of the valuable improvements that he places upon that land in good faith.

Mr. STEENERSON. He must have color of title.

Mr. BLANTON. He had color of title, because the Government placed him on the land. That was his color of title. There can be no better color of title.

Mr. STEENERSON. Is there such a thing as color of title by adverse possession in California?

Mr. BLANTON. He had the right to demand the reasonable value of the valuable improvements that he placed there in good faith. But he did not ask for that. He wanted to get rid of it, and he gave the man who had patented in 1880 the possession of everything; he wanted to give him possession of everything he had, because when you sift it down you find he did not have much. You may imagine that he placed a house there, but it is shown by the evidence that whatever little shack he placed on that land, it amounted to only a few dollars' worth.

Mr. MADDEN. A 12 by 20 house.

Mr. BLANTON. Yes; 12 by 20. If my good friend from California [Mr. RANDALL] had known as much about this case as he knows about national prohibition he would not be speaking on this floor here in defense of the California claimant, because he is a just man.

Mr. RANDALL of California. The gentleman from California [Mr. HERSMAN] talks about Government public land in California. The gentleman from Texas [Mr. BLANTON] is talking about private ownership land. The law has no application to Government land.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. Yes; I yield.

Mr. EVANS of Nebraska. What I want to know is, Did he get a patent from the Government?

Mr. BLANTON. Not that I know of. He was placed in possession of the land. His holding and color of title would have ripened into a patent if it did not do so.

Mr. EVANS of Nebraska. May I ask the gentleman if it was a homestead or a timber claim? What was the character of the claim?

Mr. BLANTON. It was a homestead claim.

Mr. EVANS of Nebraska. How long had he been there?

Mr. BLANTON. Four years and a half.

Mr. EVANS of Nebraska. Has California a statute permitting a person who holds adversely to recover for improvements?

Mr. BLANTON. Yes; if he had color of title. Every other State has that law.

Mr. HERSMAN. I do not think every State has that law.

Mr. CARAWAY. I would like to say that that is not the law in my State.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. HUDSPETH. I notice in the report of Secretary Lane that when this gentleman, Mr. Englert, discovered that this land had been patented prior to his entry he relinquished all claim. Evidently he must have had a patent or some title or he could not have released to the Government his claim of title. I see that in the report of Secretary Lane.

Mr. HERSMAN. This ex-soldier went on this land in good faith to make a home for himself. He got a patent from the United States Government on this land. It afterwards developed that the United States Government had given patent to the same piece of land in 1880. The records in the San Francisco land office were not straight. Let me read you what the department says about the records in San Francisco. This letter was written from the Department of the Interior and was directed to the register and receiver of the land office at San Francisco. It was written on March 27, 1916, just after this man found that he did not have a title to his land. The Government had issued two patents on the same piece of land. I will read from the letter:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 27, 1916.

Examine and correct your records.

REGISTER AND RECEIVER,
San Francisco, Calif.

SIRS: The attention of this office has been called to the fact that you insist that patent issued to Arthur Wendle Englert, upon commuted cash certificate 04954, August 7, 1914, has no conflict and is valid, when as a matter of fact the NE. ¼ NE. ¼ sec. 16, T. 16 N., R. 17 W., Mount Diablo meridian, with the balance of said section and other lands was patented to Alexander Grant Dallas June 1, 1880, upon S. F. cash certificate No. 6891.

It appears that this certificate was issued by your office in accordance with office letter "G" of August 1, 1878, under the seventh section of the act of July 23, 1866. (14 Stat., 218.)

The Government having divested itself of all title to the NE. ¼ of NE. ¼ of said section by the issuance of patent to Dallas, the patent issued to Englert is a nullity. Upon receipt of this letter you will correct the records of your office accordingly.

You will see that the San Francisco office insists that it was valid. The Washington office writes to the San Francisco office: "You will correct your records, so that they will be true and the public will be safeguarded."

This man would never have entered upon this land, this ex-soldier would never have expended four years in developing

this land, if the records of the San Francisco land office had been correct.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield again?

Mr. HERSMAN. Yes.

Mr. HUDSPETH. I see by the report of Secretary Lane that he recommends that the gentleman be reimbursed in the sum of $749. I personally would be inclined to follow the commissioner in his report or follow the Secretary. Will the gentlemen tell me why the committee cut it down to $500?

Mr. HERSMAN. I do not know why the committee cut it down to $500, except that the chairman of the committee said to me, when I asked him about it, that certain items possibly ought not to be included. The committee cut it down to $500, but the Secretary recommended that the ex-soldier be paid $749.50.

The sworn testimony of three men have placed the damages at from $700 to $900. This ex-soldier, who fought for his country, is only asking that the United States Government recompense him to the amount of damages that he was out in actual cash outlay, not for loss of time, not for the money that he paid to the Government, because we are paying him only $500, when the affidavits show a very much larger amount. Under the bill he is asking $500. I say this soldier is asking to be recompensed for an error that was clearly the fault of the San Francisco land office.

Mr. MADDEN. This gentleman is asking pay for witnesses and advertisements and all kinds of expenses.

Mr. HERSMAN. His itemized bill is $811, but the committee only allow $500, and he will not be paid for those things under this bill. That is what I meant to imply.

Mr. STEENERSON. Mr. Chairman——

Mr. HERSMAN. I yield to the gentleman from Minnesota.

Mr. STEENERSON. I desire to take the floor in my own right.

Mr. HERSMAN. I have the floor, but I will yield to the gentleman. How much time have I?

The CHAIRMAN. The gentleman from Connecticut yielded to the gentleman from California such time as he desired up to one hour.

Mr. HERSMAN. How much time have I remaining?

The CHAIRMAN. The gentleman has 22 minutes remaining.

Mr. HERSMAN. Will five minutes be sufficient?

Mr. STEENERSON. Yes.

Mr. HERSMAN. I yield to the gentleman from Minnesota five minutes.

Mr. STEENERSON. Mr. Chairman, this case is very similar to many cases that have occurred in nearly every public land State. In my own State a great many settlers went upon land that was embraced in land grants, and after making improvements it turned out that the title was in the railroad company, and they had to give up their land. In such cases the only remedy they had was to apply for the purchase money if they had purchased land under the preemption law, and I remember a case last year from my district where the people had improved the land for about 30 years, but in a suit brought by the Great Northern Railroad Co. the title was decreed to be in the railroad company. They were in a different position from this man, because the title had never passed from the United States until recently, so that they could not plead adverse possession.

Now, this man was on land that was patented to a private party in 1880. Consequently title by adverse possession was available to him, and it is stated here, and I have no doubt it is true, that in California adverse possession gives title in five years. In some States it takes 5 years, in some 10, in some 15, and in some 20; but in any event it is stated by the gentleman from Texas that they have an occupying claimants' act there, so that the man who takes possession of land under color of title—which a homestead receipt from the Land Office would be, within the meaning of the law—would have the right, when the party who claimed title tried to evict him, to set up the value of his improvements, all of them, and have a jury trial to determine the value of those improvements; and before possession was decreed to the plaintiff he would have to pay that price. Now, it seems to me if we grant this relief here, we are placing this man from California upon an entirely different footing than any other man in the United States. I venture to say that there have been hundreds of settlers in Minnesota who have gone upon public lands, got a receipt from the Land Office and made improvements, and afterwards it turned out, under decisions of the courts, that the title was in the railroad company, and all they got was a return of the purchase money. There is a general law giving them that. No doubt this man could have availed himself of that. The papers in a case of this kind passed through my hands only a year ago, concerning 80 acres of land in my district, where they had to file a deed to the United States before they could get back the purchase money, and to furnish an abstract showing that the title had been adjudged to have passed under a prior grant. That has happened frequently in every public-land State ever since the public-land laws were enacted. If we grant this man, in addition to the return of his money, the value of his improvements, we are giving him something that no other settler has received. It seems to me the claim is unjustified, and we are establishing a bad precedent that will come back to plague us in the future.

Mr. HERSMAN. I yield to the gentleman from Arkansas [Mr. CARAWAY] five minutes.

Mr. CARAWAY. Mr. Chairman, it is conceded that this man has no legal right of recovery. If he had a legal right, the claim would not be here on this calendar, because he could have gone to the courts or have gone to the department and have recovered. I know the practice prevails of the Government making all the mistakes it sees fit—and it can make more than anybody—and then saying to the citizen, "You will have to suffer." The question here is simply one of good faith. If this case were reversed—I am not talking about the laws of California now, for I am without any specific knowledge of the laws of that State, but I know the law in my own State—if a citizen were to sell a piece of land and warrant the title, and afterwards the title were to fail, he could sue the man who gave the warranty and recover the purchase money. In this particular case the party who warrants the title is the Government itself. I realize the Government does not warrant the title but should. It says, "Here is a piece of land that belongs to the Government. If you will do certain acts it will give you title to it." The man complies in good faith with the Government's requirements and acquires what he supposes to be a title and makes valuable improvements. Then through the negligence of an officer of the Government he loses his land and loses his improvements. Now, in good faith can we say that the Government ought not to pay to him what his losses have been? The gentleman from Texas [Mr. BLANTON] undertook to state the laws of all the States, and he missed every one that I know anything about.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERSMAN. How much more time have I?

The CHAIRMAN. The gentleman has 12 minutes.

Mr. HERSMAN. I yield to the gentleman from Arkansas five minutes more.

Mr. CARAWAY. I never did think that the Government ought to plead the statute of limitations or avail itself of its own mistakes to defeat a citizen in his claim against the Government. As a private individual I would not do either of those things, and there is not a gentleman who is a Member of this House who would do it, either. There is no gentleman here who would plead the statute of limitations against a just claim.

Mr. BUTLER. Suppose the other fellow goes to sleep on his rights until the opportunity to prove my side of the case has disappeared? Would I not be justified in pleading the statute of limitations?

Mr. CARAWAY. The gentleman might be justified, but he would not do it.

Mr. RANDALL of California. The other man did not go to sleep on his rights. His rights were not questioned until he appeared at the Land Office.

Mr. BUTLER. I am only asking the gentleman's opinion, because I have a great deal of confidence in the gentleman and in his correct way of looking at things.

Mr. CARAWAY. I hope these compliments will not be taken out of my time. I do not think this old gentleman acted possibly with the very best judgment. If he was a soldier in the war of 1848, he is getting old. I suspect that if he had consulted a lawyer he might have advised him that if he wanted to acquire title he could stand on his claim and get title by adverse possession.

But, with all due deference to people who take a different view, I have always thought that taking title by adverse possession is questionable. It is a way of acquiring property that I would not and you would not do. I would not want anything I got by reason of the fact that somebody who had the actual title overlooked the fact that I was ripening a title adverse to him.

I think this shows the old gentleman to be a man of a fine sense of honor; that instead of staying six months longer, as the gentleman from Texas suggested, thereby stealing somebody's piece of land, when he discovered it was not his he went back to the Government and said this property was not the Government's, that the Government had no right to give him a title to it, that it belonged to another man, that he did not want to take his property away by adverse possession, and he yielded back whatever title the Government undertook to give him.

Mr. BLANTON. How does the gentleman from Arkansas know that the man, Dallas, to whom the patent was issued in 1880, did not himself receive a patent that was contrary to the provisions of law and that he was not the lawful owner, or else he would not have gone off and left it?

Mr. CARAWAY. The gentleman from Texas was on the committee, and if such a state of facts had been true he would have developed it. I have absolutely no doubt that the gentleman knew he could retain his title by adverse possession, but he did not care to do it. It is a question of good faith. Neither I nor you would receive property under such circumstances, and I am not willing that the Government should do it. It does do it, as the gentleman from Minnesota says. It always treats the citizen as if he had no rights at all. Thousands of acres in my own State and district the Government disclaimed title to, and people went on it and made valuable improvements, then the Government asserted its title and the citizens were kicked out, but it did not make it right. I am not going to be a party to help my Government break a contract which in good conscience it ought to meet. [Applause.]

Mr. HERSMAN. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. GLYNN].

Mr. GLYNN. Mr. Chairman, something has been said about a minority report. As a matter of fact, there is no minority report in this Congress. A minority report was made by the gentleman from Texas [Mr. BLANTON] two years ago, when he was on the committee, but he is not a member of the committee to-day. He did not seem to be able to convince any other member of the committee that his views were correct. I think we have had a good deal of debate on this, and I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN (Mr. GREEN of Iowa). The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 7, strike out the figures "500" and insert in lieu thereof the figures "62."

Mr. BLANTON. Mr. Chairman, I think in all good conscience and justice to the man he should be paid back $62, the amount of the fees he paid to the Government. The Government received this amount of fees. It is not certain that he received them back. He may have received them, but we do not know that he has. I would like to be sure that he has received that money back.

Mr. CARAWAY. On what theory? If he is entitled to one he is entitled to the other.

Mr. BLANTON. He paid certain money into the Treasury.

Mr. CARAWAY. Yes; and he paid certain money for improvements.

Mr. BLANTON. But the Government received no benefit from the improvements. If every Member would get the papers and see what these improvements consisted of that he placed on this land, you would get rid of that bugaboo that there were improvements to any great extent. That is the reason he did not make any claim against the original patentee under the law of California for valuable improvements made in good faith. He did not have enough there to press the claim.

Mr. RUCKER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RUCKER. Does not the gentleman think he ought to deduct from the $62 a reasonable rental of the property during the time the man lived on it?

Mr. BLANTON. No. He did stay on it, and if it was like it is in some places it would be worth something and it would have been a proper deduction, but I do not think we ought to pay this man for trips that he made here and there which he claimed in his account in an effort to get this land. I have known good men to go into west Texas seeking a home, who believed they got a good title from the State, who have gone on the land and made valuable improvements, spent money in placing it in cultivation, and in after years found out that there was a superior title, but Texas does not make anything good except to pay back the money it has received. That is what the State of Texas does. I do not know what the State of Arkansas does. I did think that there was a law in Arkansas—I was giving Arkansas the benefit of the doubt when I said the law existed there where a man in a bona fide belief that he had good title in good faith placed valuable improvements on the land and lived on it for one, three, or four, or even, as was done in this case, four and a half years to the exclusion of everybody else, that whenever an adverse claimant should jump up and try to take it away—I gave Arkansas the credit of having a law that would allow the man to go into the courts in reconvention and recover the reasonable value of the valuable improvements that he had placed on the land in good faith.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. If I had the time I would gladly yield.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Texas [Mr. BLANTON], and wish to say that I agree heartily with everything the gentleman from Arkansas [Mr. CARAWAY] has said, that the Government of the United States ought to act honorably and fairly and decently with its citizens in all the business it transacts with them. This is not an unusual case. I have had considerable experience with the land office in my own State of Michigan and with the Land Office here. I wish to say that in my judgment the Government does not always conduct itself creditably. If it were a private individual carrying on private business, it, or somebody representing it, would be haled into court so quick it would make his head jar. Any court or jury in the country would render judgment against an individual right off the reel; the courts would not stand for such conduct as the Government, through some of its officials, are guilty of. And I do not wish to reflect too severely on the officials; they are not to blame; it is the system that has grown up. Perhaps Congress is at fault for not having taken notice of it and for not enacting laws that compel the Government to play fair in all cases and to meet promptly every obligation, legal or equitable. I know of a case in my own district where a woman school-teacher found a piece of land, near by, which, according to the records of the Land Office, was open to homestead entry. She made the proper filing, went upon the land, and improved it to the extent of $2,500. Later she learned that a prior patent had been issued. She appealed to the Land Office for reimbursement or for some relief from the serious position in which she was placed because of their mistake. There was no relief for her in the department; they simply said that she must take her chances when she dealt with the Government. The gentleman from Arkansas [Mr. CARAWAY] is wrong in one particular, if he will pardon me, when he says that a patent from the Federal Government is a warranty deed, or that when the Government issues a patent or promises to, it promises to convey a title as by a warranty deed. When that matter was put up in the particular case I speak of, and the department was told that it warranted the title, it said no; that the patent it issues is only a quit-claim deed; that those who do business with the Government must take their chances as to the title. Think of it! Take their chances on being trimmed by the Government of the United States and in an unconscionable way, I submit! The Government ought to be made to play fair. The conscience of the Government ought to equal the combined conscience of all the people of the country. [Applause.] An individual would not be permitted to do business that way, but the great Government of the United States does it and gets away with it.

How much is the claimant in this case entitled to? I submit we should go by the proof as here presented. It has been asked how it happens that he did business with the Government after he was told that the title he had undertaken to secure was of no value. Here is a letter written by the Assistant Commissioner of the Land Office to the Hon. William Kent, a former Member of this House, well known to many of us, in which Mr. Kent was told to have the man return his papers to the Land Office, and he would receive the sum he had paid, $62. That is how he came into communication with the Land Office, after he learned that his Government, for which he had fought as a soldier, had taken his good money and issued him a bogus deed. He was certainly entitled to the $62, but there is evidence that he never received it. The testimony of several witnesses is—and I have read each of the affidavits, and I presume they are entitled to credit, otherwise the committee would not have reported them—that a house was built, and each of the witnesses says it was worth $125. Each of the witnesses, experienced in that part of the country, knowing what labor and material are worth, says that the man did all of the work on the place that any man could reasonably be expected to do in 14 months, and they place a value on what the man did along that line. They tell about the building of a house, the building of fences, and of the planting and cultivating and caring for an orchard, and of making other improvements. They say those improvements are reasonably worth $525.

I think we would not be justified in disregarding that testimony. I think the man, having been buncoed by his Government, is entitled to every dollar that he can possibly get; all he can get will only reasonably reimburse him. He is entitled to every dollar he can get, certainly every dollar the committee

recommends he should have. I am in favor of paying the amount the bill carries.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last two words, and wish to speak in opposition to the amendment of my colleague, Mr. BLANTON. I have always believed in old-fashioned honesty, either in the Government or in the individual. At one time the great State of Texas attempted to repudiate its obligations. It attempted to cancel the leases upon its school lands, and Chief Justice Gaines, one of the greatest jurists who ever sat on the Supreme Court of Texas, said, "You can not do it; you must live up to your obligations." Again, the great State of Texas attempted to confiscate a man's property as is done in this instance, where he settled upon the land, and, through some error of the land commissioner, was ousted. The State of Texas, through its legislature, attempted to take away his windmills, his houses, and improvements, and Chief Justice Gaines, speaking for our great supreme court in Texas, again said they could not do it, that he should be paid for his improvements, and he was paid. I believe in holding the Government to as strict accountability as holding an individual to comply with his every contract.

My colleague from Texas [Mr. BLANTON] says to pay him the pitiful sum of $62. Let us take the statement of the Hon. Franklin K. Lane, Secretary of the Interior. What improvements did he put on that place? If he is entitled to $62, he is entitled to every dollar that he put on there. The testimony of Mr. Ferris, a creditable witness, I presume, for Mr. Lane quotes him, is to the effect that he built a two-room house and a shed and dug a well and built a quarter of a mile of fence and cleared and planted a field. This witness says that the total value of the improvements he put on the land amounts to $900. Yet my colleague says that it is an exaggerated statement, and he wants to pay him back the pitiful sum that he paid out, $62.50, and let him go for the rest. I say that I have confidence in this Claims Committee. If I did not have and did not believe they made a full and complete investigation into this claim, I would vote to give him every dollar that Mr. Lane said he ought to have, and that is $749.

I believe Secretary Lane made a full, fair, and complete investigation of this matter, and I would be willing to follow the great Secretary of the Interior in this case as in all others. But as this committee has reported here—and there is no minority report, gentlemen, on this bill—I do not think we can take cognizance of a report made two or four years ago; I do not find any minority report—but the unanimous report is that this old man who fought for his country, who was entitled under the law of his country to take up 40 acres of land and did take it up and made improvements thereon in good faith, and when he found another party had title, as was well stated by the gentleman from Arkansas, he relinquished it and did not take title by limitation which I have always believed was dishonest, although it is permitted in my State. I say this claim ought to be paid; this amount ought to be given him without a single dissenting voice on this floor, in my judgment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 1, noes 54.

So the amendment was rejected.

Mr. GLYNN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN A. GAULEY.

The next business in order on the Private Calendar was the bill (H. R. 2396) for the relief of John A. Gauley.

The Clerk read the title of the bill.

Mr. GLYNN. Mr. Chairman, I move that this bill be passed over without prejudice.

The motion was agreed to.

EASTERN TRANSPORTATION CO.

The next business in order on the Private Calendar was the bill (H. R. 5346) for the relief of the Eastern Transportation Co.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5346) for the relief of the Eastern Transportation Co.

Be it enacted, etc., That the claim of the Eastern Transportation Co., a corporation organized and existing under the laws of the State of Delaware, and doing business in the city of Norfolk, Va., owner of the barge *Sweetser Anthicum*, against the United States for damages alleged to have been caused by collision between the said barge and the United States barge *Old Dominion*, in tow of the United States tug *Sagamore*, in Chesapeake Bay, on the 25th day of August, 1918, may be sued for by the said Eastern Transportation Co. in the district court of the United States for the eastern district of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Eastern Transportation Co. or against the Eastern Transportation Co. in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. GLYNN. Mr. Chairman, I yield to the gentleman from Virginia [Mr. HOLLAND].

Mr. HOLLAND. Mr. Chairman, the sole purpose of this bill is to authorize a suit in the United States district court to determine the liability, if any, of the United States Government for damages occurring out of a collision between a barge operated by the Eastern Transportation Co. and another barge operated by the United States Government. It has a favorable recommendation by the Assistant Secretary of the Navy who says the bill ought to pass. I hope there will be no opposition.

The CHAIRMAN. The Clerk will read the bill for amendment.

The bill was read for amendment.

Mr. HOLLAND. Mr. Chairman, I move the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN T. ADAMS.

The next business in order on the Private Calendar was the bill (H. R. 5807) for the relief of John T. Adams.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 5807) for the relief of John T. Adams.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of John T. Adams, of Frankton, Ind., United States coupon bonds of the 3 per cent loan of 1908 to 1918 (numbered 43361 and 50623 for $500 each), with interest from November 1, 1910, the said bonds, with coupons attached, dated February 1, 1911, to maturity of the loan, inclusive, having been stolen: *Provided*, That the said John T. Adams shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupons of the said bonds, in such form and with such surety as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen bonds hereinbefore described or the coupons belonging thereto.

Mr. GLYNN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Chairman, this bill is to reimburse Mr. Adams, of Frankton, Ind., for two Spanish-American War bonds of denomination of $500 each, which were stolen in 1911. The bonds draw 3 per cent. The bonds matured in September of last year—1918. As soon as the bonds matured I took the matter up with the Secretary of the Treasury and was informed that the only way Mr. Adams could be reimbursed for this money was by special act. I then introduced at the last session of Congress a bill for his relief. The bill was favorably reported at that time, but——

Mr. GARRETT. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. GARRETT. I have not read the report, but from the reading of the bill I understand that these bonds were stolen. If they were coupon bonds, how is it possible by the execution of a bond on the part of the person who lost them to protect the Government?

There is nothing about the coupons to indicate their number in any way. There is no way in which the Government can hold up payment of the interest called for by the coupons. Presumably, if they were stolen the thief has already cashed the coupons.

Mr. VESTAL. No; the bonds are numbered and the department says that none of the coupons have come in, and the coupons are numbered also, but none of them have come in for payment.

Mr. GARRETT. So there will be no difficulty, then, in the matter?

Mr. VESTAL. So the Treasury tells me.

The CHAIRMAN. The Clerk will read the bill for amendment.

The bill was read for amendment.

Mr. GLYNN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 36, noes none.

So the motion was agreed to.

EMMA J. SPEAR.

The next business in order on the Private Calendar was the bill (H. R. 3211) for the relief of Emma J. Spear.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 3211) for the relief of Emma J. Spear.

Be it enacted, etc., That Emma J. Spear, mother of Henry W. Spear, late of Troop M, Second Regiment United States Cavalry, shall be regarded as the duly designated beneficiary of the late Henry W. Spear, under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

Mr. GLYNN. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, this is a conventional bill to supply the beneficiary where none is designated of a deceased soldier to receive the six months' gratuity. He had originally designated his father, but his father died. As I say, he failed to designate any other beneficiary, and the object of this legislation is to give the six months' gratuity to his widowed mother. The measure has passed the House in previous Congresses.

The bill was read for amendment.

Mr. GLYNN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes none.

So the motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

MRS. MAMIE DUFFER.

The next business on the Private Calendar was the bill (H. R. 1266) for the relief of Mrs. Mamie Duffer, of Shannon, Miss.

The bill was read, as follows:

A bill (H. R. 1266) for the relief of Mrs. Mamie Duffer, of Shannon, Miss.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to include within the permitted class of persons entitled to be designated as beneficiaries under the terms of the war-risk insurance act Mrs. Mamie Duffer, of Shannon, Miss., the foster mother of Wilfred Osborne Duffer, formerly a member of the Seventy-fourth Company, Sixth Regiment United States Marine Corps, who was killed in action in France July 19, 1918, the said Mrs. Mamie Duffer having been named as beneficiary in an insurance policy applied for by said Wilfred Osborne Duffer.

That the proceeds of the policy shall be paid to Mrs. Duffer in accordance with the law in such cases made and provided.

The CHAIRMAN. The Clerk will report the bill for amendment.

The bill was read for amendment.

Mr. GLYNN. I yield to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. CANNON. What is the necessity for this legislation, she having been designated?

Mr. CANDLER. It arose in this way: This is a claim for insurance made on account of the death of Wilfred Osborne Duffer, late a member of Seventy-fourth Company, Sixth Regiment, United States Marine Corps. Mrs. Mamie Duffer and her husband, Mr. R. O. Duffer, took this boy, Wilfred Osborne Duffer, when a little infant child, out of an orphans' home when he was only eight months old, a little orphan having neither father or mother or other kin, so far as is known. She and her husband intended to adopt him, and firmly believed they had done so, by reason of the fact that the orphans' home furnished them articles of adoption, copies of which are printed in the report. The proper officer of the orphans' home signed these articles of adoption and delivered them to Mr. and Mrs. Duffer when they received the child into their custody. The boy remained with them until he was about 20 years old; was in their possession, custody, and control for over 19 years, believing himself during that time to be their child. They stood absolutely "in loco parentis." He never knew any other father or mother except Mr. and Mrs. Duffer. Mr. Duffer had died, leaving Mrs. Duffer a widow without children except this boy. When the war broke out he did not wait to be drafted, but on April 17, 1917, early in the war, he volunteered and went into the service. He was a brave, patriotic, red-blooded, courageous American, who wanted to serve his country in her hour of peril. [Applause.] On the 19th day of July, 1918, while in action on the battle field in France, he was killed. In the meantime he had made application and secured this policy of insurance for $10,000 in favor of Mrs. Duffer. In his application he named as his beneficiary "my mother," Mrs. Mamie Duffer, quite naturally, for she was the only mother he knew. He believed she was his mother, because with his baby eyes he saw her first as mother and with his first baby words he was taught to call her "mother," and did so until he fell on the glory field of honor and made the supreme sacrifice. [Applause.]

It developed, when the War Risk Bureau called on Mrs. Duffer to make proof, that the boy had not been legally adopted; that is, he had not been adopted by regular order or decree of court, and because the boy was not so adopted by regular process and solemn decree of court the War Risk Bureau held they could not pay the policy, and declined to do so. They say they are ready and anxious to pay it, but can not legally do so because of that small technicality, but will do so if this bill is passed. That is the case. To pay the money to Mrs. Duffer will carry out the will and purpose of this boy who died for his country. That is what I want to do, and I hope all will support and none oppose this bill. [Applause.]

That noble soldier boy, Wilfred Osborne Duffer, bought and paid for this insurance not only with his money, deducted from his soldier pay, but he purchased it with his patriotic, sacrificial blood willingly shed for his country on the field of battle in a foreign land, and he said I want "my mother," Mrs. Mamie Duffer, to have the $10,000 thus secured for her. I do not believe there is a Member of Congress who would deny it to her. She ought to have it, therefore I trust you all will vote for the bill. [Applause.]

I move that the bill be laid aside with a favorable recommendation.

Mr. HUDDLESTON. Mr. Chairman, I make a preferential motion to strike out.

This case appeals very strongly to my sympathies, and I know it does to every Member of the House, but it is one of a good deal more importance than I fear some Members conceive. Under the facts of this case, this boy having designated some one as his beneficiary who was not eligible to be designated as the beneficiary, it is the same under the law as though he had designated no beneficiary at all, and the insurance upon his death became payable to his next of kin. Upon his death the right to this insurance vested in his next of kin. Now, that is a vested interest or right and is protected by the fifth amendment to the Constitution and can not be taken away from his next of kin by any act of Congress. We propose by the pending bill to change the beneficiary of this insurance. We are saying that the next of kin, whom the law has designated as beneficiaries, shall not receive this insurance, but it shall be paid to some one else. Now, the net result of all this will be that this lady will get this insurance—and I am glad to see her get it, of course—and also the next of kin, who have this vested interest that can not be taken away from them by any act of Congress, will also get it. The next of kin can file their claim and collect the same amount from the Government. In other words, we are fixing it so that the Government will have to pay this insurance twice.

Now, the rights of the next of kin do not depend merely on the favor of the Bureau of War Risk Insurance. They may bring suit in any district court and obtain a judgment against the Government for this amount; also the beneficiary under this bill can take the same steps and collect the money over again.

Mr. VAILE. Does the gentleman contend that they can get a judgment against the mother after this legislation is passed?

Mr. HUDDLESTON. No. What I say is this—and I thought I had made it clear—that the next of kin of this deceased soldier, having a vested interest to this insurance which can not be taken from them by act of Congress, may maintain a suit against the United States for that insurance and collect it, and payment to the foster mother will constitute no defense to the action.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. CANDLER. This record shows that the father and mother of this boy were dead. So far as the record shows, he has no other next of kin.

Mr. HUDDLESTON. It is an extraordinary case, if there are no next of kin, I will say to the gentleman from Mississippi. It is an almost unheard-of and incredible case that a man has no relatives whatever of any degree.

Mr. CANDLER. The gentleman is assuming that there is some one next of kin when the record shows that there is no next of kin.

Mr. HUDDLESTON. They may be undiscovered and may be unknown now, but they may turn up to-morrow. My observation is that heirs usually do turn up when there is anything to be had by turning up. I think it is fair that this committee should consider this case in the light of the facts that we are creating a double liability on the Government.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. ROSE. I am of the opinion that the conditions here cited by the gentleman raise a serious question; that if it is possible that there are next of kin, I have no doubt in my own mind that

they can prosecute successfully a claim against the Government. But the reason why I rose was to ascertain whether or not I am correct in the opinion that we have recently passed legislation to correct just this situation?

Mr. HUDDLESTON. The House has passed a general bill similar in application to this particular bill and which would render this bill useless. It has almost this identical provision in it. That is the reason I speak with such confidence. At the time that bill was under discussion in the House I gave the matter careful consideration, and I then expressed the view that I have expressed here. I think it due to the committee to say so, although, of course, I sympathize deeply with the foster mother, for whose benefit this bill is presented. It was a mistake to pass the original law in that form.

Mr. HASTINGS. Mr. Chairman, I had a case exactly like this. I have had occasion to make some investigation of it myself. In that case, as in this case, the party designated the beneficiary, and designated his mother as the beneficiary.

Mr. BLANTON. Mr. Chairman, I think we ought to have a quorum. I make the point of order that we ought to have a quorum.

Mr. CANDLER. Oh, I hope the gentleman will not do that.

Mr. BLANTON. We have done to-day the biggest day's work this Congress has yet done, in passing Senate resolution No. 15.

Mr. HASTINGS. Mr. Chairman, I did not yield the floor.

The CHAIRMAN. Does the gentleman from Texas desire to insist upon his point of order?

Mr. BLANTON. If there is not going to be a prolonged discussion, I will withdraw it.

The CHAIRMAN. The gentleman withdraws his point of no quorum.

Mr. HASTINGS. I have not much more to say, Mr. Chairman. I arose more to reply to the discourtesy of the gentleman from Alabama [Mr. HUDDLESTON] than anything else. I have always tried to be courteous to Members on the floor. I did not intend to try to break in for the purpose of being discourteous to him.

Mr. HUDDLESTON. Will the gentleman yield and allow me to apologize?

Mr. HASTINGS. Very well.

Mr. HUDDLESTON. I would have yielded if the gentleman had done me the courtesy to ask permission to interrupt.

Mr. HASTINGS. That is all right. I have no more to add.

Mr. CANNON. Mr. Chairman, I want to ask a single question. Is it true that the next of kin, this deceased soldier not having a mother in fact, and not having been legally adopted—is it true that the next of kin, after this legislation is had, as stated by the gentleman from Alabama [Mr. HUDDLESTON], can bring suit in the Federal court?

Mr. HASTINGS. I did not state that. I stated positively as my judgment that it can not be done, because if this policy is not a valid policy, there is no policy, and this is attempting to make this one valid. Otherwise there is no one, and no suit can be brought.

Mr. CANNON. If there be a next of kin——

Mr. HASTINGS. If they can not designate this person as beneficiary, then there is no legal policy, and there can be no liability. This is attempting to cure that defect.

Mr. PARRISH. If the gentleman will permit, the next of kin would not come in unless the policy was payable to a party certain and that party had died.

Mr. HUDDLESTON. I want to suggest to the gentleman that under the law when the policy is made payable to some one not eligible under the law to receive it, it becomes payable to the next of kin, as if that party had been named in the policy, so that this policy must be construed to-day as if it read payable to the boy's next of kin, whoever that may be.

Mr. CANNON. What is the amount of the policy?

Mr. CANDLER. Ten thousand dollars.

Mr. CANNON. If that is so, it seems to me the House ought not to pass this bill.

Mr. CANDLER. I disagree with the gentleman as to that. I do not think his contention is valid. The House has passed a prior bill of a general nature.

Mr. HUDDLESTON. The House passed the bill, but it has not become a law. The Senate has not passed it.

Mr. HASTINGS. The House has decided against the contention of the gentleman from Alabama, I think, by an overwhelming majority.

Mr. CANNON. Let me ask another question, because sincerely I was ready to vote for this bill. If the next of kin has a vested right, is it in the power of Congress by legislation to cut out the next of kin?

Mr. CANDLER. The next of kin has no vested right.

Mr. HASTINGS. The very dispute revolves around that one point. Of course, it is our contention that the next of kin has no vested right, and Congress has so decided in the general legislation it has passed.

Mr. LANKFORD. In this case, where the foster mother thought she had adopted the boy, and the boy thought he had been adopted, and they lived for years as though there had been an adoption, if in fact there was not a legal adoption I am confident that there was an equitable adoption, which under the law would cut out the next of kin, and the foster mother could recover the money, and the next of kin regardless of the passage of the act could not get it.

Mr. CANNON. This legislation cutting out the next of kin has not passed?

Mr. GREEN of Iowa. It has passed the House.

Mr. CANDLER. It has passed the House.

Mr. CANNON. But that would be of no force if the next of kin has a vested right.

Mr. CANDLER. The next of kin have no vested right, because of the fact that the right is not vested in them at all. This boy himself directs exactly who shall receive the money, and this is to validate his purpose, his intention, and his designation, made by himself. The passage of this bill will ratify it.

Mr. LANKFORD. I think it is clear in this case that there was really an equitable adoption.

Mr. ROSE. I assume that this boy had the right to name this woman as his beneficiary.

Mr. CANDLER. There was no law to prevent it, and this is to validate his designation.

Mr. CANNON. Why not amend this bill by providing that in the event that hereafter there is a recovery by the next of kin this so-called foster mother shall give bond to return the money?

Mr. CANDLER. You might just as well defeat the bill, because you could never tell how long it would be held up under such a provision as that.

Mr. ROSE. There are some features of this case that are becoming perfectly plain to me now. If this soldier named this woman as his beneficiary under this policy, believing her to be his mother, and the records of the court show that ever since his early childhood she has been occupying the position of a mother to him, then, it seems to me, under the law of any State of the Union that woman has an insurable interest in the boy's life.

Mr. CANNON. But the court records can not show that.

Mr. CANDLER. She stood in loco parentis to him from the time he was eight months old.

Mr. CANNON. Would the court records show that?

Mr. CANDLER. The court records would not show that, but the record of the orphan asylum would show it.

Mr. EVANS of Nevada. Mr. Chairman, it seems to me that if we settle this case on the legal technicalities we will be considering it until next winter; but if this boy thought she was his mother and that he was her adopted son, and if this is his last will and testament, and he plainly seeks to leave that money to her, I think his desires and intentions in the matter should be regarded as conclusive on the House.

Mr. CANDLER. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The gentleman from Mississippi moves that the bill be laid aside to be reported to the House with a favorable recommendation.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 50, noes 4.

Accordingly the motion was agreed to.

THE ARUNDEL SAND & GRAVEL CO.

The next business on the Private Calendar was the bill (H. R. 5345) for the relief of the Arundel Sand & Gravel Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Arundel Sand & Gravel Co., a corporation organized and existing under the laws of the State of Delaware and doing business in the city of Norfolk, Va., owner of the steam tug *A. G. Bigelow*, against the United States for damages alleged to have been caused by collision between the said tug and the U. S. S. *Susquehanna* in Norfolk Harbor on the 26th day of November, 1917, may be sued for by the said Arundel Sand & Gravel Co. in the district court of the United States for the eastern district of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Arundel Sand & Gravel Co., or against the Arundel Sand & Gravel Co. in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. ROSE. Mr. Chairman, I ask to substitute for the House bill the bill S. 1670, which has been reported favorably by the

Committee on Claims this morning. It is a similar bill, word for word.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the Senate bill passed by the Senate, S. 1670, be substituted for the House bill. Is there objection?

There was no objection.

Mr. ROSE. Mr. Chairman, I want to say that the sole purpose of this bill is to give the Arundel Co. the right to sue the Government for damages sustained by reason of the negligence of the barge owned by the Government of the United States. This is the character of claim that frequently comes before the Claims Committee and there never is any opposition. The Claims Committee has not recommended the payment of a single cent and only asks that the right be given the company to bring a suit in the proper court of the United States, and that notice shall be given.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ROSE. Yes.

Mr. ELSTON. I have introduced a similar bill to pay damages for a collision between a United States vessel and a private tug. My recollection is that the naval officials in the local naval district passed on the claim, in so far as they were authorized to do so, and made a favorable recommendation. That correspondence was sent here with a draft of the bill. Now, do I understand that it is not the proper procedure to introduce a bill to pay the claimant, but to authorize the claimant to sue in the United States district courts for the amount of the claim? Is that what I am to understand is the only recourse, and that the committee will not consider a proposition of reporting out a bill to pay the amount of the claim itself?

Mr. EDMONDS. If it is a claim stated and agreed to by the Navy Department, the committee would appropriate the amount. But in this case there is a dispute as to who is the proper party to pay the damage.

Mr. ELSTON. That explains the proposition. In the case I have mentioned the amount of the liability has been agreed upon.

Mr. EDMONDS. Where it has been agreed upon the committee will make the appropriation.

Mr. ROSE. In this case the department is willing that an adjustment shall be made, but there is a dispute as to which party shall pay the damage.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

A bill (S. 1670) for the relief of the Arundel Sand & Gravel Co.

Be it enacted, etc., That the claim of the Arundel Sand & Gravel Co., a corporation organized and existing under the laws of the State of Delaware and doing business in the city of Norfolk, Va., owner of the steam tug *A. G. Bigelow*, against the United States for damages alleged to have been caused by collision between the said tug and the U. S. S. *Susquehanna* in Norfolk Harbor on the 26th day of November, 1917, may be sued for by the said Arundel Sand & Gravel Co. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Arundel Sand & Gravel Co., or against the Arundel Sand & Gravel Co. in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 48 ayes and no noes.

So the motion was agreed to.

The House bill was laid on the table.

Mr. BLANTON. Mr. Chairman, it is 5 o'clock, and I make the point of order that there is no quorum present.

Mr. MADDEN. Oh, we have just one more bill, a very short one, and I will ask the gentleman to withhold the point for a moment.

Mr. EDMONDS. I will move to rise then.

Mr. BLANTON. Very well; I withdraw the point.

W. L. ROSE.

The next business on the Private Calendar was the bill (H. R. 1275) for the relief of W. L. Rose.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. L. Rose, of Sacramento, Calif., late of the United States Navy, the sum of $66.12 to indemnify him for clothing and property lost on the United States ship *Yosemite* November 13, 1900.

Mr. EDMONDS. Mr. Chairman, this amount of money would have been paid to this man if he had known the law, which required him to file his claim within two years. It came in five days too late. He did not get his money. I might say that he is not related in any way to the gentleman from Pennsylvania [Mr. ROSE], a member of the committee. Mr. Chairman, I ask for the second reading of the bill.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read the bill.

Mr. ROSE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 44, noes none.

So the bill was laid aside with a favorable recommendation.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bills that have been laid aside with a favorable recommendation to the House with the recommendation that they do pass, and that the bills H. R. 6377 and 5345 do lie upon the table.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore (Mr. TILSON) having assumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar, and had directed him to report back to the House the bills H. R. 6857, 7030, 3258, 1024, 795, 5346, 5807, 3211, 1266, 1275, and the bill S. 1670, without amendment, with the recommendation that the bills do pass, and that the bills H. R. 6377 and 5345 do lie upon the table.

The SPEAKER pro tempore. The Clerk will report the first bill.

The Clerk reported the title of the bill (H. R. 6857) to authorize the change of the name of the steamer *Charlotte Graveraet Brietung* to *T. K. Maher*.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill to final passage.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 35, noes 0.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 7030) for the relief of Martin Goldsmith.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 35, noes 0.

So the bill was passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 3258) for the relief of Julius Jonas.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 1024) authorizing the Secretary of the Interior to issue patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of equal acreage also located in the Colorado National Forest, Colo.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 40, noes 0.

So the bill was passed.

On motion of Mr. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 795) for the relief of Arthur Wendle Englert.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Claims, with instructions to report the same back to the House forthwith with the following amendment: On page 1 strike out "$500" and insert "$62."

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker, and, pending that, I make the point of no quorum.

Mr. HUMPHREYS. Will the gentleman withhold it until I can prefer a request for unanimous consent about another matter?

Mr. BLANTON. Yes; I will withhold it for a moment.

The SPEAKER pro tempore. The gentleman withholds his point of no quorum.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent that the proceedings in the Speaker's room yesterday when the silver set was presented to Gen. McCain may be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the proceedings yesterday in reference to the presentation of a silver service to Gen. McCain be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, I renew my motion that there is no quorum present.

ADJOURNMENT.

Mr. EDMONDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Saturday, November 1, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Attorney General of the United States, transmitting a tentative draft of an amendment to an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1919 (H. Doc. No. 283); to the Committee on Agriculture and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a tentative draft of a bill to amend the explosives act of October 6, 1917 (H. Doc. No. 284); to the Committee on Mines and Mining and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3193) to authorize the Tennessee Bridge Co., a corporation chartered under the laws of the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn., reported the same without amendment, accompanied by a report (No. 430), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9947) to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River near the town of Cheraw, S. C., reported the same with amendments, accompanied by a report (No. 431), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10135) for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis., reported the same without amendment, accompanied by a report (No. 432), which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the concurrent resolution (H. Con. Res. 35) approving the recent statement issued by the President of the United States regarding the threatened strike in the coal fields of the United States and pledging the support of the Congress to the President in the exercise of all his constitutional powers in the premises, reported the same with an amendment, accompanied by a report (No. 434), which said concurrent resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RHODES, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9615) authorizing the Secretary of the Interior to correct an error in an Indian allotment, reported the same without amendment, accompanied by a report (No. 433), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9405) granting an increase of pension to May J. Wode; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10149) granting an increase of pension to Catharine E. Brinkmann; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10305) to obtain revenue and to promote and encourage the production of chrome and chromium ores and manufactures thereof in the United States and its possessions; to the Committee on Ways and Means.

By Mr. HUMPHREYS: A bill (H. R. 10306) to provide for an additional major general in the Army; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 10307) to advance one grade upon the retired list certain retired Army officers serving on active duty during the emergency incident to the war with Germany and Austria; to the Committee on Military Affairs.

By Mr. QUIN: A bill (H. R. 10308) to authorize the issue to States and Territories and the District of Columbia of rifles, shotguns, pistols, machine guns, and other property for the equipment of home guards; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10309) to provide for the establishment of a division of patrol guard in the Bureau of Immigration, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KELLEY of Michigan: A bill (H. R. 10310) to promote the efficiency of the United States Navy; to the Committee on Naval Affairs.

By Mr. HAUGEN: A bill (H. R. 10311) to further amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, and amended by the act approved March 3, 1913; to the Committee on Agriculture.

By Mr. CAMPBELL of Pennsylvania. Resolution (H. Res. 370) instructing Civil Service Commission and Postmaster General to allow former soldiers, sailors, and marines advanced standing in appointment as first-class postmasters; to the Committee on Reform in the Civil Service.

By Mr. RUCKER: Resolution (H. Res. 371) authorizing the printing of Public Health Bulletin No. 98, entitled "Health Almanac, 1920"; to the Committee on Printing.

By Mr. McARTHUR: Joint resolution (H. J. Res. 243) authorizing the Secretary of War to loan to the city of Portland, Oreg., tents, cots, blankets, and pillows for the use of visitors attending the forty-sixth annual session of the Imperial Council, Ancient Arabic Order, Nobles of the Mystic Shrine, in June, 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 10312) granting an increase of pension to Nathaniel Sandford; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 10313) for the relief of William Casey; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 10314) granting an increase of pension to John O. McMahon; to the Committee on Pensions.

By Mr. HERSMAN: A bill (H. R. 10315) for the relief of Hilbert A. C. Jensen; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 10316) granting a pension to Matthew F. Patch; to the Committee on Pensions.

By Mr. LANHAM: A bill (H. R. 10317) for the relief of Blanche Utley; to the Committee on Claims.

By Mr. MAJOR: A bill (H. R. 10318) granting an increase of pension to Louisa Mawhinney; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 10319) granting an increase of pension to Conrad H. Rowe; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 10320) granting an increase of pension to Alice Barkley; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 10321) granting a pension to Emma L. Lindsay; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10322) granting an increase of pension to John H. Price; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10323) granting a pension to Jesse J. Renfro; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 10324) granting a pension to James Steele; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Ninetieth Division Association, regarding compulsory military service; to the Committee on Military Affairs.

By Mr. CAMPBELL of Pennsylvania: Petition of certain citizens of Allegheny County, Pa., expressing opposition to the Smith-Towner educational bill; to the Committee on Education.

By Mr. ELSTON: Petition of California Civic League, urging passage of the Jones-Baker bill giving military rank to Army nurses; to the Committee on Military Affairs.

Also, petition of Alameda Parlor, No. 47, Native Sons of the Golden West, urging restriction of Japanese immigration and land colonization; to the Committee on Immigration and Naturalization.

By Mr. FULLER of Illinois: Petition of the Ottawa (Ill.) Business Men's Association and Hess Bros., of Somonauk, Ill., opposing the Siegel and other price-fixing measures; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rockford (Ill.) Manufacturers and Shippers' Association, concerning patent legislation; to the Committee on Patents.

Also, petition of the Illinois Manufacturing Association, opposing House bill 8572; to the Committee on Immigration and Naturalization.

Also, petition of the Ninetieth Division Association, favoring universal military training and an adequate Regular Army; to the Committee on Military Affairs.

Also, petition of U. S. Grant Post, Grand Army of the Republic, of Chicago, Ill., favoring the Fuller bill, House bill 9369; to the Committee on Invalid Pensions.

By Mr. HERSMAN: Petition of citizens of California, praying for the repeal of the tax on ice cream and soda-fountain foods and drinks; to the Committee on Ways and Means.

By Mr. HUTCHINSON: Petition of Retail Grocers' Association of the Chamber of Commerce of Trenton, N. J., urging Government action relative to the equitable distribution of the available sugar supply; to the Committee on the Judiciary.

Also, petition of Newark Military Service Rifle Club, indorsing the plan of the Secretary of War to make the Caldwell rifle ranges a permanent Government training ground and urging the appropriation for the same; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: Resolution by the city council of the city of Minneapolis, requesting the Congress of the United States to fix the profits to be allowed manufacturers, jobbers, and retailers of sugar, and to provide for an equitable distribution of sugar; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Petition of Vallejo Metal Trades Council, Vallejo, Calif., favoring the passage of House bill 7041; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: Petition of Clayburgh Bros., Hills Bros., Hulse-Bradford Co., Levi Strauss & Co., D. De Bernard & Co., Dolliver & Bro., Seller Bros. & Co., Langley & Michaels Co., Walton N. Moore Dry Goods Co., A. Schilling & Co., Greenebaum, Weil & Michels, W. P. Fuller & Co., Pacific Coast Syrup Co., Rogers Shoe Co., Elkus Co., Marvin Shoe Co. (Inc.), L. Samter & Sons, C. A. Hutton Flour Co., B. Hart & Co., O'Rourke, Eubanks Hat Co., and Garcia & Maggini Co., all of San Francisco, Calif., protesting against the passage of House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Excelsior Parlor, No. 31, of Jackson; Georgetown Parlor, No. 91, Native Sons of the Golden West, of Georgetown; McCloud Parlor, No. 149, Native Sons of the Golden West, of Redding; Chispa Parlor, No. 40, Native Sons of the Golden West, of Ione; and Stockton Parlor, No. 7, Native Sons of the Golden West, of Stockton, all in the State of California, protesting against immigration from oriental countries; to the Committee on Immigration and Naturalization.

Also, petition of Grain Dealers' National Association, of Toledo, Ohio, regarding grain business and Government control of the price of grain and flour; to the Committee on Agriculture.

Also, petition of Women's Council, of Sacramento, Calif., urging the exclusion of the Japanese from this country and an amendment to the Constitution so that no person can become a citizen of this country by being born here whose parents are of a race that is ineligible for citizenship; to the Committee on Immigration and Naturalization.

Also, petition of Hamilton County League of Building Associations, for complete census of the housing situation, the tenant-farmer proposition, and also a complete census of the building and loan associations; to the Committee on the Census.

Also, petition of Langley & Michaels Co., of San Francisco, Calif., against House bill 5123; to the Committee on the Post Office and Post Roads.

Also, petition of Sun Harbor Packing Corporation, of San Diego, Calif., supporting House bill 8422; to the Committee on the Merchant Marine and Fisheries.

By Mr. VARE: Petition of Federal Employees' Union No. 23, proposing reclassification of employees of customs service only in such manner as will give the employees of the department a voice; to the Committee on Reform in the Civil Service.

HOUSE OF REPRESENTATIVES.

SATURDAY, *November 1, 1919.*

The House met at 12 o'clock noon.

In the absence of the Chaplain, the Members, at the request of the Speaker, joined in the Lord's Prayer.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WALTERS, for three days, on account of business.

To Mr. CLARK of Missouri, for three days, on account of the death of his little grandson.

EXPRESSIONS OF SYMPATHY.

Mr. MONDELL. Mr. Speaker, I think it is fitting and proper that we should give a moment's consideration to the sad announcement that has just been made of the death of the beloved grandson of ex-Speaker CLARK. I am sure that we all sympathize deeply and sincerely with the father and mother and the grandfather and the grandmother of this beloved child who has just passed to the great beyond. We trust that the Great Father will bring balm to the hearts of the bereaved parents, grandparents, and friends.

Mr. DUPRÉ. Mr. Speaker, in behalf of those who sorrow in my home city of New Orleans, where this child has just passed away, I wish to thank the gentleman from Wyoming, and I know

that I may also thank all the gentlemen of the House, for he voices the sentiments of us all, for the kind words of sympathy just spoken.

CORRECTION.

Mr. KING. Mr. Speaker, I rise to correct the RECORD. In yesterday's RECORD, at the top of page 7818, the left-hand column, the gentleman from Texas [Mr. BLANTON] made the statement as it appears in the RECORD:

No. Only the autocratic, anarchistic leaders who preach revolution against our Government.

I am making no objection on that ground or asking for any correction on the ground of the character of the words and the sentiment expressed therein, but I do ask unanimous consent to correct the RECORD by striking out those words which I have just read.

Mr. BLANTON. Mr. Speaker, I reserve the right to object for just a moment. I want to find out what the gentleman wishes to strike out. On what page is it?

Mr. KING. On page 7818.

Mr. BLANTON. Now, what words does the gentleman want to strike out?

Mr. KING. I want to strike out, in the first place, all the words of the gentleman, for the reason, Mr. Speaker, that the gentleman from Texas [Mr. BLANTON] did not obtain the recognition of the Chair. He did not address the Chair; he did not get leave of the Member who had the floor to yield to a question, and his remarks were not a part of the debate, but were simply a part of the remarks in the general conversation of the House, and, therefore, should be stricken from the RECORD.

Furthermore, the gentleman from Texas did state in those remarks, which he injected contrary to the rules of the House, the words, "No. Only the leaders." But when the report came to him, after it had been submitted to me, the gentleman made the RECORD say:

No. Only the autocratic, anarchistic leaders who preach revolution against our Government.

He inserted those words by writing them in by hand in the typewritten notes, without submitting them to me. Therefore I ask that the whole sentence——

Mr. BLANTON. Mr. Speaker——

Mr. KING. I am not yielding just for a minute.

Mr. BLANTON. I rose to reserve the right to object. That gave me the floor, I presume.

Mr. KING. Does the gentleman object?

Mr. BLANTON. I ask to be heard on the matter.

Mr. KING. I insist that I have the floor, in order to finish the sentence.

The SPEAKER. No one has the floor. The Chair will state the question. The gentleman from Illinois [Mr. KING] asks unanimous consent to correct the RECORD by striking out the sentence referred to. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object for the purpose of stating what the facts are. The other day Mr. JONES, the gentleman from Texas——

Mr. KING. Mr. Speaker, I call for the regular order.

The SPEAKER. If anybody demands the regular order——

Mr. BLANTON. I object, Mr. Speaker, because they were the words——

Mr. KING. Mr. Speaker, I ask that the words he just used be stricken from the RECORD. The gentleman has just uttered——

The SPEAKER. The gentleman from Illinois moves to strike out the sentence referred to.

Mr. BLANTON. Mr. Speaker, I ask to be heard on that.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. BLANTON. I am sure the gentleman from Illinois will be fair enough to give me a chance to be heard here.

Mr. KING. Certainly. I will yield to the gentleman three minutes——

Mr. BLANTON. Five minutes.

Mr. KING (continuing). To talk upon the question.

Mr. BLANTON. Just to mention——

Mr. RAKER. Mr. Speaker, a parliamentary inquiry. In order to have the subject to debate, must not the motion be read to the House?

The SPEAKER. That is proper. The Clerk will report the motion of the gentleman from Illinois [Mr. KING]. The gentleman from Illinois will state it.

Mr. KING. Mr. Speaker, in the first place, I asked unanimous consent. There is an objection pending, but reserved. I move, on page 7818, near the top of the first column, that the words of the gentleman from Texas [Mr. BLANTON], "No. Only the autocratic, anarchistic leaders who preach revolution against our Government," be stricken from the RECORD.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. KING moves to strike from the RECORD, page 7818, near the beginning of the page, 22 lines from the top, these words: "Mr. BLANTON. No. Only the autocratic, anarchistic leaders who preach revolution against our Government."

Mr. GARRETT. Mr. Speaker, I make the point of order that the motion of the gentleman from Illinois is not in order. It is not in order for the House to strike from the RECORD words used in debate that are not offensive to the rules of the House. The House may not strike from the RECORD such words. The decision can be found, I am quite sure, in Hinds' Precedents. The House may not arbitrarily exercise the power to strike inoffensive words from the RECORD. I do not understand that it is insisted that those words involve a question of privilege.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. The gentleman, I assume, will be fair enough to let me be heard on this matter.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT. Yes; for a question.

Mr. DYER. As I understand it, Mr. Speaker, the gentleman from Illinois says those words were not uttered in debate. They were written in the RECORD. They were not uttered on the floor.

Mr. LONGWORTH. Moreover, if the gentleman will yield to me, is it not contrary to the rules of the House to ever utter on the floor of the House any statement when the gentleman so uttering it has not been recognized by the Chair or yielded to by the speaker? That is the fact, as I understand it, in this case, and it was so stated.

Mr. TILSON. Mr. Speaker, if the gentleman will yield to me——

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Mr. Speaker, if the gentleman will just permit me for a moment, I did not understand the basis of the gentleman's motion. If the basis of his motion be that these words were not uttered in fact, and that the gentleman from Texas was not entitled to the floor to utter them, not being yielded to, then I am prepared to withdraw the point of order.

Mr. LONGWORTH. That is the fact in this case.

Mr. GARRETT. If the gentleman from Illinois says that that was the basis——

Mr. KING. That is the basis.

Mr. BLANTON. Mr. Speaker, the gentleman from Illinois yielded to me five minutes, as I understand.

Mr. GARRETT. I withdraw the point of order because of that statement.

The SPEAKER. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, yesterday in debate the gentleman from Illinois [Mr. KING] asked permission to insert in the RECORD a telegram from John L. Lewis to the Secretary of Labor, which was a scurrilous attack upon the President. I objected, which was then my right.

Whereupon the gentleman from Illinois said this:

I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre of France and his ending.

Saying that I was in favor of hanging the laborers of this country as high as Haman.

I immediately rose in my seat and said, "No. Only the autocratic, anarchistic leaders who preach revolution against our Government." The reporter of the debate got "only the autocratic leaders." He did not get the balance of my statement, "who preach revolution against our Government." That is part of the statement I made. When the notes came to me they said "only the autocratic leaders," and I added to that exactly what I said on the floor—"who had been preaching revolution against our Government."

This was in conformity with what had happened before; and in that connection I want to call the attention of the House to the fact that——

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. No. The gentleman has all the time he wants. I am sure he will allow me to give my reasons to the House.

We had permission here which gave every Member of the House the privilege to extend his remarks. That permission was asked for on the floor and granted. I had the right not only to put those words in—and they were left out, not being caught by the reporter—but I had the further right to put in more, if I desired, under permission given by the House to extend my remarks. What does the extension of remarks mean, if you can not add to what you have already said? But I made that statement here. "Only the autocratic, anarchistic leaders who have been preaching revolution against our Government."

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield to me?

Mr. BLANTON. In a moment I will yield. What brought about this discussion by the gentleman from Illinois was the following: The other day the gentleman from Texas [Mr. JONES] was discussing the anarchistic labor leaders.

Mr. KING. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. KING. The point of order is that the gentleman is not discussing the matter before the House.

The SPEAKER. The Chair overrules the point of order.

Mr. BROOKS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. No; I can not yield. The gentleman from Texas [Mr. JONES] said "we ought to deport these labor leaders from this country; that we ought to send them somewhere else"—the ones who had been preaching anarchy in this country; and I got up and told the gentleman from Texas that we ought to have a law that where a man preaches revolution against his flag and Government, to overthrow it by force, we ought to have a law to hang him as high as Haman. That is the statement on which the gentleman from Illinois [Mr. KING] based his statement "that I would hang all the laborers in this country."

I want to say to the gentleman from Illinois that ever since I was 10 years old I have labored for my meat and bread. Since I was 10 years old I have assumed the responsibility of the head of a family. I have helped to raise and educate and support orphan brothers and sisters. Am I the kind of a man who would preach the doctrine of hanging as high as Haman the laborers of this country? There is not another man in this House who has more callouses in his hands to show that he has labored and earned his bread by the sweat of his brow. [Applause.] I want to say that I had the right to correct the statement of the gentleman from Illinois, who would have the country believe that I was in favor of hanging the laborers of this land. It was in connection with those remarks that I made the RECORD show my statement in reply.

Mr. KING. Mr. Speaker, this is a question purely of parliamentary practice. The gentleman from Texas and no other Member has the right to interject remarks into the speech of another Member. The gentleman from Texas did not secure the right to the floor, and his remarks were not a part of the debate and should be stricken out.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. KING. How much time does the gentleman want?

Mr. HUMPHREYS. A short time.

Mr. KING. I yield three minutes to the gentleman from Mississippi.

Mr. HUMPHREYS. Mr. Speaker, it occurs to me that this is much ado about nothing. I dare say, Mr. Speaker, that there is never a day passes that some gentleman does not interject a question or statement into the remarks of some other gentleman who is upon the floor engaged in debate. If we were to take up the time of the House to strike every such interruption from the RECORD we never would attend to the public business. There is nothing in this statement that anybody should object to. The alteration could in no wise embarrass the gentleman from Illinois. I do not believe that any Member ought to change remarks in a colloquy; certainly he never should change the colloquy so as to put the gentleman with whom he is engaged in debate in an embarrassing or false position. But nothing of that sort occurs here. The gentleman from Illinois had said to the gentleman from Texas "The gentleman would hang all the labor people." As the RECORD reads—whether or not it is changed I know not—Mr. BLANTON replies, "No; only the autocratic, anarchistic leaders who preach revolution against our Government." It seems when the reporter took it down, according to the gentleman from Texas, he left out the last part. What possible difference can it make to the House and the orderly procedure of the House; what difference can it make to any Member of the House, or to the House itself, whether the gentleman added "who preach revolution against our Government?"

Mr. TILSON. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. TILSON. Does not the gentleman think that any Member ought to have the right to prevent some one else from interjecting something into his remarks without his permission?

The SPEAKER. The time of the gentleman has expired.

Mr. SINNOTT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SINNOTT. Was not the remedy of the gentleman from Illinois to cut out the remarks from the reporter's transcript?

The SPEAKER. It seems to the Chair at first blush that it is in order to strike out the words as a question of privilege. If a Member without permission interjects a statement into another Member's speech, the House has a right to determine whether it should be stricken out. The Chair is disposed to think that if another gentleman interjects a statement into a Member's speech, the Member himself has the right to strike that out, but that is a matter of procedure rather than of parliamentary law, and the Member might not have the opportunity to strike it out or even to see it.

Mr. KING. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I am not at all concerned in the merits of the controversy as to whether the statement of the gentleman from Illinois was proper or whether the statement of the gentleman from Texas, if made in order, would have been proper. I want to refer to the actual facts of the case in the interest of orderly procedure of the House, which, in my opinion, is too frequently infringed, and all to the detriment of orderly proceeding.

The fact was, and anybody will admit it, that the gentleman from Illinois [Mr. KING] had the floor. No one without the permission of the Speaker, in the first place, and without the permission of the gentleman from Illinois, in the second place, had any more right to the floor than if he had been seated in the gallery and sought to interrupt the proceedings.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. HUMPHREYS. The gentleman from Illinois rose and asked unanimous consent to print a statement in the RECORD. He was recognized by the Speaker for that purpose and that purpose only. The gentleman from Texas objected, as he had a right to do. I ask the gentleman from Ohio if he does not think the gentleman from Illinois, therefore, when he interjected his remarks, was as much out of order as the gentleman from Texas?

Mr. LONGWORTH. I am not bringing up that question whether the remarks of the gentleman from Illinois were in order or not. It has absolutely nothing to do with this question. He had the floor, and nobody took him off the floor by a point of order. The gentleman from Texas interjected into the remarks of the gentleman from Illinois, as is proved by the next sentence after the remarks of the gentleman from Texas—

Mr. KING. I refuse to yield to the gentleman.

Then the Speaker says:

A gentleman must not take the floor without consent.

The gentleman from Texas made the remark without the consent of the Speaker and without the consent of the gentleman from Illinois. It is not a part of the RECORD.

Mr. POU. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. POU. That being so, where the reporter takes down a part of what the gentleman from Texas says, does not the gentleman from Ohio think that in all fairness he ought to be reported correctly. I remember distinctly the gentleman from Texas did add the words he said he did.

Mr. LONGWORTH. He had no right to be reported at all.

Mr. POU. No; but if he is reported, does not the gentleman think he ought to be reported correctly?

Mr. LONGWORTH. That does not come into the discussion. He had no right to say anything. The gentleman from Missouri [Mr. CLARK] as Speaker has frequently so ruled, and I recollect a statement that he made on the floor of the House in relation to this sort of an occurrence. He stated that on one occasion he was making a speech and was interrupted by a gentleman and he declined to yield. When the manuscript was brought to him he of his own motion struck out every remark made by the gentleman who interrupted him.

Mr. CARAWAY. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. The next day, as he said, the gentleman came and objected to having his remarks stricken out, but Mr. CLARK insisted that he had the absolute right to strike them out. The gentleman from Illinois [Mr. KING] had the right to strike these remarks out at the time. Having failed to do that, then it becomes the right of the House to strike them out, if the House sees fit to do so. The gentleman from Texas [Mr. BLANTON] laid what I think is a very untenable ground for his right to keep these remarks in the RECORD or correct them. He says that he did it under leave to extend.

Mr. BLANTON. No, no. I said that would have been a reason for it, if I had not actually used the words. But I did use them. Mr. KITCHIN heard me use them and Mr. POU heard me and Mr. ROSE, from Pennsylvania, heard me use them.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that the gentleman from Texas is not in order, as he is speaking from his seat.

The SPEAKER. The gentleman from Texas must not interrupt another gentleman without asking his consent.

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. RUCKER. Will the gentleman from Ohio to-morrow then move to strike out the remarks just made by the gentleman from Texas? He had neither the gentleman's consent nor the Speaker's consent—and that is something that occurs every day.

Mr. LONGWORTH. No; but in this case I said that the gentleman had grounded his remarks on a leave to print.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. With pleasure.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BLANTON. Mr. Speaker, I ask for one minute.

The SPEAKER. The gentleman from Illinois has control of the time.

Mr. KING. Mr. Speaker, I want to clear up the question of fact in regard to this matter. Of course, the point is a purely parliamentary one. As I pointed out, it was not a part of the debates in the House, but independent of them. This manuscript was submitted to me and contained the gentleman's interjection, which was, "No; just the leaders." I did not cross it out at that time, when they were submitted to me. Afterwards the manuscript went to the gentleman from Texas, and it was his duty, under the rules, if he intended to interject some further remarks, to let me know or ask my permission, which he did not do. That is the way the words happened to get in. But independent of that, the particular objection is that the gentleman from Texas did not have the floor, and simply because he has a louder voice and can halloo louder than anyone else does not give him the right to the floor in this House under the rules. [Applause.]

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. KING. I can not yield to the gentleman. He would not yield to me.

Mr. STEAGALL. Mr. Speaker, will the gentleman from Illinois yield me three minutes?

Mr. CARAWAY. Mr. Speaker, will the gentleman let me have about a minute?

Mr. KING. Mr. Speaker, I move the previous question.

Mr. STEAGALL. Will the gentleman yield me three minutes?

Mr. KING. I regret——

Mr. KITCHIN. Mr. Speaker, will the gentleman permit an interruption?

Mr. KING. Mr. Speaker, I feel constrained to move the previous question.

The SPEAKER. The gentleman from Illinois moves the previous question.

Mr. KITCHIN. I would like to have the gentleman yield to me one minute.

Mr. KING. I yield to the gentleman from North Carolina for one minute.

Mr. KITCHIN. Mr. Speaker, I think the gentleman is technically correct, that according to the rules of the House, if the gentleman insists upon it, the remarks should go out—purely upon a technicality; but I do remember distinctly hearing the gentleman use those remarks, or remarks substantially similar—that it was the revolutionary leaders—the leaders teaching revolution.

Mr. KING. That makes no difference to me—what he said.

Mr. KITCHIN. If the gentleman will read his own remarks, while I think the gentleman did not intend to do it, yet he will see that it leaves the gentleman from Texas in the position of saying, according to the gentleman, that he would hang all of the leaders.

Mr. KING. Then the gentleman should have explained in his own time.

Mr. BLANTON. Not the leaders, but the laborers.

Mr. KITCHIN. Not the leaders, but the laborers. And does not the gentleman from Illinois think it only fair to the gentleman from Texas to let his remarks stay in the RECORD? The gentleman has the right to insist upon their going out. It does not affect the gentleman's speech or argument, but it does put the gentleman from Texas in the wrong light.

Mr. KING. Personally I would say that the gentleman's suggestion I do not object to, but in the interest of orderly procedure of this House I do not see how I can comply with the gentleman's suggestion.

Mr. KITCHIN. Technically the gentleman is right; but I should think the gentleman would withdraw his motion, knowing that it will do the gentleman from Texas a wrong.

Mr. KING. Mr. Speaker, I move the previous question.

Mr. RUCKER. Will the gentleman yield to me for a question?

The SPEAKER. The gentleman from Illinois moves the previous question.

The question was taken, and the previous question was ordered.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division, and, pending that, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the door, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. The question is on the motion of the gentleman from Illinois.

The question was taken; and there were—yeas 117, nays 95, answered "present" 20, not voting 200, as follows:

YEAS—117.

Anderson	Foster	McFadden	Scott
Andrews, Nebr.	French	McPherson	Smith, Idaho
Baer	Fuller, Ill.	MacCrate	Smith, Mich.
Bankhead	Garland	MacGregor	Steenerson
Barbour	Green, Iowa	Madden	Stephens, Ohio
Begg	Greene, Mass.	Michener	Stiness
Benham	Hayden	Miller	Strong, Kans.
Bowers	Hernandez	Monahan, Wis.	Strong, Pa.
Brooks, Ill.	Hersey	Mondell	Summers, Wash.
Browne	Hickey	Morgan	Sweet
Burdick	Hoch	Mott	Taylor, Tenn.
Burke	Huddleston	Nelson, Wis.	Thompson
Burroughs	James	Nolan	Tillman
Carss	Jefferis	Osborne	Tilson
Chindblom	Johnson, Wash.	Parker	Timberlake
Christopherson	Juul	Platt	Towner
Classon	Kahn	Porter	Vestal
Dale	Keller	Raker	Volstead
Darrow	Kelly, Pa.	Ramseyer	Wason
Davis, Minn.	King	Randall, Calif.	Wheeler
Denison	Kinkaid	Randall, Wis.	White, Kans.
Dickinson, Iowa	Kleczka	Reavis	White, Me.
Dowell	Knutson	Reber	Williams
Dunn	Kraus	Reed, W. Va.	Wilson, Ill.
Dyer	Kreider	Rhodes	Wingo
Edmonds	Lampert	Ricketts	Yates
Ellsworth	Lankford	Riddick	Young, N. Dak.
Elston	Longworth	Rose	
Evans, Nebr.	Luhring	Rowe	
Focht	McArthur	Sanders, Ind.	

NAYS—95.

Alexander	Dent	Larsen	Romjue
Almon	Dickinson, Mo.	Lazaro	Rucker
Aswell	Dominick	Lee, Ga.	Sabath
Barkley	Dunbar	Linthicum	Sanders, La.
Black	Dupré	Lonergan	Sinnott
Bland, Mo.	Evans, Mont.	McAndrews	Small
Bland, Va.	Gallagher	McGlennon	Smithwick
Box	Garrett	McLaughlin, Mich.	Stoll
Brand	Glynn	Major	Steagall
Brinson	Godwin, N. C.	Mapes	Stedman
Buchanan	Goodwin, Ark.	Merritt	Stevenson
Byrnes, S. C.	Griffin	Moore, Va.	Taylor, Colo.
Byrns, Tenn.	Hadley	Nelson, Mo.	Temple
Campbell, Pa.	Hardy, Colo.	Nichols, Mich.	Upshaw
Caraway	Harrison	Overstreet	Valle
Clark, Fla.	Hastings	Padgett	Vinson
Coady	Hull, Tenn.	Park	Watkins
Collier	Humphreys	Parrish	Weaver
Connally	Igoe	Phelan	Welty
Cramton	Jacoway	Pou	Wilson, La.
Crisp	Johnson, Miss.	Quin	Woods, Va.
Currie, Mich.	Jones, Tex.	Rainey, Ala.	Wright
Curry, Calif.	Kitchin	Rayburn	Young, Tex.
Davis, Tenn.	Lanham	Robinson, N. C.	

ANSWERED "PRESENT"—20.

Ayres	Cannon	Goodykoontz	Mansfield
Bee	Carter	Hays	Neely
Briggs	Echols	Hudspeth	Sears
Butler	Fairfield	Layton	Watson, Va.
Candler	Fisher	Mann, S. C.	Whaley

NOT VOTING—200.

Ackerman	Browning	Cullen	Evans, Nev.
Andrews, Md.	Brumbaugh	Dallinger	Ferris
Anthony	Caldwell	Davey	Fess
Ashbrook	Campbell, Kans.	Dempsey	Fields
Babka	Cantrill	Dewalt	Flood
Bacharach	Carew	Donovan	Fordney
Bell	Casey	Dooling	Frear
Benson	Clark, Mo.	Doremus	Freeman
Blackmon	Cleary	Doughton	Fuller, Mass.
Bland, Ind.	Cole	Drane	Gallivan
Blanton	Cooper	Eagan	Gandy
Boies	Copley	Eagle	Ganly
Booher	Costello	Elliott	Gard
Britten	Crago	Emerson	Garner
Brooks, Pa.	Crowther	Esch	Goldfogle

Good	Kiess	Murphy	Sims
Goodall	Kincheloe	Newton, Minn.	Sinclair
Gould	LaGuardia	Newton, Mo.	Sisson
Graham, Pa.	Langley	Nicholls, S. C.	Slemp
Graham, Ill.	Lea, Calif.	O'Connell	Smith, Ill.
Greene, Vt.	Lehlbach	O'Connor	Smith, N. Y.
Griest	Lesher	Ogden	Snell
Hamill	Little	Oldfield	Snyder
Hamilton	Luce	Oliver	Steele
Hardy, Tex.	Lufking	Olney	Stephens, Miss.
Haskell	McClintic	Paige	Sullivan
Haugen	McCulloch	Pell	Sumners, Tex.
Hawley	McDuffie	Peters	Swope
Heflin	McKenzie	Purnell	Tague
Hersman	McKeown	Radcliffe	Taylor, Ark.
Hicks	McKinley	Rainey, H. T.	Thomas
Hill	McKinley	Rainey, J. W.	Tincher
Holland	McLane	Ramsey	Tinkham
Houghton	McLaughlin, Nebr.	Reed, N. Y.	Treadway
Howard	Magee	Riordan	Vare
Hulings	Maher	Robsion, Ky.	Venable
Hull, Iowa	Mann, Ill.	Rodenberg	Voigt
Husted	Martin	Rogers	Walsh
Hutchinson	Mason	Rouse	Walters
Ireland	Mays	Rowan	Ward
Johnson, Ky.	Mead	Rubey	Watson, Pa.
Johnson, S. Dak.	Minahan, N. J.	Sanders, N. Y.	Webb
Johnston, N. Y.	Montague	Sanford	Webster
Jones, Pa.	Moon	Saunders, Va.	Welling
Kearns	Mooney	Schall	Wilson, Pa.
Kelley, Mich.	Moore, Ohio	Scully	Winslow
Kendall	Moore, Pa.	Sells	Wise
Kennedy, Iowa	Moores, Ind.	Sherwood	Wood, Ind.
Kennedy, R. I.	Morin	Shreve	Woodyard
Kettner	Mudd	Siegel	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. VOIGT with Mr. HARDY of Texas.

Mr. MAGEE with Mr. THOMAS.

Mr. NEWTON of Minnesota with Mr. BEE.

Mr. ROBSION of Kentucky with Mr. JOHNSON of Kentucky.

Mr. MOORE of Ohio with Mr. GALLIVAN.

Mr. LANGLEY with Mr. FIELDS.

Mr. TINCHER with Mr. DOUGHTON.

Mr. BOIES with Mr. SEARS.

Mr. TREADWAY with Mr. BOOHER.

Mr. BROOKS of Pennsylvania with Mr. MANSFIELD.

Mr. BUTLER with Mr. STEELE.

Mr. ACKERMAN with Mr. WISE.

Mr. SANDERS of New York with Mr. FERRIS.

Mr. WALTERS with Mr. CASEY.

Mr. FREAR with Mr. ROWAN.

Mr. FREEMAN with Mr. ROUSE.

Mr. COLE with Mr. TAGUE.

Mr. COOPER with Mr. SULLIVAN.

Mr. COPLEY with Mr. STEPHENS of Mississippi.

Mr. COSTELLO with Mr. SMITH of New York.

Mr. CROWTHER with Mr. SISSON.

Mr. DALLINGER with Mr. SIMS.

Mr. WATSON of Pennsylvania with Mr. CLEARY.

Mr. WEBSTER with Mr. CAREW.

Mr. KENDALL with Mr. MAYS.

Mr. KIESS with Mr. MARTIN.

Mr. ANTHONY with Mr. WELLING.

Mr. MASON with Mr. LEA of California.

Mr. GOOD with Mr. RIORDAN.

Mr. LAGUARDIA with Mr. MAHER.

Mr. HULL of Iowa with Mr. NICHOLLS of South Carolina.

Mr. HUSTED with Mr. MOONEY.

Mr. HUTCHINSON with Mr. MOON.

Mr. SELLS with Mr. EVANS of Nevada.

Mr. SHREVE with Mr. EAGAN.

Mr. GOODALL with Mr. JOHN W. RAINEY.

Mr. GOULD with Mr. HENRY T. RAINEY.

Mr. GRAHAM of Pennsylvania with Mr. OLNEY.

Mr. WINSLOW with Mr. CANTRILL.

Mr. WOOD of Indiana with Mr. CALDWELL.

Mr. WOODYARD with Mr. BRUMBAUGH.

Mr. HAMILTON with Mr. OLIVER.

Mr. SIEGEL with Mr. EAGLE.

Mr. SINCLAIR with Mr. DRANE.

Mr. BLAND of Indiana with Mr. VENABLE.

Mr. MOORE of Pennsylvania with Mr. KETTNER.

Mr. ZIHLMAN with Mr. BLACKMON.

Mr. DEMPSEY with Mr. SHERWOOD.

Mr. IRELAND with Mr. MONTAGUE.

Mr. LEHLBACH with Mr. MCLANE.

Mr. LITTLE with Mr. MCKINLEY.

Mr. SMITH of Illinois with Mr. DOREMUS.

Mr. SNELL with Mr. DOOLING.

Mr. RADCLIFFE with Mr. GOLDFOGLE.

Mr. RAMSEY with Mr. GARNER.

Mr. LUCE with Mr. MCKEOWN.

Mr. SNYDER with Mr. DONOVAN.

Mr. BROWNING with Mr. TAYLOR of Arkansas.

Mr. REED of New York with Mr. GARD.

Mr. RODENBERG with Mr. GANLY.

Mr. MOORES of Indiana with Mr. JOHNSTON of New York.

Mr. MORIN with Mr. HOWARD.

Mr. MUDD with Mr. HOLLAND.

Mr. MCCULLOCH with Mr. MCDUFFIE.

Mr. MCKENZIE with Mr. MCCLINTIC.

Mr. JONES of Pennsylvania with Mr. MINAHAN of New Jersey.

Mr. SWOPE with Mr. DEWALT.

Mr. VARE with Mr. DAVEY.

Mr. HASKELL with Mr. OLDFIELD.

Mr. HAUGEN with Mr. O'CONNOR.

Mr. BACHARACH with Mr. WEBB.

Mr. ESCH with Mr. SCULLY.

Mr. HAWLEY with Mr. O'CONNELL.

Mr. FESS with Mr. SAUNDERS of Virginia.

Mr. FORDNEY with Mr. RUBEY.

Mr. MURPHY with Mr. HERSMAN.

Mr. KEARNS with Mr. MEAD.

Mr. PAIGE with Mr. BENSON.

Mr. PETERS with Mr. BELL.

Mr. NEWTON of Missouri with Mr. BABKA.

Mr. OGDEN with Mr. HEFLIN.

Mr. PURNELL with Mr. HAMILL.

Mr. MCLAUGHLIN of Nebraska with Mr. LESHER.

Mr. MANN of Illinois with Mr. CLARK of Missouri.

Mr. MCKINLEY with Mr. ASHBROOK.

Mr. WALSH with Mr. CULLEN.

Mr. ROGERS with Mr. GANDY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. FALL, Mr. LENROOT, Mr. MYERS, and Mr. PITTMAN as the conferees on the part of the Senate.

QUESTION OF PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Texas rises to a question of personal privilege. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, on yesterday during the debate on Senate concurrent resolution No. 15, then under consideration before the House, the following appears of record, with the gentleman from Illinois [Mr. KING] on the floor. I cite from page 7818 of the RECORD.

Mr. KING, after certain remarks, says:

I ask unanimous consent, Mr. Speaker, to extend in the CONGRESSIONAL RECORD at this point a telegram dated October 30, 1919, to the Secretary of Labor——

The SPEAKER. The gentleman will please state his question of personal privilege.

Mr. BLANTON. This is intimately connected with the request, Mr. Speaker.

The SPEAKER. The gentleman may proceed, but he must come to it quickly.

Mr. BLANTON. It will not take long. He says:

to the Secretary of Labor, Mr. Wilson, from John L. Lewis, president of the United Mine Workers of America.

Mr. REAVIS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. REAVIS. It is quite apparent that the gentleman from Texas at this time is trying to read in the RECORD that which was stricken out.

Mr. BLANTON. I am not going to do it.

Mr. REAVIS. And I make the point of order that is not in order.

The SPEAKER. That is not in order.

Mr. BLANTON. It reads:

Mr. BLANTON. I object, Mr. Speaker.

Mr. KING. I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre, of France, and his ending. The gentleman would hang all the laboring people.

Mr. Speaker, in reply to that statement on the floor of the House, even though I did not have recognition of the Chair and was not yielded to by the gentleman——

The SPEAKER. The Chair is ready to rule. The Chair thinks that the statement to the effect that the gentleman would hang all the laboring people does raise a question of personal privilege, and the Chair recognizes the gentleman.

Mr. BLANTON. Mr. Speaker, it has been on very few occasions in this House that I have objected to any gentleman extending his remarks in the RECORD. I had no personal feeling against the gentleman from Illinois [Mr. KING] yesterday when I objected to his request to extend in the RECORD the telegram from John L. Lewis, president of the United Mine Workers of America, to the Secretary of Labor. It was not because of any personal feeling against the gentleman from Illinois, because toward him I have had the kindest of feelings. But I did it from a sense of duty. I had read that Lewis telegram in the press. I knew the contents of it. I knew that it was a reflection not only upon the President of the United States and his Cabinet, but I knew it was a reflection, so far as I considered it, upon the Government of the United States in this crucial hour, and I objected. May I call your attention to a few excerpts from that telegram and show that I had a reason for objecting?

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. In just a moment.

This telegram is published in the press, and I quote from the Washington Times, of Friday, October 31, 1919, the following excerpts from said Lewis telegram, to wit:

> Permit me to say to you, sir, the unprecedented and unwarranted action of Cabinet and President of the United States in issuing statement of Saturday last has done more to prevent satisfactory settlement of impending strike and working out of wage agreement than any other element which has entered into situation. The President's statement is a fiercely partisan document, because it attacks the intention of the mine workers without even suggesting that mine operators may have brought about this unhappy situation, and further because threat is made to exercise full force of Government to prevent stoppage of work—
>
> And so forth.
>
> It is, indeed, a sad commentary upon the principles of square dealing when the President of the United States and his Cabinet, by unanimous vote, ally themselves with sinister financial interests which seek to deny justice to labor and precipitate our country into industrial turmoil—
>
> And so forth.
>
> The President of the United States is the servant and not the master of the Constitution—
>
> And so forth.
>
> The President's statement threatens invasion of constitutional and inalienable rights of American citizens. It is the climax of long series of attempted usurpation of executive power—
>
> And so forth.
>
> The presidential edict threatens to deny to mine workers protection of both the thirteenth and fourteenth amendments to the Constitution. They are threatened with involuntary servitude by the presidential attempt—
>
> And so forth.
>
> Yet his statement threatens the mine workers with a sanctified peonage—
>
> And so forth.

I have read those excerpts to show to the membership of this House that I had a reason, and a good reason, as a Representative, as a red-blooded American citizen, in this crucial hour which we are now facing, to keep that infamous, scurrilous attack upon not merely the President but upon the Government of the United States from going into the RECORD.

Mr. KEARNS. Will the gentleman yield?

Mr. BLANTON. Not until I get through my statement, and then I will be glad to yield.

I want to say that in the face of that document, which the gentleman from Illinois [Mr. KING], who has sought to discredit me here this morning——

Mr. KING. Will the gentleman yield?

Mr. BLANTON. I decline to yield. The gentleman has gone far enough in his effort to discredit me already.

I want to say, in the face of this document which the gentleman from Illinois [Mr. KING] sought to place in the CONGRESSIONAL RECORD now, when at least the membership of this House should be men of good judgment, who would not fan the flame of the radical just now—I want to say, in the face of his attempt, that it had been asserted on the floor of this House several times this week by the gentleman's leader on that side of the House, the distinguished gentleman from Wyoming [Mr. MONDELL], that he and every other patriotic, red-blooded American citizen indorsed every word of that statement by the President. Is there a man here on this side of the House who does not indorse the President's statement? If there is, I want him to be fair enough to stand up and let the membership of this House look him in the eye.

Gentlemen, I have a right in the exercise of my prerogative as a Representative of some of the people of the United States to get up in my place and object to any such scurrilous stuff as that going into the RECORD. I did it then and I would do it again.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Just in a moment. When I get through with my statement I will gladly yield. And when I objected—do not the rules of this House give every man the right on the floor to object? Under the rules of the House any man has the right to get up and claim recognition to object. I got up and objected. That was one of my prerogatives as a Member of this House. Did not that give me just as much right to the floor as the gentleman from Illinois, who asked us to insert this stuff in the RECORD? I objected. Then what did he do? Was he fair? Was he fair to me? Let us see; let us see whether he was fair. Now, you men who voted against me here this morning to keep my position from being known to the country, I want you to scrutinize carefully the words that that gentleman used on the floor when he knew that that was not my position or the position of any man in this country:

> Mr. KING. I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre, of France, and his ending.

Now, listen:

> The gentleman would hang all of the laboring people.

You permitted your colleague on this side of the House to make a statement that one of your colleagues, even though he is a Democrat from Texas, would hang all the laboring people. You do not believe that that is my sentiment. There is not a man in this House who believes that. But you permitted your colleague on the floor to make an unparliamentary statement like that, something that he knew he had no right to make against a colleague of his when it did not represent his sentiments and never had represented them. He went out of his place as a Representative on this floor to misrepresent me before the people of the country.

I want to say that for a man who would be in favor of hanging all the laboring men, that there is no death on earth too bad for him. What basis did he have for it? The only basis on earth he had for it was the fact that my colleague from Texas, Mr. JONES, while on the floor the other day, in discussing legislation that would get rid of the anarchists of this country, said those anarchists should be deported. Not the laboring men, because we could not do without them. I am a laboring man. Ever since the war Congress convened in April, 1917, I have worked from 12 to 16 hours a day. I am a laboring man. I know the problems that confront every man who wins his bread and meat by the sweat of his brow. I know them, and my people know that I know them. You might think, the gentleman from Illinois might think, and every man who may attempt to discredit me before the country and the House might think, that organized labor will pat you on the back. You may think this might hurt me in my district. You wait until after the next election comes, and you will see that in the face of every fight I have made on this floor I will get at least 40 per cent of the laboring vote in my country. The laboring men know that I have been fighting for their best interests. The other 60 per cent would vote for me if it were not for the autocratic lash of the autocratic whip of the labor union. When that labor union autocratic whip lashes, they respond, a number of them, just like you Republicans respond sometimes when your leader's whip pops on this side of the House. You vote sometimes when you do not want to vote.

Mr. LONGWORTH. Mr. Speaker, a point of order. I do not think the gentleman is now discussing the question of personal privilege at all. He is making a political speech. I want the gentleman to be set right. I want it to be made to appear that he is not in favor of hanging all the laborers; but he must confine himself to the subject.

The SPEAKER. The gentleman should confine himself to his question of privilege.

Mr. BLANTON. I will try to, Mr. Speaker. But when it is "BLANTON did this" and "BLANTON did that"; when the fight is made against this that BLANTON said and against that that BLANTON said, although it has been done for 30 years just as BLANTON has been doing it, the unions are behind it. It is the labor unions of this country who have tried to discredit me. It has been shown that hired employees of the Labor Department have left their places, drawing big salaries from the Government, and gone down here at the Capitol Park Hotel and registered under assumed names and stayed there for several days in the attempt to frame me, and some of my colleagues here have applauded them for it. But the people of the country know the situation. You can not fool them. They sit in these galleries and pass upon everything that we do and say here. If I had

gotten permission the other day when I asked it, to have placed in the CONGRESSIONAL RECORD several thousand letters coming to me from citizens from every congressional district in this land, letters from your constituents, possibly some of you men would not have been so anxious to vote against me this morning. If the gentleman from Illinois [Mr. KING] could see the letters that have come from his district in Illinois, he would not have been so anxious here this morning to try to discredit me. I have the satisfaction and the consolation of knowing that my position on the floor of this House has been approved by the loyal citizens of this Nation, Democrats and Republicans alike.

Now, when the gentleman from Illinois said that I was in favor of hanging all laborers, what would you have done, my good friend from Colorado [Mr. VAILE], if a man had misrepresented you in that way? Would you have sat silent? I ask every man in this House who voted to strike the words indicating my position from this RECORD this morning and leave me before the country apparently in favor of hanging every laboring man in the country—that is what you did; you voted to leave me suspended in the air, as in favor of hanging every laboring man in the country——

The SPEAKER. The Chair must admonish the gentleman that he must confine himself to the question of privilege. The justice of the vote just taken by the House is not the question.

Mr. BLANTON. Mr. Speaker, I have the deepest and profoundest respect for the Speaker, and I do not want to violate the rules.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BLANTON. Just a moment; let me finish my statement. When the gentleman from Illinois [Mr. KING] said I was in favor of hanging all labor men I did just what each one of you would do. I got up and said, "No; I am not in favor of that; I am in favor of hanging only the autocratic, anarchistic leaders who preach revolution against this Government."

Mr. REAVIS. Mr. Speaker, a point of order. The gentleman has just enumerated in his speech the language which the House has stricken from the RECORD.

The SPEAKER. The Chair thinks the gentleman is in order.

Mr. BLANTON. I think the gentleman from Nebraska is fairer than that. There is nobody in this House that thinks more of the gentleman from Nebraska than I do.

Mr. REAVIS. Will the gentleman yield?

Mr. BLANTON. No; I can not yield. Did I make that statement? I will give you the names of the men who heard me make it.

The SPEAKER. The gentleman from Texas is out of order, and the Chair will again admonish the gentleman that he must confine himself to his question of privilege.

Mr. BLANTON. It was questioned by the gentleman from Illinois whether I made the statement that appears in the RECORD. I have a right under a question of personal privilege to show that numerous Members here heard me make that statement.

The SPEAKER. The only question of personal privilege the gentleman made was that he was charged with being in favor of hanging all labor men.

Mr. BLANTON. Well, Mr. Speaker, I make the further point of personal privilege, the highest privilege, that it was intimated by the gentleman from Illinois [Mr. KING] this morning that I did not make the statement, and I want to be heard on it.

The SPEAKER. The Chair does not know whether the gentleman from Illinois made that statement or not.

Mr. BLANTON. I will ask the reporter to produce the notes of the gentleman's opening remarks this morning.

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent, in view of the fact that that was left open—I ask unanimous consent to name the gentlemen sitting around me here who heard me make the statement.

The SPEAKER. The Chair would like to state to the gentleman that the Chair is simply endeavoring to save the time of the House, and the gentleman from Texas is not confining himself to the question of privilege.

Mr. BLANTON. Mr. Speaker, is it not always in order to ask unanimous consent of the House?

The SPEAKER. Certainly.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to name my colleagues, both Democrats and Republicans seated around me here, who heard me make that statement.

The SPEAKER. The gentleman from Texas asks unanimous consent to name the Members who heard him make the statement. Is there objection?

Mr. REAVIS. Reserving the right to object, this is a question of personal privilege on the statement of the gentleman from Illinois that he, the gentleman from Texas, was in favor of hanging laborers as high as Haman. I do not believe that anybody in this House has any such thought that he ever said such a thing, but I believe that this is a matter that ought to be brought to a close in order that the business of the House may proceed.

Mr. KNUTSON. Mr. Speaker, in the interest of economy of time, I object.

The SPEAKER. Objection is made and the gentleman from Texas will proceed in order.

Mr. BLANTON. Everybody knows in this House, and in this city, and in this Nation, that I have been making a fight ever since I have been in Congress against—not labor unions, not laborers, or their right to organize for proper and lawful purposes—but against autocracy in their midst, against anarchy in their midst, against the disregard of law preached in their midst, against the preachment of revolution against that flag and against that Government.

Mr. KNUTSON. Mr. Speaker I make the point of order that the gentleman is not confining himself to the question of personal privilege.

The SPEAKER. The Chair's attention was diverted, but the gentleman will confine himself to the question.

Mr. BLANTON. I am discussing the question whether I was in favor of hanging labor.

The SPEAKER. The gentleman will proceed.

Mr. BLANTON. I have done that. I have warned this House time and again of the very emergency which exists just now. I have pleaded with the membership of this House month after month for that very thing. I do not deny what I have done. What I have done is in the past. The President did on last Saturday what I have been preaching in the past months and for the past two years. What I have been doing in the past two years the Cabinet of the United States did in the last week. What I have preached from the floor of this House during the last two years the Attorney General of the United States has been doing in the last few days. What I have preached from the floor of this House the gentleman from Illinois [Mr. KING] voted that very sentiment on the roll call here on yesterday morning. He voted for this resolution No. 15. I want to ask the gentleman from Illinois if he approves of the statement that was made by John L. Lewis to the Secretary of Labor?

Mr. KING. Will the gentleman give me a chance to answer?

Mr. BLANTON. It can be answered by yes or no, and I will give the gentleman the privilege of answering yes or no.

Mr. KING. I want to say——

Mr. BLANTON. I will yield for the gentleman to say yes or no. Do you approve of the telegram sent by Lewis to the Secretary of Labor?

Mr. KING. I stated on the floor of the House——

Mr. BLANTON. I yield only for an answer of yes or no. The question can be answered by yes or no.

Mr. KING. If the gentleman will give me a chance to answer; he does not control the method of my answer.

Mr. BLANTON. Is the gentleman willing to answer it yes or no?

Mr. KING. I will answer your question if you insist.

Mr. BLANTON. Are you willing to answer that question yes or no?

Mr. KING. I will answer your question. Will you cease talking for a minute? The gentleman's voice is too loud.

Mr. HUMPHREYS. Mr. Speaker, a point of order. The gentleman from Illinois [Mr. KING] has no right to address the gentleman from Texas as he did. He should address him as "the gentleman from Texas" and not as "you."

Mr. TILSON. Mr. Speaker, I wish to make the same point of order the other way, that the gentleman from Texas has no right to address the gentleman from Illinois in the second person.

The SPEAKER. The gentleman from Texas will suspend. The Chair rules that the point of order is well taken.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, since the gentleman from Illinois [Mr. KING] is not willing to answer that question yes or no, I want to know if there is a man in this House who says that he is in favor of and indorses that telegram from Lewis to the Secretary of Labor? If there is, I will give you a chance to say "yes," and if you do not say "yes," I take it by your silence that you are not in favor of it.

Mr. KREIDER. Mr. Speaker, is this propounding questions to the House for an answer yes or no, and all this talk——

The SPEAKER. The Chair thinks not. The Chair thinks the gentleman is not confining himself to the question of personal privilege.

Mr. KREIDER. Mr. Speaker, I suggest that the gentleman proceed in order.

The SPEAKER. The gentleman raises the point of order that the gentleman is not in order. The gentleman will take his seat, and then he may proceed by leave of the House. The gentleman from Texas will be seated. The Chair understood the gentleman from Pennsylvania [Mr. KREIDER] to raise the point of order that the gentleman was not proceeding in order.

Mr. BLANTON. If I am not, Mr. Speaker, it is through no intention upon my part to go beyond the rules.

The SPEAKER. The gentleman has been admonished by the Chair several times. The gentleman will take his seat, and the motion may be made that he proceed in order.

Mr. CARTER. Mr. Speaker, I did not understand the gentleman from Pennsylvania to make any such point of order. I understood him to make a parliamentary inquiry.

Mr. KREIDER. I was directing the Speaker's attention to the fact that the gentleman from Texas had been repeatedly admonished to proceed in order, and he persistently refuses to do so. Instead of that, he turns around and propounds questions to the House, which is out of order, and I therefore make the demand that the gentleman be silenced.

Mr. CLARK of Florida. Mr. Speaker, I respectfully submit that the gentleman from Pennsylvania simply propounded an interrogatory to the Speaker and did not make the point of order.

The SPEAKER. That may be.

Mr. KREIDER. Mr. Speaker, I make the point of order that the gentleman be not allowed to proceed unless he proceeds in order.

The SPEAKER. That point is, of course, one which must be sustained.

Mr. KREIDER. I make the point of order, furthermore, that he is out of order.

The SPEAKER. The gentleman is not proceeding now. The gentleman will proceed in order.

Mr. BLANTON. Mr. Speaker, I have taken up more of the time of the House than I intended. I think if my position must be taken out of the RECORD yesterday morning, that the unparliamentary language of the gentleman from Illinois [Mr. KING] should likewise be taken from the RECORD. I move, Mr. Speaker, in my time, that the language of the gentleman from Illinois [Mr. KING] appearing on the pages in the RECORD that I have indicated, wherein he attributes to me the sentiments of wanting to see all of the laborers hanged as high as Haman, be stricken from the RECORD.

Mr. KING. Mr. Speaker, I rise to a question of personal privilege.

Mr. LONGWORTH. Mr. Speaker, I rise to a point of order.

Mr. BLANTON. Mr. Speaker, and on that motion I move the previous question.

The SPEAKER. The gentleman will please state exactly what he wishes to have stricken out.

Mr. DYER. Mr. Speaker, I make the point of order that the gentleman can not make a motion of that kind when he is recognized on a question of personal privilege.

The SPEAKER. The gentleman is correct in one sense.

The gentleman from Texas can not make that motion as a part of his question of personal privilege, but the Chair thinks that it is a privileged motion.

Mr. BLANTON. I ask permission of the Chair to make the motion, which is a privileged motion.

The SPEAKER. The Chair recognizes the gentleman.

Mr. LONGWORTH. Mr. Speaker, I make the point of order against the motion.

Mr. KING. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will wait until the motion of the gentleman from Texas has been reported by the Clerk.

Mr. BLANTON. Mr. Speaker, I move that the language of the gentleman from Illinois [Mr. KING] on top of page 7818 of the RECORD of yesterday, which follows an objection that was made by me to the insertion in the RECORD of certain matter, be stricken from the RECORD, the language to which I refer being as follows:

> Mr. KING. I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre, of France, and his ending. The gentleman would hang all the laboring people!
> * * * * * * *
> Mr. KING. I refuse to yield to a gentleman at the present time who would hang men as high as Haman.

The SPEAKER. The gentleman from Texas makes the motion which the Clerk will report.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will please wait until the motion is reported by the Clerk.

The Clerk read as follows:

> Mr. BLANTON moves to strike from the RECORD, on page 7818, at the top of the left-hand column, the following language:
> "Mr. KING. I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre, of France, and his ending. The gentleman would hang all the laboring people!"
> * * * * * * *
> "Mr. KING. I refuse to yield to a gentleman at the present time who would hang men as high as Haman."

Mr. LONGWORTH. Mr. Speaker, I make the point of order that the gentleman's motion comes too late. The gentleman had a perfect right at the time those words were uttered on the floor by the gentleman from Illinois [Mr. KING] to have had the words taken down, and then it would have been a question as to whether they should be stricken out. The gentleman has several times to my personal knowledge failed to take that advantage which was his under the rule, and the next day he either inserts something in the RECORD which he did not say or has retained in the RECORD that which he had no right to say.

Mr. BLANTON. Mr. Speaker, I object to those remarks, and I ask that they be taken down. I ask that the remarks of the gentleman be taken down.

Mr. LONGWORTH. I will be very glad to have them taken down.

The SPEAKER. The gentleman from Texas asks that the words of the gentleman from Ohio be taken down.

The reporter proceeded to transcribe the words requested to be taken down.

Mr. BLANTON. Mr. Speaker, I withdraw both the motion and the request; let them all stay in.

COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

Mr. SINNOTT. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 2775 and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

> S. 2775. An act to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The SPEAKER. The gentleman asks unanimous consent that the request of the Senate for a conference be agreed to. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. SINNOTT, Mr. SMITH of Idaho, Mr. ELSTON, Mr. FERRIS, and Mr. TAYLOR of Colorado.

CHANGE OF REFERENCE.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for a change of reference. There is a House Document, No. 175, that has been referred to the Committee on Claims when it relates to a bill that has been referred to the Committee on the Post Office and Post Roads.

The SPEAKER. The gentleman asks unanimous consent that House Document No. 175 be referred from the Committee on Claims to the Committee on the Post Office and Post Roads. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. KING. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. Does the gentleman from Illinois object to the request of the gentleman from Pennsylvania?

Mr. KING. No.

Mr. MONDELL. For the present, Mr. Speaker, I object.

QUESTION OF PERSONAL PRIVILEGE.

The SPEAKER. The gentleman from Illinois [Mr. KING] will state his question of personal privilege.

Mr. KING. My name was mentioned by the gentleman from Texas in his remarks made here a few minutes ago, and it places me in a rather false light before the House. I do not think the gentleman from Texas intended to do it or to work me any injury, because the gentleman from Texas and myself are the best of friends.

The SPEAKER. The gentleman from Illinois will state his question of privilege.

Mr. KING. I am coming to it.

The SPEAKER. The gentleman must state it at once and before he begins to debate.

Mr. KING. My point of personal privilege is simply this: Those statements that were made by the gentleman from Texas placed me in a false light before the House in this, that I stand here as taking up the time of the House all day on a matter of this kind because I do not consent to strike out certain words. I went to the gentleman from Texas——

The SPEAKER. The Chair does not think the gentleman is stating a question of personal privilege.

Mr. MONDELL. The gentleman is entitled to time in which to make his statement.

Mr. KING. If the Chair desires to rule in advance on the subject, very well.

The SPEAKER. The Chair understood the gentleman had completed his statement.

Mr. KING. No, sir; I had not. I went——

Mr. BLANTON. Mr. Speaker, I make the point that the gentleman is not stating a question of personal privilege.

The SPEAKER. The Chair must state to the gentleman from Illinois that in order to make a question of privilege he must quote something that has been derogatory to his character or standing.

Mr. KING. I went to that table a few minutes ago, before the gentleman made his speech on my motion, and I said, "I will consent to the withdrawal of that part of your speech from the RECORD which puts you in as favoring the hanging of the laboring people." The gentleman refused to accept that; told me I was insulting him, and waved me away from the table. What more——

Mr. BLANTON. Mr. Speaker, I object to the gentleman stating what occurred.

Mr. KING. I have objection to the gentleman's statement, and therefore made a unanimous-consent request.

The SPEAKER. The Chair will recognize the gentleman.

Mr. KING. I ask that the words to the effect that the gentleman would hang all laboring people be stricken from the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the words to the effect that the gentleman "would hang all the laboring people" be stricken from the RECORD.

Mr. BLANTON. Mr. Speaker, I object. It comes too late.

ASSESSMENT WORK ON MINING CLAIMS.

Mr. KREIDER. Mr. Speaker, I desire to submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 363.

Resolved, That immediately upon the adoption of this resolution the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 241, to suspend the requirements of annual assessment work on mining claims during the year 1919. The said resolution shall be read; there shall be 20 minutes' general debate—10 minutes by those favoring the resolution and 10 minutes by those opposing the resolution. At the conclusion of the general debate the resolution shall be read for amendment under the five-minute rule; at the conclusion of such consideration the committee shall rise, report the resolution, together with any amendments thereto, to the House. Thereupon the previous question shall be considered as ordered on the resolution and all amendments thereto to the final passage without intervening motion except one motion to recommit.

Mr. BEE. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. KREIDER. For a question.

Mr. BEE. Will you be able to hold this 20 minutes of general debate on the subject of the bill?

Mr. KREIDER. That is what it is supposed to be. The rule provides for it.

Mr. GARRETT. It will be agreeable to me to vote on the rule now.

Mr. KREIDER. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919.

Resolved, etc., That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than $100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919: *Provided*, That every claimant of any such mining claim, in order to obtain the benefits of this resolution, shall file or cause to be filed in the office where the location notice or certificate is recorded, on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] is recognized for 10 minutes.

Mr. GARLAND. Mr. Chairman, joint resolution No. 241 provides for the suspension of assessment work on mining claims for the year 1919, and it is for the purpose of correcting House joint resolution No. 150, now Public, No. 10, that was passed and approved on August 15. That resolution at that time was for the purpose of suspending the work on mining claims also, but in it was the provision that any claimant could get the benefit of a suspension on five claims. Now, that was construed in a number of different ways and did not give the claimant what was intended by the passage of the resolution at that time under the construction made by the Interior Department, and as a consequence there has been a good deal of discussion and a great deal of difficulty over it out of which will grow a great deal of litigation for people who purchased claims who were not absolved from the suspension work by the mistaken idea, and those who hold the claims will suffer from it. In addition to that it is found that the bill passed some time ago provided that soldiers and sailors should have exemption for six months from making their assessment work on claims after they were discharged from the service; that a good many soldiers and sailors were discharged prior to June 30, 1919, and as a consequence all of them would be required to do their assessment work on their claims this year before the 1st of January and they have not returned to their homes. The conditions out in the Northwest States, as we know here from the relief given to parties who held homestead entries out there, are very bad, and the people have left the community very largely; a great drought has occurred for three years, and as a consequence there is no one there to do this assessment work, and those who are there engage in other work that is necessary and which they can not get away from. In addition to that snow has occurred in those northwestern mountains out in those States where these claims are, and the weather is such that it is impossible for men to go in there and do claim work. This does not take any money out of the Treasury of the United States. It simply absolves these claimants from doing the work that is required for this year and no longer, and the committee are unanimous in asking that this resolution be passed. I now yield five minutes to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Mr. Chairman, there is a real exigency existing for the enactment of the pending resolution. Its purpose is to clarify the act approved August 15 of this year. This act has been construed and misconstrued in various ways, with the result that endless litigation will ensue if the purposes of the law shall not be made plain. To that end this new resolution has been introduced and unanimously reported out by the Committee on Mines and Mining. As the chairman of the committee has well said, snows have been falling in mountains where these mineral claims exist, which render it impracticable now, at this late time in the season, for the assessment work required by the law to be performed. However, the question of the merit of suspending the requirements to perform assessment work this year has already been passed upon by the House. This has been adjudicated, we might say, by the House and settled, but public policy requires that we should make plain the purpose of the act. The meaning was well understood and agreed upon by the committee, and I have no doubt but the Supreme Court would give it the construction intended, but lawyers and laymen scattered over the mining States of the West differ so much upon its construction, and as so many different State courts rather than the Department of the Interior will be required to pass upon the questions which may be raised, with the result of diverse decisions to be made, good public policy, as I have said, requires a new enactment.

Mr. Chairman, there are different other reasons why this resolution should be immediately enacted, which I shall not take time to mention, because it is apparent that the disposition of the membership is to grant the relief without extended discussion.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas unless there is some one who desires to speak in opposition to the bill. The Chair recognizes the gentleman from Arkansas for 10 minutes.

Mr. WINGO. Mr. Chairman, I do not care to use the 10 minutes, but I desire to call the attention of the committee to this, that there is nothing very fundamental involved in the joint resolution. The joint resolution does not exempt the holders of the claims from doing assessment work. It simply suspends it for this year, and those of you who are familiar with mining law understand the amount that has to be done of the annual assessment work, and this resolution, even though it does pass, does

not relieve the claimant from doing the total amount of assessment work that is required before finally proving up. The reason why the committee reported this bill unanimously, I think, can be summed up in this one statement, and that is that we were convinced that there would be interminable litigation and resulting expense and loss if we did not pass this blanket resolution, which simply exempts the claimant from doing assessment work for this year.

Now, under the restriction that was in the last resolution that was passed, restricting the benefits to five claims to any one person or corporation, there were several questions that arose that would have to be settled in the courts. For instance, suppose a partnership has 10 claims. They take suspension for 5. Then suppose that each member of the partnership should have 10 claims. Would the members as individuals be entitled to any exemptions? Or, as another illustration, suppose that a corporation has 10 claims. That corporation gets 5 claims suspended. Then would each, say, of the thousand stockholders who had stock in the corporation be entitled to suspension if they filed on the claims individually? Would they be entitled to suspension? Suppose that a man was not a stockholder of record in the corporation. Suppose you had transferred your stock to me by assignment, and the transfer had not been made of record on the books of the corporation.

Those suggestions will naturally cause the Members of the House who are lawyers to see how many different interminable questions might arise which would be a cloud on these claims.

So the committee, after hearing the Commissioner of the General Land Office and the other officials, including Judge Feenney, decided that the safest thing to do was to suspend work this year on all claims, and then that would settle it beyond all peradventure.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919.

Resolved, etc., That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than $100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919: *Provided*, That every claimant of any such mining claim, in order to obtain the benefits of this resolution, shall file or cause to be filed in the office where the location notice or certificate is recorded, on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution.

Mr. GARLAND. Mr. Chairman, I do not think it is necessary to move that the committee rise, inasmuch as I understand the rule provides for it; but, nevertheless, I will move formally that the committee rise and report the resolution to the House with favorable recommendation.

Mr. BLANTON. Mr. Chairman, a vote has not been taken on it.

The CHAIRMAN. The rule has been passed. The resolution has been read under the five-minute rule, and no gentleman is seeking recognition.

Mr. PARRISH. Mr. Chairman, a point of order, please.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. GARLAND] to move that the committee rise.

Mr. GARLAND. I did put the motion to rise.

Mr. BLANTON. Mr. Chairman, a point of order. The point of order I made was well taken.

Mr. GARLAND. I made the motion a few moments ago that the committee rise and report out House joint resolution 241 with the recommendation that it be passed.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The point of order I made a moment ago was that very thing—that there had not been such a motion passed by the House.

Mr. GARLAND. One has been made.

The CHAIRMAN. The Chair will state that under the rule passed by the House it is provided that at the conclusion of the consideration of the resolution the committee should rise. It is not necessary to make the motion of the gentleman from Pennsylvania. However, the gentleman from Pennsylvania has made the motion that the committee do now rise and report the resolution with favorable recommendation to the House.

Mr. BLANTON. Mr. Chairman, a further point of order. In the interest of orderly procedure, without such a motion as that made by the gentleman from Pennsylvania we would go back into the House without any recommendation whatever as to the measure in the House.

Mr. MONDELL. Mr. Chairman, the regular order.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee do now rise and report the resolution to the House. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House joint resolution 241, had directed him to report the same back to the House without amendment, with the recommendation that the resolution be passed.

The SPEAKER. The gentleman from Ohio, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee, having had under consideration House joint resolution 241, had directed him to report the same back to the House without amendment. The question is on the passage of the resolution.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. The record of the proceedings in the Committee of the Whole will show that no action whatever was taken by the committee with regard to recommending to the House that this resolution be passed. Should not some kind of recommendation come from the Committee of the Whole to the House?

The SPEAKER. The Chair thinks it is not necessary under the rule.

Mr. BLANTON. That it could report back without recommendation?

The SPEAKER. The rule says the committee shall report the resolution.

Mr. BLANTON. A point of order, Mr. Speaker. Does not that carry with it——

The SPEAKER. The gentleman is not making a point of order. The question propounded is not a point of order.

Mr. BLANTON. A point of order, Mr. Speaker. Where the House has resolved itself into Committee of the Whole for the purpose of considering certain legislation, whether under rule or not, is it not the rule of the House that before that legislation can be considered finally by the House it must come from the Committee of the Whole on some kind of a recommendation?

The SPEAKER. The gentleman has not made any point of order. The question is on agreeing to the resolution.

Mr. GARLAND. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 58 ayes and 2 noes.

So the resolution was agreed to.

On motion of Mr. GARLAND, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to extend my remarks on this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

AMENDING THE FEDERAL RESERVE ACT.

Mr. KREIDER. Mr. Speaker, by direction of the Committee on Rules I submit the following report.

The Clerk read as follows:

House resolution 364.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2472, being "An act to amend the act approved December 23, 1913, known as the Federal reserve act"; that the bill shall have a privileged status until the conclusion of its consideration; that there shall be not to exceed three hours of general debate, one-half to be controlled by the chairman of the Committee on Banking and Currency, and one-half by the gentleman from Massachusetts, Mr. PHELAN, at the conclusion of which the bill shall be read for amendment under the five-minute rule; that at the conclusion of such consideration the committee shall arise and report the bill to the House with amendments, if any; that thereupon the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

With the following amendments recommended by the Committee on Rules:

In line 9 strike out the words "the chairman of the Committee on Banking and Currency" and insert in lieu thereof the words "those favoring."

In lines 10 and 11 strike out the words "the gentleman from Massachusetts, Mr. PHELAN," and insert in lieu thereof the words "those opposing the bill."

The amendments were agreed to.

Mr. KREIDER. Does the gentleman from Tennessee desire some time?

Mr. GARRETT. It has been suggested to me that this bill ought to be read by paragraph for amendment. The attention

of the Committee on Rules was not directed at the time we considered the rule to the fact that this is a bill of one section. Not being an appropriation bill, under the general rules of the House, when read for amendment, the whole bill will be read. There are a large number of committee amendments, and those will be offered in any event. It might limit, more than the House desires, the power of offering amendments if we leave it in this state. Would it be agreeable to the gentleman from Pennsylvania if we asked unanimous consent that the rule be amended by inserting the words "by paragraph," so that it will be read by paragraph for amendment?

Mr. KREIDER. I think we ought to make that amendment. I ask unanimous consent to insert after the word "read," in line 11, the words "by paragraph."

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to amend the rule by inserting after the word "read," in line 11, the words "by paragraph." Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, from the reading of the rule it is not clear who shall control the time. Will the gentleman state clearly about that?

Mr. KREIDER. Under the rule the Chairman of the Committee of the Whole will control the time, one-half for those in favor and one-half for those opposed.

Mr. KING. Mr. Speaker, I desire to say that I am a member of the committee and I am opposed to the bill.

Mr. MONDELL. Mr. Speaker, does the gentleman from Pennsylvania think that as much as three hours will be required for general debate on this measure?

Mr. KREIDER. I would be very glad to have it cut down.

Mr. GARRETT. That was the representation made to us in the Committee on Rules, and we followed the suggestion offered by the gentlemen who appeared before the committee.

Mr. MONDELL. From inquiries I have made I have some doubt as to whether as much time as that will be desired. I have no disposition to curtail unduly the debate.

Mr. WINGO. I think if the members of the committee are to explain what they know about the bill, really more time will be required.

Mr. MONDELL. If the gentleman thinks that three hours will be required, I have no disposition to curtail it.

Mr. WINGO. I will say that as far as I am concerned five minutes will be sufficient, but the gentleman from New York [Mr. PLATT] can not intelligently explain this bill and answer the questions that will be asked under an hour and a half. The gentleman from Massachusetts ought to have an hour and a half. No member of the committee would undertake to discuss it under an hour.

Mr. KREIDER. Does the gentleman desire any time to discuss the rule?

Mr. GARRETT. I had a request for time, but there is one statement that ought to be made, if the gentleman will yield me five minutes.

Mr. KREIDER. I yield five minutes to the gentleman from Tennessee.

Mr. GARRETT. Mr. Speaker, inquiry has been made by several gentlemen why the Committee on Rules suggested the amendments to the original resolution as introduced. The resolution that was introduced provided that the time should be controlled by the chairman of the Committee on Banking and Currency and by the ranking minority member, the gentleman from Massachusetts [Mr. PHELAN]. It developed before the Committee on Rules that there was opposition in the Committee on Banking and Currency to the bill. Therefore the Committee on Rules, in accordance with its policy—of course, it intended no sort of reflection on the gentlemen who were to control the time under the original proposition, but in accord with its fixed policy—changed the resolution so as to say it should be controlled by those for and those against. That seems to me to be a fair proposition, and I would suggest that if you want to arrange about the control of time in a different manner you do it by unanimous consent now. Does the gentleman from South Carolina want any time?

Mr. STEVENSON. I would like 10 minutes.

Mr. GARRETT. This has been debated now, and the gentleman from Pennsylvania has control of the time for an hour. Will the gentleman yield 10 minutes to the gentleman from South Carolina?

Mr. KREIDER. I will yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, I desire to call the attention of the committee to the fact that under the provision of time provided the membership of the Banking and Currency Committee on the Democratic side has no representative at all in respect to time. We know that the Chairman of the committee will give us a fair amount of time. I want to ask the gentleman from Illinois [Mr. KING], who is the only member who opposes the bill, whether he expects to insist upon the entire hour and a half, leaving the balance of the time, an hour and a half, to be divided among the others? We would like to see if we could not all be liberal and divide that up ourselves and agree on this report of the Committee on Rules.

Mr. KING. I would say in reply to the gentleman from South Carolina that since the bill has been reported there have been a number of gentlemen who have come to me for time, consuming probably altogether an hour and a half. Of course the gentleman understands full well that this is a big bill and, as the gentleman from Arkansas [Mr. WINGO] has suggested, the time for general debate ought not to be limited to three hours. We ought to have two hours on a side. I do not want to be put in the position of monopolizing time, however, but I am the only member on the committee who has seen fit to oppose this bill, and I am opposing it in good faith, although I may be in error.

Mr. STEVENSON. We understand that. Nobody questions the gentleman's good faith.

Mr. KING. As a matter of fact, it would take the gentleman from South Carolina himself three hours to explain the bill; he could talk intelligently upon it for a longer time than that. I am willing to give some of my time, if I may be permitted to have control of it under the rule, to the gentleman from South Carolina and to several other gentlemen here who have requested time. Would that be all right, if I might have an hour and leave the half hour to be divided among various others who desire to discuss the bill? Would that be satisfactory?

Mr. STEVENSON. I think that would be a fair arrangement. I am sure the gentleman from Illinois is ready to do what is fair. I have no question of his good faith in opposing this measure. I have always found him to act upon the impulses of his heart, and I am satisfied that he is perfectly honest. The bill is an important one, and three hours is certainly a small time in which to debate it. Yet, considering the vast importance of the legislation still to come and the great importance of the measure itself, I am prepared to accede to the proposition to limit it to three hours. There are two conditions confronting us. The first is the exchange condition, the important condition that arises out of the reconstruction period, which is a very important one; and the second is the preparation for the world commerce that the United States should engage in if it proposes to maintain its great place among the nations of the earth.

Mr. Speaker, to give an idea of what institutions of the kind which it is proposed to organize would mean, if we can get them expeditiously, I would say that a man in London or in Liverpool who wants to buy cotton to-day goes to his bank, for instance, and borrows £10,000 sterling. He comes to America or sends his agents here to buy cotton with that money. If he can get the gold and send it over here it would bring him $48,600, but he can not get it. If he has to come over here and draw exchange in pounds, shillings, and pence, as he will have to do, that amount of money will net him in dollars $41,500. If, instead of that, he could go to a bank of the character we propose to establish, or its branch in London, and arrange to put up the same securities there and get his loans in dollars in the home bank in New York, his £10,000 would be worth to him $48,600, and he could buy with that 138,857 pounds of cotton at 35 cents a pound; but if he would have to draw exchange and get only $41,500 for his £10,000, he could buy exactly 20,286 pounds less of cotton. In other words, he loses 40 bales of cotton in the transaction. That is the difference, and it amounts to 6 cents a pound. If we have these institutions so that he could come here and get his money, by putting up the same securities that he puts up in England, he could pay 6 cents a pound more for his cotton than he can under the present arrangement, and on the 11,000,000 bales of cotton in the United States that would mean $330,000,000 to the people of America who market the cotton.

The same thing is true with respect to the wheat market. If he could use the foreign exchange institutions that we propose to build up and could come here and borrow his money and have it in dollars, his money would buy 19,440 bushels of wheat, while if he had to come here and draw exchange he could buy only 16,600 bushels of wheat, fixing the price of the wheat at $2.50 a bushel. In other words, if he could get his money in dollars, he would be able to pay 42 cents more a bushel for wheat and get the same amount of wheat that he gets at $2.50 now, drawing exchange. For that reason the present emergency is one which makes it exceedingly important that these institutions be brought into existence, with all of the possible safeguards thrown around them, in order that the farming interests of the United States,

the producer—and the same thing applies to the manufacturer—may have a market, where he can get the full worth of his property and have the competition of the foreign buyer here to buy the goods and the products which he makes for export. For that reason I am in favor of passing this bill as promptly as due consideration for proper legislation makes it possible. [Applause.]

Mr. KREIDER. Mr. Speaker, I move the adoption of the committee amendment.

The SPEAKER. The Clerk will report the first committee amendment.

Mr. WINGO. Mr. Speaker, is the gentleman not going to allow any more debate on the rule?

Mr. KREIDER. Would the gentleman like to have time? The gentleman from Tennessee [Mr. GARRETT] said that he would like to have some time, but there are three hours of general debate on the bill.

Mr. WINGO. Did he speak about the time under the rule?

Mr. KREIDER. I have not consumed all of the time under the rule, but in order to expedite matters, we might as well adopt the rule and then go ahead with the debate on the bill.

Mr. WINGO. Of course, I naturally wanted as much as five minutes anyway on the bill, outside of the five-minute rule.

Mr. KREIDER. Does the gentleman desire to speak on the amendment or on the bill?

Mr. WINGO. On the rule.

Mr. KREIDER. I would suggest that we adopt the committee amendments, and then I will yield before I move the previous question.

Mr. WINGO. Of course, there is no use for me to talk about it after action is taken.

Mr. KREIDER. Does the gentleman desire to speak on the committee amendments?

Mr. WINGO. I want to speak on the whole proposition involving the rule.

Mr. KREIDER. I yield five minutes to the gentleman from Arkansas.

Mr. WINGO. Mr. Speaker, I am opposed to the committee amendments to the rule. I do not know I shall have anything else to say during the consideration of this bill. I suggested to the chairman of the committee, and he was kind enough to say to me that he would be very glad——

The SPEAKER. The gentleman can discuss the whole subject.

Mr. WINGO. I know that; but you could not discuss this subject in five minutes or three hours. The chairman was very kind, and asked if I wanted some time. I recognized that under the proposition of having three hours that the gentleman from Massachusetts [Mr. PHELAN] is certainly entitled to an hour and a half or an hour, and it would not be possible, so I gladly waived whatever rights I might have. I want to suggest this to the House: That it is unwise to bring in a great measure like this the last day of the week and simply put it through under whip and spur. I measure my words when I say there has not been a single constructive measure equal in importance to this since the passage of the Federal reserve act. It is fraught with great danger and also involves within its terms more possibility of great good than any bill that this House will be called upon to consider during this or next session, in my candid opinion. As the bill came from the Senate I am against it. Not only am I against it because it was loosely drawn so that you could not tell much about it, but I was against it on account of some of its provisions or failure to put certain safeguards in it. I wish I had an hour and a half or two hours to discuss the things which are involved and the possibilities. If the committee amendments are adopted, I shall vote for the bill, but if the committee amendments are not adopted, or if some further amendments are adopted that some gentlemen want, I reserve the right to oppose and vote against the bill. Of course, gentlemen of the House recognize the extraordinary condition that exists in our export trade and export finances. We have got to accept something like this or else we have got to accept the other proposal, and that other proposal is that the foreign Governments guarantee the credits of their merchants and their manufacturers which are to buy raw material in this country, and our Government in turn shall guarantee those credits and our Government issue bonds, or else underwrite the credits. I am against that, and for that reason I realize the necessity of adopting something like this. But I want to warn the House of the danger of it, and to be sure that no amendment shall be put in there which will permit the original proposition to be carried out, and that was not only to control the price of exchanges but to furnish a monopoly to buy the surplus products of this country and dole them out just exactly like the allied purchasing board did during the war. I am against that monopoly in time of peace. I want to build up a competitive system of credits like you have a competitive system in merchandise.

The committee sought to remedy the evil in the bill by putting in a penal clause in one amendment and providing for the restriction of those credits to the business for which they are created—that is, the actual foreign exchange, foreign banking business—and let us keep hands off of trying to control the surplus products, the surplus wheat, and the surplus cotton, and the surplus corn of the United States. That is the reason I suggested that gentlemen can very easily see that this bill is a very important bill, and I regret for one that it is brought in here this late hour upon Saturday afternoon, when there is a bare quorum in the city and less than 75 men upon the floor. It ought to be brought up at the beginning of the week and at least two or three days' general debate allowed, because I predict that even the small number who are here, when they hear the gentleman from New York and others who speak in general debate, they will have questions to ask that will require more than three hours to answer intelligently, and give all of the members of the committee a general outline of the bill before undertaking to consider it under the five-minute rule and finish up the details of the bill. I warn you, gentlemen, it is possible for it to be of great public benefit, but it is also freighted with great danger, and for that reason we ought to consider carefully and deliberately not only the details of the bill but the general framework of the bill. I believe the Committee on Banking and Currency of the House has cured these defects, and if the House will adopt these amendments I shall support the bill; but if it does not, I repeat, I shall not, because it will be too dangerous an institution to build up in this country.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Will the gentleman yield me one minute?

Mr. CARTER. I yield one minute to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I have no doubt but what this bill is very important. I know it is very important, but I do not think the gentleman from Arkansas need be disturbed with regard to it. The provision for general debate is liberal, unusually liberal, and the widest opportunity will be given for discussion and amendment under the five-minute rule—under the rule which has been adopted.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MONDELL. I do.

Mr. WINGO. We had 11 hours on the little camouflaged budget-system bill, and here are three hours' debate allowed on a constructive measure in reference to the foreign export business of the United States.

Mr. MONDELL. Oh, well, we have had a great deal of general debate on important and unimportant bills at one time and another, but it does not follow we need to use time unnecessarily.

Mr. KREIDER. Mr. Speaker, I move the adoption of the committee amendments.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 9, strike out the words "The chairman of the Committee on Banking and Currency" and insert in lieu thereof "those favoring."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 10, strike out "The gentleman from Massachusetts [Mr. PHELAN]" and insert "those opposing the bill."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2472, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2472, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

Mr. WINGO. Mr. Chairman, I ask for the reading of the bill.

Mr. KING. Mr. Chairman——

The CHAIRMAN. The Chair did not understand the gentleman from Arkansas.

Mr. WINGO. I ask for the reading of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved December 23, 1913, known as the Federal reserve act, as amended, be further amended by adding a new section as follows:

"BANKING CORPORATIONS AUTHORIZED TO DO FOREIGN BANKING BUSINESS.

"SEC. 25 (a). Corporations to be organized for the purpose of engaging in international or foreign banking or other financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five.

"Such persons shall enter into articles of association which shall specify in general terms the objects for which the association is formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs.

"Such articles of association shall be signed by all of the persons intending to participate in the organization of the corporation and thereafter shall be forwarded to the Federal Reserve Board and shall be filed and preserved in its office. The persons signing the said articles of association shall, under their hands, make an organization certificate which shall specifically state:

"First. The name assumed by such corporation, which shall be subject to the approval of the Federal Reserve Board.

"Second. The place or places where its operations are to be carried on.

"Third. The place in the United States where its home office is to be located.

"Fourth. The amount of its capital stock and the number of shares into which the same shall be divided.

"Fifth. The names and places of business or residence of the persons executing the certificate and the number of shares to which each has subscribed.

"Sixth. The fact that the certificate is made to enable the persons subscribing the same, and all other persons, firms, companies, and corporations, who or which may thereafter subscribe to or purchase shares of the capital stock of such corporation, to avail themselves of the advantages of this section.

"The persons signing the organization certificate shall duly acknowledge the execution thereof before a judge of some court of record or notary public, who shall certify thereto under the seal of such court or notary, and thereafter the certificate shall be forwarded to the Federal Reserve Board to be filed and preserved in its office. Upon duly making and filing articles of association and an organization certificate, the association shall become and be a body corporate, and as such and in the name designated therein shall have power under such conditions and regulations as the Federal Reserve Board may prescribe to adopt and use a corporate seal, which may be changed at the pleasure of its board of directors; to have succession for a period of 20 years unless sooner dissolved by an act of Congress or unless its franchises become forfeited by some violation of law; to make contracts; to sue and be sued, complain, and defend in any court of law or equity; to elect or appoint directors, all of whom shall be citizens of the United States; and, by its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, require bonds of them, and fix the penalty thereof; dismiss such officers or employees, or any thereof, at pleasure and appoint others to fill their places; to prescribe, by its board of directors, by-laws not inconsistent with law or with the regulations of the Federal Reserve Board regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed.

"Each corporation so organized shall have power, under such rules and regulations as the Federal Reserve Board may prescribe:

"(a) To purchase, sell, discount, and negotiate notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell securities, including the obligations of the United States or of any State thereof; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell, exchange, coin and bullion; to borrow and to lend money on real or personal security; to receive deposits; and generally to exercise such powers as are incidental to the powers conferred by this act or as may be usual, in the determination of the Federal Reserve Board, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the powers specifically granted herein.

"(b) To establish and maintain for the transaction of its business branches or agencies in foreign countries, their dependencies or colonies, and in the dependencies or insular possessions of the United States, at such places as may be approved by the Federal Reserve Board and under such rules and regulations as it may prescribe; and to establish and maintain such additional branches or agencies as the Federal Reserve Board may from time to time authorize even in countries or dependencies not specified in the original organization certificate.

"(c) With the consent of the Federal Reserve Board to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this section, or under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency, or insular possession of the United States, but not transacting business in the United States, except such as in the judgment of the Federal Reserve Board may be incidental to its international or foreign business: *Provided, however,* That no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per cent of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per cent of its capital and surplus may be so invested.

"No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business: *And provided further,* That except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this section until it has been duly authorized by the Federal Reserve Board to commence business as a corporation organized under the provisions of this section. No corporation organized under this act shall engage in commerce and trade, or deal in commodities or foodstuff, or as a condition of extending credit dictate or attempt to control the buyer or seller in the disposition of commodities, or interfere with the freedom of competition in the sale of commodities.

"No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per cent on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its banking operations, until the whole of the capital stock shall be paid in. The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote, and may be reduced in like manner, provided that in no event shall it be less than $2,000,000.

"A majority of the shares of the capital stock of any such corporation shall be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies the controlling interest in which is owned by citizens of the United States. The provisions of section 8 of the act approved October 15, 1914, entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' as amended, shall be construed to apply to the directors, other officers, agents, or employees of corporations organized under the provisions of this section.

"Shareholders in any corporation organized under the provisions of this section shall be liable for the contracts, debts, and engagements of such corporations to the extent of double the amount of their stock holdings. No such corporation shall become a member of any Federal reserve bank.

"Should any corporation organized hereunder violate or fail to comply with any of the provisions of the laws of the United States all of its rights, privileges, and franchises derived herefrom may thereby be forfeited. Before any such corporation shall be declared dissolved, or its rights, privileges, and franchises forfeited, any noncompliance with, or violation of such laws shall, however, be determined and adjudged by a court of the United States of competent jurisdiction, in a suit brought for that purpose in the district or territory in which the home office of such corporation is located, which suit shall be brought by the United States at the instance of the Federal Reserve Board or the Attorney General. Upon adjudication of such noncompliance or violation, each director and officer who participated in, or assented to, the illegal act or acts, shall be liable in his personal or individual capacity for all damages which the said corporation shall have sustained in consequence thereof. No dissolution shall take away or impair any remedy against the corporation, its stockholders, or officers for any liability or penalty previously incurred.

"Any such corporation may go into voluntary liquidation and be closed by a vote of its shareholders owning two-thirds of its stock.

"Whenever the Federal Reserve Board shall become satisfied of the insolvency of any such corporation, it may appoint a receiver, who shall take possession of all of the property and assets of the corporation and exercise the same rights, privileges, powers, and authority with respect thereto as are now exercised by receivers of national banks appointed by the Comptroller of the Currency of the United States: *Provided, however,* That the assets of the corporation subject to the laws of other countries or jurisdictions shall be dealt with in accordance with the terms of such laws.

"Every corporation organized under the provisions of this section shall hold a meeting of its stockholders annually upon a date fixed in its by-laws, such meeting to be held at its home office in the United States. Every such corporation shall keep at its home office books containing the names of all stockholders thereof, and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the Federal Reserve Board. Every such corporation shall make reports to the Federal Reserve Board at such times and in such form as it may require; and shall be subject to examinations whenever deemed necessary by the Federal Reserve Board by examiners appointed by the Federal Reserve Board, the cost of such examinations, including the compensation of the examiners, to be fixed by the Federal Reserve Board and to be paid by the corporation examined."

Every banking corporation authorized to do foreign banking business under the provisions of this section shall, for the purpose of taxation, make reports to the Federal Reserve Board and the Commissioner of Internal Revenue at such times and in such form as they may require, including a true report of the names of the actual stockholders of such corporations, and the amount of stock held by each, and all such corporations organized and transacting business under the provisions of this section shall be taxed the same as member banks of the Federal Reserve System.

During the reading of the bill the following occurred:

Mr. PLATT. Mr. Chairman, I understood the gentleman from Arkansas to ask that the bill be read for amendment.

Mr. WINGO. I insisted on the regular procedure being followed.

The CHAIRMAN. The first reading is in full unless the reading is dispensed with.

Mr. PLATT. I thought the gentleman wanted to cut off general debate and have the bill read for amendment.

Mr. WINGO. The gentleman was not listening to what I said.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Also the following committee amendments were read:

Page 1, line 9, after the word "engaging," insert the word "principally."

Line 10, after the word "other," insert the words "international or foreign."

Page 2, line 6, after the word "required," insert "by the Secretary of the Treasury."

In line 24, after the word "Board," in line 23, insert "but shall include the word 'Federal,' and no other financial corporation hereafter organized under any law other than an act of Congress shall use such word in its name under a penalty of $10 for each day that such word is used in violation of this provision."

Page 4, line 1 after the word "certificate," insert "and after the Federal Reserve Board has approved the same and issued a permit to begin business."

Lines 5 and 6, strike out the words "under such conditions and regulations as the Federal Reserve Board may prescribe."

In line 9, after the word "dissolved," insert "by the act of the shareholders owning two-thirds of the stock."

On page 5, line 5, after the word "negotiate," in line 4, insert the words "with or without its indorsement or guaranty."

Line 8, after the word "sell," insert the words "with or without its indorsement or guaranty."

Line 10, page 5, after the word "thereof," insert the words "but not including shares of stock in any corporation except as herein provided."

Line 14, after the word "sell," strike out "exchage, coin, and bullion" and insert the words "coin, bullion, and exchange."

Line 16, page 5, strike out the words "on real or personal security" and insert "to issue debentures, bonds, and promissory notes under such limitations as the Federal Reserve Board may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding ten times its capital stock and surplus; to receive deposits outside of the United States and to receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States."

Page 6, line 7, after the word "herein," insert "whenever a corporation organized under this section receives deposits in the United States it shall carry reserves in such amounts as the Federal Reserve Board may prescribe, but in no event less than 5 per cent of its deposits."

Line 13, after the word "business," insert the words "agencies in the United States and."

Line 18, page 6, after the word "prescribe," strike out the following words: "and to establish and maintain such additional branches or agencies as the Federal Reserve Board may from time to time authorize even in," and insert in line 20 the word "including."

Page 7, line 3, after the word "States," insert the words: "engaged principally in the business of banking or in any other financial operation of the kinds authorized by this section."

Page 7, line 9, after the word "business," insert: *"Provided, however,"* and after the word "That" insert the words "except with the approval of the Federal Reserve Board."

Page 7, line 12, after the words "surplus," strike out the words: "except in a corporation engaged in the business of banking when 15 per cent of its capital and surplus may be so invested," and insert: *"Provided further,* That no corporation organized hereunder shall purchase, own, or hold stock or certificates of ownership in any other corporation organized hereunder or under the laws of any State which is in substantial competition therewith, or which holds stock or certificates or ownership in corporations which are in substantial competition with the purchasing corporation."

Mr. PLATT. Mr. Chairman, I want to ask unanimous consent that the further reading of the amendments be dispensed with.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] asks unanimous consent that the further reading of the committee amendments be dispensed with. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, it is true that there are only about 20 or 25 men present, but even the ones here present ought to know something about the bill. I think doubtless this important measure will be considered and agreed upon and passed by about 25 men, and those men, outside of the committee, ought to know what is in the bill. Therefore I object.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

Insert, on line 21, page 7: "Nothing contained herein shall prevent corporations organized hereunder from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations organized under this section shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the Federal Reserve Board."

In line 14, page 8, strike out:

"No corporation organized under this act shall engage in commerce and trade, or deal in commodities or foodstuff, or as a condition of extending credit, dictate or attempt to control the buyer or seller in the disposition of commodities, or interfere with the freedom of competition in the sale of commodities."

And insert:

"No corporation organized under this section shall engage in commerce or trade in commodities except as specifically provided in this section, nor shall they control or fix or attempt to control or fix the price of any such commodities. The charter of any corporation violating this provision shall be subject to forfeiture in the manner hereinafter provided in this section. It shall be unlawful for any director, officer, agent, or employee of any such corporation to use or to conspire to use the credit, the funds, or the power of the corporation to fix or control the price of any such commodities, and any such person violating this provision shall be liable to a fine not exceeding $5,000 or imprisonment not exceeding one year, or both, in the discretion of the court."

Mr. PLATT. Mr. Chairman, I want to move, if it is in order, that the further reading of the amendments be dispensed with.

The CHAIRMAN. The Chair thinks the gentleman can not take such action except by unanimous consent.

Mr. PLATT. I ask unanimous consent again.

Mr. KING. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. PLATT. The amendments will have to be read again.

The CHAIRMAN. The Clerk will proceed with the reading of the amendments.

The Clerk read as follows:

In line 16, after the word "its," strike out the word "banking" and insert the word "business"; in line 22, after the word "vote," insert "but any such increase of capital shall be fully paid in within 90 days after such approval"; on page 10, line 1, after the figures "$2,000,000," insert "No corporation, except as herein provided, shall, during the time it shall continue its operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. Any national banking association may invest in the stock of any corporation organized under the provisions of this section, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this section and in section 25 of the Federal reserve act as amended shall not exceed 10 per cent of the subscribing bank's capital and surplus"; in line 13, after the word "shall," insert "at all times"; in line 22, after the word "amended," insert "by the acts of May 15, 1916, and September 7, 1916"; in line 25 insert, after the word "section," *"Provided, however,* That nothing herein contained shall (1) prohibit any director or other officer, agent, or employee of any member bank who has procured the approval of the Federal Reserve Board from serving at the same time as a director or other officer, agent, or employee of any corporation organized under the provisions of this section in whose capital stock such member bank shall have invested; or (2) prohibit any director or other officer, agent, or employee of any corporation organized under the provisions of this section, who has procured the approval of the Federal Reserve Board, from serving at the same time as a director or other officer, agent, or employee of any other corporation in whose capital stock such first-mentioned corporation shall have invested under the provisions of this section.

"No member of the Federal Reserve Board shall be an officer or director of any corporation organized under the provisions of this section, or of any corporation engaged in similar business organized under the laws of any State, nor hold stock in any such corporation, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement."

On page 11, lines 24 and 25, strike out the words "contracts, debts, and engagements of such corporations to the extent of."

On page 12, line 1, strike out "double the amount of their stockholdings" and insert "amount of their unpaid stock subscriptions."

In line 4, page 12, after the word "hereunder," insert "violate or."

In line 5, after the words "provisions of," insert the words "the laws of the United States," and insert "this section."

On page 13, line 21, after the word "to," strike out the words "examinations whenever" and insert "examination once a year and such other times as may be."

On page 14, line 2, after the word "examined," insert: "The directors of any corporation organized under the provisions of this section may, semiannually, declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry one-tenth of its net profits of the preceding half year to its surplus fund until the same shall amount to 20 per cent of its capital stock."

In line 10 strike out:

"Every banking corporation authorized to do foreign banking business under the provisions of this section shall, for the purpose of taxation, make reports to the Federal Reserve Board and the Commissioner of Internal Revenue at such times and in such form as they may require, including a true report of the names of the actual stockholders of such corporations; and the amount of stock held by each and all such corporations organized and transacting business under the provisions of this section shall be taxed the same as member banks of the Federal Reserve System."

And insert:

"Any corporation organized under the provisions of this section shall be subject to tax by the State within which its home office is located in the same manner and to the same extent as other corporations organized under the laws of that State which are transacting a similar character of business. The shares of stock in such corporation shall also be subject to tax as the personal property of the owners or holders thereof in the same manner and to the same extent as the shares of stock in similar State corporations: *Provided, however,* That such shares owned by nonresidents of any State shall be taxed only in the city or town in which the corporation's home office is located, and not elsewhere.

"Any corporation organized under the provisions of this section may at any time within the two years next previous to the date of the expiration of its corporate existence, by a vote of the shareholders owning two-thirds of its stock, apply to the Federal Reserve Board for its approval to extend the period of its corporate existence for a term of not more than 20 years, and upon certified approval of the Federal Reserve Board such corporation shall have its corporate existence for such extended period unless sooner dissolved by the act of the shareholders owning two-thirds of its stock, or by an act of Congress, or unless its franchise becomes forfeited by some violation of law.

"Any bank or banking institution incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a corporation under the provisions of this section may, by the vote of the shareholders owning not less than two-thirds of the capital stock of such bank or banking association, with the approval of the Federal Reserve Board, be converted into a Federal corporation of the kind authorized by this section with any name approved by the Federal Reserve Board: *Provided, however,* That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of at least two-thirds of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a Federal corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a Federal corporation. The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed in accordance with the provisions of this section. When the Federal Reserve Board has given to such corporation a certificate that the provisions of this section have been complied with, such corporation and all its stockholders, officers, and employees shall have the same powers and privileges and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this section for corporations originally organized hereunder.

"Every officer, director, clerk, employee, or agent of any corporation organized under this section who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, evidences of indebtedness or assets of any character of such corporation; or who,

without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of such corporation with intent, in either case, to injure or defraud such corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of such corporation, the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any such corporation and every clerk or employee of such receiver who shall embezzle, abstract, or willfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his possession or under his control in the execution of his trust or the performance of the duties of his employment; and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver; and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation organized under this section, or receiver or clerk or employee of such receiver as aforesaid in any violation of this section shall upon conviction thereof be imprisoned for not less than 2 years nor more than 10 years, and may also be fined not more than $5,000, in the discretion of the court."

The CHAIRMAN. The gentleman from New York [Mr. PLATT], the chairman of the committee, is recognized for 1 hour and 30 minutes.

Mr. KING. Mr. Chairman, I desire to make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. WINGO. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Arkansas moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The committee refuses to rise.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The Chair having stated that "evidently there is no quorum" here, I take it that the committee can not do anything except to get a quorum or rise.

Mr. PLATT. Mr. Chairman, I ask for tellers.

Mr. BLANTON. A point of order, Mr. Chairman. The Chair has stated that we are without a quorum. I submit that you can not ask for tellers under the rules of the House and the rules governing the committee until you get a quorum.

Mr. MONDELL. Mr. Chairman, I demand the regular order. The regular order is the calling of the roll.

The CHAIRMAN. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Doughton	Howard	Mead
Andrews, Md.	Drane	Hulings	Merritt
Anthony	Dyer	Hull, Iowa	Miller
Ashbrook	Eagan	Husted	Minahan, N. J.
Babka	Eagle	Hutchinson	Montague
Bacharach	Ellsworth	Ireland	Moon
Barkley	Emerson	Jefferis	Mooney
Bell	Esch	Johnson, Ky.	Moore, Ohio
Benson	Fairfield	Johnson, S. Dak.	Moore, Pa.
Blackmon	Ferris	Johnston, N. Y.	Moore, Va.
Bland, Ind.	Fess	Jones, Pa.	Moores, Ind.
Boies	Fields	Kearns	Morin
Booher	Fisher	Kelley, Mich.	Mudd
Bowers	Flood	Kendall	Murphy
Briggs	Fordney	Kennedy, Iowa	Newton, Minn.
Britten	Frear	Kennedy, R. I.	Newton, Mo.
Brooks, Pa.	Freeman	Kettner	Nicholls, S. C.
Browning	Fuller, Mass.	Kiess	Nichols, Mich.
Brumbaugh	Gallivan	Kincheloe	Nolan
Burke	Gandy	Kinkaid	O'Connell
Butler	Ganly	Kreider	Ogden
Byrnes, S. C.	Gard	LaGuardia	Oldfield
Caldwell	Garland	Langley	Olney
Campbell, Kans.	Garner	Lazaro	Paige
Cannon	Garrett	Lea, Calif.	Parker
Cantrill	Goldfogle	Lehlbach	Pell
Carew	Good	Lesher	Peters
Carter	Goodall	Little	Purnell
Casey	Goodykoontz	Luce	Radcliffe
Clark, Fla.	Gould	Lufkin	Rainey, H. T.
Clark, Mo.	Graham, Pa.	McClintic	Rainey, J. W.
Cleary	Graham, Ill.	McCulloch	Ramsey
Cole	Greene, Mass.	McDuffie	Rayburn
Cooper	Greene, Vt.	McGlennon	Reber
Copley	Griest	McKenzie	Reed, N. Y.
Costello	Hamill	McKeown	Riordan
Crago	Hamilton	McKinley	Robsion, Ky.
Crowther	Hardy, Tex.	McKinley	Rodenberg
Cullen	Harrison	McLane	Rogers
Dallinger	Haskell	McLaughlin, Nebr.	Rouse
Davey	Hawley	MacCrate	Rowan
Dempsey	Heflin	Magee	Rucker
Dewalt	Hersman	Maher	Sanders, Ind.
Dickinson, Iowa	Hicks	Mann, Ill.	Sanders, La.
Donovan	Hill	Martin	Sanders, N. Y.
Dooling	Holland	Mason	Sanford
Doremus	Houghton	Mays	Saunders, Va.
Scott	Snell	Thomas	Webster
Scully	Snyder	Tincher	Welling
Sells	Steele	Tinkham	Whaley
Sherwood	Stephens, Miss.	Treadway	Wilson, Ill.
Shreve	Stiness	Vare	Wilson, Pa.
Siegel	Sullivan	Venable	Winslow
Sims	Sumners, Tex.	Voigt	Wise
Sinclair	Sweet	Walsh	Woods, Va.
Sisson	Swope	Walters	Woodyard
Slemp	Tague	Ward	Yates
Smith, Ill.	Taylor, Ark.	Watson, Pa.	Zihlman
Smith, N. Y.	Taylor, Colo.	Webb	

The committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill S. 2472, found itself without a quorum, and he caused the roll to be called, whereupon 199 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. LONERGAN, by unanimous consent, was given leave to extend his remarks in the RECORD on the bill.

Mr. PLATT. Mr. Chairman, the bill before us might afford excellent opportunity for an elaborate address on foreign trade and its value to the people of this great producing Nation if there were time for it, but the thing to bear in mind is that this bill, S. 2472, is primarily a bill to bring order out of chaos, to provide a sound, substantial, national system of financing foreign trade. It is a new national banking act for banks specializing in foreign trade, and I think will come to be regarded some day as a very important piece of constructive legislation, not unworthy to be mentioned along with the national banking act itself or the Federal reserve act, or the Federal farm-loan act.

Banking in America, as everybody knows, was carried on long before the national banking act was passed and also long before any of the States had general acts for the incorporation of banks, but without regulation, often by persons who had no real grasp upon the fundamental principles of sound banking and sometimes by reckless and unscrupulous speculators. The development of the national banking system brought order out of chaos to a considerable extent, and the development of the Federal Reserve System completed the process, unifying and binding together the members of the system throughout the length and breadth of our great country.

The financing of our foreign trade, however, is something that the comparatively small, individual, independent banks, scattered all over the country, could not undertake except to a very limited degree. It was left mostly to the great London banking houses and to a few strong private banking houses in New York, firms like J. P. Morgan & Co.; Kuhn, Loeb & Co.; Lazard Freres; Heidelbach, Ickelheimer & Co., and some firms with long German names. These had foreign branches, subsidiaries, and connections through which much of their foreign business was done.

The Federal reserve act, in section 25, first gave our national banks a chance to compete with something approaching even terms by providing that banks with a capital and surplus of a million dollars or more might establish foreign branches. When a bank establishes a branch, however, it risks all of its capital in that branch—the branch is a part of itself—and very few banks felt strong enough to do this.

The National City Bank of New York, which is the greatest banking institution in the country, with a combined capital, surplus, and undivided profits of something like $87,000,000, and deposits of about three-quarters of a billion dollars, was the only national bank to go into foreign-branch business extensively. With its subsidiary, the International Banking Corporation, it now has more than 70 branches all over the world, many of them in Central and South America. It renders good service, but it was felt that the business ought not to be the monopoly of one institution, so the amendment of September 7, 1916, was passed giving banks with a capital and surplus of a million or more an opportunity to cooperate in establishing foreign branches, in securing control of foreign banks, or in establishing banking institutions principally engaged in financing foreign trade.

Eight foreign trade banks have been established with some help from national-bank subscriptions and are operating under State charters and under regulations of the Federal Reserve Board, to which they are required to agree as a condition precedent to receiving national-bank subscriptions. Their names will be found in the report accompanying this bill. Two of them were incorporated under the laws of Connecticut, four under the laws of New York, and two under the laws of Massachusetts. Some of these State charters give very broad powers, much broader than we have given in this bill, and with few restrictions.

These institutions, which are doing a banking business, though not a deposit business, may obtain Federal charters under this act if they so desire, and it is hoped that most of them will.

But there is another class of institutions which the bill is perhaps more especially designed to cover. Some of them are already in existence or beginning to organize, and to them the term "export finance corporation" has been given. An amendment to the Federal reserve act approved September 17, 1919, gives national banks the right to subscribe not to exceed 5 per cent of their capital and surplus to these institutions. They are expected to do a long-time credit business, taking such securities as bonds and mortgages and issuing their own debentures against them. It is very desirable that these institutions should be national, under Federal charters, and under such control of the Federal Reserve Board as can not be fully obtained by agreement if they should be compelled to operate under State charters. It seems to me that little argument should be needed to convince anyone of the wisdom of this course.

Now, it is not necessary for me to go into an elaborate discussion of the advantages of foreign trade. Everybody who has given the matter any consideration knows that it is absolutely necessary to our own prosperity that we should hold as much of it as we can. The record export figures of July, almost a billion dollars—$918,300,000—we can not hope to maintain, nor is it desirable that we should. The balance of trade in our favor amounted to $4,129,200,000 for the fiscal year ending June 30 last. Such one-sided conditions can not continue indefinitely, and are due to the dire necessities of Europe during the last part of the war and the first months of reconstruction. Already there has been a considerable decrease in exports and a considerable increase in imports, but we do not want to have our exports to Europe slump disastrously to ourselves and to our customers if we can devise a good means for payment. They have good assets and securities, and under the system proposed we are to take these securities, under approval of the Federal Reserve Board, as collateral for payment.

Everybody who glances at the financial columns of the newspapers knows of the unprecedented decline in foreign exchange, due to the fact that Europe owes to the United States vast sums of money and has not the gold or the goods to pay immediately or in the near future. Sterling exchange in August went down to 4.12½, par being 4.8665. On yesterday, according to this morning's papers, demand sterling was 4.16½. French exchange was 8.83 and Italian 10.82. At this rate, in order to make a payment in dollars in the United States, an Italian would have to pay more than twice as many lire as in normal times; or, in other words, an American dollar is worth more than two dollars in Italian currency. Such conditions are a tremendous hindrance to exports, and if continued long would put a stop to most of our European export trade, while greatly encouraging imports.

We do not claim that this bill will work miracles, but it will give an opportunity for American exporters, manufacturers, farmers, cattle raisers, and bankers to make the best use of their capital under Federal supervision in extending credits to our customers, so as to hold as much as can be held of our trade.

The only alternative is to continue the subsidizing of exports through direct Government loans or credits, which all will agree, I think, should not be continued.

I may add, Mr. Chairman, that we have greatly amended this bill, and I think have much improved it. As I have said, it is practically a new national banking act for a new class of financial institutions. We have put in a good many restrictions taken from or suggested by the national bank act, or from the Federal reserve act. We have provided that there shall be no monopolies of credit or commodities, and we have safeguarded the investors. There is a provision that debentures shall not be issued for more than ten times the amount of the capital; that dividends shall not be paid until one-tenth of the earnings of the company is carried to the surplus up to the time that the surplus equals 20 per cent of the capital.

These things may not all be necessary, because all the way through the bill it is tied up with the Federal Reserve Board. Nearly everything authorized is on the approval of the Federal Reserve Board. These export financial corporations have to begin a business new to this country, and from experience build up, and it was necessary that the bill should be drawn with broad general powers given to them. I am sure that we all have confidence in the Federal Reserve Board and believe that it will handle things right, but it seemed best to the committee to provide plainly certain restrictions and safeguards.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. PLATT. I will.

Mr. YOUNG of North Dakota. What provisions are there in the bill for inspection?

Mr. PLATT. Very complete provisions for inspection and examination. Examinations are to be not less often than once a year. The bill as originally written provided for inspection, but we put in a time——

Mr. TILSON. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. TILSON. Along the line just mentioned by the gentleman from North Dakota, who is to do the inspecting?

Mr. PLATT. The Federal Reserve Board has examiners——

Mr. TILSON. The same personnel would be on this examination that is on the Federal Reserve Board; that is, the Federal reserve bank will do this inspecting.

Mr. PLATT. Probably, although it may develop special examiners. The Federal Board has examiners to examine institutions under State charters, and some of them have grown to be rather large. The Mercantile Bank of the Americas began with 6 men in their employ and now has, I am told, 2,000, with branches and subsidiaries in several different countries. It is not as big as the National City Bank of New York, but it is considerable of an institution.

Mr. TILSON. What provision is there for paying the inspectors? Is it the same as under the Federal reserve law?

Mr. PLATT. They assess the cost of inspection on the banks themselves.

Mr. HAUGEN. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. HAUGEN. Does the act authorize the establishment of branch banks in the United States?

Mr. PLATT. Not in the United States.

Mr. HAUGEN. What is meant by this language in line 12, page 6?

To establish and maintain for the transaction of its business agencies in the United States and branches or agencies in foreign countries.

Mr. PLATT. Yes; agencies in the United States; but agencies are not the same thing as branches.

Mr. HAUGEN. Would not this authorize the establishment of branch banks—would you adopt the Canadian system?

Mr. PLATT. Oh, no. But these are not banks of deposit. They will not compete with our National and State banks. I am not quite sure that we ought not to allow them to have branches in the United States, but we have not. The Mercantile Bank of the Americas, which I have already mentioned, has a branch in New Orleans. They could perhaps do business better through branches than through agencies.

Mr. HAUGEN. But the gentleman thinks that under this bill branch banks could not be established in the United State

Mr. PLATT. No; they are allowed branches in foreign countries.

Mr. HAUGEN. Then this does not authorize branch banks here?

Mr. PLATT. It does not in the United States, but does, as I say, in other countries. The gentleman must remember, too, that these institutions are not banks in the ordinary sense.

Mr. DUNBAR. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. DUNBAR. I wish the gentleman would illustrate in practice just how this financial institution would conduct its operations. We are told that £10,000 sterling in American gold is worth $48,600, but under the present rate of exchange it is only worth in the United States, in round numbers, $41,000. In other words, a man will get $7,000 in trade less for his credit on exchange in the United States than if he were in England. How does this financial institution propose to operate?

Mr. PLATT. Does the gentleman mean how these institutions propose to remedy that situation?

Mr. DUNBAR. Yes.

Mr. PLATT. Of course, the gentleman understands why that situation occurs.

Mr. DUNBAR. I understand why it occurs.

Mr. PLATT. It is because England owes us a tremendous amount of money, and it is impossible to buy bills in England from men who owe money in the United States sufficient to offset money drawn in the United States against English banks, on account of goods exported from the United States, there being so much more exported from the United States all of the time, so much more going out to England and other countries. I do not think this bill will wholly remedy that situation. I do not think any power on earth can do that. What I expect this bill to do is to furnish an orderly, well-regulated, carefully supervised system which will provide for taking in payment for our goods such collateral as foreign nations may have, that is good

That is to say, collateral for payment in the future, perhaps bonds and perhaps mortgages. For instance, a manufacturing company may send over a certain amount of machinery to a foreign factory or a railroad, and take its bonds in payment, indirectly through these export finance institutions.

The CHAIRMAN. The gentleman from New York has used 15 minutes.

Mr. DUNBAR. Mr. Chairman, I would like to ask the gentleman another question. Will the gentleman yield?

Mr. PLATT. Very well. That is only one of the operations it is expected to do.

Mr. DUNBAR. If a cotton man were to sell cotton to an English dealer to the extent of 10,000 pounds sterling, he would receive in all likelihood foreign securities in payment for that cotton.

Mr. PLATT. Oh, no. That is just exactly why we are putting a banking institution in between. He might have to, if he did it directly. Such big concerns as the Baldwin Locomotive Co., for instance, can take the bonds and finance them over here to a certain extent, but the average cotton grower, or the average small manufacturer can not do that, and the bank comes in between. The export bank takes these foreign securities and either sells them directly, or perhaps issues its debentures, and then gives the cotton grower the money.

Mr. DUNBAR. The cotton grower sells the cotton to the value of £10,000, and from whom does he get his money?

Mr. PLATT. From the bank to be established under this bill.

Mr. DUNBAR. Then what does the bank get?

Mr. PLATT. Long-term credit securities of some kind or other from the other side of the ocean.

Mr. DUNBAR. The bank takes securities from the purchaser?

Mr. PLATT. Yes; directly or indirectly.

Mr. DUNBAR. And who is to regulate, who is to say that these securities are valuable—the directors of the institution?

Mr. PLATT. In the first place, the bankers who handle that sort of security are pretty wise men themselves, and in the second place, the Federal Reserve Board has to approve the securities.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HAUGEN. Under the bill, a reserve of 5 per cent is required, and on page 5 I find that it may issue promissory notes to the extent of ten times its capital and surplus. Does the gentleman consider that conservative banking?

Mr. PLATT. Oh, yes; because these are not deposit banks. They are not to take deposits at all, excepting as incidental to their foreign trade.

Mr. HAUGEN. Any bank that issues a promissory note for ten times the capital stock would not be considered conservative.

Mr. PLATT. The Federal farm-loan banks issue bonds to the extent of twenty times their capital stock.

Mr. HAUGEN. But they take real estate security.

Mr. PLATT. That is not always as good as some other securities.

Mr. HAUGEN. Real estate security has been stricken from the bill.

Mr. PLATT. Yes; we struck out the specification "on real or personal security."

Mr. HAUGEN. Cats and dogs, or anything else.

Mr. PLATT. The fact that that is stricken out does not mean that they can not take real estate security. They require security.

Mr. HAUGEN. Ten times the amount of the capital stock and surplus is a large amount. With $100,000 of capital the bank may then issue a promissory note for a million dollars.

Mr. PLATT. That is, of course, the extreme limit. There was no limit originally. We have said the Federal Reserve Board should fix the limit, but not to exceed this. The Federal farm-loan banks issue securities up to twenty times their capital, and some of these banks already in existence, I think, take acceptances to something like twelve times their capital.

Mr. HAUGEN. Would the gentleman accept an amendment providing specifically that no branch banks shall be permitted under this act?

Mr. PLATT. I could not accept an amendment of that kind, because there is no authorization for branch banks in there. We have provided that branches shall only be established in foreign countries, and I do not see any reason to put anything else in.

Mr. HAUGEN. But the bill provides for agencies in the United States.

Mr. PLATT. If the gentleman is going to have people in Iowa properly served by these banks, they would want an agency there.

Mr. HAUGEN. But we do not want any branch in Iowa, as they have in Canada.

Mr. PLATT. That is not a branch, and these are not banks. If the gentleman does not want his people properly served by a local agency they would have to go to New York every time they did business. The gentleman might strike that out, but that is exactly the effect of it. These financial institutions either are to have agencies or else his people will have to go to Wall Street every time they do business with them.

Mr. HAUGEN. They can appoint agents without providing it in the law. I see no necessity for this unless it means branch banks.

Mr. PLATT. It does not mean branch banks. It says agencies.

Mr. WINGO. Mr. Chairman, if the gentleman will permit, I would like to ask the gentleman from Iowa how they would do a thing unless specifically authorized by the act giving them the charter?

Mr. HAUGEN. But you do not have to provide in the charter for appointing an agent in any State or Territory; it is not necessary to state that.

Mr. PLATT. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. Does the gentleman from New York desire to use any time?

Mr. PLATT. How much time did I use?

The CHAIRMAN. Twenty minutes.

Mr. WINGO. Let me make a suggestion to the gentleman, if the gentleman from New York will indulge me.

Mr. PLATT. I reserve the remainder of my time.

Mr. WINGO. If the gentleman will give me his attention just a moment, there are reasons which the chairman of the committee recognized why a great many Members have already left the House, and it is 4 o'clock, so will the gentleman permit me to suggest that the gentleman move that the committee rise? Has the gentleman another gentleman to whom he desires to yield?

Mr. PLATT. Mr. Chairman, a parliamentary inquiry. As I understand, the Chairman has charge of the time; that I do not have charge of the hour and a half of time?

The CHAIRMAN. It is only by courtesy that that arrangement has been made by the Chair, which the Chair will carry out.

Mr. PLATT. I will reserve the remainder of my time. I think the opposition ought to open up at least to-night.

Mr. WINGO. I think the gentleman from Illinois [Mr. KING] on the committee ought to control the opposing time. And while I am as much opposed to the Senate bill as he is, yet with the House committee amendments I am in favor of the bill, and I understand the gentleman from Illinois is opposed to it even with the amendments. I think the gentleman from Illinois would be entitled to control the opposition time.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. WINGO. I was going to suggest to the gentleman from New York that——

Mr. PLATT. I yield 15 minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. Mr. Chairman and gentlemen of the committee, the pending bill, Senate bill 2472, is a bill to amend the banking act, approved September 23, 1913, known as the Federal reserve act, by inserting a new section to be known as section 25 (a). This bill has had lengthy hearings in the House Committee on Banking and Currency, and has been very thoroughly worked over by both the subcommittee and the general Committee on Banking and Currency. Indeed, the bill as passed by the Senate September 9, 1919, has been so amended by the House committee that it is now virtually a redrafted bill that is presented to the House for its consideration and approval. These various changes and amendments I believe have made for a decided improvement in the bill, and for the safeguarding, in a large way, the interest and welfare of our domestic as well as our foreign and international interests, industrially, economically, and commercially.

Mr. Chairman, I fully agree with the preceding speakers that the bill before us is a very important measure and should have our most serious consideration, and I wish to say at the very outset, Mr. Chairman, that unless the committee amendments are favorably reported upon I shall be compelled to vote against the measure.

It is now generally admitted that one of the best and far-reaching pieces of legislation placed on the statute books of America in the interest of sound banking and improved commerce was the so-called Federal reserve act. [Applause.] During the awful strain of the World War it proved a real bulwark of strength and furnished sufficient elasticity to our currency and credits to enable us to finance with safety and ease our tre-

mendous war expenditures and to aid in a large way the needs of our allies across the sea, to whom we have extended a credit of approximately $10,000,000,000. Indeed, our great Federal Reserve Bank System made it possible for us to keep the channels of commerce and industry free and open and to finance our enormous financial obligations, and there is now no question that the Federal Reserve Banking System became a determining factor in winning speedily a glorious victory in the great World War. Without this great financial bulwark a panic in our financial system would probably have been inevitable during this awful strain and upheaval, but with the system under the guidance of a sane and efficient Federal Reserve Board we believe that panics are a thing of the past. But it is evident that the Federal reserve act has to do with domestic banking business largely, if not entirely, and has practically no general provision for successful foreign banking, particularly in the line of long-time credits, which under the present condition of the world is absolutely essential to our foreign export trade.

During the past year, as a direct consequence of the Great War, the foreign exchange and the international trade have been in a very demoralized condition, and we need immediately legislation to help stabilize our international exchange and to facilitate our growing foreign trade. In the hearings we observe, from a statement by Senator OWEN, that the foreign exchange rates have been so demoralized that the American dollar has risen as it relates to the British pound sterling until it is worth about $1.12; in France to $1.33; and in Italy to somewhere about $1.70. This condition is even worse in Germany, where the exchange rate August 27 was 5 cents, or a discount from mint par of about 79 per cent. It is easy to see that with such an exchange situation existing our foreign trade is being materially impaired, and we find from authentic sources that France and England are already heavy buyers in the markets of Germany because of the exchange rates which exist there—money going much farther in the markets of Germany than it does in our markets in the purchase of manufactured articles and necessities of life.

The position of our farmers, manufacturers, merchants, and labor is indeed in a very serious situation. We must facilitate production in order to keep the wheels of industry going. Our foreign trade must be maintained. Our export of surplus goods must be facilitated to the extent that our manufacturers, merchants, farmers, and cattle growers can find a ready market for their products and thus help capital, labor, farmer, and manufacturer to increase our production and make possible a ready market in foreign countries for our surplus stuff. That our foreign exchange market is in a bad condition is easily seen from the following statement under date of August 27:

	Unit value.	Exchange rate July 30.	Exchange rate Aug. 27.	Discount from mint par.
				Per cent.
Germany	$0.2382	$0.06250	$0.0500	79.0
Italy	.1930	.1168	.1043	45.9
Belgium	.1930	.1345	.1199	37.8
France	.1930	.1370	.1250	35.2
England	4.8665	4.3650	4.2400	12.8
Switzerland	.1930	.1785	.1766	8.5
Holland	.4020	.3775	.3712	7.6
Denmark	.2680	.2225	.2175	18.8
Norway	.2680	.2375	.2310	13.8
Sweden	.2680	.2475	.2440	9.0
Spain	.1930	.1930	.1910	1.0
Argentina	.9648	.9615	.9625	¼
Japan	.4885	.5089	.5100	[1]4.2

[1] Premium.

This, then, proves to us this very important fact, that there must be something done to stabilize the foreign exchange market of to-day and to facilitate proper extension of credits if we are to be enabled to carry out our industrial affairs in a way that shall be to the best interest of our great and growing Nation.

In spite of this situation foreign buyers continue to draw heavily upon the surplus products of America, and immense prosperity must come to this Nation ultimately as a consequence of a new wealth represented by foreign trade. The Government records show that for the fiscal year ending June 30, 1919, the American people exported $4,129,000,000 worth more of merchandise than they imported. It is said that never before has the world been so heavily indebted to us on foreign trade. It is further stated that the foreign commerce of this country, meaning both imports and exports, for the last fiscal year was the largest ever recorded in any 12-month period, being the enormous total of $10,320,617,889. These figures prove, without any question, that the United States has become, temporarily at least, the great supply for foreign nations, and our best economists and financial experts agree that if we make the best use of our foreign trade opportunities as now presented the United States will exert in the coming decades a commanding influence in the world trade.

We hear on every hand statements that we should restrict our output in order that we may lower the high prices which prevail. To me it is clear that the high cost of living is a consequence of economic conditions existing throughout the entire world, as well as in our own country, and that prices are largely a result of supply and demand, and that those who counsel restriction of our output are in the final analysis real enemies of labor, capital, farmer, manufacturer, and consumer. Restricting our output, whether it be in coal, iron, or the necessary foodstuffs of life, will ultimately spell economic and commercial failure. What we need to-day is an accumulation of capital brought about by saving, curtailment of extravagance and waste, and increased production. The real situation for America, therefore, is to provide such banking instrumentalities as will make it possible to finance our factories and mines and industries; to increase our production and facilitate the selling of these products in the markets of the world. Already Germany, our great enemy during the World War, is gradually becoming our great competitor in the economic field of endeavor. She is reestablishing her factories and her industrial institutions. Her labor has increased the labor day from 8 to 12 hours in order to facilitate larger production. This is a great lesson to America. In America labor and capital must cooperate and the Government must extend every facility possible for a harmonious growth of all the institutions of our industrial and commercial life.

Unless some such instrumentality for the aid of our foreign commerce is instituted as is provided for in this bill we shall fail utterly as a great Nation to develop and hold our rightful place in the great international commerce of the world. It has been a common comment that we have been handicapped in the past in the foreign markets of the world in competition with countries like England and Germany because of their superior foreign-exchange banking corporations and foreign financial institutions established in all the principal foreign countries of the world and very largely to our disadvantage in the South American countries.

Indeed, in the last 20 years it has been common report in the editorials of our large dailies and of our commercial and banking journals that we in some way should occupy commercially the foreign markets of the world in the same strong and forceful way that the countries of England and Germany have done.

The Great War has wrought a tremendous change in the world situation. The world markets are now open to us. They are beckoning to us to enter and possess the trade and turn to our permanent commercial advantage the tremendous opportunities that now knock at our very doors. Our best students of commerce and industry believe that we should accept the world-wide opportunity offered and make possible a larger, a better, and a more prosperous American industry and life. Let us not permit the opportunity to pass. We must not hesitate. We must not permit the dominance of world commerce and world banking to again go back to England or Germany or France, which it certainly will in time, unless we grasp the opportunities and possibilities now offered to us. This bill, as is stated in line 8, page 1, is to permit corporations to be organized for the purpose of engaging principally in international or foreign banking or other international or foreign financial operations, the purpose of which is to provide a means by which foreign credits can be marketed in a safe and legitimate way with the investors of America. For decades we have been bemoaning the fact that we have not had the proper foreign-credit bank institutions. This is the time to institute them. The American people are already entering fields of speculation and credit schemes that are very doubtful, and such a legitimate and safe investment as this bill provides would be a healthy channel for investment for a large number of our people, and I am sure that if our people understood that the institutions proposed by this bill are safeguarded by regulations under the Federal Reserve Board and with the restrictions that are placed in this bill, making these investments safe and sound, there will be no difficulty in finding individual and corporate capital sufficient to make these institutions instruments of tremendous power in facilitating foreign commercial developments.

Read our commercial journals and our daily editorials of to-day, and you will find that speculation is rife in this country in very doubtful schemes and enterprises. This bill would provide at least one investment in well-regulated and well-safeguarded institutions.

If you will look through the hearings carefully you will observe that our best banking experts, together with Gov. Harding, of the Federal Reserve Board, express the opinion that our

Federal Government should not extend further credits to foreign countries or assume any further liability in the expansion of foreign trade. As a country we have extended credits to foreign countries to approximately $10,000,000,000. This should be the limit in the extension of credits by our Government. The further extension of credits must now be assumed by individual and corporate initiative, and this bill is merely to provide a proper instrument through which such initiative by individuals and corporations can properly function to the advantage of the commercial and industrial life of our Nation and to the proper safety of our investing public.

As indicated in the report and hearings on this bill, two classes of corporations can be incorporated under this act. One to engage principally in foreign banking business, such as is already engaged in by eight or more international banking corporations, and the other is to engage principally in investment banking, taking long-time paper, mortgages, and bonds, and issuing against such securities their own debentures, promissory notes or bonds, under such limitations as the Federal Reserve Board may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding ten times its capital stock and surplus.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSON of Wisconsin. May I have three minutes additional?

Mr. PLATT. I will yield the gentleman three minutes more.

The CHAIRMAN. The gentleman is recognized for three additional minutes.

Mr. NELSON of Wisconsin. The bill provides that these corporations may receive deposits outside of the United States, but within the United States they shall receive only such deposits as may be incidental to their business, and when so received shall carry such a cash reserve as may be prescribed by the Federal Reserve Board, but in no event shall it be less than 5 per cent of such deposits. This provision is made so that these corporations which are strictly foreign corporations in their operation shall in no way compete with our domestic banking institutions and their business. The two fields are entirely separate and distinct and it is the purpose of the bill to keep the two fields without competition, which might prove ruinous to both our domestic banks and to our foreign banks instituted under this bill.

The committee has labored assiduously to provide against a possible gigantic monopoly in the foreign banking business under this act, so far as domestic competition is concerned, by making the strict provision that except with the approval of the Federal Reserve Board no corporation organized under this act "shall invest in any one corporation an amount in excess of 10 per cent of its own capital and surplus, or shall purchase, own, or hold stock or certificate of ownership in any other corporation organized under this act or under the laws of any State which is in substantial competition therewith, or which holds stock or certificate of ownership in corporations which are in substantial competition with the purchasing corporation."

The bill further provides that no organization under this act shall carry on any part of its business in the United States except such as in the judgment of the Federal Reserve Board shall be incidental to its international or foreign business. To further safeguard the interests of our industrial and commercial life from possible monopoly or combination of powerful commercial interests in the large export commodities, this bill makes a very strenuous provision that no corporation organized under this section shall engage in commerce or trade in commodities except as specifically provided for in this section, "nor shall they control or fix or attempt to fix the price of any such commodities."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NELSON of Wisconsin. May I have two minutes more?

Mr. PLATT. I yield the gentleman two minutes.

Mr. NELSON of Wisconsin. It goes even so far as to prohibit by a heavy fine of not exceeding $5,000 or imprisonment of not exceeding one year, or both, in the discretion of the court, "for any director, officer, agent, or employee to use or to conspire to use the credit, the funds, or the power of the corporation to fix or control the price of any such commodities."

The United States is justly proud of its splendid banking system. Safety to depositors in our banks has been our most earnest endeavor, and so splendidly has this been achieved that bank failures have in the last decade been reduced to a negligible quantity. Our committee has sought to keep intact this splendid record for safety to our depositors in our domestic banks in providing that while national banks may invest in the stock of corporations under this section as provided for under existing banking laws, "the aggregate amount of stock held in all corporations engaged in business of the kind described in this section and in section 25 of the Federal reserve act as amended, shall not exceed 10 per cent of the capital and surplus of the bank subscribing such stock."

Proper safeguards as to embezzlement and misappropriation of funds by officers, agents, and directors have also been provided for in this bill. This bill as drawn and presented for consideration has the unqualified approval of the Federal Reserve Board, and the committee has had the closest possible cooperation of the Federal Reserve Board and their counsel in framing what we believe to be a splendid beginning and foundation in foreign or international banking or in international financial operations. It is an instrumentality needed at this crucial hour in our national and international life. We must provide a proper instrument for our export and international trade and help stabilize, as far as possible, our foreign exchange in order to continue our commercial and industrial life on the highest possible plane of American efficiency.

The corporations under this bill become strictly investment institutions and the instruments of facilitating our growing and expanding commerce and industry. I repeat, therefore, Mr. Chairman, that the urgent need of the hour is to conserve capital, curtail waste and extravagance, to enlarge industrial and commercial output, and to increase the efficiency of labor, and to conserve in the highest degree possible the rights equally of the three great economic factors of our Nation's progress and prosperity, viz, capital, labor, and consumer. We must enter the open markets of foreign trade now inviting us to come in or drop behind in the race for success. Decades ago this was not necessary. We are now passing into a different stage of action in the business of world trade, and it is up to us either to meet and vigorously overcome all the difficulties that confront us or else to be surpassed by other nations in the field of foreign commerce and trade. I have confidence to believe we shall meet the issue heroically and with our characteristic American energy and success. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NELSON of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. PLATT. Will the gentleman from Illinois use a little time?

Mr. WINGO. I suggest to the chairman that the committee now rise. It is late, and we have but a bare handful of Members here.

Mr. PLATT. I would like to have one speech in opposition before we rise.

Mr. WINGO. That would take 30 minutes or an hour.

Mr. PLATT. I do not know to whom the gentleman is going to yield.

Mr. KING. I think we ought to rise, and I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STRONG of Pennsylvania, for three legislative days, on account of important business.

To Mr. SMITH of Michigan, for 10 days, on account of important business.

ZION NATIONAL PARK.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 425, insist on the House amendments, and to agree to the conference asked for.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the bill S. 425 and insist on the disagreement to the amendments of the Senate and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 425) to establish the Zion National Park in the State of Utah.

The SPEAKER. Is there objection?

Mr. BLANTON. I heard a rumor that the leasing bill has come back from the Senate. Surely, it has not come back?

Mr. SINNOTT. The Senate has asked for a conference on the oil-leasing bill.

Mr. BLANTON. Has the Senate passed the oil-leasing bill?

Mr. SINNOTT. Oh, no; they have disagreed to all the House amendments and ask for a conference.

Mr. BLANTON. It was the bill that originally came from the Senate?

Mr. SINNOTT. Yes.

The SPEAKER appointed the following conferees: Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. MAYS.

LEAVE TO PRINT.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to print in the RECORD a brief resolution from the wholesale grocers of Atlanta on the Kenyon-Kendrick bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print in the RECORD the resolution referred to. Is there objection?

Mr. KNUTSON. Mr. Speaker, it was the understanding of the House not long ago that we were to keep all this extraneous matter out of the RECORD. Therefore I shall have to object.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that October 31 they had presented to the President of the United States, for his approval, the following bills:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; and

H. R. 9697. An act to extend the time for the completion of a bridge across Pearl River, between Pearl County, Miss., and Washington Parish, La.

ADJOURNMENT.

Mr. PLATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until Monday, November 3, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOCHT, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 197) regulating the height of buildings on certain streets in the District of Columbia, reported the same without amendment, accompanied by a report (No. 435), which said joint resolution and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill (H. R. 10311) to further amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, and amended by the act approved March 3, 1913, reported the same without amendment, accompanied by a report (No. 438), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BEE, from the Committee on Claims, to which was referred the bill (H. R. 1827) for the relief of Carolyn Wheeler Kobbe, reported the same without amendment, accompanied by a report (No. 437), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of House Document No. 175, claim of Edward A. Purdy, postmaster at Minneapolis, Minn., for credit on account of loss by burglary, together with report of investigating inspector, and the same was referred to the Committee on the Post Office and Post Roads.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10325) authorizing the Secretary of War to transfer to the Chief of Engineers, United States Army, for the execution of civil work, surplus property pertaining to the Military Establishment; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: A bill (H. R. 10326) to confer further jurisdiction and power upon the Court of Claims to determine and report the interest, title, ownership, and right of possession of the Yankton Tribe of Indians of South Dakota in and to the land known as the Pipestone Reservation; to the Committee on Indian Affairs.

By Mr. MOORE of Virginia: A bill (H. R. 10327) to provide for an investigation and report upon the condition of the Chain Bridge, across the Potomac River, and the preparation of plans for a bridge to take the place thereof should it be deemed necessary; to the Committee on the District of Columbia.

Also, a bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof"; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 10329) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 10330) authorizing the Secretary of War to donate to the Wade J. Morrison Post, No. 181, American Legion, of Mayville, Mich., one Chauchat automatic rifle; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. H. 10331) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918; to the Committee on Military Affairs.

By Mr. BAER: Resolution (H. Res. 372) urging the President to take charge of the bituminous coal-mining properties throughout the United States; to the Committee on the Judiciary.

By Mr. UPSHAW: Resolution (H. Res. 373) providing for the appointment of a committee to investigate the present coal strike; to the Committee on Rules.

By Mr. CAMPBELL of Pennsylvania: Joint resolution (H. J. Res. 244) instructing the Civil Service Commission and the Postmaster General to allow soldiers, sailors, and marines advanced standing in appointment as first-class postmasters; to the Committee on Reform in the Civil Service.

By Mr. CHRISTOPHERSON: Memorial from the Legislature of the State of South Dakota, relating to the inclusion of Iron Mountain and Harney Range and Harney Peak in the Custer State Park; to the Committee on the Public Lands.

By Mr. PARK: Memorial from the Legislature of the State of Georgia, favoring legislation whereby the Okefenokee Swamp may be made a national park reservation, and for other purposes; to the Committee on the Public Lands.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota, urging Congress to appropriate sufficient funds to reimburse certain landowners in the State of South Dakota for damages to land caused by overflow of Lake Andes; to the Committee on Claims.

Also, memorial of the Legislature of the State of South Dakota, favoring legislation forbidding the trading on margins or selling or offering for sale any grain or farm products not in existence at the time of the sale, and for other purposes; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10332) granting an increase of pension to George L. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10333) granting an increase of pension to Zachariah Allbaugh; to the Committee on Invalid Pensions.

By Mr. BRINSON: A bill (H. R. 10334) granting an increase of pension to James B. Waters; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 10335) for the relief of Leo T. Wolford; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 10336) granting a pension to Harriet Jordan; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10337) granting a pension to Martha Isabella McGinnis; to the Committee on Invalid Pensions.

By Mr. KLECZKA: A bill (H. R. 10338) granting a pension to Charles W. Brush; to the Committee on Pensions.

By Mr. LANHAM: A bill (H. R. 10339) for the relief of H. C. Mullins, his wife, and minor children; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 10340) granting an increase of pension to William W. Jackson; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 10341) to authorize the President of the United States to reappoint Seth William Scofield major of Cavalry; to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 10342) granting a pension to Walter G. Smith; to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 10343) granting an increase of pension to James Braley, alias James Bradley; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10344) granting an increase of pension to Thomas D. Bearden; to the Committee on Pensions.

Also, a bill (H. R. 10345) granting a pension to Belle Cannon; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Ukrainian National Committee of the United States, Wilmington, Del., and certain citizens of Wilmington, Del., of Ukrainian birth, concerning Ukrainian independence; to the Committee on Foreign Affairs.

By Mr. BEGG: Petition of Fremont Council 591, Knights of Columbus, Fremont, Ohio, protesting against withdrawal of war activities of Knights of Columbus from military and naval camps; to the Committee on Military Affairs.

By Mr. DOWELL: Petition of sundry citizens of East Peric, Iowa, relative to the supply of sugar; to the Committee on Agriculture.

By Mr. GRIFFIN: Petition of Bronx Property Owners and Business Men's Association, urging early action on House bill 3285; to the Committee on Public Buildings and Grounds.

By Mr. McGLENNON: Petition of Ninetieth Division Association, favoring reasonable amount of universal military training; to the Committee on Military Affairs.

Also, petition of the Newark Military Service Rifle Club, indorsing plan to establish the Caldwell rifle ranges as permanent Government training grounds; to the Committee on Military Affairs.

By Mr. ROWAN: Petition of Foster-Milburn & Co., of Buffalo, N. Y., opposing Senate bill 2904; to the Committee on Agrituture.

Also, petition of Philadelphia Branch, Ukrainian National Committee of the United States, concerning Ukrainian independence; to the Committee on Foreign Affairs.

Also, petition of George P. Kimmel, Washington, D. C., regarding conditions in the Patent Office; to the Committee on Patents.

Also, petition of B. Harris, of New York, urging support of certain foreign trading zone bills, House bills 3170 and 9778; to the Committee on Ways and Means.

Also, petition of R. Park Love, concerning conditions in the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, petition of Ganss Fur Co. (Inc.) and Gross, Engle & Co., both of New York, opposing House bill 9778; to the Committee on Ways and Means.

Also, petition of the joint conference on retirement, civil-service employees of the United States, Washington, D. C., concerning status of House bill 3149; to the Committee on Reform in the Civil Service.

Also, petition of Lithuanian citizens of Newburgh, N. Y., concerning Lithuanian indpendence; to the Committee on Foreign Affairs.

Also, petition of Illinois Manufacturers' Association, opposing House bill 8572; to the Committee on Immigration and Naturalization.

By Mr. STEENERSON: Petition of Knights of Columbus of Crookston, Minn., opposing the proposed internationalization of the war-welfare societies; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: Petition of Al-ko Bottling Works, of Knoxville, Tenn., favoring the passage of the Dallinger bill, to govern the exportation of sugar; to the Committee on Agriculture.

SENATE.

MONDAY, *November 3, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come reverently into Thy presence and lift our hearts to Thee in the name of the millions of our fellow citizens who believe in prayer, who have seen Thy guiding hand, who have known the answer to their prayers and have sought Thy guidance and blessing upon us in our national life. We pray that Thou wilt hear and answer the prayer of Thy people, continuing Thy grace and blessing to us, leading us in the safe way of national greatness and peace and righteousness and establishing in all the earth the great principles upon which Thou hast established this Nation. We ask it for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, October 30, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting a list of useless papers devoid of historic interest on the files of the Interior Department and requesting action looking to their disposition. The communication and accompanying papers will be referrred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Montana [Mr. WALSH] and the Senator from Maryland [Mr. FRANCE] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce in response to a resolution of the 3d ultimo, which will be inserted in the RECORD.

The communication is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, October 30, 1919.

MY DEAR SIR: Respectfully referring to Senate resolution No. 203, of October 3, 1919, hitherto acknowledged under date of October 7, permit me to advise as follows:

Attached hereto are five exhibits. Exhibit A gives the detail of the personnel of the Bureau of Foreign and Domestic Commerce, which is that service of the Department of Commerce directly engaged in the work of promoting the foreign commerce of the United States. This document gives in detail the names, positions, salaries, and locations of the entire working force of the service.

Exhibit B is a statement showing the plans of the service for utilizing during the present fiscal year the appropriation for promoting commerce, 1919–20. This states the countries in which work is carried on under this appropriation, the commodities being specially studied, and the other features of this particular work. It should be noted that this is entirely separate and distinct from the following items:

Exhibit C states in similar detail to the above the force and work planned under the appropriation for promoting commerce in the Far East, 1919–20.

Exhibit D states in like detail the work planned for the current fiscal year under the appropriation for promoting commerce in South and Central America.

Exhibit E states the way in which the fund of $300,000 appropriated for commercial attachés is being expended in different countries abroad.

These five documents taken together give a picture of the organization and work of this service. They cover fully the request of the Senate for "detailed statements covering the character, amount, and estimated cost to the Government of such work as is now being carried on under" the auspices of this department.

It should be noted, however, that the work thus described in detail, which is actively progressing all over the globe, is not the only strictly commercial work of the Department of Commerce. In two other services it functions directly in support of the commerce of the country. The Bureau of Standards provides that scientific basis for industry which has until recently been lacking as a necessary support for our trade. Prior to the war Germany greatly excelled in this important respect, and Great Britain is now taking steps to provide the same basic necessity for her own manufactures. The Bureau of Standards is, however, the largest and best equipped laboratory of the kind in the world, and its normal operations form a solid substructure for the development of a scientific basis for our industries.

The Bureau of Fisheries also has been actively creating new industries, such as the aquatic leather industry and the industry of dyeing, dressing, and finishing furs, in both of which respects this country is advanced over others by reason of this particular work. The Bureau of Fisheries also gives earnest and intelligent care to the promotion of food-preserving industries through its fishery products laboratory and has been instrumental in creating new industries in this connection which are on an established and profitable basis.

Both the work of the Bureau of Fisheries and that of the Bureau of Standards contribute in their respective spheres directly and efficiently to the development of our foreign commerce.

In response to the request embodied in the resolution to submit "such suggestions and recommendations" as may look "to the closer cooperation and coordination of the various agencies of the Govern-

ment for effective promotion of the foreign commerce of the United States," I beg respectfully to state as follows:

The basic statute of the United States upon this subject is the organic act of February 14, 1903 (32 Stat., 825), creating the Department of Commerce and Labor. This act provides as follows:

"It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified and with such other powers and duties as may be prescribed by law."

So much of the foregoing as relates to labor interests was superseded by the act creating the Department of Labor. The provisions respecting mining and transportation facilities are modified by the respective functions of the Bureau of Mines, of the Department of the Interior, of the Railroad Administration, and of the Interstate Commerce Commission. The same is true as regards shipping through the operations of the Shipping Board. As respects, however, the foreign and domestic commerce, the manufacturing and fishery industries, there has been no modification of the organic act above cited. It remains, indeed, so far as its letter is concerned, quite unrepealed save as respects the labor interests. It is to-day in full force and vigor. There is no other department of the Government broadly charged by law to foster, promote, and develop the foreign and domestic commerce, etc., of the United States. It is assumed that this law was meant to be taken seriously; that the duties imposed by it upon the Department of Commerce are real duties, and that it should have the authority as well as the responsibility of performing them. It is perhaps not too much to assume that it was the purpose of Congress that the Department of Commerce, within the sphere which is above outlined, should have the same authority and influence that the Treasury Department has in finance, the War and Navy Departments in their respective fields of military effort, the Agriculture Department in the field of agriculture, the Department of State in diplomacy, and, indeed, each of the other executive departments within its nominal scope.

Such, however, is not the case. Other bodies exist who perform in whole or part duties such as those charged by law upon the Department of Commerce. In writing frankly of the actual situation it should be premised that the matter is not discussed in any spirit of complaint, nor is there thought of criticism of persons or of specific bodies. The subject under review is a matter of organization, and the question being discussed is whether our present organization is fitted to cope effectively with the serious commercial problems that face the country.

Any review of the commercial work of the Government must show that the absence of organization is its most conspicuous feature. There is an excess of organizations; too little system. Numerous bodies exist, functioning in the same field or with direct action or reaction therein, each independent, without coordination, without liaison, without the obligation on the part of any of them to inform the others. In short, there exists in our public commercial organization much the same condition that existed in the allied armies before unity of command was secured. It would not be questioned that before that time the commanders of the allied and associated forces were sincere, competent, and devoted men. Each in his own separate sphere was doing his best and trying to support his allies as fully as he could. Just so it is in our Government commercial organization. Different bodies of able and earnest men function separately on commercial subjects at home and abroad, without mutual plan, without frequent consultation, and often in ignorance of what the others are doing.

The War Finance Corporation is given authority to furnish credits to the extent of a billion dollars "in order to promote commerce with foreign nations." The similarity of the language of this appropriation to that of the organic law of the Department of Commerce is notable. The appropriation is made for the express purpose of doing that with which the Department of Commerce is specifically charged by law. There is no doubt this function will be performed well, so far as the law permits, but there is no obligation to coordinate this work with that of the Department of Commerce, although this last is charged by law to "foster, promote, and develop the foreign and domestic commerce" of the country. The management of the War Finance Corporation has shown marked courtesy to the Department of Commerce, but there is no close cooperation.

The Federal Reserve Board admirably performs a function of vital importance to our commerce and finance. One can only speak of it in terms of approval and admiration, but so far as the Department of Commerce is concerned it functions separately, without obligation of either consultation or of cooperation. It is, however, true that the operations of the Federal Reserve Board lie at the very root of the successful operation of our commerce.

The Interstate Commerce Commission performs functions of high value in our domestic and foreign commercial life, but it performs them as a separate organization. It probably does not occur to the distinguished members of that useful body to either consult or cooperate with the Department of Commerce, or that the latter has any interests or functions in common with it, yet the Interstate Commerce Comission may and does vitally affect the foreign commerce of the country through its rate-making powers. The suggestion would probably be strange to them that they should consult the Department of Commerce before taking action which may control the commerce which the Department of Commerce is especially charged to foster, promote, and develop.

The Shipping Board provides for carrying our commerce to the ends of the earth and, through its officers and representatives abroad, takes an important, if not a vital, part in our commercial activity, but the Department of Commerce is not represented upon the Shipping Board and, except as a matter of courtesy, can not influence or guide it. In some of its foreign offices, particularly in London, the work of the Shipping Board along lines of commercial intelligence parallels that of the Department of Commerce, occupies in considerable degree the same field, and indeed the suggestion has been locally made that the information which the officers of the Department of Commerce in London secure should be turned over to the Shipping Board office there for its use. The supercargoes of the Shipping Board, we are informed by that body, are instructed to gather commercial intelligence in all the ports to which they go. They have in the past communicated this information to the Department of Commerce for its use, but there is no obligation to do so. It has been a courtesy on their part.

The Federal Trade Commission has duties of high importance vitally affecting our domestic and foreign trade, but no representative of the Department of Commerce forms a portion of that body, nor is there existing any obligation for that commission to function in close relation with the Department of Commerce. It will be noted that the Federal Trade Commission is given the supervision over the combinations permitted by law for developing foreign trade. This is a function which falls directly within the organic law of the Department of Commerce.

The International High Commission, of which the Secretary of the Treasury is the ex officio chairman, is a composite body representing the United States and the other American Republics. It has distinctly commercial functions, among them the provision of uniform regulations for commercial travelers, of uniform arrangements for the classification of merchandise, for customs regulations, for consular certificates and invoices, and port charges. It gives special consideration to the protection of patents and trade-marks and deals with the extension of arbitration for adjusting commercial disputes. It is a useful and dignified body, whose work touches closely that of the Department of Commerce. It is in no respect inharmonious, but it is separate. The Department of Commerce has no legal relation to it. A list of its publications is found upon page 59 of the hearings before the Committee on Foreign Affairs, House of Representatives, Sixty-fifth Congress, third session, on the Diplomatic and Consular Service appropriation bill, under date of December 11, 1918. It should be noted, however, that as regards trade-marks the Bureau of Foreign and Domestic Commerce, of this department, actively operates in the protection of American trade-marks abroad and maintains a special section occupied in no small part in advising and informing American manufacturers on that subject.

The Railroad Administration, through its power to embargo freights, to grant or remove export rates, may at times exercise a controlling power over both our domestic and foreign commerce, but it has under the law no relation to the Department of Commerce and, save a matter of courtesy, does not assume that there is any joint field of endeavor.

The Department of State, for reasons admitted by all to be good and sufficient, maintains foreign trade advisers and a force for the purpose of gathering foreign trade information. The relation between that department, especially through its Consular Service and the foreign-trade advisers, and the Department of Commerce is intimate and cordial. It has been a privilege to express admiration for the fine and fruitful work of the Consular Service. There is a "no man's land" wherein the diplomatic field runs parallel with the commercial and the commercial field touches closely upon the diplomatic. It will probably always be necessary to maintain a species of joint endeavor between the two departments. There is, however, no duplication of work. The commercial results of the work of the officers of the Department of State are made available through the Department of Commerce and are supplemented and completed, not duplicated, by the work of the officers of the Department of Commerce in the foreign field. The Department of State can never be promotive in a commercial sense. The Department of Commerce can never do doplomatic work. The two fields touch, but they do not cross. They are complementary, not antagonistic. There is no legal requirement at the present time calling for cooperation between the two services, but there is a very generous spirit of cooperation and sincere mutual respect and helpfulness.

The Agricultural Department, through several services, assists or supervises large commercial transactions at home and abroad, and does so ably and with advantage to the country.

Again, let it be emphasized that the relations between these various bodies are not frictional, but cordial. The men comprising the various groups are friends. They realize they are working to a common end. I repeat, the question is not one of individuals but one of organization. There can be no clear-cut commercial policy carried out by separate bodies that do not interfunction. Any industrial organization composed as is the commercial organization of the Government would fail, for the seeds of decay are planted in the very separateness of the component parts. It is not urged that these bodies should cease to be or that their functions should be altered. There are separate duties belonging to each, although many of those duties lie in a common field with the Department of Commerce.

It is, however, strongly urged that each and every one of these separate services, except the Departments of State and Agriculture, should be linked formally to that department which alone the law charges with the duty to "foster, promote, and develop the foreign and domestic commerce" of the country.

Is there sound reason why there should not be a representative of the Department of Commerce upon the War Finance Corporation, upon the Federal Reserve Board, upon the Federal Trade Commission, upon the Shipping Board, upon the Interstate Commerce Commission, upon the International High Commission, or upon the Railroad Administration? If such reason exists, what is it? On the other hand, is it the public purpose and intent that the department charged to "foster, promote, and develop the foreign and domestic commerce" of the country should do it only in part, subject to the kindly and unintentional but nevertheless real competition and control of others charged, indeed, with some different duties but acting within the same commercial area?

Either the Department of Commerce should be so organized as to perform its important function effectively or it should not. If it should not do so, then the organic law dictating its functions should be modified and it should cease to be in name what it is hardly in fact, the Department of Commerce. Or, on the other hand, it should be recognized that it is the focus of commercial organization on the part of the Government and as such these various independent bodies should so be headed up into it that the world of commerce at home and abroad may know there is one center for commerce as there is one for agriculture, as there is one for war, as there is one for the Navy, and not a congeries of unrelated parts which operate, indeed, in personal harmony and peace but without those effective results which can come alone from systematic and unified effort.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary of Commerce.

Hon. THOMAS R. MARSHALL,
President the United States Senate,
Washington, D. C.

EXHIBIT A.

Bureau employees:	
Washington	177
Foreign service	105
District offices	32
Total	314

Personnel of Bureau of Foreign and Domestic Commerce.

Country to which assigned and position.	Name.	Date of appointment	Salary.
Great Britain:			
Commercial attaché	Vacant		$7,500
Trade commissioner [1]	Brock, H. G	July 1, 1918	4,500
Do	Gary, L. B	Jan. 23, 1919	3,650
Do	Grady, H. F	Feb. 1, 1919	3,650
Do	Page, W. J	Sept. 16, 1919	5,000
Do [1]	Powell, F. W	Feb. 8, 1919	3,650
Clerk to commercial attaché	Oseland, Z. C	Jan. 25, 1918	1,500
Clerk to trade commissioner	Walker, A. M	Mar. 4, 1919	2,000
Do [2]	Park, W. M	Oct. 1, 1919	2,500
France:			
Commercial attaché	Snow, C. D	July 1, 1919	7,500
Trade commissioner [2]	Adams, H. W	Oct. 1, 1919	4,000
Do	Butler, J. F	Mar. 27, 1919	3,650
Clerk to commercial attaché [2]	Hunt, L. W	Aug. 11, 1919	1,500
Clerk to trade commissioner [3]	Breckheimer, P. J	Feb. 18, 1919	2,000
Do [2]	Masuret, E. A	Sept. 2, 1919	2,000
Do	Sweetser, H. A	Dec. 16, 1918	2,500
Japan:			
Commercial attaché	Abbott, J. F	Jan. 11, 1919	6,000
Trade commissioner	Weimer, J. G	July 1, 1919	4,500
Clerk to commercial attaché	Long, C. V	Jan. 25, 1919	1,500
Denmark:			
Commercial attaché	Anderson, N. L	July 1, 1919	6,500
Trade commissioner	Kluth, T. O	Jan. 27, 1919	3,650
Clerk to commercial attaché	Vacant		1,500
Clerk to trade commissioner	do		2,000
Brazil:			
Commercial attaché	Philippi, J. E	Aug. 15, 1918	7,000
Assistant trade commissioner	Connell, R. M	Sept. 1, 1919	2,500
Clerk to commercial attaché	Vacant		1,500
Spain:			
Commercial attaché	Jones, C. L	Jan. 17, 1919	6,500
Trade commissioner	Strachan, W. M	Jan. 16, 1919	3,650
Do	Vacant		3,650
Clerk to commercial attaché	Cron, L. L	July 1, 1919	1,500
Clerk to trade commissioner	Googe, W. D	Jan. 27, 1919	2,250
Do	Vacant		2,000
The Hague:			
Commercial attaché	Edwards, P. L	Jan. 1, 1918	5,000
Trade commissioner [1]	Redfield, A. H	Jan. 17, 1919	3,000
Clerk to commercial attaché	Vacant		1,500
Clerk to trade commissioner	Vander Laan, J. W	Feb. 1, 1919	2,000
Mexico:			
Commercial attaché	Feeley, E. F	July 7, 1919	6,000
Clerk to commercial attaché	McIntyre, F. P	July 26, 1919	1,500
Russia:			
Commercial attaché [4]	Huntington, W. C	May 1, 1916	5,000
Clerk to commercial attaché [4]	Fitzpatrick, J. R	Aug. 28, 1919	1,500
Trade commissioner	Vacant		4,500
Clerk to trade commissioner	do		2,000
China:			
Commercial attaché	Arnold, J. H	Dec. 30, 1914	8,000
Trade commissioner [4]	Batchelder, C. C	Aug. 25, 1919	5,475
Do	Meeds, L. W	June 16, 1919	4,000
Clerk to commercial attaché	Lee, C. F	June 1, 1917	1,500
Clerk to trade commissioner	Dormady, F. P	Sept. 10, 1919	2,250
Do	Smith, R. R	July 21, 1919	2,000
Argentina:			
Commercial attaché	Klein, Julius	May 1, 1919	7,000
Trade commissioner [4]	Brady, G. S	Sept. 9, 1919	3,650
Assistant trade commissioner	Noll, R. H	July 11, 1919	2,500
Clerk to commercial attaché	Vacant		1,500
Italy:			
Commercial attaché	Dennis, A. P	Jan. 2, 1919	6,000
Trade commissioner [1]	Chiesa, M. J	Jan. 25, 1919	3,650
Do	MacLean, H. C	Feb. 1, 1919	3,650
Clerk to commercial attaché	Vacant		1,500
Clerk to trade commissioner	Hudson, R. G	Mar. 5, 1919	2,000
Do	Osborne, A. A	Feb. 1, 1919	2,500
Belgium:			
Trade commissioner [1]	Collines, H. T	Feb. 3, 1919	4,380
Do	Herring, C. E	June 16, 1918	4,000
Clerk to trade commissioner	Prosser, W. L	Feb. 3, 1919	2,000
Czechoslovakia:			
Trade commissioner	Geringer, V. A	Mar. 28, 1919	4,000
Clerk to trade commissioner	Jalovec, Louis	Apr. 16, 1919	2,000
Switzerland:			
Trade commissioner [2]	Groves, H. L	Sept. 6, 1919	4,000
Clerk to trade commissioner	Vacant		2,000
Roumania: Clerk to trade commissioner [4]	Lane, W. E	Feb. 4, 1919	2,250
Poland:			
Trade commissioner [2]	Van Norman, L. E	Oct. 1, 1919	5,000
Clerk to trade commissioner	Vacant		2,000
Norway: Clerk to trade commissioner [1]	Anda, Magnus	Feb. 6, 1919	2,000
Australia:			
Trade commissioner	Ferrin, A. W	Jan. 1, 1919	4,500
Clerk to trade commissioner	Vacant		1,800
Turkey:			
Trade commissioner	Mears, E. G	Feb. 1, 1919	4,500
Clerk to trade commissioner	Huse, H. R	Feb. 21, 1919	2,250
Austria:			
Trade commissioner [2]	Upson, W. F	Sept. 29, 1919	4,500
Clerk to trade commissioner	Vacant		2,000
Peru:			
Trade commissioner [2]	Jackson, Carlton	Sept. 8, 1919	3,650
Clerk to trade commissioner	Vacant		2,000

[1] On duty in United States finishing reports.
[2] Making preparations in United States for departure to post of duty.
[3] Temporary, pending arrival of successor.
[4] In United States preparing for departure to post of duty.

Personnel of Bureau of Foreign and Domestic Commerce—Continued.

Territory and position.	Investigation.	Name.	Date of appointment.	Salary.
Latin America:				
Trade commissioner	General commercial conditions, Colombia and Venezuela.	Bell, P. L	Sept. 23, 1918	$3,650
Do [1]	Furniture markets.	Everley, H. E	Mar. 12, 1917	3,650
Do [1]	Construction materials.	Ewing, W. W	July 20, 1916	3,650
Do [1]	Textiles	Garry, Louis	Dec. 16, 1918	3,650
Do [1]	Jewelry and silverware.	Rosenthal, S. W	June 11, 1917	3,650
Do	General commercial conditions, Peru and Bolivia.	Schurz, W. L	Feb. 1, 1919	3,650
Do [2]	Factory equipment.	Smith, P. S	Sept. 8, 1919	5,000
South Africa: Trade commissioner.	General commercial conditions.	Lundquist, R. A	Aug. 15, 1916	3,650
Europe:				
Trade commissioner [1]	Lumber markets.	Brown, N. C	Apr. 29, 1917	3,650
Do [1]	do	Oxholm, A. H	Oct. 28, 1916	3,650
Do [1]	do	Simmons, R. E	Apr. 27, 1917	3,650
Do [1]	General commercial conditions.	Wells, L. C	Mar. 17, 1919	3,650
Do [1]	Banking opportunities.	Young, A. A	Jan. 18, 1919	3,650
Do	Electrical markets.	Wood, C. P	Feb. 3, 1919	4,250
Do	General commercial conditions.	Cutler, B. S	July 14, 1919	6,000
Do	Mining	DeKalb, C	Mar. 1, 1919	4,500
Do	Leather	Hertz, Norman	Mar. 4, 1919	3,650
United States:				
Trade commissioner	Commercial conditions.	Harris, Garrard	Aug. 29, 1919	3,650
Do	Transportation facilities.	Hooker, G. E	July 10, 1919	4,000
Expert	Stowage of ship cargoes.	Taylor, T. R	Sept. 2, 1919	3,000
Trade commissioner	Foreign trade complaints.	Meese, N. S	Sept. 20, 1919	1,400
Clerk to trade commissioner.	do	Cabot, H. V	do	1,200
Far East:				
Trade commissioner	Mineral resources	Clements, J. M	Mar. 5, 1917	5,475
Do [2]	Advertising methods.	Sanger, J. W	Oct. 1, 1919	4,015
Do	General commercial conditions, East Indian and Straits Settlements.	Fowler, J. A	Nov. 23, 1918	3,650
Do	Industrial machinery.	Rastall, W. H	Oct. 30, 1918	5,475
Do [2]	Industrial development of Japan.	Rutter, F. R	Oct. 1, 1919	4,000
Do	Ports and transportation facilities.	Whitham, P. P	Feb. 14, 1917	5,475

[1] On duty in United States finishing reports.
[2] In United States preparing for departure to post of duty.

Division or office and position.	Name.	Date of appointment.	Salary.
WASHINGTON OFFICE.			
Director:			
Director of bureau	Kennedy, P. B	Aug. 1, 1919	$6,000
Private secretary	Vacant		1,800
Stenographer	Steele, P. W	Apr. 2, 1917	1,400
Messenger	Johnson, C. N	Oct. 11, 1907	
First assistant director:			
First assistant director	MacElwee, R. S	Feb. 1, 1919	3,500
Stenographer	Challice, A. M	Feb. 17, 1919	1,200
Second assistant director:			
Second assistant director	Vacant		3,000
Stenographer	Steward, Elma	Mar. 7, 1917	1,400
Chief clerk:			
Chief clerk	Eckhardt, N	Aug. 5, 1898	2,250
Assistant chief clerk	Dotterer, H	Oct. 5, 1914	2,000
Stenographer	Towles, E. A	Mar. 1, 1915	1,400
Clerk	Smith, G. W	Aug. 15, 1907	1,400
Stenographer	Solomon, G. F	Nov. 19, 1917	1,200
Messenger	Coleman, Henry	Oct. 2, 1886	840
Assistant messenger	Shaw, Maudie	May 14, 1918	720
Do	Page, W. J	Mar. 25, 1918	720
Messenger boy	Parkinson, L. J	Dec. 31, 1918	420
Auditing section—			
Chief of section	Haun, H. W	Nov. 15, 1911	2,300
Clerk	Fehr, Jules	Oct. 5, 1914	1,600

Personnel of Bureau of Foreign and Domestic Commerce—Continued.

Division or office and position.	Name.	Date of appointment.	Salary.
WASHINGTON OFFICE—continued.			
Chief clerk—Continued.			
Auditing section—Continued.			
Clerk	Johnson, C. C	July 19, 1911	$1,500
Do	Guinn, P. S	Nov. 20, 1916	1,400
Do	Jones, Mac	Nov. 4, 1918	1,200
Stenographer	De Roche, L. M	Nov. 16, 1917	1,200
Clerk	Eastman, M. B	July 22, 1918	1,000
Files section—			
Clerk in charge	Smith, W. F	Jan. 17, 1916	1,800
Clerk	Worthington, G	July 9, 1917	1,200
Do	Hughes, Ruth	Dec. 1, 1917	1,200
Do	Hallan, H. J	Aug. 1, 1917	1,200
Do	Masi, J. W	Nov. 4, 1916	1,200
Do	Smith, Helen	Aug. 20, 1918	1,200
Do	Williams, M. S	May 1, 1919	1,000
Distribution section—			
Clerk in charge	Naghten, W. A	Mar. 20, 1907	1,800
Clerk	Toomey, V. R	Mar. 19, 1917	1,400
Do	Kidwell, L. T	Dec. 7, 1914	1,200
Do	Corlew, H. J	Jan. 21, 1918	1,200
Do	Entwisle, M. K	Sept. 25, 1918	900
Do	Skorup, Joseph	June 2, 1919	900
Do	DeBirny, A. W	Sept. 15, 1919	900
Supplies and printing—			
Clerk in charge	Chadwick, A. S	Dec. 8, 1909	1,600
Clerk	Dillon, R. E	Jan. 2, 1919	1,200
Stenographer	Flehr, Etteline	May 1, 1918	1,200
Assistant messenger	Griffin, F. T	Jan. 7, 1919	720
Mails—			
Clerk in charge	Howard, F. F	July 16, 1881	1,400
Clerk	Wallace, S. W	Aug. 1, 1915	1,000
Assistant messenger	Soders, N. W	June 10, 1919	720
Latin American:			
Chief of division	McQueen, C. A	Sept. 6, 1918	2,500
Assistant chief of division	Blalock, S. H	Aug. 16, 1919	2,000
Translator	Hole, M. C	Sept. 1, 1909	1,800
Do	Warren, R. J	Nov. 22, 1917	1,400
Clerk	Starbird, A. A	Mar. 20, 1917	1,400
Do	Kirk, Mary	Dec. 16, 1918	1,400
Do	Frost, B. M	Dec. 15, 1917	1,400
Translator	Phoebus, M. A	Nov. 14, 1917	1,400
Clerk	Butterworth, R	Mar. 1, 1919	1,300
Stenographer	Montz, V. A	Oct. 16, 1917	1,200
Clerk	Thompson, M. C	Mar. 19, 1919	1,200
Do	Gaines, E. O	Mar. 1, 1919	1,200
Do	Bennett, J. L	Apr. 8, 1918	1,200
Far Eastern:			
Chief of division	Eldridge, F. R	Aug. 6, 1918	2,500
Assistant chief of division	Pendergast, R. P	Aug. 26, 1919	2,000
Stenographer	McKelvey, A. E	Jan. 21, 1918	1,400
Do	Beery, Mary	Oct. 21, 1919	1,200
Do	Pugh, M. A	Oct. 17, 1919	1,200
Clerk	Pauly, E. A	Dec. 10, 1918	1,200
Do	Nunn, J. H	July 1, 1919	1,200
Do	Rice, R. K	July 17, 1919	900
Do	Bodmer, M	Aug. 4, 1919	900
District offices:			
Chief of division	Vacant		
Stenographer	Faulkner, Ora	Mar. 19, 1917	1,400
Russian:			
Expert	Baievsky, B. M	Mar. 27, 1919	2,000
Translator	Grodzicka, S	Mar. 1, 1919	1,400
Stenographer	Nelson, M. H	Dec. 20, 1918	1,200
Foreign Investigations:			
Chief of division	Butler, H. D	Apr. 4, 1919	2,500
Assistant chief of division	Breyere, E. J	Oct. 5, 1914	1,800
Clerk	Fortier, J. A	June 9, 1919	1,200
Stenographer	Freeman, E. H	Jan. 6, 1919	1,000
Do	Walton, V. H	Dec. 2, 1918	900
Messenger boy	Trathen, James	Oct. 20, 1919	420
Commercial Attaché:			
Chief of division	Stevenson, P. J	Nov. 25, 1913	2,500
Assistant chief of division	Miller, W. L	Feb. 4, 1919	1,400
Stenographer	Murray, H. D	Apr. 1, 1918	1,200
Do	Goehring, R. E	Mar. 17, 1919	1,000
Foreign Tariffs:			
Chief of division	Domeratzky, L	July 13, 1905	2,500
Assistant chief of division	Moles, O. C	Apr. 13, 1915	2,000
Stenographer	Fricker, M. H	Nov. 6, 1911	1,600
Translator	Kendrick, E. M	Jan. 13, 1919	1,400
Do	Wakefield, R. P	July 9, 1917	1,400
Stenographer	Gontzler, K. I	Feb. 17, 1919	1,000
Research:			
Chief of division	Schmeckebier, L. E.	May 24, 1917	2,500
Assistant chief of division	Robertson, J. A	May 11, 1918	2,500
Do	Whitney, Ed	Aug. 4, 1899	2,250
Commercial economist	Kral, J. J	July 20, 1911	2,750
Expert in commerce and finance	Towles, J. K	Jan. 2, 1919	2,000
Research clerk	Hoare, H. M	Feb. 23, 1912	1,800
Translator	Lamore, B. H	Jan. 18, 1918	1,800
Do	Bowars, Blanche	Aug. 1, 1918	1,400
Research clerk	Staples, C. L	Jan. 7, 1918	1,400
Clerk	Batman, M. T	Nov. 21, 1918	1,200
Translator	Marlowe, A. R	July 27, 1918	1,200
Clerk	Weems, W. O	Sept. 1, 1918	1,200
Stenographer	Smith, Sarah	Dec. 19, 1918	1,200
Clerk	Swift, A. H	Nov. 5, 1918	1,000
Laborer	Bradley, E	Sept. 12, 1912	660
Trade Information:			
Chief of division	Brasel, R. H	Nov. 5, 1903	2,500
Assistant chief of division	Croghan, P. J	Aug. 20, 1914	1,800
Correspondence clerk	Goldberg, B	Feb. 25, 1915	1,600
Do	Mallory, W. L	May 5, 1919	1,400

Personnel of Bureau of Foreign and Domestic Commerce—Continued.

Division or office and position.	Name.	Date of appointment.	Salary.
WASHINGTON OFFICE—continued.			
Trade Information—Continued.			
Clerk	Moore, L. M	Jan. 22, 1913	$1,400
Do	Gruber, H. W	Apr. 7, 1919	1,200
Do	Hughes, L. A	Dec. 1, 1917	1,200
Stenographer	Lyddane, M. M	Nov. 16, 1917	1,200
Do	Chappel, A. M	July 17, 1917	1,200
Do	Rochford, J. S	Dec. 16, 1918	1,000
Do	Gardner, R	Jan. 1, 1919	1,000
Do	Gardner, L. G	....do	1,000
Do	MacFarland, Alice	Nov. 18, 1918	1,000
Clerk	Lanigan, R. A	July 1, 1918	1,000
Do	Fuller, W. S	Feb. 7, 1905	1,000
Do	Bryant, J. L	Dec. 17, 1918	900
Do	Carolee Speake	July 21, 1919	900
Do	Swain, A. M	Aug. 27, 1919	900
Statistical:			
Chief of division	Hohn, John	Feb. 25, 1901	2,500
Do	Asmuth, Walter	Aug. 1, 1902	2,500
Clerk	Sleppy, E. W	Mar. 21, 1891	1,800
Do	Thrall, J. G	Apr. 10, 1901	1,800
Do	Daniel, J. W	Oct. 2, 1885	1,800
Do	Wheeler, C. E	Aug. 20, 1910	1,800
Do	Cohen, M. H	Aug. 16, 1903	1,800
Do	Scott, Winfield	Jan. 9, 1901	1,800
Do	Ingram, Beryl	July 22, 1910	1,600
Do	Jeffrey, J. H	Oct. 19, 1905	1,600
Do	Ludwig, E. F	Oct. 6, 1902	1,600
Do	Grist, B. A	July 10, 1907	1,600
Do	Daly, P. M	Aug. 15, 1904	1,600
Do	Black, M. E	July 20, 1914	1,600
Do	McDuffie, J. A	Sept. 17, 1884	1,600
Do	Eddingfield, W. T	Aug. 17, 1903	1,500
Do	Dent, T. M	June 1, 1909	1,400
Do	Litchfield, F. W	Oct. 11, 1905	1,400
Do	Welch, B. T	Jan. 6, 1874	1,400
Do	Young, E. R	Jan. 9, 1895	1,400
Do	Watson, J. W	Apr. 3, 1918	1,400
Do	Scott, W. H	Sept. 12, 1904	1,200
Do	O'Connor, John	Apr. 23, 1917	1,200
Do	McRae, V. E	Aug. 1, 1918	1,200
Do	Schmeckel, T	Sept. 23, 1918	1,200
Do	Thomson, G. H	Jan. 16, 1880	1,200
Do	Du Bois, A. W	Sept. 27, 1914	1,200
Do	Rice, E. J	Nov. 7, 1918	1,200
Do	Mann, E. A	Dec. 31, 1918	1,200
Stenographer	Duffy, F. E	Aug. 29, 1918	1,000
Clerk	Fowler, L. H	Mar. 27, 1918	1,000
Do	Hiner, I. M	Oct. 28, 1918	1,000
Do	Turner, Jettie	Aug. 6, 1919	900
Do	Batcheller, E. L	Sept. 15, 1919	900
Editorial:			
Chief of division	Hopkins, O. P	Apr. 18, 1911	2,500
Editorial assistant	Evans, Griffith	Sept. 21, 1909	2,000
Expert editor	Collier, J. H	July 16, 1916	2,000
Editor	Peirce, F. L	Mar. 22, 1916	1,800
Do	Hopkins, I	Nov. 3, 1913	1,800
Do	Cain, M. D	July 7, 1902	1,800
Clerk	Lillie, J. H	Oct. 21, 1907	1,600
Editor	Gunn, Miriam	July 14, 1917	1,400
Do	Kavanaugh, K	June 25, 1918	1,400
Do	Piper, D. E	Feb. 1, 1919	1,400
Clerk	Greenfield, Cora	July 15, 1918	1,200
Do	Strocker, A. W	Aug. 16, 1916	1,200
Do	Myers, Ruth	Oct. 9, 1918	1,200
Editor	Darlington, L. C	Apr. 17, 1919	1,200
Do	Collins, J. B	Jan. 16, 1919	1,000
Do	Bowers, E. C	Apr. 2, 1919	1,000
Clerk	Blakeney, A. E	June 20, 1918	1,000
Do	Ash, W. O	Oct. 3, 1919	900

District offices in United States and position.	Name.	Date of appointment.	Salary.
New York:			
District office manager	Clark, A. R	Feb. 1, 1919	$4,000
Commercial agent	Barnaud, A. J	May 15, 1919	2,500
Do	Zwickel, E. M	Dec. 16, 1919	1,600
Do	Bauer, G. F	May 28, 1919	1,400
Clerk	Hutchinson, A. E	Aug. 21, 1916	1,400
Do	Bennett, F. D	Nov. 19, 1917	1,400
Do	Marcus, J	May 8, 1919	1,400
Do	Schwing, C. A	July 20, 1916	1,400
Do	Turner, H. L	Apr. 22, 1919	1,000
Do	Friedland, R	July 2, 1917	1,000
Do	Meyer, I. M	Jan. 20, 1919	1,000
Do	Galvin, F. E	Feb. 5, 1919	1,000
Messenger boy	Schwenger, E. W	Jan. 21, 1918	900
Boston:			
District office manager	Fuller, T. J. D., jr	Mar. 8, 1919	3,000
Clerk	Donohue, M. C	Mar. 12, 1918	1,200
Do	Greene, F. A	Oct. 16, 1917	1,200
Do	Duffy, M. A	May 1, 1918	1,000
Chicago:			
District office manager	Stancill, R. L	June 1, 1919	3,000
Commercial agent	Kunning, P. W	Feb. 3, 1919	1,400
Clerk	Lydon, T. A	Nov. 19, 1918	1,000
Do	Worsley, A. R	Oct. 16, 1918	1,000
Seattle:			
District office manager	Vacant		3,000
Clerk	Seeley, H. D	Feb. 11, 1918	1,200
Do	Ayers, L	Jan. 18, 1919	1,000

Personnel of Bureau of Foreign and Domestic Commerce—Continued.

District offices in United States and position.	Name.	Date of appointment.	Salary.
San Francisco:			
District office manager	Babbitt, E. G.	Apr. 13, 1915	$3,000
Clerk	de Navarro, C.	Feb. 1, 1919	1,200
Do	Costello, M.	Apr. 7, 1919	1,200
St. Louis:			
District office manager	Gaukel, T. L.	Feb. 1, 1919	2,000
Clerk	Hartnett, J. M.	July 22, 1918	1,200
New Orleans:			
District office manager	Thompson, E. W.	Oct. 1, 1919	3,000
Clerk	Husson, H. C.	Mar. 1, 1918	1,200
Do	Dieck, A.	May 6, 1919	1,000

EXHIBIT B.

Activities being conducted and those contemplated by the Bureau of Foreign and Domestic Commerce under the appropriation for promoting commerce, Department of Commerce, during the fiscal year ending June 30, 1920:

ESTIMATED COST FOR YEAR ENDING JUNE 30, 1920.

General commercial studies:	
England	$9,650
Italy	2,250
Netherlands	5,750
Norway	3,050
France	2,750
Switzerland	7,475
Maintaining trade commissioners:	
Australasia	9,700
Belgium	16,700
Czechoslovakia	11,450
Denmark	8,900
France	16,175
Italy	11,400
Poland	9,775
Roumania	2,850
Spain	13,400
The Levant	11,700
United Kingdom	17,350
Austria	8,850
India	7,600
Germany	6,200
South Russia	7,100
Commodity investigation:	
Agricultural implements, France	1,280
Banking and currency, Spain	2,325
Electrical goods, Italy	1,550
Electrical goods, Spain	1,000
Industrial machinery, France	3,500
Industrial machinery, Italy	1,150
Leather and raw stock	7,500
Lumber markets and industry	5,885
Machine tools	1,000
Mineral resources, Spain	4,850
Transportation and inland waterways	5,850
Promoting interest in foreign trade in the Southern States	5,000
Investigation and adjusting commercial complaints	2,500
Shipping investigation	35
Special investigation	5,000
Electrical goods	8,600
Report on shipping	1,250
Industrial machinery	3,000
District office service:	
New York	22,250
Boston	7,200
Chicago	7,000
St. Louis	4,650
Seattle	5,100
San Francisco	6,100
New Orleans	5,850
Miscellaneous:	
Temporary travel and other special service	9,000
Contingent expenses	6,500
Total appropriation	325,000

EXHIBIT C.

Activities being conducted and those contemplated by the Bureau of Foreign and Domestic Commerce under the appropriation for pro- 1920:

ESTIMATED COST FOR YEAR ENDING JUNE 30, 1920.

General commercial studies:	
Shanghai	$11,000
Peking	9,000
Dutch East Indies	7,700
Tokyo	8,000
Commodity investigations:	
Advertising methods	$7,000
Industrial machinery	6,000
Mineral resources	9,300
Ports and transportation	12,800
Miscellaneous:	
Administration and office force in Washington	20,000
Contingent expenses	4,000
Temporary travel and other special services	2,500
Reserved for contingencies	2,700
Total appropriation	100,000

EXHIBIT D.

Activities being conducted and those contemplated by the Bureau of Foreign and Domestic Commerce under the appropriation for promoting commerce, South and Central America, during the fiscal year ending June 30, 1920:

ESTIMATED COST FOR YEAR ENDING JUNE 30, 1920.

General commercial studies:	
Argentina	$9,115
Brazil	4,750
Colombia and Venezuela	7,500
Paraguay and Bolivia	7,500
West Indies	3,500
Peru	8,265
Commodity investigations:	
Advertising methods	1,500
Construction materials	3,325
Factory equipment	2,600
Furniture markets	2,600
Jewelry markets	3,000
Leather and raw stock	6,250
Textiles	3,500
Banking and finance	3,125
Miscellaneous:	
Administration and office force in Washington	20,000
Temporary travel and other special services	3,000
Contingent expenses	3,000
Reserve for contingencies	2,270
Total appropriation	100,000

EXHIBIT E.

Activities being conducted and those contemplated by the Bureau of Foreign and Domestic Commerce under the appropriation for commercial attachés, Department of Commerce, during the fiscal year ending June 30, 1920:

ESTIMATED COST FOR YEAR ENDING JUNE 30, 1920.

Foreign field stations:	
The Hague, Netherlands	$10,300
Buenos Aires, Argentina	12,200
Copenhagen, Denmark	11,700
London, England	11,900
Madrid, Spain	11,950
Mexico City, Mexico	10,450
Paris, France	11,650
Peking, China	14,800
Petrograd, Russia (provisionally)	11,100
Rio de Janeiro, Brazil	11,250
Rome, Italy	11,750
Santiago de Chile, Chile (provisionally)	10,000
Tokyo, Japan	9,200
Lima, Peru	8,200
Miscellaneous:	
Contingent expenses	6,000
Temporary travel and other special services	2,550
Total appropriation	165,000

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Director General of Railroads in response to a resolution of the 3d ultimo, which will be inserted in the RECORD.

The communication is as follows:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, October 31, 1919.

DEAR SIR: I beg to acknowledge receipt of resolution of the Senate of the United States (S. 203), dated October 3, 1919, requesting certain information in regard to the activities of the United States Railroad Administration in connection with the foreign commerce of the United States.

The Railroad Administration has endeavored to assist in the restoration of the movement of foreign traffic by the application of reasonable rates, rules, and regulations, such as are consistent with present conditions. To assist in determining what properly might be done, it has conferred with and secured data from various departments of the Government and worked with them in that manner to cooperate in fostering, promoting, and developing the foreign commerce of the United States. The Railroad Administration is represented on the economic liaison committee organized by the Department of State.

There is no assigned division or department of the Railroad Administration devoted to the fostering, promoting, and developing of foreign commerce.

The Railroad Administration is not involved directly in the gathering of data used or the expense incident thereto, but only in the proper transportation of the traffic as developed and offered for shipment within the United States. A great many railroad employees who are generally engaged in the handling of traffic are, to an extent, involved in the handling of import and export traffic; it is an incident of the general business of the carriers. The foreign freight agents employed on the individual railroads are employed in facilitating the transfer, including the necessary customhouse business, of traffic between the ocean carriers and the inland rail carriers, their functions being performance of service rather than primarily the fostering, pomoting, and development of foreign commerce. They are a part of the organization maintained by the railroad corpora-

tions prior to Federal control, which will doubtless be maintained by such corporations after the termination of Federal control.

Very truly, yours,

WALKER D. HINES,
Director General of Railroads.

PRESIDENT OF THE SENATE,
Washington, D. C.

USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Civil Service Commission, requesting action looking to the disposition of useless papers devoid of historic interest on the files of the commission. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Montana [Mr. WALSH] and the Senator from Maryland [Mr. FRANCE] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2883) authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge of bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.

The message also announced that the House insists upon its amendment to the bill (S. 425) to establish the Zion National Park in the State of Utah, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYS managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SINNOTT, Mr. SMITH of Idaho, Mr. ELSTON, Mr. FERRIS, and Mr. TAYLOR of Colorado managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1024. An act authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of an equal acreage also located in the Colorado National Forest, Colo.;

H. R. 3258. An act for the relief of Julius Jonas;

H. R. 6857. An act to authorize the change of the name of the steamer *Charlotte Graveract Breitung* to *T. K. Maher*;

H. R. 7030. An act for the relief of Martin Goldsmith; and

H. J. Res. 241. Joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1919.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Claims:

H. R. 3258. An act for the relief of Julius Jonas; and

H. R. 7030. An act for the relief of Martin Goldsmith.

H. R. 1024. An act authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of an equal acreage also located in the Colorado National Forest, Colo., was read twice by its title and referred to the Committee on Public Lands.

H. R. 6857. An act to authorize the change of the name of the steamer *Charlotte Graveract Breitung* to *T. K. Maher*, was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 241. Joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1919, was read twice by its title and referred to the Committee on Mines and Mining.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram from the National Retail Lumber Dealers' Association, of Detroit, Mich., which will be inserted in the RECORD.

The telegram is as follows:

[Telegram.]

DETROIT, MICH., *November 1, 1919.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.:

The executive committee of the National Retail Lumber Dealers' Association desires to express through you to the Senate of the United States its unqualified approval of the Senate's courageous and praiseworthy action in the support given to the President's position touching the pending coal strike. This association represents in a very large way the retail lumber industry of America, which comprehends in the neighborhood of 70,000 retail lumber yards. In session to-day we have made a careful survey of the results of the strike as it will affect our industry, and we wish to call your attention to the fact that an interrupted supply of coal at this time will very materially interfere with not only the manufacture but the distribution of the large supply of lumber which is now called for by the people of this country for the purpose of furnishing shelter and homes so urgently needed. The need of the hour is that those in authority shall uphold the laws of the land and our constitutional institutions.

NATIONAL RETAIL LUMBER DEALERS' ASSOCIATION.

Mr. POMERENE. Mr. President, I have before me a petition signed by, I believe, some 67 merchants of the city of Dayton and vicinity in the State of Ohio in support of the Kenyon bill. It seems that heretofore these petitioners signed a memorial protesting against the bill. I ask that the petition be incorporated in the RECORD without the signatures and that it be referred to the Committee on Agriculture and Forestry.

There being no objection, the petition was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

OCTOBER 26, 1919.

TO OUR SENATORS:

We, the undersigned merchants of Dayton and vicinity, favor a measure to subject the big meat packers to regulation similar to that provided by the Kenyon bill. We are opposed to the existing monopoly of meat products, cheese, etc., and we believe that this monopoly should be regulated. We understand that the Kenyon bill provides for Government regulation, but not ownership or operation; that it allows the present owners to operate their plants so long as their operations are fair, nondiscriminatory, and competitive; that it provides for the separate operation of stockyards; and that it puts private refrigerator-car lines on a common-carrier basis. We desire hereby to withdraw any petitions, letters, or telegrams in opposition to the Kenyon bill to which our names may have been affixed, for the reason that our former action was taken without an understanding of the contents of the bill and at the request of the packers.

Mr. SMITH of Georgia. I present a resolution adopted by the Legislature of the State of Georgia memorializing the Congress of the United States to enact appropriate legislation whereby Okefenokee Swamp may be made a national park reservation. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

The resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF GEORGIA,
OFFICE OF SECRETARY OF STATE.

I, S. G. McLendon, secretary of state of the State of Georgia, do hereby certify that the matter hereto attached is a true copy of a resolution memorializing the Congress of the United States to enact appropriate legislation whereby the Okefenokee Swamp may be made a national park reservation, and for other purposes, approved August 18, 1919, as the same appears of file in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at the capitol, in the city of Atlanta, this 29th day of October, in the year of our Lord 1919 and of the independence of the United States of America the one hundred and forty-fourth.

S. G. MCLENDON,
Secretary of State.

A resolution memorializing the Congress of the United States to enact appropriate legislation whereby the Okefenokee Swamp, in the southern section of the State of Georgia, may be made a national park reservation, and for other purposes.

Whereas the Okefenokee Swamp, located in the southern section of the State of Georgia, containing an area of about 700 square miles, in which the St. Marys River and the famous Suwanee of song and story take their source, and in which there is found so much to attract the sportsman, as its hommocks and jungles teem with wild animals and game of every description native to North America, its lakes and creeks and rivers abound in fish, and its open forests ring with the music of native bird life; and

Whereas no place in all the southeastern section of the United States offers more to the student of wild life than this swamp. Here, preserved because of its inaccessibility, remains much of the primeval life of America. No place in all the southeastern section of our country, in that vast area bounded on the north by the Potomac and Ohio Rivers and on the west by the Mississippi, contains so many different species of birds as are native to this swamp; and

Whereas here in tangled leaf and wild flower live a great many of our songsters who have escaped the destruction that awaited them elsewhere. Here, too, are some of the largest birds, going up the scale and reaching the largest eagles in this section. Here are found a few species that practically are found nowhere else; and

Whereas in this jungle also remain much of our wild game, here the bear and southern lynx can be found, the only place in this territory in which black bear exists, except in some few canebrakes in isolated spots along our great rivers; and

Whereas no section is so rich in its attraction to the students as this section, and here he can reap the satisfaction of seeing many species of both bird and animal life in fairly abundant quantities that are extremely rare, if not almost extinct; and

Whereas the swamp is equally as rich for the careful student in the study of fish life; here are found a very great variety of our fresh-water fish; in fact, in a narrow compass of waters are found more varieties than any other similar area. The fish that inhabit our still waters of sluggish habits here live and thrive in long lagoons and lakes. Here at many points the waters, as they meet to make the head of both the St. Marys and Suwanee Rivers, form an ideal spot for the life of some of our game fish; and

Whereas in all the Northwest and in the Southwest sections of the United States great areas have been purchased and set apart so that the people there might have a place in which to go to see the life that has disappeared forever from the plains and forests and mountains of the far West, the National Government having purchased seven great parks to carry out this work; and

Whereas here in the Southeast no friendly hand has been held out to help us in preserving for future generations the wild life that once existed in this section of the United States. Nature herself worked

hard and furnished here a natural sanctuary. Commerce has come in now and the ax of the lumberman is heard all throughout the swamps, and the coverts for game, the dense jungles in which birds and animals hide themselves from danger, will disappear unless protected, and the great forest, jungle, and swamp which form the headquarters of the two great rivers will disappear unless steps are taken to preserve same: Therefore

The House of Representatives of Georgia (the Senate concurring), do resolve:

First. That our Senators and Representatives from Georgia in Congress of the United States be, and they are hereby, memorialized to have the Congress enact appropriate legislation whereby the Okefenokee Swamp may be made a national park reservation.

Second. That duly certified copies of these preambles and resolutions be immediately transmitted by the secretary of state upon the passage, approval, and filing of same in his office to each of the Senators and Members of the House of Representatives from this State in the Congress of the United States.

JNO. N. HOLDER, *Speaker of House.*
E. B. MOORE, *Clerk of House.*
SAM L. OLIVE, *President of Senate.*
DEVEREAUX P. MCCLATCHEY, *Secretary of Senate.*

Approved August 18, 1919.

HUGH M. DORSEY, *Governor.*

Mr. SMITH of Georgia. I also present a resolution adopted by the State convention of the American Legion, held in Atlanta, Ga., October 15-16, 1919, urging investigation and remedial legislation in the matter of training and pay allowed disabled service men resulting from the World War. I ask that the resolution be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolution was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION, GEORGIA DIVISION,
Atlanta, Ga., October 21, 1919.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is transmitted herewith a copy of resolution adopted by the State convention of the American Legion, held in Atlanta, October 15-16, 1919, urging an investigation and remedial legislation in the matter of training and pay allowed disabled service men resulting from the World War.

This is sent to you pursuant to the text of the resolution, and it is urged that you give the matter your careful consideration.

Yours, very truly,

BASIL STOCKBRIDGE,
State Chairman.

Be it resolved by the Georgia Division of the American Legion in State convention assembled, That the Congress of the United States be urged to appoint a commission to investigate the method of training disabled service men of the World War, as same is given under the present laws, and to further investigate the pay allowed to disabled service men who are taking advantage of said training, and to further investigate the compensation that is being paid to disabled men, and in case deficiencies are found as a result of said investigation that appropriate legislation be passed to remedy said deficiencies immediately; be it further

Resolved, That a copy of this resolution be furnished to the two Senators and to each of the Representatives from Georgia.

Mr. SMITH of Georgia. I present a resolution adopted by the State convention of the American Legion, held in Atlanta, Ga., October 15-16, 1919, urging that Congress enact a law amending the present war-risk insurance act so that premiums may be collected by post-office employees. I ask that the resolution be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
GEORGIA DIVISION,
Atlanta, Ga., October 21, 1919.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is transmitted herewith copy of resolution unanimously adopted by the State convention of the American Legion, held in Atlanta on October 15-16, 1919, urging that Congress enact a law amending the present war-risk insurance act so that premiums may be collected by post-office employees.

It is urged that this matter receive your earnest consideration.

Very respectfully,

BASIL STOCKBRIDGE,
State Chairman.

Be it resolved, and it is hereby resolved, by the Georgia Division, American Legion, in convention assembled, That the Senators and Representatives of the State of Georgia in the Congress of the United States be requested to introduce and urge the passage of legislation by the Congress which would authorize the receipt by postmasters and rural mail carriers of premiums upon war-risk insurance policies, it being the belief of this convention that authority to make payments of premiums upon policies to postal authorities will prevent the dropping of policies of men who are not familiar with methods of making remittance by mail.

Mr. WILLIAMS. I ask unanimous consent to have inserted in the RECORD certain resolutions intended to operate as petitions to the Senate in behalf of the help of the American Government to the people of Armenia.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolution adopted by the American Board of Commissioners for Foreign Missions at its annual meeting in Grand Rapids October 23, 1919.

In view of the 100 years of philanthropic service to all the people of Turkey and the large investment of life and property made by the people of America through the Christian Church; in view of the present crisis, threatening not only the continuance of this humanitarian service but the very existence of the people for whom it was established; and in view of the fact that the United States is the only one of the great powers which is in a position to render this service: Be it therefore

Resolved, That it is the earnest conviction of the American Board of Commissioners for Foreign Missions, assembled in Grand Rapids, Mich., that action immediately be taken by the United States to protect the people of Armenia such as is contemplated by the Williams resolution now before the Senate; be it further

Resolved, That copies of this our resolution be forwarded to the President of the United States, the Committee on Foreign Relations, and the leaders of the majority and minority parties in the Senate; be it further

Resolved, That a committee be appointed to correspond with the churches of our denomination to the end that they should urge this action upon their several representatives in the United States Senate.

On October 24 the National Council of Congregational Churches passed the same motion, substituting its name in place of that of the American board in the second paragraph and omitting the fourth paragraph.

The committee of the American board was appointed by President Edward C. Moore on October 23, as follows: President Henry C. King, Rev. James L. Barton, Mr. Franklin Warner, Rev. William Horace Day, Mr. John M. Whitehead, Rev. William E. Barton, Mr. H. M. Beardsley, Rev. Robert E. Browne, Judge John H. Perry, Mr. William E. Sweet, Rev. Ernest W Riggs (chairman).

ARMENIAN NATIONAL UNION OF AMERICA,
RICHMOND BRANCH.

Resolution on behalf of Armenia.

Whereas, In spite of the fact that almost a year has passed since the signing of the armistice, the Armenian people continue to suffer, as before, all the horrors of famine, homelessness, violence, murder, persecution, exile, and imminent massacre; and

Whereas thousands of Armenian women and girls are still enslaved by Kurdish, Turkish, and Arab masters; and

Whereas the Armenians are now practically without means of defending themselves, while the Turks, Kurds, and Tartars are equipped with arms, and, emboldened by the lax attitude of the powers, are threatening to combine in an attack upon the Armenian Republic and upon all the Armenians of Transcaucasia; and

Whereas outrageous situations of this kind have always been abhorrent to the American people; and

Whereas America entered the war for the express purpose of putting an end to them; and

Whereas there are now before the Senate two bills, one the Lodge bill, in favor of an independent Armenia, and the other, the Williams bill, referring directly to the present crisis, and recommending that we lend to Armenia some kind of military aid; and

Whereas throughout the war the Armenian people were true and valiant allies, the first and the last in the defense of the Caucasian front: Therefore be it

Resolved, That we, the Armenian colony of Armenian National Union of America assembled in Richmond, Va., believing that to refuse aid to this heroic people at this time would be to betray the principles for which our men fought and died and to incur a lasting national dishonor, do hereby urge upon the Senate the adoption of such resolution as shall afford to the Armenian people immediate protection; and be it further

Resolved, That copies of these resolutions be sent to Senator LODGE, Senator HARDING, Senator WILLIAMS, Senator NEW, and to the President and Vice President.

I hereby certify that the foregoing is a true copy of resolutions adopted by the Richmond Branch of the Armenian National Union of America on October 27, 1919.

K. DER KRIKORIEN,
Secretary Richmond Branch of Armenian National Union of America.

We, the undersigned citizens of the city of Richmond, Va., heartily indorse the above resolutions.

[Copy of original signatures sent to President Wilson:] George Ainslie, mayor; W. Russell Bowie, rector St. Paul's Episcopal Church; D. C. Richardson, judge; R. Carter Scott, judge; E. Randolph Williams; D. S. Freeman, editor News-Leader; James W. Morris, rector Monumental Episcopal Church; E. Raleigh Phillips; Alex. Ryland; Wm. C. Camp, American National Bank; City officials: Geo. Wayne Anderson, W. M. Winston, R. L. Hasker, W. R. McLaughlin, R. W. White, J. F. Waller, Thos. M. Landers, sr., S. M. Baughan, C. E. Hayward, Marie C. Daly, Hattie C. Crist, Celute I. Barrow, Mattie E. Campbell, Winifred P. Moxon, E. G. Friend, Bessie E. Irving, Gay B. Shepperson, Alice B. Hopkins, Abe Cohn, C. Upsher Creery, S. C. Hardin, J. E. Burnett, Beverley T. Crump, L. L. Cheatwood, Wm. Reinhard, A. Van Buren, J. H. Lawder, Geo. W. Libby, J. R. Perdue, jr., G. H. Tompkins, Louis C. Gisseller, H. E. Tresnon, W. L. Tyler, Cleat Walke, Stuart Bowe, Wm. H. Wyatt, jr., W. J. Griggs, C. M. Smith, jr., H. C. Cofer, Chas. I. Phillips, Luther Libby, Thos. Haddon, William B. Smith, J. Geter Jones, Merchants' Bank; Government officials: Walter D. Melton, Harry Wood, Chas. B. Reid, W. A. Grant, Claude A. Hess, Howard L. Melton, John W. Arnold, Harrison S. Hall, A. D. Fenson, R. J. Rowlett, Vara H. Winston, R. Lew Phillips, Douglas Baird, Elmo S. Redwood, Ed. E. Bernard, F. W. Kemker, Walter S. Doughty, J. Harrison Tabb, William R. Vial, jr., W. B. Allen, W. T. Miles, G. Gordon Brown.

Mr. WILLIAMS. I also ask unanimous consent to have inserted in the RECORD certain resolutions from the Council of Jewish Women in favor of the unqualified ratification of the treaty of peace and the league of nations.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NEW YORK SECTION,
COUNCIL OF JEWISH WOMEN,
October 25, 1919.

Senator JOHN SHARP WILLIAMS,
Washington, D. C.

MY DEAR SENATOR: At a large open meeting of the New York section of the Council of Jewish Women, held on October 23, 1919, the following resolutions were adopted:

"Whereas the league of nations presents the only hope of universal and lasting peace and of ultimate disarmament; and

"Whereas the league of nations would establish peace on the high moral plane of justice and freedom to weak nations as well as to strong; and

"Whereas the safety and liberty of our country are in every way protected by this covenant; Therefore be it

"*Resolved*, That the New York Section of the Council of Jewish Women, consisting of 3,600 citizens, in meeting assembled, indorse the covenant of the league of nations; and be it further

"*Resolved*, That copies of these resolutions be sent to every member of the Foreign Relations Committee of the Senate and to each of the Senators from New York State."

Very truly, yours,
Mrs. IRVING LEHMAN,
Chairman Committee on Legislation.

Mr. LODGE presented a memorial of Thomas Francis Meagher Branch, Friends of Irish Freedom, of Anaconda, Mont., remonstrating against the ratification of the league of nations treaty, which was ordered to lie on the table.

Mr. NEWBERRY presented memorials of sundry citizens of Detroit, Mich., remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

He also presented a petition of the Arlington Women's Union Club, of Bangor, Mich., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by Local Union No. 2743, United Mine Workers of America, of Ringo, Kans., favoring the wage demands of miners in the pending coal strike and expressing their loyalty to the Government, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEE ON THE JUDICIARY.

Mr. SMITH of Georgia, from the Committee on the Judiciary, to which was referred the bill (S. 411) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, reported it without amendment.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 1233) to repeal an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the act amendatory thereof, reported adversely thereon.

He also, from the same committee, to which was referred the bill (S. 3090) to repeal the espionage act, reported adversely thereon.

SUGAR SHORTAGE.

Mr. McNARY. On behalf of the Committee on Agriculture and Forestry I report back favorably the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes, and I submit a report (No. 286) thereon.

Mr. RANSDELL. I ask for 24 hours in which to prepare and file the views of the minority.

The VICE PRESIDENT. Without objection, leave is granted. The bill reported by the Senator from Oregon will be placed on the calendar.

MINNESOTA RIVER DAM.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 3263) to authorize the construction of flood control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota, and I submit a report (No. 284) thereon. The bill is recommended by the department. It gives consent to the local authorities to erect a dam. I ask unanimous consent for its present consideration.

Mr. GRONNA. I wish to ask the Senator from Minnesota if North Dakota is not included?

Mr. NELSON. It will be included, I suppose, ultimately in the waterworks. This is for a dam at the foot of Big Stone Lake, between Minnesota and South Dakota.

Mr. GRONNA. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Minnesota Valley Drainage and Flood Control District, organized and existing under the laws of the State of Minnesota, and the Big Stone Lake Drainage and Flood Control District, organized and existing under the laws of the State of South Dakota, are hereby authorized to construct a dam across Minnesota River at the foot of Big Stone Lake, together with such dikes, spillways, diversion channels, and other works in said river and lake as the said districts may agree upon as necessary for the prevention and control of floods, the improvement of navigation, and the drainage of land: *Provided*, That plans for the works hereby authorized shall be submitted to the Secretary of War and the Chief of Engineers for their approval, and unless and until approved by them no part of the said works shall be built or commenced.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOWN-SITE ALLOTMENTS IN OKLAHOMA.

Mr. SPENCER. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 7751) authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla., and I submit a report (No. 285) thereon.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill. It relates merely to the drainage of a very small section in the Ottawa country where a town has been built up in the zinc fields. It is purely a local matter.

Mr. SMOOT. Let the bill be read before consent is given.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon the application heretofore or hereafter made, of a majority in interest of the owners of any inherited and unpartitioned allotment in the Quapaw Agency, Okla., to sell the surface of said allotted lands, in whole or in part, for town-site purposes, under such rules and regulations as he may prescribe, concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians: *Provided*, That any duly authorized representative of the Interior Department may execute any deed or other instrument necessary to the completion of such sale in the name and on behalf of any of the owners of said land if such owner or his legal representative shall fail or refuse to execute such deed or other instrument for a period of 30 days after being given notice in such manner as the Secretary of the Interior may prescribe that such deed or other instrument is ready for execution.

In conducting such sale the Secretary of the Interior may, in his discretion, prescribe such conditions and requirements as may be necessary for the protection of any person or persons he may find to have legal or equitable interests in any of said lands or the improvements thereon, making due allowance, in his discretion, for the value of such improvements, but no preference right to purchase any lot or tract shall be accorded any person for a period exceeding 90 days.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to cover the expense of conducting such sale, such sum to be reimbursed to the Treasury out of the proceeds of the sale and to be apportioned among the distributees of the fund derived from the sale.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3357) to provide funds for continuing work upon existing projects already authorized by the act of June 17, 1902, and subsequent acts amendatory thereof and supplementary thereto, known as the reclamation law; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 3358) fixing the ages for appointment of officers who have served in the Reserve Corps during the war with the Imperial German Empire to a relative rank in the Regular Army of the United States; to the Committee on Military Affairs.

A bill (S. 3359) to amend the laws relating to navigation, and for other purposes; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 3360) granting an increase of pension to William J. Johnson (with accompanying papers); and

A bill (S. 3361) granting an increase of pension to Lucinda C. Doney (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3362) for the relief of the Jefferson Lime Co.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 3363) granting an increase of pension to Amelia Hubbard; to the Committee on Pensions.

By Mr. FRANCE:
A bill (S. 3364) to provide increased compensation for employees of the government of the District of Columbia; to the Committee on the District of Columbia.
By Mr. JOHNSON of California:
A bill (S. 3365) for the relief of Hilbert A. C. Jensen; to the Committee on Military Affairs.
By Mr. ELKINS:
A bill (S. 3366) granting a pension to Harry B. Robb; to the Committee on Pensions.
By Mr. OWEN:
A bill (S. 3367) for the erection of a public building in the city of Stillwater, State of Oklahoma, and appropriating money therefor; to the Committee on Public Buildings and Grounds.
By Mr. PHELAN:
A bill (S. 3368) to provide for aeroplane mail service between New York City, N. Y., and San Francisco, Calif.; to the Committee on Post Offices and Post Roads.
A joint resolution (S. J. Res. 122) making November 11 of each year a national holiday, to be known as Liberty Thanksgiving Day; to the Committee on the Judiciary.

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I do not usually take very much time in the morning hour, but I ask unanimous consent of the Senate at this time for about 15 or 20 minutes to submit some remarks with reference to a bill which I propose to introduce relating to shipping.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Senator from Washington will proceed.

Mr. JONES of Washington. Mr. President, when the World War began we had 1,076,152 gross tons of shipping out of nearly 50,000,000 tons engaged in the world's trade. It was carrying only about 10 per cent of our foreign commerce. Then was brought home to us the need of a great nation for a merchant marine. Foreign shipping upon which we were dependent was taken for war purposes. Our products and goods could not be exported for lack of ships. Charter rates became excessive, many of our industries were prostrate, and our people were threatened with ruin. The loss actually suffered was more than would have been required to secure an adequate merchant marine under proper governmental encouragement.

When we entered the war in 1917 our foreign tonnage had increased to 2,191,715 tons under the impetus of war needs. Then it was that our protective coastwise policy was fully justified. It is safe to say that the war was really won by our coastwise merchant marine, which then amounted to 6,277,934 tons. Many of the best ships available for transporting troops, munitions, and supplies were coastwise ships which we would not have had except for the policy followed for the protection of our coastwise shipping from foreign competition. It saved us and the Allies from defeat, or helped us to an early victory.

As it was, our power was greatly impaired by the lack of ships. Men and supplies were to be taken over water thousands of miles. Ships had to be secured at any cost or militarism would be triumphant, our flag dishonored, and liberty lost to the world for generations. Over three billions of dollars were appropriated by Congress for ships. This is more than the book value of all the merchant ships of the world in 1914 and a heavy price to pay for the neglect of years.

No one knew how long the war would last. A shipbuilding program for a two or more years' war was begun and carried on until victory came. After the armistice many contracts were canceled, and the program will likely be completed by December 31, 1920. By the end of next year we will have, including our coastwise shipping, a merchant fleet of almost 18,000,000 gross tons, and about equal to that of the British Empire.

We do not desire, and it is not our purpose, to drive other nations off the sea, but we do want to do, and we ought to do, at least our proportionate part of our own and the world's carrying trade, so that our commerce shall have a fair chance in the world's markets, and that we may be hereafter fully prepared for any emergency that may confront us. In my judgment, the people are ready to do anything needed to bring this about.

Our ships have been built in a hurry. Many are not the best for our trade. We have too many of some kinds and none of others. The fleet should be properly balanced and then we should maintain it on a par with commercial growth and keep it up to the highest state of efficiency. If any nation seeks to drive us off the sea, we should meet such an attempt with all our resources. If our right to have and operate a merchant marine commensurate with our wealth, commerce, and power is admitted by other nations, it will be well for them and for us. The need of the British Empire of a great merchant marine is admitted by us; but it is not good that the world should depend upon one nation for its water transportation. The world's peace is not safe or assured under such a condition. We are the greatest exporting Nation in the world, and the second, if not the first, importing Nation, and we should be no more dependent upon foreign transportation to get our products to market than should any other nation.

Of the 12,000,000 tons of shipping for the foreign trade that will be under our flag by the close of next year, more than 8,000,000 will be owned by the Government and paid for by taxes from the people. What to do with it and how to use it is the problem that confronts us, and it should be solved as soon as possible.

We may differ about Government ownership, but that can be no issue here. The Government owns these ships, whether we will or no. They can not be given away. The people will not stand for that. We must not allow private parties to take the cream of this shipping and let the Government hold the balance to dispose of at a great sacrifice. Grant that Government ownership should end as soon as may be; it must be brought about as nearly as may be without unnecessary sacrifice and just as a private individual would get rid of property he did not desire to keep but that he did not have to dispose of at a sacrifice. Furthermore, the Government is interested in the future success of shipping and the maintenance of a permanent fleet. That object must be kept in view, and in getting rid of Government ownership we must try not to sacrifice our property and must strive also to build up and put our shipping on a permanent basis. In fact, the ultimate purpose of our legislation should be the establishment of a policy under which an adequate merchant marine will be developed and maintained under private ownership and operation.

Private interest, incentive, and energy bring the greatest efficiency. Efficiency means success—its absence, failure—in business and enterprise. When any of these ships can be sold so as to promote the ultimate purpose they should be sold. If not sold, they should be operated privately when this can be arranged for on fair terms and in a way to promote the ultimate purpose.

No one can reasonably hope that private enterprise and capital, in the face of foreign competition and handicapped by our own inexperience and lack of business connections and facilities, will be able to absorb and take over all this shipping in a short while and establish the routes we ought to have. To serve our present needs, establish and maintain new lines, and develop the new markets that we must have if our merchant marine is to be what it ought to be, additional ships of special type, size, and speed must be built. They will cost large sums of money. Some may be built by private capital, but in my judgment most of them will have to be built by the Government if we are to have them. They can be built without new appropriations and as a part of a policy that will not only cost the Government nothing but will help repay what has already been spent. Along with the ships we have we also have agencies to build the ships we need. It is economy to use them, even if the additional cost of a ship may be a little more—which I very much doubt. At Camden, N. J., for example, the Government has a plant for the building of the largest ships in the world with ways a thousand feet long. This plant has cost several millions of dollars, and for all practical purposes is a part of the New York Shipbuilding Co.'s yard. Unless private shipbuilding interests are ready to buy it and pay a fair price for it, the Government ought to keep it and through the New York Shipbuilding Co. construct the ships that it ought to have and for the construction of which there are probably no other existing facilities.

The situation that confronts us is about this: We are comparatively inexperienced in financing, building, and operating ships. We ought to have, for national safety and commercial success, at least 15,000,000 tons of shipping, to be maintained and increased as our trade grows, along with ample shipbuilding and repair yards. We will have this shipping by the close of 1920, with 8,000,000 tons or more of it owned by the Government. What shall we do to bring it ultimately into private hands, insure its maintenance and development to meet the needs of national safety and commerce, and at the same time return to the people the greatest part of their investment?

After consulting with men of experience, who in the suggestions they have made I believe have subordinated their personal interests to the public welfare, I have prepared a bill which I believe can be made to form the basis of such a policy. It coordinates private initiative, incentive, and patriotism with governmental power and responsibility, and, I hope, may accomplish the great purpose sought by all.

Many point out the need of a policy to do what we want done, but few, if any, suggest concrete plans. The Saturday Evening Post of October 18 points out the relative development of ship-

ping since 1914, showing that while the British fleet is smaller by 5,000,000 tons than it would have been if no war had occurred and the German fleet smaller by three and a half millions tons, the American fleet is larger by more than 7,000,000 tons. It goes on to say:

The figures graphically illustrate our enormous relative advance in the shipping field, and ships can now be built in this country cheaper than in England—perhaps cheaper than in Germany.

But neither England nor Germany is overmuch discouraged by that condition. Both of them admit that we have taken a colossal stride in incredibly short time and that at the moment they are handicapped. They say, also, that of old they beat us hollow at shipbuilding and ship operating, and they cherish a notion that under normal conditions they can finally beat us again. They say that building ships in short order under Government flat is one thing, while operating those ships year in and year out against the competition of the shrewdest, most experienced shipping men and nations of the world is another thing.

And they are largely correct in that contention, and that is one of the conditions that we must take into account in trying to solve this problem.

They rather expect us to make enough mistakes to put the game back into their hands again. They are not without good grounds for their expectation. A full half century of mistaken and ill-considered national policy in respect of American shipping brought it to the pass in which the European war found it in 1914. A new and comprehensive code of shipping laws, buttressed by a sound and far-seeing policy in maritime matters, is the only thing which can prevent our competitors' wishes from coming true.

Everybody agrees that we are to have intensive competition and that we need a sound and far-reaching policy to maintain our proper position, and all the writers on this subject would give more substantial aid by trying to develop such a policy rather than to spend so much time in demonstrating what we all know.

The plan I propose is a concrete one. It has its defects and its dangers. Graft, waste, and extravagance are possible under it; but before it is condemned let some one suggest a plan that will not permit these things. The ships and property we have must be handled and controlled by human agencies with more or less discretion, and as long as this must be so these things can not be wholly avoided. Let those who criticize and condemn this plan suggest something better. Let us construct rather than destroy. Anything better and safer will be welcomed by me. An adequate merchant marine, built in American shipyards by American labor, owned by American capital, operated and manned by American seamen, carrying American commerce to all the ports of the world, and flying the American flag, has been my dream for many years, and it is my purpose to do whatever I can to attain this great end, and I will support any measure and any policy that will give a reasonable assurance of accomplishing this great object.

What I suggest is, in fact, not new. We now have the United States Shipping Board acting in a dual capacity. It was intended to be a great regulatory, governmental agency, and is in fact doing the work of a great corporation. It can not well serve both ends. I do not propose to destroy the Shipping Board. What I propose is to divorce it entirely from building, selling, or operating ships and allow it to do the things it was primarily created to do, and establish a corporation separate and independent of it to operate, maintain, and dispose of our ships in such a way as to give us an adequate merchant marine on a permanent basis. We need an agency that can act promptly and do whatever the emergency or situation demands. The best governmental agencies of this war have been the corporations created to serve particular needs. They have done their work well and with profit to the Government, and have shown that corporate agencies can be used as effectively in governmental activities as in private enterprises.

The first section of this bill declares it to be the policy of the United States to have a merchant marine sufficient to insure our safety in time of emergency, so far as merchant ships can do so, and also sufficient to carry the greater part of our commerce, together with ample shipbuilding and repair plants, all ultimately to be owned and operated by private parties and capital.

Section 2 creates a corporation entirely separate and distinct from the Shipping Board, with nine directors to be appointed by the President from the different sections of the country for a term of eight years. This corporation continues for 30 years unless otherwise provided by law, and has all the powers of a private corporation for the accomplishment of the purposes of its creation. It has no capital stock, but there is transferred to it all the ships of the United States acquired as a result of the war and all the ships, shipyards, property, and assets of the United States Shipping Board and the United States Emergency Fleet Corporation, which shall constitute its capital. It is authorized to use this capital in any way that it deems best to accomplish the purposes of the act. All the contracts and liabilities of the Shipping Board and the Emergency Fleet Corporation will be taken over by it. It is authorized and empowered "to construct, equip, repair, maintain, operate, sell, lease, charter, exchange, or otherwise dispose of vessels of the United States, and issue and deal in maritime securities, make contracts, acquire, hold, and dispose of such other property, both real and personal, as may be necessary and convenient for corporate purposes, and to establish and maintain, within and without the United States, port, terminal, and warehouse facilities and coal or oil bunkers or stations for use in connection with our merchant marine, and to do any and all things deemed by it necessary to develop an adequate American merchant marine composed of ships of suitable types, speed," and so forth. In brief, it is proposed to place in the control of this corporation, whose directors are men of the highest standing and largest business experience, ships, shipyards, and assets which cost about $3,000,000,000, for the purpose of accomplishing a definite, declared object, and give them full authority to do with these assets a certain and definite thing. Our biggest men will welcome the opportunity to do this great thing. They can do it if it can be done, and I do not doubt that they will do it.

Sections 3 and 4 provide for the transfer to the corporation of the property and assets to be handled by it.

Section 5 extends the coastwise laws to the Sandwich Islands, the Virgin Islands, Guam, and the Philippines after six months from the passage of the act and directs the corporation to see that adequate service is maintained between the United States and these islands. This will doubtless soon develop a large commerce with these islands and result in private capital taking over any steamship lines the corporation may have to establish and extending them to China and Japan.

Section 6 prohibits competition by the corporation with established American shipping lines.

Section 7 makes the ships of this corporation subject to all the laws of the United States the same as private ships.

Section 8 provides for annual reports.

Section 9 authorizes the Interstate Commerce Commission and the United States Shipping Board to require connection between rail and water carriers, and authorizes these bodies to establish through export rates over rail and water lines to encourage, develop, and increase our commerce.

Section 10 makes it the duty of the Shipping Board to investigate and advise the corporation what steamship lines and postal service should be established and maintained between the ports of the United States and other world ports, together with an estimate of the cost of such postal service, and the type, size, speed, and other requirements of ships, and the corporation is authorized to establish such service as speedily as possible, although the discretion of doing so is left entirely with the corporation.

Section 11 requires the corporation to determine the need for ships between the terminal of the Government railroad in Alaska and other ports, and furnish suitable service for the same unless it can be done by private parties.

Section 12 establishes the principal place of business of the corporation at Philadelphia.

Section 13 repeals the emergency acts under which the present fleet of ships has been constructed, and makes unexpended appropriations available for the work of the corporation.

Section 14 repeals sections 5, 6, 7, and 8 of the Shipping Board act, which authorized the construction, operation, and so forth, of ships.

Section 15 repeals certain acts relating to the coastwise and other emergency legislation.

Section 16 contains the common provision with respect to the effect of declaring unconstitutional any part of the act, and also declares that the specific enumeration of powers shall not exclude other powers embraced within general terms.

Section 17 directs the President to take steps to abrogate the provisions of treaties of commerce that restrict our right to impose discriminating duties on imports.

It may be said that this is a great power and responsibility to put in the hands of a few men. It is; but we have a great property to be handled and a great object to be attained. It must be done in a great way if it is to be done at all.

Mr. President, the committee has not taken up this matter as yet, because we have been waiting for a disposition of the peace treaty. Many of the members of the committee have been working on very important legislation before other committees, including railroad legislation and the peace treaty, so that we have not thought it well to start hearings. I have prepared bills from investigations that I have made as expressive of the views I have reached myself and not as giving the views of the committee in order that concrete propositions may be before the committee as a basis for the hearings which we hope

to begin soon. As I say, the bill to which I have specially referred is prepared without any purpose of doing away with the Shipping Board, and it leaves the Shipping Board to do exactly what it was primarily intended to do.

I have also prepared another bill expressing the views I have on the theory of the Shipping Board handling the ships; and if that should be the policy that should be adopted by the committee after the hearings, then I think these suggestions will be of benefit. These concrete measures will probably aid the committee in getting more prompt action after the committee has had its hearings upon this matter, which I consider really as important a problem as we have before this Congress. I consider it a problem even more difficult of solution than the railroad problem, because we have the experience which no other nation has with reference to the railroad problem, while we are lacking in experience in the shipping problem, and this with the very nature of shipping operations and conditions makes it very difficult to work out.

Mr. President, I present these two bills and I ask that they may be referred to the Committee on Commerce.

The bill (S. 3355) to provide for the disposition or operation of merchant vessels of the United States, to stimulate interstate and foreign commerce, to encourage the development of the merchant marine of the United States, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

The bill (S. 3356) to create the United States Merchant Marine Corporation and to sustain and build up the merchant marine of the United States was read twice by its title and referred to the Committee on Commerce.

Mr. FLETCHER. Mr. President, I am very glad the Senator from Washington has introduced the bills and explained his purpose; and, to some extent, the plan of the bills. I agree with him that there is no more important subject with which Congress has to deal than this question of taking proper care of the American merchant marine. We are in a position now where we can hold our place, a self-respecting and decent and proper place, on the oceans of the world. I hope the time never will come when the United States will again be a beggar of ships.

Just what may be determined with reference to these bills, I think, will depend somewhat on what is developed before the committee. I take it the chairman will arrange for hearings on the bills, so that we may have the views of all those who are thoroughly acquainted with the problem. It is quite clear in my mind that we ought at least to continue the operation of ships by the Government, either through some corporation or through the Shipping Board, for a period of 5 or 10 years, or until such time as new trade routes are thoroughly established. However, that, no doubt, will be developed upon the hearings on these bills.

Recently I received some very well considered and clear views on this subject from a gentleman who has given it considerable thought, Mr. R. L. McKellar, and I ask that these views may be inserted in the RECORD. I do not know that I care to have them read, unless some other Senator does. These will go along with the observations of the Senator from Washington.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SOUTHERN RAILROAD LINES,
Washington, D. C., October 18, 1919.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

Operation of the American merchant marine.

DEAR SENATOR: Recalling your talk on the above subject to the Shipping Board men at the Elks Club on Friday afternoon of last week, at which time you invited an expression of individual views.

In response to this invitation, I wish to say that many will agree with you that governmental operation of railroads is undesirable, principally because the roads are owned privately and the Government is under obligations to return them to their owners within a reasonable period after the close of the war.

However, when it comes to the operation of our rapidly increasing merchant marine, it is a different proposition, for the following reasons:

First. It is owned by the Government, is essential to world commerce, and is a necessary adjunct to our Navy.

Second. An organization for its operation has been created and is in process of development in accordance with existing needs.

Third. If this organization is continued and stabilized, both in its operation and traffic branches, and expanded to meet the requirements of competition and the increasing outturn of newly constructed vessels, it will mean that our ocean service heretofore so largely concentrated on a few ports will be spread out, and that all of our usable ports on the Atlantic, Gulf, and Pacific will be supplied with steamship service and new trade routes will be opened up to all ports of the world offering trade with this country.

Fourth. Under Government ownership and operation, these new trade routes can be served and continued until a remunerative business is developed or at least until it is fully demonstrated that the need for such service does not exist.

Fifth. If new construction is stopped and sale of vessels now owned by the Shipping Board is made to private enterprise, it means that under private ownership and operation the larger ports and the best paying trade routes will, as a matter of course, be given preference and that the establishment of new and remunerative trade routes will be a matter of long-deferred and long-drawn-out development, and in some instances only as the result of an overproduction of shipping and consequent remote necessity for finding additional markets in order to employ such excess shipping.

Sixth. It is even possible that under private ownership and operation that vessels now operated and allotted to new service, as in the case of the newly established service from south Atlantic and Gulf ports, will be withdrawn and put into better paying routes if the present routes are not found immediately remunerative.

Seventh. Competition on the Pacific Ocean is also a matter of vital importance to the permanent establishment of our merchant marine in all directions, and it is extremely doubtful if private enterprise will meet that competition as quickly as will the United States Shipping Board under a well-defined policy of continued and stabilized operation.

Eighth. It is my belief that the United States Government should continue without interruption its shipbuilding program, covering vessels suitable for commercial use, including passenger vessels and colliers for transporting commercial coal, and that Government operation should be continued until our merchant marine is firmly established upon the high seas in the handling of the ocean commerce of the world.

It is my further belief that under stabilized and aggressive governmental operation, coordinated with competitive railroad operation, that our merchant marine will do as much in 5 years toward developing our foreign commerce through all ports as will be done in 25 years if the Shipping Board's building program is arrested and ships now owned are sold to private enterprise and no provision made for absorbing the loss in establishing new trade routes and in regular service from ports heretofore inadequately served.

Canada's merchant-marine policy, as indicated in the following extract from Shipping, is also of interest in its relation to ours:

[Magazine, Shipping, Sept. 27, 1919.]

"The Canadian Government has decided to inaugurate an active shipping policy in conjunction with its railroads. Following the lines developed by the Australian, South African, and other governments, it will operate freight and passenger ships on all the seas in the interest of Canadian commerce.

"The Canadian Government maritime transportation service will be operated by the Canadian national railway board. Next month the board expects to place about 30 vessels in commission, and new vessels will be added as fast as the builders can deliver them. The initial service will start from Halifax and St. John and will include Newfoundland, Liverpool, Glasgow, London, Avonmouth, Kingston, Habana and other West Indian ports, Buenos Aires, and possibly Cape Town.

"An Australian and New Zealand service will be run monthly from Vancouver. The *Canadian Raider*, a 5,100-ton vessel, will shortly be placed on this route. Other vessels for Pacific services to the Orient and India are being built in British Columbia yards and will be commissioned as rapidly as conditions permit. Many of these ships are expected to be on their station before the end of December.

"When the scheme is rounded out the Government of Canada will possess vessels making regular commercial voyages on all the important sea routes of the world. They will be operated solely in the interest of the Canadian people and in cooperation wtih the Canadian Government railroads, consular and commercial-intelligence service."

Yours, very truly,

R. L. MCKELLAR.

Mr. THOMAS. Mr. President, I am heartily in sympathy with the bill which the Senator from Washington has just submitted to the Senate. There is, however, another viewpoint of the shipping situation which we must consider in connection with any program, however unimportant. I refer to the boycott of ships which have been completed for the Shipping Board, which belong to the United States, and which may be the precursor of many similar proceedings by some of the affiliated unions of this country. If the resolution which I shall send to the desk in a moment and ask to have read is a fair test of what is coming, we must prepare to overcome them, else we may build our vessels in the hope of restoring the merchant marine of the United States, but the only practical effect will be to make them "painted ships upon a painted ocean."

I ask unanimous consent for the reading of the resolution to which I refer.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

WATERFRONT WORKERS' FEDERATION OF THE PACIFIC COAST,
San Francisco, Calif., September 7, 1919.

TO SHIPOWNERS, SHIPPERS, CHARTERERS, AND OTHERS CONCERNED:

Herewith find copy of resolution adopted by the Federation on the 3d instant relative to the strike of shipyard workers' unions at Los Angeles against the Los Angeles Shipbuilding & Dry Dock Co.:

"Whereas it is the declared object of the Los Angeles Shipbuilding & Dry Dock Co., backed by the Merchants' and Manufacturers' Association, to disrupt and destroy the organizations of labor in the shipbuilding industry in Los Angeles; and

"Whereas this attitude on the part of the employing interests is a threat and challenge to organized labor everywhere: Therefore be it

"Resolved by the Waterfront Workers' Federation this 3d day of September, 1919, That the members of its affiliated unions will not sail in, handle cargo from or to, or do any overhauling or repairs to steamship *West Calumb* or any other vessel completed by the Los Angeles Shipbuilding & Dry Dock Co. since the strike of the shipyard workers against that establishment until such time as a satisfactory settlement of the dispute is effected; further

"Resolved, That a committee be appointed to cooperate with the Iron Trades Council of San Francisco, with a view to making this resolution effective; and further

"Resolved, That the Secretary notify all shipowners, shippers, and charterers, and other employers concerned of this action on the part of the federation."

Respectfully,

DON CAMERON, *President.*
E. ELLISON, *Secretary.*

Mr. JONES of Washington. Mr. President, I am glad the Senator has called that resolution to the attention of the Senate. It seems, however, to be a part of a nation-wide program affecting all lines of industry. There is in the bill which I introduced one section to which I did not refer, and that is a provision looking toward the training of American citizens for officers of ships and American seamen to man these ships. If this is carried out and succeeds, as we hope it will, I do not think we will have nearly so much trouble along those lines.

CONTROL OF RAILROAD TRANSPORTATION.

Mr. CUMMINS. I ask unanimous consent to take up for consideration the conference report on the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, submitted by me on Friday last.

Mr. SMOOT. What is the conference report on, Mr. President?

Mr. CUMMINS. It is on the bill to restore to the Interstate Commerce Commission its former jurisdiction with regard to rates and charges for transportation.

The VICE PRESIDENT. The question is on the adoption of the conference report.

The report was agreed to.

TREATY OF PEACE WITH GERMANY.

Mr. KING. I offer a resolution of ratification and ask that it may be read, printed, and lie on the table.

The resolution of ratification was read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace signed at Versailles on the 28th day of June, 1919, by the plenipotentiaries of the United States and other belligerent powers, with this reservation:

That whereas the Government of the United States takes the view that it is entirely competent through the legislative powers delegated to Congress by the Constitution and the inherent legislative powers of the several States of the Union to deal with all questions of domestic policy, and especially with all questions concerning the status and relations of labor; and

Whereas article 19 of the convention of the league of nations, which is a part of said treaty, provides that the assembly of the league of nations may from time to time advise the consideration by members of the league of international conditions whose continuance might endanger the peace of the world, under which power the assembly of the league of nations is entirely competent to deal with such conditions of labor as may produce unrest so great as that the peace and harmony of the world are imperiled, but notwithstanding said provision said treaty of peace further provides a special international organization of labor which is extraneous to the league of nations, the powers of which are defined in Part XIII of the treaty, comprising articles 387 to 427, inclusive; and

Whereas the Government of the United States does not recognize that the intervention of such said international labor office is at all necessary for the adoption of humane conditions of labor or would promote the cause of labor within the United States, or that such intervention would in any wise be proper or permissible: Therefore

The United States of America withholds its assent to Part XIII, comprising articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification; and the United States of America declines to participate in any way in the said general conference or to participate in the election of the governing body of the international labor office constituted by said article, and declines in any way to contribute or be bound to contribute to the expenditures of said general conference or international labor office.

THE EGYPTIAN QUESTION.

Mr. OWEN. Mr. President, I ask to have printed in the RECORD a newspaper article, together with copies of cablegrams from Egypt, protesting against the use of machine guns by the British to suppress peaceful demonstrations for national self-determination. I also ask that they be referred to the Committee on Foreign Relations.

There being no objection, the matter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

TWO RIOTERS ARE SLAIN IN ALEXANDRIA, EGYPT—TWENTY-SEVEN POLICEMEN AND TEN CIVILIANS INJURED AS RESULT OF NATIONALIST DEMONSTRATION.

ALEXANDRIA, EGYPT, *October 25.*

Two rioters were killed and 10 others injured and 27 policemen were hurt in a serious nationalist demonstration yesterday. The trouble arose when the police attempted to suppress a peaceable demonstration, such as have recently been a weekly feature of political activity in Alexandria. Sticks, stones, bottles, and police batons first were used. The arrival of the governor of Alexandria restored order for a time. Then two motor lorries with troops appeared on the scene, and eventually shots were fired at the crowd.

To-day there was some recurrence of the trouble at the harbor side, but it was of a comparative minor character.

—

CAIRO, EGYPT, *October 25.*

Shouts of "We don't want the Milner Commission!" interrupted a band playing "God save the King" at the public gardens yesterday, giving the signal for a nationalist demonstration. The trouble was quelled by the authorities, who placed a number of students under arrest.

[Cablegrams received from Egypt protesting against use of machine guns by the British to suppress peaceful demonstrations for national self-determination:]

CAIRO, *October 29, 1919.*

Egyptians in expressing their political feelings by peaceful demonstration were met with machine guns. In the name of miserable Egypt we protest against such hellish cruelty in the twentieth century.

STUDENTS NASRICH TRAINING COLLEGE.

—

CAIRO, *October 29, 1919.*

To free Americans protest against shooting by English troops unarmed peaceful demonstrators Alexandria, 24th instant, who asked independence and protested against Milner mission.

ENGINEERING STUDENTS.

—

CAIRO, *October 29, 1919.*

Protest to Americans crimes committed by English against Alexandria manifestants.

AGRICULTURAL SCHOOL MOUSSTOHER.

—

CAIRO, *October 29, 1919.*

To free Americans we protest against British troops shooting unarmed peaceful demonstrators, children, women, men in Alexandria.

EGYPTIAN MEDICAL STUDENTS.

—

TANTA, *October 29, 1919.*

On strike and protest ferocity of English troops at Alexandria.

NIZAMIA COLLEGE, TANTA.

—

TANTA, *October 29, 1919.*

The Egyptian lives are at stake. We protest against the British force who shot the peaceful manifestators yesterday at Alexandria.

TANTA STUDENTS.

—

ALEXANDRIA, *October 29, 1919.*

We protest against English shooting Alexandria natives on 24th and 25th instant.

KAMILIA COLLEGE.

—

CAIRO, *October 29, 1919.*

English military bloodshed recommenced against unarmed peaceful innocent demonstrators in Alexandria; complaints to liberal Americans.

KHEDIVIEH STUDENTS.

—

ALEXANDRIA, *October 29, 1919.*

Before American Nation we protest against the atrocities committed by the British soldiers against the unarmed demonstrators in Alexandria.

ALEXANDRIA GOVERNMENT SCHOOLS.

—

CAIRO, *October 29, 1919.*

British troops fixed unarmed peaceful demonstrators in Alexandria 24th. Protest before free Americans.

TEWFIKIEH SCHOOL.

—

CAIRO, *October 29, 1919.*

Students of intermediate school commence strongly protest against abominable atrocities committed in Alexandria yesterday by British troops against unarmed populace.

—

CAIRO, *October 29, 1919.*

At the moment when universal peace is reigning everywhere England attempts to strangle peaceable demonstrations by the most brutal force. The principles of the American people are opposed to such inhuman massacre of the weak.

STUDENTS OF ELAZHAR UNIVERSITY.

—

SHEBINELKOM, *October 29, 1919.*

We protest energetically against the massacre of peaceable protestants.

STUDENTS OF MASSAI ELMASHKOURA COLLEGE.

—

DESSOUK, *October 31, 1919.*

We protest energetically against the British troops who use freely their arms against the inhabitants of Alexandria, and we request American sympathy.

THE INHABITANTS OF DESSOUK, EGYPT.

—

CAIRO, *October 31, 1919.*

English forces have begun atrocities and savage rage against unarmed civilians at Alexandria. Women and children were killed. We protest.

WADINXIL SCHOOL.

—

CAIRO, *October 31, 1919.*

Regret report British troops resumed shooting defenseless women, children, men demonstrating peacefully Alexandria.

COPTIC SCHOOL STUDENTS
(Christian School).

—

CAIRO, *October 31, 1919.*

We appreciate efforts American Nation to save us from British imperialism. Confident efforts will continue for humanity's sake until aim attained. Twenty-fourth instant 81 women and children shot or wounded, Alexandria. Please acknowledge.

OFFICIALS OF THE SULTANIC AGRICULTURAL SOCIETY.

—

ALEXANDRIA, *October 30, 1919.*

The Egyptians are being prevented from making peaceful demonstrations by British machine guns. In the name of unhappy Egyptian people we protest against such barbarism committed in the twentieth century.

INHABITANTS OF GABBARY, ALEXANDRIA.

DELLA JAMES.

The VICE PRESIDENT. The morning business is closed. The calendar, under Rule VIII, is in order.

Mr. SMOOT. I ask unanimous consent that we begin with Calendar No. 201, Senate joint resolution 51, as the preceding bills have been passed over.

Mr. SMITH of Georgia. No; we were on Calendar No. 200, House bill 3844, at the time when we last considered the calendar, and had not disposed of that bill.

Mr. SMOOT. I think it is true that that bill was under consideration at the time.

Mr. SMITH of Gorgia. I think we should conclude Calendar No. 200 before we go to No. 201.

Mr. SMOOT. Then I will ask that the order be changed so as to begin with Calendar No. 200.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3844) for the relief of Della James, the pending question being on the amendment of the Committee on Claims, on page 1, line 7, to strike out "$80" and insert "$57.50," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Della James, of Richmond County, Ga., out of any money in the Treasury not otherwise appropriated, for herself and in behalf of her children, the sum of $57.50 per month for a period of 10 years, in full settlement of all claims against the United States for the loss by death of her husband, Alfred J. James, through the explosion of a certain shell used in target practice by the One hundred and seventh Field Artillery, Fifty-third Artillery Brigade, Twenty-eighth Division, at Camp Hancock, near Augusta, Ga., on March 29, 1918, said compensation to be payable from and after March 29, 1918: *Provided*, That the said money shall be applied to the support of the widow and the said children during their respective minorities, but if she again marries the entire amount thereafter shall be used by her for the benefit of the minor children, and if the mother dies the money shall be paid the oldest child for the minors.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. SMOOT. Mr. President, I do not know that I can add anything to what I said when this bill was up for consideration more than a week ago. I doubt the wisdom of such legislation. I think it would be very much better to follow the practice of the Senate in the past, and pay Della James on the same basis on which other beneficiaries are paid where death has occurred to an employee of the Government. I can not see why the family of a person not in the employ of the Government should receive more compensation on account of an accident than the family of a person employed by the Government. This is a new form of legislation. But if the Senate desires to agree to this bill, adopt this policy, and create a precedent of this character, well and good.

I have no doubt but what sympathy plays a great part in this case, as it does in almost all such cases; but I want the Senate to know what it will lead to in the future. There is not a widow of a soldier of the Civil War, old as they may be, helpless as they are, who is receiving any such amount, with the exception of about 125 widows of officers who served in the Civil War.

I know, Mr. President, it is claimed that the amount that was granted to those widows was granted at a time when the cost of living was a great deal less than it is to-day, and I recognize that fact; but if we are going to take up individual cases and pass bills based upon the sympathy which, of course, every man must have in just such a case, how are we going to escape treating in the same way the hundreds of thousands who are in just as serious a condition, perhaps, as this one widow?

I look at it as being a broader question than this one particular case, and I want to do what I think is my duty by calling attention to what it will lead to in the future if we treat all alike. I would very much prefer, Mr. President, to have the bill amended so as to conform to the practice of the Senate in the past.

Mr. TOWNSEND. What would the widow receive under the regular law or precedent?

Mr. SMOOT. If it were the case of a Government employee?

Mr. TOWNSEND. Yes; a Government employee.

Mr. SMOOT. It would be whatever the person killed had been receiving by way of compensation for one year.

Mr. NEW. Mr. President, unlike the Senator from Utah, I think I can add a little something to what I said with reference to this same bill when it was up for discussion a week or two ago, and it will be in the way of further answer to the question which has just been put by the Senator from Michigan [Mr. TOWNSEND].

In the first place, I want to have it understood that the man who was killed was not an employee of the Government at all. He was a farmer, who lived on his little place, which was in the vicinity of the target range run in connection with Fort Hancock, Ga. The target range had been laid out with reference to the presence of the farms of this man and of others like him. A shell fired on the target range killed him on his own place, as he was at work in his own field.

A board of Army officers was convened and made a very thorough investigation of the case and reported that the accident was due entirely to the negligence of the officers who fired the shot, and laid the blame for the death of the man entirely upon those officers. The man left a widow and nine children, the oldest of whom was then 16 years of age, and the ages ranged from that down almost to infants in arms; they were very young children.

The Senator from Utah says that had the man been an employee of the Government his widow would have been entitled to one year's salary. The fact is that had the man been in the employ of the Government, under the Federal compensation act his widow would have received two-thirds of the amount of which her husband was in annual receipt and $10 a month on account of each child. So had that principle been applied she would have been receiving very much more than is provided in the bill; she would have been in receipt of $80 a month on account of the children.

Mr. SMOOT. Mr. President, the Senator is wrong in stating my position. The Senator is discussing the question as though the man were in the Army and lost his life while in the Army, and his widow would receive compensation under the act dealing with soldiers. I had reference to a civilian who is employed by the Government, and this man being a civilian, I compared the two cases and pointed out the distinction.

Mr. NEW. What I stated is what his widow would have received had he been a civilian employee of the Government.

Mr. SMOOT. The Senator is mistaken in that.

Mr. NEW. I think not.

Mr. SMOOT. I am quite sure that the Senator is mistaken.

Mr. NEW. I will refer the Senator to the Federal compensation act approved September 7, 1916, chapter 458, volume 39, United States Statutes at Large, sections (a) and (c).

Mr. SMOOT. Does not that act have reference to the war with Germany?

Mr. NEW. Not at all. But, Mr. President, the Senator speaks of what would have been the case had the man been a soldier. Of course, this man was not a soldier. There is no possible theory of law or justice under which he, a man with nine children, could have been taken as a soldier. Of course, he was exempt under the conscription act. He would not have been taken as a soldier except in case of the very direst extremity, when the last man in the country would have been required.

The report that I filed in favor of the allowance of this relief is not based upon any sympathy, or anything of the kind, but, as I think, as a matter of simple justice to the family of a man who was killed on his own place, engaged in work, under the very eyes of his family, and killed through the negligence of the employees of the United States Government. It seems to me that there are no two sides to the question.

The Senator from Georgia [Mr. SMITH] assures me that this woman will have to place a number of her minor children in the poorhouse if this relief is not granted.

Mr. SMITH of Georgia. I was mistaken; in the orphans' asylum.

Mr. NEW. But in any event they will become objects of charity, dependent upon the public for support, in case this relief is not granted.

Mr. SMOOT. I shall withdraw all opposition to the bill and let it pass if there is no further opposition to it.

Mr. THOMAS. Mr. President, I merely wish to say that I shall not oppose the bill, but I am in hearty accord with the view expressed by the Senator from Utah [Mr. SMOOT]. We are establishing a precedent that will come home to plague us, and it will be fruitful of bills for appropriation from the Treasury that will greatly increase the already overwhelming burden of public expenditure.

Mr. KING. Will the Senator from Colorado permit an inquiry?

Mr. THOMAS. Certainly.

Mr. KING. I should like to ask some one who may know whether it has been the custom of the United States Government to make compensation in such cases?

Mr. SMITH of Georgia. I have a long list of appropriations in bills—nearly a dozen—for improper and negligent use of firearms on testing grounds.

Mr. KING. They are lump-sum appropriations, are they not?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. All of them are.

Mr. THOMAS. But here is a life annuity.

Mr. SMITH of Georgia. It is only a 10-year annuity.

Mr. THOMAS. It is an annuity for a period of years; and we all know how those things grow in Congress. That is my objection to it. I shall not oppose it further, but I wish to be recorded as voting against it.

Mr. KING. I should like to ask the Senator from Georgia if he does not think it a very dangerous precedent for the Government to pay for a tort or negligence of all persons who are in the employ of the Government? I have in my files claims by four individuals who claim to have received injuries at different times, through negligence of employees of the Government, and they want the Government to pay for the injuries which they sustained. In one claim the claimant alleges that a man who was driving a Government van ran into him and seriously injured him. He thinks he ought to have $10,000 for the injuries sustained, and if the injuries are as serious as he claims them to be I have no doubt in the world in a private suit a jury would give him damages in that amount. The Government has had five or six millions of soldiers and employees under its jurisdiction during the past two years. I have not any doubt in the world there have been hundreds and thousands of accidents as a result of the activities of soldiers and employees of the Government. I have not any doubt in the world that hundreds and thousands of individuals have received serious injuries to their person, and property has been damaged and injured as the result of the carelessness and negligence of individuals employed by the Government, in the line of their employment and within the scope of their employment.

It occurs to me that if the Government were responsible for all their acts of omission, all their negligence, all their defaults in duty, we will have claims against the Government aggregating millions and millions of dollars, and we will be establishing a precedent that will call, for years to come, for millions and tens of millions of dollars.

Does the Senator say there is a precedent and that the Government has in the past laid down the proposition that it will pay for all the defaults and negligence of all persons in its employ?

Mr. SMITH of Georgia. No; I have said nothing of the kind, but I do say that in cases of this character there have been a number of bills passed, and that I think it would be utterly indefensible for the Government to decline to pay this claim. Each case stands in a measure upon its own facts. The propriety of the Government paying depends upon the peculiar facts of each case. Here is a case of an Artillery training ground. Here is a farmer quite a distance away, entirely out of the range of legitimate fire, free from all danger if the officers managing the practice grounds did their duty. The farmer is killed by the negligence of those in charge of the training grounds. An investigation is made, and the officers report that the death was due to the indefensible negligence of those in charge, who disregarded distance, disregarded proper direction, and improperly used the target grounds. This man was at work at a place where the Government engineers had, by their decision, advised him that he would be safe. He was working in his field and was killed by the improper and negligent discharge of a gun. Who ought to stand that loss? Ought all the people to stand the loss, or ought the widow and the nine children stand the loss? That is the case that is before us.

The man had nine children, the oldest 16 years and the youngest 4 months old. A tenant farmer at work upon his farm, he had been able to make enough to take care of them. Ought all the public to stand the loss or ought the widow and nine children to stand it?

Mr. KIRBY. May I inquire what committee reported the bill?

Mr. SMOOT. It was reported by the Committee on Claims.

Mr. SMITH of Georgia. The Committee on Claims reported it. It has already passed the House. I only want to add that I called on the legislative reference service of the Library of Congress for a report as to whether similar bills had been passed heretofore, and they furnished me a list of about a dozen bills passed for relief in cases of the improper discharge of guns at Artillery training camps, the bills involving various sums. I ask that this list may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The list referred to is as follows:

UNITED STATES LAWS RELATING TO COMPENSATION FOR INJURIES RESULTING FROM TARGET PRACTICE.

1. GENERAL PROVISIONS.

Act of August 24, 1912 (37 Stat., 586). Secretary of War authorized to adjust and report on claims for damages to private property, not over $1,000, occasioned by heavy gun fire and target practice.

2. PRIVATE ACTS.

Act of February 16, 1907 (34 Stat., 2413). Payment of $100 for killing of two horses by Army troops engaged in target practice.

Act of February 16, 1907 (34 Stat., 2413). Payment of $325 for damages to property incident to Army target practice.

Act of June 25, 1910 (36 Stat., 1868). Payment of $432.50 for injuries sustained by minor children by accidental explosion of a shell near Artillery target range.

Act of February 20, 1911 (36 Stat., 1995). Payment of $50 for damages to property during Artillery target practice.

Act of March 4, 1911 (36 Stat., 2023). Payment of $1,080 for benefit of surviving mother of person killed through negligence and carelessness of troops engaged in target practice.

Act of February 7, 1913 (37 Stat., 1361). Payment of $500 to father of Navy seaman killed in discharge of his duty during target practice.

Act of July 17, 1914 (38 Stat., 1304). Payment of $2,500 to widow of person killed by marines in discharge of their duty in target practice.

Act of July 17, 1914 (38 Stat., 1309). Payment of $80 for horse killed by shell fire by Artillery while at target practice.

Act of September 15, 1914 (38 Stat., 1456). Payment of $1,500 for loss of one eye, etc., caused by wound received at hands of party of sailors and marines engaged at target practice.

Mr. SMOOT. Mr. President, the Senator is perfectly right in saying the Senate has heretofore made appropriations for such cases, but it never made an appropriation in this way, as I stated. It has appropriated a lump sum, the same as it has done in the past for other causes.

Mr. SMITH of Georgia. But that money was appropriated only to pay the damage for the killing of a horse, or something of that kind. Congress has appropriated money to meet the damage in each instance, but this appropriation does not nearly meet the damage to this widow.

Mr. GRONNA. Mr. President, the Senator from Georgia [Mr. SMITH] might go a good deal further and call attention to hundreds of millions of dollars which the Government of the United States has paid out when there has been damage done to property of the people in the United States. I am a member of the Committee on Claims, and I have very often become impatient with the idea that when human lives are taken they shall not be considered. I believe we ought to pay this woman, I care not whether she is a poor woman or a rich woman. This man's life was destroyed, and Government officials were responsible for it. I am sure that if we had destroyed a ship or destroyed property belonging to some citizen of the United States we would not have hesitated for a moment, but would have allowed a legitimate claim for the destruction of the property. I am sick and tired, Mr. President, of the idea that when citizens are injured or human lives are being destroyed the claims shall not be paid. As one member of the Committee on Claims I shall certainly support the bill.

Mr. THOMAS. Mr. President, I can not permit the statement of the Senator from North Dakota [Mr. GRONNA] to end this discussion without assuring the Senate that my objection to the bill has nothing to do with the circumstances or character of the claim. It is a matter to me of governmental power and of precedent.

The Senator says that if property were destroyed there would be no question about the promptness of enactment of a bill reimbursing the owner. That is only partially true, if we are to consider the vast number of bills which are introduced and which go to the Committee on Claims for property lost. I am quite frequently in receipt of petitions and appeals, both in person and by mail, to urge upon the Committee on Claims of the Senate the immediate consideration of claims for damage or destruction of property. I am very sure, when we consider the number of claims which are so allowed and contrast them with the number of claims which are disallowed and the number upon which final action is not taken, the Senator will modify his statement.

Mr. GRONNA. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. GRONNA. I have been on the Committee on Claims for a number of years. I know of no claim that has been disallowed where it has been proved beyond a question of doubt that the officials of the Government were at fault.

Mr. THOMAS. Of course, I accept the Senator's statement. He knows more about it than I do. I base my opinion upon my experience, which is not identified with the action of the Committee on Claims at all; but I know a great many of the bills which are reported from the Committee on Claims are bitterly contested and a great many of them defeated on the floor of the Senate. So it is, I think, going a little too far to assert that we are discriminating between claims for damages growing out of the destruction of property and those which are intended as compensation for human life. The latter class of claims appeal to me, and I think to every man who is normal, much more keenly than mere compensation for the destruction of property.

The fundamental trouble is that the people are becoming more and more prone to come to Washington and ask for compensation, for reimbursement, for appropriations for everything which occurs in the various complications of human life, both in the social and in the industrial world, and we are quite as prone to receive them, and a good deal more prone to act upon them when they involve the human equation than otherwise.

The taxpayers must be considered sooner or later, because when the burden gets beyond their power to bear it they are going to collapse and the Government will collapse. We may keep on without regard to their condition, and to our duty, until the expenses of the Government so overlap its revenues as to make its financial future not only a contingency but a certainty of an ultimate necessary and radical transformation of our ways of doing business.

Mr. FLETCHER. I desire to say only one word, Mr. President. Of course, there is no other place to come but to Washington to adjust a claim like this. If the Government is responsible because of a certain department of the Government under which this whole trouble arose and the injury was inflicted, it has not the power to adjust it without some legislative authority. The War Department could not pay any claim, no matter how just and how proper and how right it might be. The claimant must come to Congress for relief in this instance. It seems to me it is an entirely legitimate and proper claim and ought to be paid.

Mr. SMITH of Georgia. If the Senator will allow me, I might suggest the fact that the local board of officers investigating this matter recommended that the Secretary of War bring it to the attention of Congress, that compensation for the damage might be made.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Just a moment. Are we proceeding under Rule VIII with the consideration of unobjected bills, with one speech of five minutes by each Senator desiring to speak, or is the bill just generally before the Senate? There have been three or four speeches made by some Senators.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Georgia what amount of money is carried by the bill?

Mr. SMITH of Georgia. Fifty-seven dollars and fifty cents a month.

Mr. SMOOT. It amounts to $6,000 in 10 years.

Mr. POINDEXTER. Fifty-seven and one-half dollars a month to pay a widow on her own behalf and on behalf of her nine minor children, because her husband, a hard-working man, who had been supporting his family, was killed through the negligence of officials of the Government while acting in a governmental capacity! I merely wanted to suggest to the Senator from Georgia, since I have noticed the difficulty he has had in promoting the passage of what seems to me to be a very meritorious measure, that it might facilitate its passage if he would increase the amount from $57.50 a month to something like a million dollars or perhaps a hundred million dollars and make the beneficiaries the people of Upper Silesia instead of a widow and her nine children, citizens of the United States.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RIOT OF NEGRO SOLDIERS AT HOUSTON, TEX.

The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order.

Mr. KING. Let that go over, Mr. President.

The VICE PRESIDENT. Being objected to, the joint resolution goes over.

ELIZABETH WHITE.

The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. RANSDELL. Mr. President, I ask the Senator from Utah to withdraw his objection. The bill, I will state, is in favor of an old lady in the State of Louisiana, who is past 80 years of age. The bill has passed the House of Representatives twice; it has passed the Senate twice; and it was omitted by a clerical error from the omnibus claims bill which passed the Senate finally in March, 1915. It is to provide for the payment of a claim which was found to be just and proper by the Court of Claims. I therefore hope the Senator from Utah will not insist upon his objection. Unless the appropriation carried in the bill is speedily granted, it will not do this old lady any good at all. The claim has gone through the Court of Claims; it has gone through both Houses of Congress. It is due simply to a clerical error that she did not get the money four years ago.

Mr. SMOOT. The Senator from Louisiana is slightly in error, I think, when he says that the necessity for this legislation is due to a clerical error. This claim was carried in the omnibus claims bill at the close of the Sixty-fourth or Sixty-third Congress; I forget which.

Mr. RANSDELL. It was the Sixty-third Congress.

Mr. SMOOT. It was the last omnibus claims bill considered by Congress, no matter what the session was, and, like many other claims, was stricken from the omnibus bill because it did not fall within the character and class of claims which it had been agreed by both Houses of Congress should be paid. That, I will say to the Senator, is the fact of the matter; and that is why I ask that the bill now go over; for if this claim is paid, Mr. President, every claim that was then stricken from that omnibus claims bill should be paid.

Mr. RANSDELL. This claim was not stricken from the omnibus claims bill to which the Senator refers. There was a motion made to strike it from the bill, but the motion was overruled, and the claim was incorporated in the bill as passed by the House. When it came to the Senate the committee reported an amendment striking the claim from the bill, but that was overruled, and it remained in the omnibus claims bill; and, I repeat, but for a clerical error made during the last hours of the session the amount would have been paid to this old lady years ago. However, the bill did pass the Senate in the Sixtieth and the Sixty-first Congresses, and it passed the other House in the Sixty-second and Sixty-third Congresses. We have acted on the bill twice, and when it was included in the omnibus claims bill that was the third time it came before the Senate. It certainly is a meritorious claim.

This old lady, as I have said, is 80 years of age; she is in very distressing circumstances; she needs the money badly; and, Senators, it would be cruel not to give it to her at this time. I therefore appeal to the Senator from Utah not to insist upon his objection, and to let the bill go through.

Mr. SMOOT. Mr. President, this claim was rejected by the Senate on March 3, 1915. At that time a proposed amendment striking this claim from the bill was made the subject of debate; and by a vote of the Senate was rejected.

I know it is hard, Mr. President, to stand here and resist the appeal of a Senator who says that this is the claim of a woman 80 years of age; but this is one of the old claims that fell outside of the rule of the Committee on Claims in considering such matters.

In further answer to the Senator in relation to these claims, I desire to say that this bill only emphasizes a practice that has been followed in the Senate and in the other House for years; and a very bad practice, too. The House pays very little attention to claims when they come up there in the form of House bills, because it is said the Senate will give careful consideration to them. The Senate also has passed bills time and time again thinking that they will not be considered favorably by the House. That is a practice that ought to cease.

Mr. RANSDELL. Let me ask the Senator from Utah if the Court of Claims did not have this claim before it, and if they did not find that this amount was due?

Mr. SMOOT. I have not had time to closely examine the matter.

Mr. RANSDELL. That is what the report says—that the claim was before the Court of Claims and they found a certain amount was due for sugar and molasses taken, and that a certain amount was due for the use of a steamboat that belonged to the estate of the deceased.

Mr. SMOOT. If we had time to call a quorum of the Senate to discuss this question, decide as to its merits, and then take a vote upon it, I would not now ask that it go over; but we have not time now to fully consider the matter.

Mr. RANSDELL. If we take that course it means the denial of justice to this lady. The bill, I repeat, was acted on four years ago; it was in the omnibus claims bill, and was stricken out because of a clerical error. Under those circumstances, it seems to me very hard for the Senator from Utah to insist upon his objection in view of the fact that the bill has twice passed the Senate, twice passed the other House, and had been included in the omnibus claims bill.

Mr. SMOOT. I shall have to ask that the bill go over for the present, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

JOHN H. RHEINLANDER.

The bill (S. 1302) for the relief of John H. Rheinlander was announced as next in order.

Mr. SPENCER. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

THE TEXAS CO.

The bill (S. 1255) authorizing the Texas Co. to bring suit against the United States was announced as next in order.

Mr. SMOOT. Mr. President, there is no report from any of the departments upon this measure, and I ask that it go over.

Mr. SHEPPARD. I should like to know to what department the Senator from Utah is referring. I wish to know for my own guidance.

Mr. SMOOT. The bill relates to damages caused by a collision, and I do not know whether the collision was with a steamer under the control of the Treasury Department—that is, a steamer of the Public Health Service—or whether the vessel was under the control of the War Department; but whatever department had control of the vessel which was involved in the collision, I think the committee ought to secure a report from that department, secure full details, and ascertain what, if any, action has been taken by the department.

Mr. SHEPPARD. Very well; I will endeavor to have that course pursued.

Mr. SPENCER. Mr. President, may I say to the Senator from Utah that the committee looked upon the bill merely as conferring authority to present to the Court of Claims the question of damages resulting to the steamer *Texas* from the collision between that steamer and a United States steamship. Every detail of the claim will be considered by the Court of Claims? The bill appropriates no money, but merely, I repeat, confers authority on the Court of Claims to hear the case.

Mr. SMOOT. Similar claims to the one involved in this measure have been settled, as they will be settled in the future, after a survey made by the officials of the department controlling the steamer. I can not see why this claim should be treated in any other way than that, and before I would feel justified in letting the claim go to the Court of Claims I should want to know whether the department has taken any action in respect to it, whether a survey was made, and what the findings were.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER.

The bill (S. 413) for the relief of the Canadian Car & Foundry Co. (Ltd.) was announced as next in order.

Mr. KING. I ask that that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

TRANSFER OF SURPLUS MACHINE TOOLS.

The bill (S. 3125) authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the word "Department," to insert "on the filing with the War Department of an itemized receipt for the articles thus transferred. The Federal Board for Vocational Education shall annually report to Congress the disposition and use of the articles, the transfer of which is herein authorized," so as to make the bill read:

Be it enacted, etc., That the Secretary of War shall have authority to transfer to the Federal Board for Vocational Education, without compensation therefor, certain surplus machine tools and other equipment of the approximate value of $250,000 belonging to the War Department and now in possession of the Federal board and being used by that board as equipment in schools for vocational education controlled by the board. Property so transferred shall be dropped from the records of the War Department on the filing with the War Department of an itemized receipt for the articles thus transferred. The Federal Board for Vocational Education shall annually report to Congress the disposition and use of the articles, the transfer of which is herein authorized.

The amendment was agreed to.

Mr. KING. I think this bill or a bill similar to it was passed a few days ago.

Mr. SMOOT. There was objection made to the bill at that time, I will say to the Senator.

Mr. KING. I thought the objection was withdrawn.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSTRUCTION OF COMMISSIONED OFFICERS.

The bill (S. 3126) authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That no provision of existing law with reference to the detail or assignment of officers of the Regular Army shall hereafter operate to prevent within a period of two years from date of first commission the detail or assignment of any commissioned officer of the Regular Army to take a basic course of instruction at a service school in the duties of his arm or branch of the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOAD LINES FOR VESSELS.

The bill (S. 575) to establish load lines for certain vessels was announced as next in order.

Mr. FLETCHER. Mr. President, I ask that for the bill the title of which has just been read there be substituted Calendar No. 239, being the bill (H. R. 3621) to establish load lines for certain vessels. The House bill is practically the same as the Senate bill, with one or two minor changes, perhaps bettering the bill somewhat. I was authorized by the Commerce Committee to report the House bill and ask that it be substituted on the calendar for the Senate bill.

The VICE PRESIDENT. Without objection, the House bill will be substituted for the Senate bill on the calendar and the Senate bill will be indefinitely postponed.

Mr. KING. Mr. President, does the Senator from Florida insist upon taking up the measure now? It is a rather long bill, consisting of eight or nine pages.

Mr. FLETCHER. It is quite a long bill, but I will say to the Senator that the bill has been referred to the Shipping Board and the Department of Commerce and both have approved it. It was really prepared as a result of the joint work of the Shipping Board and the Department of Commerce, through their officers, and they regard it as very important.

I know there is some objection to the idea of establishing a load line at all; but we are about the only country in the world that has not some provision of that kind in its maritime laws. The department feels it is quite important; we have no legislation of that character now, and it is believed that it is very desirable that we make provision for establishing a load line below which vessels can not be loaded on salt water.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator, too, that as I understand this will enable our officials to meet discriminations on the part of other countries that work against our shipping by reason of their load-line laws? At present, as we have no such law, we can not do it.

Mr. FLETCHER. Yes; that is one reason why they think it is important to establish by law a load line. The method of doing it has met the approval of the departments, and it is considered a very important thing. If we are going to do it at all, we ought to do it now, in order that the necessary machinery may be established for taking care of that situation. They consider it quite important.

Mr. GRONNA. Mr. President, may I ask the Senator if hearings have been held upon this bill?

Mr. FLETCHER. I do not recall that we had any formal hearings on it. The committee considered it during the last Congress and reported out a bill, and, of course, we conferred with the officers in the different departments, the Shipping Board people, and the Department of Commerce people. I do not know that we had any formal hearings on it. I do not think we did.

Mr. JONES of Washington. I will say that we had no formal hearings, and no objections have come to the committee against it from any of the shipping interests. It was pending before the committee for quite a good while, and, as the Senator says, was reported at the last Congress.

Mr. FLETCHER. I have received only one letter on the subject, and that is from Mr. Pendleton, of Pendleton Bros. (Inc.), shipbuilders and brokers, of New York. They oppose the passage of any law regulating the load-line proposition.

Mr. GRONNA. Mr. President, I will say to the Senator from Florida that I have not studied the bill carefully, but I observe that there are a number of penalties in it, and apparently it is a very important bill, and I do not think we ought to pass it in a hurry. I think I shall ask that it go over for to-day.

The VICE PRESIDENT. Order of Business 239 is substituted for Order of Business 208, and it will be passed over.

Mr. FLETCHER subsequently said:

Mr. President the Senator from North Dakota [Mr. GRONNA] made inquiry with regard to hearings on this load-line bill. I stated that the only opposition to it that had come to my notice was a letter from Mr. Fields S. Pendleton, of Pendleton Bros., and I think, in fairness to both sides and to all concerned, that that letter might go into the RECORD, so that when this matter is taken up again for consideration it can be referred to. I ask to have the letter included in the RECORD in connection with the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, *October 18, 1919.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Apropos of our conversation of Thursday, I write to ask if you would have the load-line bill (S. 575) recalled to the Commerce Committee, so that the owners might be heard, because, in my judgment, it is a matter that means a great deal to American shipping and is too important a matter to be enacted into law until American shipowners have an opportunity to present their side of the case.

To my knowledge, this matter has been before Congress a number of times. I am quite sure Gen. Grosvenor was chairman of the House committee when it came up, and after a hearing and protest by the owners it was turned down. We took it up with Senator Frye and Senator Mallory, and they were both against the bill, so we did not have much worry in the Senate, as they were the leaders on both sides in the Commerce Committee on shipping matters.

We believe that the loading of a ship should be left to the master. He knows his ship, he knows the kind of cargo he is carrying, and he knows the voyage he must make, and whether the weather will be fair or stormy in the latitudes that he goes into.

A proper load line from Pensacola to Habana, in January, is not a proper load line for the same month from Pensacola to Boston, for on the latter voyage a vessel would ice up, and sometimes get from 300 to 500 tons of ice on her hull and rigging. Furthermore, a load line from Hampton Roads to Boston in the summer time is not a proper load line from Hampton Roads to Boston in the wintertime. The master of the ship decides all of these things, knowing how his ship performs in gales and storms; he is risking his own life and has more at stake than anybody else. He is supreme in command, and it is not right to dictate to him any more than it is how he should handle his ship in a storm.

You could not load a ship any deeper with a load line on a short passage, when the weather is calm, than you could on a long passage, where you will have storms. One great advantage in not having a load line is that the master, by being able to use his own judgment, can carry more cargo at times than others, and in that way even up, so that in the end he can carry more tons of cargo and safer than if he was loading to the same draft at all times. This is the method of all prudent and skilled shipmasters. I can show you that vessels range from 10 per cent to 20 per cent difference in the loading of deadweight cargoes on different voyages and at different seasons of the year; and it will be time enough for the gentlemen who urge this legislation to show a single vessel that was lost by reason of being overloaded.

Senator, we have too much governmental regulation on shipping now, too many delays for inspections, time lost in making applications, in getting inspectors to come on board of ships, in making their reports and filing them in the customhouse, and going through the routine of work in order to get the ship's papers, so that she may clear. All of these delays are costly.

The cargo-carrying trade of the future will be fuel, and Hampton Roads is going to control the world. A load line that permits a ship to load down only to a certain point at Hampton Roads in the summer time for a voyage around Cape Horn or Cape Good Hope will make her lose from 600 to 800 tons of cargo, for that is where the ship will get her stormy weather in their winter season. She will be lightened some 600 to 800 tons before getting to those points, and consequently would lose the freight on this amount of cargo, meaning from $20,000 to $30,000 on each voyage.

It is important that our ships be able, owing to the high cost of fuel, to take all of the bunker coal possible when leaving our ports. We are continually lightering the ship every day from 25 to 50 tons. We need this to overcome the excessive bunkering charges in foreign countries.

A few years ago a merchant in Europe or Africa could buy a 5,000-ton cargo of coal at Hampton Roads for $9,000, or as low as $1.80 per ton. To-day, for that same cargo, he must pay $175,000, or $35 per ton, cost and freight, before the ship sails. On his first cargo he would carry the coal in his own ship and the freight would be paid in Europe, while now American vessels have just begun to take away this trade.

The coal trade is the main thing that has built up England's shipping business. She exported before the war 87,000,000 tons of coal and last year 27,000,000 tons. Bunker coal to-day in England is more than $25 per ton, while ours at Hampton Roads is $7.50. We shall need within the next 18 months all of the advantages that we can get. The shipping situation is no longer a fight of individuals and corporations; it has narrowed down to a fight of nations—Great Britain against the United States, with Japan crawling slowly for the control of the Pacific. England has never failed to protect her shipping at any cost, and since she started subsidies, in 1839, figuring interest at 6 per cent, she has paid, up to the beginning of the war, her shipowners $3,500,000,000, which was more than her shipping was worth at that time.

It is a fight for freight to a finish. I predict that within 18 months we shall see the lowest freight rate, taking into consideration the cost of operation, that we have ever seen. There will be more ships than there are cargoes, and whoever can do the business the cheapest will continue. The Englishman has always had the business and will fight hard to hold it. We can not expect to drive them out of business on the same basis of profit that we can attract new American capital into it. With more ships than cargoes, the freight rate will drop to a point that makes it unprofitable for one or the other to continue shipbuilding. The question is: Will Great Britain be able to build and operate cheaper than the United States? If we have some little advantage now in the load line, we can not afford to give it up.

Very respectfully,

FIELDS S. PENDLETON.

WATER SUPPLY, SUNNYSIDE, UTAH.

The bill (S. 46) for the protection of the water supply of the town of Sunnyside, Utah, was considered in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situated in the county of Carbon and State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the people of the town of Sunnyside, a municipal corporation of the State of Utah, as follows, to wit: The south half of south half of section 34, in township 13 south, range 14 east, Salt Lake base and meridian; and also the following lands which, when surveyed, will be described as follows, to wit: All of section 11; west half of section 12; all of section 13; and all of section 14, in township 14 south, range 14 east, of Salt Lake base and meridian.

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of the Interior, in cooperation with and at the exclusive expense of the town of Sunnyside, Utah, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of the Interior, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes.

SEC. 3. That the said Secretary of the Interior is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (35 Stat. L., p. 1098), as amended by the act of Congress approved June 25, 1910 (36 Stat. L., p. 857).

SEC. 4. That this act shall be subject to all legal rights heretofore acquired under any law of the United States, and the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2189) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SIERRA NATIONAL FOREST, CALIF.

The bill (S. 2789) for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to any lands within the Sierra National Forest, Calif., if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest land or timber or assignable certificates for timber within the national forests in California as may be determined by the Secretary of Agriculture, and in determining the relative values of the lands or timber to be exchanged, consideration shall be given to any reservations which either party may make of timber, minerals, or easements. Such assignable certificates for timber shall be issued under the authority of the Secretary of Agriculture, shall be for the agreed value of lands acquired, and shall be acceptable only at their face value when accompanying bids for the purchase of national forest timber or in payment for national forest timber in California when purchased under existing laws and regulations. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of the Sierra National Forest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION ON RURAL AND URBAN HOME SETTLEMENT.

The bill (S. 2444) to create the commission on rural and urban home settlement was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

BAR OF DISLOYALISTS.

The bill (S. 2323) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. KING. Let that go over.

Mr. OVERMAN. Mr. President, I do not know whether the Senator from Utah is informed in regard to the provisions of this bill. I should like to state the substance of it, and then, if the Senator has any objection, all right.

Mr. KING. I will withhold the objection for a moment.

Mr. OVERMAN. Section 3480 of the Revised Statutes prohibits any person who participated in the so-called Rebellion from prosecuting any claim against the United States. Since that time the soldiers and the postmasters have been allowed to collect their claims when found upon the books of the Treasury Department to be due these parties for services performed prior to the war. The only persons who have not been allowed to collect their claims are the sailors and the marines, and this bill repeals that section in their interest. That is all it is. It simply allows the marines and sailors to collect the claims due them on the books of the Treasury. It amounts to only about twenty to fifty thousand dollars. Having paid the postmasters and having paid the soldiers, I do not see and the committee did not see why we should not pay the sailors and marines.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in line 4, after the words "United States," to insert "approved July 6, 1914," and in line 6, after the word "Revenue," to insert a hyphen and the word "Cutter," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," approved July 6, 1914, be amended by adding after the word "Army" the words "Navy, Marine Corps, and Revenue-Cutter Service."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OREGON AND CALIFORNIA.

The bill (S. 2798) authorizing the removal of stumps from cut-over Oregon and California lands was announced as next in order.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether this involves any expense to the Government.

Mr. SMOOT. None whatever.

Mr. NORRIS. In that connection, I notice that upon the face of the bill it does not appear what the object is. There is no money paid for the removal of these stumps. What reason is there for the enactment of the measure, and what is expected to be accomplished by it?

Mr. SMOOT. Perhaps I had better read the report from the Acting Secretary of the Interior. That explains it in as few words as possible. This is a letter addressed by the Acting Secretary of the Interior to Mr. FERRIS, the chairman of the Public Lands Committee of the House. He says:

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1917.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your favor of the 4th instant, transmitting a copy of H. R. 5645—

That is the same as this bill—

with the request that a report be furnished to the committee thereon, together with such suggestions and recommendations as I may desire to make.

This bill, entitled "A bill authorizing removal of stumps from cut-over Oregon and California lands," had its origin in a request addressed to the department through members of the Oregon delegation, asking for the privilege of removing stumps suitable for making ship knees from the cut-over Oregon and California grant lands, which were revested in the United States by the act of June 9, 1916 (39 Stat., 218).

Under the act of revestment, no authority exists for the disposition of either the land or the timber thereon until due classification and an order for the restoration thereof. The request, accordingly, could not be granted under the existing law.

There is an urgent emergency, however, for ship-knee timber, such as may be secured from stumps standing on the Oregon and California cut-over lands. The removal of the stumps will add to the value of the land when it is ready for disposition. The bill enables this department to protect all possible interests of the United States or others which may be affected by it, and I would, accordingly, recommend its passage.

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, after line 11, to insert a new section, as follows:

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations found necessary to carry into effect the provisions of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall be, and is hereby, authorized to grant within his discretion free permits for the removal of stumps from cut-over timberlands embraced within the former grant to the Oregon & California Railroad Co. and revested in the United States by the act of June 9, 1916 (39 Stats., p. 218), subject to such terms and conditions as he may impose for the protection of all rights and interests of the United States and such others, if any, that may be affected thereby.

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations found necessary to carry into effect the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATTHEW M'DONALD.

The bill (S. 1743) for the relief of Matthew McDonald was announced as next in order.

Mr. KING. Let that go over.

Mr. CURTIS. Mr. President, I hope the Senator will withdraw that objection for a minute. Mr. McDonald was only 11 years of age when he enlisted in the Navy. He served two months, and was taken out by his mother on a letter from the governor of the State. On the records of the Navy he is carried as a deserter. Of course, he had no right to enlist without the consent of his parents before he was 18. At his own request an amendment is recommended to the bill that no pension shall ever be paid on account of his service; so it is proposed simply to correct his record.

Mr. KING. I will ask the Senator whether automatically, under existing law, he would not receive a pension?

Mr. CURTIS. No; the bill especially provides that he shall not, and the amendment was recommended at his request. Under the ordinary wording of bills he would draw a pension; but at his suggestion an amendment was prepared providing that no pension, back pay, or bounty shall ever be paid on account of that service.

Mr. SMOOT. I want to say to my colleague that a provision of that kind is so uncommon in bills of this nature that I was surprised when I read it.

Mr. KING. I withdraw the objection. I supposed that the plan was the one usually pursued, namely, to receive a pensionable status, and then the first thing the deserter does is to get a pension.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 7, after the word "shall," to strike out "accrue prior to the passage of this act" and insert "be allowed, and no back pay and bounty shall be paid because of the enactment of this legislation," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Matthew McDonald shall be hereafter held and considered to have been honorably discharged from the naval service of the United States Navy October 20, 1863: *Provided*, That no pension shall be allowed and no back pay and bounty shall be paid because of the enactment of this legislation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

LANDS IN IDAHO.

The bill (S. 1300) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, after the word "by," to strike out "appraisement" and insert "the Secretary of the Interior, in order to return the expenditure heretofore made or proposed for the irrigation of the lands," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to Oregon Short Line Railroad Co., a corporation organized and existing under the laws of the State of Utah and authorized to do business in the State of Idaho, its successors and assigns, for railroad purposes, and at a price to be fixed by the Secretary of the Interior in order to return the expenditure heretofore made or proposed for the irrigation of the lands at not less than $50 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, the following described land, situated in Minidoka County, Idaho:

All that part of the west half of the southeast quarter and the southeast quarter of the southwest quarter of section 2, and the northwest quarter of the northeast quarter and the north half of the northwest quarter of section 11, all in township 8 south, range 25 east of the Boise meridian, within the following described area:

Beginning at the intersection of the present southeasterly right of way boundary of the Twin Falls Branch of the Oregon Short Line Railroad Co. with the section line common to said sections 2 and 11, 100 feet southeasterly from and at right angles to the center line of main track of said railroad, said intersection also bearing north 89° 5′ west, 460.1 feet from the quarter section corner common to said sections 2 and 11; thence north 40° 25′ east along said southeasterly right of way boundary, being 100 feet southeasterly from and parallel to said center line of main track, for a distance of 1,726.8 feet; thence south 0° 1′ east, and parallel to the north and south center line of said section 2, for a distance of 1,332.6 feet, to a point in the section line common to said sections 2 and 11; thence continuing south 0° 1′ east, and parallel to the north and south center line of said section 11, for a distance of 1,320 feet, to the south line of the northwest quarter of the northeast quarter and the north half of the northwest quarter of

said section 11; thence north 89° 5′ west, along said south line, for a distance of 2,229.5 feet, to a point in the present southeasterly right of way boundary of said railroad; thence north 40° 25′ east, along said right of way boundary, and being 100 feet southeasterly from and parallel to said center line of main track, for a distance of 1,710.4 feet, to the point of beginning, and containing in all 67.87 acres, more or less, within the proposed pumping unit of the Minidoka project of the United States Reclamation Service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRRIGATION AND RECLAMATION OF ARID LANDS.

The bill (S. 2188) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 3 of the act of Congress approved March 3, 1901 (31 Stat. L., p. 1133), be, and the same is hereby, amended to read as follows:

"SEC. 3. That section 4 of the act of August 18, 1894, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes,' be, and the same is hereby, amended so that the 10-year period within which any State shall cause the lands applied for under said act to be irrigated and reclaimed, as provided in said section, as amended by the act of June 11, 1896, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if actual construction of reclamation works is not begun within three years after the segregation of the lands or within such further period as shall be allowed by the Secretary of the Interior, the said Secretary of the Interior, in his discretion, may restore such lands to the public domain; and if the State fails, within 10 years from the date of such segregation, to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period not exceeding five years, or may, in his discretion, restore such lands to the public domain upon the expiration of the 10-year period or of any extension thereof."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF PUBLIC LANDS.

The bill (S. 2379) to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That whenever in the opinion of the Secretary of the Interior any lands which have been withdrawn under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of Congress approved August 24, 1912 (37 Stat. L., p. 497), for the purpose of exploratory drilling to discover water supplies for irrigation or other purposes, and which have had wells or other permanent improvements placed thereon by and at the expense of the United States, are no longer needed for the purpose for which they were withdrawn and improved, the Secretary of the Interior may appraise the lands, together with the improvements thereon, and thereafter sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and publication for not less than 30 days in a newspaper of general circulation in the vicinity of the land.

SEC. 2. That upon payment of the purchase price the Secretary of the Interior is authorized by appropriate patent to convey all the right, title, and interest in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over 160 acres shall be sold to any one person.

SEC. 3. That the moneys derived from the sale of such lands and improvements be disposed of as are other receipts from the sale and disposal of public lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF SCHOOL-TEACHERS.

The bill (H. R. 5818) for the retirement of public-school teachers in the District of Columbia was announced as next in order.

Mr. KING. Mr. President, I am in favor of this bill with some modifications, but it will need considerable attention, and as there are only a few moments of the morning hour remaining I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

GRADE OF LIEUTENANT GENERAL.

The bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

TRAVEL ALLOWANCES FOR ARMY.

The bill (S. 3239) to amend the Army appropriation act for 1920, so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, under the heading "Transportation of the Army and its supplies," be, and the same is hereby, amended by striking out the following words: "for travel allowance to persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane, after transfer thereto from such barracks or place to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment"; and substituting therefor the following words: "for travel allowance to all persons discharged the service of the United States otherwise than honorably, from the place of discharge or release, if thereafter detained at the Government Hospital for the Insane or otherwise held in restraint under proper authority, to their bona fide homes (or elsewhere as they may elect with the approval of the discharging officer), provided the cost in each case shall not be greater than to the man's bona fide home."

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 9, to strike out the words "'if thereafter," and in line 10 to insert the word "whether," so that the clause would read:

For travel allowance to all persons discharged the service of the United States otherwise than honorably, from the place of discharge or release, whether detained at the Government Hospital for the Insane, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS BY INDIANS IN WASHINGTON.

The bill (S. 157) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, of the tribes and bands of Indians, or any of them, with whom any of the treaties of Medicine Creek, dated December 26, 1854; Point Elliott, dated January 22, 1855; Point-no-Point, dated January 26, 1855; the Quin-ai-elts, dated May 8, 1859, growing out of said treaties, or any of them, including claims for allotments of land, or the value thereof, which they failed to receive under any of said treaties; and that all claims of whatever nature, both legal and equitable, which the Muckelshoot, San Juan Island Indians; Nook-Sack, Chinook, Upper Chehalis, Lower Chehalis, and Humptulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims, with right of appeal by either party to the Supreme Court of the United States for determination and jurisdiction, both legal and equitable, is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein: *Provided*, That the right of appeal to the Supreme Court of the United States shall not extend to those tribes or bands of Indians, or any of them, with whom no treaty has been made: *Provided further*, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counter claims which the United States may have against any of said tribes, bands, or individual Indians.

SEC. 2. That the Court of Claims shall advance the cause or causes upon its docket for hearing, and shall have authority to determine and adjudge all rights and claims, both legal and equitable, of said Indians, tribes or bands of Indians, or any of them, and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. That suit or suits instituted hereunder shall be begun by such Indians, tribe, tribes, or bands of Indians, as parties plaintiff, and the United States as the party defendant. The petition or petitions may be verified by attorney or attorneys employed by such tribes or Indians upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That the attorney or attorneys of said tribes or bands of Indians, or any of them, shall be selected by the claimant Indian or Indians with the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, and upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes.

Mr. SMOOT. Mr. President, there is no report here from the Interior Department or from any other department of the Government.

Mr. JONES of Washington rose.

Mr. SMOOT. Will the Senator from Washington kindly explain this bill?

Mr. JONES of Washington. I will say to the Senator that at the last Congress the Committee on Indian Affairs had quite extensive hearings on a similar bill. Representatives from the Bureau of Indian Affairs were present, as well as representatives of the Indians. The bill was referred to a subcommittee and hearings were had. The subcommittee reported to the full committee, which took the matter up very carefully and reported the

bill in exactly this form, and it passed the Senate at the last Congress. The amendment offered to the bill here was suggested by the department. I trust there will be no objection to it.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 2, to insert the words "within five years from the date of the passage of this act," so as to read:

That suit or suits instituted hereunder shall be begun within five years from the date of the passage of this act by such Indians, tribe, tribes, or bands of Indians as parties plaintiff and the United States as the party defendant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORRECTION OF ERROR IN INDIAN ALLOTMENT.

The bill (S. 3115) authorizing the Secretary of the Interior to correct an error in an Indian allotment was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of correcting an error made in the allotment on the public domain of Domatil E. Lafournaise, an Indian of the Turtle Mountain Band of Chippewa, whereby the same is in conflict with the allotment of Jenoir Brien, a member of the same band, and to clear title to the land allotted to Jenoir Brien, the Secretary of the Interior is hereby authorized to issue a patent in fee to lot 5 of the southeast quarter of section 6, township 159 north, range 103 west of the principal meridian in North Dakota, in favor of Henry F. Thomas, holder of a deed to the allotment of Domatil E. Lafournaise (now Patnaude); said patent to issue upon the execution by Henry F. Thomas of a quitclaim deed in favor of E. L. Hugelen, purchaser of the allotment of Jenoir Brien and erroneously included in the allotment of Domatil E. Lafournaise.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE IRISH QUESTION.

The resolution (S. Res. 215) providing that whenever the United States becomes a member of the league of nations this Government should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government was announced as next in order.

Mr. POINDEXTER. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

NONMAILABLE MATTER.

The bill (S. 729) to amend section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended by striking therefrom the words "kill, or" in the last sentence thereof and by adding thereto the following:

"Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, with the design, intent, or purpose to kill the person to whom such article or thing is addressed, or any other person, shall suffer death.

"Any person violating any provisions of this act may be tried and punished either in the district in which the unlawful article or thing was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 4, to strike out the words "suffer death," and to insert the words "upon conviction, be punished by death or imprisonment for not less than 20 years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT OF JUDICIAL CODE.

The bill (S. 2632) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. OVERMAN. Mr. President, some Senators have asked me what the bill means. It is the language of the law as it is now, but under the present law if a man has a claim against the Government he has to come here to Washington and sue before the Court of Claims if the amount involved is over $10,000. If a man in South Dakota has an honest claim against the Government involving over $10,000, he has to come to Washington, employ a lawyer, and bring a suit here. The bill extends the jurisdiction to $100,000, and allows claimants to bring suits in their own districts, where the Government has its own district attorneys and is prepared to defend its own cases. I do not think there ought to be any limitation at all, but the committee placed the limitation at $100,000.

Mr. POINDEXTER. Mr. President, let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RETIRED PAY FOR CIVIL WAR SERVICE.

Mr. McCUMBER. Mr. President, I ask unanimous consent to return to Calendar No. 146, the bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade.

Mr. SMOOT. We did not reach that bill to-day, I will say to the Senator. We began with calendar No. 200.

Mr. McCUMBER. I understand, but this bill has been passed over several times. If it were the understanding that we should continue the consideration of the calendar until completed, I would not bring it up at this time; but I should like to have it disposed of.

Mr. SMOOT. I will say to the Senator that by unanimous consent it was agreed that we should take up the calendar under Rule VIII, beginning with Calendar No. 200.

Mr. McCUMBER. If that was the unanimous-consent agreement, Mr. President, I do not want to violate it.

STEPHEN A. WINCHELL.

The bill (S. 1374) for the relief of Stephen A. Winchell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT.

The bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

DETACHED SERVICE OF ARMY OFFICERS.

The bill (S. 3238) relating to detached service of officers of the Regular Army was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That after the termination of the emergency incident to the war with Germany and Austria-Hungary, in the construction of any law relating to detached service of the officers of the Regular Army, all service performed by such officers during the said emergency shall be regarded as service with troops or organizations thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROMOTION OF AMERICANIZATION.

The bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF FARM-LOAN ACT.

The bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, was announced as next in order.

Mr. SMOOT. Mr. President, we can not consider that bill in the five minutes remaining, and I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

PUNISHMENT OF SEDITIOUS ACTS.

The bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. STERLING. Mr. President, I think I will ask that the bill may go over. There are certain Senators very much interested in the bill who are not present. I would like to make a request in regard to the bill. The bill was introduced on behalf of the Judiciary Committee, referred to that committee, and immediately reported back, so that the bill was never printed until after the report of the committee. It has been suggested to me that because of the importance of the subject covered by the bill a little more publicity ought to be given to the measure. I therefore ask unanimous consent that the bill be printed in the RECORD.

Mr. SMOOT. May I ask the Senator whether there was a committee report accompanying the bill?

Mr. STERLING. There is no committee report with the bill.

Mr. SMOOT. There is no report indicated on my calendar, but I wondered whether a mistake had not been made in printing the calendar.

Mr. STERLING. No; there is no committee report. It was ordered to be reported favorably without amendment.

Mr. SMOOT. Does the Senator intend to submit a report upon the bill?

Mr. STERLING. No; no further report. I would like to say that I would not be quite content to leave the bill on the calendar, and I shall move its consideration at the earliest practicable date.

The VICE PRESIDENT. The Senator from South Dakota asks unanimous consent that the bill be printed in the RECORD, and, without objection, it is so ordered.

The bill is as follows:

[In the Senate of the United States. Oct. 22 (calendar day, Oct. 27), 1919. Mr. STERLING introduced the following bill, which was read twice and referred to the Committee on the Judiciary. Oct. 22 (calendar day, Oct. 27), 1919. Reported by Mr. STERLING without amendment.]

A bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

Be it enacted, etc., That it shall be unlawful for any person to advocate or advise the overthrow, or to write, or knowingly to print, publish, utter, sell, or distribute any document, book, circular, paper, journal, or other written or printed communication, in or by which there is advised the overthrow, by force or violence, or by physical injury to person or property of the Government of the United States or of all government, or to advise or advocate a change in the form of government or the Constitution of the United States or resistance to the authority thereof by force or violence or by physical injury to person or property, or by force or violence to prevent, hinder, or delay or attempt to prevent, hinder, or delay the execution of any law of the United States.

SEC. 2. That the display or exhibition at any meeting, gathering, or parade, public or private, of any flag, banner, or emblem intended by the person or persons displaying or exhibiting the same to symbolize or indicate a purpose to overthrow by force or violence or by physical injury to person or property, the Government of the United States or all government, is hereby declared to be unlawful.

SEC. 3. That every document, book, circular, paper, journal, or other written or printed communication in or by which there is advocated or advised the overthrow by force or violence or by physical injury to person or property of the Government of the United States or of all government, or in or by which there is advocated or advised the use of force or violence or physical injury to or the seizure or destruction of persons or property as a means toward the accomplishment of economic, industrial, or political changes is hereby declared to be nonmailable and the same shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office duly authorized thereto or other person upon a search warrant authorized by law to open any letter not addressed to himself.

SEC. 4. That it shall be unlawful to import or cause to be imported into the United States or any place subject to its jurisdiction any matter declared by section 3 of this act to be nonmailable or to transport or cause to be transported any such matter from one State to another or into any place subject to the jurisdiction of the United States.

SEC. 5. That whoever shall use or attempt to use the mails or the Postal Service of the United States for the transmission of any matter declared by section 3 of this act to be nonmailable or who shall violate any other of the provisions of this act shall be fined not more than $5,000 or imprisoned not more than five years, or both, and if an alien, shall be, upon the expiration of his sentence, deported from the United States and forever barred from reentering the United States or any Territory under its jurisdiction.

METROPOLITAN POLICE.

The bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police force of the District of Columbia," approved February 28, 1901, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

DEPORTATION OF UNDESIRABLE ALIENS.

The bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will be passed over. This completes the call of the calendar.

RETIRED PAY FOR CIVIL WAR SERVICE.

Mr. McCUMBER. Mr. President, I now ask unanimous consent for the present consideration of Calendar No. 146, the bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade.

Mr. KING. Mr. President, I object.

Mr. McCUMBER. Will the Senator tell me why he objects?

Mr. KING. Because I do not think the bill has merit, from what I understand of the facts concerning it.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to, and the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That from and after the passage of this act petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service in the regular or volunteer forces prior to April 9, 1865, shall receive the rank or rating and the pay of the next higher enlisted grade upon the retired list by reason of such service: *Provided*, That if such advanced rank or rating shall not carry with it an increase of pay of 20 per cent, or if there be no higher enlisted grade to which advancement may be made as herein authorized, then and in such cases said men shall receive an increase of pay of 20 per cent over and above the retired pay actually received by them, respectively, at the time of the passage of this act.

SEC. 2. That nothing in this act shall operate to reduce the pay of any person in the Navy or Marine Corps, and that its provisions shall not operate to create any claim for back pay.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be, and are hereby, repealed.

Mr. McCUMBER. Mr. President, I will simply read the last paragraph of the report of Franklin D. Roosevelt, Acting Secretary of the Navy. He says:

All the enlisted men (approximately 27) to be benefited by this bill (S. 131) have had at least 30 years' service for enlisted men and are not placed on the retired list unless they have had that amount of service or more. Similar benefits to those provided in this bill were given several years ago to all commissioned officers of the Army, Navy, and Marine Corps and the Revenue-Cutter Service on the retired list whose records showed creditable Civil War service.

This is to place on the retired list the few remaining in the military service who have had Civil War service. Last August there were about 27 men, and the cost will be between two and three thousand dollars.

Mr. KING. Will the Senator permit a question?

Mr. McCUMBER. Certainly.

Mr. KING. The purpose of this bill is, I understand, to give a pensionable status to persons who have served in the Revenue-Cutter Service, giving them the same status as if they had served in the Navy of the United States.

Mr. McCUMBER. Oh, no; this is not a pension matter at all. It simply provides for their retirement at the next higher grade after they have served 30 years. They are entitled to be retired either at the grade they were then holding or one grade higher. The law gives a higher retirement grade to all the others, and this is recommended as covering these 27.

Mr. KING. But their retirement, if the Senator will pardon me, would call for retirement pay. It would give them an enlarged rate of pay.

Mr. McCUMBER. Yes; and for the whole number it would amount to somewhere about $2,500 a year. This is simply intended to cover those who served in the Civil War, and who have had 30 years' service. It is not prospective, but covers those who have had that length of service.

Mr. KING. I will ask the Senator if it is not in line with the scheme which is now proposed to place the Revenue-Cutter Service in the same category with the naval service, giving the revenue-cutter officers the same status as officers in the Navy, the same advantages, the same retirement pay, and so forth?

Mr. LODGE. Mr. President, I move that the Senate proceed to the considertaion of the treaty of peace with Germany in open executive session.

Mr. McCUMBER. I call attention to the fact that it is not 2 o'clock.

Mr. LODGE. But I can make the motion at any time.

Mr. McCUMBER. Mr. President, the Senate has just voted to take up this bill.

Mr. LODGE. I know, but I do not want it to remain the unfinished business.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The motion of the Senator from Massachusetts is in order.

Mr. McCUMBER. I have not yielded to the Senator, and I do not know how he could take me off my feet to make the motion. I admit that at 2 o'clock perhaps another motion may come up, but scarcely at this time.

Mr. LODGE. Of course the arrival of the hour of 2 o'clock does not affect the open executive session. The hour of 2 o'clock applies only to legislative session. The motion I make is a privileged one. I do not want to cut the Senator from North Dakota off, but I do not want to let this bill become the unfinished business, because there are other bills which are more important.

Mr. McCUMBER. Nor do I, Mr. President. I want a vote on it now, if we can dispose of it.

Mr. LODGE. If we can vote on the bill and dispose of it, I have no objection.

TREATY OF PEACE WITH GERMANY.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Massachusetts to the special rule for the morning hour on Monday. However, the hour of 2 o'clock having ar-

rived, the motion of the Senator from Massachusetts is now in order. The Senator from Massachusetts moves that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, I desire to call up the unanimous-consent agreement which I presented on Friday and which has been printed, but before doing so I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Sheppard
Ball	Hale	McLean	Shields
Borah	Harding	McNary	Simmons
Brandegee	Harrison	Moses	Smith, Ariz.
Capper	Henderson	Myers	Smith, Ga.
Chamberlain	Hitchcock	New	Smoot
Colt	Johnson, Calif.	Newberry	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Jones, Wash.	Nugent	Sutherland
Curtis	Kellogg	Overman	Thomas
Dial	Kendrick	Owen	Townsend
Dillingham	Kenyon	Page	Trammell
Elkins	Keyes	Phelan	Underwood
Fernald	King	Phipps	Walsh, Mont.
Fletcher	Kirby	Pittman	Warren
France	La Follette	Poindexter	Watson
Gay	Lodge	Pomerene	Williams
Gerry	McCormick	Ransdell	Wolcott
Gore	McCumber	Robinson	

Mr. GERRY. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Maryland [Mr. SMITH] are detained from the Senate on official business. The Senator from Georgia [Mr. HARRIS], the senior Senator from Virginia [Mr. MARTIN], and the Senator from Missouri [Mr. REED] are absent on account of illness. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. The junior Senator from Virginia [Mr. SWANSON], the senior Senator from Kentucky [Mr. BECKHAM], and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

I have been requested to announce that the Senator from Massachusetts [Mr. WALSH] has gone to Massachusetts to vote at the State election.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

The PRESIDING OFFICER. Seventy-five Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, I ask that the unanimous-consent agreement, which I presented on Friday last and which is lying on the desk, be read.

The PRESIDING OFFICER. The Secretary will read the proposed agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the calendar day of Wednesday, November 12, 1919, the Senate will vote finally upon the resolution of ratification of the pending treaty of peace with Germany; that on and after the calendar day of Monday, November 3, 1919, up to the calendar day of Monday, November 10, 1919, no Senator shall speak more than once nor for a longer period than one hour upon any amendment to the text of the treaty or upon any amendment proposed or that may be proposed to the resolution of ratification, or to any reservation pending or offered thereto; that on and after the calendar day of Monday, November 10, 1919, no Senator shall speak more than once nor for a longer period than 10 minutes upon any amendment pending or offered to the text of the treaty or upon any amendment pending or proposed to the resolution of ratification, or to any reservation proposed to be incorporated therein; that at the hour of 5 o'clock p. m., on the calendar day of Wednesday, November 12, 1919, debate shall end and voting shall begin and shall be proceeded with until all amendments and reservations and the perfected resolution of ratification have been finally disposed of: *Provided*, That nothing in this agreement shall prevent the Senate from voting upon any amendment or reservation as the same is reached.

Mr. LODGE. Mr. President, I only desire to say that I shall not insist on any particular date. If the Senate desires to make it earlier, I shall not insist upon the limitations of time set forth nor upon the division of time. There is only one thing that I do insist upon, and that is that the unanimous consent, if entered into, shall be an effective one; that it shall provide for the final vote on the resolution of ratification; that it shall be efficient and effective in that way. That is the only point that I shall insist upon in regard to the proposed agreement. Otherwise, I am entirely ready to modify it as the best judgment of the Senate thinks it should be modified.

Mr. HITCHCOCK. Mr. President, the objection to the unanimous-consent agreement asked by the Senator from Massachusetts is a very vital one, so far as the supporters of the treaty are concerned. It provides for a final vote upon a certain resolution of ratification which has been assented to already by sufficient Senators, so that there is no reasonable chance of materially changing it. If we accepted that proposition we would be in the position of agreeing to vote upon the resolution of ratification as practically already framed by the Senator from Massachusetts and certain of his colleagues, without any power materially to alter that resolution.

Mr. LODGE. Will the Senator permit me to interrupt him at that point?

Mr. HITCHCOCK. Certainly.

Mr. LODGE. Neither this unanimous-consent agreement nor, I think, any unanimous-consent agreement that will be offered, could or would cut off in any way the right to amend or substitute another reservation for any reservation offered. They would all be open to substitution, to amendment, to change, as they were passed, one by one. Of course, the final vote would be on the resolution of ratification in such form as the Senate had agreed upon. That is all the agreement calls for.

Mr. HITCHCOCK. But, I ask the Senator from Massachusetts, suppose that resolution should fail to receive a two-thirds vote?

Mr. LODGE. Then, of course, as the uniform practice of the Senate shows, it will be open for a motion of reconsideration.

Mr. HITCHCOCK. The Senator, then, would construe the rule and the Constitution to mean that no different resolution of ratification could then be proposed.

Mr. LODGE. No different one could be proposed at the same time we were working on the first one.

Mr. HITCHCOCK. Suppose that one had been defeated, having failed to receive a two-thirds majority vote?

Mr. LODGE. Then, if there was a majority of the Senate that desired to reconsider it, it could be reconsidered and another set of reservations undoubtedly would be offered, I suppose.

Mr. HITCHCOCK. But except by reconsideration?

Mr. LODGE. I do not know what the parliamentary situation would then be. I can not tell what action would have been taken.

Mr. HITCHCOCK. Then it is exactly that contingency which we can not afford to consent to. We can not agree that the final vote on the treaty should be had upon a resolution of ratification made up to a large extent by the enemies of the treaty. If the resolution conducted by the Senator from Massachusetts fails to receive a two-thirds vote, we want the opportunity to present another resolution of ratification which may ultimately receive a two-thirds vote, which may receive the vote of the Senators who desire to ratify the treaty without reservations, who may compromise with Senators who desire to ratify the treaty with reservations. We are not willing by unanimous consent to agree that the final vote on the treaty shall be the proposition to pass the resolution framed very largely by those who are the enemies of the treaty.

Mr. President, in taking this position we feel that we are more than justified by the spirit of the Constitution. The Constitution provides that the matter of ratification of a treaty shall be in the hands of two-thirds of the Senate, not in the hands of a majority of the Senate.

The Constitution provides that two-thirds of the Senators present and voting shall be required to assent to the ratification of the treaty, and the rules of the Senate provide that a two-thirds vote is necessary indefinitely to postpone the treaty. It is two-thirds of the Senate and not a bare majority that are entitled to control the vote on this treaty.

Mr. President, I want to say right here that, in my opinion, the treaty will remain before the Senate until the Senate takes definite action upon it. You can postpone it indefinitely by a two-thirds vote, and that will end it for the present so far as the Senate is concerned; you can recommit it to the Committee on Foreign Relations by a majority vote if you want to take that responsibility; the Senate also can displace it by a majority vote by agreeing to a resolution to take up some other measure; but certainly we are entitled to have definite action taken by the Senate, to have Senators assume the responsibility either of indefinite postponement or recommitment or of displacing the treaty by another measure. We are not willing to have the treaty smothered by a bare majority, who have agreed upon a certain resolution of ratification with qualifications that some of us are not able to accept. We feel that we are entitled to have a sincere effort made to see whether it is possible to secure 64 votes here in the Senate for the treaty.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HITCHCOCK. I yield to the Senator.

Mr. TOWNSEND. How does the Senator expect that we shall arrive at a conclusion by the Senate as to what the treaty shall be and when the resolution of ratification shall be adopted except by a majority vote as we proceed?

Mr. HITCHCOCK. Mr. President, I think that is a fair question, and I will explain to the Senator what I think would be the fair, broad-minded way by which every effort could be made to test the real sentiment of the Senate. I believe that can be brought about only, first, by permitting the resolution of ratification as drawn very largely in the Committee on Foreign Relations, modified possibly to some extent here as in Committee of the Whole, to come to a vote. When that vote has been taken, if the resolution receives a two-thirds majority, there is nothing to do except to notify the President that that has been done. If it fails in that form to receive a two-thirds majority, then, there being here in the Senate probably 70 Senators who want the treaty in some form, it certainly seems to me to be the fair thing to permit some of those Senators to present for a vote of the Senate a resolution in such form as they think will receive the assent of a larger number of Senators.

In case the resolution of ratification offered by the Senator from Massachusetts shall fail to receive a two-thirds vote, I believe the next step should be to submit to the Senate a resolution of unqualified ratification, without any provisos or conditions. If that shall fail to receive the necessary two-thirds vote, the fair thing would be to allow Senators to present other resolutions of ratification qualified in such a way as they might receive a larger number of votes; and possibly reach a settlement in that way. If such resolutions fail to receive a two-thirds vote, then it is up to the Senate to decide what to do with the treaty. We shall then have tested out in a fair, broad way the sentiment of the Senate.

I am not sure that ratification will be reached in any form; but if Senators desire that the matter now be handled in a way which the magnitude and dignity of the great question require instead of by the methods of a political convention, in which a bare majority binds itself to stand by a certain resolution and if that resolution fails the whole thing fails, I think the method which I have suggested would be much more in accordance with the dignity and importance of this great question and would settle it.

There is no settlement of the question if the Senate is confined merely to a vote upon the proposition presented by the Senator from Massachusetts, backed probably by a bare majority. It simply shows what a majority will do. It neither indefinitely postpones the treaty nor does it supplant it by anything else. The method which I propose would bring about a settlement.

Therefore, Mr. President, I shall object to the request for unanimous consent presented by the Senator from Massachusetts, and, in place of the proposed unanimous-consent agreement which I presented to the Senate on Friday last, I offer another suggestion for a unanimous-consent agreement. If the Senate will permit, I shall read it, as it is not in printed form, and shall read it slowly, so that it may be fairly understood:

First. That after the adoption of this unanimous-consent agreement the Senate will meet each day at 11 o'clock a. m. for the consideration of the German treaty and all amendments, reservations, or resolutions of ratification that may be proposed. No Senator shall speak more than once nor longer than 15 minutes during the present week upon any pending question.

Second. That during the calendar day of Monday, November 3, 1919, before adjournment or recess, the Senate will vote upon the pending amendment and also upon any other amendments to the treaty that may be offered.

Third. That during the calendar days of Tuesday and Wednesday, November 4 and 5, 1919, the Senate, as in Committee of the Whole, will consider committee reservations, which consideration may be continued not later than the calendar day of Thursday, November 6, 1919, at 3 o'clock p. m., before or at which time a vote upon pending committee reservations shall be taken, whereupon the treaty shall be reported to the Senate by the Committee of the Whole.

Fourth. In the Senate the vote upon the resolution of ratification, embracing such reservations as have been adopted in Committee of the Whole, shall take place before adjournment or recess of the calendar day of Thursday, November 6, 1919.

Fifth. If it receives the necessary two-thirds vote, the President shall be notified.

Sixth. If it does not receive the necessary two-thirds vote, the Senate shall consider on Friday, November 7, and Saturday, November 8, 1919, any resolutions of ratification proposed by the minority of the Foreign Relations Committee and vote upon the same not later than 3 o'clock p. m., Saturday, November 8, 1919. If no such resolution receives the necessary two-thirds vote, it shall then be in order for any Senator to propose a resolution of ratification during the calendar day and the same shall be voted upon without discussion. If no such resolution receives the necessary two-thirds vote, it shall thereupon be in order for any Senator to move to take up the railroad bill or any other business, and this question shall be decided without discussion.

Mr. President, that provides for bringing the matter to a head this week. It puts the Senate in a position where on next Saturday, by a mere majority vote, if no resolution of ratification has been accepted, it can set aside the treaty for the present and take up the railroad bill or any other important legislation. It distributes fairly well the time on the reservations and on the pending amendment, giving, of course, the lion's share of time to the reservations proposed by the Committee on Foreign Relations as they may be modified as in Committee of the Whole. If two-thirds of the Senate do not agree to the resolution of ratification which the Senator from Massachusetts fathers, it then gives the other sentiment in the Senate an opportunity to present its case to the Senate and ask for a vote, first, probably upon an unqualified resolution of ratification; and if that shall be defeated, then upon another resolution of ratification with such qualifications and restrictions and reservations as may be necessary to unite 64 votes in the Senate in the support of the resolution.

I think that is a fair proposition. It will, I repeat, bring the matter to an end this week. It will have the effect of giving the best possible opportunity to test out the sentiment of the Senate on the subject of ratification. It does away with the idea that a mere majority can tie up a resolution here and say to the remainder of the Senate, "If you do not approve this, the treaty is at an end." The very idea of reservations is to give an opportunity for a compromise of diverse opinions.

Mr. President, there is a very honest difference of opinion as to the terms on which this treaty should be ratified. The time has come when we have got to look the situation fairly in the face, and we find that unless a compromise between these diverse views is reached the treaty can not be ratified, but it places the responsibility where it belongs.

There is another thing that it does. It gives to the Senators here who believe in the treaty in some form an opportunity to reach a compromise. As it is, it is well known that the pending resolution of ratification, with the reservations already agreed to, represents particularly the views of Senators who are going to vote against the treaty even when those reservations are attached to it. It does not represent the Senators here who want to ratify the treaty; and, while it is perfectly proper for them to inject their views into the resolution of ratification, it is not fair play to prevent Senators from voting on another resolution of ratification.

Senators may say that we can amend the resolution of ratification fathered by the Senator from Massachusetts; but the Senator from Massachusetts has assured me, and other Senators associated with him have assured me, that they have the vote to hold it right where it is; they have the pledges of Senators to stand by that resolution. Very well; let that resolution come to a vote in the Senate. If it can muster a two-thirds vote, the treaty is entitled to ratification in that form; but if it can not muster a two-thirds vote, certainly we ought to have the opportunity to present a resolution in a different form, and we should not adopt the methods of a political convention in preventing a fair expression of the average opinion of the Senators here in the Senate. Therefore, Mr. President, for the consideration of the Senate, I offer the request for unanimous consent which I have read.

Mr. LODGE. Mr. President, the only methods that I have adopted are the methods laid down by the rules and by the practice of the Senate of the United States in dealing with treaties. Let me first draw a distinction, which the Senator from Nebraska omitted to draw but which is vital, between the resolution of ratification and the reservations or conditions which are attached to it. The resolution of ratification is the enacting clause, and, of course, is the same in all cases, whether it stops with simple consent and advice or whether it goes on and imposes conditions. The Senator would have to use it for his reservations if he proposes to attach any to the treaty; he would have to use it if he proposes to ratify the treaty without reservation. That is the resolution of ratification. The reservations are what are in discussion here.

It is true that the Constitution gave to one-third of the Senate, or one more than one-third, power to defeat a treaty; but it did not give them control of the reservations or amendments, or of the form in which the treaty should go to the question of ratification. That is left to a majority. The Senator's proposition is that the majority must not have its way; that the people who are to decide must be the one more than one-third; and, of course, they can have their way as to whether the treaty shall be ratified or not, no matter what form it may take.

Now, Mr. President, we consider the reservations. As I have said, they are open to every form of amendment and substitution. Each will be considered separately. They will then be taken into the Senate, and again they will be open to a separate vote on each one, and to any amendment, and to any substitution. Then the reservations or amendments, if there should be any, agreed upon by the Senate in Committee of the Whole and in

the Senate, are placed upon the enacting clause, which is then put at the head of them, and that is submitted to the Senate for a final vote as to whether the resolution in that form shall pass. There has been every opportunity to do everything that the Senator wishes to have done. If the resolution fails in that form to receive the vote of two-thirds of the Senate, it is then open to reconsideration if a majority favors reconsideration, and it can be brought back here as it stands, with the reservations or amendments, if there are any, attached to it; and the Senate then has an opportunity, and the minority who have voted against ratification have the opportunity, to deal with it under the rules.

Mr. President, those are the parliamentary methods and the methods pursued by the Senate in all cases where treaties have had reservations, or where they have been proposed, or where there has been rejection of a resolution and subsequent reconsideration. I see no reason to go beyond those rules. I do not believe for a moment that it is possible under parliamentary law to take a resolution of any sort, or a bill, and lay one form after another beside it, and keep voting on indefinite propositions. The whole basis of parliamentary law is to promote the transaction of business with a view of bringing it to a conclusion. Now, it is not a final conclusion, of course, but the first conclusion we can reach is on an enacting resolution with such amendments or reservations as the Senate chooses to put on. That is the first step toward final action. I think that action ought to be taken. I should be glad to take it on the 6th, or the 10th, or any date that the Senate may decide; but I am not going into any elaborate piecemeal scheme of this sort. I want to get some kind of definite action, and have the resolution of ratification either carried or lost. Then, if reconsideration is desired, whenever the majority chooses to take it up, it can bring up the resolution again and try it once more; but I am not going to vote for a lot of piecemeal agreements. I want to get a vote on the resolution with the reservations that the Senate sees fit to adopt now, after full consideration; and I shall object to any other form that does not carry with it a definite time for voting on a resolution of ratification in such form as the Senate chooses to make it. I think this other agreement, offered by the Senator from Nebraska, produces no end at all. The country wants this treaty either voted up or voted down.

Mr. PITTMAN. Mr. President, there were Senators on the other side of the Chamber and Senators on this side of the Chamber who have been designated as "mild reservationists." They held quite different views from the majority of the Foreign Relations Committee. They were antagonistic to many of the reservations presented by the majority of the Foreign Relations Committee. I understand, however, that they have agreed to vote for those reservations under the belief that only by voting for such reservations may a sufficient number of votes be commanded to get any action at all. For that reason, and for that reason only, they will vote for these reservations. If these reservations are adopted as a part of the resolution of ratification by a majority vote, and if then they do not succeed in accomplishing the ratification of the treaty by the necessary two-thirds vote, those mild reservationists are not going to stop there if they have a legal opportunity to go further. They will have satisfied their obligations to the majority on the other side of the Chamber; they will have voted with the majority of the Foreign Relations Committee, and the resolution of ratification will have failed in that form. Will it not then be the desire of the mild reservationists on that side of the Chamber to offer a reservation which will possibly appeal to two-thirds of this body? If the proposition of the Senator from Massachusetts goes through, there will be no such opportunity to the mild reservationists on that side of the Chamber or on this side of the Chamber.

In other words, there are Senators on this side of the Chamber who do not believe in any reservations. Those Senators probably will vote against all reservations; and yet, as one of those very Senators who would vote against all reservations, I would not like to be foreclosed from the privilege of voting for interpretative reservations if it turned out to be the only way in which the treaty could be ratified. Yet if the plan of the Senator from Massachusetts is adopted, I will vote against such reservations and I will vote against the resolution of ratification containing those reservations, and if there are a third of this body voting the same way that I do the resolution will be defeated, and that is to be the end of the treaty under the plan submitted. If it is demonstrated that that resolution was defeated by reason of the character of the reservations in it, and I am convinced that we can not ratify the treaty without reservations, and the Senator from North Dakota should then offer his reservations or some other Senator should offer his interpretative reservations, I would feel justified then in joining those Senators in voting for a compromise resolution. I would be debarred of this opportunity under Senator LODGE's plan. It could be accomplished under Senator HITCHCOCK's plan.

There is not any chance on earth, and the Senator from Massachusetts knows it, of ever ratifying this treaty with the reservations that he now presents to the Senate. I do not think he has in his mind for one moment that he can get two-thirds of the Senate to vote for the resolution of ratification containing those reservations, and yet he seeks to force a final vote upon the treaty upon the vote upon those reservations. He wants to prevent the Senator from North Dakota or the Senator from Oregon or the Senator from Minnesota or the Senator from Georgia from offering interpretative reservations that may command the votes of two-thirds of the Members of the Senate. He does not desire to give the Senators on this side who will first vote against all reservations another chance to vote for mild reservations.

Mr. LODGE. Mr. President, if the Senator will allow me, I could not possibly cut off Senators from offering any reservations they wanted to, even if I desired to do so, and I have no such desire.

Mr. PITTMAN. The Senator has said that, but it does not meet the point. They can offer substitutes or amendments before the vote on the resolution submitted by the Senator. They can do it beforehand, but they can not do it afterwards. That is exactly the distinction I am making.

Mr. LODGE. They can not offer them after the resolution is agreed to, can they?

Mr. PITTMAN. Nor can they offer any other resolution, under the plan proposed by the Senator, after his is defeated.

Mr. LODGE. Why, certainly, they can.

Mr. PITTMAN. That is exactly the position the Senator is trying to put us in.

Mr. LODGE. They can move reconsideration, bring it back, and consider it all over again, if they want to.

Mr. PITTMAN. The Senator is trying to deprive the Senators in this body who desire the treaty ratified as it is of any opportunity to compromise after his resolution of ratification is defeated. That is the purpose of it, and that will be the accomplishment of it, if the Senator succeeds. He desires us to vote our honest convictions now, with no opportunity, after the resolution is defeated, to enter into a compromise with any other Senators in this body. That is the whole purpose of it. That will be the result of it.

Mr. LODGE. I am proceeding simply according to the rules. I know no other way. I can not change the rules in the middle of the game, as seems to be proposed. I am following the rules as they stand. There will be every opportunity for everybody to offer any compromise or other reservations that they want to. There is no other way of getting at it that I know of. All I want to do is to get a vote; and if these reservations that I propose are beaten, and a majority does not vote for them, then we can come to a vote on the treaty without reservations or with other reservations; but let us get a vote. That is what I want.

Mr. PITTMAN. It is true the Senator wants a vote, but he wants a vote in a manner that is certain to defeat this treaty. He says that we may offer our amendments to his resolution. Yes; that is true; but he knows that those amendments will be defeated. The Senator from North Dakota could offer his substitute reservations, but he knows that they will be defeated. He knows that everything is tied up for the defeat of anything that might accomplish a compromise in this body, and then he wants to force before this body on a final vote something that he knows will defeat the treaty. That is the purpose of it. He says he is simply following the rules. Why, the Senator knows that by unanimous consent you can set aside any rule, and that is exactly what the Senator from Nebraska has asked the Senator to do. He has asked him to set aside the rules so that after the vote is taken upon the Senator's resolution, if it does not get the necessary two-thirds, we may take a vote on a resolution submitted by the Senator from Nebraska, and then, if that does not get the necessary two-thirds, we can vote on a resolution submitted by the Senator from North Dakota. That is what he asks. Those rules can be changed by unanimous consent, and the Senator need not worry about that if he is simply trying to accomplish action.

Mr. LODGE. The rules can not be changed by unanimous consent, and will not be, of course. I have no reason to know that the treaty with these reservations attached, or the important ones among them attached, will not be ratified. On the contrary, I have always believed that it would be.

I have tried to bring about reservations which would lead to the ratification of the treaty. If they are voted down, and voted down by those who profess to be the friends of the treaty,

no matter what rule you have, or what rule you abolish, you can not abolish the Constitution, and the treaty will be in great danger.

Mr. CUMMINS. Mr. President, I am taking no part in the form of the proposed unanimous-consent agreement. I am, however, very deeply interested in a subject which will be vitally affected by the arrangement that is proposed. I am for any sort of unanimous-consent agreement that will dispose finally of the treaty during the present week.

I bring to the attention of Senators a situation which is so grave that it ought to be uppermost in our minds when we are considering at what time the present subject shall be disposed of. Nine months ago, substantially, the President of the United States declared that not later than the 1st of January now approaching he would feel it his duty to return the railways of the country to their owners, under a power which he undoubtedly possesses. I have good reason to believe that his purpose at that time has not been changed. I can not speak positively with regard to his intent, but I am led to think that about the first of the approaching January these properties will be returned to their owners. Nor could anyone criticize the President with much severity, because we have had ample opportunity to prepare and enact into law the legislation which I regard as absolutely necessary in the return of our systems of transportation to their owners.

I do not criticize anybody for the time taken in the debate upon the treaty. It is of the mightiest consequence. I have never uttered a word of complaint with regard to it. But I think it has been debated sufficiently. I know that every Senator has made up his mind with regard to the votes which he shall cast, either upon the proposed amendments or reservations, or upon the ratification. In view of the impending calamity—and it will be a calamity from which we can not escape, if the railroads are returned to their owners without adequate and sufficient legislation—in view of that situation, the German treaty ought to be disposed of, and I have not ventured to think, even, that the consideration of it could be, or would be, prolonged beyond the present week.

If the railroads are returned to their owners without adequate legislation, you will not only see an intensification of all of the difficulties which are now observed in the labor world, but, in my judgment, you will witness a financial catastrophe against which it will be very hard for us to contend. It is our bounden duty, if it be within our possibilities, to pass before this session ends the legislation which we think is necessary to properly take care of the situation; and I, for one, would feel that I had done less than my duty if I did not use all of the means at my command to induce the Senate to take up this subject for consideration within a very brief time.

I have not attempted to bring it forward, because I have believed that we ought to dispose of the German treaty; but we have reached now a situation, and I want fairly to advise Senators, in which I shall feel it to be my responsibility and my duty to ask that the German treaty be displaced, if I can not be assured in some manner that the railroads will not be returned to their owners in the absence of adequate and protective legislation.

I do not know just when I ought to do that. I have been waiting day after day, hoping that the debate upon the treaty might be brought to a conclusion. But so seriously do I view the subject of what are the consequences of passing over into the next year without legislation on this subject that if it becomes apparent that the German treaty is to be delayed, and is to claim the attention of the Senate during all of this session and part of the next, I shall have no doubt with regard to my duty in the premises.

Mr. LODGE and Mr. JONES of Washington addressed the Chair.

Mr. CUMMINS. I yield first to the Senator from Massachusetts.

Mr. LODGE. I only want to say that I entirely appreciate the feeling of the Senator from Iowa. I sympathize with him. I shall be glad to see the resolution of ratification with reservations voted on upon Saturday next, if I can bring it about.

That at least would make procedure along parliamentary lines and it would take one long step to finish it; but I can not agree to a unanimous-consent request that leaves this thing open to indefinite postponement and talk of compromise, trying to arrange here and there, behind the doors and in the cloakrooms, a compromise which will consume more time than has been already consumed. I shall object to that form of agreement.

Mr. CUMMINS. I was not in the least criticizing the position of the Senator from Massachusetts. He has told me for the last several weeks that he desired to do everything in his power to bring the debate to a close, and I know that that has been his purpose. I do not want to leave the German treaty until it is finally disposed of. I am entirely in sympathy with that view.

I do not quite comprehend the proposal of the Senator from Nebraska [Mr. HITCHCOCK]; but whatever is done, no matter what course is pursued, let us agree upon something that will dispose of this treaty, so far as its consideration by the Senate is concerned, within this week, if that be possible. If there are Senators who think that the debate ought to be continued, and that it can not be disposed of in justice to its great importance until the next session, then let us lay it aside and take up for consideration a subject that must be disposed of if we are to protect the people of this country in their transportation facilities before the first of the year. Now I yield to the Senator from Washington.

Mr. JONES of Washington. I would like to see the treaty disposed of soon. I am ready to vote at any time. I understand, I think, the importance of the railroad legislation; but I want to ask the Senator if there is any law requiring the Railroad Administration to turn the railroads back to private parties by the 1st of January?

Mr. CUMMINS. There is no such law. The President has the power to return them; and I venture to suggest that while, if I were in his stead, I would not return them until adequate legislation is enacted, yet there are a great many reasons which move one in that direction. At this time there is almost complete demoralization in the railway service. The employees, knowing that the time is approaching for the return of the properties to their former owners, can not maintain that degree of efficiency which ought to be manifest in all such service. The railway companies are utterly incapable of doing anything, for they have nothing with which to accomplish any purpose. The properties are not in their possession; the working capital is not in their possession; they are unable even to prepare fairly for the approaching return of the properties. There is every consideration for the rapid disposition of the subject, and we can not vindicate ourselves to the people of the country unless we do take such measures as are necessary and adequate to accomplish the purpose.

Mr. THOMAS. Mr. President, I should like to get the opinion of the Senator as to the amount of time which will probably be consumed in the consideration of his railroad bill.

Mr. CUMMINS. I have not attempted to make an estimate along that line, but it has seemed to me that the Senate ought to be able to dispose of it within three weeks.

Mr. THOMAS. What the Senate ought to be able to do and what it does in actual practice are divergent things.

Mr. CUMMINS. I am not disposed to deny that.

Mr. THOMAS. Let me ask the Senator if he has the impression that if we should take up the railroad bill next week we could dispose of it before the holidays?

Mr. CUMMINS. If we should take up the railroad bill next Monday, I think we could dispose of it by the end of November.

Mr. THOMAS. I am not so optimistic as that, by any means; but I am willing to try it.

Mr. CUMMINS. I want to try it.

Mr. THOMAS. I will aid the Senator all I can by keeping as quiet as possible during the interval, if that will help any. I suggest to the Senator that he make the railroad bill the unfinished business, and we can then devote to it the morning hour when we adjourn instead of recessing, and by that means we will make a little progress. In any event, we will create some diversion for the galleries by relieving them of the monotony of treaty consideration.

Mr. CUMMINS. I am sure the railroad question will not furnish the charming and delightful forays into the history of the world that we have witnessed in the treaty debate. I think that when we take it up for consideration the galleries will empty pretty rapidly. But however that may be, all I want is that Senators, in coming to a conclusion with regard to what kind of an agreement should be made to bring the German treaty to an end, will have in mind the situation which confronts us so far as our railways are concerned. I am willing to agree to anything so far as the distribution of time and length of debate are concerned that will bring the consideration of the treaty to an end this week; and when it is brought to an end it ought to be at an end for the time being, at any rate.

Mr. SMOOT. Mr. President, I wish to ask whether the unanimous-consent agreement submitted by the Senator from Nebraska [Mr. HITCHCOCK] was objected to?

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts [Mr. LODGE] to make a formal objection to it.

Mr. SMOOT. I so understood. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. McCUMBER. Mr. President, what I desire to say will be in the line of the regular order, and I want to address a question to the Senator from Nebraska [Mr. HITCHCOCK].

I should very much like to have adopted the unanimous-consent agreement proposed by the Senator from Nebraska. I appreciate the fact that it is very difficult to make an arrangement whereby a minority may have a second chance if they fail to secure their wish on the first opportunity. Inasmuch as under the regular rules of the Senate there is only one way of registering the opinion of a minority, and that is by a vote upon each proposition as it comes up, as an amendment, and a final vote either on accepting the result or voting against the proposition as it comes before the Senate at that time, and as we can not make the change then, I know of no way under the rule whereby the minority can get another opportunity to register its views in another manner unless we have unanimous consent.

Now, I am satisfied that there are those who are so bitterly opposed to the treaty that they will never give unanimous consent to anything that would take from them any advantage they may have. Therefore I think it is useless for the Senator or anyone else to attempt to secure an agreement which would allow the Senate to vote upon the reservations, or the resolution containing reservations, and, if they are defeated and if they can not get a reconsideration of that vote, then to have unanimous consent that they could try the whole matter over; and that is really what the unanimous-consent request of the Senator means.

If that is an impossibility, if we have got to meet this issue, it seems to me we might just as well meet it at one time as another in agreeing upon a day certain, and if we can not, by any possibility, change the proposed reservations to suit us, then the question will have to be put up to the Senate whether they wish to vote for or against those reservations as they shall appear in the resolution at that time. I am ready to meet it.

I think there is a little error about the unanimity of understanding concerning the reservations that have been printed. The first four or five of them I shall support. I shall support them because I feel confident that we can not get 64 votes for the treaty unless we have them, and that is the only reason that guides me in supporting them. If I should vote for the resolution of ratification as it is finally formulated, and that resolution should fail to receive the 64 votes necessary, I have enough interest in the treaty, and hope that upon a reconsideration it might be modified so that we could get the vote, to move of my own volition to reconsider the vote by which it passed. But I recognize the fact that a majority can vote that down, and I do not know of any way to escape it.

I am not in favor of every one of the reservations. I am opposed to the preamble or a portion of the preamble to the reservations, and I am opposed to one or two of the reservations, and so I notified my colleagues when they passed upon them in the committee that I would reserve the right to oppose them in the Senate.

So after all it seems to me that we might as well agree first as last upon a date, if we are going to attempt to get the treaty disposed of in a reasonable time, for I am certain that those who are opposed to the treaty in any form will not consent to give the Senator from Nebraska the advantage which he hopes for.

Mr. LODGE. Mr. President, I understand that while I was off the floor for a moment some question was raised about my making objection to the unanimous-consent agreement proposed by the Senator from Nebraska [Mr. HITCHCOCK]. I did make objection or intended to make objection to it.

The PRESIDING OFFICER. The Chair understood that the Senator from Massachusetts had objected, and so stated.

Mr. FERNALD obtained the floor.

Mr. WALSH of Montana. Mr. President, I desire to ask the Senator from Maine if he will give way to me for a few remarks connected with a matter which has been under consideration?

Mr. FERNALD. I have been waiting for some little time to proceed. I should like to go on at this time if the Senator will pardon me.

Mr. WALSH of Montana. Very well.

Mr. FERNALD. Mr. President, I offer no apology for the action I am about to take toward the solution of the great question now before this Senate. For weeks a fair and open discussion has taken place by those who earnestly favor the league of nations and the treaty of peace. It has been my desire from the beginning to endeavor in every way possible so to perfect this document that it might meet my passive approval. I have never ardently espoused the cause of the league of nations, for I see in it many provisions which I deem dangerous to the liberties of a free people, and especially to the liberties of our own Republic. The President of the United States, with his advisers, spent weeks in foreign lands in a company of statesmen and representatives of other and foreign governments in coming to an agreement and what he deemed a just solution of the matter. I do not question his sincerity and realize the difficulty under which he labored in the meeting of so many diversified minds and opinions.

Doubtless in the circumstances he did the best he could. If I were to criticize his action at all it would be in his selection of delegates to represent this country abroad on a matter of such vital interest to our people. Had he taken men even from his own party altogether, or such as might be found on either side of this Chamber, I believe that a document might have been produced which in every respect would be more acceptable to this Senate and to the American people than that which we now have before us. This, however, is a question of the past, and criticism at this time is, perhaps, out of order, quite futile, and unnecessary.

But this treaty or contract between nations is before us with a statement from the administration that should any changes of a material nature be made the force of the entire document would be annulled. I can not agree, Mr. President, to this view. I believe that the wisdom of this Senate may be relied upon to make some changes which would bring this within the approval of those who must ratify it before it can be enforced. I shall not attempt in detail to discuss all of the many articles of the treaty, because they have already been discussed by the Members of the Senate, and the very fact that this body is fairly evenly divided in the matter proves beyond cavil that some changes must be made before we can come to an agreement and ratify the treaty.

I do not intend to thrash over old straw, because it would seem that every kernel of wheat has been taken from it. Senators on both sides of the Chamber has agreed that many of the treaty provisions are not only unfair, unreasonable, and unjust, but entirely illegal and unconstitutional. I do not, of course, offer any suggestions along legal or constitutional lines. The Senate has already been enlightened on both sides of the question by able constitutional lawyers. It is in a spirit of fairness and entirely from a business man's standpoint that I shall attempt to discuss these matters. But in doing so I do not feel that I must make any observations to excuse any vote I may take or to place myself properly before my constituents. The people of my State—like those, I assume, of other States—are not of one opinion, and disagree as to the action they would like me and my colleague to take. It is a matter of some regret to me that I must oppose my colleague in this matter. He and I do not agree entirely in the method of solving this question, and I concede to him the same right to his opinion that I claim for my own. In our discussions there will be no resentment or feeling of disregard on my part, and I am sure he shares the same feeling. He represents, I assume, the sentiment of many honest, well-meaning, intelligent people of our State. Just how our constituents would divide on this matter I am unable to say; but I do feel that the position I take on this question will meet the approval of some at least—and I trust of many—of the business men not only of my own State but of the entire country.

I do not even share the belief that great speed should be made in the solution of this matter. I have felt entirely satisfied with the progress we have made and with the leadership of both eminent Senators on each side of the Chamber. I want to say here and now that the people of this country, even though they desire prompt and speedy action on most matters, feel that in this particular case, where we are about to enter into a contract with the nations of the world that is not temporary but enduring, it is far better that careful deliberation be given than that any hasty action be taken. I, of course, desire to expedite this discussion and the consideration as much as is consistent with its scope and magnitude and the far-reaching effect of its solution in its relation to our people. Many Senators have already expressed themselves on this question; and I am quite willing to wait in patience in order that other Senators may have an opportunity to make such observations as they may see fit, and that all such shall have due and just consideration. I hold that in the final disposition of this matter no partisian spirit will be shown, because the settlement of this great question is far above partisanship or any political aggrandizement. It is an American question and should be settled by Americans in an American way.

Before discussing the merits or demerits of amendments or reservations to be made to this treaty I want to say that I do not deem it such a holy and sanctified instrument as some Members of the Senate would have it appear.

Nor do I believe it necessary that any provisions be made whereby the treaty may not be sent back for further consideration by the Governments interested and the signatories to the

document. While I have very tender compassion for the sentiments of other people, I have a much greater regard for the feelings of my own countrymen. And if it seem necessary in making the changes that this document be returned to the signers for consideration, I shall vote to send it back to them with a much greater respect for my own judgment than to have either mild or stringent reservations made that would insure its adoption. I have not opposed—in fact, I am very much in favor of—amendments that shall be made in the body of the document. I believe in meeting these matters squarely and fairly, and that every signatory should understand well and without question just the position this Government is taking in making this treaty. I do not agree with those who think that reservations will be passed without consideration. Every act of this Senate and every word in any reservation will be as carefully scanned by the other powers as if amendments were made. I have preferred amendments rather than reservations.

But there are those who think that by making such reservation as they deem will protect the interests of our Government it will not be necessary to have further consideration, and that the powers of the earth will accept it without further controversy. And that seems the only excuse given by those who advocate reservations in the place of amendments. If we are to make a contract with a party, why not embody in that contract every act that we intend to perform, have it well understood, that there may be no controversy in the future regarding it? In fact, I believe that some provisions that I desire can not be made by reservation, but that it will be necessary to have amendments before the contract will meet with my approval. I may stand alone in this, but if I do, it is my constitutional right; and I would rather stand alone and feel that I am right and justified in my stand than to accept that which I deem unwise, unfair, unjust, unrighteous, and dangerous to American interests and institutions.

In the ratification of the instrument before us we are departing from the policies laid down by the founders of the Government and the makers of the Constitution and those early founders of the Republic who, looking down through the ages, never dreamed of such entangling alliances as this document stipulates. Coming fresh from the different Governments where they had been under the dominion of monarchs, and suffering from the autocracy and the environments under which they had lived, they advised against such alliances. As has been so often referred to in this Chamber, Washington, in his parting address and in the inspired words, almost of a prophet, warned us against the very doctrines which are embodied in this treaty. Every one of the statesmen of that day, knowing full well the desire of the great governments of the earth to court our friendship and engage our assistance, made plain in the most convincing language the danger of such alliances. For 130 years we have followed the teachings of our fathers, and in that time the Old World has been honeycombed with intrigues, revolutions, uprisings, and wars. But this Republic, standing alone, going straight forward in the course laid down by the founders, has kept its bearings, grown in national wealth and prosperity, and to-day we present a country that is the wonder and the admiration of the world.

It is a matter of gratifying pride to me to know that whenever our Government has been threatened by foreign aggression the North and South, the East and the West, have sprung to arms and have been ready as one man to come to the rescue. It matters not how humble a citizen of this country, if he has sworn allegiance to the flag, whether he be black or white, red or yellow, poor or rich, as a citizen of this country, he may feel an absolute security under the flag and in the power and majesty of its protection.

This country has never made an aggressive war; it is only when our property and lives have been in danger or taken that we have offered resentment. I can not agree with those who claim that the war with Germany was solely for the "safety of democracy"; I voted to declare war on Germany because she had destroyed our property, insulted our flag, murdered our citizens, sent our men and women to the bottom of the sea. And it is in such cases only that our Government will rise to arms and resort to force. But when that occasion arises, we have in this great Republic of ours sons whom America can depend upon to defend the flag; and no nobler men nor more vigorous fighters can be found on the face of the earth.

We have no great standing Army. Our Navy has not been the largest in the world. But when it comes to heroism and courage, that nation is yet unborn which can stand before our soldiers in open honorable battle. And we need not fear a coalition of the nations of the earth to destroy the United States, because all the powers combined of hell and earth can not, on our own soil, meet us with any expectancy of victory. I make this not as a challenge, because I desire peace at all times, but simply to assure those who are fearful of what may come to us in the event that this league of nations is not ratified. And our boys are ready at a moment's call. They may drill with broomsticks, they may be called upon untrained and unequipped, but when Uncle Sam gives the word they are ready to spring to action, and will never be found wanting. They are not ready to obey the command of some foreign potentate. And if this league of nations is accepted, the mothers who gave so nobly their heroic sons in defense of their country will again be called to make the sacrifice, because as sure as the sun rises and sets we will be forced to send our soldiers to every field of battle on the face of the globe where war is imminent.

And in these days when we are supposed to be at peace, and as a Nation are at peace, there are scores of little wars going on in the distant and far-off countries of the Old World. In Siberia—in fact, in almost every quarter of Asia—little armies to-day are fighting and men are dying, and this league contemplates sending our men to quell every outburst or uprising. If this be not its intention, why does the administration suggest that we support an army of 500,000 men and spend millions in construction of battleships and in training our soldiers? What else are armies and navies expected to do but to fight? The very fact that they have asked for large appropriations for this purpose proves beyond a question of doubt that we are expected to enter these conflicts. And those well-meaning people, those churches, who have resolved that this treaty should be ratified without a change believe that the league of nations to enforce peace will stop all further war. Oh, what a delirious, Utopian dream! How I wish that it would accomplish this. But it is certain to do just the opposite. When we enter into a contract to protect the territorial integrity of other nations, no matter what the conditions may be, no matter how much a people may desire liberty and freedom, we must aid the government with whom we are in alliance and to whom we have promised assistance.

Recently in this body soldiers of Irish birth have been ridiculously maligned—these people who for years have had the desire for liberty; these people who have been under the English yoke and have striven for liberty and have made the most righteous demands; these people who stood beside the patriots in this country during the Revolution and in the War of 1812. I can not conscientiously vote for the ratification of the covenant so long as it does not make proper provision and give assurance to the Irish people which my sense of right demands. No assurance is given which indicates that the league can settle the problems of this people striving for self-determination and who may and probably will demand recognition in the future. I want such provision incorporated in the document.

This covenant in its present form pledges members of the league to the aid of other members; hence, in the event of Ireland's striving to wrest her freedom from England, the United States would be unable to aid her and must support Great Britain, the latter being a member of the league. Regardless of how much our sympathies might be with Ireland, no matter how dear the cause of Ireland to the 20,000,000 Americans of Irish blood in this country, under this treaty we should be forced to aid Great Britain, and this despite the fact that this Senate, by a vote of 60 to 1, adopted the resolution asking for a hearing as to the situation of affairs in Ireland. This hearing was denied at Paris, and the same influences that refused the hearing will be at work in the council of the league.

In passing let me say that I wish to register my regret for and my disapproval of the reckless assertion regarding the aid rendered by the Irish in the Revolutionary War. Historians have proven to us that 38 per cent of the Revolutionary Army was Irish, and we know that the Civil War furnished its full quota of Irish soldiers, and no one need be told that in the World War the Irish name was conspicuous and Irish courage unquestioned.

And for the part which the Irish race has taken in the solution of these great questions, in their loyalty and patriotism, their indomitable courage and their allegiance to the flag of their adoption, we owe them a debt of gratitude that can not be overestimated. I will never vote to ratify any document that will withhold from America the privilege of at least extending to this splendid race its moral and sympathetic support.

I have voted for every amendment which would, in my judgment, make this document less objectionable.

To my mind the situation regarding Shantung is a disgrace and a crime. America has ever stood for equal, economic opportunity for China and for her territorial integrity and independence as a nation. The attitude of the United States in this respect has been above reproach, and I can not bear to think

that the American people will stand for injustice or will willingly sanction or permit it. I want America to keep her record unsullied and unstained. But if the control of Shantung is permitted to be given Japan, that record, in my eyes, will be blemished and our standard lowered. China is one of the richest countries on the face of the earth. She is the source of immense supply for minerals, including iron, copper, coal, silver, and gold. She is a still greater reservoir of men. Her population is estimated at 300,000,000. Added to this are her endowments of favorable climate and unsurpassed fertility of soil. Naturally enough, in her weakness and civil strife and her condition of partially lost independence, China is a great temptation to a power of autocratic militarism like Japan, who more than any other nation is vitally interested in China's fate. Because of geographical propinquity Japan has a strong advantage and has come to feel a sort of claim to China. This ever-growing power over China is naturally productive of bad feeling between the two peoples. Hence, the Chinese detest the Japs and the Japs despise the Chinese and covet China's possession. This tension has been materially heightened by the Paris proceedings.

America's traditional policy has always been to preserve the independence of her neighbor and to aid the best element to achieve national regeneration, and to me it seems incredible that our country will depart from that policy and permit a weak but friendly nation, an ally in the recent war, to become the prey of a rival and ambitious power, and the possible cause of another world war. China is our sister Republic, as much as the suffering nations of Europe, and despite her ignorance and her weakness it is our duty to play our part in lending her aid and assistance. I for one can not vote to ratify the peace treaty without a strong and separate protest against the Shantung provision.

What, you say, no amendment can be offered and no provision made that will aid China or right the wrong perpetrated by Japan?

But unless some expression can be given to the sentiment of our people, which I am sure is almost unanimous, I am not willing to give this treaty my approval. I have voted for 40 amendments already, each in its turn to be defeated, and such, I assume, is to be the fate of every amendment, no matter how just or how much it might improve the covenant, because some with their tender mercy for other peoples can not permit such amendments to be made as will necessitate its return for consideration by other powers. Last week the Senator from California offered an amendment that would give to the United States equal representation in the league with Great Britain. There was no question, I assume, in the mind of anyone but that it was a just amendment, and to my mind it ought to have been accepted. I can not conceive of any citizen of our country refusing to vote to give our Government equal power with that of any other government on earth. From a standpoint of moral right and justice our Government, in my judgment, following a similar procedure to that employed in determining representation of other self-governing colonies, ought to have 48 votes—every State in this Union should be represented. To be sure, our States are not dominions nor colonies any more, but they are self-governing political bodies. We hold our elections for the governor and members of the legislature precisely as the Dominion of Canada holds her elections for the selection of Governor General and the Dominion Parliament.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Maine yield to the Senator from Illinois?

Mr. FERNALD. I yield.

Mr. McCORMICK. I wonder if the Senator has noticed the statement of a member of the Canadian House of Commons and for 16 years a member of the Canadian cabinet that New York is far more important to the Union than Canada to the British Empire.

Mr. FERNALD. I am going to take that up just a little later. I thank the Senator for the suggestion.

Mr. President, in every sense our States are self-governing political bodies, and are bound by the Union of States practically as Australia, South Africa, New Zealand, and India are bound to the British Empire. We ought to have 48 votes in the league, both as a matter of right and to give some assurance that the questions which come up for consideration embracing almost every question in the world may be considered by the most intelligent, fair, and honorable body of citizens that may be found on the face of the globe. Some of our States are so much larger and are so much more in importance than the colonies which are represented by the 6 votes of Great Britain that there is no comparison. In fact, New York is much larger in population than the Dominion of Canada. Her population of more than 10,000,000 represents the finest type of American citizenship. The Dominion of Canada has a population of 8,300,000, while little New Zealand has less than 1,000,000. The commerce of New York is equal to that of a hemisphere half a century ago, and last year the business, as represented by the imports and exports, was more than $5,000,000,000, while that of New Zealand was $250,000,000, which shows New York's business to be more than twenty times as great as that of New Zealand and twelve times the business done by South Africa, whose exports and imports were but $400,000,000, and seven times that of Australia, whose exports and imports were but $680,000,000; and yet New York has but one forty-eighth of the numerical strength in voting power in the league of nations that New Zealand has. Pennsylvania, with her population of 8,000,000, has no voting power of its own, except the one vote of the United States, as compared with Australia with a population of 4,120,000, exclusive of aborigines.

Think of Illinois, Ohio, and Texas, with a combined population of 13,000,000 souls, with their splendid institutions of learning, their great industrial centers, their marvelous resources, their fertile fields, their citizenship, as high as can be found under the sun, sitting passively by and permitting the colored representative of Liberia or Siam to cast his vote in the great question affecting the welfare and perpetuity of our Republic while they have no voice at all, not even in a "debating society." But some say this league has no authority to settle questions. It must be done by the council; that it is a mere "debating society"; that Great Britain gets no real benefit, but the mere satisfaction of having a few more representatives to put in their word whenever a question is debated. What folly! We have not a gambler's chance in this league. The cards are stacked against us. No sportsman would consider for a moment such a proposition. Can you conceive of Sir Thomas Lipton, the great English sportsman, challenging America to a yacht race, and after the contract had been entered into and the terms specifically stated announcing that as a consideration he would make a few mild reservations, and that among others he would understand that he was to have six men on his boat to every one that was on the American yacht, but that his men were not to touch a rope nor furl a sail, but simply to "stand around" and have nothing to do except to "say their say" in the event of any debate? Do you think American sportsmen would accept this "reservation" without question? This six-to-one proposition has been discussed so often in this Senate, and the Senate been given to understand that no advantage was to be had—that one equaled six, and so forth, a new mathematical philosophy that I do not understand—that I shall not undertake to discuss it. If six is no better than one, why did Premier Lloyd-George for hours and days insist that his dominions and colonies should each have a vote?

The very fact that Great Britain insisted upon this provision is sufficient evidence to prove to me that she expected some advantage to accrue to her from this unfair basis of representation; and having raised my hand to Heaven and sworn to uphold and defend the Constitution of the United States, I swear by the Eternal that I never will submit to, and never will vote to ratify, a contract whereby my Government does not have equal power with that of any other government on this earth.

Other men may satisfy their conscience in permitting our Government to have a lesser representation in the councils of the world than Great Britain, but as for me nothing will satisfy my sense of patriotism but to give my Government at least an equal representation with that of any other. I place my Government and my flag above that of any other colony, government, or kingdom on the face of the earth, and on that issue I am willing to stand.

One word more on our representation in the league, and I am through with that feature of the question: In the dark days of the world conflict, when England was calling to America, and entreating her aid, she raised no question as to the numbers we should furnish in her defense. At that time she asked not that one American should equal six Britons, but her cry and supplication was for more munitions, more money, more ships, more food, and more men! And how America responded: She opened her treasures, she loaded ships with provisions, every farmer in the land rose to the occasion, and every available foot of soil in our whole country was cultivated and planted to supply the ever-increasing demand of the Allies. And our splendid boys paused not to reason why, but responded to the call of their country with a courage and heroism which has never been surpassed, crossing 3,000 miles of billows to meet the Teutons on foreign fields, and to raise the banner of the Republic across the seas, where it shall ever be honored by the nations of the world.

Ah no; there was then no suggestion that one equaled six, but we were given opportunity to furnish in that exigency our full quota.

Before proceeding to discuss the most menacing provision of the treaty I wish to mention a condition which may arise at any time. Suppose the bandits of Mexico should come across the border into the State of Texas, as they have done many times, confiscating property, murdering American citizens, and committing all the depredations of which the most miserable and lawless bandits could conceive. Do you think it likely that the Government of the United States would wait until the matter could be brought to the attention of the league of nations, acted upon by the council, and all of the many and varied constitutional questions settled before it would move in the matter? Such a thing is inconceivable. The United States Government, without a moment's delay, would send its armies to the rescue of the citizens of Texas; immediate activities of war would begin, as they should, and this entirely contrary to the provisions of the treaty. This is not a theoretical proposition, but a condition that may develop at any time, as it has many times in the past.

There are so many potential dangers embraced in this document that the more I study and contemplate it the more convinced I become of its menace to our Government. But some have said that unless it was adopted it would break the heart of the world. I can not subscribe to this sentiment. But, if true, I would rather "break the heart of the world" and save and preserve my own country than to shatter the heart, soul, and hope of America in attempting to stimulate the heartbeats of the world.

The labor question is by far the most vital one before the country. Since Part XIII of the peace treaty is presumably in the interest of labor, not much careful scrutiny has been given it until recently, when it was so well explained by the able and eloquent senior Senators from Wisconsin and Colorado [Mr. LA FOLLETTE and Mr. THOMAS].

To my mind, however, that section contains possibilities of harm to American labor and infinite danger to American industry. I believe we should give the most deliberate consideration to the subject before we decide that the United States can progress through political alliance with the socialistic movements of all Europe.

Roughly, and very briefly put, the provisions of Part XIII of the treaty establish a permanent organization of labor, recognized by the peace commission, international in membership, members to be chosen from the nations in the league, the organization to consist of a general conference and an international labor office. The general conference of representatives are to meet yearly—oftener if necessary—four representatives from each nation appointed by the Government—one appointed by the Government to represent the Government; one appointed by the Government but nominated by employers to represent them; and one appointed by the Government to be nominated by the workpeople to represent them.

Please bear in mind, therefore, that the probable size of such conference would be more than 100 delegates. Since all 27 signatory nations, all 13 States invited to become such, and 6 States that later may be invited—a total of 46—will furnish these delegates. The international labor office controlled by 24 persons, 12 representing the conference, 6 representing employers, 6 representing the workers; 8 of the 12 representing the Governments to be nominated by nations which are of chief industrial importance. This governing body will elect its own chairman, regulate its own procedure, fix its own times of meeting, appoint its own director. The director will appoint his own staff to carry out the functions of the international labor office, which include the collection and distribution of information on all subjects relating to the international adjustment of conditions in industrial life and labor. Also the editing and publishing in French and in English and in other languages, if the governing body thinks desirable, of a periodical paper dealing with the problems of industry and employment of international interest.

This gives a general idea of the scope and character of the organization, and when we see the possibilities of such an organization—as affecting our own country, bearing in mind the conditions existing with us at the present moment, and the tendency in the future, not conditions existing in the European countries and the tendency of their national labor movements—we can judge of its injury to American labor. As all know, the trend is strong in Europe toward the nationalization of all private capital and industry—toward socialism, and almost Bolshevism. In those countries already the wageworkers want to rule more and more, and year by year the recommendations and proclamations of their trade-unions are strongly socialistic. As proof of this let me cite the fact that last July, when delegates met at Amsterdam to reorganize the International Trade Union Congress, after the congress had been adjourned, the delegates, with the exception of the United States, reassembled into a socialistic conference. As I said before, the American labor movement was not represented, and here in the United States we feel that the labor-capital problem can be solved. Although there are differences between manual wage earners and the capitalists, yet these differences we feel can be reconciled. But the difference between capitalism and socialism, particularly that extreme form of socialism called Bolshevism, can not be reconciled, and the question for us to raise is whether this proposed labor organization called the International Labor Conference will actually bring labor and industrial management in this country into closer sympathy and understanding, or will it simply promote the doctrine and the cause of socialism, even Bolshevism?

In the light of the fact that an international trade-union congress openly declared itself for a socialistic congress, it would seem to me that it were well for us to consider this matter most attentively.

For we in the United States are not yet ready to say that the final decision in all questions of labor law and labor protection belongs to the workers themselves. The social currents in our country are not yet wholly prosocialistic nor wholly anticapitalistic. This is not true in the European countries. Even conservative England's tendencies are strongly prosocialistic, and surely the workers of our country are not prepared to be bound by laws imposed on them by representatives of other countries whose ideals are contrary to our ideals. As an example: England has declared for the nationalization of its coal mines. This international labor conference could arrange for a discussion of the subject, and upon approval of the principle by two-thirds of the delegates voting, our Government, and each of the other Governments represented in the league, would be forced to place the matter before the Congress, and the full force of all the machinery of the international labor office, with its opportunity for world-wide publication, could be utilized for adopting the proposition, and these matters are important alike to capitalists and workers.

Another way in which the treaty provisions can operate against us is found in article 407, which provides that independent alliances may be formed between the various groups of labor and employers—and these may easily be in competition with America in foreign trade. And I see another hazard to our Government in the wonderful opportunity for the dissemination all over the face of the globe of the doctrine of socialism.

If you will recall my words regarding the functions of this international labor office, you will readily see what a splendid chance is afforded for spreading the gospel of socialism through this channel, and America will be forced to go Europe's way rather than to go her own way, which has heretofore proved so successful. For with an overpowering voting strength against her the United States delegates would be unable to lead and direct the European delegates, and would in turn have to be led and directed the European way; and I contend, and shall continue to contend, that we can do more for Europe by remaining independent and acting independently in these matters and proving to the world by our own success the worth and strength of our stand. For surely no close national understanding can ever be created between American labor and American capital if yearly the subject is to be opened up and action taken by influences that are un-American and contrary to the American ideals.

American workmen are to-day receiving higher wages and living under better conditions than any other class of laborers in the world, and in many countries which would be represented in this international congress the wages paid manual labor are less than one-tenth that paid the wageworker in this country.

I can not permit this provision to be passed without protesting against such unfair competition as would surely come to the American workmen, and whatever consideration may be given this I believe that if the laborers of our country knew and understood well its provisions they would unanimously favor its removal from the covenant.

Some have said that my policy is not constructive, and that I have nothing to offer in place of the covenant. I have this suggestion to make, which I believe worthy of consideration—that instead of a document embracing 535 pages and 80,000 words I believe in a resolution declaring that we are at peace with Germany, not even stating that the war is over, simply declaring that we are at peace, and that the treaty which had been in effect since 1787 and which governed our Nation

prior to the declaration of war is again our controlling covenant. This would be a business man's proposition. There would be no involved meanings, no complex phrases; the language would be plain and unmistakable. The humblest citizen of the land would know precisely what was meant. Under that treaty for 130 years no criticism was uttered. It proved satisfactory to both Governments. No time of the Senate need be spent in discussing its provisions, but it could be accepted and approved and it would effectively clear our skirts of all alliances with the Governments overseas.

I realize that in these trying days of readjustment and restlessness there is a feeling of fear lest civilization fail us, our Government deteriorate, and our cherished institutions be shattered. I share no such fear or foreboding. This is not the first crisis in our country's history. In 1865 I recall that men trembled with fear lest the Union be severed, and the old temple of liberty was shaken to its very foundation. Was that fear warranted? No. The great middle classes, the men from the farms and the homes, patriotic and loyal citizens who believed in the Union and in right, joined hands and forces. They came from all parties and creeds. They chose a leader who was born on a farm, who could build a log cabin and fence his acres with rails, and who later built the citadel of individual, universal, and unconditional freedom and fenced it with the strong arm of constitutional law. And history repeats itself. To-day the farmers of this country are interesting themselves in the vital questions which confront us, are forming their opinions, and seeking their leader. And I have an abiding faith that in the solution of this problem—perhaps the greatest that was ever presented to a people—the Members of this Senate, representing the highest, finest type of citizenship, will preserve the principles which have been bequeathed to us by former generations and will give to posterity not a mongrel flag of international character and a Nation weakened by its alliance with other governments of the earth, but a Nation whose beneficent charity shall be the hope of the poor and oppressed of every land; a Nation whose example shall be the guiding star shedding the light of truth, righteousness, and eternal justice; a Nation complete in its own majesty and greatness, with one purpose, one Government, one flag!

Mr. SHERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McKellar	Smith, Ariz.
Borah	Henderson	McNary	Smith, Ga.
Brandegee	Hitchcock	Moses	Smoot
Calder	Johnson, Calif.	New	Spencer
Capper	Johnson, S. Dak.	Newberry	Sterling
Colt	Jones, N. Mex.	Norris	Sutherland
Curtis	Jones, Wash.	Nugent	Thomas
Dial	Kellogg	Overman	Townsend
Dillingham	Kendrick	Page	Trammell
Edge	Kenyon	Phipps	Walsh, Mont.
Elkins	Keyes	Pittman	Warren
Fernald	Kirby	Poindexter	Watson
Fletcher	Knox	Pomerene	Williams
France	La Follette	Ransdell	Wolcott
Gay	Lodge	Sheppard	
Hale	McCormick	Sherman	
Harding	McCumber	Simmons	

Mr. SHEPPARD. The Senator from Georgia [Mr. HARRIS], the senior Senator from Virginia [Mr. MARTIN], and the Senator from Missouri [Mr. REED] are detained from the Senate by illness. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Virginia [Mr. SWANSON], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business. The Senator from Oklahoma [Mr. GORE], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Utah [Mr. KING], the Senator from California [Mr. PHELAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Rhode Island [Mr. GERRY], and the Senator from Montana [Mr. MYERS] are absent on official business. I have been requested to announce that the Senator from Massachusetts [Mr. WALSH] has gone to Massachusetts to vote in the State elections.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, there is a quorum present.

[Mr. SHERMAN addressed the Senate in continuation of the speech begun by him on Friday last. After having spoken for over an hour he yielded the floor for the day.]

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in executive session with closed doors, the doors were reopened.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, November 4, 1919, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate November 3, 1919.

ASSISTANT SECRETARY OF THE TREASURY.

Norman H. Davis, of Tullahoma, Tenn., to be Assistant Secretary of the Treasury, in place of Dr. Leo S. Rowe, resigned.

HOUSE OF REPRESENTATIVES.

MONDAY, *November 3, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of life, with its hopes and precious promises, we stand before Thee in awe and reverence, in the presence of death; so inscrutable, wrapt in profound mystery, we could not stand the shock but for our faith and confidence in Thy love, the essence of Thy being.

When a child is born into the family, there is joy and all the affections of the heart are centered upon it. But when death enters the house, there is grief, profound sorrow and lamentations; hence our hearts go out in deepest sympathy to the parents, grand-parents, and kinsfolk, in the going of the little Champ Clark Thompson.

Especially do we sympathize with his distinguished Grandfather, who has been closely identified with this House for more than a quarter of a century—a Speaker, who served it for eight years and endeared himself to this Representative Body, in his wisdom and fair dealing with all.

Comfort him and all who are mourning the loss of the dear one, upon whom love was centered, with the hope that sometime, somewhere, they shall meet him to love and cherish forever. In the name of Him who died on Calvary, the earnest of the immortality of the soul; and glory, and honor, and praise be Thine forever. Amen.

The Journal of the proceedings of Saturday, November 1, 1919, was read and approved.

ADJOURNMENT OVER UNTIL WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday. I make that request, Mr. Speaker, by reason of the fact that many Members are away attending elections in various States.

Mr. ASWELL. Mr. Speaker, reserving the right to object, I ask unanimous consent, pending that, that I may address the House for 35 minutes as soon as this is passed.

Mr. MONDELL. Thirty-five minutes, when?

Mr. ASWELL. Now, when the gentleman is through.

Mr. MONDELL. I shall be compelled to object to that, Mr. Speaker, because that will break into the important public business of the day. And, Mr. Speaker, I do not think the gentleman should make my request, made on behalf of the whole House, dependent on a personal request. I am not making this request on my own account. I shall be here just as long as Congress is in session. I will be in town, anyway.

Mr. ASWELL. I reserved the right to object.

Mr. MONDELL. I make the request I do on behalf of many gentlemen who feel they must be home election day.

Mr. ASWELL. I reserved the right to object. I do not intend to object. I wish, if I may, to speak for 35 minutes after this.

Mr. MONDELL. I shall have to object to that, for the reason that there is important business before the House under a special rule, and it is not fair under those circumstances to allow 35 minutes of political debate.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn until Wednesday. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Wyoming if there is any arrangement being made to have a unanimous-consent day? There are a number of bills on the Unanimous Consent Calendar.

Mr. MONDELL. The very first day possible will be set aside for consideration of the Calendar for Unanimous Consent.

The SPEAKER. Is there objection?

Mr. DYER. Reserving the right to object, Mr. Speaker, why could we not take that up to-morrow, and, if there is objection then, the gentleman from Wyoming can move to adjourn? My understanding is that the only purpose in not meeting to-morrow is on account of the many Members who are absent. If any question of quorum is raised to-morrow about unanimous-consent business, then he can move to adjourn.

Mr. MONDELL. It is hardly fair for gentlemen who are away, and who must be away on very important matters, to have a question of quorum raised under those circumstances. I am always here. I am never away when Congress is in session. I never make these requests on my own account, but it is fair to many Members of the House who are to be absent for reasons they deem good that under the circumstances we should stand in recess.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. MONDELL. Yes.

Mr. RAKER. The same objection, if you have the Unanimous Consent Calendar up to-morrow, would occur if you went on to other business. A lot of these men who are away and many others would like to be here on unanimous-consent day. If you raise the question of no quorum, we would then be in the same position as we are in to-day.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. KITCHIN. Mr. Speaker, the gentleman from Ohio [Mr. WELTY] was suddenly called away, and I ask unanimous consent that he be granted leave of absence for one week.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Ohio [Mr. WELTY] be granted leave of absence for one week. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, I make the point that there is no quorum present.

PERMISSION TO EXTEND REMARKS.

Mr. LONERGAN. Mr. Speaker, as to-morrow will mark the anniversary of the signing of the armistice between Italy and Austria, I ask unanimous consent to extend my remarks on the achievements of the Italian Army.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the achievements of the Italian Army. Is there objection?

Mr. BLANTON. Reserving the right to object, I regret to do so, but I think in order to let the privileges of the RECORD be the same to all Members and let the RECORD represent just what happens here on the floor, I shall be, during the rest of the session, obliged to object to any extension of remarks.

The SPEAKER. The gentleman from Texas objects.

Mr. HERNANDEZ. Mr. Speaker, I ask unanimous consent to insert in the RECORD a set of resolutions passed by the American Legion of the State of New Mexico.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to insert in the RECORD a set of resolutions passed by the American Legion of that State. Is there objection?

Mr. BLANTON. I do so reluctantly, but I object.

The SPEAKER. The gentleman from Texas objects.

LEAVE TO ADDRESS THE HOUSE.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes out of order.

The SPEAKER. When?

Mr. BURKE. Now.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 15 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, I must be fair in this matter of objecting to extension of remarks of that length. I objected a moment ago to the gentleman from Louisiana, and it would not be fair for me now to allow the gentleman from Pennsylvania to have 15 minutes.

The SPEAKER. Objection is made.

A QUORUM—CALL OF THE HOUSE.

Mr. ASWELL. Mr. Speaker, I renew my point of no quorum.

The SPEAKER. The gentleman from Louisiana makes the point that there is no quorum present. It is clear that no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Wyoming moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Fields	Kleczka	Reber
Andrews, Md.	Flood	Kreider	Reed, N. Y.
Anthony	Fordney	LaGuardia	Riddick
Ashbrook	Frear	Langley	Riordan
Babka	Fuller, Ill.	Lehlbach	Robsion, Ky.
Bacharach	Fuller, Mass.	Lesher	Rodenberg
Barkley	Gallivan	Little	Rogers
Bell	Gandy	Longworth	Rouse
Boies	Ganly	Luce	Rowan
Booher	Garland	Lufkin	Rowe
Bowers	Garner	McClintic	Rubey
Britten	Garrett	McCulloch	Sanders, N. Y.
Brooks, Pa.	Godwin, N. C.	McDuffie	Sanford
Browning	Goldfogle	McGlennon	Saunders, Va.
Brumbaugh	Good	McKenzie	Schall
Butler	Goodall	McKeown	Scully
Caldwell	Goodwin, Ark.	McKinley	Sherwood
Campbell, Kans.	Gould	McLane	Shreve
Candler	Graham, Pa.	McLaughlin, Nebr.	Siegel
Cantrill	Graham, Ill.	MacCrate	Sinclair
Carew	Green, Iowa	Madden	Sisson
Carter	Greene, Mass.	Magee	Slemp
Casey	Greene, Vt.	Maher	Smith, N. Y.
Clark, Mo.	Griest	Mann, Ill.	Snell
Cleary	Griffin	Mason	Snyder
Cole	Hamill	Mead	Steele
Cooper	Hardy, Tex.	Merritt	Stephens, Miss.
Costello	Harrison	Minahan, N. J.	Strong, Pa.
Crago	Haskell	Montague	Sullivan
Crowther	Hawley	Mooney	Swope
Cullen	Heflin	Moore, Ohio	Tague
Dallinger	Hicks	Moore, Pa.	Taylor, Ark.
Darrow	Hill	Moore, Va.	Thomas
Davey	Holland	Moores, Ind.	Tincher
Davis, Minn.	Houghton	Morin	Tinkham
Dempsey	Hull, Iowa	Mudd	Treadway
Dent	Humphreys	Neely	Upshaw
Dewalt	Husted	Nicholls, S. C.	Vare
Donovan	Hutchinson	O'Connell	Venable
Dooling	Ireland	O'Connor	Voigt
Doremus	Jefferis	Ogden	Walsh
Doughton	Johnson, Ky.	Olney	Walters
Drane	Johnson, S. Dak.	Paige	Ward
Dunn	Johnson, Wash.	Parker	Wason
Eagan	Johnston, N. Y.	Pell	Watson, Pa.
Eagle	Jones, Pa.	Peters	Webb
Edmonds	Kelley, Mich.	Phelan	Welty
Elston	Kennedy, Iowa	Porter	Wilson, Pa.
Emerson	Kennedy, R. I.	Radcliffe	Wise
Evans, Nebr.	Kettner	Rainey, H. T.	Woodyard
Ferris	Kiess	Rainey, J. W.	Zihlman
Fess	Kinchcloe	Ramsey	

The SPEAKER. On this roll call 225 Members, a quorum, have answered to their names.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call.

The motion was agreed to.

AMENDING THE FEDERAL RESERVE ACT.

Mr. PLATT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill referred to.

The motion was agreed to.

Mr. LONERGAN. Mr. Speaker, can the Chair entertain a request for unanimous consent?

The SPEAKER. The Chair would be glad to do so, but does not think he has the right to after the House has voted to go into Committee of the Whole.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of S. 2472, with Mr. TOWNER in the chair.

Mr. WINGO. Mr. Chairman, I should like to find out something about the control of the time. My understanding Saturday was that the ranking Democratic member of the committee should have yielded to him a certain amount of time to be controlled by him. My understanding was that the gentleman

from Illinois [Mr. KING] was to yield 30 minutes to this side, to be controlled by the ranking Democratic member of the committee, but I do not know what the understanding was with reference to the yielding of time by the gentleman from New York [Mr. PLATT]. I should like to have some understanding about that, so that we can allot the time on this side.

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that for the purpose of expediting the business of the House the Chair will recognize the gentleman from New York [Mr. PLATT] for one hour and a half and will also recognize the gentleman from Illinois [Mr. KING] for one hour and a half, with the understanding that each gentleman is to yield half an hour to the gentleman from Massachusetts [Mr. PHELAN], who will control one hour.

Mr. WINGO. In other words, the gentleman from Massachusetts will control one hour, of which one-half hour is to be from the gentleman from Illinois [Mr. KING] and one-half hour from the gentleman from New York [Mr. PLATT]?

The CHAIRMAN. Yes.

Mr. WINGO. In the absence of the gentleman from Massachusetts [Mr. PHELAN], I should like to have an understanding that I am to control that hour, so that I may know how to meet the requests that I have. I do not care for any time myself, but I should like to have it understood that I can yield that hour.

The CHAIRMAN. The Chair thinks the gentleman from Illinois and the gentleman from New York will be willing to do that.

Mr. WINGO. If it is understood that I shall have one hour to control, one half from the gentleman from New York and the other half from the gentleman from Illinois, then I can arrange to meet the requests that I have.

Mr. PLATT. I am agreeable to that proposition, Mr. Chairman.

Mr. WINGO. All right.

Mr. PLATT. I will yield to the gentleman from Arkansas 30 minutes—not immediately.

Mr. WINGO. I understand that. Here is the idea: Let me control one hour, one half of which is to come from the gentleman from New York and the other half from the gentleman from Illinois. In other words, each one of us three will control one hour of the general debate.

Mr. PLATT. I think that is fair.

The CHAIRMAN. The Chair will be glad to recognize that arrangement.

Mr. PLATT. Mr. Chairman, I yield four minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman and gentlemen of the committee, it is not my purpose to speak on this bill, important though it is; but I do want to bring to the attention of the House another matter that seems to me of first importance. I have in my hand a telegram——

Mr. BLANTON. Mr. Chairman, a point of order. Under the rule under which this measure is being considered it was provided that all debate should be limited to the subject in the bill, and I must object to any extraneous debate under that rule, and I raise the point of order that the gentleman admits that he does not intend to talk on the bill.

Mr. REAVIS. My understanding of the rule is that debate is not necessarily confined to the subject matter of the bill.

Mr. BLANTON. If the Chair will inspect the record of the adoption of the rule, he will find that all debate was to be limited to the subject matter of the bill.

The CHAIRMAN. The rule contains no such provision.

Mr. BLANTON. But the agreement was in connection with the adoption of the rule. If the Chair will inspect the record, I am sure he will find it.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. BLANTON. I insist that when we adopt an agreement it should be kept.

Mr. REAVIS. Mr. Chairman, I have in my hand a telegram——

Mr. BLANTON. I insist on my point of order.

Mr. REAVIS. This is not to be taken from my time?

The CHAIRMAN. It is not.

Mr. RAMSEYER. Does not the rule contain the agreement adopted by the House?

The CHAIRMAN. The gentleman from Texas claims that by unanimous consent it was also agreed in the House that debate should be limited to the subject matter of the bill.

Mr. BLANTON. Mr. Chairman, I will not delay the gentleman while I find it. I will be able to cite it to the Chair later.

The CHAIRMAN. The gentleman from Nebraska will proceed.

Mr. REAVIS. Mr. Chairman, again let me state that I have in my hand a telegram from the editor of one of the most influential small daily newspapers of my State, which is quite characteristic of several similar communications recently received by me, and which I would like to read. The telegram follows:

NEBRASKA CITY, NEBR., *October 31.*

Hon. C. F. REAVIS,
House of Representatives, Washington, D. C.:

Small newspapers face possibility of suspension due to inability to get news-print paper. Large papers continue to waste paper with extra editions, which are unnecessary. Is it not possible to get immediate action through some governmental authority to ration print paper and prevent catastrophe coming to publishers of country papers, which are bulwark of this country? Our own supply to-day is barely sufficient for three days, and mills refuse to furnish print paper bought in good faith months ago.

J. H. SWEET.

After receiving this, and with the desire to be of assistance in the premises, I tried to locate some department or bureau which has authority to act. My experience was the one so common to all of us, of being passed and shunted from pillar to post, only to give it up as hopeless in the end.

The demand for print paper has increased 34 per cent this year over that of any previous year, an increase so great as to challenge inquiry on the part of those interested. The reason for the increase has been universally ascribed to the tremendous increase of what is called "national advertising."

I have information of the most reliable character as to this national advertising business and the causes which have so tremendously nurtured it. We have an excess-profits tax, one of the most profitable sources of revenue in the revenue laws. It is a graduated tax that increases proportionately as the excess profit increases. An institution showing profit of a certain sum must pay, let us say, a tax of 10 per cent; if the profit is over the specified sum, the tax is 12 per cent; and so on up as the profits increase in amount. If the profits are but slightly above the 12 per cent sum, a little judicious expenditure will bring it below that sum and save the institution thousands of dollars. From such motive and inspired by such purpose comes a large amount of the vastly increased national advertising. Not a Member who listens to me but has noted the unprecedented amount of advertising the magazines and great metropolitan dailies of the East are now carrying. Nothing like it has ever been known before. I have information of unquestioned reliability, coming from a source of assured truthfulness and opportunity for knowledge, that millions of dollars are now being expended in national advertising for the purpose of reducing the excess-profits tax which would otherwise go into the Treasury.

What is the result? Just this: The Government is losing money to which it is entitled, and the print-paper supply is being used to such an extent that the country press is facing destruction.

The department should at once investigate this matter. Nothing is in the way of compelling these enterprising gentlemen who are escaping taxation from disgorging.

I have no quarrel with a newspaper's prosperity; rather do I rejoice in it. I am in accord with the general view as to the usefulness of advertising, but I do object to the method adopted and the purpose sought to be served.

More than this, I object to the hardship inflicted on the country press. It is the bulwark of the country and one of the great stabilizing influences of the Nation. It has no ties or alliances that ever betray it away from the general good, and never does it become the representative of special interest. It reaches homes that are strangers to the great dailies, and it exercises at all times an influence as salutary as it is widespread.

Congress can not meet this question in time to be of service, but I feel impelled to call the situation to the attention of the Ways and Means Committee with the hope that some of its members will take this up with the Internal Revenue Department and have them look into the amount of advertising these gentlemen are claiming in their tax returns——

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. BLANTON. Mr. Chairman, I have no objection to the gentleman proceeding if he wants to, but I do object to the extension of any further remarks in the RECORD.

Mr. REAVIS. Mr. Chairman, I will ask unanimous consent to complete the sentence which was left suspended in the air when the gavel stopped me.

Mr. BLANTON. Reserving the right to object, I think the RECORD should be uniform and all Members used alike. I re-

instantly must object to the gentleman's completing the sentence.

Mr. SMITH of Idaho. Mr. Chairman, I wish to ask the gentleman from Texas whether or not the morning's RECORD does not contain an extension of his own remarks?

Mr. BLANTON. Yes; because the House authorized it.

Mr. KING. Mr. Chairman, on account of having considerable material which I would like to present for the consideration of the House concerning this bill, I am going to ask the indulgence of the House that I be not interrupted during the presentation of it. I also ask at this time unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, reluctantly I must object, because I think the privilege of the RECORD should be uniform to all Members of the House.

The CHAIRMAN. The gentleman from Texas objects, and the gentleman from Illinois will proceed.

Mr. KING. Mr. Chairman, this is a bill without a name. It has a number, to wit, Senate 2472. But while it has no name and bears an indifferent number, it has a purpose—a tremendous purpose. Its importance entitles it to a consideration equal to that given the league of nations, for it proposes not merely to cement the nations of the earth by political bonds but to shackle them with the fetters of trade and to grapple them together with the hooks of greed.

The vital part of the bill is found in the very beginning, wherein, without further resort to the Congress, it furnishes authorization enabling any number of natural persons, not less than five, to form themselves into corporations for the purpose of—

First. Engaging principally in international or foreign banking;

Second. Engaging in other international or foreign financial operations;

Third. Engaging in banking or other financial operations in a dependency or insular possession of the United States;

Fourth. Engaging in any of the foregoing enterprises directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependency or insular possessions;

Fifth. To act, when required, as fiscal agents of the United States; and

Sixth. To engage in other ventures not inconsistent with law.

These vital parts are left undisturbed by the rest of the bill, which consists of straggling and grotesque appendages in legislative courtesy called safeguards, which furnish no protection to the general public, but rather act as lubricants for the better working of these contemplated money-getting contrivances.

The voice is the voice of Jacob, but the hand is the hairy hand of Esau.

BUREAUCRATIC LEGISLATION.

This bill presents a fine specimen of bureaucratic legislation. If the Congress ever intends, as it surely does, to regain the powers granted it by the fathers, of which it is now temporarily deprived by bureaucratic encroachment, now is the time to start upon such a campaign by defeating by a decisive majority the bill now offered for your consideration.

The right of petition is rarely addressed by the people to Congress nowadays, but rather to the bureaus. No longer do we hear about the powerful congressional lobbies in Washington. Why? Because lobbying is dead? No! The lobbyists live and in their invisible habiliments and at proper intervals swoop down upon the Capitol as of yore, but instead of lobbying Congress they lobby the bureaus. Let a powerful bureau once take up a cause to be lobbied, then the legislative marauders can return to their usual haunts well satisfied that the bureau will put the legislation through Congress.

The practice of bureaucrats edging themselves into committee rooms to render their smug opinions and deliver their hearsay evidence in the capacity of lobbyists is, if I mistake not, in the growing opinion of the Members of this House, riding to a fall.

Bureaucracy is un-American. The conditions to-day in Russia are largely due to the evils of bureaucratic control under the Czar.

Government bureaus, especially those located in Washington, are far removed from the people, who do not understand the method of approach. Most of them do not have the money or the means to present their case to the bureau. Those who advocate from day to day and degree by degree the passage of laws creating autocracy by the establishment of bureaus may rejoice that the ordinary man is prevented from easy access to his Government; but such a condition, if allowed to continue, means eventual distrust and disaster. To-day in this country the common people are nearer in touch with the Government through their Members of Congress, elected directly by them, than through any other avenue. Every time you weaken Congress by the establishment of a bureau in which the authority of Congress is lessened, you lay one more stone in the erection of the temple of autocracy. Remove the Congress and autocracy is complete. These bureaus are not only legislating by administrative processes but are usurping the power and prerogatives of the people's courts. There are more decisions rendered, and even then without due process of law, affecting the lives, liberty, and property of the people of this country in the bureaus than there are in the courts of the land. When once an opinion is given by a bureau, it is regarded by such bureau, and especially by the person who wrote it, as not only the soundest but also the supreme law of the land. To-day between the black-cloth books on the shelf in the inaccessible back office of the modern bureaucrat is impounded the greater part of the rules of action for the people, which formerly were found between the covers of sheep-bound books in any lawyer's library, or in any judge's chamber, throughout the country.

A celebrated gentleman at the other end of the Capitol the other day said, "Every time we get a recommendation from the Federal Reserve Board it is for expansion." In this very bill before us this board is delegated power in 26 different and distinct items.

This bill furnishes an admirable example of lobbying legislation and expansion by executive process. It is not an opinion to be indulged in that bureaus originate ideas because they are the first to present plans to us, nor in the case of this bill, although written by the attorney for the Federal Reserve Board, is it to be presumed that either he or the board originated the ideas and purposes of the bill. Far from it.

LEGISLATION FOR PLUTUS.

Plutus is the greatest and most successful lobbyist the world has ever known. He insists on monopolizing more than two-thirds of the time used in congressional action with his wants. He generally appears before our committees by bureaucratic proxy. He has never admitted that he desires to make money through legislative enactment; oh, no; he has brains. He is always unselfishly concerned with the public interest. If he desires to increase the flow of oil into his tanks he seeks legislation merely to conserve its supply for the benefit of the people. If he contemplates apprehending a water-power site he does so because he is so horrified to think that the water is running to waste. He is concerned because the farmer needs fertilizer (at his figures). He would conserve all resources (for himself). The water-power site, if he is permitted to seize it, will, of course, be a burden to him, but will incidentally furnish nitrogen for those who need it and pulp and paper for the newspapers. In fact, as developed by the arguments of his bureaucratic propaganda, if he is permitted to lay his hands on the resources of the country everything worthy will be accomplished, but he will make no money.

Should Plutus be interested in and behind such legislation at a time when the people of the country are pressed and gouged by the profiteers and in dire distress, he then argues that his scheme will reduce the high cost of living, and if his scouting for favors is in time of war it will be highly patriotic to accede to his wishes.

THE CONCEPTACLE OF MONEY-MAKING LEGISLATION.

It may be impossible to mark the exact spot where exists the conceptacle of money-gathering legislation. There is, however, such a concatenation of ideas, desires, and ambitions among the disciples of Plutus causing such a friendliness and community of interest feeling as to be quite marvelous. Their morale in action is wonderful. No bureau, board, or commission of the Government has been known to withhold against them. The smile of Plutus, backed by the pamphleteers and the press, will bend the stiffest back of a bureaucrat into a bow such as the Russian peasant was wont to use when he addressed his landlord as "Your nobility."

The case before us is not an exception to the rule. I do not charge corruption. The members of the Federal Reserve Board are honest men. They are all honorable men. I do say, however, that they are not the originators of this legislation, but that the same was pointed out to them not by the farmers, not by the mechanics, and not by the great masses of the country, who carry upon their backs the mistakes of the Nation, but by those who toil not, nor spin, and whose habitat is in the vicinity of old Trinity Church, in the city of New York. This bill sprang from the loins of the money kings. Its first introduction into society was at the Fifth National Foreign Trade Convention, held at Cincinnati in April, 1918, and held under the auspices of the National Foreign Trade Council, India House, Hanover

Square, New York City, at which convention it was resolved that "the bill providing Federal charters for banks engaged in foreign trade should be enacted into law." At the same time there was great rejoicing in the convention over the fact that Congress had just passed the Webb bill, companion piece of this bill, the two of which may well be called, for reasons following, the "Twin sisters of darkness."

THE TWIN SISTERS OF DARKNESS.

Let us examine briefly, first, the provisions of the Webb law; secondly, the provisions of the bill under consideration; and thirdly, the effect of the propositions involved in both, in operation at the same time.

The Webb law is more particularly described as "An act to promote export trade, and for other purposes," approved April 10, 1918. (Public, No. 126, 65th Cong.)

This law provides that associations "entered into for the sole purpose of engaging in export trade, and actually engaging solely in such export trade, or an agreement made or act done in the course of such export trade by such association"—not in restraint of trade in the United States—are exempted and freed from the operation, pains, and penalties of the United States statute known as the Sherman antitrust law, more definitely referred to as "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890.

The Webb Act therefore renders legal that which before its passage was illegal, to wit, contracts, combinations, and conspiracies in restraint of trade and commerce, the creating and fostering of monopolies, interlocking and dummy directorates, rebating, price fixing, forestalling, pooling, traffic associations, blackmailing, and boycotting.

In addition to the exemptions granted to these associations and agreements made under the Webb law they are exempted from the operation of section 7 of the Clayton Act, being "An act to supplement existing laws against restraints and monopolies and for other purposes," approved October 15, 1914 (Public, No. 212, 63d Cong.), thereby rendering legal that which before the passage of the Webb law was illegal, to wit, the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of any corporation organized solely for the purpose of engaging in export trade and actually engaged solely in such export trade, unless the effect of such acquisition of ownership may be to restrain trade or substantially lessen competition in the United States.

As to the bill before us, it is a very serious and at least a debatable question whether or not the associations or so-called banks to be organized under it are not included in the exemptions from the Sherman Antitrust Act, or at least could be so organized as to be included in the exemption under that act in the same manner and to the same extent as are the Webb corporations. For it will be noted that organizations formed under this bill are required only to be engaged principally in foreign financial operations; that is, they are to be chiefly or mainly so engaged. They may therefore be engaged in foreign financial operations 51 per cent and in the exportation of goods or some other business 49 per cent. A Webb concern is a mere unincorporated association, which can operate under and in conjunction with and as an integral department of a corporation organized under this bill. In fact, it is authorized to pursue various objects not inconsistent with law. An agreement between the financial department and the export department would be nothing more than "an agreement made or act done in the course of export trade" (see Webb law), and if so it is exempted from the operation of the Sherman Antitrust Act, as I believe it was intended should be done when the Webb bill was prepared for Congress in April, 1918. They, too, will then be permitted to indulge in all the legerdemain prohibited by the Sherman Antitrust Act and permitted by the Webb law except as to interlocking directorates, which are regulated by section 8 of the Clayton Act with two liberalizing amendments put to the bill by the House Committee on Banking and Currency and found on page 11 of the bill, lines 1 to 14, inclusive, which, however, allows a director of a member bank of a Federal reserve bank which owns stock in one of these contraptions to be a director in the same, and permits a director in another concern if his association owns stock in another similar company.

But even if the Edge company is not so exempted from the operation of the Sherman antitrust law it can nevertheless so associate itself with a Webb corporation or corporations in foreign financial operations as to exempt it from its provisions, and this without the violation of any law. The right hand will know not what the left hand does. The intertwining of the various elements of organizations under the Webb law and those contemplated by this bill can not be prevented. There is nothing to stop the gradual absorption of all Webb corporations and Edge corporations into one great whole—the greatest and most powerful trust the world has ever seen.

A corporation organized under the Webb Act can (1) purchase and hold any number of shares of stock in any one or more corporations proposed under this act; (2) any one or more of the stockholders in a Webb corporation can purchase and hold one or any number of shares of stock in corporations proposed by this act; (3) purchase and hold the bonds and debentures in Edge corporations; (4) purchase and hold stock in all other export or Webb companies.

A corporation organized under this bill can:

(1) Purchase and hold stock in Webb corporations (but not in other corporations organized under this bill or in corporations doing a similar business organized under State laws if the same are in substantial competition with the purchasing corporation). The Webb corporations are not in substantial competition with the corporations organized under this act and therefore Edge corporations or their stockholders can purchase one or any number of shares in a Webb corporation. In fact the stocks of both classes of corporations are interchangeable.

(2) The Edge corporations organized hereunder may receive deposits from any or all of the export corporations organized under the Webb law.

An association under the Webb law may be initiated, organized, and put into successful operation, according to a speech made by Mr. George H. Charles, of the American Rolling Mills, before the Fifth National Foreign Trade Convention, by carrying out the following suggestions:

If it is proposed to organize a district export selling company under the Webb law the first thing to be done is to call a meeting of 5 or 10 leading exporters of the district in which it is proposed to operate. These exporters can meet informally and discuss the general outlines of organization and operation. The geographical extent of the district will naturally vary with the requirements of the district. Each district should have a central or hub city. A district in southern Ohio probably would have Cincinnati as a central city and take in, geographically, territory having due reference to the railways which might be inclosed conveniently in that district.

With the regular organization completed, a good business man should be secured and a close study begun of foreign trade. The lists of foreign houses in the hands of all the members should be compiled and sent to the central office for the benefit of all the members. Weekly or monthly meetings should be held for the benefit of all members in the district, and representatives to travel in foreign countries employed. The manufacturers in the district should deal only with the district manager.

The business of all manufacturers in one district who do business in one country—i. e., Brazil—should be merged. Warehouses in foreign countries and also the hub city should be rented or erected. An extension of credit is necessary to compete with foreign buyers.

After the organization of one section into a district export-selling company similar companies can be organized in other geographical districts, which would all join together. It is necessary to set aside a large fund for advertising the export products of the districts.

The advantages of this sort of a combination are unlimited. A foreign sales organization is effected and a list of foreign buyers, their needs and requirements obtained. American stocks can be carried in foreign and American warehouses, and the manufacturers do not compete with each other in foreign markets.

These district companies form a nucleus for larger and more pretentious selling companies.

If these Webb corporations are in need of and expect the financial aid of the corporations organized under this act, a fact which is not admitted, because there is sufficient law to take care of them already, then their interests are vital to and dependent upon one another and their close financial intimacy in the business of making money for themselves will soon cause them, as it did the railroads, the oil companies, the sugar companies, and other companies engaged in domestic commerce in the days prior to the passage of the Sherman antitrust law, to seek closer comradeship, which is permitted to them when we pass this act, although such close association may be as injurious to the interest of the people now as it was then.

A glance at that period is given us by Senator John Sherman in the Senate March 24, 1890 (p. 2560, CONGRESSIONAL RECORD):

Senator SHERMAN. * * * The railroads were then too powerful to be dealt with. They combined together. There was one striking case, which I introduced in my argument the other day, where they gave a single other corporation in the combine the advantage of $5,400,000 a year in one transportation contract.

Senator GEORGE. What other corporation now, besides the Standard Oil Co., located at Cleveland, Ohio, is in the Standard Oil combination?

Senator SHERMAN. I am not prepared to say; but an examination was made into this matter by a committee of the other House, of which Mr. Bacon was chairman, and, I think, in the report which was made he gave a list of the corporations, and if I am not mistaken there were 40 or 50, all interlaced with each other, having different interests nominally, different incorporators, different charters. I think there are 40 or 50 great combinations. I do not know the exact number, but perhaps some gentleman who has gone into the reading of that report may be able to answer.

So with the other combinations. I do not wish to single out the Standard Oil Co., which is a great and powerful corporation, composed in great part of citizens of my own State and some of the very best men I know of. Still they are controlling and can control the market as absolutely as they choose to do it; it is a question of their

will. The point for us to consider is whether, on the whole, it is safe in this country to leave the production of property, the transportation of our whole country, to depend upon the will of a few men sitting at their council board in the city of New York, for there the whole machine is operated.

After this stand John Sherman no longer trod the "primrose path" in politics.

The exponent of the American Rolling Mills has pointed out the way district export companies may be formed and put in operation, and it is very easy to see how soon they will spread themselves over the entire Nation. In an endeavor to illustrate the facilities afforded the Webb corporations and the Edge corporations to combine and recombine, and finally coalesce into one great and harmonious whole, let us organize right here nine Webb corporations:

First. The Sunset Foreign Export Association, taking in the Pacific coast.

Second. The Rocky Mountain Co., including the Rocky Mountain region.

Third. The Blue Rapids Exports Co., taking in the State of Kansas and the lesser States surrounding it.

Fourth. The Ozark Exporting Concern, taking in the Ozark regions.

Fifth. The Southern Co. of Foreign Exporters.

Sixth. The Roger Williams Co., taking in Rhode Island and the territory within the zone of its influence.

Seventh. The Ohio River Exporters' Association.

Eighth. The Mississippi Valley Exporting Co.

Ninth. The Massesoit Co. of New England.

Then let us organize three Edge corporations to operate under the terms of this bill:

First. The Unlimited Bank of Nations.

Second. The Immeasurable Banking Institution.

Third. The Greatest Bank on Earth.

Mr. Charles has pointed out already that a selling company for all would be a good thing for all. So in our steps to organize a giant trust we may organize a new Webb association to sell the products, and the stock of all district associations could be put in the selling company as a holding company or as an operating company owning the shares of all district companies in the United States and its Territories and dependents. That of itself would be a fair-sized corporation. A corporation being needed to finance these companies and the selling companies, the same owners of stock in the district and selling company could organize an Edge corporation, as they would have no trouble in raising almost any sum among the district companies. If all the district companies were interested in a certain bank organized under this law now under consideration, they would, of course, control it, and the trust is then cumulated in this bank, which not only has the authority to do a foreign banking business as its principal activity, but is permitted to engage in other businesses, which would include joint enterprises with the combination of Webb associations.

But it is more than likely that the great international bank will be formed by those who control the bulk of the money in this country rather than those who control the bulk of the exports. Such financial interests would dominate the export companies. The combination would probably be the result of a more gradual growth.

Under the fourth power above mentioned as being given under the Webb Act, to wit, the right of any Webb export association to purchase and hold any number of shares in any other like concern, it would not be long before Director Spreckels, of the Sunset Foreign Export Association, would load his grip with proxies and powers of attorney and proceed to Denver, where in conversation with Mr. Tabor, one of the principal stockholders and a director in the Rocky Mountain Co., there would be organized, in the interest of economy, efficiency, and coordination, "for the good of the order," a combination of the two companies, either represented by a new concern or, if a matter of convenience, with interlocking or dummy directors, operated ostensibly as two separate concerns.

In the meantime the same character of negotiations had been taking place between Mr. Otis, representing the Ozark Exporting Concern, and Mr. Birmingham, of the Southern Co., into which arrangement the Mississippi Co., by the influence of Mr. Flood, was admitted in good standing. There also has been effected an organization through the good offices of Mr. Long, of the Ohio River Exporting Co., and Mr. Fitzgerald, of the Massesoit Co., to which has been added the Roger Williams Co. through the kindness of Mr. Aldrich.

Therefore our nine companies, or trusts, as originally organized, are now controlled by three combinations, there being three original companies in each of the new organizations. Interchanging of stock has taken place between them and interlocking dummy directorates established, to the satisfaction of all concerned.

While these combinations have been forming, a Mr. Loeb, one of the influential directors and president of the Unlimited Bank of Nations, of New York, and who has been financing some foreign transactions for the respective associations of Mr. Spreckels, Mr. Tabor, and Mr. Strong, all of them now operating as a whole concern, and from whom he has received huge deposits, is in a very prosperous condition. A closer money-gathering arrangement suddenly arises in Mr. Loeb's mind. Spreckels, Tabor, and Strong come on to New York City. All parties desire a combination with each other. It is found that the Unlimited Bank of Nations has power to purchase and hold stock in the Sunset, Rocky Mountain, and Blue Rapids companies, being mere incorporated associations, provided they are not in substantial competition with his purchasing corporation, his Edge corporation, the Unlimited Bank. They are, of course, not in such competition, and the combination is made, the trust is formed. The example set by Mr. Loeb is soon followed by the organization composed of the Ozark, Southern, and Mississippi Valley combinations, to make a similar arrangement with a certain Edge corporation, which has had their deposits and with which they have been doing business, to wit, the Immeasurable Banking Institution of Mr. Crœsus. Thereupon, under like conditions and circumstances, the Ohio, Roger Williams, and Massesoit companies arrange with the greatest bank on earth.

Now, while we increase in strength we decrease in number, and the whole field is represented by three big combinations which are not apparent to the nearsighted eye of the public.

The next thing is a nice little dinner at Banker Loeb's mansion. Foreign Export Merchants Spreckels, Tabor, Strong, Otis, Birmingham, Flood, Long, Fitzgerald, and Aldrich are there. Friend Loeb, the host, and Foreign Bankers Crœsus and Rogers, who have grown fat by virtue of the Edge law, grace the occasion. The great constitutional lawyer, statesman, and scholar, Elijah Rutabagar, for a slight consideration, has dropped in, together with those personages of lesser minds but "men who do things" (to the public), the law firm of Hooker, Skinner & Chadbourn, who sit in quiet attention. It is not for me to further describe this dinner, save to say that the statesman, scholar, etc., being called upon, arose, slightly cleared his throat, and spoke briefly, giving a few suggestions, to the great delight of all.

In less than 10 days it was given to the press through the Skinner law office that an organization had been effected which would take over all the stocks of all the aforesaid corporations, combinations, and trusts into one great mother corporation, to be called the Omnipotent Securities Co., at the head of which as president would be placed that great financier and friend of the people generally, J. Rufus Wallingford.

The common people—the farmers, producers, and all manufacturers not on the inside—are astounded. Confusion twice confounded reigns, and they cry aloud, "What can be done?" An echo answers with that old, familiar sound, "How can you unscramble eggs?"

DESTRUCTION OF AMERICAN INDUSTRIES.

The passage of this bill means the destruction of many American industries. If combinations are formed as I have hereinbefore pointed out, it is very easy to see the ruin of American manufacturing concerns who do not or can not enter the combine. No single manufacturer could compete with such a monopoly, and he would be driven to the wall, his business ruined, and his factories fall into decay, just as they did when these great trusts were formed prior to the enactment of the Sherman antitrust law. There is hardly a town in America to-day which can not show you the ruins of some factory which used to help support the town prior to its ruination or purchase and demolition by the trust. Citizens of these villages point mournfully to the deserted and windowless buildings of what used to be a flouring or steel mill or some other active and town-supporting industry before the trust laid upon it the cold hand of death.

If it is a fact, as claimed by the friends of this bill, that these institutions formed under this act will be the means of financing corporations in foreign countries, then we should call a halt before it is too late. Why should the American Congress legislate to tear down industry in the United States and build it up in foreign countries? Yet that this will be attempted as soon as this bill becomes the law, which I trust will not be the case, there is not a shadow of a doubt. That is what this bill is for. There never has been a greater blow struck behind the back of American industry than the attempt to foist this legislation into the statutes. In fact, this ruinous campaign has already started.

Mr. David Lubin, an authority who styles himself delegate to the United States International Institute of Agriculture,

Rome, is a pamphleteer who is more concerned in building up foreign rather than American industry, having in mind, no doubt, the plans of those who secured the passage of the Webb bill, and finally brought this bill to its present status in the House says, in a pamphlet issued by him on November 5, 1918:

It needs no elaborate argument to show the economic advantage of steam and electric power and machinery over hand labor. By far the greater part of the world is still producing its goods by hand labor. We should do all in our power to displace these handmade goods by machine-made * * * but how displace? We have made but little progress by pushing our goods through the means of commercial travelers with their sample trunks.

Mr. Lubin then points out what he calls the line of approach:

Briefly, then, the approach is through the upbuilding of manufacturing centers with their factories in the countries where it would be an economic advantage to replace handmade goods by machine-made goods. Such factories should be under local ownership and direction, which would soon overcome prejudice against change from handmade to machine-made goods.

How could such manufacturing centers with their factories be built up?

Would the local initiative suffice?

No; it would not; the potentialities would be there, but they will have to be awakened, supplemented by American cooperation by Americans. We should make it our business to take a hand in building up such American expert guidance, and right here is our opportunity.

I should say our opportunity to divest ourselves of our manufacturing institutions and transplant them in Europe.

We should make it our business to take a hand in building up such factories and in directing and supervising them until local labor, local direction, and local management becomes sufficiently competent and expert to run them. * * * Under the proposed plan the foreign trade markets of the world would be divided into zones, each with one or more manufacturing centers, each of which will be designated as an industrial and distribution base for the zones. Take, for instance, the Mediterranean Basin as one of these zones. Draw a line from Gibraltar to Syria and let the countries north, south, and east of that line form that zone with Italy as its base. Similar zones could be formed in other parts of the world, as, for instance, in Central America, in South America, and in Russia.

Let each base in a zone be placed on an up-to-date industrial footing; let the factories be provided with the most effective modern machinery. Let each industry be placed on a sound financial basis and, above all, let it be placed under skilled, expert direction. This proposal is now practically working in Italy. It has been under discussion by leading Italians and the Italian ministry. It has met with general favor. A hearing was had with Ambassador Page, who seemed favorably impressed. As a result of the meeting it was decided to go ahead with the plan. It was approved on October 16, 1918, by the Italian minister of commerce, at which meeting leading Italians were present. The plan was approved. It was decided that an effort be made to have Italy become engaged for the commercial and industrial development of the Mediterranean Basin on modern lines and to ask the aid of the American people toward bringing this about. A committee was appointed, with Ernesto Nathan, former mayor of Rome, as chairman. In response to requests for adherents this committee has received favorable replies from bodies representing leading industries, among them the metallurgical, the engineering, the silk, and the cotton-spinning industries. A meeting will shortly be called to effect a permanent organization for the purpose of proceeding on with the work in Italy, when an endeavor will be made to interest the American people in the proposal.

The money-making contingent are rapidly getting in line. They are very forward-looking men. Patriotism disassociated from profits is no shibboleth for them. If more money can be gathered for their individual use, it matters not whether America profits or not. Witness the commencement of the exodus of factories, as indicated in an article published in the Scientific American, October 18, 1919:

AMERICAN SILK TROUBLES.

The exodus of Italian workingmen returning to Italy has seriously affected the silk industry in the United States, which is handicapped by an increasing shortage of skilled workmen. Thousands are said to have left the manufacturing centers of this country. There have been reports that American manufacturers contemplate the establishment of silk-manufacturing plants in Italy, and several arguments in favor of such a plan have been brought forward. Skilled workers are scarce in this industry, whereas in Italy not only is labor more plentiful but it is believed that it will be possible to attract returned immigrants who have been trained in American mills. Water power may be used in Italy all year round, and the cost of transporting raw material would be saved by locating near the point of production.

The Washington Post of October 29, 1919, says that Arthur J. Belding, vice president of the McGraw-Hill Publishing Co., will move his plant to Germany, and we know that Mr. Henry Ford, another forward-looking man, will construct a factory in Cork. This bill, if it will finance anything, would be a great aid and comfort to the emigration of American industries to foreign soil.

THE PAUPERIZATION OF AMERICAN LABOR.

If this bill were the law, the concerns organized under it would be enabled to finance foreign factories—not only those which might be removed from this country and operated with American capital, but also those which are organized in foreign countries, composed in part or in whole of foreign manufacturers, financed by American money, will spring up almost overnight and flourish like green bay trees. The secret of the popularity of this form of industrial activity, of course, proceeds from the ability of these concerns to operate with cheap foreign labor. They could thereby produce the goods for the foreign market much cheaper than could be done in America and increase the profits a thousandfold. The American laborer must then accept an increase in his hours of labor or a great reduction in his pay, or perhaps both, to enable his employer who stays with his industry in America to live.

Mr. Baldwin gave as a reason why he would move his factory to Germany that the workmen there worked 10 hours a day and "at a reasonable wage." The situation which could thus be created is beyond the imagination to contemplate. Not only the workingmen but the middle classes would become vagabonds. There is no prospect or possibility of the American laborer, who constitutes a large part of the middle class and maintains a decent standard of living, competing with the Chinese coolie trained to use machinery. Do you think he could compete with the Armenian? This he will have to do if this bill becomes a law. Already our money is blazing the way into Armenia. It will not be long before the Armenian manufacturers, financed under this bill, if passed, and operating with the cheapest sort of labor trained to machinery, will be in the foreign market as our competitors.

THE WEAKENING OF THE HOME MARKET.

It has always been the policy of our Government to maintain at all costs a strong and healthy home market not only for our manufacturers but for our producers. With thousands of factories self-expatriated, fed by American money, and with concerns organized under this bill and the Webb law combined and properly financed, the home market becomes a secondary consideration, especially so if foreign manufacturers are financed with American money. The effect of lowering American wages to meet the competition of foreign pauper labor would so hurt the purchasing power of the average worker that the American market, composed largely of such workers, would be rendered barren as a field for the successful disposition of our wares. The bread line and soup houses would again appear and gaunt misery stalk the land in "the days when the doors shall be shut in the street and the sound of the grinding be low."

In a bulletin issued in 1916 the Federal Trade Commission admits that American factories not members of the combination will be hurt because they can not do business as cheaply as the combination, and states that the combination "is clearly entitled to such business whether it gets it at the expense of some foreign rival or of an American competitor," and admits certain dangers in that the combination might be used to exploit consumers in the home market and that it might be used unfairly against the American concerns in the export trade not members of the organizations. The board at this time evidently did not have presented to it the possible self-expatriation of thousands of American factories, nor the employment of American capital abroad in cooperation with cheap labor to compete with American goods in foreign markets.

The farmer and stock raiser has nothing to gain and everything to lose from the passage of a bill which will facilitate the exploitation of his home market and offers him nothing but the fun of chasing the fantasy of foreign trade, and the stockman will find himself confronted with an organization in form the same as the packers' combine but larger and more effective. In control of the export market, the farmer and stockman will be told from day to day, in the foreign market report in the New York and Chicago exchanges, the prices for which he will sell his produce and live stock in the foreign market. Can any man argue that a huge combination of the kind described and in absolute control of foreign trade will, for a moment, pay to the farmer or stock raiser anything but the lowest price? Is there anyone who thinks that after they have purchased of the farmer that they will not sell their purchase for the highest price obtainable? Is there anyone so foolish as to wager that the consumer will receive any of the difference? No; there will be no reduction in price to the consumer, although what the farmer sells is brought to the lowest possible figures. All is designed to go to the trust. How plain it is, then, that the power and authority given these combinations, financed accordingly, to absolutely fix the price of goods sold on the foreign market, when exercised, must have a tremendous effect on prices of necessities in the United States, and this whether the combinations "conspire" or not. You can try to regulate such effect by penalties, but you can no more control it than King Canute did the tides of the sea, and you can no more regulate this operation than you could modify the laws of gravitation or change the procession of the equinoxes.

THE MAINTENANCE OF THE HIGH COST OF LIVING.

It is my belief that a single trust such as can be created in a night out of the Webb corporations and financed the next day under this bill, operating, you might say, "with the lid off," in dealing with foreign exports, without subjecting itself to a prosecution for conspiracy under this act, will by reason of its unlimited control over exports be able to maintain the

present high cost of living and this without the slightest improvement in the condition of the producer. This is illustrated by a cloakroom rumor, the truth of which I will not vouch for, to the effect that a company of forward-looking men had purchased a shipload of shoes from an American manufacturer which usually retail in this country at about $9 per pair at such a figure that they could be sold abroad for about $4.98 per pair, the essence of the contract being that none of them should be sold in this country. If enough shoes were dumped on our market, some citizen of these United States could in a slight degree reduce his cost of living by securing the same at a reasonable price. The policy since the war of holding vast stocks in store is to-day maintaining the high cost of living, and when the facilities are made ready vast stores will be exported and withdrawn from the American market. The self-expatriation of American factories, the pauperization of labor, and the exploitation of the home market speak a dark day for the original producer and the ultimate consumer in these United States.

THE ACME OF WILDCATTING.

I was glad that on Saturday the distinguished gentleman from Wisconsin [Mr. NELSON], in his admirable address on this bill, pointed out that there were two features of this bill, and that one of them pertained to "investment bankers." This suggestion of his brings up for discussion the most dangerous part of this bill. As a matter of fact there is no need for these Edge concerns at the present time, so far as legitimate and sound foreign banking is concerned. That feature is amply taken care of by the foreign branch bank section of the Federal reserve act, and such branch banks are growing rapidly in foreign countries. They are found in South America, Haiti, France, and England, and furthermore the War Finance Corporation can take care of the situation so far as credits are concerned, and it is authorized to do so until one year after the termination of the war, as fixed by the proclamation of the President, all of which is indicated in a report by the director of said corporation to the Senate, dated October 11, 1919, in compliance with Senate resolution 204. Furthermore Mr. H. P. Davison, of the Morgan firm, has stated that this bill would not stabilize exchange.

Therefore there is no reason for the passage of this act except for the benefit of the "investment banker."

In the outset I said that the first paragraph of this bill is the whole bill, for here is where the so-called investment banker is permitted to immerse himself in immortal reservoirs of wealth. What is an investment banker? In the first place, he is not a banker. He is a broker or, in other words, an investment speculator. The words "New York investment banker" is just a polite word for a New York stock jobber, and this bill is for their particular benefit. There is no place in the bill where their speculation as brokers in foreign investments is regulated, defined, or controlled. It might be well called a bill for the protection of stock jobbers in their international speculations. Contemplating a big business in the sale of foreign wildcat stocks in America for good American coin, they have begun an agitation in this Congress to pass a bill to prevent the further sale of our native brand of wildcat securities in competition with them.

If there is a rumor that oil has been found in Armenia, that will be sufficient for the organization and promotion by these so-called investment bankers of hundreds of companies the sale of whose stocks and bonds they will promote. If a craze for Siberian gold overcomes us, those who are taken care of in this bill will see to it that the stock and bonds of the Siberian Gold Mining Co. get a fair chance in America.

We may expect to see promoted a factory for manufacturing the free energy of Garabed Giragossian in the Kingdom of the Hedjaz. Plantations of coffee in Brazil will offer them a chance to promote their stock. Associations for raising corn and cattle in Argentina will be a popular sort of investment offered the American people. The almond tree in Palestine will flourish, and so will the sale of the stock. The Spanish armada will be raised and the mines of King Solomon will be reopened. Stock and bonds on highly satisfactory terms, as advertised in the newspapers, in factories, mines, railroads, and canals in European, Asiatic, African, and South American companies will be offered to the American public. As after every great war people are anxious to engage in a stock-buying hysteria, so it would seem America is about to become the victim which will be largely caused and promoted by this enabling bill, supplemented by a first-class advertising campaign.

The first proposition in sight, as stated in the public press, is to the effect that experts are engaged in planning a modern scientific city outside the walls of Jerusalem. The prospectus shows that "the features of the ancient city will be preserved intact, while around it will be built a modern city of American type, with skyscrapers, trolley cars, modern hotels, drainage, water supply, factories, theaters, and everything that could be desired. Thus the resident or visitor will be able to employ the opportunity of examining when he pleases the world's most sacred and picturesque city while living under conditions of modern comfort." The price of stock and bonds await the passage of this bill.

Recent events, as well as recent and modern history, teach us that the psychology of peoples has to do in a most important manner with their activities. In nations struggling under great war debts the tendency is toward speculation. Are we prepared to facilitate the selling of speculative stocks, the propagation of which will be magnified by our master geniuses of advertising so as to cause our people to desert the safe and sane methods involved in the purchase of home securities and plunge headlong into an insane saturnalia of foreign speculation?

Permit me to call attention, as a warning, to two instances in history: I refer first to the great stock-speculating epidemic which seized possession of the people of France in the early part of the eighteenth century, relating to a project known as "the Mississippi scheme," initiated by John Law, a Scotch "investment banker," whose scheme, approved by the regent, for the establishment of a company having exclusive privilege of "trading to the great river, Mississippi, and the Province of Louisiana, on its western bank," which territory was supposed to abound in precious metals, after being supported in a delirium of enthusiasm by the people of that country, fell with a crash.

Visions of great wealth took possession of the people. Shares advanced rapidly. A frenzy of speculation began. Issues of new shares from time to time added to the delusion. It affected the highest and lowest classes. Dukes, counts, duchesses, and countesses jostled daily with the proletariat in the narrow street before Law's house clamoring for stock. Apartments were rented in the locality at fabulous rates. Many accidents occurred in the alley, and the crowd was so great that a cobbler in the street made a fortune by letting his stall out and furnishing writing materials to applicants for stock, and a humped-back man who stood in the street gained a considerable sum by lending his hump as a writing desk for eager speculators. Later, when Law moved to the Hotel d'Soissons, tents were erected in the gardens in order to furnish places where stock jobbers and their clients could be early accommodated with stock. Courtiers, peers, judges, and bishops thronged his apartment for stock.

At the apex of the speculation some one demanded payment in specie. He was berated at first by the frenzied multitude, but soon others imitated him, and stocks began to fall, and people doubted the immense wealth of the Mississippi region. A run on the bank occurred, 15 persons being crushed to death in the doors of the bank. They demanded possession of Law and that he be torn to pieces. Thousands were rendered penniless, while a very few, who had disposed of their stocks early, gathered up their ill-gotten gains and departed from the country.

Another great delirium in stock speculating took possession of England in the early part of the same century, and was known as the South Sea bubble. Pope describes the times in the following language:

> At length corruption, like a general flood,
> Did deluge all, and avarice, creeping on,
> Spread, like a low-born mist, and hid the sun.
> Statesmen and patriots plied alike the stocks,
> Peeress and butler shared alike the box;
> And judges jobbed, and bishops bit the town,
> And mighty dukes packed cards for half a crown:
> Britain was sunk in lucre's sordid charms.

The South Sea Co. was given a monopoly of trade to the South Seas. It was one of the first foreign export trade corporations and by its propaganda everyone believed in the stories of inexhaustible gold and silver mines in Peru and along the eastern coast of South America.

The plan was to make everybody rich simply by sending English manufacturers to be repaid one hundredfold in gold and silver ingots by the natives. New concessions being granted from time to time by the Government, the stock arose with great rapidity at every discussion of the legislation. Mr. Robert Walpole alone stood out boldly against it. He claimed amid derision that the "dangerous practice of stockjobbing would divert the genius of the nation from trade and industry. It would lure to decay the unwary to their ruin by causing them to part with the hard earnings of their labor for the prospects of imaginary wealth." He prophetically declared "that if the plan proposed succeeded the directors would become the masters of the Government and control the action of the legislature." He was hailed as a false prophet and compared to the hoarse raven, croaking omens of evil.

Nevertheless the whole nation turned stockjobbers. "Exchange Alley was blocked and Cornhill was impassable."

The inordinate thirst for gold could not be slaked, even in the South Sea.

Other promotion schemes of the wildcat kind were initiated. Bubbles sprang up everywhere and burst in a week or less.

Stock companies to make "deal boards out of sawdust," "a wheel for perpetual motion," "encouraging the breed of horses," "for improving glebe and church lands and repairing and rebuilding parsonage and vicarage houses," "carrying on wholesale fisheries in Greenland," "improving British alum works," "trading in hair," for "a settlement on the island of Vera Cruz," "importing walnut trees from Virginia," "employing poor artificers and furnishing merchants and others with watches," "colonization of Arcadia," and for many other extravagant purposes, were formed.

But the greatest of all concerns was one started by an unknown adventurer (and I do not make an application of his scheme to this bill), a concern entitled "A corporation for carrying on an undertaking of great advantage, but nobody to know what it is."

Finally, as in France, the storm broke.

"A most extraordinary panic seized upon the people. Men were running to and fro in alarm and terror, their imagination filled with great calamity, the form and dimension of which nobody knew."

Black it stood as night—
Fierce as 10 furies—
Terrible as hell.

Parliamentary inquiry disclosed a "degree of infamy, disgraceful alike to the morals of the offenders and the intellect of the people—a warning that nations like individuals can not become desperate gamblers with impunity."

And so, Mr. Chairman, in view of the great dangers impending upon the passage of this bill, the threatened destruction of American industries, the pauperization of American labor, the maintenance of the present high cost of living, the building and maintaining of American industries in foreign countries whose rights must be protected by the presence of thousands of troops raised among the young men of the country, the probability of great international complications, and the undoubted and certain coming of a national orgy of stock speculation to the ruin of millions, all occurring while the Nation is burdened with debt, suffering from the sorrows and ravages of war, and while general unrest prevails among our people, I plead with the proponents of this bill to withdraw it, and in the event of failure to do so, I appeal to the membership of this House to defeat it. [Applause.]

During the remarks of Mr. KING:

Mr. ASWELL. Mr. Chairman, it occurs to me that the speech which the gentleman from Illinois is delivering is so important that it should be heard by more Members of the House, and I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. DOWELL). The gentleman from Louisiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. KING concluded his remarks.

Mr. ASWELL. Mr. Chairman, there now being exactly 28 Members on the floor, not counting the pages, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Louisiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-four Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Clark, Mo.	Edmonds	Goodwin, Ark.
Andrews, Md.	Classon	Elston	Gould
Ashbrook	Cleary	Emerson	Graham, Pa.
Babka	Cole	Esch	Green, Iowa
Bacharach	Cooper	Evans, Nebr.	Greene, Mass.
Barkley	Costello	Ferris	Griest
Bell	Crago	Fess	Griffin
Black	Crowther	Fields	Hamill
Bland, Ind.	Cullen	Fisher	Hamilton
Boies	Dallinger	Flood	Hardy, Tex.
Booher	Darrow	Fordney	Harrison
Bowers	Davey	Frear	Haskell
Britten	Davis, Minn.	Fuller, Ill.	Hawley
Brooks, Pa.	Dempsey	Fuller, Mass.	Heflin
Browning	Dewalt	Gallivan	Hicks
Brumbaugh	Donovan	Gandy	Hill
Butler	Dooling	Ganly	Holland
Caldwell	Doremus	Garland	Houghton
Campbell, Kans.	Doughton	Garner	Huddleston
Cantrill	Drane	Godwin, N. C.	Husted
Carew	Dunn	Goldfogle	Hutchinson
Carter	Eagan	Good	Ireland
Casey	Eagle	Goodall	Johnson, Ky.
Johnson, S. Dak.	Maher	Riordan	Sullivan
Johnson, Wash.	Mann, Ill.	Robsion, Ky.	Sweet
Johnston, N. Y.	Mason	Rodenberg	Swope
Jones, Pa.	Mead	Rogers	Tague
Kelley, Mich.	Minahan, N. J.	Rouse	Taylor, Ark.
Kendall	Montague	Rowan	Temple
Kennedy, Iowa	Mooney	Rowe	Thomas
Kennedy, R. I.	Moore, Ohio	Rucker	Tillman
Kettner	Moore, Pa.	Sabath	Tincher
Kiess	Moore, Va.	Sanders, Ind.	Tinkham
Kincheloe	Moores, Ind.	Sanders, La.	Treadway
Kinkaid	Morin	Sanders, N. Y.	Vare
Kreider	Mudd	Saunders, Va.	Venable
LaGuardia	Neely	Schall	Voigt
Langley	Nicholls, S. C.	Scully	Walsh
Lehlbach	O'Connell	Sherwood	Walters
Lesher	Ogden	Shreve	Ward
Little	Paige	Siegel	Watson, Pa.
Longworth	Parker	Sims	Webster
Luce	Pell	Sinclair	Welling
Lufkin	Peters	Sinnott	Welty
McClintic	Porter	Sisson	Whaley
McCulloch	Pou	Slemp	Wilson, Pa.
McGlennon	Radcliffe	Smith, Ill.	Winslow
McKenzie	Rainey, H. T.	Smith, N. Y.	Wise
McKeown	Rainey, J. W.	Snell	Woodyard
McKinley	Ramsey	Snyder	Zihlman
McLane	Rayburn	Steele	
MacCrate	Reber	Stephens, Miss.	
Magee	Reed, N. Y.	Strong, Pa.	

The committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2472, and finding itself without a quorum, he had caused the roll to be called, when 212 Members answered to their names—a quorum—and he handed in the list of absentees.

The committee resumed its session.

Mr. KING. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PLATT. Mr. Chairman, before the gentleman from Massachusetts proceeds, I desire to yield 10 minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Chairman, I was chairman of the Subcommittee on Banking and Currency, which had under consideration the bill which is now before the House for consideration. Every opportunity was given to all of the interests affected by the bill to be heard before the committee. The only opposition which developed seems to have been made manifest through the opposition of the gentleman from Illinois [Mr. KING]. The gentleman from Illinois expresses the fear that this is going to be a combination in restraint of trade. I think the gentleman is in error in that respect, because I think it is going to help trade in the United States.

The gentleman suggests that it will drive out of trade the small concerns in this country, and that they will be forced to do business with these large combinations of trade, and that that will work a great hardship. To my mind this matter of international trade is a very serious matter and one which I believe people who study the subject will agree with me when I say that no small concern in the United States, with conditions as they are at present, should attempt to enter the foreign trade. When we passed the amendments to the Clayton anti-trust law, under the Webb-Pomerene Act, permitting concerns to combine to do international trade or business, one of the very purposes of the bill is to finance business originating by authority of this Webb-Pomerene Act. Many of these small concerns have not the credit facilities, and great risks are involved should they assume the risks incident to the financing of this foreign business.

The United States to-day is on the eve of the greatest prosperity that it could ever have hoped for. Industrially it expanded to a point beyond all expectations 10 years ago. In natural resources we are superabundant. This country produces 20 per cent of the world's supply of gold, 25 per cent of the world's supply of wheat, 40 per cent of the world's iron and steel, 40 per cent of the world's silver, 50 per cent of the world's zinc, 52 per cent of the world's coal, 60 per cent of the world's aluminum, 60 per cent of the world's cotton, 66 per cent of the world's supply of oil, and 75 per cent of the world's corn. This country refines 80 per cent of the world's copper and operates 40 per cent of the world's railroads.

A harvest of wealth from the farms of this broad, rich land such as has never before been recorded in the world's history is in prospect.

But most valuable of all the stimulus which the dire necessities of war supplied to American inventiveness, resourcefulness, productiveness, courage, and spirit of adventure constitutes a national asset which not only transcends the bounds of material computation, but also challenges the boldest imagination.

Financially, we are in the best position of any country in the world, and our leading competitors in the fight for domination of control in finance are looking to us to-day for loans and credits, and all of the devastated countries of Europe are looking to us for food products and the necessary materials for rehabilitation purposes.

All that is needed in this country to-day is simply constructive Government leadership for and cooperation with business generally to insure full and free development of our unequaled resources and opportunities.

Our exports for the month of June reached the enormous sum of $918,000,000, exceeding by over $200,000,000 the highest previous month's record. Our imports were only $293 000.000, leaving a trade balance of $625,000,000 in our favor. The trade balance in our favor at the end of the last fiscal year, June 30, 1919, was $4.129,000,000. To this should be added the silver which we exported, amounting to $222,000,000. It is true that there has been some decline in the latter months in our exports, but I mention this simply to show that now, notwithstanding the fact that the war has ended, that the demand from the world for the products of this country is continuing in large amounts and will continue for several years to come, providing a definite plan of financing these operations so as to maintain an even balance of exchange and permit the settlement on a proper basis for the products exported, and further providing for the ultimate and future settlement of the operations additionally created.

This situation presents an interesting one when taken into consideration with our own domestic situation as presented by the brotherhoods affecting labor and the increased cost of living in this country. What is needed more than anything else to help solve the situation is increased production. There never was a time in the history of this country when this should be more pertinent than the present. Everyone understands that eventually the United States will get back upon a normal basis.

To return to a normal basis immediately is what is needed, and in order to do this this country must speed up. We have the markets and to supply the markets we have the raw materials, the machinery, and the labor, and the incentive should be accelerated by educating the elements of unrest into a sense of duty to their country to get back immediately to work, and hard work, and forget for the moment the question of equitable readjustment of wages.

Let the United States pull together all of her resources, including raw materials, industry, labor, and finance, and we will so fix the position of the United States that for future years she will be the dominating power in the world. There is every selfish reason why the United States should speed up to her fullest capacity. We have a bonded and floating debt of $30,000,000,000. The interest burden and the increased cost of doing the Government's business occasioned by these new conditions impel us to at the earliest possible moment liquidate our indebtedness. The only way we can hope to do this is by increasing production.

One great trouble in this country to-day is that everyone is looking for a snap—shorter hours, with as little real work as possible, and big wages, good clothes, automobiles. We have been tending toward leisure and extravagance instead of comfort and conservation.

This bill has for its purpose the providing in part the machinery to facilitate the sale to the world of our surplus of production and to provide facilities to enable the world to pay us, which production is now so greatly needed in war-devastated Europe.

In 1920 France wants $750,000.000 worth, Italy wants $600,000,000, and Belgium wants $200,000,000, to say nothing of the demand of England and the other countries, a probable total of $2,000,000.000 which they will want outside of the usual demand, all depending upon our ability to accept the kind of settlement these countries can give.

They have no gold to spare in settlement of the over $4,000,000,000 due us in balance of trade as of June 30 last. To this must be added the present year's increase less our imports, which certainly will not exceed our imports for some years to come, if every again. So that at the end of the next fiscal year we can expect an unsettled balance in our favor of probably $6,000,000,000.

Mr. MADDEN. If the gentleman will permit, is the gentleman going to deal with the South American trade?

Mr. McFADDEN. I was not. I was dealing with it as a whole. That is tremendously important, however. This bill will care for South American trade as well as European.

We must not lose sight of the fact, too, that in the past five years we have changed from a debtor to a creditor nation; that instead of our owing the world some $5,000,000,000, the world owes us at least $16,000,000,000, made up of direct war loans to our Allies in the war of $10,000,000,000, as per letter which I insert at this point:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, September 15, 1919.

MY DEAR CONGRESSMAN: I have your letter of the 9th instant and take pleasure in informing you that the credits established by the Secretary of the Treasury in favor of foreign Governments and cash advanced against these credits as at the close of business September 11, 1919, were as follows:

	Credits established.	Cash advanced.
Belgium	$343,445,000.00	$338,745,000.00
Cuba	10,000,000.00	10,000,000.00
Czechoslovakia	55,330,000.00	52,690,000.00
France	3,047,974,777.24	2,782,477,800.00
Great Britain	4,316,000,000.00	4,277,000,000.00
Greece	48,236,629.05	
Italy	1,619,922,872.99	1,600,775,945.99
Liberia	5,000,000.00	18,000.00
Roumania	25,000,000.00	25,000,000.00
Russia	187,729,750.00	187,729,750.00
Serbia	26,780,465.56	26,780,465.56
Total	9,685,419,494.84	9,301,216,951.55

Charges of $188,236,629.05 have been made against these credits in addition to cash advances shown.

Very truly, yours,

ALBERT RATHBONE.

Hon. LOUIS T. McFADDEN,
House of Representatives, Washington, D. C.

Also four billions balance of trade are due, and at least $2,000,000,000 of privately negotiated loans held by financial institutions and private investors in the country. A complete turn-over of $21,000,000,000 which we paid to Europe to help her finance the war. It is interesting to add to this amount the total cost to this country of the war, as of June 30, 1919, of $30,177,000,000, or a total of $51,177,000,000, which this country has financed during the past four years.

In considering this situation we should not overlook the effect of the change from a debtor to a creditor nation. The fact that we no longer pay an interest charge to the world of at least $250,000,000 and that we will no longer pay shipping charges to the extent previously paid by us owing to our increased shipping facilities of $150,000,000, and that we will also save another $150,000,000 in insurance premiums, which used to go abroad, a total of $550,000,000, and added to this must be the interest on at least $12,000,000,000, which is owed the Government of the United States and private investors, for which we hold obligations, with interest, which must amount to at least $600,000,000. Add to this what we previously had to pay Europe and you have $1,150,000,000, which Europe must pay this country annually more than before the war.

In other words, the world must pay this amount in gold or merchandise to the United States, which is, of course, a handicap to Europe in dealing with this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. Will the gentleman from Massachusetts yield me five minutes?

Mr. PHELAN. I will yield the gentleman five minutes.

The CHAIRMAN. The time of the gentleman from Pennsylvania is extended for five minutes.

Mr. BROWNE. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. BROWNE. In regard to the saving on insurance premiums being sent abroad, I did not just understand how that saving is produced?

Mr. McFADDEN. Before the war this amount of insurance was carried with German and English companies. During the war, of course, the German companies were closed out and the people in the United States are paying more of their insurance premiums to the companies in this country than ever before.

Mr. BROWNE. Does the gentleman know how much that would amount to?

Mr. McFADDEN. The total amount, I suppose, would be $150,000,000 to $200,000,000 which we were paying to foreign companies.

One would certainly think from a careful study of this entire situation that the United States must assume the leadership in finance of the world, a situation not of her own seeking but by the necessity of the occasion, a thing as a country we have a right to be proud of, made possible by the development of our great resources under a form of government such as we are fortunate enough to possess, due to the foresight of our forefathers in so wisely providing under the Constitution, which fact should be a strong argument for the upholding of this Constitution and our Government under it, which has protected

our country during all this development and permitted us to attain the present height and supremacy as a world power.

The war cost has been estimated at over $200,000,000,000. The debts of allied countries of Europe are held mostly within their borders, the largest outside credit being to this country.

Germany's debt is likewise held by her own people, with the exception of the indemnity which is to be paid to the allied countries in reparation, which I believe has been agreed upon in the peace treaty as twenty-five billions of dollars in money besides the replacement of much physical property.

In this connection it is interesting to note that Germany will be carrying the burden of paying this country the difference brought about by these changed conditions between this country and the world. Financially the interest charge Germany must pay to our allies will amount to $1,250,000,000 annually. In other words, she must pay in gold or merchandise.

An interesting conclusion might mean that Germany would be paying to this country in merchandise the interest which she owes to our allies to balance that which the Allies may owe us, which she knows so well how to efficiently produce. This, then, in view of the situation, makes the statement "that German labor and industry have gone on a 12-hour per day time"—quite in contrast with our own situation as regards production—very interesting and worthy of our careful consideration.

A study of this world-wide financial situation can not but make for serious thought, and in anticipating what the future has in store for this country one is bound to conclude that the financial requirements of the lesser countries of the world, which heretofore have been financed in London and the other financial centers of the Old World, must of necessity come to this country for that future relief. And I am not sure but in this lies the solution of our intertrade relations with the world. Certainly the opportunity is here. Will we meet it? It is a case of the survival of the fittest. I say that we will meet the issue fairly and squarely and thus assume the financial leadership of the world.

This measure is one step to perfect the machinery with which to operate. We have long been seeking trade with the world, and our opportunity is now here, but with that opportunity comes naturally the responsibility of financing it. Let us meet the challenge as Americans have always met every challenge and go in to conquer and overcome the obstacles and win the victory in finance and trade.

Therefore I think that a combination of capital such as provided for in this bill is absolutely necessary to maintain our foreign business.

Now, we all realize, of course, in the financing of this great volume of business which is knocking at our doors, that some instrument must be created to take care of the payments that those countries in Europe have to give us. This instrument is nothing more than a hopper into which will pour long-time credits which may be in the form of notes, which may be in the form of bonds of municipalities, or bonds or stocks issued by companies in France, England, or other parts of the world, which may be guaranteed or secured by the Governments or municipalities. Into this hopper they will flow, and out of this hopper will flow obligations of this company in a suitable form, a desirable form, for our people to invest their savings in. That is about the sum and substance of what is contemplated under this act. There are other powers given, but they are incident to this main purpose. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts [Mr. PHELAN] is recognized for one hour.

Mr. PHELAN. Mr. Chairman, I yield a half minute to the gentleman from Connecticut [Mr. LONERGAN].

Mr. LONERGAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the signing of the armistice between Italy and Austria and the achievements of the Italian Army in the recent war.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the present bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks on the present bill. Is there objection?

Mr. BLANTON. Mr. Chairman, reluctantly, I must object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. PHELAN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman and gentlemen of the committee, there is nothing more important to the producing masses of America than the continuance of proper facilities for maintaining our foreign trade. There never came to this Nation since its birth, and probably never will come again, a situation so auspicious or so full of opportunity. The conditions confronting us accentuate the necessity for the wisest and most constructive legislative program on the part of the Government, as well as the most far-seeing financial policy on the part of the business men of the country. It is to regretted that on a subject like this, which is in a large sense technical, and, with many Members of the House not present, so many surprising assertions should be indulged in in this discussion. This bill—or substantially this bill—passed the Senate during the last session of Congress. The same measure, without many of the restrictions and safeguards which are offered and reported as amendments to the pending bill, was approved by the Senate Committee on Banking and Currency and passed by the Senate during this session. As reported to the House it has the unanimous support of the Committee on Banking and Currency of the House, excepting the distinguished gentleman from Illinois [Mr. KING]. There are some able lawyers and experienced and successful bankers on the committees of Congress that have approved this bill. In the face of all this it seems remarkable that only one member of either of these committees should have discovered the alarming tendencies of the bill which have been recited this afternoon by the gentleman from Illinois [Mr. KING].

The situation respecting our foreign trade is such that something should be done to make sure that the farmers and manufacturers of the Nation shall not suffer from a severe slump in our exports and sudden and sweeping decline in prices. We are told that for the fiscal year ending June 30 last our exports exceeded imports between four and five billions of dollars. Our trade during that period, including both imports and exports, reached the stupendous sum of more than $10,000,000,000. This vast volume of business can not be handled to the best advantage of the American people without some new method of international banking. The American dollar has advanced until it is worth $1.12, as it relates to the British pound sterling. In France and Italy it is even much higher, and in Germany higher still. This is bound to result in the impairment of our foreign trade to the great detriment of the cotton growers, the wheat growers, the cattle raisers, the manufacturers, the laborers, and every interest of the American people. We must maintain and increase our production and continue to ship our goods to the markets of the world if we hope to preserve our marvelous prosperity.

The gentleman from South Carolina [Mr. STEVENSON] pointed out quite clearly how the present exchange situation affects the producers of this country. Ten thousand pounds sterling is worth $48,600. But if an English firm has to draw exchange with which to buy cotton, or wheat, or cattle, the £10,000 will be worth only $41,500 in this country. This makes a difference of $7,100. This sum represents about 40 bales of cotton at present prices. If we had in operation the banking system which the present bill seeks to establish, the same firm could go to the American branch bank or agency in Liverpool or London and negotiate a loan by putting up securities there which would be handled in this country without this vast loss in exchange. The difference would enable the English firm to pay about 6 cents a pound more for American cotton than under existing conditions. This would mean a saving to American cotton growers of an amount almost equal to the total value of the cotton crop of the United States when the crop used to sell at 7 and 8 cents a pound. The same illustration holds good as to wheat, cattle, and other products.

Our foreign trade is being taken care of now by the operation of policies inaugurated during the war. It is no longer desired, in view of the enormous trade balance in our favor, that the regular banks of the country should undertake to handle this trade. It involves transactions too large, with risks that should not be attempted by the regular banks. We have a banking system that meets every requirement incident to normal conditions in the commercial life of the Nation, and which during the test and strain of the recent war which we were called upon to finance, both for our allies and ourselves, gave us first place in the financial affairs of the world. It has brought a period of prosperity unparalleled in our history, and enabled us to finance and win the greatest war of all time. The Federal reserve act and the Federal farm-loan act have given an impetus to agricultural, industrial, and commercial activity never known before. These acts have given independence to farmers and producers by furnishing an ample supply of credit. The present bill is designed to supplement

those great measures of constructive legislation by providing a system that will cover the field of international banking just as those acts have supplied our domestic needs.

The Congress has heretofore authorized the War Finance Corporation to the extent of $1,000,000,000 to take care of the work of carrying on our foreign trade. That bill, as I remember, met with no serious objection. But the Federal Reserve Board and all whose opinion on the subject would be considered of value have concluded that it is not best that the Federal Government shall extend its credit further to assist other nations, even though it be to promote their rehabilitation, upon which our own prosperity in large part must depend.

The Federal reserve act authorized banks with a capital and surplus of a million dollars or more to establish foreign branches, but only one institution has taken advantage of that act by going into foreign-branch business. This was the National City Bank of New York. It has a combined capital, surplus, and undivided profits of nearly $100,000,000. This bank has quite a number of branches doing a large business throughout the world. Later an amendment to the Federal reserve act was passed on September 7, 1916, allowing banks with a capital and surplus of as much as $1,000,000 to take stock in foreign branches or banks engaged in financing foreign trade. Eight foreign-trade banks have been established, to the capital stock of which national banks have subscribed. These institutions are incorporated under State laws and do a banking business, though they do not receive deposits. On September 17, 1919, another amendment to the Federal reserve act was passed giving national banks the right to subscribe not to exceed 5 per cent of their capital and surplus to institutions known as export finance corporations, whether organized under Federal or State laws. The bill before us provides a plan which it is hoped will result in bringing all these institutions into one system under Federal charters and under strict control of law, with ample power of supervision and regulation placed in the Federal Reserve Board.

They are not permitted to operate upon a capital of less than $2,000,000, which can not be impaired by the payment of dividends or otherwise. They are not permitted to organize except with the approval of the Federal Reserve Board. They are subject to examination in practically the same manner as national banks. They are prohibited from controlling or attempting to control prices or form combinations to restrain trade. They are not allowed to receive deposits except such as are incidental to the general purpose for which they are established. In fact, severe penalties are provided to prevent the possibility of any and all of the wrongs and abuses of which we have just heard so much.

If it may be contended that any of the institutions already established embody the possibility of danger to the stability or safety of our financial affairs, as insisted by the gentleman from Illinois [Mr. KING], it is only a greater reason why the act before us should be passed. The passage of this act will tend to bring all these institutions into the one system around which we are throwing more thorough safeguards and restrictions. For my own part, I fail to see anything in these other institutions to create alarm. The gentleman from Illinois [Mr. KING] seems frightened by the Webb bill and seems to base his opposition to the present bill on his fears of the other measure. Yet the Webb bill has already been enacted into law and is in operation to-day. A number of institutions have been organized under it in which the banks of the country have taken stock. The Webb bill is in full force already, and if any of the dire things referred to here to-day have resulted from the operation of that law, I have not heard of them. But if such danger exists in that law, they should be dealt with in a logical legislative way to cure them or to repeal the act. I submit that it is not fair argument to assail the bill now under consideration on account of supposed defects in former legislation. The fact is, however, that actual experience shows those defects do not exist.

Mr. DUNBAR. Will the gentleman yield?

Mr. STEAGALL. I prefer not to yield. My time is limited, and I want to say one or to other things before I finish. The truth is, gentlemen, that instead of being designed to offer opportunities for the sort of wildcat transactions that have been mentioned this afternoon by the gentleman from Illinois [Mr. KING], this bill is intended to throw additional and more secure safeguards around this kind of business. It may be that these other corporations that may be organized either by the States or by the Federal Government are not covered by the regulations and restrictions that ought to be provided. If so, it is only another reason why Congress should pass the present bill. If this act is passed it is confidently hoped that these corporations organized under State laws will come into the new system under Federal control, where the safeguards contained in the present law will apply and where the Federal Reserve Board will have the power of examination, regulation, and control. So it will be seen that instead of conferring an enlargement or a careless expansion of the dangerous sort of power referred to, this bill will in the very necessity of things promote stability and operate to restrain the tendencies pictured by the gentleman from Illinois [Mr. KING].

Why, the gentleman seems to fear that the Federal Reserve Board is going to put their approval on all sorts of crooked and corrupt practices and combinations in restraint of trade such as has not been known in this country in recent years. I do not believe it. The people of my section of the country have great confidence in the Federal Reserve Board, and this is true throughout the land. The administration of the Federal reserve act by the Federal Reserve Board has given the producing masses of the South and West the greatest opportunity those sections have ever known, and it is being reflected in an increased production and prosperity that is of great benefit to the entire Nation and the world. The power placed in the Federal Reserve Board under this act will be used to restrain and control these institutions. The power will not be abused. It will be exercised to promote the interest of all sections and all classes and will help to preserve the high place we have attained in the financial affairs of the world. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREEN of Iowa having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7751) authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. WALSH of Montana members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Civil Service Commission.

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AMENDING THE FEDERAL RESERVE ACT.

The committee resumed its session.

Mr. ASWELL. Mr. Chairman, inasmuch as there are only 34 gentlemen on the floor, I make the point of no quorum.

The CHAIRMAN. The gentleman from Louisiana makes the point of no quorum. The Chair will count. [After counting.] Fifty-eight gentlemen are present, not a quorum.

Mr. PLATT. I move that the committee do now rise, and on that motion I ask for tellers.

Mr. BLANTON. I make a point of order against that. It is out of order. You can not ask tellers on a roll call.

Mr. PLATT. I make the motion, Mr. Chairman.

The CHAIRMAN. The gentleman has that right.

Mr. BLANTON. I make a point of order that the Chair, having stated that there was no quorum, the only thing on earth he can do is to have a roll call.

The CHAIRMAN. The Chair will state that the committee can rise whether there is a quorum present or not. The question is on the motion of the gentleman from New York, that the committee do now rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ANDERSON. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. PLATT and Mr. PHELAN took their places as tellers.

The committee divided; and the tellers reported—ayes 5, noes 57.

The CHAIRMAN. On this question the ayes are 5 and the noes 57, and the committee refuses to rise. A quorum not being present, the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Flood	Luce	Sanders, N. Y.
Andrews, Md.	Focht	Lufkin	Sanford
Anthony	Fordney	McArthur	Saunders, Va.
Ashbrook	Frear	McClintic	Schall
Babka	French	McCulloch	Scully
Bacharach	Fuller, Ill.	McDuffie	Sells
Barkley	Fuller, Mass.	McGlennon	Sherwood
Bell	Gallivan	McKenzie	Shreve
Benson	Gandy	McKeown	Siegel
Black	Ganly	McKinley	Sims
Boies	Garland	McLaughlin, Mich.	Sinclair
Booher	Garner	McLaughlin, Nebr.	Sisson
Bowers	Godwin, N. C.	MacCrate	Slemp
Britten	Goldfogle	Magee	Small
Brooks, Pa.	Good	Maher	Smith, N. Y.
Browning	Goodall	Mann, Ill.	Snell
Brumbaugh	Goodwin, Ark.	Martin	Snyder
Butler	Goodykoontz	Mason	Steele
Caldwell	Gould	Mead	Stephens, Miss.
Campbell, Kans.	Graham, Pa.	Merritt	Stiness
Cantrill	Graham, Ill.	Minahan, N. J.	Strong, Pa.
Carew	Greene, Mass.	Montague	Sullivan
Carter	Griest	Moon	Sumners, Tex.
Casey	Griffin	Mooney	Sweet
Chindblom	Hamill	Moore, Ohio	Swope
Clark, Fla.	Hardy, Tex.	Moore, Pa.	Tague
Clark, Mo.	Harrison	Moores, Ind.	Taylor, Ark.
Cleary	Haskell	Morin	Taylor, Tenn.
Cole	Hawley	Mudd	Temple
Cooper	Hayden	Neely	Thomas
Costello	Heflin	Nicholls, S. C.	Tillman
Crago	Hicks	O'Connell	Tincher
Crowther	Hill	Ogden	Tinkham
Cullen	Holland	Oldfield	Treadway
Curry, Calif.	Houghton	Paige	Upshaw
Dallinger	Husted	Parker	Vare
Darrow	Hutchinson	Pell	Venable
Davey	Ireland	Peters	Voigt
Davis, Minn.	Johnson, Ky.	Porter	Volstead
Dempsey	Johnson, Miss.	Pou	Walsh
Denison	Johnson, S. Dak.	Radcliffe	Walters
Dewalt	Johnson, Wash.	Rainey, H. T.	Ward
Donovan	Johnston, N. Y.	Rainey, J. W.	Watson, Pa.
Dooling	Jones, Pa.	Ramsey	Webb
Doremus	Kelley, Mich.	Rayburn	Webster
Doughton	Kendall	Reber	Welling
Drane	Kennedy, Iowa	Reed, N. Y.	Welty
Dunn	Kennedy, R. I.	Riddick	Whaley
Eagan	Kettner	Riordan	Wheeler
Eagle	Kiess	Robsion, Ky.	White, Kans.
Edmonds	Kincheloe	Rodenberg	Wilson, Pa.
Elliott	Kreider	Rogers	Winslow
Emerson	LaGuardia	Rouse	Wise
Esch	Langley	Rowan	Woodyard
Evans, Nebr.	Lehlbach	Rowe	Yates
Ferris	Lesher	Sabath	Zihlman
Fess	Little	Sanders, Ind.	
Fields	Longworth	Sanders, La.	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration Senate bill 2472, and finding itself without a quorum he had directed the roll to be called, whereupon 202 Members answered to their names—a quorum—and he presented a list of the absentees to be recorded in the Journal.

The SPEAKER. The list of absentees will be recorded in the Journal.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum in the House.

The SPEAKER. The gentleman can not make it. The gentleman is out of order.

Mr. BLANTON. There are only a few Members in the House.

The SPEAKER. The committee will resume its session.

Thereupon the committee resumed its session.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2472, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] is recognized.

Mr. MONDELL rose.

Mr. PLATT. I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I want to ask the gentleman from New York a question. I understand that this bill, in the opinion of those who have studied it carefully, would be of very great value in financing our exports, and particularly financing exports like cotton, of which we have a great surplus. Is that the opinion of the gentleman?

Mr. PLATT. That is true.

Mr. MONDELL. That being true, how does it happen that the gentleman from Louisiana [Mr. ASWELL], coming from a great cotton State, is conducting a filibuster against the bill?

The CHAIRMAN. Was the gentleman from Wyoming speaking in the time of the gentleman from New York?

Mr. MONDELL. I was. I wondered why the gentleman from Louisiana was conducting a filibuster against a bill which would be of such great value to the cotton planters of the South.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KING. It is probably because he sees the danger of this bill to the cotton planter.

Mr. BLANTON. Mr. Chairman, in justice to the gentleman from Louisiana [Mr. ASWELL] I think he ought to be present before the gentleman propounds a question to him. He is not here. I think the gentleman from Wyoming should wait until he comes here.

The CHAIRMAN. The gentleman from Texas is not recognized and is out of order. The Chair has recognized the gentleman from New York [Mr. PLATT]. Does the gentleman from New York yield, and if so, to whom?

Mr. PLATT. I yield to the gentleman from Massachusetts [Mr. PHELAN] 45 minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 45 minutes.

Mr. PHELAN. Mr. Chairman, I will yield 20 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 20 minutes.

Mr. HERSMAN. Mr. Chairman, will the gentleman yield a moment to me?

Mr. STEVENSON. I will yield for a very brief question or statement. I yield half a minute to the gentleman.

Mr. HERSMAN. Mr. Chairman, California has never disappointed her admirers. She has always taken her place in the forefront of every progressive movement.

On Saturday, at a specially called session of the legislature, by a unanimous vote of the senate and by a vote in the assembly of 73 to 2 the State ratified the nineteenth amendment to the Constitution of the United States.

California is the eighteenth State to ratify the suffrage amendment. The National Woman's Party has reached the half-way post. Their work is all but accomplished. Success can never be in doubt when justice and determination work together. [Applause.]

Mr. STEVENSON. Mr. Chairman and gentlemen, I have been very much interested in this bill because of its effect on the immediate situation, to wit, the matter of the demoralization of foreign exchanges and its effect on our exports, and especially the exports of cotton and of wheat. But of that I spoke briefly on the rule on Saturday. I have been much concerned about the necessity for this measure for the purpose of organizing and maintaining our place in the world's trade with all the solvent nations of the world after we shall have resumed the ordinary conditions of trade.

This morning I was considerably surprised at the discussion of the gentleman from Illinois [Mr. KING], in which he arraigned the Committee on Banking and Currency of the Senate, a majority of them of the best Republicans that are over there, and in which he arraigned the Committee on Banking and Currency of the House, all of whom favor the bill except himself, 13 of whom are Republicans and 12 of them favoring the bill, as being ready to deliver this country bound hand and foot into the hands of Plutus, who never appeared before the committee, so far as the hearings show, and into the hands of Crœsus, with whom the committee has not even a speaking acquaintance. [Laughter and applause.]

I was really surprised also that the main burden of the speech of the gentleman was that it was a combination with another iniquity, to wit, the Webb Act, passed by this Congress in 1917 for the purpose of helping the export business of this country, and the fact that the Webb Act took one-third of his time in announcing its iniquities and enormities. And then I went out here and looked to see when the Webb Act was passed and who voted for it, and I found that on June 13, 1917, the Webb Act was passed by a vote of 242 yeas against 29 nays, and the gentleman from Illinois [Mr. KING] was one of the fellows who voted to pass it. [Applause.]

Now, gentlemen, if his judgment was so at fault two years ago as to vote to pass that which he has stated here to-day was an enormity that will deliver the people of America, bound hand and foot, into the hands of Plutus and Crœsus and the money power of Wall Street, I do not think we can afford to follow his judgment when it comes to voting on this bill, because his hindsight has been very much better than his foresight, if he is correct to-day. [Laughter and applause.]

Now, gentlemen, this bill, as I said, is designed, first, to help to reestablish normal exchange conditions in the United States. It is designed, secondly, to help establish institutions

which will result in the trade of this country being stimulated and preserved and built up in all of the great solvent countries of the world when we resume ordinary national relations. I have stated already the immediate effect on foreign exchange. But before I go on with that I want to direct attention to another thing, and that is that the very thing that would be done under these charters to be granted under this act is now being done under State charters. And what is the difference? The difference is this, that those State charters are as broad as the earth, that they have no restrictions which the Government of the United States can enforce; that they can do all the things that the gentleman from Illinois [Mr. KING] speaks of, and this Government has no redress, because it can not forfeit their charters or go in and wind up the corporation. This is a provision for the organizing of institutions to do that same business, restricted in every particular and against every objection made by the gentleman from Illinois, as you will see when we come to read the bill under the five-minute rule, as to the objections which he makes.

Now, let us look at the situation a minute. I have heard a good deal of objection on the outside that this would be a measure which would result in our loaning great sums of money to Europe, and the gentleman from Illinois [Mr. KING] says this is a bureaucratic bill for the purpose of going into this foreign trade. Let us look at it a minute. The bureau to which he refers is the Federal Reserve Board. To-day the Finance Corporation of the United States, with the governor of the Federal Reserve Board as the presiding genius of that corporation, has the right, under authority granted by legislation in which the gentleman from Illinois [Mr. KING] participated, to invest a billion dollars of the money of the United States in this very business for the purpose of encouraging and advancing exports. Now, we do not want him to do that, because that means more taxation, more bonds, and more debts for the United States. Consequently, we want to provide so that the National Government may have, subject to its control, subject to its limitations and under its backing, an institution which will enable this country to do business with all the world under the present condition and to encourage our exports, which are the life of our trade and the foundation of our national prosperity.

They talk about our dealing with Europe. Let us look at that for a minute. The exports of the United States now largely go to Europe—and why? They go to Europe because England and Germany and France have always financed the exports of their own merchants, and they have gone to South America; and when the importer in the Argentine or in Brazil wants goods, does he come to us? No. We sell our cotton to England, and she manufactures it and sells the manufactured product to Brazil and Argentina and Venezuela and to South Africa and to India and to China and Japan. Why? Because they have their arrangements so that the importer in those countries can get six months' time on his purchase, while no banking institutions in this country have the right to loan on those bills for more than 90 days. Now, what is it proposed that we shall do? An importer in the Argentine wants a cargo of cotton goods. He comes to the representative of the cotton manufacturers of New England and says, "I want your goods, but I want them on six months' time. The Government of my country will say to you that my credit is good. I will accept on six months' time and take a cargo of your goods." Can we handle that now? No; except through these State institutions that are working in a limited way; but with the institutions that we propose to create we can handle that exporter. Suppose we have a bill of $100,000 accepted at six months by this importer in the Argentine, and he is certified to be worth $1,000,000 and it is absolutely good. If I ship the goods, can I not get the money for the six months? If you go to one of your great banks you can not do it, because 90 days is the limit.

But take it to one of these great export banks, and the bank will discount the acceptance at six months and carry it. The goods go to South America and the merchant there gets in touch with our export business, and he comes back and trades with us year after year, as long as he can get the accommodations he needs, and it is all to the good of America. Why do I say so? Because if that is not done the English manufacturer will step in. He will have it financed in that way. He will sell the goods, and you establish a triangle whereby we ship the raw cotton from Norfolk to Liverpool, and they manufacture it and ship the manufactured product to the Argentine. They get a cargo of the products of Argentina that we need to bring to New York to be sold here. They make two profits. We have lost a profit and lost the trade by not being prepared to carry it on. That is to be the great foundation stone of our national prosperity, the power to do business with the waiting peoples in Argentina, in Brazil, in Chile, in Venezuela, in South Africa, in India, in every port of the world where the commerce of the United States can be carried by the great mercantile fleet that we are building up, and that I hope to see on every sea, in every port where there is trade to be obtained for the manufacturer and the farmer and the producer of every kind in the United States.

Now, Mr. Chairman, a great deal of objection has been made to this measure on the ground that we say they must be "principally" engaged in this business. Well, now, let us see what they can be principally engaged in. The gentleman from Illinois [Mr. KING] said that there could be a combination, that these corporations could become stockholders in the corporations organized under the Webb Act, and that a great combination could be made. Let us see what kind of a corporation they can participate in. They must have the consent of the Federal Reserve Board before they can buy a dollar's worth of stock in any corporation, and then they can only buy stock in a corporation—

engaged principally in the business of banking or in any other financial operation of the kinds authorized by this section, but not transacting business in the United States.

Now, how could the gentleman see a ghost in that? They can not acquire stock in any corporation except other corporations not substantial competitors of them, and it must be a corporation that is engaged in the same kind of business and not engaged in business in the United States. Now, no law of the United States reaches beyond the 3-mile limit. Therefore that is not giving any additional power of combination beyond the power already possessed by every corporation in the United States; because, if you go over to Cuba, a corporation in the United States can combine all it wants to over there.

But we did not stop there. On the next page we find the following:

No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business.

Now, what do we mean by that? A corporation has one of these branches in Liverpool. A cotton merchant wants to buy cotton in the United States. He goes to the bank in Liverpool, deposits his money, leaves it there, and comes over and draws a draft for £10,000. He gets only $41,500 instead of $46,800 if he could bring the gold here or had the money in New York. That party could go to the branch in Liverpool or the institution in New York and borrow the money on the same collateral, borrow it and place it in the banks in New York and get $48,500. That would be a deposit incidental to the business carried on, and that is what they mean by that. When he did that he could check that money out, in paying for cotton, and instead of getting only $41,500 on a £10,000 credit he would get $48,600 worth of cotton, and if he paid it out for cotton he could pay 6 cents a pound more for it than he could on the basis of exchange to-day. That is an illustration of what we mean by the business being only incidental.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BROOKS of Illinois. The gentleman a moment ago made the statement that I would like to ask two questions about. One is, do these banking corporations receive deposits; is that the intention?

Mr. STEVENSON. Not to receive deposits in the United States except where they are incidental to the business that I have already illustrated.

Mr. BROOKS of Illinois. Does not the gentleman think that it would be a drain upon the finances of the United States if he put in action the method he has just stated?

Mr. STEVENSON. If it is a drain on the United States and its finances to fix it so that the manufacturer and the farmer of the United States of America can sell their goods in every market of the world, and sell them for the highest price—compete with those who have driven us off the seas and out of the markets of the world, making our ships hang up rotting at the wharves—it is a new law of trade to me. [Applause.]

Mr. DUNBAR. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. DUNBAR. Regarding the deposits, according to the act these financial corporations are not allowed to receive deposits from citizens of the United States or do a general banking business. They can issue debentures, bonds, and borrow money to the extent of ten times their capital stock and surplus provided it has the approval of the Federal Board. Now, if banking corporation stockholders are liable for double the amount of their stock holdings——

Mr. STEVENSON. My time is limited, and I wish the gentleman would come to his question as soon as possible.

Mr. DUNBAR. Why do you limit the amount of the liability in this act to their subscription for stock?

Mr. STEVENSON. I am glad that the gentleman asked that question. It will come up under the five-minute rule, but I will say that we prohibit their receiving local deposits. The double-liability provision that is in all of the banking laws is expressly to protect the innocent depositor who places his money there because it is a bank. It has the word "bank" written over it, and he thinks it is a good place to put his money, and usually it is. The bank is trustee and the officers are trustees for the depositors. The Government has always said that when you invite citizens of the United States to put their money in the bank, exercising the highest degree of good faith, you must be prepared to protect them to the extent of double what you put in it.

Mr. MADDEN. And there may be deposits to the extent of thirty times the amount of the capital, which is three times more than the amount allowed here for the issue of debentures, bonds, and so forth.

Mr. STEVENSON. Yes. When it comes to the notes, debentures, and bonds, that is the time when Plutus will show up and Cræsus may figure on these things, and when they do they can take care of themselves. They will look into the solvency of the institution before they buy the investment. They are on notice that they are making investments. They are not in the class where little Mary and Susan and Jane who work in somebody's kitchen put their little bit in the bank until they can save enough for a wedding dress. These men who buy these debentures and bonds and notes are able to take care of themselves, according to the gentleman from Illinois.

Mr. DUNBAR. Will the gentleman yield for a question?

Mr. STEVENSON. Yes.

Mr. DUNBAR. Is it not a fact that the Federal bank directors are held in such confidence and esteem by the people of the United States that when this proposed financial corporation announces that they have bonds to sell to ten times the extent of their capital stock and surplus—is it not a fact that the confidence of the people in these institutions will invite small investments?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. PHELAN. I yield the gentleman two minutes more.

Mr. STEVENSON. In reply to the gentleman from Indiana, it is true that the Federal Reserve Board is held in high esteem, and that these things can not be put out beyond what they propose. They are holding those engaged in business to six times the capital stock, and that is the guardianship that is over the rich investor who buys these bonds, and the guardianship of the stock is sufficient to give that solvency to the corporation.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a single question?

Mr. STEVENSON. Yes.

Mr. MADDEN. Of course, they can not issue any of these debentures without having the collateral behind them on which to base the issue?

Mr. STEVENSON. No; they have to put up the collateral, and that collateral is pledged, and the man who buys the debentures knows what the collateral is.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. I can not yield. He knows what the risks are, and he has the money to risk, and he buys it because he expects to make money by the transaction, and he is not, therefore, entitled to any more protection than a man who loans another a thousand dollars on his note with a neighbor as indorser. I yield back the remainder of my time.

Mr. PHELAN. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, I regret that the gentleman from Wyoming [Mr. MONDELL] is not on the floor. I was called out of the Chamber a moment ago, and in my absence he put into the RECORD a question purporting to ask why I am filibustering against this bill that means something to the cotton farmers of the South. I am not filibustering against this bill. I am for this bill, and no person in this House or in this world knows better than the gentleman from Wyoming what has developed the situation. I have taken as little time on the floor of this House as any gentleman who is a Member of this House.

A week ago I went to the gentleman from Wyoming and asked his permission—bowing, as I did, to the autocratic rule established by him that each ordinary Member must go and get on his knees and beg his permission—I went and asked permission to speak for 35 minutes. He knew I wanted to reveal the rotten leadership of the Republican Party in this House, and he notified me personally that I could not speak on that subject. He knew also that the election occurs in Massachusetts to-morrow, and I was to expose the partisanship manifested by that examining committee against the Democratic candidate in Massachusetts. He refused to let me speak, and I notified him then and there that he would gain time by permitting me to speak even for only 35 minutes.

Mr. MONDELL. Mr. Chairman, I demand that the words just spoken by the gentleman be taken down.

Mr. BLANTON. Mr. Chairman, I make the point of order that unless those words are a reflection either upon the gentleman from Wyoming or upon the House it would be improper to have them taken down, and I submit they are no reflection——

Mr. MONDELL. Mr. Chairman, I demand that they be taken down under the rule.

Mr. BLANTON. Either upon the gentleman from Wyoming or on the House.

Mr. MONDELL. I shall call the attention of the House to the fact that those words are not the truth.

Mr. ASWELL. Did I not go to your side and ask permission to speak, and did you not say that I could not speak except by unanimous consent?

Mr. MONDELL. I will say at the present time——

The CHAIRMAN. The time of the gentleman from Louisiana has expired. Does the gentleman insist on having the words reported?

Mr. BLANTON. Mr. Chairman, a point of order. I ask that the words of the gentleman from Wyoming be taken down wherein he said——

The CHAIRMAN. The gentleman from Texas is out of order and will be seated.

Mr. BLANTON. Mr. Chairman, I ask the privilege of asking that the words be taken down.

The CHAIRMAN. The Chair asks the gentleman from Wyoming this question, to which he will please respond. Does the gentleman from Wyoming still desire that the words of the gentleman from Louisiana be taken down and reported?

Mr. MONDELL. I do.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. There is nothing intervening at this time. Until this business before the House is disposed of the Chair will recognize no one. Subsequently we will take up the other matter.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. In reference to words spoken which a Member has the right to ask be taken down, is it not in order at that time to ask that they be taken down?

The CHAIRMAN. It is; and it will be in order as soon as this is disposed of, but you can not pile one on top of the other.

Mr. RUBEY. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RUBEY. After those words are reported, will it then be too late to ask that the words of the gentleman from Wyoming be taken down?

The CHAIRMAN. It will not. The Clerk will report to the committee the words as taken down.

The Clerk read as follows:

Mr. ASWELL. A week ago I went to the gentleman from Wyoming [Mr. MONDELL] and asked his permission, bowing, as I did, to the autocratic rule established by him, that each ordinary Member must go and get on his knees and beg his permission—I went and asked him to speak for 35 minutes. He knew I wanted to reveal the rotten leadership of the Republican Party in this House, and he notified me personally that I could not speak on that subject. He knew also that the election occurs in Massachusetts to-morrow and I was to expose the partisanship manifested by that examining committee against the Democratic candidate in Massachusetts. He refused to let me speak, and I notified him then and there that he would gain time by permitting me to speak even for only 35 minutes.

The CHAIRMAN. The words under the rule are to be reported to the House for its consideration. The Chair calls to the chair as Speaker pro tempore the gentleman from Connecticut [Mr. TILSON].

Mr. KITCHIN. Mr. Speaker, may I be permitted to ask the gentleman from Wyoming a question?

Mr. MONDELL. Yes.

Mr. KITCHIN. To what particular language does the gentleman object?

Mr. MONDELL. I object to the language which states that the gentleman spoke to me about the subject that he proposed to discuss; that states I knew the subject he proposed to discuss; and affirms I had knowledge of the subject he proposed to discuss and that I objected to his addressing the House because of that fact.

Mr. ASWELL. Will the gentleman yield for a single question?

The SPEAKER pro tempore. The House will be in order.

Mr. TOWNER. Mr. Speaker, the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 2472, in an address delivered to the Chair by

the gentleman from Louisiana [Mr. ASWELL], the gentleman from Wyoming [Mr. MONDELL] made the point of order that the words spoken were out of order. Thereupon the Chair ordered that the words should be reported and the words have been reported to the committee and are now reported to the House for such action as the House may deem proper to take under the circumstances.

Mr. MONDELL. Mr. Speaker——

Mr. BLANTON. Mr. Speaker, a point of order. Mr. Speaker, this is an important matter, and I think we ought to have a quorum to hear about it, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] A quorum of the House is not present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fess	Kettner	Riddick
Andrews, Md.	Fields	Kiess	Riordan
Anthony	Flood	Kincheloe	Robsion, Ky.
Ashbrook	Focht	Kreider	Rodenberg
Babka	Fordney	LaGuardia	Rogers
Bacharach	Frear	Langley	Rouse
Barkley	Fuller, Ill.	Lehlbach	Rowan
Bell	Fuller, Mass.	Lesher	Rowe
Boles	Gallivan	Little	Sabath
Booher	Gandy	Longworth	Sanders, Ind.
Bowers	Ganly	Luce	Sanders, N. Y.
Britten	Gard	Lufkin	Sanford
Brooks, Pa.	Garland	McClintic	Saunders, Va.
Browne	Garner	McCulloch	Schall
Browning	Godwin, N. C.	McGlennon	Scully
Brumbaugh	Goldfogle	McKenzie	Sherwood
Butler	Good	McKeown	Shreve
Caldwell	Goodall	McKinley	Siegel
Campbell, Kans.	Goodwin, Ark.	McLane	Sinclair
Cantrill	Goodykoontz	MacCrate	Sisson
Carew	Gould	Magee	Slemp
Carter	Graham, Pa.	Maher	Smith, N. Y.
Casey	Greene, Mass.	Major	Snell
Clark, Fla.	Griest	Mann, Ill.	Snyder
Clark, Mo.	Griffin	Martin	Steele
Cleary	Hamill	Mason	Stephens, Miss.
Cole	Hardy, Tex.	Mays	Strong, Pa.
Cooper	Harrison	Mead	Sullivan
Copley	Haskell	Minahan, N. J.	Swope
Costello	Hawley	Montague	Tague
Crago	Hayden	Mooney	Taylor, Ark.
Crowther	Hays	Moore, Ohio	Taylor, Colo.
Cullen	Heflin	Moore, Pa.	Taylor, Tenn.
Curry, Calif.	Hersman	Moore, Va.	Temple
Dallinger	Hicks	Moores, Ind.	Thomas
Darrow	Hill	Morin	Tincher
Davey	Holland	Mott	Tinkham
Davis, Minn.	Houghton	Mudd	Treadway
Davis, Tenn.	Howard	Neely	Vare
Dempsey	Hutlings	Nicholls, S. C.	Venable
Denison	Hull, Iowa	Nolan	Voigt
Dent	Husted	O'Connell	Walsh
Dewalt	Hutchinson	Ogden	Walters
Donovan	Ireland	Olney	Ward
Dooling	Jefferis	Paige	Wason
Doremus	Johnson, Ky.	Parker	Watson, Pa.
Doughton	Johnson, S. Dak.	Pell	Welling
Drane	Johnson, Wash.	Peters	Welty
Dunn	Johnston, N. Y.	Porter	Wheeler
Eagan	Jones, Pa.	Pou	Wilson, Pa.
Eagle	Kahn	Radcliffe	Winslow
Edmonds	Kelley, Mich.	Rainey, H. T.	Wise
Emerson	Kelly, Pa.	Rainey, J. W.	Wood, Ind.
Esch	Kendall	Ramsey	Woodyard
Evans, Nebr.	Kennedy, Iowa	Reber	Yates
Ferris	Kennedy, R. I.	Reed, N. Y.	Zihlman

Mr. BLANTON. Mr. Speaker, there not being a quorum present, I move the House do now adjourn.

The SPEAKER pro tempore. There has been no announcement that there was not a quorum present.

Mr. BLANTON. May I ask the Speaker if there is a quorum present?

The SPEAKER pro tempore. The Sergeant at Arms was directed to notify absent Members, and the Chair has made no announcement of the result.

Mr. BURKE. Mr. Speaker, a point of order. Can the gentleman from Texas interrupt the roll call?

Mr. KNUTSON. He can not.

Mr. BURKE. Let him take his seat, then.

Mr. BLANTON. In that connection is it not in order to move that the House adjourn at any time?

Mr. BURKE. Sit down.

Mr. BLANTON. You sit down, yourself.

The SPEAKER pro tempore. The Chair will ascertain whether or not there is a quorum present.

Mr. BLANTON. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Texas will take his seat.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Is it not in order for a Member of this House at any time to move for the House to adjourn?

The SPEAKER pro tempore. Not until the roll call is completed and it is ascertained whether there is a quorum present or not.

Mr. BLANTON. I wish to be protected from the remarks of the gentleman from Minnesota, who is butting in all the time.

Mr. CANNON. Will the Chair permit me to make a suggestion? Until the vote is announced by the Speaker nothing is in order.

Mr. CRISP. A point of order, Mr. Speaker. I beg leave to differ with my distinguished friend, the ex-Speaker.

The SPEAKER pro tempore. Not until the roll call is completed.

Mr. CRISP. I insist that I have a right to be heard on the point of order. Under the rules of the House, which you adopted for your procedure, if there is no quorum present there is but one of two things you can do, adjourn or take steps to get a quorum, and it is always in order to adjourn when no quorum is present. Mr. Speaker, the Speaker can not stand there and refuse to announce whether or not a quorum is present and keep this House indefinitely in session. The House has a right to vote whether or not it will adjourn.

The SPEAKER pro tempore. The gentleman is correct in his statement of the rule, but his position as applied to the present premises is not well taken. The Clerk has not yet handed the Chair the report of the roll call. The Chair was waiting for the tally clerks to complete their count. Therefore, the point of order of the gentleman from Georgia [Mr. CRISP] is premature. On this roll call 207 gentlemen have answered to their names, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from North Carolina moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. KITCHIN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on the motion to adjourn; and there were—yeas 98, nays 114, answered "present" 8, not voting 212, as follows:

YEAS—98.

Alexander	Crisp	Lea, Calif.	Rubey
Almon	Davis, Tenn.	Lee, Ga.	Rucker
Ayres	Dickinson, Mo.	Linthicum	Sanders, La.
Bankhead	Dominick	Lonergan	Small
Bee	Dupré	McAndrews	Smithwick
Benson	Evans, Mont.	McDuffie	Stoll
Black	Evans, Nev.	Major	Steagall
Blackmon	Fisher	Mann, S. C.	Steenerson
Bland, Mo.	Gallagher	Marshall	Summers, Tex.
Bland, Va.	Garrett	Moon	Tillman
Blanton	Hastings	Nelson, Mo.	Upshaw
Box	Howard	O'Connor	Venable
Brand	Huddleston	Oldfield	Vinson
Briggs	Hudspeth	Oliver	Watkins
Brinson	Hull, Tenn.	Olney	Watson, Va.
Buchanan	Humphreys	Overstreet	Weaver
Byrnes, S. C.	Igoe	Padgett	Webb
Byrns, Tenn.	Jacoway	Paige	Whaley
Campbell, Pa.	Johnson, Miss.	Parrish	Wilson, La.
Candler	Jones, Tex.	Quin	Wingo
Caraway	Kitchin	Rainey, Ala.	Woods, Va.
Carss	Lanham	Raker	Wright
Coady	Lankford	Rayburn	Young, Tex.
Collier	Larsen	Robinson, N. C.	
Connally	Lazaro	Romjue	

NAYS—114.

Anderson	Elliott	Kelly, Pa.	Newton, Mo.
Andrews, Nebr.	Ellsworth	Kinkaid	Nichols, Mich.
Baer	Elston	Kleczka	Osborne
Barbour	Esch	Knutson	Platt
Begg	Fairfield	Kraus	Purnell
Benham	Foster	Lampert	Ramseyer
Bland, Ind.	Freeman	Layton	Randall, Calif.
Brooks, Ill.	French	Luhring	Randall, Wis.
Browne	Glynn	McArthur	Reavis
Burdick	Green, Iowa	McFadden	Reed, W. Va.
Burke	Greene, Vt.	McKinley	Rhodes
Burroughs	Hadley	McLaughlin, Mich.	Ricketts
Cannon	Hamilton	McPherson	Rose
Chindblom	Hardy, Colo.	MacGregor	Sanford
Christopherson	Haugen	Madden	Scott
Classon	Hays	Mapes	Sells
Cramton	Hernandez	Merritt	Sinnott
Currie, Mich.	Hersey	Michener	Smith, Idaho
Dale	Hickey	Miller	Smith, Ill.
Denison	Hoch	Monahan, Wis.	Smith, Mich.
Dowell	Hull, Iowa	Mondell	Steenerson
Dunbar	James	Morgan	Stephens, Ohio
Dyer	Kearns	Nelson, Wis.	Stiness
Echols	Keller	Newton, Minn.	Strong, Kans.

Summers, Wash.	Towner	Webster	Wood, Ind.
Sweet	Vaile	Wheeler	Yates
Thompson	Vestal	White, Kans.	Young, N. Dak.
Tilson	Volstead	White, Me.	
Timberlake	Wason	Williams	

ANSWERED "PRESENT"—7.

Aswell	King	Sanders, Ind.	Stevenson
Copley	Phelan	Sears	Wilson, Ill.

NOT VOTING—212.

Ackerman	Fields	Kettner	Ramsey
Andrews, Md.	Flood	Kiess	Reber
Anthony	Focht	Kincheloe	Reed, N. Y.
Ashbrook	Fordney	Kreider	Riddick
Babka	Frear	LaGuardia	Riordan
Bacharach	Fuller, Ill.	Langley	Robsion, Ky.
Barkley	Fuller, Mass.	Lehlbach	Rodenberg
Bell	Gallivan	Lesher	Rogers
Boies	Gandy	Little	Rouse
Booher	Ganly	Longworth	Rowan
Bowers	Gard	Luce	Rowe
Britten	Garland	Lufkin	Sabath
Brooks, Pa.	Garner	McClintic	Sanders, N. Y.
Browning	Godwin, N. C.	McCulloch	Saunders, Va.
Brumbaugh	Goldfogle	McGlennon	Schall
Butler	Good	McKenzie	Scully
Caldwell	Goodall	McKeown	Sherwood
Campbell, Kans.	Goodwin, Ark.	McKinley	Shreve
Cantrill	Goodykoontz	McLane	Siegel
Carew	Gould	McLaughlin, Nebr.	Sims
Carter	Graham, Pa.	MacCrate	Sinclair
Casey	Graham, Ill.	Magee	Sisson
Clark, Fla.	Greene, Mass.	Maher	Slemp
Clark, Mo.	Griest	Mann, Ill.	Smith, N. Y.
Cleary	Griffin	Martin	Snell
Cole	Hamill	Mason	Snyder
Cooper	Hardy, Tex.	Mays	Steele
Costello	Harrison	Mead	Stephens, Miss.
Crago	Haskell	Minahan, N. J.	Strong, Pa.
Crowther	Hawley	Montague	Sullivan
Cullen	Hayden	Mooney	Swope
Curry, Calif.	Heflin	Moore, Ohio	Tague
Dallinger	Hersman	Moore, Pa.	Taylor, Ark.
Darrow	Hicks	Moore, Va.	Taylor, Colo.
Davey	Hill	Moores, Ind.	Taylor, Tenn.
Davis, Minn.	Holland	Morin	Temple
Dempsey	Houghton	Mott	Thomas
Dent	Hulings	Mudd	Tincher
Dewalt	Husted	Murphy	Tinkham
Dickinson, Iowa	Hutchinson	Neely	Treadway
Donovan	Ireland	Nicholls, S. C.	Vare
Dooling	Jefferis	Nolan	Voigt
Doremus	Johnson, Ky.	O'Connell	Walsh
Doughton	Johnson, S. Dak.	Ogden	Walters
Drane	Johnson, Wash.	Park	Ward
Dunn	Johnston, N. Y.	Parker	Watson, Pa.
Eagan	Jones, Pa.	Pell	Welling
Eagle	Juul	Peters	Welty
Edmonds	Kahn	Porter	Wilson, Pa.
Emerson	Kelley, Mich.	Pou	Winslow
Evans, Nebr.	Kendall	Radcliffe	Wise
Ferris	Kennedy, Iowa	Rainey, H. T.	Woodyard
Fess	Kennedy, R. I.	Rainey, J. W.	Zihlman

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. VOIGT with Mr. HARDY of Texas.

Mr. WATSON of Pennsylvania with Mr. GANDY.

Mr. BUTLER with Mr. STEELE.

Mr. LONGWORTH with Mr. GARNER.

Mr. STRONG of Pennsylvania with Mr. SABATH.

Mr. LANGLEY with Mr. FIELDS.

Mr. TINCHER with Mr. JOHNSON of Kentucky.

Mr. LUCE with Mr. THOMAS.

Mr. BROOKS of Pennsylvania with Mr. GALLIVAN.

Mr. BOIES with Mr. SEARS.

Mr. MCLAUGHLIN of Nebraska with Mr. DAVEY.

Mr. KAHN with Mr. DENT.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. SINCLAIR with Mr. DOUGHTON.

Mr. KENDALL with Mr. MCCLINTIC.

Mr. KENNEDY of Rhode Island with Mr. LESHER.

Mr KIESS with Mr. LARSEN.

Mr. LAGUARDIA with Mr. KETTNER.

Mr. LEHLBACH with Mr. JOHNSTON of New York.

Mr. LITTLE with Mr. HOLLAND.

Mr. EMERSON with Mr. ROWAN.

Mr. FESS with Mr. ROUSE.

Mr. MCCULLOCH with Mr. HERSMAN.

Mr. MCKENZIE with Mr. HEFLIN.

Mr. MACCRATE with Mr. HAYDEN.

Mr. MANN of Illinois with Mr CLARK of Missouri.

Mr. MOORE of Ohio with Mr. HARRISON.

Mr. MOORE of Pennsylvania with Mr. HAMILL.

Mr. MOORES of Indiana with Mr. GRIFFIN.

Mr. MOTT with Mr. GOODWIN of Arkansas.

Mr. FOCHT with Mr. RIORDAN.

Mr. FORDNEY with Mr. JOHN W. RAINEY.

Mr. ACKERMAN with Mr. WISE.

Mr. ANTHONY with Mr. WILSON of Pennsylvania.

Mr. BACHARACH with Mr. WELTY.

Mr. BOWERS with Mr. WELLING.

Mr. BROWNING with Mr. TAYLOR of Colorado.

Mr. CAMPBELL of Kansas with Mr. TAYLOR of Arkansas.

Mr. COLE with Mr. TAGUE.

Mr. COOPER with Mr. SULLIVAN.

Mr. COSTELLO with Mr. STEPHENS of Mississippi.

Mr. FREAR with Mr. HENRY T. RAINEY.

Mr. FULLER of Massachusetts with Mr. POU.

Mr. GARLAND with Mr. PELL.

Mr. GOOD with Mr. PARK.

Mr. CRAGO with Mr. SMITH of New York.

Mr. CROWTHER with Mr. SISSON.

Mr. CURRY of California with Mr. SIMS.

Mr. RAMSEY with Mr. FERRIS.

Mr. REED of New York with Mr. EAGLE.

Mr. GOULD with Mr. O'CONNELL.

Mr. GRAHAM of Pennsylvania with Mr. NICHOLLS of South Carolina.

Mr. GRAHAM of Illinois with Mr. NEELY.

Mr. GREENE of Massachusetts with Mr. MOORE of Virginia.

Mr. HASKELL with Mr. MOONEY.

Mr. HAWLEY with Mr. MONTAGUE.

Mr. RODENBERG with Mr. EAGAN.

Mr. ROGERS with Mr. DRANE.

Mr. ROWE with Mr. DOREMUS.

Mr. HICKS with Mr. MINAHAN of New Jersey.

Mr. HILL with Mr. MEAD.

Mr. HULINGS with Mr. MAYS.

Mr. HUSTED with Mr. MORIN.

Mr. HUTCHINSON with Mr. MAHER.

Mr. IRELAND with Mr. MCLANE.

Mr. JOHNSON of Washington with Mr. MCKINLEY.

Mr. SANDERS of New York with Mr. DOOLING.

Mr. SHREVE with Mr. DONOVAN.

Mr. MUDD with Mr. GOLDFOGLE.

Mr. MURPHY with Mr. GODWIN of North Carolina.

Mr. SIEGEL with Mr. DEWALT.

Mr. SNELL with Mr. CULLEN.

Mr. OGDEN with Mr. GARNER.

Mr. JONES of Pennsylvania with Mr. MCKEOWN.

Mr. PETERS with Mr. GARD.

Mr. KELLEY of Michigan with Mr. MCGLENNON.

Mr. SNYDER with Mr. CLEARY.

Mr. TAYLOR of Tennessee with Mr. CLARK of Florida.

Mr. TEMPLE with Mr. CASEY.

Mr. TINKHAM with Mr. CARTER.

Mr. TREADWAY with Mr. CAREW.

Mr. VARE with Mr. CANTRILL.

Mr. WALSH with Mr. CALDWELL.

Mr. WALTERS with Mr. BRUMBAUGH.

Mr. RADCLIFFE with Mr. GANLY.

Mr. DAVIS of Minnesota with Mr. SHERWOOD.

Mr. DEMPSEY with Mr. SCULLY.

Mr. DICKINSON of Iowa with Mr. SAUNDERS of Virginia.

Mr. WARD with Mr. BOOHER.

Mr. WOODYARD with Mr. BARKLEY.

Mr. WINSLOW with Mr. BELL.

Mr. ZIHLMAN with Mr. BABKA.

Mr. SLEMP with Mr. ASHBROOK.

Mr. COPLEY. Mr. Speaker, I ask to be recorded.

The SPEAKER pro tempore. Was the gentleman present?

Mr. COPLEY. I do not know whether I was. The gongs had not rung over in the House Office Building, and I was told that a vote was being taken while on the way over here.

The SPEAKER pro tempore. The Clerk will record the gentleman as present.

Mr. BRIGGS. Mr. Speaker——

The SPEAKER pro tempore. On this vote the yeas are 98, the nays are 115, answered "present" 7. A quorum is present. The Doorkeeper will open the doors.

Mr. KITCHIN. How many are present, Mr. Speaker?

The SPEAKER pro tempore. Seven answered "present." The nays have it, and the motion to adjourn is not agreed to.

Mr. MONDELL rose.

The SPEAKER pro tempore. The gentleman will suspend a moment. The Chair is informed by the clerks that in their haste in making the computations there may have been some error. The Chair will recall the announcement just made and give the clerks time to cast up.

Mr. BRIGGS. Mr. Speaker, can I change my vote at this time?

The SPEAKER pro tempore. The roll call is not yet completed. Yes.

Mr. BRIGGS. I wish to change from "no" to "aye."

Mr. SANDERS of Indiana. Mr. Speaker, I wish to vote "present."

The SPEAKER pro tempore. The gentleman from Indiana will be recorded as "present." On this vote the yeas are 99, the nays are 114, answered "present" 8. A quorum is present. The Doorkeeper will open the doors. The nays have it, and the motion to adjourn is not agreed to. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Speaker, a few moments ago, in my temporary absence from the Chamber, the gentleman from Louisiana [Mr. ASWELL] took the floor. On my return to the Chamber he was still talking. I asked that his words be taken down. The words that I asked to be taken down were as follows:

A week ago I went to the gentleman from Wyoming [Mr. MONDELL] and asked his permission, bowing as I did to the autocratic rule established by him, that each ordinary Member must go and get on his knees and beg his permission—I went and asked him to speak for 35 minutes. He knew I wanted to reveal the rotten leadership of the Republican Party in this House, and he notified me personally that I could not speak on that subject. He knew also that the election occurs in Massachusetts to-morrow, and I was to expose the partisanship manifested by that examining committee against the Democratic candidate in Massachusetts. He refused to let me speak, and I notified him then and there that he would gain time by permitting me to speak even for only 35 minutes.

Mr. Speaker, I move to strike those words from the RECORD, and for the following reasons: The facts are these: A week ago to-day——

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman has no right to state facts connected with his motion.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Wyoming.

Mr. MONDELL. I move to strike out the words that I just read.

The SPEAKER pro tempore. In the regular course the Clerk will report the motion of the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL moves to strike from the RECORD the following language:

"A week ago I went to the gentleman from Wyoming [Mr. MONDELL] and asked his permission, bowing as I did to the autocratic rule, established by him, that each ordinary Member must go and get on his knees and beg his permission—I went and asked him to speak for 35 minutes. He knew I wanted to reveal the rotten leadership of the Republican Party in this House, and he notified me personally that I could not speak on that subject. He knew also that the election occurs in Masachusetts to-morrow, and I was to expose the partisanship manifested by that examining committee against the Democratic candidate in Massachusetts. He refused to let me speak, and I notified him then and there that he would gain time by permitting me to speak even for only 35 minutes."

The SPEAKER pro tempore. The gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, the facts in regard to this matter are as follows——

Mr. KITCHIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Wyoming yield to the gentleman from North Carolina?

Mr. MONDELL. Yes.

Mr. KITCHIN. Mr. Speaker, is a motion to strike out debatable?

The SPEAKER pro tempore. The Chair so understands. Has the gentleman any authority to the contrary?

Mr. KITCHIN. My understanding is that it is not debatable.

Mr. MADDEN. Mr. Speaker, I understand that there is no such motion pending.

Mr. KITCHIN. To strike words from the RECORD; that is the motion there. He moves to strike those words from the RECORD. That is the very motion.

Mr. CRISP. If the Speaker will permit, I will read section 4 of Rule XIV.

The SPEAKER pro tempore. Does the gentleman from Wyoming yield or does the gentleman from Georgia make the point of order?

Mr. CRISP. I make the point of order, then, that it is not debatable, and in support of that I read section 4 of Rule XIV.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. CRISP. This is section 4 of Rule XIV:

If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order, in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain; and the House shall, if appealed to, decide on the case without debate. If the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise.

Now, Mr. Speaker——

Mr. MONDELL. The gentleman is not reading the rule in regard to striking out at all. He is reading another rule.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Georgia that he read section 5, the section immediately following.

Mr. CRISP. I will be delighted to do so, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I make the point of order——

SEVERAL MEMBERS. Sit down!

The SPEAKER pro tempore. The gentleman from Georgia will proceed.

Mr. BLANTON. Who was telling me to sit down? Nobody but the Chair will tell me to sit down.

The SPEAKER pro tempore. The House will be in order.

Mr. CRISP. Section 5 of Rule XIV reads as follows:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Now, Mr. Speaker, I do not think that gives him the right to debate, but on this proposition I submit that even if it is debatable the Chair must first decide whether the words constitute a breach of the rules of debate. Now, if the Chair decides that the words excepted to and taken down constitute a breach of the etiquette of the House and are unparliamentary, then the question is before the House as to what disposition the House will make of them. It seems to me under the rule read the motion is not debatable, but certainly it is not debatable by the gentleman from Wyoming or myself or anyone else until the Chair has first decided whether those words constitute a breach of the privileges of the House and are unparliamentary.

Mr. KITCHIN. Mr. Speaker——

Mr. MONDELL. Mr. Speaker, a motion to strike out has been debated in the House within a week.

The SPEAKER pro tempore. The Chair was going to call the attention of the House to that precedent. The Chair will hear the gentleman from North Carolina.

Mr. KITCHIN. The word "debate" in section 5 of Rule XIV has no reference at all to this question; that is, whether the motion may be debated or not. That rule simply means that after a gentleman utters the offensive words, if a demand is not then made that the words be taken down, and if there is other debate or other business transacted, then you can not take down the words or censure the Member. That is what is meant by the words—

if further debate or other business has intervened—

and not what the Chair considers the words to mean.

Mr. MONDELL. Mr. Speaker, a motion to strike out has been debated within a week.

The SPEAKER pro tempore. The Chair has that very precedent in mind, that within a week a motion of exactly the same kind has been made and debated in the House.

Mr. WINGO. Will the Chair permit this——

The SPEAKER pro tempore. The Chair will hear the gentleman from Arkansas.

Mr. WINGO. I think this question arose once when Speaker CLARK was Speaker, and, as I recall, he ruled that you had to vote upon the motion at once. I make this suggestion to the Speaker, that if you hold that a motion to strike out words taken down in debate is debatable, then you open the floodgate for filibustering. Then if anything in the nature of partisan criticism is uttered in debate, a gentleman desiring to filibuster can demand in committee that the words be taken down. He can force the committee to rise, and then if, under the rules of the House, a motion to strike out the words is debatable, he can speak for one hour, and by repeated demands support at length a filibuster. It is true in some instances that the House has permitted debate without the point being made. It did it the other day, although I expected, as other gentlemen did, that the point of order would be made and debate shut off. I suggest to the Chair, as well as to the majority leader, that he is opening the door to possible trouble in the future.

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore. The Chair will hear the gentleman from Wyoming on the point of order.

Mr. MONDELL. Mr. Speaker, I have not recently looked up the precedents, but I do know, as the gentleman from Arkansas admits, that it has been the practice of the House to debate a motion to strike out words uttered in debate. The only argument made by the gentleman from Arkansas is that it is a questionable practice. That may be. I grant you that if we spend a large part of our time on debate of that sort it would interfere with business. But I assume that gentlemen do not lightly demand that words spoken in debate shall be taken down, and the cases where that is done are very infrequent,

and where demand was made, as far as I can recall, debate has been had.

Mr. Speaker, there is no way under heaven whereby the House can intelligently pass upon a case of this sort unless there is some opportunity for debate.

Mr. CRISP. Will the gentleman yield to me?

Mr. MONDELL. Yes.

Mr. CRISP. With the courtesy of the gentleman from Wyoming yielding, I would like to present this thought to the Chair.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. CRISP. What brings this matter before the Chair? Under what basis is the motion made to strike out? On the ground that it is unparliamentary. That is the only way the conduct of the gentleman from Louisiana is called in question at the bar of the House, because the mover of the motion to strike out says that he uttered words that were unparliamentary. It is not just or fair to the gentleman from Louisiana to have him up here with a motion to strike out his words unless he has violated some of the rules of the House. Therefore it seems to me that before the matter can be open for discussion, even if it is debatable, the Chair must decide whether the language is unparliamentary.

I grant you, Mr. Speaker, that there might be some debate on the question as to whether or not the words excepted to constitute a breach; but certainly, Mr. Speaker, there can not be any debate as to whether you will strike them out or any reason that led up to this controversy or any other question, save that one proposition, whether the words used in the Committee of the Whole by the gentleman from Louisiana are unparliamentary, and that is the motion pending before the Speaker. It seems to me that undoubtedly the Chair must decide that before you can proceed further with the motion to strike out the words.

Mr. MONDELL. Mr. Speaker, if the Chair desires to be fortified in the matter, I am perfectly willing to say that the language used is, in my opinion, unparliamentary, if my opinion in the matter has any effect on the situation. I was about to explain why it was unparliamentary when I was interrupted by gentlemen on the other side, but evidently they do not want the truth.

Mr. CRISP. Mr. Speaker, I ask that the words of the gentleman from Wyoming be taken down.

Mr. BLANTON. I demand that the words of the gentleman from Wyoming be taken down.

The SPEAKER pro tempore. Did the gentleman from Georgia make a request?

Mr. BLANTON. Mr. Speaker, I demand that the words of the gentleman be taken down.

Mr. CRISP. I beg the Chair's pardon—did the Chair ask me a question?

The SPEAKER pro tempore. Did the gentleman from Georgia make a request?

Mr. CRISP. I moved to take down the words of the gentleman from Wyoming [Mr. MONDELL] to this effect, that gentlemen "on the other side" did not want the truth to appear.

Mr. MONDELL. Oh, Mr. Speaker, the gentleman ought at least to quote me correctly.

Mr. HUMPHREYS. Mr. Speaker, under the rules, debate must cease, and the gentleman from Wyoming must take his seat.

The SPEAKER pro tempore. The gentleman from Wyoming will suspend. The gentleman from Georgia has asked that the words of the gentleman from Wyoming be taken down. The Clerk will report the words.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

Mr. MONDELL. Mr. Speaker, the gentleman——

Mr. HUMPHREYS. Mr. Speaker, the gentleman from Wyoming, under the circumstances, must, under the rules of the House, take his seat.

The SPEAKER pro tempore. The gentleman from Wyoming will suspend. For what purpose does the gentleman from Alabama rise?

Mr. BANKHEAD. To submit a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. BANKHEAD. There being two motions pending to take down words, which takes priority of consideration under the rules?

Mr. CRISP. Mr. Speaker, I intend to withdraw my request to take down the words, and I do so. I simply made the request to show the gentleman from Wyoming how absurd and ridiculous his motion is to strike out the words of the gentleman from Louisiana, which are in effect the same as his words.

Mr. BLANTON. Mr. Speaker, I renew my request, that the words of the gentleman be taken down.

The SPEAKER pro tempore. The Chair can not at this time have the words taken down as the request has been withdrawn by another gentleman.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Immediately upon the use of the words by the gentleman from Wyoming I rose and asked that they be taken down, and I renew that request.

The SPEAKER pro tempore. The gentleman from Georgia had meanwhile made a request and had debated it, so that the gentleman from Texas is too late.

Mr. BLANTON. Does the Chair rule that only the gentleman from Georgia has the right to make such a request?

The SPEAKER pro tempore. The gentleman from Georgia did make the request, and he made it ahead of the gentleman from Texas and was recognized. The matter was considered and withdrawn by him. In the opinion of the Chair, it now comes too late for the gentleman from Texas to make his demand.

Mr. BLANTON. Then the Chair holds that nobody else can make that demand?

Mr. GARRETT. Oh, Mr. Speaker, I hope that the gentleman from Texas will not insist upon having the words taken down——

Mr. BLANTON. I would like to have the Chair rule correctly.

Mr. GARRETT. But I respectfully dissent from the ruling of the Chair, because if some gentleman makes the point and then withdraws it, certainly the Chair would not hold that another Member could not renew the point.

The SPEAKER pro tempore. The gentleman's contention would be correct in the case of a point of order, that any Member could make the point of order, but it seems to the Chair that if he permitted one Member after another to make such a demand it could go on indefinitely. It is a matter for the House.

Mr. BLANTON. Mr. Speaker, I ask that the gentleman's words be taken down, and I ask the Chair to rule whether or not I am in order.

The SPEAKER pro tempore. The Chair rules that the gentleman is not in order at this time.

Mr. BLANTON. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER pro tempore. The gentleman from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. MONDELL. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER pro tempore. The gentleman from Wyoming moves that the gentleman's appeal do lie on the table. The question is on the motion of the gentleman from Wyoming.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The gentleman from Texas demands a division.

The House divided, and the Chair counted 112 Members in the affirmative.

Mr. KITCHIN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wyoming that the appeal of the gentleman from Texas from the decision of the Chair do lie on the table. The Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 96, answered "present" 7, not voting 211, as follows:

YEAS—118.

Anderson	Dyer	Hoch	Merritt
Andrews, Nebr.	Echols	Hull, Iowa	Michener
Baer	Elliott	James	Miller
Barbour	Ellsworth	Juul	Monahan, Wis.
Begg	Elston	Kahn	Mondell
Benham	Esch	Kearns	Morgan
Brooks, Ill.	Evans, Nebr.	Keller	Nelson, Wis.
Burdick	Fairfield	Kelly, Pa.	Newton, Minn.
Burke	Foster	King	Newton, Mo.
Burroughs	Freeman	Kinkaid	Nichols, Mich.
Cannon	French	Kleczka	Nolan
Chindblom	Glynn	Knutson	Osborne
Christopherson	Goodykoontz	Kraus	Platt
Classon	Green, Iowa	Lampert	Purnell
Copley	Greene, Vt.	Layton	Ramseyer
Cramton	Hadley	Lubring	Randall, Wis.
Currie, Mich.	Hamilton	McFadden	Reavis
Dale	Hardy, Colo.	McKinley	Reed, W. Va.
Denison	Hays	McLaughlin, Mich	Rhodes
Dickinson, Iowa	Hernandez	McPherson	Ricketts
Dowell	Hersey	Madden	Rose
Dunbar	Hickey	Mapes	Sanders, Ind.

Scott	Stiness	Towner	White, Me.
Sells	Strong, Kans.	Vaile	Williams
Sinnott	Summers, Wash.	Vestal	Wilson, Ill.
Smith, Idaho	Sweet	Volstead	Wood, Ind.
Smith, Ill.	Taylor, Tenn.	Wason	Yates
Smith, Mich.	Thompson	Webster	Young, N. Dak.
Steenerson	Tilson	Wheeler	
Stephens, Ohio	Timberlake	White, Kans.	

NAYS—96.

Alexander	Davis, Tenn.	Lazaro	Robinson, N. C.
Almon	Dent	Lee, Ga.	Romjue
Aswell	Dickinson, Mo.	Linthicum	Rubey
Bankhead	Dominick	McAndrews	Rucker
Bee	Dupré	McDuffie	Sanders, La.
Black	Evans, Mont.	Major	Sanford
Blackmon	Fisher	Mann, S. C.	Small
Bland, Va.	Gallagher	Mansfield	Smithwick
Blanton	Garrett	Martin	Stoll
Box	Hastings	Mays	Steagall
Brand	Hayden	Moon	Stedman
Briggs	Hersman	Nelson, Mo.	Stevenson
Brinson	Howard	O'Connor	Summers, Tex.
Buchanan	Hudspeth	Oldfield	Tillman
Byrnes, S. C.	Hull, Tenn.	Oliver	Upshaw
Byrns, Tenn.	Humphreys	Overstreet	Venable
Campbell, Pa.	Igoe	Padgett	Watkins
Candler	Jacoway	Park	Watson, Va.
Caraway	Johnson, Miss.	Parrish	Weaver
Carss	Jones, Tex.	Phelan	Wilson, La.
Condy	Kitchin	Quin	Wingo
Collier	Lanham	Rainey, Ala.	Woods, Va.
Connally	Lankford	Raker	Wright
Crisp	Larsen	Rayburn	Young, Tex.

ANSWERED "PRESENT"—7.

Bland, Ind.	Huddleston	Lonergan	Whaley
Haugen	Lea, Calif.	Sears	

NOT VOTING—211.

Ackerman	Ferris	Kreider	Reed, N. Y.
Andrews, Md	Fess	LaGuardia	Riddick
Anthony	Fields	Langley	Riordan
Ashbrook	Flood	Lehlbach	Robsion, Ky.
Ayres	Focht	Lesher	Rodenberg
Babka	Fordney	Little	Rogers
Bacharach	Frear	Longworth	Rouse
Barkley	Fuller, Ill.	Luce	Rowan
Bell	Fuller, Mass.	Lufkin	Rowe
Benson	Gallivan	McArthur	Sabath
Bland, Mo.	Gandy	McClintic	Sanders, N. Y.
Boies	Ganly	McCulloch	Saunders, Va.
Booher	Gard	McGlennon	Schall
Bowers	Garland	McKenzie	Scully
Britten	Garner	McKeown	Sherwood
Brooks, Pa.	Godwin, N. C.	McKinley	Shreve
Browne	Goldfogle	McLane	Siegel
Browning	Good	McLaughlin, Nebr.	Sims
Brumbaugh	Goodall	MacCrate	Sinclair
Butler	Goodwin, Ark	MacGregor	Sisson
Caldwell	Gould	Magee	Slemp
Campbell, Kans.	Graham, Pa.	Maher	Smith, N. Y.
Cantrill	Graham, Ill.	Mann, Ill.	Snell
Carew	Greene, Mass.	Mason	Snyder
Carter	Griest	Mead	Steele
Casey	Griffin	Minahan, N. J.	Stephens, Miss.
Clark, Fla.	Hamill	Montague	Strong, Pa.
Clark, Mo.	Hardy, Tex.	Mooney	Sullivan
Cleary	Harrison	Moore, Ohio	Swope
Cole	Haskell	Moore, Pa.	Tague
Cooper	Hawley	Moore, Va.	Taylor, Ark.
Costello	Heflin	Moores, Ind.	Taylor, Colo.
Crago	Hicks	Morin	Temple
Crowther	Hill	Mott	Thomas
Cullen	Holland	Mudd	Tincher
Curry, Calif.	Houghton	Murphy	Tinkham
Dallinger	Hulings	Neely	Treadway
Darrow	Husted	Nicholls, S. C.	Vare
Davey	Hutchinson	O'Connell	Vinson
Davis, Minn.	Ireland	Ogden	Voigt
Dempsey	Jefferis	Olney	Walsh
Dewalt	Johnson, Ky.	Paige	Walters
Donovan	Johnson, S. Dak.	Parker	Ward
Dooling	Johnson, Wash.	Pell	Watson, Pa.
Doremus	Johnston, N. Y.	Peters	Webb
Doughton	Jones, Pa.	Porter	Welling
Drane	Kelley, Mich.	Pou	Welty
Dunn	Kendall	Radcliffe	Wilson, Pa.
Eagan	Kennedy, Iowa	Rainey, H. T.	Winslow
Eagle	Kennedy, R. I.	Rainey, J. W.	Wise
Edmonds	Kettner	Ramsey	Woodyard
Emerson	Kiess	Randall, Calif.	Zihlman
Evans, Nev.	Kincheloe	Reber	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Mr. KIESS with Mr. WEBB.

Mr. JEFFERIS with Mr. VINSON.

Mr. HUSTED with Mr. EVANS of Nevada.

Mr. HUTCHINSON with Mr. OLNEY.

Mr. HOUGHTON with Mr. BENSON.

Mr. GRIEST with Mr. AYRES.

Mr. GOODALL with Mr. CLARK of Florida.

Mr. GOOD with Mr. DOOLING.

Mr. FULLER of Illinois with Mr. ROUSE.

Mr. EDMONDS with Mr. SAUNDERS of Virginia.

The result of the vote was announced as above recorded.

Mr. KITCHIN. Mr. Speaker, is a quorum present?

The SPEAKER pro tempore. A quorum is present.

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. To submit a request. In order to save the House a further discussion of the point of order, I ask unanimous consent that I may discuss the matter under consideration for five minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to be permitted to discuss the matter for five minutes. Is there objection?

Mr. ASWELL. Mr. Speaker, reserving the right to object, I would like to have five minutes following.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. ASWELL] have five minutes after the gentleman from Wyoming.

Mr. CANNON. And that both of them speak to the matter before the House.

Mr. KITCHIN. Yes. And remain in order while they are speaking. [Laughter.]

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent that he may be permitted to proceed for five minutes.

Mr. MONDELL. Well, Mr. Speaker, in that case I ask that I may have a minute of my five minutes after the gentleman from Louisiana has spoken.

The SPEAKER pro tempore. Is there objection to the modification to that extent? [After a pause.] The Chair hears none. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Speaker, the words that I moved to have stricken out have been read to the House, and by this time are familiar to all of the gentlemen. In his statement the gentleman from Louisiana [Mr. ASWELL] said:

He—

Speaking of me—

knew I wanted to reveal the rotten leadership of the Republican Party in the House, and he notified me personally that I could not speak on that subject.

The facts are that on Monday, a week ago to-day, the gentleman from Louisiana, without any previous statement to me whatever, and on being recognized, asked unanimous consent to address the House for 35 minutes on the following Saturday. He was informed that he was not recognized for that purpose. Whereupon, a little later, the gentleman from Louisiana [Mr. ASWELL] came to my seat and further expressed a desire to speak. He gave no intimation or suggestion of the subject of his address. I told him that I could not at this time of the session agree to a special order for speeches at a specified time, owing to the desire of the House to dispatch the public business before it; but that no doubt abundant opportunity would be given him in the course of debate. There has been debate to-day, controlled on his side, which could have been yielded to him, and in which time he could have discussed the matter that he desires to discuss. In fact the statement he made to which I object was made in time so yielded him. That is the only conversation I have ever had with the gentleman from Louisiana on the subject of his speech. I had not the slightest idea of the subject of his speech. I knew nothing about it; had no intimation of its character, when I objected this morning, because there was a matter of great importance before the House. And the gentleman was not justified in impugning my motives as he did.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. ASWELL] is recognized for five minutes.

Mr. ASWELL. Mr. Speaker and gentlemen of the House, on the 20th of October I introduced a series of resolutions in this House calling upon the various investigating committees to report money and time expended to date. At that time I gave out an interview, which was carried in practically every newspaper of the country, criticizing the Republican leaders of this House, and particularly with regard to failing to do anything for the soldiers, and containing a reference to these investigations. That was carried everywhere. On last Monday I addressed the Speaker. He recognized me. I asked unanimous consent to speak Saturday. The Speaker said that he did not recognize me for that purpose. I immediately went to the Speaker's desk personally and asked what the trouble was, and he said that I had not spoken to him in advance, and then he asked me on what subject. I told him frankly that I proposed to speak on war expenditures and this Congress. He smiled pleasantly and said, "You best see MONDELL." Later on I went to Mr. MONDELL and, I repeat, very humbly, as Members have to do, I asked him if I might not speak. He said, "No." Now, the facts had been carried through the press; they had been told about the House; my purpose had been heralded throughout the country, and I assumed that the majority leader, the gentleman from Wyoming [Mr. MONDELL], knew. I did not

have the slightest doubt from his manner. He should have known and I assumed that he knew.

And now, Mr. Speaker and gentlemen of this House, the criticisms I have made to-night have been so clearly demonstrated in the last two hours by ocular demonstration to everybody in the House and in the galleries that I have nothing more to say. It is proven by the conduct here of Republican leaders.

The SPEAKER pro tempore. The gentleman from Wyoming has two minutes remaining.

Mr. MONDELL. Mr. Speaker, no Member of this House has the right to impugn the motives of another Member. I say again that I had no intimation, I had no thought, of the subject of the gentleman's discussion. I said to him, as I have said to all others, that, in my opinion, it was not wise at this time to fix a time at a future date when a gentleman would be entitled to take up time that might be needed for the transaction of the public business. The gentleman from Louisiana might have received time to-day from the other side—time that was available.

Mr. ASWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. ASWELL. Does not the gentleman recall that the time on both sides of the discussion for these two days has been controlled by two gentlemen on his side of the House, Mr. PLATT and Mr. KING?

Mr. MONDELL. No.

Mr. ASWELL. That is true.

Mr. MONDELL. By the arrangement that was finally made one-third of the time was given to that side. The gentleman did get five minutes of that time.

Mr. ASWELL. The debate on the bill——

Mr. MONDELL. The gentlemen in charge of the time may have had their time already apportioned and may have made promises. I do not want to be unfair to them. But, Mr. Speaker, the gentleman must not say that gentlemen are denied the opportunity to speak because of any objection I have to the subject matter of their speeches. I certainly shall never object to any proper parliamentary address on this floor because I do not approve of the subject matter of a speech. I had no intimation as to the subject the gentleman proposed to discuss. I followed the rule that I have followed heretofore, to which no exception has been made, except in the case of the gentleman from Ohio [Mr. SHERWOOD], who, by reason of his age and his long and honorable Army service and his long, distinguished service in this House, I believed was entitled to that consideration. I treated the gentleman from Louisiana just as I have other gentlemen on both sides. I knew nothing of the character of his proposed speech or what he intended to talk about. With this explanation, I have no objection to the words he uttered remaining in the RECORD. [Applause.]

The SPEAKER pro tempore. Does the gentleman withdraw his motion?

Mr. MONDELL. I withdraw my motion.

The SPEAKER pro tempore. The gentleman withdraws his motion.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned, pursuant to the order previously made, until Wednesday, November 5, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the United States Civil Service Commission, transmitting certain schedules of useless papers in the files of the commission and requesting that appropriate action be taken to grant permission to destroy same (H. Doc. No. 285); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting a supplemental estimate of appropriation required by the Department of Commerce for field expenses of the Coast and Geodetic Survey, fiscal year 1920 (H. Doc. No. 286); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting a tentative draft of a bill to amend section 4881 of the Revised Statutes, relating to national cemeteries (H. Doc. No. 287); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on survey and flood control of the Atchafalaya River, La., and related basins (H. Doc. No. 288); to the Committee on Flood Control and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10208) to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala., reported the same with amendments, accompanied by a report (No. 440), which said bill and report were referred to the House Calendar.

Mr. GRAHAM of Illinois, from the Committee on Expenditures in the War Department, to which was referred the resolution (H. Res. 362) providing for the distribution and sale of surplus Army motor vehicles, reported the same without amendment, accompanied by a report (No. 441), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 8290) to provide for awarding decorations, devices, or insignia to the next of kin of deceased persons who would have been entitled to receive the same, and making it unlawful for anyone other than the person authorized to do so to wear such decoration, device, or insignia, reported the same with amendments, accompanied by a report (No. 442), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RHODES: A bill (H. R. 10346) to provide for the erection of a public building in the city of Farmington, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. HICKS: A bill (H. R. 10347) authorizing the Secretary of War to donate to the village of Baldwin, in the State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 10348) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: A bill (H. R. 10349) authorizing the acquirement of a site and the construction of a building for a post office at Greybull, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. NICHOLS of Michigan: Concurrent resolution (H. Con. Res. 36) for the appointment of a committee from the Members of the House and Senate to meet the ship bearing the first bodies of American soldiers from the field of the World War; to the Committee on Rules.

By Mr. CRISP: Memorial from the Legislature of the State of Georgia for creation of a national park in Georgia; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 10350) granting an increase of pension to George W. Potter; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 10351) granting an increase of pension to Emily E. McKee; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 10352) granting an increase of pension to Jean R. Anderson; to the Committee on Invalid Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 10353) granting a pension to Ezra P. Pratt; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 10354) for the relief of Marion H. Henderson; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10355) to authorize the President, when Maj. Gen. Leonard D. Wood retires, to place him on the retired list of the Army as a lieutenant general; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10356) granting a pension to Joseph P. Flanders; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 10357) granting an increase of pension to James A. Benjamin; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 10358) for the relief of John R. Monteith; to the Committee on Claims.

By Mr. LEE of Georgia: A bill (H. R. 10359) for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman; to the Committee on Claims.

By Mr. REED of West Virginia: A bill (H. R. 10360) granting an increase of pension to Isaac F. Lanham; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 10361) granting a pension to John Bechane; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 10362) granting an increase of pension to David F. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10363) for the reinstatement of Woodbury F. Pride in the United States Army; to the Committee on Military Affairs.

By Mr. WINSLOW: A bill (H. R. 10364) granting a pension to Annie G. Hall; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Freight Handlers of Arkansas, opposing laws discriminating against the colored race; to the Committee on the Judiciary.

Also (by request), petition of Akron Jewish organizations, urging United States to use its power to protect the people of Ukraine; to the Committee on Foreign Affairs.

By Mr. DARROW: Petition of Philadelphia Board of Trade in opposition to Senate bill 1469, for the creation of a Federal home loan board; to the Committee on Banking and Currency.

By Mr. ESCH: Petition of Western Wisconsin Teachers' Association, supporting the league of nations and peace treaty; to the Committee on Foreign Affairs.

Also, petition of Ninetieth Division Association for reasonable universal military training; to the Committee on Military Affairs.

By Mr. HILL: Petition of Bainbridge Branch, Dairymen's League, at Bainbridge, N. J., favoring the passage of the so-called "Capper-Hersman bill" to legalize collective bargaining by farmers' organizations; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Friends of Irish Freedom of Hartford, Conn., for self-determination for Ireland; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of California State Federation of Labor, protesting against Cummins bill and urging its defeat; to the Committee on Interstate and Foreign Commerce.

Also, petition of California State Federation of Labor, urging that independence be given to the Philippines as soon as they are able to govern themselves; to the Committee on Foreign Affairs.

Also, petition of California State Federation of Labor, urging adequate compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of California State Federation of Labor, indorsing the Sterling-Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of California State Federation of Labor, protesting against the award of large contracts by the Navy Department to the Columbia Steel Co. and urging that they be given to the Mare Island Navy Yard; to the Committee on Naval Affairs.

Also, petition of California State Federation of Labor, protesting against aggression by this country against Mexico; to the Committee on Foreign Affairs.

Also, petition of Gantner & Mattern Co., Marvin-Williams Co., Keyston Bros., and Eloesser-Heynemann Co., all of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of California State Federation of Labor, favoring increased pay for enlisted men of the Navy; to the Committee on Naval Affairs.

Also, petition of National Initiative and Referendum League of New York City, supporting Senate joint resolution 22 and House joint resolution 60 and forwarding article from New York Post entitled "Justice for Coxey"; to the Committee on the Judiciary.

Also, petition of California Civic League, favoring granting military rank to Army Nurse Corps; to the Committee on Military Affairs.

Also, petition of Law and Order Union of New York, protesting against unlimited income tax; to the Committee on Ways and Means.

Also, petition of general organization committee of railroad employees, supporting Plumb plan of railroad control and opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pneumatic Scale Corporation (Ltd.), of Norfolk Downs, Mass., urging consideration of their metal container; to the Committee on Patents.

Also, petition of Ninetieth Division Association, favoring universal military training; to the Committee on Military Affairs.

Also, petition of California State Federation of Labor, opposing Senate bill 2788 and the Gulick plan of immigration; to the Committee on Immigration and Naturalization.

Also, petition of California State Federation of Labor; California Parlor, No. 161, Native Daughters of the Golden West, of Amador City; Naomi Parlor, No. 36, Native Daughters of the Golden West, of Downieville; Columbia Parlor, No. 256, Native Sons of the Golden West, of Columbia, all in the State of California, opposing oriental immigration to this country; to the Committee on Immigration and Naturalization.

By Mr. Rowan: Resolutions of the Ninetieth Division Association of Dallas, Tex., in favor of a reasonable amount of universal military training, not exceeding one year, and an adequate Regular Army as a nucleus for the proper training of its citizens for military training; to the Committee on Military Affairs.

Also, petition of Dr. Emil G. Beck, of Chicago, Ill., with suggestions for the advocates and adversaries to the league of nations; to the Committee on the Judiciary.

SENATE.

TUESDAY, *November 4, 1919.*

(Legislative day of Monday, November 3, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	McKellar	Simmons
Ball	Hitchcock	McLean	Smith, Ariz.
Brandegee	Johnson, Calif.	McNary	Smith, Ga.
Capper	Johnson, S. Dak.	Moses	Smoot
Colt	Jones, N. Mex.	Nelson	Spencer
Culberson	Jones, Wash.	New	Sterling
Cummins	Kellogg	Newberry	Sutherland
Curtis	Kendrick	Nugent	Thomas
Dial	Kenyon	Overman	Townsend
Dillingham	Keyes	Owen	Trammell
Elkins	King	Page	Underwood
Gay	Kirby	Phipps	Walsh, Mont.
Gerry	Knox	Pittman	Watson
Gore	La Follette	Poindexter	Williams
Gronna	Lenroot	Ransdell	Wolcott
Hale	Lodge	Sheppard	
Harding	McCormick	Sherman	
Harrison	McCumber	Shields	

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

Mr. GERRY. The Senator from Virginia [Mr. SWANSON], the Senator from Maryland [Mr. SMITH], the senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

The Senator from Missouri [Mr. REED] and the Senator from Georgia [Mr. HARRIS] are detained from the Senate by illness. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family, and the junior Senator from Massachusetts [Mr. WALSH] is in Massachusetts to vote at the State elections.

The Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Florida [Mr. FLETCHER], the Senator from California [Mr. PHELAN], and the Senator from Arkansas [Mr. ROBINSON] are detained on official business.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I ask unanimous consent to have inserted in the RECORD a series of resolutions adopted by Boulder Post, No. 10, of the American Legion of Colorado, and as they are very short and very timely I ask that they may be read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

Resolutions adopted by Boulder Post, No. 10, American Legion, October 30, 1919.

"Whereas the leaders of the bituminous coal miners' union of the United States have announced their intention to declare a nation-wide strike in the coal fields; and

"Whereas the President of the United States, the Attorney General, and the governor of Colorado have all declared such action to be a menace to the welfare of the Nation, and have issued appeals to the miners to continue in their employment and to protect the country in this crisis; and

"Whereas if the leaders of the union persist in their determination to force this strike despite the appeal of the President, the governor of this State, and the overwhelming sentiment of the public, they will be guilty of an act in open defiance of governmental authority, public opinion, and the Nation's welfare: Now, therefore, be it

"*Resolved*, That Boulder Post, No. 10, American Legion, condemns this threatened closing of all mines as a menace to the interests of the Nation, and pledges itself to aid the National, State, and county authorities by any means in its power in the maintenance of law and order and the upholding of governmental authority; be it further

"*Resolved*, That a copy of this resolution be furnished the press, the President of the United States, our Senators and Congressmen, the governor of Colorado, the board of county commissioners, and the sheriff of Boulder County.

"FRANK A. KEMP, Jr.,
"*Post Commander.*
"E. H. MCBRIDE,
"*Post Adjutant.*"

PETITIONS AND MEMORIALS.

Mr. HARRISON. I submit a resolution adopted by the State convention of the Mississippi Branch of the American Legion at Jackson, Miss., and I ask that it may be read.

There being no objection, the resolution was read as follows:

VICKSBURG, MISS., *October 22, 1919.*

Senator PAT HARRISON,
United States Senate, Washington, D. C.:

The State convention of the Mississippi Branch of the American Legion at Jackson, Miss., yesterday adopted the following resolution:

"*Be it resolved by the Mississippi State Convention of the American Legion*, That this body recommends that the peace treaty be adopted without reservation, and that copies of this resolution be sent by wire to President Wilson, Senators WILLIAMS, HARRISON, JOHNSON, and LODGE."

ALEXANDER FITZHUGH,
State Chairman.

Mr. MCCORMICK. Is the chairman a Republican?

Mr. SMITH of Arizona. I ask unanimous consent to have printed in the RECORD a protest from Local Union No. 75A, of Clarkdale, Ariz., against the deportation of certain Hindus.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

[International Association of Bridge, Structural, and Ornamental Iron Workers. Address of writer: Verde, Ariz.]

LOCAL UNION NO. 75A,
Clarkdale, Ariz., October 23, 1919.

Senator MARK SMITH,
Washington, D. C.:

Whereas the United States of America, since it gained its independence from Great Britain in 1776, has extended the principle of political asylum to political refugees from other countries who have fled from the wrath of tyrannical governments; and

Whereas the efforts of certain Hindus to gain freedom for their native land have resulted in a number of these people being compelled to serve prison sentences in this country; and

Whereas some of these men, now held for and threatened with deportation, which will mean death or imprisonment for life, for no other reason than that Britain's economic exploitation and political domination over India may continue so to go unchallenged: Be it

Resolved, That we, Local 75A, Bridge, Structural, and Ornamental Iron Workers, of Clarkdale, Ariz., emphatically protest against the flagrant violation of the spirit of democracy involved in this denial of the right of asylum; against the carrying out of the deportation of Hindus, and in conformity with the principles of self-determination of peoples we demand that the persecution of these Hindus cease; and be it further

Resolved, That our secretary be asked to send copies of this resolution to President Woodrow Wilson; Secretary of Labor William B. Wilson; to Mr. Abercrombie, Department of Immigration at Washington; to Congressmen and Senators from this State; to the daily press; and to the Friends of Freedom for India, 7 East Fifteenth Street, New York City.

CHRIS. J. CARLSEN, *President.*
JAMES OHD, *Secretary.*

Mr. JONES of Washington. I have resolutions adopted by the State convention of the American Legion of the State of Washington with reference to several very important questions. The resolutions purport to represent the sentiment of this large organization in the State, and I think they ought to be printed in the RECORD. I ask unanimous consent that the resolutions may be referred to the appropriate committees and printed in the RECORD.

There being no objection, the resolutions were referred to the appropriate committees and ordered to be printed in the RECORD, as follows:

To the Committee on Immigration:

Be it resolved by the American Legion of the State of Washington, in convention assembled, That we are in favor of legislation continuing in force and operation the present restrictions on immigration as provided in the bill introduced in the House of Representatives of the United States by Representative JOHNSON, of Washington, and now pending therein, or by some other measure involving the same principles; and

Be it further resolved, That we are in favor of the adoption of a law by the Congress of the United States of America which will provide in substance, as follows:

1. That an immigrant to the United States must apply for his passport to the American Consul.

2. That upon arriving in the United States such immigrant shall register at the United States immigration office, and must reregister with such office, or some branch thereof, at least once a year until such time as he shall be admitted to full and complete citizenship according to law.

3. That in the event any immigrant does not comply with the laws of the United States of America, and become a full and complete citizen of this country within a specified number of years, to be provided by law, or in the event any immigrant is unable for any reason to become a citizen of the United States within such period so to be provided, then in either such event, such immigrant or alien who is within the United States at the time such law shall take effect shall be deported to the country from whence he came as an undesirable.

Be it further resolved, That the delegates from the State to the national convention of the American Legion at Minneapolis be instructed to work for the adoption of a resolution similar to this by such national convention.

Be it further resolved, That a copy of this resolution be forwarded to members of the Washington delegation in the United States Congress.

To the Committee on Military Affairs:

Whereas it is contemplated by the Congress of the United States to authorize the establishing of additional national cemeteries of various localities; and

Whereas in the opinion of this convention the military reservation at American Lake, Wash., is an ideal and admirable site for such a cemetery and very fitting on account of the large number of soldiers who received their training there: Therefore be it

Resolved by the American Legion of the State of Washington, in convention assembled, That we urge upon the Washington delegation in Congress to take all steps within their power to secure the location of a national cemetery on the military reservation at American Lake, Wash.

To the Committee on Finance:

Whereas it has been the policy of the United States Government to pay war-risk insurance policies to beneficiaries in 240 equal payments, the maximum payment on any policy being $57.50 monthly; and

Whereas there is now no form of policy provided to which war-risk insurance can be converted by which the beneficiary can be paid in any manner other than 240 equal monthly payments upon the death of the insured: Therefore be it

Resolved by the American Legion of the State of Washington, in convention assembled at Seattle, October 9, 1919, That it be the recorded decision of this legion that adequate provision be made by the United States Congress whereby the insured will be allowed the option of providing in his policy of war-risk insurance the method of payment of the policy to the beneficiary upon the insured's death; and be it further

Resolved, That copies of these resolutions be prepared and forwarded at once to all members of the United States Congress from the State of Washington.

To the Committee on Public Lands:

Whereas numerous bills, each offering some measure of assistance to the soldiers, sailors, and marines veterans of the late war, are now pending in the Congress of the United States; and

Whereas the people of the United States demand the enactment of a law providing substantial recognition of the patriotic service of those who at their country's call put aside all private interests and went forth to wrest our liberties from the grasp of the tyrant foe; and

Whereas the American home is the bulwark of our liberties, and the proposed legislation herein referred to will greatly strengthen the Nation by making possible the addition of perhaps 2,000,000 new home owners; and

Whereas the Morgan bill provides for the organization of a corporation underwritten by the United States Government, authorized to sell bonds and loan the proceeds to veterans of this war for the purchase of homes, either urban or rural; and

Whereas this bill, among other things, provides for a loan on long time, a maximum of 60 years, with a low rate of interest, not to exceed 3½ per cent, and in an amount not to exceed $4,000,000 for the purchase of a home, either urban or rural, these loans to be available to every honorably discharged soldier, sailor, or marine, without security other than that of the property as purchased, the additional security required by good business practice being supplied by the creating of a guaranty fund: Therefore be it

Resolved by the American Legion of the State of Washington, in convention assembled—

First. That we indorse and recommend for passage House bill 5545, introduced in the House of Representatives of the United States on June 11, 1919, by the Hon. DICK T. MORGAN, of Oklahoma, and that we do hereby respectfully request our Senators and Representatives in Congress to support this measure.

Second. That a copy of this resolution be embodied in the minutes of the proceedings of this convention, and that a copy hereof be forwarded

to each of the United States Senators and Representatives of the State of Washington, and to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to the special committee to which proposed legislation in the interests of the veterans of this war has been referred.

Third. That the delegates from this State to the national convention of the American Legion to be held in the city of Minneapolis, Minn., in November, 1919, be instructed to do all in their power to secure the adoption of a similar resolution by said national convention.

To the Committee on Education and Labor:

1. That the vocational rehabilitation act should be liberalized and extended by the repeal of section 13 of said act to include, as eligible for full-time training with full subsistence payments as well as tuition, books, and supplies, all disabled veterans of the World War, regardless of the degree of their disability or without any attempt whatever on the part of any Government agency to define whether or not any man with any particular disability has a so-called "vocational handicap."

2. That in order that the district offices of the Federal Board for Vocational Education, division of rehabilitation, may have adequate facilities and proper arrangements for making prompt payments to the men in training under said board, each district should be granted full power and authority to disburse Government moneys to the disabled veterans in training under the said board, in the amounts and at such time as they may be legally entitled to payments, thus obviating grievous and vexatious delays occasioned by the issuance and transmission of checks from the central office in Washington.

3. That the Federal board be empowered by law to make payments upon whatever scale may be deemed reasonable and proper by Congress to discharged veterans of the World War, while their cases are pending with the board and preceding their actual entry into training.

4. That arrangements be immediately undertaken, and as soon as possible perfected, in districts where hospital facilities are now inadequate for proper and adequate hospitalization of all cases requiring hospital care, but with particular concern for cases suffering from mental disabilities.

5. That the Federal board be empowered by law with full authority to extend to all disabled veterans under their care whatever medical and dental care may be deemed by the medical officers of the board to be in need of while in training under the authority of said board.

6. That the United States Railroad Administration be empowered by law, if the railroads are retained by the United States Government, and if not then the individual owners of the railroads be required by law to sell transportation to any man who establishes his identity as being in training under the Federal Board for Vocational Education, at a rate not exceeding 1 cent per mile for any travel authorized by the Federal Board for Vocational Education.

7. That payments to men in training be increased as follows:

For single men without dependents	$100
For single men with dependents	125

(With allotments for each dependent according to the scale provided by the war-risk insurance act.)

Special attention of the Members of Congress is directed to the provision last above mentioned, after having been given careful consideration by the Veterans' Vocational Club in view of the ever-increasing high cost of living.

To the Committee on Immigration:

Whereas during the late war we have seen many examples of peoples who have obtained citizenship and enjoyed the privileges and prosperity of our country for many years, so conduct themselves that they prove themselves unworthy of citizenship; and

Whereas we, in convention assembled, do recognize the fact that the time has come when the people of this country who have come here from foreign shores must be taught that American citizenship is a thing of inestimable value and not a mere nonentity: Therefore be it

Resolved, That we do recommend to Congress that any person convicted of an offense, the gist of which is one against the ideals and institutions of our country, shall have his citizenship canceled, and that proceedings shall be brought against those who have so conducted themselves as to show any reason of the antagonism against the institutions of our country and denunciation of its principles, and that they, too, shall have their citizenship canceled and shall be deported to the country from whence they came as undesirables.

Mr. BALL. I present resolutions adopted at a special meeting of the Young Men's Republican Club, of Wilmington, Del., held on October 24, 1919, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas statements have appeared in the public press intended to convey the impression that the Members of Congress who are opposing the ratification of the proposed compact for a league of nations are not acting in accordance with the desires of a majority of their constituents; and

Whereas a special meeting of the Young Men's Republican Club, of Wilmington, Del., has been held this 24th day of October, 1919, for the purpose of discussing the position of the above-mentioned Congressmen, and more particularly Hon. L. HEISLER BALL, United States Senator from the State of Delaware; and

Whereas, after a full and free discussion, with an opportunity given to everyone who desired to express an opinion, it is the unanimous sense of this meeting that the proposed compact for a league of nations ought not to be ratified without certain reservations and amendments for the following reasons:

First. It would involve the United States in entangling foreign alliances, contrary to the traditional policy upon which our advancement as a Nation has been largely based, with no justification for such a departure from a tried and proved policy except the false premise that changes in conditions afford a sufficient ground for the abandonment of fundamental principles which never change.

Second. It opens wide the door for intolerable and improper interference for foreign powers with the business and industrial affairs of the United States, and with our tariff and immigration laws and with our policy known as the "Monroe doctrine."

Third. This compact, in its present form, is the product of secret diplomacy, handed to the American people as though it were of divine origin which must be accepted exactly as it is, and must not be touched in any way by our duly elected Senators, constitutionally empowered and directed to do so.

Fourth. However lofty its idealism may be, the proposed compact contains specific provisions antagonistic to its general purpose, and would almost inevitably tend to drag the United States into war and bloodshed. It is assumed that our delegate to the league would vote in accordance with the desires of a majority of our people, but his doing so is not safeguarded in any way.

Fifth. The methods by which the administration is attempting to force this document upon Congress are unfair and violently partisan. The sentimental whining, that if this covenant be amended in the least it will break the heart of the world is abominable claptrap. The argument that we are at war with Germany until the ratification of this covenant is misleading, for this covenant has no connection with a treaty of peace, and for all practical purposes the war between the United States and Germany is now ended. The President has failed to negotiate a treaty of peace, which he had full authority to do, and has wasted valuable time and energy and a great deal of money in a vain attempt to commit the United States as a contracting party to this covenant for a league of nations, which he has not, and never did have, the right to do, even under his extraordinary war powers.

Sixth. Under it we surrender our sovereignty. We allow foreign nations to dictate when we shall declare war or when we shall make peace. Under it we will form a partnership with a host of unscrupulous nations. Under it we will send our boys to police the people of Europe and Asia, murderous by nature, debasers of women, fanatics by religion, and infamous in the scale of civilization: Now, therefore, be it

Resolved, That it is the unanimous sense of this meeting that the course pursued by the Members of Congress who have supported Senator LODGE in his gallant fight for proper reservations or amendments is to the best interests of all the people of the United States and is in line with their patriotic duty; and be it further

Resolved, That the attitude of Hon. L. HEISLER BALL, United States Senator from Delaware, and CALEB R. LAYTON, Representative in Congress, upon this vital question, has been and is 100 per cent American, and that Senator BALL is entitled to the enthusiastic support and the heartiest commendation of all his constituents for his courageous and statesmanlike stand.

H. H. BILLANY, *President*.
THOMAS E. PENNEY, *Secretary*.

Mr. JOHNSON of South Dakota. I present resolutions adopted by the Lead City Commercial Club, of Lead, S. Dak., condemning the strike of the bituminous coal miners. I ask that the resolutions be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Whereas certain elements of organized labor engaged in the coal-mining industry have made certain demands for shorter hours and greatly increased pay, and seek to enforce such demands by a nation-wide strike, the effect of which will be to paralyze all business, means of transportation, and bring untold suffering and misery upon the people of the Nation, and particularly upon the poorer classes; and

Whereas the union workmen who threaten to bring this disaster upon the Nation represent only a small part of the laboring classes of the Nation and a mere fraction of the entire population of the country; and

Whereas the granting of these unjust demands will result in increasing the cost of living to the rest of the public, and placing upon them unjust and greatly increased burdens: Therefore be it

Resolved, That the Lead City Commercial Club, of the city of Lead, S. Dak., expresses the overwhelming sentiment of this community in now condemning as unjust and criminal the threatened strike in the coal-mining industry of the Nation, called for November 1, and we denounce the socialistic leaders who are responsible for the calling of this strike; and be it further

Resolved, That we unqualifiedly indorse the attitude of President Wilson in denouncing the aforesaid demands as unlawful and unjust, and we urge our Senators and Representatives in Washington to use all available means and adopt such measures as may be necessary, however drastic, to protect the American people from this threatened outrage.

Mr. LODGE presented a memorial of Mount Higgin Court, No. 629, Catholic Order of Foresters, of Anaconda, Mont., and a telegram in the nature of a memorial from the Speakers' Bureau of the Woman's Republican Club of New York City, N. Y., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations are adopted, which were ordered to lie on the table.

Mr. CAPPER presented a memorial of Midland Grange, No. 1681, Patrons of Husbandry, of Burrton, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

SUGAR SHORTAGE.

Mr. RANSDELL. I submit the views of the minority of the Committee on Agriculture and Forestry upon the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes, which was reported yesterday from that committee by the Senator from Oregon [Mr. MCNARY].

The VICE PRESIDENT. The report (No. 286, pt. 2) will be received and printed.

CAPITAL PUNISHMENT IN THE DISTRICT OF COLUMBIA.

Mr. DIAL, from the Committee on the District of Columbia, to which was referred the bill (S. 2756) to prescribe the method of capital punishment in the District of Columbia, reported it without amendment and submitted a report (No. 287) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3369) to construct a public building for a post office at the city of Port Angeles, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Georgia:

A bill (S. 3370) fixing the salary of the district attorney for the northern district of Georgia; to the Committee on the Judiciary.

By Mr. KIRBY (by request):

A bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the White River; to the Committee on Commerce.

By Mr. HENDERSON:

A bill (S. 3372) authorizing the Secretary of the Interior to issue a patent to Jennie Dunphy Meyer for certain lands in the State of Nevada; to the Committee on Public Lands.

By Mr. WALSH of Montana:

A bill (S. 3373) granting a pension to James Martin (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A joint resolution (S. J. Res. 123) providing for a special commission to deal with the present strike in the bituminous and lignite coal mines of the United States; to the Committee on Education and Labor.

RAVAGES OF EUROPEAN CORN BORER.

Mr. WATSON. I ask unanimous consent to have printed in the RECORD the report of Indiana representatives who have investigated the ravages of the European corn borer and made a report. I think it will be of interest, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

"PURDUE UNIVERSITY
"AGRICULTURAL EXPERIMENT STATION,
"*Lafayette, Ind., October 24, 1919.*

"Senator JAMES E. WATSON,
"*United States Senate, Washington, D. C.*

"DEAR SIR: Some two weeks ago I visited the areas in Massachusetts and New York State which are infested with the European corn borer. This is a European pest imported into this country within recent years. Its work has caused considerable alarm in some quarters, especially in view of the possibility of the spread of the corn borer into the great corn-growing sections of the Middle West. It was with the view to getting first-hand information which could be used in formulating a policy for Indiana on the best procedure to prevent the corn borer from coming into this State that the investigation in question is being made. Inasmuch as large appropriations have been asked in Congress for the corn-borer fight it occurred to me that you might be interested in the attached memorandum which gives my own impressions of the situation.

Very truly, yours,

C. G. WOODBURY, *Director.*

—

"OCTOBER, 1919.

"EUROPEAN CORN-BORER INVESTIGATIONS—MASSACHUSETTS AND NEW YORK.

"The fact that the European corn borer had been introduced into the United States has been generally known for a year or more. The severity of its attacks in eastern Massachusetts and New York State were strongly emphasized, however, in the press reports, resolutions, etc., following the conference held the last of August in Albany and Boston by the National Association of Commissioners of Agriculture.

"On September 16 the director of the experiment station wrote the director of the conservation commission, calling attention to newspaper reports of extensive corn-borer damage and to the report of the conference above referred to, and suggested that the station and the conservation commission cooperate in determining what policy might be best for Indiana to pursue under the circumstances. A conference between Mr. Brown, president of the Indiana Farmers' Association, and the director of the conservation commission and the director of the experiment station, followed this suggestion. It was agreed that an investigation ought to be made in the field and a first-hand knowledge gained of the exact situation in the Eastern States, the measures in operation to combat the ravages of the corn borer, the judgment of those in charge of the situation in the East as to possibilities of control or extermination, the probable or possible effectiveness of quarantine measures, etc. It was felt that a representative of the Federation of Farmers' Associations should also make the trip in order to supplement the judgment of the representatives of the experiment station and the conservation commission.

"The director of the station had been in correspondence with the Federal Horticultural Board in the meantime, and a meeting had been arranged between the Indiana representatives and the Federal Horticultural Board to be held in Boston, Friday, October 3.

"Personnel: The members of the Indiana party were as follows: Frank N. Wallace, entomologist, representing the Conservation Commission; L. M. Vogler, representing the Federation of Farmers' Associations; W. H. Larrimer, Federal entomologist stationed at La Fayette; C. G. Woodbury, director, representing the agricultural experiment station.

"At Boston we were joined by Dr. C. L. Marlatt, chairman of the Federal Horticultural Board, Washington, D. C.; Dr. Karl F. Kellerman, Associate Chief Bureau of Plant Industry, Washington, D. C., member of the Federal Horticultural Board; and George B. Sudworth, member of the Federal Horticultural Board. Dr. E. P. Felt, State entomologist of New York State, also joined the party at Boston. The local inspection was under the guidance of Mr. L. H. Worthley, in charge of the corn-borer control work in Massachusetts, and Mr. D. J. Caffrey, entomologist in charge of the Arlington corn-borer laboratory.

"In New York State the Indiana representatives and members of the Federal Horticultural Board were accompanied in the field by Dr. Felt, by Mr. Atwood, in charge of nursery inspection, under whose direction some corn-borer work in New York State has been done, and by Mr. Van Buren, who has had charge of field work in connection with corn-borer clean-up work undertaken by New York State.

"Itinerary: As stated above, the party was organized in Boston on Friday morning, October 30. Transportation was provided through the courtesy of Mr. Worthley's office, and the party spent most of the day in an automobile trip through as much of the infested territory north and west of Boston as could be covered.

"The members of the Federal Horticultural Board and the Indiana representatives left Boston Friday night and arrived at Albany Saturday morning. At Albany a conference was held with Mr. C. S. Wilson, New York State commissioner of agriculture, and the balance of the day was spent in a field trip inspecting as many of the infested fields as could be visited in the area about Schenectady. The party separated at Albany Saturday night.

"Conditions in Massachusetts: In Massachusetts the corn borer has two broods during the season and in a part of the infested territory at least is very thoroughly established, being found on smartweed, ragweed, lamb's-quarter, barnyard grass, cocklebur, and other weeds and grasses, as well as on sweet corn, flint corn, and rarely on silage or fodder corn, such as Eureka.

"Many new and interesting items of information about the habits of the insect were brought out during the course of the day's field trip. It has been established, for instance, that the insect may also occur and in the Massachusetts area is found infesting such garden flowers as salvia, peony, gladiolus, and dahlia. It has been found in pepper, in beets in the field, and is not uncommon in celery. From the economic standpoint it was appparent that the most damage was being done to sweet corn. The worst infested patches of sweet corn were seriously injured by the presence of the borers in the cob and the corn. In the worst infested patches of field corn, on the other hand, there were many sound ears even on stalks containing borers. Probably considerably less than half of the ears were infested in the worst infested patches of field corn. Much clean-up work has been done at State and Federal expense in this territory. The effectiveness of such work is questionable. There are fields which were not cleaned up last year but which nevertheless have a much smaller infestation of borers this year than last. On the other hand, there are fields in which as high as $75 per acre was expended in clean-up work in which the borers apparently are more severe this year than they were last. It seemed rather evident that the worst infestations were in fields surrounded by neglected and waste ground overgrown with weeds or bounded by abandoned war gardens grown up to weeds and old garden plants, corn, etc. One rather notable example of clean-up work was inspected on the Brooks estate, near Boston. The manager of this estate was instructed by the owner to do everything possible to rid the corn of the borer. Here methods of good, clean farming were followed; there were few weeds and no waste ground immediately about the cornfield, a rather close-clipped meadow came right up to the corn rows, and although the labor

cost in the clean-up work which has been done was probably greater than the average farmer would feel able to afford, nevertheless the work appeared to have resulted in diminishing the amount of infestation in a marked degree. The evidence of some other fields, however, where clean-up work apparently did not have this effect, must raise the question whether in such cases as the Brooks estate the results accomplished were due actually to the work done or to some operation of natural causes.

"There was a very interesting exhibit at the Medford experimental plats. Various varieties of corn had been grown on these plats, including different types of sweet corn, flint corn, and Eureka, a late southern dent corn. There was considerable infestation in nearly all of the varieties with the exception of the Eureka. This variety was still standing, the planting consisting of a single row through the plat, the early-maturing varieties of corn on either side of which had been harvested. Apparently there had been every opportunity for an equal infestation of the Eureka corn, yet it was difficult to find traces of a borer in this standing row. This would seem to offer interesting evidence or at least support the suggestion that our Indiana varieties of corn, which are much larger, stronger growing, and with heavier stalks than the sweet corn and flint corn grown in Massachusetts, might have a considerable degree of natural immunity to borer attack.

"Dr. Felt is inclined to place a different interpretation upon the apparent immunity of the Eureka corn in the Medford plats, his contention being that the susceptibility of the varieties depends in a large measure on its state of maturity, tassel formation, etc., at the time the moths are in flight and laying eggs, rather than on any inherent difference in the susceptibility of the variety to borer attacks.

"Some means of attempted control proved by Massachusetts State officials early in the borer fight have proved quite worthless. The party visited one field of probably 10 or 12 acres of sweet corn, which early in the season had been condemned by Massachusetts officials and ordered plowed up. The order had been complied with and sweet corn had been replanted late and had just matured its crop. Apparently the crop had been harvested, although it was not difficult to find a few ears remaining. Some of these ears were infested by the borer, but we were given to understand that the late-planted crop had nevertheless been quite profitable. It was apparent that the plowing up of the corn in the spring had not afforded protection from the borer. It has been shown that the borers may be buried 8 inches deep and yet pupate, and the moths emerge apparently without difficulty. The practice of attempting to control the borer by plowing under infested stubble or weeds is, then, entirely futile.

"It has been shown also that the borer may feed on lawn grass and come to maturity without having access to corn plants or the common weeds which it ordinarily infests.

"Conditions in New York State: In New York State the principal infested territory is in the vicinity of Schenectady. The insect appears to be confined mostly to corn in this district. Infested cornfields have been found scattered about an area of 400 square miles. There seems to be but one brood a season in the New York area. The infestation is much less severe and in most of the fields to which the party was taken, and which were considered among the worst infested, it was very difficult to find any borers. In no case was it clear that the borers had done much damage to ears. The most plentiful supply of borers in the New York area visited were found in the Mohawk Valley on land described as "The Island." The corn in this field had been cut. The field was bottom land much like many of the southern Indiana river bottoms. The low bluffs surrounding it and crooked channels cut by the river during high water were all overgrown with an abundance of weeds. The weeds were most of them infested with borers, many of which were identified as native species, but some of which may have been corn borers. In this field it was difficult to estimate the percentage of the damage, because many of the ears had been damaged by blackbirds, and, as stated above, the corn was cut and was in the shock. However, it was not difficult to find borers in the corn stubble. Certainly the borer has done very much less damage in New York State than the corn-ear worm has done in Indiana. The growers of sweet corn, we were informed, did not know their fields were infested. The buyers on the market also failed to discover the borer in field corn even from the infested districts in New York State, although an expert making a diligent search might discover the presence of the borer. We talked with several farmers in the New York area, none of whom had known that their fields were infested until entomologists had told them.

"I think it is generally agreed with regard to the New York situation that the damage caused by the borer is, from an economic standpoint, negligible, although some entomologists feel that the potential damage is great. There is every reason to believe, however, that the insect has been present in New York for some 10 years, with unrestricted opportunity to spread and become established. It must certainly have taken nearly this long to become disseminated over so wide a territory. If, during this time, it has become no worse at any point than it actually has become, it is questionable whether it is likely to be of much economic importance. The fact that much less damage has been done in New York State than in Massachusetts may be due to the fact that the insect has only one brood in New York State, whereas it has two in Massachusetts.

"Possibilities of control: It was apparent to the Indiana representatives that there is a considerable difference in point of view between State officials in New York State and the members of the Federal Horticultural Board. The New York Commission of Agriculture, for instance, appeared very anxious to obtain Federal funds to be used in New York State in a campaign to exterminate the borer. With the facts fresh in mind as to the wide range of plants which the borer infested in Massachusetts, with an area of over 200 miles infested in New York State admitted by the New York State officials, the idea of undertaking to exterminate the borer in New York State seems preposterous. The New York State officials, however, fall back on the contention that, inasmuch as the borer is found only on corn in New York State, no other plant need be considered in a campaign for control or extermination. This fact is, in the judgment of the writer, open to question. Even if corn, however, is the only plant infested in New York State, it is by no means certain—indeed, it is extremely unlikely—that the area now known to be infested includes all of the territory which actually is infested. Even if an exterminating campaign, therefore, were to be undertaken and were to be confined to the effort to exterminate the borer on corn, there would be a very serious question of the wisdom of spending large sums to destroy every infested cornstalk in the area of infection now known, with every probability that new areas of infestation in New York State, Massachusetts, and New England and the Middle West will be discovered within the next few weeks. The Indiana representatives were greatly interested, however, in an experiment which will be made this fall in Massachusetts to exterminate the borer on an area of some 42 square miles. Very elaborate preparations have been made for this fight. Machines have been constructed into which will be fed all succulent material, weeds, etc., which may be collected from gardens, roadsides, fields, etc. This will be crushed in such a manner that any borers contained will be killed. All cut-over ground along the roadsides, gardens, back yards, waste lands, etc., will then be gone over with fire. Powerful machines for spraying burning oil have been prepared for this purpose. The result of this attempt to exterminate the borer over a relatively small area will be watched with interest. In the opinion of the writer, however, it will be impossible, even at the very large expense incurred.

"The possibilities of quarantine: The Indiana representatives were greatly interested in studying the field conditions in Massachusetts and New York State with a view to determining the possibility of an effective Federal quarantine on infested territory, thus protecting the balance of the country against the possibility of invasion by the borer. When it is recalled, however, that a new infestation has recently been found in Pennsylvania, that there is strong likelihood that infested areas will be found in the Ohio Valley, a quarantine of infested districts in Massachusetts and New York is made ridiculous. It is impossible even in the New England section to draw a line about the infested territory with any likelihood that new infestations will not be found outside of that line as soon as there has been time to make a reasonably thorough search. A quarantine is thus made impossible if for no other reason than because it is impossible to define the area which ought to be quarantined. When it is considered, moreover, that sweet corn is often sold from home stands in front of the farmer's residence, and that motor travel is continuous throughout New England, and that any automobile party buying roasting ears at a farmer's place might spread the infestation to remote territory, and in view of the impossibility of controlling such sales and such transportation, the enforcement of a quarantine is seen to be doubly impossible.

"Moreover, large areas in New Hampshire and Vermont and in the States south of Massachusetts are dependent for thousands of tons of foodstuffs on the trucking area about Boston. New Hampshire officials last spring, after viewing the whole situation, said emphatically that they would much prefer to take the corn borer into New Hampshire than to have New Hampshire deprived of its food supplies from Massachusetts.

"What should Indiana do? Indiana should know definitely whether the borer is within the State or not. For this purpose we propose immediate surveys with the assistance of specialists detailed for this work from Mr. Worthley's force of Federal scouts. There is reason to believe that the borer was introduced in this country some 10 years ago on shipments from Austria-Hungary of broom corn. Several hundred tons of this broom corn came into the Ohio Valley. Every effort should be made to ascertain whether any Indiana broom-corn factories used any of this material and search should be made for the borer in the neighborhood of such factories if any are located. If any Indiana sweet-corn canners have imported seed from infested areas in Massachusetts it is possible that the borer may have been introduced with the sweet-corn seed. Immediate steps are being taken to find out whether any Indiana canners have such imported seed, and surveys will be directed at once to any territories to which such seed may have been distributed. No quarantine should be imposed in Indiana for a few weeks until there has been further opportunity to determine whether the borer is already within the State, and if so, how much territory may be infested.

"If the borer is not found or it appears to be restricted to a very small area, importation of pop-corn seed or sweet-corn seed on the cob should be prohibited. It may be that importation of all seed corn on the cob should be forbidden.

"In any event, Indiana sweet-corn canners should be advised fully of the borer situation, and should be advised to pool their orders, so far as possible; send an agent east to close contracts for seed; arrange to have such an agent accompanied by a competent corn-borer specialist; and to satisfy himself that seed for Indiana has been grown in noninfested areas. Such seed should be shelled after being inspected and approved for type and none shipped into Indiana on the cob.

"The Indiana representatives can not subscribe to the alarmist campaign apparently being conducted by the National Association of Commissioners of Agricu ture. We do not believe that the 'corn crop and all that goes with it is doomed' unless the borer is exterminated. We believe that a large measure of borer control may be found in the practices of clean farming and good husbandry. Additional protection may be obtained through planting corn at the right time. We believe that abundant appropriations should be made immediately available by Congress to enab e the Bureau of Entomology and the Federal Horticultural Board to make thorough surveys and to determine at the earliest possible moment every section of the country in which the corn-borer infestation already may have started. We believe that wherever the borer has appeared measures should be taken at once by State and Federal authorities to see that seed corn on the cob is not shipped out, as this appears to us to be by far the most probable means of dissemination at the present time. We believe that the effort to determine whether extermination is possible is well worth making on the limited area in Massachusetts, although we are skeptical as to the success of any extermination campaign and doubtful as to whether the great expense would be justified as an economic measure. We believe that the amount of Federal appropriations necessary to enable the Federal departments to wage the most effective possible campaign against the borer can be determined much more accurately by the Bureau of Entomology and Federal Horticultural Board, who have responsibility for the work done than by State commissioners of agriculture."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The VICE PRESIDENT. The pending question is the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] to strike out Part XIII of the treaty. [Putting the question.]

Mr. LA FOLLETTE. I understood that the Senator from Illinois [Mr. SHERMAN] was to speak on the amendment this morning. I think he did not understand that the treaty is before the Senate.

The VICE PRESIDENT. The Chair waited for a while before calling for a vote.

Mr. LA FOLLETTE. I think the Senator from Illinois did not hear the call of the Vice President for a vote upon the amendment.

Mr. THOMAS. I certainly did not, for I wish to ask for the yeas and nays on agreeing to the amendment.

Mr. SHERMAN. I understood that a roll call would be taken on the question.

The VICE PRESIDENT. It is no vote if the Senator wants to speak.

Friday, October 31, Monday, November 3, and Tuesday, November 4, 1919.

Mr. SHERMAN. Mr. President, the second part of the treaty will, by consent, in the event we ratify without adopting the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to strike out the article I refer to in Part XIII, result possibly in economic pressure being applied to our Government and our people in the event we do not obey the international labor body passing upon various questions. Those questions may refer directly to our domestic affairs. In fact, they are enumerated here by way of example so as to remove any question of the character of subject that comes before the league of nations or the international labor body. Part XIII of the treaty, section 1, refers to the organization of labor, reciting:

And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled; and an improvement of those conditions is urgently required, as, for example—

Here are the arguments used, of the very kind that refer to our domestic problems, to illustrate the scope of the investigation and findings made by the international labor body—

as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures.

If there is anything left out of the illustrations of the scope of the investigations in these enumerations, we have not found it in this Chamber, nor have any of the large States of the Union having great industrial organizations found it. They include, Mr. President, every subject on which New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, and many other States have legislated. It continues:

Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries.

The high contracting parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following.

What I have read is the preamble of Part XIII of the treaty with Germany.

When these subjects in the preamble are examined, therefore, it will be found that they leave practically nothing that is not used by way of illustration; they cover the whole ground of labor legislation. A preamble here, as in other instances, indicates the range of subjects embraced in the subsequent provisions.

I wish to remind the authors of this document, as well as some Members of the Senate, that the various States of the Union enacted progressive and liberal labor laws before Great Britain and other European nations. Our States were found legislating upon the subjects mentioned in this preamble long before his distinguished highness the Sultan of Hejaz ever heard of labor legislation.

Hejaz is a State created out of the Arab population of western Asia. I have some Arabs among my constituents. I do not believe many of them are naturalized. They dwell down below the board of trade, southwest of the foot of La Salle Street, Chicago, for a time quite a large colony, some 350 or 400. We also have in our constituency some Chinese. There are in Cook County 400 Chinese voters. It does not do to ignore the Chinese vote. They might be conclusive in certain wards or in certain closely contested elections. Those Chinese were born in Chicago, Ill. They have the birthright of an American citizen. They are registered before the board of election commissioners; their habitation, street number, and the like, duly accounted for; and they are entitled to all the rights of franchise that belong to the Caucasian. They are recognized by the laws and by the local rules of elections in our State. We have in our country a polyglot people, but that is no reason why we ought to surrender our domestic labor affairs to the control of the European or Asiatic Governments whence some of these people come.

But, Mr. President, it is a work of supreme insolence for the preamble of Part XIII, and the subsequent sections of this part, to undertake to instruct some of the States of the United States how to legislate on the regulation of these labor questions. In 1897 and in 1899 the first juvenile delinquent court act so far as I know in the world—and I know the first one in the United States—was enacted in Illinois. The original act was in 1897, and the amendatory act, after two years' experience perfecting

and applying it, as a result of valuable experience for that period, came in 1899. This was a juvenile-court act to deal with juvenile delinquents that were growing up gradually in the larger cities of the State, especially in Chicago and Peoria and certain others.

The vast body of forsaken children, abandoned by their parents, either criminal or semicriminal, the illegitimate children whose parents had left them to the tender shelter of a dry-goods box or under a warehouse, or to the care of a foundling asylum that took the earliest opportunity to shift their responsibility upon the general public, were gradually furnishing recruits to the criminal population of the larger metropolitan centers.

Some remedy was required. It was given by the statute to which I have referred, resulting in the creation of a school for boys, in which from 500 to 1,000 of the juvenile delinquents are committed by proper court orders, by the county court outside of Cook, and the juvenile court inside of Cook County.

These regulations take the boy, or the girl, for whom a separate school is established, and seek to reclaim them from their ways. We have a farm of nearly 600 acres at the boys' school, and also a farm and garden at the girls' school. They are taken out of their criminal or semicriminal surroundings, put in the school, and given humane care. The house father and house mother take a certain number of them, not exceeding 40 as a rule, in a cottage. They do not put them all in a large building, but have adopted the cottage plan, and the house father and the house mother take the boys and care for them. The boys have their rooms, and their own personal belongings that they are allowed to have after they come to the place. They are given every opportunity, including school, regular hours, work on the farm or in the garden, and every form of useful occupation.

As a part of this system there is a child-labor law. The child-labor law has existed in our State for many years. It has been well enforced by the State. An effort was made by the Congress to regulate the matter. It met with an adverse decision in the Federal Supreme Court. It was beyond the power of Congress so to legislate.

These two matters are intimately connected with the subject of this preamble. Necessarily, child labor will be considered by the international organization. It must, in the nature of things, lead to some recommendation. Just what Great Britain may do, or France, or Italy, or the various European countries we do not know. They may take some action similar to our State legislation, or the unconstitutional bill passed by Congress. The difficulty mentioned by the senior Senator from New Mexico [Mr. FALL] must then arise. However, when they undertake to legislate on that, it removes from the several States of the United States and from Congress all future legislation not in express terms by the powers granted or by the prohibition made, because the several nations reserve to themselves the usual rights of sovereignty, even if nothing were provided in the treaty; but to make assurance doubly sure, there are provisions in the treaty which, if we ratify it unamended, if we vote down the motion of the Senator from Wisconsin [Mr. LA FOLLETTE], will leave us consenting to place in the hands of the various other nations of the world a club with which to smite us if we refuse to take the recommendation of the international labor organization. We thereby effectively surrender practically our power to regulate our domestic affairs, either by Congress or by the several States of the Union.

I predict that our labor legislation, our remedial and humane features adopted in so many of the State laws, beginning with Wisconsin, which is an essentially progressive State in such legislation, and with all the States of the Middle West of an industrial character and reaching to the Atlantic coast, will no longer be binding if the league and treaty are ratified in their present form. I resent the assumption, coolly made by this document, that other parts of the world can advise us better than we can advise ourselves upon domestic questions of this character. Who was it that passed the first child-labor law? The State. Who passed the first act regulating the hours of labor for women? The State. Who passed the first compensation law for injury, abolishing the ambulance chasers and the damage lawyers in the cities? The States did it. Who first abolished the necessity of employing lawyers and paying 25 or 50 per cent of the judgment finally collected? That was done by the States. The old-age pension is the only thing in which England led the way. Their act of 1911 was the first old-age pension act for industrial workers in Europe as well as in the Western Hemisphere. That, however, is not a very complete act. It has been amended several times.

The preamble of the treaty and all of Part XIII carry the assumption that the international labor body will be more competent to deal with our internal labor problem than we are ourselves. These various articles set forth that—

> A permanent organization is hereby established for the promotion of the objects set forth in the preamble.

Those are the various ones which I have read.

> The original members of the league of nations shall be the original members of this organization, and hereafter membership of the league of nations shall carry with it membership of the said organization.

Then it provides in subsequent articles for the members to be represented by various delegates and by their advisers. Everything on the docket for investigation at the international labor body's meeting will entitle the member nation to send not only delegates but to send advisers upon each separate item on the docket that is made up for the meeting. The agenda referred to in the treaty is precisely in effect the same thing made up in a court docket. The matters that come before that section for hearing are made up and delegates are entitled to two advisers upon each subject. One delegate can go on child labor, another on woman labor, another on old-age pension, yet another on personal injuries and compensation, yet another on hours of labor and the minimum wage scale, and all the other various items that enter into the labor controversy, and two advisers may be sent upon each subject.

I do not know, Mr. President, where the limitation as to expense may be. Who would name these advisers would likely depend upon an act of Congress or upon the Executive, who, in the absence of legislation, would probably assume the power to name delegates. It would remain, therefore, for Congress by appropriate legislation to provide funds to meet the expenses.

Various articles provide for the machinery for carrying these powers into effect. An international labor office is created "under the control of a governing body consisting of 24 persons, appointed in accordance with the following provisions." Then it sets out in detail that 12 persons shall represent the Governments; six persons elected by the delegates to the conference representing the employers, and six persons elected by the delegates to the conference representing the workers. Then, after various details are taken care of, it is provided in article 405 that:

> When the conference has decided on the adoption of proposals with regard to an item in the agenda it will rest with the conference to determine whether these proposals should take the form (a) of a recommendation to be submitted to the members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the members.

It may be referred to the several member nations to be made effective by legislation enacted by the proper bodies of each nation, or it may take the form of a reference to be ratified by each nation. In the event of the ratification plan, or, as it is called here, of a draft international convention for ratification, whenever the nations concerned ratify it, it becomes binding as to the nations so ratifying. If all of them in Europe ratify and we do not, we thereby become an outlaw nation. Let us see what happens under those conditions:

> In framing any recommendation or draft convention of general application the conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

Then, referring to member nations, it provides:

> Each of the members undertakes that it will, within the period of one year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment, and in no case later than eighteen months from the closing of the session of the conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.
>
> In the case of a recommendation, the members will inform the secretary general of the action taken.
>
> In the case of a draft convention, the member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the secretary general—

That is, to Sir Eric Drummond, who is now secretary general of the league—

> and will take such action as may be necessary to make effective the provisions of such convention.
>
> If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the member.

In that event it does not bind us. No question of the kind referred to by the Senator from New Mexico [Mr. FALL] could arise, because there is no treaty obligation assumed. But the

matter does not rest here, for here is the economic weapon placed in the hands of the ratifying nations:

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case.

Under this provision Great Britain and all of her colonial dependencies may escape. Canada, under her claim of sovereignty, would be exempt. It is written with an eye single to the conditions of the British Empire. That country is farsighted in caring for her own. I now read from article 409:

In the event of any representation being made to the international labour office by an industrial association of employers or of workers that any of the members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the governing body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

That is preliminary to one weapon, as if employers and employees did not now have sufficient difficulties to bring before the general public and without causing disputes to arise afresh with the sunrise of each day. Here is another section that not only in the capital city of every State in the Nation but in this Capital will cause resort to be made constantly to the various labor boards, annoying both to the laborer and the employer. As if that were not difficulty enough in our domestic affairs, to make confusion worse confounded, this section must come in, under which employers and labor representives themselves will be required to go beyond seas, for the conference meets at Geneva in the absence of affirmative directions by the league or by the international conference to meet elsewhere. Therefore the employees and the employers upon complaint will be constantly called to cross the sea, there to meet any charges that may be made against them by the authority of this treaty.

Then, after the hearings shall have been had at Geneva, in article 413 it is provided:

The members agree that, in the event of the reference of a complaint to a commission of inquiry—

The creation of which is provided for in a preceding section—

they will each, whether directly concerned in the complaint or not, place at the disposal of the commission all the information in their possession which bears upon the subject matter of the complaint.

In other words, there has been a hearing of the complaint, a finding made, and then a report by the commission of inquiry. Article 414 provides:

When the commission of inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

I anticipate in the cotton belt, for instance, where factories are developing in close neighborhood to cotton production, where child-labor laws are now within the power of the various States concerned, that this matter will be of vital consequence, because the last paragraph of article 414 is as follows:

It shall also indicate in this report the measures, if any, of an economic character against a defaulting government which it considers to be appropriate, and which it considers other governments would be justified in adopting.

Almost halfway around the world British engineers, along in the nineties, planned at the second Nile cataract one of the greatest engineering works in the world, the Assouan Dam in the River Nile being the result. It doubled the area of arable land subject to overflow in the whole valley of the Nile. Incidentally, it destroyed some of the ancient ruins of the time of the early dynasties of the Rameses and the Pharaohs, but it practically doubled the acreage of cotton land of the whole valley. It created vast reservoirs that caught the overflowing water during the flood seasons when it comes down from equatorial Africa, following the torrential rains of that region. It stores great quantities of water for the dry season, and with proper engineering facilities is the greatest irrigation project the world ever saw.

The labor question in Egypt and the Nile Valley is not an acute one. People looking for work are much more numerous there than are the opportunities for employment. The wages are correspondingly low. It is a tropical country, the standards of living are different from those in the north temperate zone, clothing and lodging do not become expensive, and, consequently, the economic conditions lend themselves to the production of cotton.

The long-fiber cotton of the Nile Valley is used for certain manufacturing purposes. It is a competitive article in our market with the long-fiber or sea-island cotton of certain of the Southern States. The upland or short-fiber cotton is an entirely different merchantable article. The Nile cotton and the sea-island cotton are used for laces, for fine underwear, for sewing thread, for ladies' lingerie, and articles that are required to be of a more expensive weave and structure. This cotton comes to our shores by way of England, and many million dollars' worth are entered at the port of Boston and sold in competition with our own sea-island cotton. The importation is beginning to affect our market; those who deal especially in the home-grown article are beginning to feel the effect in price. This engineering work was the beginning of the competition. The English are always long-headed in their philanthropic enterprises and in their governmental protectorates of the various countries around the world over which they exercise power. They propose to grow cotton of both varieties to supply the demands of their mills. They do not propose to be dependent upon the United States for cotton any longer than that development can be had.

Therefore when they control by economic means authorized in these articles our exports, it will be comparatively easy to bring in some regulation before the commission of inquiry that is distasteful or impossible under our laws or our methods of manufacture. It will be the easiest matter in the world for an English manufacturer in Manchester to make a complaint and to secure a finding, with their influence in the league and upon this commission of inquiry, that will make it impossible for us to comply. They can regulate, for instance, by such a finding as they see proper, the method of raising cotton, both upland and sea-island cotton, in the United States. They can limit ages, hours, and conditions of service either in factory or on the cotton plantation. That controversy having been provoked, they may proceed to a finding which will make it impossible for us to raise cotton and export it to their country. They are adepts in regulating the terms under which we go through their customhouses. It will be comparatively easy to contrive a finding that we can not comply with; and then, under this provision, the last paragraph of article 414, they can have the commission report what measures, if any, of an economic character shall be had against our defaulting Government. It is no more than her navigation laws of other days.

Great Britain, with her navy, can afford to make any commercial regulation she pleases. She can lay an embargo upon cotton. She can lay it on agricultural implements, as she has in effect already done. She can stop us from shipping by adverse regulations, either of duties or of burdensome consular provisions or of actual prohibition by an embargo, until we can not enter her ports anywhere in the United Kingdom of Great Britain or in any of her colonial dependencies; and she may, by her influence, reach every nation in Europe, Asia, and Africa. With those with whom she has influence in South America, she may bar their ports not only to the article named, but to all other merchantable products in our exports.

Therefore, Mr. President, it seems to me that it is of some concern to us to know whether this provision shall be ratified by a vote of the Senate. We are in a condition, it is true, to resist it; but economic pressure applied in strict accordance with what the Senate ratifies, it being already approved by the Executive, puts us in the embarrassing position of having agreed to the embargo or other prohibitory or restrictive measures that may be leveled against us. How will we object to it, either by peaceable measures or by movements warlike in character, after having consented that those provisions shall be applied to us?

I see no reason for aliens interfering with our labor problems. We work them out to suit ourselves. We have been fairly successful in the United States not only in settling our controversies such as impend to-morrow but in legislation that justly cares for the rights of both employer and employee. It seems to me that it is an instance of insufferable impertinence for these nations to come in and undertake to tell us, in our domestic affairs, how we shall regulate our labor problems, or, in the event we do not agree with them, that they will apply economic pressure by refusing to open their ports to our merchant ships or placing burdensome duties upon us.

I said a while ago that Great Britain was an adept in finding such means of restricting imports. I wish particularly now to refer to a letter of August 28, 1919, in order to illustrate the method in which Great Britain obtains advantages with no such instrument in her hands as the one I have referred to in article 414.

Barnhart Bros. & Spindler are one of the oldest type founders and manufacturers of printers' specialties in the Middle West. In a letter from Chicago under the date given, addressed to myself, they refer to the following trade regulations now made, even in the absence of this treaty:

Last June a Mr. Radiguer, of Paris, France, was in the United States intending to buy a large amount of printing material. In fact, he left with our house a handsome order; also orders with other Chicago con-

cerns dealing in printers' goods. In July, just before sailing for France, he wrote us that France had added 30 to 35 per cent to its tariff on printing machinery coming from the United States and but 15 per cent on that coming from Great Britain. This indicates that France wishes to buy all the printing supplies she needs from England or possibly from Germany.

Even if reciprocity and gratitude for favors done France does not give us a fair field for trade there, it would seem that the "most-favored-nation" policy entitles us to fair treatment.

Is it not possible and proper for our Government to make a vigorous protest against such unfair discrimination?

This letter is signed by Mr. French, the president of the company.

Again, in the Middle West are some of the largest agricultural-implement plants in the world. That country was not only the inventor of the corn planter and various improved forms of agricultural implements, including wheat drills, but it has become the manufacturer of supplies that go around the world under normal conditions. The wheat fields in the Black Sea country were drilled with machines made in this belt. Plows made in the same country were sent all over the wheat area of Russia and part of France. With the armistice, dealers in agricultural implements thought that certainly conditions would now favor the restoration of the trade which they enjoyed before the war. Nearly the entire export trade to Europe is gone, as a necessary result of warlike conditions. It had been somewhat interfered with in South America and Central America because of the lack of shipping facilities; but with the return of normal peace conditions, and more tonnage being available for shipping purposes, it was supposed that an opportunity would be given to restore those market conditions. For some reason—I am unable to say why—the Government has resolutely refused to give to agricultural-implement dealers licenses to engage in the export trade. In the case of the single agricultural implement of corn planters, for instance, about 80,000 corn planters are required to supply the domestic market. Our export trade requires a considerable number, although for other forms of agricultural implements the requirements are much larger. A resumption of these exports would only restore to us the trade we had before the war. It is entirely a normal condition. It asks us for nothing new. It only gives to us what we had under ordinary trade relations with other countries.

It seems, however, that in portions of Europe we are not permitted to enter if we wish, even if we have the proper license from the proper authorities in our country, prior to the ratification of the peace treaty. The following appears in a cablegram from Rome:

Owing to restrictions on the importation of American-made tractors, binders, and other agricultural implements, American representatives of these firms are compelled to stand idly by and watch the French and British makers, who are allowed to enter.

A prewar agreement between Italy, France, and England permits this discrimination, which now puts American machines under the recent new restrictions. While special permits may be obtained, the difficulties of red tape practically eliminate American makes.

Further complications enter the situation because the Italian Government has started a plant for similar machines, and the output is a copy of a well-known American machine. Initial contracts have been closed for $3,000,000 product. It is generally conceded American machines are superior, but they can not surmount these handicaps. That Italy is showing great fortitude and patience in "carrying on" as it is despite the lack of coal is the opinion of Edward H. E. Beckert, of New York City, consulting engineer for the Standard Oil Co. Beckert is in Italy in connection with construction enterprises by his firm, the nature of which can not be divulged at present. From Rome he proceeds to Constantinople to take charge of the Standard Oil interests.

Mr. President, I ask that the whole of the article be printed without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

"America and England should combine to furnish Italy coal and other necessities," said Mr. Beckert. "Italy at present is struggling and facing tremendous odds to reestablish her industries and manufactories, and unless the great powers like the United States and England see to it that Italy receives sufficient coal Italy can not continue.

STRONG FOR AMERICA.

"I find in coming in contact with business men from all parts of Italy that a decided pro-American spirit exists.

"While the Fiume incident is a sore spot and President Wilson's personal attitude is resented, a spirit of friendship and good will toward the American people is everywhere manifest. Italian business men realize also that the rate of exchange must be stabilized before they can engage in business with American firms on the prewar scale, and with this end in view they are bending their energies to strengthen their financial situation."

Mr. SHERMAN. There is a further difficulty, which seems to be entirely of British origin. It comes from regulations, burdensome in character, in entering the English market. A cablegram from London, as far back as last March, informs us that—

England is swarming with American business men, who came here fully expecting to reestablish their old connections as soon as the vital factor of tonnage permitted, but who now find themselves under heavy handicaps in view of the system of special licenses under which all imports will be controlled, at least until September 1.

These regulations are of the kind that can not be overcome and permit profitable trade.

This, too, Mr. President, I ask to have inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

They realized that while the war was being waged the allied Governments had the first call on shipping, regardless of private interests. They have the tonnage now, but official barriers prevent their using it.

Some think they have a grievance. They kept up their British establishments at a loss during the war on the expectation of doing business again immediately after the close of the struggle.

The process of obtaining import licenses is that each prospective importer must present his case to the board of trade and to the controller of imports. Each case is dealt with on its merits, as the controller judges it from the importer's standpoint, and the board of trade's first consideration is whether the goods in question can be obtained from English firms. If they can, the license is refused. If the importer makes out a particularly strong case for special consideration, he will be permitted to ship limited quantities.

DOMINIONS ARE EXEMPT.

Conspicuous among the American products which find themselves against what virtually amounts to a stone wall are motors, boots, and typewriters, which cost from $200 to $300 in England to-day.

It is said a great British company which has hitherto devoted its plants to the manufacture of implements of war is transforming its works for the manufacture of typewriters.

The self-governing dominions of Great Britain are exempt from the difficulties the Government's policy imposes on foreign merchants.

The situation is looked upon as the beginning of an important chapter in the after-the-war economic adjustment.

Arguments of the free traders have been roughly summarized by the Morning Post, which is the strongest protectionist newspaper in Great Britain. It also points out the possible weakness of the temporary licensing measure.

Free-trade newspapers are also criticizing the Government's policy regarding importations, which was first disclosed by Sir Auckland E. Geddes, minister for national service and reconstruction, in the House of Commons on Monday. The newspapers denounce this proposal as an attempt to introduce protection without any mandate from the voters. Insist that a great majority of the voters are opposed to a protective system, and declare that England is still a free-trade country at heart. They say that "Great Britain gained her commercial and financial supremacy through free trade and can hold it only by free trade."

IMPORTERS FEEL HANDICAP.

One point on which newspapers of all shades and views on the tariff are agreed is that, after British manufacturers and merchants have enjoyed the sort of protection afforded to them by the license system, the "vested interests" will have been built up, or at least fostered, which will make it difficult to revert to a free-trade basis.

From the viewpoint of importers, the license system handicaps them with all the disadvantages of a protective tariff without its stabilizing virtue of certainty. They say that with a protective tariff of 30 or 50 per cent, or any specific rate, they would know where they stand and might adjust their prices and do business in accordance with well-known conditions.

At present they do not know whether to plan to do any business, because they can not count on being licensed to import any given quantity of products, or on being prohibited altogether from making imports.

GOLD BARRED AT PRESENT.

The Government, however, is able to present strong reasons for special measures. British industries have been torn to pieces by the war. They have been compelled to give up all ordinary business, transform their plants into munition factories, and take orders from the Government. They have virtually submerged themselves in the Government machine and now claim that the Government is under obligations to give to them help and protection in the broadest sense during a breathing spell sufficient for them to readjust themselves to peace conditions.

The board of trade announced to-day that the general license permitting the importation of British Empire products and manufactures will not at present apply to gold or articles containing gold, except when consigned direct to the Bank of England. It will also not apply to spirits, except brandy and rum, but it will include hops.

Mr. SHERMAN. Another article I have indicates yet a further provision of Great Britain's application of red tape and burdensome trade restrictions. The article is copied verbatim from the Times of India, a large and influential newspaper of British India, under date of September 12, 1919. I shall not read it at length, but only in substance give its provisions.

An embargo is laid on the export of hides from the British East Indies. It is not an embargo in express terms, which would be too palpable, but a duty of from 10 to 15 per cent on exports is levied at the customhouses, so that that enabling act gives to Great Britain and her colonial dependencies, exempted under the regulation, the advantage of an exclusive market for all of the hides going to the tanneries of Great Britain and her colonial possessions.

This article I also ask to have printed without reading, Mr. President.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

THE INDIAN EMBARGO ON HIDES AND SKINS.

The following article is copied verbatim from the Times of India, a large and influential newspaper of British India, under date of September 12:

"In introducing the Indian tariff act amendment bill, the Hon. Sir George Barnes said: 'The effect of this bill can be stated in a very few words. It is to impose an export duty of 15 per cent on hides and

skins with a rebate of 10 per cent to hides and skins exported to other parts of the empire and there tanned. Its object is to insure that our hides and skins shall be converted into fully tanned leather or articles of leather so far as possible in India, and failing this in other parts of the empire instead of being exported in a raw state for manufacture in foreign countries. I need not take up the time of honorable members with any detailed account of the history of the hide and skin trade in India. It is a common knowledge to all honorable members that before the war the hide trade was monopolized by the Germans and at that time the tanning trade in India was comparatively very small. Great changes were brought about by the war, immense quantities of leather were required for war purposes for soldiers' boots, for saddlery, and for equipment of various kinds, and sufficient tanneries for converting the hides into leather were not available outside Germany. The result was that tanneries for this purpose sprang into existence in India under the guidance and with the friendly assistance of the Indian Munitions Board. In this way India rendered an immense service to Great Britain and her allies in the war and incidentally greatly benefited herself. While the tanning of hides in India was fostered and stimulated by war requirements, the tanning of skins was injured, for it was found necessary to divert the energies of the skin tanners to the tanning of hides for military requirements. During part of the war it was unfortunately necessary to prohibit absolutely the tanning of skins. The present position is that we have in India at the present time some hundreds of tanneries for the tanning of hides, a large number of which have come into existence in order to satisfy military requirements during the war; we have in fact the foundation of a flourishing tanning industry. But there is reason to fear that it may tend to dwindle and disappear with the diminution of military requirements if some other support is not given. We want to keep this industry alive and we believe that in this case protection in the shape of a 15 per cent export duty is justifiable and ought to be effective.

A MEASURE OF PROTECTION.

"'It is clearly just also that the same measure of protection should be extended to the tanners of skins whose business, as I have already stated, was injured by the necessities of the war. Though Indian tanneries have enormously increased in number during the past three years, we can only deal with the comparatively small proportion of the raw hides and skins which India produces, and it is to the advantage of India and the security of the Empire in general that this large surplus should, so far as possible, be tanned within the Empire, and with this end in view the bill proposes a 10 per cent rebate in respect of hides and skins exported to any place within the Empire. I should add that it is proposed to limit by notification the benefit of this rebate to hides and skins actually tanned within the Empire, and Indian hides and skins reexported from the Empire for the purpose of being tanned abroad will not be entitled to any rebate. I need not tell you, sir, that the effect of the bill on the producers of raw hides and skins has been most carefully examined by our expert advisers. We have no desire to benefit the Indian tanners at the expense of the Indian cattle owners or dealers in hides and skins. We are advised that the world demand for Indian hides and skins is so great that there is no risk of any injury being done. We have no cause to be afraid of the competition of the raw hides and skins from other countries. In the world's leather market India has almost a monopoly in respect of skins and produces such a very large proportion of the lighter types of hides, which are far the most suitable for certain purposes, that the world will never be able to do without Indian hides in one form or another. In conclusion, the bill is an effort to keep the tanning industry on its feet. The next few years will be years of difficulty and danger owing to the changed conditions and reduced demands for the army, but when the years are passed I believe that the future holds out a promise of great possibilities for the tanning industry in India. We have the hides, the skins, and practically all the tanning materials ready to our hands and an almost unlimited world demand for leather. It is one of the most promising Indian industries, and we hope that the beginning, which has been so well made, has a bright and successful future before it.'"

TANNERY SCHOOLS.

The Hon. Mr. Crum said that he thought it proper that the duty should be kept no longer imposed than was necessary to launch the industry in India. As far as he was concerned, it was a very simple bill, and it seemed to be quite satisfactory, but he wanted to refer to two points mainly connected with the bill. India could not help importing hides and skins from England, but in order to give the bill a practical shape it was necessary to see that a large number of Indian youths were educated in the industry of tanning. He suggested that a part of the duty which was proposed should be set apart for starting one or two schools of tannery in India. If some schools were located in different parts of India, and if necessary staffs for such schools were imported from England, he was quite sure that within a few years there would be in India an industry of tannery which might meet the demands of the country. He pointed out that the exporters of raw hide and skin would not give support to the bill chiefly on the ground of the effect it will produce on them, but, anyhow, the amelioration of the problem depended on the lines he suggested.

The Hon. Mr. Nigel Paton thought the bill was the first fruit of the labors of the industry commission, and it was the first step toward the industrial regeneration of India.

The motion was further supported by the Hon. Mir Asad Ali and the Hon. Sir Dinshaw Wacha. The afterthought of the bill was the harbinger of similar other measures.

The Hon. Mr. Sarma congratulated the Government on the initiation of their economic policy.

The Hon. Pundit Malaviya thought it was a great tragedy that in spite of all resources and economic supply of raw hides, the Government should not start tanning industries in India but grant a rebate to countries which imported hides.

The Hon. Sir George Lowndes, replying to Pundit Malaviya, said that what was proposed under the bill was to find an outlet for the surplus products of this country.

The Hon. Sir George Barnes, replying to the debate, said all contracts would be respected, provided they were contracts with a country to which export was not prohibited. Replying to Pundit Malaviya, he said the Government had only a limited amount of money to spend in developing the tanning industry. It was the intention of the Government to help the individual tanner and not crush him by Government enterprise.

The motion to introduce the bill was accepted.

Mr. SHERMAN. Another article which I find in a cablegram gives the reason for these various restrictions on agricultural implements. It says that "Advantages shall be given to those implements made in the British Isles." At the close of the war, or upon the signing of the armistice, many of their ammunition plants were of the kind to be readily remodeled for industrial purposes. Among the different undertakings provided for were those manufacturing agricultural implements. The patents have expired on all the binders, the mowers, the corn planters, the wheat drills, the harrows, the disks, many of the tractors, and other agricultural implements patented and manufactured in our own country. Great Britain is taking advantage of those expirations. The advantages held out to her domestic manufacturers have led them in many cases to buy, at a nominal price, the ammunition plants and convert them into agricultural implement houses. These advantages are now evident in the Italian market. The exports of agricultural implements have gone from Great Britain to various parts of Europe.

I can understand, Mr. President, why Great Britain would take that advantage by making such regulations. It is entirely in accord with her domestic industrial rehabilitation. I can not understand, Mr. President, why our own departments in this country refuse to our agricultural implement manufacturers the licenses necessary to engage in that export trade, and to go into that country and make an effort, if they wish, to regain some of their lost business. It may be a mere coincidence, but I have known many persons to be convicted of various offenses on circumstantial evidence not stronger than the action of the departments in Washington in our own country in keeping our exports out of Europe, in order that Great Britain may have free access to those markets. How long until our Government begins to think of our country and our people?

If this burns so well in the green wood, Mr. President, what will it do in the dry? If such advantages can be procured under present conditions, before the ratification of the treaty is made, before the international labor body has begun its operations, what will it be after we have ratified the treaty and put in the hands of Great Britain, France, Italy, or a combination of nations, the economic instrument of oppression found in article 414 of the treaty? This is a question, it seems to me, that is of vast importance to our own country.

It is especially significant when it is taken with an article of last July, cabled from London, from which it appears that Australia is beginning to consider seriously the question of abandoning her open ports, or her tariff, which stimulates imports and becomes protective to her manufacturing or producing centers. The same question is agitated in the Westminster Gazette, according to this cablegram. There will not only be the advantage of economic pressure in the event we do not accept the recommendations of the labor body but there is the rising tendency to build up at the customshouses barriers in the form of discriminating duties against our exports. That is entirely proper, being within the reach of any country as a means either of revenue, or avowedly for other purposes. Taking them altogether, Mr. President, it seems to me that these are very dangerous provisions.

The motion by the Senator from Wisconsin to strike out these provisions in the league of nations, article 23, as I remember, would render harmless those provisions in the treaty. At least, it would put it in a form where, if the motion should prevail, by proper reservations we could save our rights.

There are some other features of this I would like to consider, but I would rather not go on to-night, Mr. President, if it is probable that an adjournment is to be taken. But if not, I can proceed.

[At this point Mr. SHERMAN yielded the floor for the day.]

Monday, November 3, 1919.

Mr. SHERMAN. Mr. President, on Friday evening, at the time the Senate adjourned, I was remarking upon certain phases of foreign commerce. I had not completed the material which I wished to present. I now add a cablegram, which indicates a very unsatisfactory state of our foreign markets, not only at present, but presages a very disturbed condition in the future. This was dated at London the 31st of last August. It shows that the manufacturers in Great Britain, France, and Italy have been unofficially instructed to stop importing from the United States, and to confine their business as far as possible to dealing with each other. I said the story might be denied, but that it was undoubtedly true. Since then, Sir Aukland Geddes, president of the British Board of Trade, which is the British Department of Commerce, has in several public addresses confirmed the cable. The cable reads:

"It is no good for anyone to say, or for any nation to say," declared Mr. Geddes, "we would rely on America to see us through. Salvation for Europe is to be found in Europe and in Europe alone. I am told that America suffered little by the war, and that she will

flood our markets with goods, that she will capture the markets of Europe. America is so placed that, like all the rest of us, she is in great difficulties in regard to the future of her trade."

Mr. SHERMAN at this point read from the Geddes article down to and including the words:

Labor leaders of the United States should realize the dangers they are facing.

Mr. SHERMAN. These men in Great Britain who represent union labor say that they must work or die. We appear to be in no such extreme condition in our country. We can remain idle and live. That seems to be the motto of a number of spokesmen for the labor world.

Following the prediction in this news item of last August we have had an iron and steel strike; we are now in the first day of a coal strike, in which 435,000 out of a potential 500,000 in the bituminous-coal fields are out on strike. Of this half million of bituminous-coal workers approximately 65,000 are outside of the union. They are the only ones to-day who are at work. So the predictions in this news item are literally being fulfilled. We have largely experienced such embarrassment as could come from the strike of the iron and steel workers. The backbone of that strike appears to have been broken. What will occur in the bituminous-coal strike remains yet to be developed.

We are reaping what we have sowed in our own domestic labor affairs. We could not expect to have other than these occurrences in view of the extreme carefulness, to say the least, with which this administration has handled all labor questions. We have not only legislated, because of the weakness of Congress, but by the aggressive conduct of the administration the executive department has literally filled all offices concerned with labor administration with those who go to the very limit asked in order to yield to such demands as are made. We could not expect anything else than these unreasonable lengths to which unionized labor, through their spokesmen, have gone. It only indicates that at last we may be in a condition where we will be no better off than the Old World.

This relates itself directly to the labor provision of the treaty. There are in our own country and in our city the international conference. They are undertaking to settle a number of questions which must be directly connected with our domestic labor situation. These men, representing a great variety of countries in the Old World, are meeting under a provision of the articles sought to be stricken out by the motion of the Senator from Wisconsin [Mr. LA FOLLETTE]. I refer especially now to the provisions for the place of meeting in the annex following article 426:

First meeting of annual labor conference of 1919—

is the heading—

The place of meeting will be Washington.

It makes no difference whether we have ratified the treaty or given any authority to these alien delegates sojourning in our midst. They pay no attention to a mere matter of ratification. They are here busily engaged in conferring upon how they shall regulate the affairs of the entire world. For instance, last Saturday they were busily engaged in deciding whom they would admit into the conference, and there were divers threats made by those gentlemen, who hold the industrial fate of nations in the palm of their hand, that if we did not send in our delegates very promptly we would be barred from all future conferences.

This is a tremendous fulmination. It ordinarily produces instant action in a body like the Senate. We have been so accustomed here to crooking "the pregnant hinges of our knee" every time somebody spoke in the holy name of organized labor, that I am greatly perturbed tnat we have been in session all day to-day since this fulmination was made, and no lusty voice in the Chamber has been raised to give instant acquiescence so as to avoid the horrors of this threat. I fear that we are becoming irreverent, that we no longer are moved as we were in former days.

This threat goes on to state:

The labor group in the International Labor Conference is dissatisfied with the present basis of representation. They are criticizing the character of delegates. There is too much government and too little labor in the representation. An effort to throw out the votes of all countries which had not sent worker delegates and are represented only by governmental appointees will be made by the labor group in to-morrow's assembly. Decision to take this action was reached at a special meeting late to-day by the labor men. The provisions in the peace treaty under which the conference is held are considered especially responsible for the grievance over representation. These provisions allotted each country two delegates—one employee and one employer in the international federation of trade-unions.

The question was to have been brought up at once when the federation met in Washington last Monday, but the meeting was postponed until the German and Austrian delegates arrived.

Mr. SHERMAN at this point read from the Geddes article as follows:

The labor group in the International Labor Conference is dissatisfied with the present basis of representation, * * * but the meeting was postponed until the German and Austrian delegates arrived.

Mr. SHERMAN. So these persons are now sitting, undertaking to pass upon the delegates who shall sit in this international labor conference. When that shall have been done they will then take such action as will relieve the conditions in Europe, since we are not represented officially. The threat heretofore made, that unless delegates are forthcoming from unrepresented countries they will hereafter be barred, is a hint to us that drastic action may be taken while we are unrepresented. Therefore all these market conditions referred to in this cablegram of August 31, 1919, may be aggravated.

We will be unrepresented, we will have no voice to defend our interests, and before long we will be entirely barred, since it is a question of life and death and Europe is now engaged in caring for her own markets, to the extent of excluding us, excluding everything but the food that she actually needs to keep body and soul together. For every other thing for which she has found some means of supplying herself she is now beginning to consider how she shall bar absolutely, under burdensome restrictions, our export trade entirely. That is what this means where it says that manufacturers in Great Britain and Italy had been unofficially instructed to stop importing from the United States and to confine their business so far as possible to dealing with each other.

That led to the import duties of 30 per cent on the merchandise I referred to last Friday. It referred to a duty in the French market of 15 per cent on some articles of merchandise coming from Great Britain and her colonial dependencies. That is a double rate. It is in keeping with the information contained in the news dispatch from which I read this afternoon, that these countries are in a combination to secure their own trade and to exclude our manufactures entirely from foreign markets in Europe at least. How far it will go in South America, by the influences they will exercise, by the tonnage they control in all-ocean freight, and by diplomatic influences to be exercised remains yet to be seen.

It is well known that we can not under existing conditions get a ton of ocean freight out of certain South American countries for any of the European ports. None of the Argentine beef can be exported by any American packer. Every British packer in Argentina is allowed to slaughter at pleasure; he is given all the refrigerator tonnage in British boats, that so far have a monopoly of that species of transportation; an Englishman can obtain all the tonnage he requires; but not an American packer, large or small, can obtain a ton out of any South American port. Still we are to be charitable; we are to give all the needed help to suffering Europe.

I referred on Friday to the loan now being floated in this country by the United Kingdom of Great Britain and Ireland. Certain Chicago banks with certain other banks in New York City are underwriting the loan. J. P. Morgan & Co. head the list in New York. The sum of $250,000,000 gold is to be taken out of our markets in order to relieve the financial condition of Europe, and yet at the same time they are denying, by reason of their traffic arrangements, the exportation of South American beef killed by American packers. The necessary effect of that might not be of any consequence under other conditions, if other markets were open than the United States; but, Mr. President, the packers have certain stocks on hand in South America; they have certain contracts with the cattle raisers and the farmers of that region. A vast area of grazing land is accessible there and is under pasture. They are under contract to receive in a stipulated time a certain quantity of beef on the hoof. That contract was made without anticipation of shutting out that product from the English market. Closing the market by denying the use of transportation facilities, with no stress of war on, turns all this beef into the United States market.

In addition, our export trade from the United States has been destroyed. Since January, 1919, unless in the last month, for which I have no information, there was not a pound of American raised beef that found a market in England. The result is seen in our own market. Last July, when these results first began to be apparent in our domestic market, cattle fell from $20 and a fraction per hundred on the hoof to $14.35.

Therefore, Mr. President, the international labor situation, when coupled with traffic conditions and with burdensome restrictions placed upon our trade, make it impossible for foodstuffs or agricultural implements or other merchandise of domestic manufacture to obtain access to foreign markets. I re-

peat, it is no time now to be considering how we may further hamper ourselves and handcuff our facilities to take care of ourselves. I wish to have printed, without reading, the whole of this cablegram from London, being an article by Henry Hyde.

The PRESIDING OFFICER (Mr. ELKINS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

GERMANY OPENS NEW WORLD WAR—WAR OF TRADE—ENGLAND UNITES LABOR AND CAPITAL TO RAISE PRODUCTION.

[By Henry Hyde.]

LONDON, *August 31.*

I have just been talking with the sales manager of a great firm of American exporters, who returned this morning from a business trip through Italy and France.

"The head of an important firm in Milan," he said, "took a letter from his file and gave it to me to read. It came from a factory in Germany:

"'Our books show that at the beginning of the war your firm was indebted to us in the sum of 2,800 marks,' said the letter. 'We take pleasure in canceling that indebtedness. Let us start again with a clean slate. Our Herr Schmidt will call on you soon and show a full line of samples. We recognize that conditions with you are not exactly favorable, and we shall be glad to give you nine months' or one year's time on all goods bought. If you prefer to take advantage of the present rate of exchange, which is greatly in your favor, we offer the usual discounts for cash in 30 days.'"

SHOWS CHEAP GOODS.

The sales manager, who is a New York man, though he sells many goods made in Chicago, proceeded to show me his silk shirt and neck scarf, wrist watch, and several other articles he was wearing or had in his pockets. They had all been bought in Italy. He quoted the price paid for each, and, translated from Italian lira into dollars and cents at the present tremendously high rate of exchange, every price was ridiculously low.

Most of them were made in Germany and had been sold since the armistice in Italy. For instance, a beautiful pocketknife with a handle of one solid piece of mother-of-pearl. It had three blades of the best steel, and he paid for it in Milan at retail 4 lira, amounting at the present rate of exchange to less than 50 cents. The same knife at home would cost at least $2.

"I am going home on the first ship," he declared, "and get my firm to send me back with instructions to buy great quantities of these cheap manufactured goods. We could pay 100 per cent tariff on almost everything and still make big money."

EUROPE FOR EUROPE.

The other night I sent a cable stating that commercial men and manufacturers in Great Britain, France, and Italy had been unofficially instructed to stop importing from the United States and to confine their business, as far as possible, to dealing with each other. I said the story might be denied, but it was undoubtedly true. Since then Sir Auckland Geddes, president of the British board of trade, which is the British department of commerce, has in several public addresses confirmed the cable.

"It is no good for anyone to say or for any nation to say," declared Mr. Geddes, "we will rely on America to see us through." Salvation for Europe is to be found in Europe and in Europe alone.

"I am told that America suffered little by the war; that she will flood our markets with goods; that she will capture the markets of Europe. America is so placed that, like all the rest of us, she is in great difficulties in regard to the future of her trade."

HEAR OF BIG RAIL STRIKE.

By way of proof, the London papers to-day carry scare headlines stating that 1,000,000 United States railroad men and other workers are already on a strike, and that other millions are about to strike in many trades. American steel and iron mills are said to be refusing orders on account of threatened strikes. The picture is one of increasing alarm and confusion.

In contrast, the same papers to-day carry renewed appeals from recognized trade-union leaders of Great Britain urging the men to double production and to forget grievances until the nation is out of the financial weeds. The sensational appeal of Brownlie, head of the great machinists' union, is backed by William Appleton, secretary of the General Federation of Trades Unions, who declares: "We must work or die."; by Ben Tillett, member of Parliament and famous radical labor leader; and by a half dozen other of the most influential men in the labor movement. Rally of these men to the threatened cause of British industry, it is believed, will have great influence on the annual congress of trade-unions in Glasgow next month.

ECONOMY IN GOVERNMENT.

Coupled with this is a great campaign for governmental economy started by Premier Lloyd-George himself, whose letter threatening discharge to government officials who do not institute the strictest economy has caused a great sensation.

Manufacturers and labor leaders of the United States should realize the danger they are facing.

Mr. SHERMAN. Mr. President, I now wish to return to the developments more in detail of the International Labor Conference in session in the city of Washington:

Labor delegates sought this delay in the program for the further purpose of preventing action prior to the arrival of the Germans and Austrians, it was said, as they are expected to be almost solidly in sympathy with the workers. By eliminating the votes of governmental delegates from countries without labor representation, and through the support of the governmental appointees of Germany, Austria, and other countries believed to side with labor as against capital, the labor-group leaders hope, it was said, to create a block strong enough to prevent the conference from taking any action unfavorable to it. A two-thirds vote is required on all conclusions of the conference.

* * * * * * *

The German and Austrian delegates sailed from Amsterdam on October 24 and should be here by Wednesday, according to W. A. Appleton, of England, president of the International Federation of Trade Unions. It was frankly admitted that their presence might produce an awkward situation.

That would be most deplorable, Mr. President—to produce "an awkward situation" here in our own Capital at the first labor conference that has been held. It only shows the extreme folly of attempting to function under an arrangement of this kind before we ourselves have ratified the treaty. We are helpless; we can not deport the delegates to this international conference. German labor leaders, extremely socialistic in their tendencies, and Austrian labor leaders of a like kind, are here. They are the "stormy petrels" of many an industrial war. They are here from all parts of the globe. There have come to Washington not only from England but from every corner of Europe, even from some of the Balkan Provinces, men who themselves are more concerned in fanning the flames of discontent in our domestic affairs than they are of promoting peace.

The International Labor Conference, Mr. President, is a menace to the continued domestic peace and good order of our own country. The radicals are here. They are here for no good purpose. Not all of them are radicals, but one firebrand is enough to consume a city. The cow down on De Koven Street in 1871 that burned up Chicago upset a lantern. That was enough to start the physical conflagration. In the irritated condition of our industrial life it is very easy for disturbances to blaze into a flame that will involve the whole industrial fabric of our country. In this crisis, with the iron and steel strike still unsettled, with such spokesmen as Mr. Foster and his aids, with such spokesmen in the pending bituminous coal strike as John L. Lewis and his aids, with the generally inflamed condition of certain men in the country who do not represent the respectable, staid, conservative element in the labor unions or in the industrial world outside the unions, it is no time now to assemble here an international conference of firebrands from all over the world. We have enough of our own.

If I were connected with the executive department and had authority in such matters, I know what I would do, and take the chances. We are not now living under normal governmental conditions. We might as well recognize that we are living under the regency of Tumulty and Mr. Baruch. So long as there is an interregnum, we ought especially to be careful to see that no untoward events happen. If I had the power, I would deport the members of this International Labor Conference, that are so busily engaged in giving us advice as to how to run everything in the world, including our domestic affairs. The extract I am about to read will indicate the character of some of the men we have already harbored in our midst:

OVERTURN "THE DIRTY, ROTTEN GOVERNMENT OF THE UNITED STATES," SAID TROTSKI.

The night before he started for Russia Trotski, speaking to several hundred of his East Side, New York, followers, said:

"I want you men to remain here and organize and keep on organizing until you destroy this dirty and rotten Government of the United States, while I return to Russia, bring on a revolution there, and stop Russia's war against Germany."

That is a quotation from Trotski's statement a short time before he left this asylum, to which he had escaped to avoid the consequences of his seditious conduct before coming here.

Some months ago the American Defense Society, keeping close track of the movement which was then under way for the purpose of carrying out Trotski's command to his followers, warned the officials of every leading city that efforts would be made by the socialists and anarchists and Bolshevists to bring about a revolution for the purpose of destroying the American Government. They were advised that the plan involved starting a strike first at one point and then at another, testing out at each place the ability of the strikers to completely capture that city, and the first city which came completely under the domination of these revolutionists was to be the signal for similar revolutionary activities in every city in America.

I read this in order to show how closely it tallies with actual developments:

Seattle was the first place at which the effort was tried, but the backbone of the mayor of that city broke the strike and saved the country from a general campaign of destruction and chaos.

Boston was another point at which the effort was made, and now the steel strike and many other strikes are merely the fulfillment of the statements made months ago by the American Defense Society in warning the officials of every city to be ready.

Since this article was given to the public press of the country the bituminous coal strike has assumed form and actually occurred and is to be added to those already enumerated.

These strikes are simply an effort to definitely carry out Trotski's command to his followers to be prepared at the proper time to overturn the "dirty, rotten Government of the United States." Trotski's speech was made in a German hall. He went from America through the cooperation of Germany, and possibly some Americans, for it is

claimed that somebody in this country had sufficient influence to have this country ignore a reported request from the British not to permit his leaving America. He was landed in Russia through the cooperation of Germany, and what he did in Russia he and his followers and Germany unitedly are seeking to repeat in America.

There are many innocent men who are out on strikes, but every man in this country who to-day is on a strike is cooperating with Trotski, with the Bolshevists, and with Germany in their effort to overturn what Trotski called "the dirty, rotten Government of the United States."

He who does not understand this situation has little comprehension of the work that is under way. It is time for the American people to wake up.

Many laborers participating in the present coal strike have been misled. I do not mean to say that they are in sympathy with such as are referred to in the statement of Trotski. However, the man misled who quits his work injuries the public welfare as much as the man who quits through malicious design. There is, I believe, a great body of law-abiding union-labor men in this country, and when they understand to what base uses they are being led I look for a return on their part to their accustomed work. I believe our experience during the war proved that the great body of union labor is loyal and sound at heart.

Some of the leaders of the American Federation of Labor during the war showed that they were equally loyal and sound. I join with them cordially in promoting peace and good order. I do not believe they understand the articles referring to the international labor union, or they would be found back of the Senator from Wisconsin [Mr. LA FOLLETTE] and favoring his motion.

To show the international character of the delegates sitting in this Capital, the evening news reports contain an account of a delegate from the British East Indies, found in the Evening Star of November 3, 1919. The labor conditions in the British East Indies are such as to make it impossible for any advice to us in our domestic situation to be given from that source. I shall not undertake to pronounce the name of this "striking figure at the international labor conference," but the reporter and the printer can get it. It is in the column I have marked. I ask that it be included in my remarks without reading the news item further.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STRIKING FIGURE AT INTERNATIONAL LABOR CONFERENCE.

[Picture.]

Bahman Pestonji Wadia, delegate from India.

Mr. SHERMAN. There is one difficulty upon which I can not, as a practical matter, see a way to overcome. There is that wide difference in the industrial situation in many countries that makes it impossible here to confer with delegates from those countries to our profit. There is, for instance, such a very wide divergence in the methods of labor and in the wages paid that I am unable to see how anything of value can come to us from participation in this conference.

In the longshoremen's strike, for instance, that has been on in San Francisco for some time, the following is the scale of wages paid for the week of August 28 to September 3, 1919, by one of the steamship companies, to the longshoremen. The compensation runs from $65.50 per week to $80.25. Some of the stevedore gangs, however, average lower. Their compensation runs as low as $63.66 per week, and some as low as $57.50. The schedule of wages contained in the list from which I am now reading was fixed some time ago at a conference between the employers and the spokesmen of the several unions concerned. The Water Front Employers' Union dealt with the several representatives of organized labor, and arranged for these schedules. With these rates of compensation, which are on an equality with many other lines of labor, skilled and unskilled, and especially keeping in mind the schedules for railroad employees, I wish to make a comparison.

The Chinese railroad rate, for instance, in 1914 and 1919 is a very instructive thing. In 1919 the subinspectors on Chinese railroads received $660 per annum. I can say, parenthetically, that the compensation in Japan for like services, skilled and unskilled, runs very much the same. Through the fitters, headmen, coolies, gatemen, carpenters, firemen, yardmen, electricians, painters, and cleaners, and running through the various grades down through the shops, all of which have very recently been more or less concerned in the strikes we have had in our country, the rates of wages are given. Then, the rates of wages given in Japan run all the way from an increase of 25 per cent over 1914 to as high as 44 per cent; but in every instance the wages paid are so pitifully inadequate, as compared with our own, as to provoke almost derision when the comparison is made. When these scales are put alongside of the wages of a carpenter, an ironworker, a shopman of the terminals of our railways, or the longshoremen in the strike in New York City, the very great divergence is at once apparent. How these delegates coming from oriental countries—from the British East Indies, from Siam, Japan, China, Persia, from various points where they have the right to sit with an equal delegation from these industrial conferences—can be of value to us in settling our industrial or strike troubles, I am unable to see. Still, they are here. They are here under the articles referred to in the motion of the Senator from Wisconsin, and in the annex that follows these articles.

I read these rates of wages only to show how greatly different the standards are in those countries whose delegates are here for the purpose of advising us what to do in matters of domestic concern.

I wish to put in the RECORD the longshoremen's scale of wages which I have referred to, and also the wages of the Chinese and Japanese occupations, without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the American Economist of Sept. 19, 1919.]

SHIPYARD WAGES IN CHINA.

Take the shipbuilding industry. The wages in this line for the day fall far below the hourly wage of American shipyards. Consul General Anderson sends the following table of pay per day prevailing in one of the yards, the rates being given in Hongkong currency. The value of the Hongkong dollar averaged about 45 cents in gold in 1914 and about 80 cents in 1919:

Workmen.	1914	1919
Fitters	$0.87	$0.89
Fitters' assistants	.35	.29
Turners	.96	.95
Turners' assistants	.20	.26
Boiler makers	.80	.78
Boiler makers' assistants	.30	.30
Molders	.64	.65
Dressers	.48	.49
Coppersmiths	.66	.69
Electricians	.70	.64
Brass finishers	.72	.77
Sawmillers	.62	.64
Galvanizers	.55	.56
Pattern makers	.90	.94
Blacksmiths	[1].75	[2]1.27

[1] Includes strikers. [2] Does not include strikers.

He also gives the daily wage of the following tradesmen, which, he says, has not changed much during the war, although most of the work is done by contract: Carpenters and joiners, 60 cents per day; calkers, 55 cents; riggers, 75 cents; sailmakers, 80 cents; bricklayers and cementers, 55 cents; painters, 45 cents; and coolies, 40 cents.

CHINESE RAILROAD WAGE RATE.

Here is the table of wages in the railroad industry for 1914 and 1919, again in Hongkong currency:

Designation.	Rate.	
	1914	1919
Maintenance expenses:		
Subinspectors.....per annum	$480.00-$660.00	$480.00-$660.00
Survey coolies.....do	144.00	168.00
Fitters.....do	360.00	480.00- 640.00
Headmen.....do	360.00	360.00
Coolies.....do	144.00	144.00
Gatemen.....do	144.00	144.00
Carpenters.....do	360.00	420.00
Operating expenses:		
Drivers—		
First class.....do	480.00- 660.00	480.00- 720.00
Second class.....do	420.00	360.00- 420.00
Firemen.....do	216.00- 300.00	216.00- 288.00
Yard points men.....do	156.00	156.00
Electricians.....do	408.00	240.00- 660.00
Carpenters.....do	600.00	720.00- 900.00
No. 1 fitters.....do	720.00- 900.00	720.00- 900.00
Fitters.....do	480.00- 660.00	480.00- 660.00
Riggers.....do	216.00- 324.00	480.00- 660.00
Painters.....do	360.00	480.00- 660.00
Cleaners—		
Locomotive.....do	180.00	180.00
Carriage.....do	144.00	120.00- 216.00
Carpenters.....per day	.92- 1.15	.92 1.25
Turners.....do	.92- 1.10	.92- 1.40
Fitters.....do	.99- 1.45	.92- 1.60
Apprentices.....do	.15- .31	.10- .40
Blacksmiths.....do	.83- 1.04	.92- 1.10
Strikers.....do	.58	.58
Riggers.....do	.58- .69	.46- .69
Painters.....do	.92	.92
Traffic expenses:		
Station masters.....per annum	720.00- 960.00	720.00- 960.00
Booking clerks.....do	360.00- 420.00	360.00- 420.00
Goods clerks.....do	360.00- 420.00	360.00- 420.00
Assistant guards.....do	480.00- 660.00	720.00- 900.00
Ticket collectors.....do	240.00- 420.00	360.00- 420.00
Brakemen.....do	240.00- 420.00	240.00- 420.00

Of importance to the same study of oriental wages is the following table of average hourly rates paid by an engineering concern in Yokohama, compiled for the British embassy at Tokyo and printed in the Iron Age:

Occupation.	Average rate of wages per hour, in cents.				Increase 1914 to 1918.
	1914 and 1915	1916	1917	1918	
					Per cent.
Pattern makers:					
Ordinary men	6	6½	7	7½	25
Best men	8	8½	9½	11½	44
Carpenters:					
Ordinary men	6	6½	7	7½	25
Best men	7	8	8½	11	57
Molders:					
Ordinary men		6½	7	8	33
Best men	7½	8	10	11½	53
Machinists and fitters:					
Ordinary men	5	5½	6½	7½	50
Best men	8	8½	9½	11½	44
Boiler makers:					
Ordinary men	6	6½	7	7½	25
Best men	8	8½	9	11	38
Blacksmiths:					
Ordinary men	6	7	7½	8	33
Best men	10	10½	11	12½	25
Labor, unskilled:					
Ordinary coolie	4	4	4½	5	25
Best coolie	5	5	5½	6	20

These are the rates for work done during the ordinary working hours (nine per day); but it is stated that overtime, which is paid for at the rate of time and a quarter, is now being regularly worked, with the result that average monthly earnings have increased much more than would appear from the table given above. The rate of increase calculated on monthly earnings ranges, in fact, from 60 to 150 per cent for the occupations given above. Simultaneously there has been a decline in the quality of the labor available. Many new projects have been floated during the last two and a half years, and there has been a great demand for labor in consequence. The employer who supplied this information states that in reality the cost of labor has nearly trebled since July, 1914.

OSWALD F. SCHUETTE.

[From the San Francisco Daily News of Oct. 2, 1919.]

The following is the pay roll for the week of August 28 to September 3 by one of the steamship companies operating in this port. The amounts are given exactly in order as they appear on the company's pay roll and in the order in which the men were put to work: $80.25, $74, $48, $71.50, $65.50, $73.75, $64, $74.25, $65.50, $80.25, $73.75, $74.50, $71.80, $73.60, $76.50, $73, $73.80, $65.50, $73.60, $37.25, $74.35, $78.30, $81, $55, $73.75, $73, $73.75, $73, $82.35, $74.80, $74.50, $73.15, $73.75, $73.75, $73, $61.75, $73.30, $73, $73, $62.50, $65.50, $69.25, $72.25, $73.60, $68.50, $64, $71.50.

The average wage paid these 47 men for that week is $70.76.

These longshoremen were paid $1 an hour straight time—that is, all time worked between the hours of 8 a. m. and 5 p. m. week days—and $1.50 per hour overtime, or for work performed between 5 p. m. and 8 a. m., or on Sundays or holidays.

Not all of the stevedore gangs, however, average $70.76 per week. Here are figures from another crew, which only averaged $63.66 for a single week, the week ending August 30: $63.25, $82.75, $57.50, $58.25, $63.50, $63.50, $81.50, $85.75, $52, $58.25, $59.50, $63.50, $64, $73.50, $58.25, $57.50, $63.50, $63.50, $48.75, $58.25, $57.50, $63.50, $75.25, $59.75, $58.25, $58.25, $63.50, $69, $58.25, $57.50, $59.50, $63.50.

These figures are a matter of fact that are of record. They are wages paid under union regulations.

We submit this schedule of wages for the thoughtful attention of the wage-earning men and women of San Francisco, so that they may have a better understanding of the relations that existed between ourselves and our men, and of the treatment we accorded them before the strike.

WATERFRONT EMPLOYERS' UNION.

Mr. SHERMAN. Connected with this subject vitally, I have a cablegram from London on industrial questions, showing that England's colonial dependencies are beginning to look out for the monopoly of their own markets. What an industrial conference here of representatives of various foreign countries can do to relieve the situation for us is more than human ingenuity can explain.

The article referred to is as follows:

[From the San Francisco Call and Post of Monday, July 21, 1919.]

ENGLAND MUST ABANDON FREE TRADE, SAYS PRIME MINISTER OF AUSTRALIA.

(By Floyd Macgriff, International News Service Staff Correspondent.)

LONDON, JULY 19.

"Nothing is more certain than this: Unless a definite policy is adopted that will give the British manufacturers a preference in the home markets and to the overseas dominion a larger market within the Empire for their raw materials, not only will imperial trade suffer but the Empire itself will tend to disintegrate, for the surest tie is that of mutual self-interest. All things are now possible. We have come to the crossroads. The passing hours are deciding the destiny of the Empire."—W. M. Hughes, Prime Minister of Australia in farewell London address.

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LONDON, JULY 19.

Will Great Britain adopt imperial trade tariffs and restrictions?

The answer to that question is of supreme commercial importance to the whole world. American manufacturers, as well as German concerns against whom such restrictions would be directed, are deeply interested in the answer that Great Britain will give to that proposal, which is favored even in high political circles.

As yet the British cabinet has not given any indication of what the answer will be, although the proposal has been laid before it.

Whether Great Britain is to reform her trade policy of generations' growth is likewise of great concern to home manufacturers.

Prime Minister Hughes of Australia, who has preached that it is high time that England abandoned free trade, has secured considerable following, including the Times, the Morning Post, Lord Milner, colonial secretary, prominent manufacturers and others.

For 18 months Premier Hughes has been an apostle preaching in his homeland the necessity of conserving the Empire's resources to the sole first call and use of the British. He has demanded closer trade unity between the homeland and dominions, saying foreign trade should be kept out so that there would be plenty of business for the close family partnership and so that industries could provide employment continuously.

DEMANDS PROTECTION.

Because Germany got such a grasp upon raw materials in British territories, owing to the interlocking German banking-industrial system, Hughes wants the Empire to protect itself now, so that in the future Germany will have to go elsewhere for her raw materials or buy them from Great Britain.

Since Great Britain controls the greater part of the storehouse of Africa, all of India, a great part of the Near East, besides the continent of Australia and near-by islands and the top half of North America—one-sixth of the world, in fact—a procedure of this sort would have far-reaching results. And this one-sixth produces at least a third of the world's supply of raw materials, if not more.

British opinion has been lining up for some time in two camps—one for continuing the free-trade policy of the past and the other for making needed changes that will give British industry some measure of protection.

PAPER IS FREE TRADER.

The Westminister Gazette, a free trader, says:

"If the Government is going to adopt Hughes's ideas and turn the Empire into a close preserve with German trade barred and other foreign trade heavily discouraged, the merchants, manufacturers, and shipowners ought to know it. If the Government is going to give him the preferences that he demands, which can only be on wool, meat, and corn, the public should know it.

"And again, if Sir George Perley's view that the products of the Empire should be used 'solely for trade within the Empire' is to prevail, that should be frankly stated to the supreme economic council and to our European allies, for plainly otherwise most of the economic provisions of the peace treaty will be on a false basis, and many of the assurances that we are giving, both to the enemy and to our allies, will be scraps of paper.

"When these views are stated with the apparent support of Lord Milner, and the cabinet neither confirms nor denies them, how can we expect manufacturers, traders, and shipowners to make any settled plans for the future?"

Premier Hughes quoted Herr Zimmermann's speech during the war, which said England's open-door policy permitted Germany's commercial expansion. Zimmermann's words were:

"We are sojourners in England's house, paying guests of the Anglo-Saxons.

"The secret of our success lies apart from our organization and the training of our working classes to the fact that England and the countries which are the great producers of raw materials granted us an open door, allowing us to draw upon their vast reservoirs of raw materials. If this permission is withdrawn we shall be at one stroke once more the Germany of 1880.

GERMAN GIVES VIEWS.

"Our dependence on the Anglo-Saxon was so great that it is no exaggeration to say that our system of protection was only possible because the Anglo-Saxon put at our disposal their fields of cheap production across the sea. But they did more.

"They gave admission to our merchants, trade agents, commercial establishments everywhere in their broad domains, looked kindly on them as long as they were modest, and thereby they assisted materially to open markets for our industrial products."

That's what Hughes wants changed. He wants it fixed so that there will be no more of that kind of thing which permitted Germany to control products vital to warfare. So Hughes asks:

"Are the self-governing dominions to be bound to Britain and to each other by ties of blood and traditions only, or are we to have a great imperial partnership in which the national and economic interests of each are conserved?

"Are we to have a policy of Britain for the British, Canada for the Canadians, Australia for the Australians, and the Empire for us all; forming a league of nations ourselves as well as being part of that greater league of nations, or are we to go back to things as they were before the war, a policy of negation, a policy of Britain and the Empire for the Germans, a policy dictated by Germany or by international finance?"

Mr. SHERMAN. What the labor conference will take up nobody can tell. There is a strike in Dublin among the grave-diggers. They have halted all the hearses. Nobody can be lawfully buried within a given area in Ireland at this time. I read just a short time ago, too, that the labor unions would take up a revision of the boxing code. Of course, everybody that goes into the ropes, the trained gladiator of the sawdust circle, is a laborer. They ought to form a union—the grand international union of physical sluggers—and here is a proposition to take them in and to devote the sober time of this international labor conference, I presume, to settling various international questions of where and how to hit an antagonist. Of course, the practical suggestions, as usual in all these labor conferences, come from England. Notwithstanding she is not carrying the world's championship among the subjects of George V at this time, she is always present with advice when anything is to be done, whether it is a grave-diggers' strike in Dublin or the proper knockout blow to be administered under the Marquis of Queensberry rules. It goes on to say:

"The root of many dangers and dissensions will have been extirpated," says a leading English critic, "when the three chief pugilistic countries—

You notice the honorary mention we receive at the hands of this distinguished authority—

Great Britain, America, and France—have accepted an international code of rules and a standard scale of weights."

The distinction between heavyweights and featherweights, between the heavy, slugging pugilists and those of a lighter and more agile form, will be reduced to a scientific basis. The article continues:

The Fédération Française de Boxe is calling a meeting of international representatives for next year to discuss the anomalies that exist all over the boxing world.

This came from Paris, of course. Great fistic events have been conducted there on divers occasions. The article continues:

If Great Britain and America could agree upon a common code (it would have to be arranged, of course, on the do ut des principle) the standard of boxing in both countries would be appreciably raised and the "regrettable incidents" which have caused so much trouble and provided captious critics with ammunition could no longer occur.

In America referees allow many things which are forbidden under National Sporting Club rules, with the result that the American boxer who comes over here is necessarily handicapped (for the boxer has to learn how to do what he does instinctively) and is apt to feel aggrieved when he loses the decision by a narrow margin.

Now it lapses into purely technical expressions:

The kidney punch, hitting with the open glove, and the "occipital" or "rabbit" punch are all allowed in America, and American boxing would be all the better if these dangerous and unsportsmanlike tricks were forbidden.

So we will come in for disciplining at the hands of the conference for everything. Possibly they see some way to obtain the championship belt by diplomacy rather than by scientific hitting. Great Britain is the greatest diplomatic country in the world, and possibly she, now that the war is over, has turned her attention to this highly important subject, so that we shall no longer obtain this honor in the sporting world.

I wish to insert the whole of this article on the boxing code without reading; also the article in reference to the gravediggers' strike in Dublin and elsewhere; also the report of the proposed barring of votes from the international conference if we do not get in early.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

BOXING CODE URGED FOR THREE NATIONS—INTERNATIONAL STANDARD WOULD KILL MANY ABUSES, BRITISH CRITICS CLAIM.

Suggestion comes from England that the three principal countries in which the sport of boxing is practiced—America, Great Britain, and France—should adopt an international code of rules and a standard scale of weights. It is contended that such a code and standard would obviate many abuses that occasionally creep into the sport and give its enemies something to talk about. British critics contend that there is altogether too much fouling in the ring, and they also deplore the attitude of fight crowds that persistently clamor for rough work and care nothing for the scientific aspect of boxing.

"The root of many dangers and dissensions will have been extirpated," says a leading English critic, "when the three chief pugilistic countries—Great Britain, America, and France—have accepted an international code of rules and a standard scale of weights. The Fédération Française de Boxe is calling a meeting of international representatives for next year to discuss the anomalies that exist all over the boxing world. If Great Britain and America could agree upon a common code (it would have to be arranged, of course, on the do ut des principle) the standard of boxing in both countries would be appreciably raised and the 'regrettable incidents' which have caused so much trouble and provided captious critics with ammunition could no longer occur.

"In America referees allow many things which are forbidden under National Sporting Club rules, with the result that the American boxer who comes over here is necessarily handicapped (for the boxer has to learn how to do what he does instinctively) and is apt to feel aggrieved when he loses the decision by a narrow margin. The kidney punch, hitting with the open glove, and the 'occipital' or 'rabbit' punch are all allowed in America, and American boxing would be all the better if these dangerous and unsportsmanlike tricks were forbidden.

"As regards infighting, on the other hand, the practice of American referees has struck me as more in accordance with common sense than that of some of ours, who are always pulling up the men engaged at close quarters for quite imaginary offenses against the spirit of the game. The result is that our young champions in the making are apt to pay too little attention to inside work, and, being single-plane fighters for the most part, are at a disadvantage when they meet the American, who fights in both planes—distributing his attack between the body and the head, the former for choice, which is the basis of a scientific all-round style.

"It ought not to be impossible to agree on a common code, provided, of course, we do not pose as having a monopoly of the quality of sportsmanship. There is really no reason in the nature of things why men should not box, as they play cricket, under the same rules all the world over."

—

GRAVEDIGGERS IN DUBLIN ALSO RESORT TO STRIKE—HAVE APPEALED TO HEARSE DRIVERS, WHO NOW REFUSE TO CONVEY BODIES FOR BURIAL.

DUBLIN, *September 10.*

A strike of gravediggers in Dublin, maintained for some weeks at Glasnevin Cemetery, has caused much inconvenience and some risk to the public health. It was mitigated, however, by the decision of the cemeteries committee to permit interments by people having plots in the cemetery provided that they opened and closed the graves themselves without calling on the committee for assistance.

The gravediggers have now appealed to the hearse drivers, who have declared a sympathetic strike and refuse to convey bodies for burial.

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WOULD BAR VOTES OF NATIONS FAILING TO SEND DELEGATE—INTERNATIONAL LABOR CONFERENCE GROUP DISSATISFIED WITH REPRESENTATION—ISSUE BLOCKS PROGRAM PLANNED FOR TO-MORROW—EIGHT-HOUR DAY AND FORTY-EIGHT HOUR WEEK WAS TO HAVE BEEN TOPIC.

The labor group in the International Labor Conference is dissatisfied with the present basis of representation. An effort to throw out the votes of all countries which have not sent worker delegates and are represented only by governmental appointees will be made by the labor group in to-morrow's assembly. Decision to take this action was reached at a special meeting late to-day by the labor men.

Provisions in the peace treaty, under which the conference is held, are considered essentially responsible for the grievance over representation. These provisions allotted each country two Government delegates, one employer and one labor delegate.

When the International Federation of Trade Unions met at Amsterdam some time ago the demand was made that the Government delegation in each instance be reduced to one person. The question was to have been brought up at once when the federation met in Washington last Monday, but the meeting was postponed until the German and Austrian delegates arrived.

DISAGREE ON PROCEDURE.

The raising of this issue blocked the program of the conference to take up Monday the question of an 8-hour day and 48-hour week. The commission of selection, which is the conference steering committee, was unable to agree on procedure to handle the problems, and the entire matter probably will come before the conference this week. Some delegates favored referring the question of representation to a committee to prepare a plan for reorganization of the conference.

Labor delegates sought this delay in the program for the further purpose of preventing action prior to the arrival of the Germans and Austrians, it was said, as they are expected to be almost solidly in sympathy with the workers. By eliminating the votes of governmental delegates from countries without labor representation, and through the support of the governmental appointees of Germany, Austria, and other countries believed to side with labor as against capital, the labor group leaders hope, it was said, to create a block strong enough to prevent the conference from taking any action unfavorable to it. A two-thirds vote is required on all conclusions of the conference.

WOULD TAKE PART OF WORKERS.

The Government delegates of Czechoslovakia, and probably of Holland and Belgium, would take the part of the workers on all issues included in the agenda of the conference, one foreign delegate said.

The German and Austrian delegates sailed from Amsterdam on October 24, and should be here by Wednesday, according to W. A. Appleton, of England, president of the International Federation of Trade-Unions. It was frankly admitted that their presence might produce an awkward situation.

The 11 men from each of the two Central Powers will be placed on a quasi-diplomatic status, it was said, and may be housed in the old German Embassy, which now flies the Swiss flag. They could take their seats at the conference in alphabetical order, in accordance with recent seating arrangements.

The conference hall was given an international aspect by identifying each country's place at the long tables with the flag of that nation, but the German and Austrian designs will be excluded, due to legislation prohibiting the display of enemy colors.

ADMISSION OF NATIONS.

The commission on selection yesterday named a committee on the admission of new countries, which will have to take up the question of Finland and Mexico. Its members are: Government, Arthur Fontaine, France, and Newton W. Rowell, Canada; employers, Mr. Collinet, France, and Marcel Fraipont, Belgium; labor, Samuel Gompers, president of the American Federation of Labor (N. M. Joshi, of India, will act in his stead until the United States is represented officially), and Gino Baldesi, of Italy.

The following committee on standing orders was named: Government, Count de Eza, Spain; M. Kershaw, India; E. Mahaim, Belgium. Employers, Mr. Goineau, France; Dr. Miall, Great Britain; Mr. Verkade, Holland. Labor, Conrad Ilg, Switzerland; Mr. Tayerle, Czechoslovakia; and P. M. Draper, Canada.

At the request of the labor delegates the question of a universal eight-hour day will be deferred to-morrow by the international labor conference.

Representatives of labor at a meeting yesterday evening decided they were not yet ready to begin the debate on the eight-hour day, as they desire to hold informal conferences with capital delegates. They so reported to the steering committee, which agreed to recommend the postponement.

Mr. SHERMAN. It is said [reading]:

Italian labor conferees represent 1,300,000 men. Gino Baldesi describes conditions among workmen of his people.

"Trade-unions in Italy were born of the political socialist movement," Mr. Baldesi explains. "It is only natural that the men who directed and still direct the trade-union movements should belong to the Socialist Party, even if they do not wholly approve the methods of action practiced by that body."

He is here and is now engaged in giving us wholesome advice. By the time this gentleman will have finished his sojourn in our midst and the offering of much advice on how to settle our troubles, no doubt the men out on a strike in the bituminous coal region will feel greatly encouraged. They will be convinced of the justice of their claims and encouraged in a persevering, obstinate struggle with the Government in its attempt to produce enough fuel to keep people from starving and freezing during the ensuing winter. I also wish to incorporate in the RECORD this news report from the Washington Star of the Italian labor conference.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The article referred to is as follows:

ITALIAN LABOR CONFEREE REPRESENTS 1,300,000 MEN—GINO BALDESI DESCRIBES CONDITIONS AMONG WORKMEN OF HIS PEOPLE—WAGES RISE 100 PER CENT SINCE WAR.

The International Labor Conference fairly bristles with distinctive personalities. Observers at the sittings frequently during the last week have found their attention sharply arrested by the vehement speeches of a member of the Italian delegation, delivered in his native tongue and ably and speedily translated into English by an elderly woman interpreter with a slightly Scottish accent who sits with the group from Italy.

The vigorous speaker is Gino Baldesi, vice secretary general of the Italian Confederation of Labor, and a leader of the socialists among wage earners. He is of medium height, is smooth shaven, has a high forehead and hair of a slightly reddish tinge, and appears to be in his early thirties. His acquaintance is international.

So soon as the labor conference here adjourns Mr. Baldesi will hold several meetings with Italian societies in the larger eastern cities, including Washington, and then will tour a part of the United States, delivering lectures under the auspices of the "Federazione Socialistica Italiana." He represents in his own country an organization of 1,300,000 workingmen, whose slogan is "nobody idle."

ITALIAN LABOR IS TOPIC.

Mr. Baldesi described during the course of an interview last evening the present condition and current activities of Italian labor people:

"The condition of Italian workmen to-day is greatly improved, thanks to our confederation, which has a membership of 1,300,000. Wages have risen 100 to 150 per cent above prewar rates, and as a result of the recent strike of metal workers (which lasted 60 days) these wages have been consolidated by fixing a minimum rate transforming the former earnings, which consisted of payment by the hour, by piecework, and in a bonus for the high cost of living, into a fixed rate as so much an hour, increased by a percentage in the case of those workers who do not work by the piece.

"This great strike, the importance of which was not made known in foreign countries, kept 250,000 workmen idle at a time when 100,000 workers in other industries were having industrial disputes with their employers.

"All workers in the steel and engineering trades now have the eight-hour day, secured last February. Steel workers have a weekly day of rest, and to make this possible relief shifts are employed. After the steel people won their eight-hour-day fight the same length workday was obtained by textile workers, printers, men engaged in building industries, and agricultural workers."

COMMITTEES ASSERT INFLUENCE.

"The workers' shop committees have asserted their influence in a notable way," he declared. "They have secured positive results which entitle us to hope much in the future. All individual or partly collective disputes are settled by agreement between the shop committee and the employer. Our workers have clearly shown that they understand not only their own special work, but the working of the industry as a whole, more especially with regard to the greater yield obtained as a result of certain methods which secure to pieceworkers the highest earnings."

In Italy there is now a strong organization of agricultural laborers led by a woman, Signora Argentina Altobelli. It has half a million members and with it is affiliated all other classes of workers, including clerks in stores and shops.

"Trade-unions in Italy were born of the political socialist movement," Mr. Baldesi explained. "It is only natural that the men who directed and still direct the trade-union movement should belong to the Socialist Party, even if they do not wholly approve the methods of action practiced by that party.

"Our unions are open to all on presentation of a statement of the trade to which they belong, and without obligations on their part to join any political party. If the majority of our members were of any other party than the Socialist, that majority could change the policy of the confederation of labor."

Mr. SHERMAN. There is another point to be noticed. It is not directly connected with the treaty, but it is entirely proper to comment on it, while they are advising us on everything from digging graves to boxing. It is our behavior in entertaining royalty. We are the butt of ridicule for the civilized world. Here is a report published in a newspaper in the capital of this Republic. When Punch in London will, with its celebrated artists, properly illustrate it they will have a star edition of the great British jester. It is the comic paper, running from before the days of the Civil War. It has apologized sometimes through its managers, but it has been a comic paper in England for many years without missing an issue. It even extracted comedy from the aircraft bombardment of the metropolis of the world. I read it during the war. It is well calculated, if a person could extract any comedy from tragedy, to do so. So I do not for a moment hesitate to refer to it in soberly arguing the international labor articles of the treaty. But we are told, in an article dated November 1 at New York, by Herbert Corey, and found in various papers in the United States, that when the King and Queen arrive at their own fireside for reflection they have a giggle coming. It goes on at some length to say that we have shown ourselves to be raw, uncouth, crude, without knowledge of social etiquette, and especially that we do not know how to treat crowned heads.

It is because we have so few of them coming to our shores and none of our own. I remember when the German Prince was sojourning here some years ago that the most vivid recollection I have is a large bill for damages that the State of Illinois had to pay, because during the blare of trumpets and the general martial uproar that prevailed several citizens fell off or were run over by the Illinois National Guard's horses and severely hurt, one of them maimed for life. He promptly filed claims against the State and was allowed a substantial sum. So, if we do not know how to entertain royalty, we know at least how to pay their bills.

I have an idea that when this thing gets into the Appropriations Committee it will be found that most of the sojourning representatives of royalty on our shores are coming here to hasten the final payments upon loans which have been promised by the Executive to be made. While the President of Liberia was here he closed up the last installment of a promised loan, and I apprehend the President of that Republic will be no more out of fashion than the rest of them. By the time we get it all there will be a series of closed-up loans, and with a rapidly narrowing market because of trade restrictions; by the time we loan them more money, and lose the rest of our trade, we will be in a condition where we may begin to look out for America.

James Bryce, former ambassador to this country from the United Kingdom, is not satisfied. Mr. Bryce wrote quite a critical article only a few days ago dated at London. He says that this whole treaty has in it the seeds of future commotion. He says that open diplomacy, of which so much has been said, is yet far away and declared that if they had not been too much occupied at home the English people would not have allowed so much to be kept from them. The article continues:

Lord Bryce said he thought the conference committed some very grave errors and was in grave danger of committing others.

He goes on to give in detail what he thinks some of the vital mistakes are and is not at all optimistic as to the future abolition of war so confidently promised by the league and the treaty. I ask to have this printed, Mr. President, without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

BRYCE ASSAILS PEACE COUNCIL—NATIONALITY AND OPEN DIPLOMACY IGNORED, HE ASSERTS.

LONDON, *October 31.*

Lord Bryce, commenting on the work of the peace conference, says that the principle of nationality proclaimed in President Wilson's 14 points was accepted in all belligerent countries and was the basis of the armistice, but that it had not been followed out in the peace conference. He declared that, although the conference had been sitting since last January, not much had been heard about its proceedings.

The veteran British diplomat remarked they had not yet arrived at that "open diplomacy" of which so much had been said, and declared that if they had not been too much occupied at home the English people would not have allowed so much to have been kept from them.

Lord Bryce said he thought the conference had committed some very grave errors and was in grave danger of committing others. Under the treaty signed with the little bit of Austria which remained he said 280,000 Tyrolese were taken and handed over to Italy. He said he had searched in vain for the reason for this action, but could find none, although it was totally opposed to the doctrine of nationality. The Italian Government said it wanted the Tyrolese territory for strategic purposes, Bryce said, but he declared they could not want it for that purpose against a practically bankrupt State of only 6,000,000 persons.

Mr. SHERMAN. I also ask to have the article from the Washington Star, by Mr. Corey, on the course that America takes in entertaining royalty, printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

AMERICA TAKES COURSE IN ENTERTAINING ROYALTY—WHEN KING AND QUEEN ARRIVE AT OWN FIRESIDE FOR REFLECTION THEY HAVE "GIGGLE" COMING.

[By Herbert Corey.]

NEW YORK, *November 1.*

When King Albert of Belgium and Queen Elizabeth get back home—and get the soreness soaked out of their poor feet—and pull on nightcaps at night instead of wearing crowns—and sit around the royal fireside with their collars unbuttoned, it is fairly certain they will lift weary eyes to weary eyes; and then they'll giggle. Not a hearty laugh, if you get me; true royalty isn't laughing at the untamed yeomanry this year. But there is undoubtedly a giggle coming.

"We Americans," said an observer, "haven't yet learned how to handle kings and queens."

We are doing well, at that. The observer said that some of our ladies courtesied so low to Albert and his queen that the bursting of corset strings sounded like the abrupt deflating of rear tires. And there were a few fat ladies who achieved the ultimate in the way of sinking before majesty, but could not get back to an upright position without assistance. That more or less impaired the spectacle. And the observer said that the sight of a sturdy democrat meeting socially the first honest-to-goodness king that ever visited our shores was invariably inspiring.

WOULD TAKE KING'S HAND.

"The sturdy democrat," said he, "would take the king's hand, and then he would not know what to do with it. Not being brought up to the etiquette of courts, he never knew whether he or the king was supposed to let go first. And he always smiled warmly at the king, but rarely initiated any conversation. Nor did the king, because his English is not exactly ardent. By and by, Brand Whitlock, or one of the other hands attending royalty, would pry the democrat loose and he would move on. And another would take his place, smiling warmly, but also speechless."

It was when the king and queen visited the Grand Canyon of Arizona, the observer said, that the tendency of the American courtier to adhere

to the beaten paths of conversation became most appallingly apparent. The governor of Arizona, he said, entered the private car of the king and queen at 7 o'clock that morning, when the car crossed the Arizona line, and stayed with them to the New Mexico line, where a New Mexican escort took up the darling task of keeping the king and queen all buoyed up. Of course, royalty was shown the Grand Canyon, and after the showing the governor of Arizona and others introduced various persons of eminence to the titled guests.

"Brand Whitlock always told 'em," said the observer, "that both the royal Belgians can talk English—though the queen talks the more reliable brand. So each new initiate seized a monarchial hand and with every confidence that he was entering an untried field of talk, asked:

"'What do you think of the Grand Canyon?'"

It was at Flagstaff, Ariz., that Albuquerque, N. Mex., got what was coming to her. Jimmy Swinnerton and other highbinders of the great dust heard that Albuquerque designed entertaining the guests with some Indian dances. Indian dancing is considered by Flagstaff a peculiarly Arizonian enterprise. So Jimmy Swinnerton and associates sent flivvers into the desert and captured every loose Indian.

No attention was paid to consideration of age, sex, rank, or condition. They were ruthlessly dragged down to Flagstaff, stripped down to dancing costume, and set a-dancing. For two hours they capered and yoohooed in front of the hotel, while the king and queen sat mournfully on the veranda and watched the performance.

"They gave every sort of dance from the Geronimo Jazz to the First of July Snake Dance," said the observer. "Indians danced before the king that hadn't lifted a leg in 30 years. The merciless Swinnerton lurked in the shadow urging them on."

KING GIVES HIS OPINION.

After the dance the king was asked by the observer what he thought of the dancing. He hesitated for a moment, seeming to choose his words with great care. Then he said:

"It—ah—seemed rather prolonged."

The next day the king and queen visited Albuquerque, N. Mex., said the observer, and the Albuquerquans put on an Indian dance to amuse them. They had heard of the pitiful efforts of the odious Swinnerton and his fallen associates and determined to give the king and queen a desert dance show they would never forget. The observer thinks they succeeded. The Albuquerque affair lasted four hours.

As is the custom of royalty, the king carries trunks full of orders and medals around him. One of the officers of his entourage is forever one foot behind him to the right, with his pockets full of every sort of decoration that Belgium turns out.

SAN FRANCISCO'S WELCOME.

At San Francisco the local 1,300 determined to give a nifty banquet in honor of the royal guests. Only they have never entertained any royalty in San Francisco since the visit of the late Queen Lil, who was currently reported to care more for a good dish of hooch than for any other form of amusement. So the making of ground rules was intrusted to some folk who had had experience with monarchs on their native heaths. They fixed up a grand mess.

"All the guests must face the king and queen at the banquet," said the rule makers. "No one may touch any course until the queen does. If she declines a course all must pass."

There were other rules, but these are enough. All went merry as a wedding bell until it was discovered that if every banqueter must face the queen there wasn't a dining room in the city big enough to seat more than 300. And if no one might take a course the queen declined there were fears that the guests would bring pockets full of popcorn, for by this time the queen was eating only crackers and milk.

SOCIAL ARBITERS QUIT.

"So the social arbiters quit," said the observer, "and the bars were thrown down and any sort of a hit went for three bases. About 2,000 people were present and they sat on the queen's lap and every one had a grand, uproarious jubilee."

On approaching the East, after their tour of the West, the observer says the king, munching a handful of mint drops, had a conference with Brand Whitlock one morning, while the queen was opening a bottle of pepsin tablets. And later that day Whitlock sent a telegram to the caterer who was preparing the meal which was to grace the next formal function.

"For heaven's sake," the telegram read, or something like that, "give their majesties some plain food. They haven't eaten anything without truffles in it since they came out West!"

Mr. SHERMAN. It is no wonder an Englishman not long ago said that the United States was the fat boy of the world. We are, it seems, to be found always looking out for somebody else; either that or we are grossly overreached. We either do not know how to take care of ourselves or we are the most philanthropic knight-errant the world ever saw.

I now return, Mr. President, to these various articles referred to. At some length on last Friday I commented upon article 414. There is much in this subhead of the treaty, and the various articles following, to bear out article 414. It is there expressly recognized as the right of these nations to take any action of an economic character against a defaulting Government which they consider to be appropriate and which other Governments would be justified in adopting.

It follows in article 416 that in the event of any member failing to take the action required by article 405, which is, in substance, the entire code of procedure for the conference with regard to a recommendation or draft convention, any other member shall be entitled to refer the matter to the permanent court of international justice.

Anything that happens in the event we were a member of this international conference now sitting, any action taken which we did not feel at liberty to obey, could be referred to this authority, the permanent court of international justice, to be created under article 14 of the league of nations. These various small countries will be represented in the international labor conference just as they are in the league of nations. We may be outvoted.

On any of the various terms affecting our labor conditions the smaller nations of Europe and Asia, Central or South America, may join and vote upon us conditions totally inapplicable to our industrial state. Then, if we do not obey them, economic pressure can be applied.

While I have great confidence in the British Empire's sense of justice in war times or in great emergencies, I can not forget that even to-day she has navigation and trade laws with countries, and some of her own subject territories, at that, which are most unjust. There exist to-day in some quarters of the world some regulations that are as burdensome as the navigation laws of our colonial periods.

Great Britain, therefore, using the smaller nations, has voting power, and may thrust upon us unjust regulations, unjust to both the employee and the employer, in our domestic affairs. She may do this premeditatedly. She is noted for embarrassing the trade of her competitors. She may not abandon her free-trade course of former years. She need not to do so. She can obtain advantage of us, still preserving her traditional attitude on that economic question. She can, through the smaller nations, through the power that she will exert in her territorial dependencies, so embarrass us as to destroy our export trade, especially if she is given power in the international labor conference to work out such measures as are of an economic character, if we are held to be a defaulting Government.

In article 417 it is provided that—

The decision of the permanent court of international justice in regard to a complaint or matter which has been referred to it in pursuance of article 415 or article 416 shall be final.

There is no appeal from this save to the arbitrament of the sword. Couple this with article 418:

The permanent court of international justice may affirm, vary, or reverse any of the findings or recommendations of the commission of inquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate and which other Governments would be justified in adopting against a defaulting Government.

The Senator from New Mexico [Mr. FALL], in discussing that question last Friday afternoon, reminded the Senate of a regulation that might be made by Congress, declared valid by the Supreme Court of the United States, and declared inapplicable, or no longer to apply to us, by the international labor conference. He then propounded the inquiry, Whom would be obey, our own Supreme Court mandate or the international labor conference?

It is provided here that the finding of the permanent court of international justice shall be final, and in its last judgment on the question it may indicate in its order the character of the economic pressure which it considers appropriate to be applied to a defaulting Government. If that were applied to us let us examine for a moment what it would do, what would be the necessary consequence if the international court should enforce one of its orders against us for a failure to obey some finding of the international labor conference.

The Supreme Court might declare that the regulation was valid. It would be binding upon every citizen, official, and every State authority in the 48 States of the Union. It would be valid to all intents and purposes within our territorial limits. However, at some remote point in the world, Geneva, or some place in Baluchistan, the international labor conference shortly afterwards holds its meeting. They find that the rule we have adopted, and which the Supreme Court has held valid in our country, is not in accordance with international justice.

The angle at which the various nations of the world view it will be expressed by two-thirds majority. If two-thirds majority have been obtained, they will enact some other and different rule for the regulation of the same subject. Child labor is a good illustration. Child labor in the British East Indies or in any part of the warmer portion of Asia would require a vastly different standard from that of the northern Temperate Zone. The development of children, the age at which they reach maturity, is somewhat a question of latitude. Therefore, the rule that would be applicable in our country would be a too high age limit in the Tropics or in any of the warmer portions of central Asia. It would not apply to portions of northern Africa, any of the French possessions, Algiers, or Egypt, or of the various countries where there is an earlier maturity of childhood.

Therefore the conference may arrive at some different conclusion and impose some other international rule upon us, a different law than that we had provided for our own domestic affairs. Of course, they can not enforce it unless by war. That is a matter for us to decide to suit ourselves. But under these provisions economic retaliation is the weapon expressly provided. In the covenant of the league of nations one of the articles empowers the instruments of that league to create a

permanent court of international justice. Evidently the men who framed these various articles knew what they were doing. They had a very comprehensive view of the entire mechanism, and it fits accurately one part to another.

The permanent court of international justice referred to in articles 416, 417, and 418 is the same tribunal the creation of which is provided for in the covenant of the league of nations. Their decree, therefore, binds all the appropriate measures of economic retaliation the governments would be justified in adopting against any defaulting government. Article 419 goes still further:

In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of enquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as appropriate to the case.

So it is not only the joint action of all the members taking part in the conference, but any one of them may, on its own initiative, undertake to enforce economic retaliation against us. It may make burdensome port regulations, it may put on discriminative duties, it may lay an embargo upon the principal articles we export to their market, it may take any measure that, in the discretion of its government, it sees fit to adopt, and we are helpless as against one of the members of the international conference or against all of them acting jointly against us.

Mr. President, I can not conclude my comments this evening. There are several sections yet; and, if it is agreeable to the Senate, I would prefer to conclude at some other time.

[At this point Mr. SHERMAN yielded the floor for the day.]

Tuesday, November 4 (legislative day of November 3), 1919.

Mr. SHERMAN. Mr. President, I had not concluded on the amendment when the recess was taken last night. In the presentation of various parts of the chapter referred to I had not taken up all of the articles or paragraphs with the annex. I had reached in the discussion as far as article 419. It is provided there:

In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of enquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as appropriate to the case.

This leaves to any member a discretionary right to insist upon retaliatory economic measures to be applied to any country that is held to be in default. This article is immediately followed by article 420, which reads:

The defaulting Government may at any time inform the governing body that it has taken the steps necessary to comply with the recommendations of the commission of enquiry or with those in the decision of the permanent court of international justice, as the case may be, and may request it to apply to the secretary-general of the league to constitute a commission of enquiry to verify its contention. In this case the provisions of articles 412, 413, 414, 415, 417, and 418 shall apply, and if the report of the commission of enquiry or the decision of the permanent court of international justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

This article is followed by Chapter III, which immediately fits in with the preceding articles quoted. Article 421 provides:

The members engage to apply conventions which they have ratified in accordance with the provisions of this part of the present treaty to their colonies, protectorates, and possessions which are not fully self-governing.

Great Britain, the largest holder of colonial possessions in the world, could apply any of these provisions to Jamaica, in part, and to any of her West India possessions in the Caribbean Basin. Conditions in her colonies in the West Indies might make them competitive with countries in Central America. The other day I referred to the banana market as being supplied principally by two countries in the world, namely, Costa Rica and Jamaica. The labor conditions in Jamaica might be intimately connected with labor conditions in Costa Rica. Costa Rica is an independent Government.

It furnishes, roughly speaking, about two-thirds of this well-known fruit to the market. The other third is furnished by Jamaica. Under the provisions of the treaty as to the international labor conference, the details of the production of this article might be so regulated or fixed as to give Jamaica the advantage in the market. Jamaica is a British-governed island; the laws and the regulations of Great Britain in labor matters would apply to Jamaica equally as to other parts of British colonial possessions; more so than they would in New Zealand or Australia, because the latter are, in all local affairs, purely self-governing and independent, whereas Great Britain, through acts of Parliament and by administrative officers appointed in England, governs such conditions in Jamaica. They could in a labor conference, therefore, adopt regulations which would seriously hamper Costa Rica or any other Central American country. The conditions are of such a character that they can be applied to parts of any partially self-governing province. They would apply particularly to a large number of the colonial possessions of Great Britain outside of the five that are made sovereign powers in the league. The exceptions provided in article 421 are:

(1) Except where owing to the local conditions the convention is inapplicable; or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the members shall notify to the international labour office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 422 relates to the majority required to adopt amendments to the labor provisions of the present treaty, requiring a two-thirds vote "cast by the delegates present," to "take effect when ratified by the States whose representatives compose the council of the league of nations and by three-fourths of the members." Article 422 has been referred to by the Senator from Wisconsin [Mr. LA FOLLETTE]. I do not think he overrates the significance of this article. I quote it again, because it will be of far-reaching significance in the event of the adoption without amendment of the league and the treaty.

Article 423 provides:

Any question or dispute relating to the interpretation of this part of the present treaty or of any subsequent convention concluded by the members in pursuance of the provisions of this part of the present treaty shall be referred for decision to the permanent court of international justice.

Here is a grant of jurisdiction to an alien tribunal. It provides that any dispute arising from the international labor conference shall be referred to the permanent court of international justice. The creation of that tribunal, how it shall function, and its jurisdiction are in general terms provided for in the so-called league covenant of the league of nations. Article 423 enlarges its jurisdiction and further permits it to have control of any disputes arising out of the international labor conference. It places any disputed matter that may be purely domestic to the United States within the power of a foreign tribunal. Matters relating to a disputed question growing out of our labor conditions are no longer to be regulated by Congress or by the legislatures of the several States; they will hereafter, as soon as a dispute shall have originated, be referred to an alien tribunal. The award or the decree of that tribunal when made will apply to this country because of the power of economic retaliation given in the preceding sections to which I referred yesterday. Without giving in direct terms the power to the alien body to regulate our affairs, because that would seem too open an invasion of the powers of Congress in local matters, it indirectly places us, in effect, within the power of this tribunal. For reasons indicated in commenting upon the preceding sections, it puts our entire foreign trade, our foreign travel, our financial communication, our sale of exchange, the collection of debts of our nationals owing them by any debtor of any other country entirely within the retaliatory power of the tribunal that passes on the dispute.

Such disputes may be initiated by any member of the international labor conference, or, in the event they arise in the conference itself, they may be referred by proper resolution of the conference to the tribunal for decision. So in either event, either by action of an individual nation or by the combined action of the nations represented in the conference, they may be referred to this tribunal, and article 423 gives them full power of decision.

There could not be a more disastrous invasion of the local problems which at the present time it is purely within our power to solve without interference by any foreign country. Here, however, we consent to such interference. We consent, in the event we do not retain the power of regulation of these domestic matters, to have economic retaliation visited upon us for our failure so to comply.

Following, in article 424, chapter 4, it is provided:

The first meeting of the conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the annex hereto.

Arrangements for the convening and the organisation of the first meeting of the conference will be made by the Government designated for the purpose in the said annex. That Government shall be assisted in the preparation of the documents for submission to the conference by an international committee constituted as provided in the said annex.

In pursuance of these powers the representatives of the various countries concerned have sent their delegates. The treaty and the league covenant are not yet in force in our country; we have not yet ratified them; but we witness the

convening of the labor conference in this country. It convenes here, as I intimated yesterday evening, not at an opportune time. We are in a sensitive, not to say a dangerously irritated, state, so far as our industrial affairs are affected; but, without waiting for any ratification of the treaty and league covenant, the delegates from the various countries that are eager to obtain the benefits of the stronger nations have sent their delegates here, and they have begun to function in this Capital. So far as I am concerned, they are an unwelcome body; I have no kindred feeling for the delegates that have thrust themselves upon this country. I regard them as impertinent intermeddlers, seeking to effect a lodgment here on local matters that are not wanted by the country where they are temporarily sojourning.

It provides in the latter paragraph:

The expenses of the first meeting and of all subsequent meetings held before the league of nations has been able to establish a general fund, other than the expenses of delegates and their advisers, will be borne by the members in accordance with the apportionment of the expenses of the International bureau of the Universal Postal Union.

And when it comes to meeting the expenses generally of the league or the treaty, the only limitations on the power of the league or the nations concerned, when they meet jointly, is in the maintenance of the secretariat and the payment of the expenses of the International Labor Conference. On all other expenses, notwithstanding the views at one time expressed by the Senator from Nebraska [Mr. HITCHCOCK], the apportionment is purely within the power of the several nations represented in the league. How it will be apportioned, we can very intelligently conjecture.

Some days ago I put in the RECORD a list of the private taxable wealth of the various countries of Europe compared with our own. It shows that our wealth is very largely in excess of that of any other country in the world. It is more than the total taxable private wealth of many of the countries combined. It is nearly twice that of the United Kingdom of Great Britain, and nearly three times that of the German Government, or the people living within the borders of that Government. It is nearly eight times that of some of the smaller powers engaged in the war. When it comes to paying the expenses, some light is shed on the methods by the enumeration, in the two cases I have given, of how the expenses shall be apportioned. They are, in the two cases only, limited by the method adopted in distributing the expenses of the international bureau of the Universal Postal Union. The enumeration in the two cases of how the expenses shall be apportioned excludes any limitation upon all the other expenses, under the well-known rule of interpretation that where the method is enumerated in certain instances, and all of the others are not enumerated, that leaves it open to the generally granted discretionary powers of the league. Therefore we are very likely to pay from two to five times or eight times as much as any other country in the world of these expenses. The only place where there is a definite limitation is in the two instances mentioned, the International Labor Conference and the expenses of the secretariat, which is a permanent organization, the office and the departments of which will be found at Geneva upon the beginning of the actual organization of the league.

In article 425 it is provided:

Until the league of nations has been constituted all communications which under the provisions of the foregoing articles should be addressed to the secretary general of the league will be preserved by the director of the international labor office, who will transmit them to the secretary general of the league.

So that the actions taken by the International Labor Conference in Washington in October and November of this year will be preserved by the proper authority, and in due time transmitted to Sir Eric Drummond. He will be the custodian from the time he receives them until other arrangements have been made. This, therefore, puts in the hands of a citizen of Great Britain all of the detailed knowledge of the proceedings of this conference held in Washington. Whether we will be able to obtain it, in the event it becomes interesting to any of our domestic affairs, we are unable to say. We can only know that in attempting to obtain the records of the deliberations leading to the formation of the league and the treaty we were unable to obtain a single page. We know the value that it might have in the Foreign Relations Committee of the Senate, or in this Chamber, in the interpretation of the various articles and phrases in this document; and still we have wholly failed to receive any of the records that might so enlighten us.

Mr. TOWNSEND. Mr. President, would it interrupt the Senator if I asked him if he has inserted in the RECORD, or stated anywhere, what are the methods of distributing expenses by the International Bureau of the Universal Postal Union?

Mr. SHERMAN. No; I have not put those in the RECORD. They can be readily obtained, and I should be glad if some Senator would place them in the RECORD in connection with the discussion of the labor provisions of the treaty.

Mr. TOWNSEND. I have been curious to know, but have not yet taken the time to find out, what the method is that is employed by the Universal Postal Union.

Mr. SHERMAN. I would not undertake to give them, Mr. President. I have read them only since the discussion under the treaty began. It is provided there that the various nations that are members of the Universal Postal Union shall contribute in certain ratios to the expenses, but I would not undertake to give the matter from memory. I will find the provisions if no other Senator does, and have them inserted at length. I think that in view of our discussion upon both sides here and in the maintenance of the secretariat the whole of the regulations ought to be preserved where they are more readily accessible. They can be had by referring to the Research Department of the Congressional Library.

If we are no more successful in obtaining the records of this meeting, which might, in the event we ratify the league and treaty, become material to us, than we have been in former cases, we would proceed in total ignorance, except as it might be given to the public press.

In article 426 it is provided:

Pending the creation of a permanent court of international justice, disputes which in accordance with this part of the present treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the council of the league of nations.

Before the permanent court of international justice is created by the authority provided in the league, here is a temporary tribunal which may have access to these records which may be denied to us if the same rule is followed as in the peace conference at Paris, and in settling disputes they may act upon all matters that the permanent court of international justice could act upon. This temporary tribunal may last for a year. How long it will take to frame the permanent court of international justice no Senator can say. It might be purposely deferred. It furnishes the means for indefinite delay. If advantage would accrue to any of the controlling spirits of the league or of the international conference, this temporary tribunal could be made to last for several years.

The annex provides for the first meeting of the annual labor conference of 1919 at Washington. The Government of the United States is requested to convene the conference. That has not been officially done. It has not been possible officially so to do. The President issued a purely extra-official proclamation. He had no executive power, under any of the general constitutional powers vested in him, to issue such a proclamation. This International Labor Conference now in session at the Pan American Building in Washington therefore has no lawful status in this country. They are here as guests. They sojourn here merely as aliens. They possess no legal significance. Their findings are of no binding authority on this country. Their convening is purely voluntary. Any Executive order of the President lends no significance or authority to their presence in this Capital.

I refer to this matter to show the somewhat indecent and tumultuous haste with which some of the nations of the world are imbued in attempting to operate under the league of nations before it exists. Their precipitate haste ought to put us on our guard.

The international organizing committee—

The annex continues—

will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium, and Switzerland. The committee may, if it thinks necessary, invite other members to appoint representatives.

It provides for a program, or what would be called in a judicial tribunal in this country the agenda, the number of subjects or cases that are to be disposed of at that term or session. The agenda provided here sets out in detail the subjects that are to be considered:

(1) Application of principle of the 8-hour day or of the 48-hour week.
(2) Question of preventing or providing against unemployment.
(3) Women's employment:
(a) Before and after childbirth, including the question of maternity benefit.
(b) During the night.
(c) In unhealthy processes.
(4) Employment of children:
(a) Minimum age of employment.
(b) During the night.
(c) In unhealthy processes.

The fifth reads as follows:

(5) Extension and application of the international conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

These are all of the provisions of the annex. I wish to take these up and consider them briefly in reference to our domestic situation.

The 8-hour day and the 48-hour week are matters that are entirely within our own jurisdiction. By various private arrangements between employer and employee, through organized labor, in many instances, and where it has come within the police power of the State, the hours of labor for children, as well as for women, have been fixed either by agreement or legislation.

We can carry that further and provide by law, by States, or within the jurisdiction of Congress under the interstate-commerce clause, for eight hours in matters of national concern. These, however, are all questions of domestic jurisdiction.

Then there is the question of preventing or providing against unemployment. We have had our own unemployment periods here. What good can possibly come from the nations in this international league represented here intruding their advice upon a domestic unemployment condition? How will it be possible for some of the nations that join in the treaty, like Ecuador, Siam, Hejaz, Liberia, Peru, or Nicaragua, to give us advice upon the unemployment situation in our country? What sound reason is there that these nations should interfere in making regulations on an unemployment question? We have had our own bread lines and bread wagons in years past, and we have managed to go through the winter without advice from foreign sources. Why these matters should now be advised upon by the body sojourning here passes human understanding, from the American viewpoint.

Women's employment, relating to the various States and conditions of that employment, is to be considered. We have some of the most humane laws regulating the employment of women in the several States of the Union known to the industrial civilized world. Just what terms might be fixed by an international labor conference, even this one now in session here, is beyond conjecture. What these countries from the equatorial regions, or from the Orient, may regard as proper regulations we can not now say; but we are vitally interested in it. It is of the utmost concern to us that we preserve free from interference our right to regulate the employment of women inside the borders of the United States.

If, however, we claim this right and exercise it exclusively, we render ourselves liable at any time if we differ from recommendations made by the labor conference to industrial boycott that might very materially affect our prosperity. It makes no difference what the reasonableness or the unreasonableness of this provision might be from our angle. We no longer control it. We must either pay the penalty of not obeying, or obey and render ourselves unable to regulate our local conditions.

The employment of children is in a like condition. Child labor is a matter of vital concern, because the physical and mental condition of the succeeding generation is materially determined by regulations of that character. It is a matter peculiarly applicable to our own affairs. I know of no reason why this country should interfere to tell us the age at which boys or girls should begin to be breadwinners. At present in most of the northern or western industrial States the boy becomes an industrial adult at the age of 16 years. For all purposes he is able then to do a man's work. He is released from any regulations of the States, and is able from that time to work as he pleases, subject only to the general regulations applicable to all adults. Whether 16 would be a proper age in the judgment of an industrial conference of this character no one can say.

I have seen some of these delegates about the hotel and various public places in the last few days. I would not, for my part, feel like relegating our industrial regulations to those men. I can not speak their language, and from a general inspection of their aspect and a judgment of their character apparent from their contour and behavior, I do not feel like trusting my affairs or my country's affairs to their tender mercies. I can see only one visible effect so far from the conference. It illustrates the infinite number of varieties in which the human beard may be grown and trimmed. As a sanitary regulation, if I were to offer a resolution as a member of the international conference, it would be to eliminate several tons of whiskers from the visiting brethren as a first means toward procuring sanitary conditions of working in the countries from which they hail.

Still these gentlemen are sojourning here, and before long will be engaged in passing upon the industrial labor situation in our country and enforcing upon us resolutions of theirs, under pain of economic boycott.

> To what base uses we may return!
>
> * * * * *
>
> Imperious Cæsar, dead and turn'd to clay,
> Might stop a hole to keep the wind away.

We are in the humiliating condition now in which we are merely international hole stoppers for the world. We have no independence left. It is worthy of another Shakespeare to show the deterioration of American spirit, the total surrender of affairs, for proposing which a few years ago anyone in this Chamber would have been regarded as demented or so utterly lacking in patriotism that he ought to expatriate himself and go elsewhere.

We are able to take care of ourselves. We are able to produce the necessary food and other supplies. When necessary, we can produce an Army and Navy sufficient for our purposes. We do not require any guardianship. We need no conservator, either in peace or war. We are abundantly endowed for self-defense. If we would attend strictly to our own affairs, remain within our own borders, conserve our man power and our credit, instead of interesting ourselves, or attempting to do so, in the difficulties of every nation in the world, these delegates would not have the supreme self-assurance to come here and undertake such authority over us.

Outside of these matters, which are purely domestic, relating to child and woman labor, there are other matters that could be reached by this international labor conference that would seriously interfere with developments that are constantly taking place in our own country. I have always been disposed very favorably, in settling labor controversies, toward profit sharing. I believe it contains, under reasonable rules, much that will settle the frequent strikes that are troubling us from time to time. Profit sharing in our country is not only a curative process for these disturbances but it becomes a promotor of thrift. It is an ally of the savings bank. It would do a world of good in promoting a more general distribution of the profits of the various enterprises.

Profit sharing has taken various forms in our own country. Profits have been distributed according to the salary or wages paid the employees in the particular industry. They have been encouraged to invest their savings in shares of stock of various enterprises. I have in mind a very large mercantile concern in St. Louis in the hardware business. They make it a rule that every employee must have at least one share of stock in the company. They will furnish him the one or more shares of stock and give him time to pay for it, making it possible to everyone who enters their employ to become a part owner.

In others of the different enterprises a great many details are worked out. Mr. William C. Procter, in the American Magazine not long ago, gave a detailed plan of profit sharing with his employees. He is a member of the well-known firm of Procter & Gamble, engaged in the manufacture of soap.

These people have worked out a profit-sharing plan that gives general satisfaction. There is but little complaint ever heard from any of their employees. The profit sharing of this enterprise and others is peculiarly applicable to the Anglo-Saxon race. I am referring to this because the international labor conference have power to act upon this subject.

There are in this conference as constituted at the present time many socialist delegates. There is a number that go beyond even the limits of peaceful socialism. They are radicals. They need not necessarily come from some of the smaller countries. Great Britain has radicals within her borders. They abound in any one of the countries of the United Kingdom. The radicals present in this international labor conference are but a few degrees removed from those who advocate the plan to reduce all industrial life to a soviet basis. These radicals do not believe in the accumulations of the so-called bourgeoisie, the middle class in our country. They regard the middle class as their enemies. The great body of the people in the United States in moderate circumstances, those who own their own business or have a small income, either upon their savings or upon some occupation, are regarded as the social enemies of all who believe in the soviet form of government, and especially the plan of taking over industries by this plan.

So the hostility to profit sharing can at any time be brought to a head by the radicals in these conferences. I have been observing their conduct, so far as the press gives such reports, to find out whether any such spirit will develop. While no signs are manifest up to this time, nobody can tell when some radical or socialist who believes in the State assuming ownership and operation of the various industrial enterprises will rise and propose some such measure.

None of these radical delegates favor profit sharing. Whatever may be our domestic system of development in that branch of our industrial disputes and the settlement supplied, the national labor conference may destroy, by a single resolution, all of the developments in our own country out of which much good, I believe, has come. If we do not obey whatever recom-

mendation comes from the conference, and if a majority of the commission of inquiry report and the permanent court of international justice approved upon an appeal and a hearing, we are liable to this economic discrimination to compel us to comply with the orders of the conference.

This is a particularly dangerous place for the conference to interfere. Our own developments along this line have built up some of the most prosperous concerns in the country. Some of them have not had a strike in more than 25 years, since the initiation of this plan. It is a method of democratizing an industry that has in it much practical good. It is democratizing of an industry that does not appeal to Government ownership or the instincts of confiscation. It does not appeal to the soviet or any similar method of taking something for nothing. It leaves us to work out, by peaceful details and under the rules of economic processes, our own solution of the problem. I believe this method that has developed so much good in our country is in danger of destruction at the hands of international labor conferences of the kind now held here.

Mr. President, I wish to ask that the plan presented and in actual operation at Cincinnati and various other plants of the Procter & Gamble Co., presented by Mr. William C. Procter, be printed in the CONGRESSIONAL RECORD without reading. I have quoted somewhat from it.

The VICE PRESIDENT. If there is no objection, that may be done.

The matter referred to is as follows:

YOU ARE CONCERNED IN THIS, WHETHER EMPLOYER OR EMPLOYEE.

"Almost every important business in the country is studying some form of profit sharing. It is a subject of great interest just at this time. No matter whether you employ others or work for others—you are involved.

"For over 30 years the Procter & Gamble Co. has successfully carried on a profit-sharing plan. So we asked William Cooper Procter, the president of the corporation, to tell exactly what his company does.

"Here is his article. It is full of surprising facts—both as to the amount of money some employees make and the extent of their participation in the conduct of the business.

"THE EDITOR."

PROFIT SHARING—HOW WE DIVIDE WITH OUR MEN.

(By William Cooper Procter, president of the Procter & Gamble Co.)

"'Is your firm afraid of Bolshevism among its employees?' a friend asked me the other day.

"'No,' I answered, 'not at all.'

"The question sent a series of pictures flashing through my mind. One of these, which would have been far more effective than my denial, throws an interesting light on the mental attitude that 33 years of profit sharing have given our workmen.

"In February, 1918, we told the employees' conference committee, our men's parliament, that we were going to give them the eight-hour working day as soon as possible. 'War demands are so heavy,' we explained, 'that the 10 and 11 hour day must be continued for the present, although we recognize the 8-hour day as a base, and we'll pay you time and a half for all overtime.'

"Two months after the signing of the armistice we were able to announce that we would go ahead to the standard eight-hour day and would stop the overtime work.

"'You are going to make considerably less money,' I said to the men, 'unless your wages are raised. I want you to call meetings in all the departments and thrash this out. Decide what wages you think you ought to receive if the eight-hour day goes into effect and report your decision in 10 days.'

"In each of the 35 departments at Ivorydale—our Cincinnati plant—the workers got together and talked out the situation. They then compared results at a general meeting of the conference committee. Promptly at the end of 10 days the decision of the general meeting was brought back in the shape of a report—a report which shows there is no breeding ground for Bolshevist bacilli at the Ivorydale plant.

"'We want the eight-hour day,' the report ran, 'but it is our unanimous decision that we don't want to say what you shall pay us. You know as well as we that the cost of living has gone up, and you'll take that into account. You have always treated us right, and we know you are going to keep on doing it.'

"Soon after we received this report the company was able to announce a new scale of wages, under which the lowest paid able-bodied man in the plant would get 50 cents an hour and the average worker would receive as much for 8 hours' work as 10 hours had been bringing him before. I was pleased to learn later that this scale was above that set by any department in their informal discussions.

"Our employees have been called 'working capitalists.'

"Perhaps the title is not too far afield. But to me it is of more significance to know that they are contented and happy.

"Many of our innovations were born more of the earnest desire to foster this spirit of content and to give our workers freer opportunity to express themselves than of the mere wish to improve their finances.

"The employees' conference plan was, I believe, the first move of its kind in business history. Certainly it was one of the first. Together with the profit sharing, group insurance, and pension and benefit plans, it is simply in line with our conception of the square deal.

"Early last year we worked out the idea of having the employees elect by secret ballot a conference committee to meet monthly with the management, in order to bring to our attention matters that seemed to need correction or to make any suggestions for the general betterment. Each department with not more than 50 workers chooses a representative, and there is one representative for every 50 persons in the larger departments.

"Up to the present no suggestion by the employees—and they have made many—has been turned down unless we were able to show them that it was impracticable. I always feel that if I talk with our men and can not convince them that they are wrong the chances are they are right.

"Business men know that wages are higher and working conditions better in a large manufacturing plant than in a small one. Yet the men in the smaller plant—working longer hours, paid less, and not so well looked after—are usually more contented. The reason lies largely in the fact that men feel a more intimate personal interest in the smaller organization, and therefore a greater loyalty to it.

"The chief problem of 'big business' to-day is to shape its policies so that each worker, whether in office or factory, will feel he is a vital part of his company, with a personal responsibility for its success, and a chance to share in that success. To bring this about, an employer must take the men into his confidence. They should know why they are doing things, the relation of their work to other departments, and, so far as practicable, to the business as a whole; they should be told those elements of cost of production affected by their work, or they can not put intelligent effort into what they are doing. What is more, I believe that the workman should have some means through which he can give expression to his ideas as to the general policy of the business, in accordance with his position and ability, and especially as it relates to his own work.

"On March 1, 1919, at the 'dividend day' meeting, I announced to the men that we had decided to ask them to elect three of their number to sit on the board of directors of the company—the body that has the authority to discharge me, or the general superintendent, or the general manager, or any other officer of the company.

"I told the men that this meant that their influence and voice would run through the whole organization more fully than ever before; and that this influence, these rights, placed upon them a corresponding obligation.

"'The only real test of the plan's success,' I explained, 'is contentment and the greater production that comes from contentment, based on the realization that you are assured, in accordance with your position and ability, a free and full voice in the conduct of the industry to which you are giving your lives.'

"Steps such as these may seem iconoclastic to many business men, but they are the logical sequence of the distribution of profits carried on by this company for more than three decades.

"'Tell me how your profit-sharing plan works,' other employers sometimes say to me. 'I want to start something of the sort myself. I believe it will pay in the long run.'

"'If that is your object, don't do it,' I always answer. 'No one can build a sound profit-sharing plan on the desire to make money. You must be possessed of the conviction, not only that a fair share of the profit existing without the profit-sharing plan belongs to the worker, but that under the profit-sharing plan the worker will produce enough additional to pay his profit-sharing dividend. Your interests must be primarily in the men and seeing that they have the opportunity of earning, through increased interest, the additional money; and, above all, you must realize that it is more than money that the men want; it is a sense of ownership, that can be, in part at least, developed through profit sharing. Without this unselfish motive on the part of the employer, profit sharing will never be a success, for both he and the men in the end will distrust each other and be dissatisfied with any distribution made.

"Our profit-sharing program started back in 1886, when the Knights of Labor movement was agitating American workmen.

In one year we had no fewer than 14 strikes, and men were quitting daily for trivial causes.

"I was just out of college, with rather radical ideas, for those times, on business problems. The situation distressed me. Day in and day out I was working beside these men, nearly all of whom I could call by their first names.

"One of my earliest adventures in industrial discontent was the discovery of the fact that these men were working too long hours. I talked the matter over with my father, who was then at the head of the firm, and persuaded him to give the men Saturday half holiday. So far as I know, we were the first firm in the country to take this step.

"The next move in order was to make the men feel that their own interests and the interests of the firm were identical. So we worked out our first profit-sharing plan. To build the framework for this plan was no slight job, for we were pioneers and had to blaze our own trail.

"We finally decided that net profits should be divided between the firm and its employees in the proportion that the men's wages bore to the total cost of production. To illustrate: Assume that we paid $20,000 a year in wages, spent another $70,000 in additional manufacturing costs, and had a total sales for the year of $100,000. Then, the $10,000 difference between our costs and our sales would be net profit, and would be divided two-ninths to the men and seven-ninths to the firm.

"This system was crude, but it was a far reach forward for those days. The men received it rather half-heartedly; but when at the end of the first six months they were paid a dividend of 11 per cent of their wages, signs of interest began to be shown.

"The first year this plan was in operation we had three strikes. Since then we have had only one strike in our history, and that was forced at a branch plant by I. W. W. pressure from the outside.

"From 1887 to 1903 we made numerous changes in the plan, one of which was to give up the system of costs and profits, and to pay every worker in the plant, twice a year, a dividend of 12 per cent of his wages.

"All these plans had one serious defect in common—the workers looked on their semiannual 'dividend day' checks as merely extra wages, and spent them as such. Very little of this money was going into their savings accounts.

"For a time this situation baffled us. Then I decided that we could place a premium on thrift by requiring the men to save a certain fraction of their wages before they would receive any extra money from the firm. Through the plan that went into effect in 1903 we said, in substance, to each workman, male and female, in our employ:

"'To every dollar you save we will add $4, until as much money as you make in a year has been accumulated. This money is then yours. Our only stipulation is that it must be invested in the common stock of the company. We expect our stock to increase greatly in value. That increase, too, will be yours. However, we will protect you against depreciation. If you should ever decide to leave the company, and your stock should then be below the market price at which you obtained it, we promise to return to you in cash that full market price.'

"Before going further into the exact operation of this plan, it may be illuminative to glance at the histories of some of the men and women who have taken advantage of it. These histories may be picked almost at random from our books. Here is a typical case:

"On July 1, 1903, a blacksmith, making 27 cents an hour, subscribed for stock to the amount of his annual wages, $842.40. His further purchases of stock under the profit-sharing plan, due to wage increases and longer service, belong to principles of that plan which I have not yet explained; so I will simply turn to that part of the record which shows that on June 1, 1919, this man, still a blacksmith, although his wages were then about 65 cents an hour, owned stock to the value of $6,286, and yet all the cash he ever paid toward the purchase of that stock was $692.72, about 11 per cent of the total value!

"The figures cited refer merely to the stock that this man had accumulated directly through the profit-sharing plan. There is a limit, based on wages, to the amount of the stock that can be so obtained. Most of our old employees, however, once they have reached this limit, have been so encouraged by the rewards of thrift that they have bought stock in the open market. So it happens that men who had only 6, 8, 10, or 12 shares of 'profit-sharing' stock, are owners of from 1 to more than 80 shares which they have purchased (usually through us) in the open market. And I am referring to workmen and foremen, not managers and superintendents.

"To illustrate my point, let me take the case of another man who subscribed for stock in 1903, when he was making 42 cents an hour. He acquired 12 shares of stock through the profit-sharing plan by cash payments of only $1,229.48. This block was merely an impetus to his thrift. In 16 years he bought, as an investment, 83 additional shares, and on June 1, 1919, this man—now a blacksmith foreman, at 95 cents an hour—was worth $65,000. Of course, the stock for which he originally subscribed had increased greatly in value during that time.

"I have in mind one stenographer who has been working for the company 23 years. She came at a salary of $9.50 per week, and is now making $150 per month. During these 23 years, in addition to supporting dependents, she has managed to save $7,000, or about $300 a year. At the present time she owns 37 shares of stock, worth more than $26,000. Nineteen thousand dollars of this amount has come to her in profit-sharing rewards, cash dividends, and appreciation in stock values. This woman has been shown no special favoritism, and her case is not at all exceptional.

"In giving a somewhat clearer picture of the manner in which our profit-sharing system is operated, I shall describe the plan followed, with minor modifications, from 1903 to July 1, 1919, when a new plan went into effect. There is little difference in principle in the two plans, and the employees whose cases I cite have made their profits under the old plan.

"This plan was intended to benefit the workingmen—to encourage thrift among those drawing a small wage. So we stipulated that no man making more than $1,500 a year should be allowed to take advantage of it. (The plan of July 1, 1919, raised this limit to $2,000, on account of the recent increase in wages. We will advance the limit again if the pay envelope of the workingman drives it up.)

"'When you subscribe to this stock,' we said to our men, 'you must pay down 2½ per cent, or one-fortieth of its market value, and you must further pay 4 per cent of it each year until your part is paid for.

"'In the meantime we will give you each year one-fifth of the amount of your wage, which we will call a 20 per cent dividend on the stock. This is to be deducted on our books from the amount you will owe for the stock. At the end of four or five years the stock is yours, and you will have paid out of your savings less than 20 per cent of its value. The company will have given you all the rest as a reward for your thrift.

"'We will hold this stock for you. After five years you may buy enough additional stock to bring your holdings up to one and one-quarter times your annual salary, provided you are not making above the $1,500 limit. At the same time the 20 per cent profit-sharing dividend will be increased to 25 per cent a year. After 10 years you may again buy extra stock to bring your total holdings up to one and one-half times your annual salary, and your "profit-sharing dividend" will be increased to 30 per cent, which we will pay you each year so long as you remain in our employ and have not passed beyond the salary limit.

"'If your wages are raised above $1,500, we will see that they are at least $1,800, to make up for what you lose by passing beyond the operation of this plan. Your stock will then be placed in your personal possession.'

"Naturally there are many other details to the plan. Two that I may mention in passing are the 3 per cent interest we have charged employees on their unpaid balance, and the regular cash dividends on the stock which they have received from the start—just as all other stockholders received them. These two items about balance each other, however.

"Let us take one further case of an employee to see how all this works out. I will select a soap stamper, who was making 16 cents an hour at the time he entered the plan. His history is briefly this:

	Shares.
Subscribed for stock on Mar. 1, 1904, to the amount of his annual wages	1.49
Additional purchase from increase in wages	1.96
Additional purchase from 5-year and 10-year increase of stock allowed him	1.01
Extra shares given him on increase in capital stock	3.09
	7.55

"His original subscription was paid for in six years. His own cash payments totaled only $243.36.

"On June 1, 1919, this man was making 65 cents an hour as a department foreman. His stock was worth $5,285.

"In order to avoid confusion, I shall not go into the new profit-sharing plan in detail. Its essential points of difference from the one I have been describing are:

"PLAN PRIOR TO JULY 1, 1919.

"Two and one-half per cent.
"Four per cent of total paid each year.
"Fifteen hundred-dollar wage limit.
"Twenty per cent profit-sharing dividend.

"PRESENT PLAN.

"No cash down.
"Five per cent each year.
"Two thousand-dollar limit.
"Sliding scale of dividends.

"The old axiom that the 'first thousand dollars comes hardest' is really the motive of our profit-sharing system. We help a man to save a year's salary. He is started on the road of thrift. Finding its rewards surprisingly great, he continues to save and invest his money in the stock that gave him the impetus. We are always ready to lend our men money at a small rate of interest to make purchases of stock in the open market.

"The higher salaried employees of the firm have been liberal investors in stock ever since the incorporation in 1890, 13 years before the profit-sharing system was instituted. We have encouraged them to become investors by a plan which allows them to pay $25 a share down and 10 per cent of the total each year. Four per cent interest is charged on unpaid balances, but this is covered by cash dividends they receive.

"One of our salesmen, who began buying stock in the early days, came to us at an annual salary of less than $1,000 a year and never made more than $7,000 a year during his career with the company. Yet when he retired, a few years ago, he was worth three-quarters of a million of dollars.

"Profit sharing has many attendant advantages. For one thing, it inclines a man to stay on the job by giving him a vital interest in the business. Fifty-six men at the Ivorydale plant have been with us from 25 to 40 years. Nearly half of the more than 2,700 workers are employees of from 1 to 40 years' standing. The average annual turnover shown in industrial plants is 120 per cent—twice the annual turnover shown at Ivorydale. Our records show that if a man stays with the company one month—long enough to get fairly acquainted—he is likely to remain here indefinitely.

"I believe that the spirit of thrift and the sense of responsibility that have come to our men through the profit-sharing plan have had much to do with the rapid development of leaders among them.

"All but one of the men in places of power with this company to-day have come up through the ranks, and most of them started at not more than a day laborer's or a clerk's salary. Our general superintendent began work as a boy in the box factory at $2 a week. The superintendent of the plant at Port Ivory, N. Y., entered our employ 16 years ago as a $45 a month bill-of-lading clerk. Our chief engineer at Cincinnati started at $5 a week. It is only 15 years since our general sales manager was a $60-a-month clerk in the treasurer's department. The central and western sales managers broke in as office boys, and so the list might be carried on.

"Our experience, however, has proved to us the great value of a college education, and I can not urge young men too strongly upon this point. While all but one of the men in places of power in this company to-day have come up through the ranks, over 80 per cent of those men drawing salaries in excess of $3,000 a year are college graduates. They start with the crowd, but the trained mind demonstrates its value as truly as the skilled laborer stands out over the unskilled.

"Remembering how these men came out of the crowd and forced recognition of their merits, I have slight sympathy with the theory that luck plays a controlling part in business success. Luck exists, of course, and some folk seem to get more than their share of it, but to every man comes enough luck so that he will be able to make his mark if he has the native ability, ambition, and vision to measure up to his opportunities.

"The first promotion, that which lifts a man from the crowd, is the hardest to get. It is like the private's promotion to corporal. But once the workman has become a foreman, or is given any position with authority over other men, he has risen where he can be seen. He will be seen, too, for every employer is sweeping his organization with a spyglass to seek out ability.

"Looking back over the lives of the men whom I have watched as they won their way to leadership, I find five marked characteristics. They have been aggressive, truthful, unselfish, and courageous, with the power of decision and determination to carry decision through. Lacking any one of these, and especially the latter, a man's success is very doubtful; granted the five, it is assured.

"Aggressiveness and good health usually lodge together; that is why I am always preaching the gospel of physical fitness. Look over the world's leaders and you will find, for the most part, men of tireless physical vigor. Some great men have been frail, a few have been invalids, but each case is an exception to the rule. Most great men have been charged with the physical vigor out of which is born much of the dynamic force that drives them through to success. Men who work their minds for 16 hours a day and slight their bodies are violating the laws of the very success they seek. I firmly believe that 50 per cent of whatever I have been able to accomplish has been due to strength and endurance.

"From 20 to 25, or the first few years out of school, is the most important period in a man's life. If he has not found himself, if he has failed to make some definite impression by the time he is 27 or 28, barriers will have been built up in front of him which only the very exceptional men can scale.

"Sometimes one will hear a young man remark, 'I can afford to take things easy until I am 30 or 35. Then I will make up for lost time.' This is the most foolish of fallacies. Men who make their mark in middle age almost invariably have established an outstanding reputation for ability, aggressiveness, and ambition in the first years of their business life.

"Real genius may be handicapped, but never permanently held down, by being misplaced. Yet each employer has a great responsibility to make sure that he is helping his men to develop themselves by giving them jobs that 'fit' them and that measure up to their abilities. We put 100-horsepower loads on 50-horsepower men and break them. We put 50-horsepower loads on 100-horsepower men and there is unused energy running to waste. The most successful employer is the one who can most closely match the load to the man.

"I have already mentioned my belief that no man can handle his job with full efficiency and economy unless he knows why he is doing it and what it costs. The next step this company is going to take will be based on these facts. We are going to let each department share in the lessened cost of production. Our books will be thrown open to the men; they can see for themselves the costs of production in their departments for a given period. We hope so to arrange matters that each department that is able to obtain the same results more cheaply will divide the savings with the firm.

"This is simply another adventure in common sense and justice. The laboring man wants no one to become hysterical or sentimental over him. He resents it. All he wants is to be treated fairly.

"One thing we have continually tried to avoid is any interference with the private life of our workers. I have always felt that the employer who follows up his direction of a workman's job by telling him what he should do at home is unduly impertinent to a man's soul.

"Any system of rewarding labor must be predicated on the fact that every man shall return value received for what he gets, otherwise the system is unsound and can not continue.

"My greatest pride in our profit-sharing plan comes from the knowledge that it reaches the minds of our workers as well as their pocketbooks. Out of thrift has come independence; out of independence has come freedom and happiness. We have not only given our men additional money—we have helped them to find additional ideals."

Mr. TOWNSEND. Mr. President, may I ask to have inserted in the RECORD, in connection with the remarks of the Senator from Illinois relative to distribution of expenditures, chapter 38 of the Universal Postal Union, which answers the question which I asked and which, I think, is important for the Senate to know, not only in connection with the expenses of this organization but of the secretariat as well? I ask unanimous consent to have inserted in the RECORD the chapter to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

DIVISION OF THE EXPENSES OF THE INTERNATIONAL BUREAU.

"1. The ordinary expenses of the international bureau must not exceed the sum of 125,000 francs annually, irrespective of the special expenses to which the meeting of a congress or of a conference gives rise.

"2. The Swiss postal administration supervises the expenses of the international bureau, makes the necessary advances, and prepares the annual account, which is communicated to all the other administrations.

"For the apportionment of the expenses the countries of the union are divided into seven classes, each contributing in the proportion of a certain number of units, viz:

"First class, 25 units.
"Second class, 20 units.
"Third class, 15 units.
"Fourth class, 10 units.
"Fifth class, 5 units.
"Sixth class, 3 units.
"Seventh class, 1 unit.

"4. These coefficients are multiplied by the number of countries of each class, and the total of the products thus obtained furnishes the number of units by which the whole expense is to

be divided. The quotient gives the amount of the unit of expense.

"5. The countries of the union are classified as follows, in view of the division of expenses:

"First class: Germany, Austria, United States of America, France, Great Britain, Hungary, British India, Commonwealth of Australia, Canada, the British colonies and protectorates of South Africa, the whole of the other British colonies and protectorates, Italy, Japan, Russia, Turkey.

"Second class: Spain.

"Third class: Belgium, Brazil, Egypt, Netherlands, Roumania, Sweden, Switzerland, Algeria, French colonies and protectorates in Indo-China, the whole of the other French colonies, the whole of the insular possessions of the United States of America, Dutch East Indies.

"Fourth class: Denmark, Norway, Portugal, Portuguese colonies in Africa, the whole of the other Portuguese colonies.

"Fifth class: Argentine Republic, Bosnia-Herzegovina, Bulgaria, Chile, Colombia, Greece, Mexico, Peru, Serbia, Tunis.

"Sixth class: Bolivia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Hayti, Republic of Honduras, Luxemberg, Republic of Nicaragua, Republic of Panama, Paraguay, Persia, Republic of Salvador, Kingdom of Siam, Uruguay, Venezuela, German protectorates in Africa, German protectorates in Asia and Australasia, Danish colonies, Colony of Curaçao (or Dutch West Indies), Colony of Surinam (or Dutch Guiana).

"Seventh class: Congo Free State, Corea, Crete, Spanish establishments in the Gulf of Guinea, the whole of the Italian colonies, Liberia, Montenegro."

Mr. SHERMAN. I am very glad the Senator from Michigan has had it incorporated in the RECORD in connection with my presentation of the matter. It will be valuable for future purposes as well.

Mr. President, there is in the periodical Industry of October 15, 1919, an article entitled "Will the international labor conference menace American industrial progress?" In commenting it says:

> The make-up of this conference is comparatively easy to understand. There will be delegates from England, France, Italy, and various other European countries, and the bulk of these delegates will be socialists or radicals, intent on putting into effect the socialistic and radical plans. Now, there are two things which industry in the United States must regard with apprehension. One is an attempt to impose the closed shop, or the socialistically conducted shop, on the country, and the other is the imposition of the limited working day, which is part of the program of the socialists and the labor unionists. Both the closed shop and the 40-hour or 44-hour week mean in the very first analysis decreased production, increased cost of production, and increased cost of living. It means the strangling of individual initiative and effort, the imposition of restrictions designed to put all workmen on the common footing of mediocrity, and it places in the control of a few leaders the very life of industry in this country. The public has a greater interest in the maintenance of the open shop and the maintenance of proper and normal production than the employer has.
>
> This international labor conference will be largely composed of men committed to these principles.

And, as if in precise arrangement for the purpose of dovetailing in these provisions, it is enumerated that the application of the principle of the 8-hour day or the 48-hour week shall be taken up in the first conference to be held in this country.

We are vitally concerned not only in the peace questions that I have already referred to but in the question of the closed shop. Suppose the international conference now in session in Washington should declare in favor of the closed shop. The greater part—I believe a majority, at least—of the delegates in this conference are committed to this economic principle, as they call it. Suppose they pass a resolution before ending that conference imposing upon this country, even though we are not officially represented, the closed shop or a limited number of hours per day. They disperse to their various countries. Some representative of a country concerned—Germany, for instance—makes complaint. The delegates from Germany are sitting in this conference, I have understood. The delegates from Japan are sitting in this conference. Their members can be found in their seats to-day if you go over to the Pan American Building. If they are in this country and in this conference for any good purpose toward the United States, no person searching the motives of men can find it out. The German delegates, if present, are here to promote industrial mischief. Japan is here for the purpose of increasing her trade. Their export trade now with the United States has increased amazingly in the last four years. They have taken no considerable part in the late war. They have not exhausted their credit, their man power, nor their industrial plant in anything they contributed to the struggle. When they had expelled the Germans from Shantung their decisive action was over. They did concern themselves somewhat in Siberia, but that is purely for prudential reasons. They expect sooner or later to effect a lodgment of their Government on this part of the mainland of Asia. Every move they have made is dictated by a purely national selfish purpose. From their viewpoint they are justified, but in our country we are equally justified in taking such defensive steps against any industrial inroads they may make on us or in binding ourselves in a league or any international labor conference in which they may have advantages.

Suppose, to carry on further what naturally would follow when this conference has dispersed, the Germans, within a few months or a few weeks, the treaty of peace having been ratified and Germany recognized as having resumed her international and diplomatic relations with this country, makes complaint. On that complaint a commission of inquiry is created. The commission of inquiry investigate. They make a finding on the closed shop. Great Britain's industrial representatives would be inclined to vote that way. Some 85 or 90 per cent, possibly, of all of Great Britain's employees are unionized. Their delegates representing labor will be a closed-shop delegation in our country. In all probability the Government delegate representing the United Kingdom of Great Britain will not feel like provoking a quarrel with labor interests of their own country by opposing the closed-shop procedure. Arthur Henderson and his allies in industrial England will be able to overcome any scruples that Lloyd-George and his ministry would have, or their delegate representing them, against the closed shop. It is fair to presume, from local conditions in Great Britain, that both their delegates will be found joining with the German delegates and the delegates from the smaller countries, socialistic in their nature. Some of the Spanish delegates are not to be trusted upon this question. They will be found joining to adopt a resolution for a closed shop.

This is the beginning of internationalism. This conference is the first step in international procedure. It is the first step in international procedure in labor questions. It is the practical expression of industrial internationalism.

When they have proceeded thus far, passing the appropriate resolution for the closed shop, they will make complaint if we do not adopt it. The economic retaliation to be applied under stress of labor conditions in England and by deliberate purpose, without regard to the merits of the controversy, in Japan, would provide that all articles manufactured in our country in an open shop will be denied admission into their market.

That is the first practical economic boycott that can be applied to our affairs by the international labor conference. This, therefore, under the provisions of the sections sought to be stricken out by this motion would create a discrimination against some of the largest producing centers in our country. The United States Steel Co. is an open shop; the various plants of the Link Belt Co., of which Charles Pease, of Chicago and Philadelphia, is the leading spirit, is an open shop. I need not enumerate others of the largest concerns in the United States which are to-day operating on an open-shop basis. They make no discrimination against any member of a labor union, but they do not pledge themselves to employ only union labor. They employ any fit laborer that applies. The men at the heads of large enterprises are in danger of having their open-shop methods revolutionized and destroyed by the action of foreign countries. If the open shop ends, it ought to go as the result of our domestic action; the closed shop ought not to be forced upon us from abroad by an international labor conference, and by a species of internationalism that is utterly alien to our institutions.

Mr. President, the danger on the question of the open and closed shop that is contained within the limits of the articles I have quoted is a very grave one; it is not an imaginary danger. Before the international conference now in session shall have adjourned there will be enough happen from the radicals and the alien firebrands that are in our midst to justify me in what I say to-day. It is further stated here:

> It is all very well to talk of the limitations imposed by our Constitution, but it is an unfortunate fact that our position in international affairs to-day inevitably limits our Constitution, no matter what the judgment of the courts may be. If the international conference at Washington, with the cooperation of part of the delegates of the United States, indorses the closed shop and the 44-hour week, this country will have to stand before the world as repudiating the findings of a conference which it helped to create and in which it participated.

We are not officially participating in it, since the treaty and the league covenant have not yet been ratified, but under the provisions of the proclamation under which these delegates assembled, we are morally bound by their actions. The only way we can free ourselves from that moral obligation is to strike out of this treaty the articles referred to. Continuing the reading:

> If we argue that the Constitution does not permit the legislative enforcement of the findings of the conference we shall be met with the argument that the spirit of the people should be sufficient to compel acceptance and application of the findings of the conference.

I ask to have printed in the RECORD the whole of this article from Industry of October 15, 1919, without reading more of it.

The PRESIDING OFFICER (Mr. HARDING in the chair). Without objection, it is so ordered.

The article entire is as follows:

[From Industry, Oct. 15, 1919.]

"WILL THE INTERNATIONAL LABOR CONFERENCE MENACE AMERICAN INDUSTRIAL PROGRESS?

"While interest in the industrial conference which is now being held in Washington is naturally very great, this conference must not be permitted to overshadow in the minds of the people, of all the people, the gravity of the conference which will assemble in Washington on October 29—the international labor conference provided for in the peace treaty. This will be something new, not only in our domestic affairs but in international affairs, and let it be said emphatically that it may be fraught with danger to the United States. We have called attention to this conference before in Industry, but its extreme significance does not seem to be understood or appreciated.

"This international conference is the first of annual meetings made possible under the peace treaty, and delegates from all the European countries will participate. Our own representation will be comparatively negligible when compared with the total membership of the conference. There are a variety of proposals which may be considered. Some of them are sociological, some are humanitarian, some are socialistic, and some are directly in the interest of specific classes. There is just as much possibility that the socialistic and special class programs will prevail as that the sociological and humanitarian programs will be put into effect.

"The make-up of this conference is comparatively easy to understand. There will be delegates from England, France, Italy, and various other European countries, and the bulk of these delegates will be socialists or radicals, intent on putting into effect socialistic and radical plans. Now, there are two things which industry in the United States must regard with apprehension. One is an attempt to impose the closed shop, or the socialistically conducted shop, on the country, and the other is the imposition of the limited working day, which is part of the program of the socialist and the labor unionist. Both the closed shop and the 40-hour or 44-hour week mean in the very first analysis decreased production, increased cost of production, and increased cost of living. It means the strangling of individual initiative and effort, the imposition of restrictions designed to put all workmen on the common footing of mediocrity, and it places in the control of a few leaders the very life of industry in this country. The public has a greater interest in the maintenance of the open shop and the maintenance of proper and normal production than the employer has.

"This international labor conference will be largely composed of men committed to these principles. It is all very well to talk of the limitations imposed by our Constitution, but it is an unfortunate fact that our position in international affairs to-day inevitably limits our Constitution, no matter what the judgment of the courts may be. If the international conference at Washington, with the cooperation of part of the delegates of the United States, indorses the closed shop and the 44-hour week, this country will have to stand before the world as repudiating the findings of a conference which it helped to create and in which it participated. If we argue that the Constitution does not permit the legislative enforcement of the findings of the conference, we shall be met with the argument that the spirit of the people should be sufficient to compel acceptance and application of the findings of the conference.

"Under the treaty, economic pressure may be brought against us if we fail to enforce the findings of this conference, and we must not assume that this economic pressure will be lacking, because if other nations find it within their power to force us into an industrial position which will bring chaos, it will be to their advantage very materially. We have subscribed, through our representative in Paris, to the idea of this international conference, and we can not repudiate the findings on technical grounds. In other words, we are committed to something which is destructive to ourselves, which is un-American, which is unconstitutional, but which we have passed our word to recognize and follow.

"The open shop must be maintained in the United States irrespective of international obligations, peace treaties, and everything else. The prosperity of the country, the maintenance of its industries, the comfort of its inhabitants are superior to what might be called a technical violation of our word of honor, because that word was not given with the assent of the people of the United States. It was part of a bargain, of a diplomatic bargain, done without consideration of its ultimate effects. The people of the country must understand what it means and must repudiate in advance any action of the International Labor Conference which is in conflict with the best interests of the Nation.

"One or two Senators of the United States, with vision and understanding, have already pointed out the danger in the labor articles in the peace treaty. They should go further and emphasize these dangers, and the Senate of the United States should amend the labor articles so as to preserve to the United States its industrial independence and industrial strength. A reservation should be attached to the labor articles to the effect that no findings of the International Labor Conference will be regarded as binding on the United States which is in any way in conflict with our Constitution. This will serve notice as to our official attitude and will supplement and make positive the action which our people must take to preserve their industrial integrity. Our word of honor passed in Paris must be clarified and illuminated, made plain and definite, showing that the United States is not going to turn over its industries to the dictation of a socialistically constituted conference, whether international or domestic."

Mr. SHERMAN. Mr. President, referring to the open and closed shop, there is one other subject which I think would concern the Brotherhood of Locomotive Engineers. I could probably refer my comments to the employers' side of the question, but connected with the Brotherhood of Locomotive Engineers and the other three railway brotherhoods there is another matter that ought to concern the union labor, the employees' side of the controversy. There is very great care taken by the Brotherhood of Locomotive Engineers to enforce observance of the orders issued by their authorities. On page 53, in section 92, of the constitution and statutes of the Brotherhood of Locomotive Engineers, I find a provision which anticipated by several years the provisions of the espionage act which we used during the war. I now read:

All divisions, or members of divisions, are prohibited from issuing circulars or signing any form of petition relative to brotherhood business among members of the brotherhood or others. If issued by a division, its charter shall be suspended; and the length of such suspension shall be at the discretion of the grand chief engineer. If issued or signed by a member, he shall be suspended or expelled: *Provided*, That the foregoing shall not prevent or hinder in any manner any official or division of the brotherhood in properly conducting the business of the organization as to sending out notices, reports, etc., for the purpose of securing or giving information.

Suppose that should be deemed restrictive of the right of free speech among organized labor; if the radical in the International Labor Conference should have it fall under his watchful eye, it is not a far-fetched conclusion that the radical would be dissatisfied. One of the principal privileges of the soviet and of radicals in a public body is to talk. They have all of the qualifications of a Senator in that particular. Constant use of language to them is dearer than an increase of wages or a shortening of hours. If their vigilant eyes should fall upon section 92 of the regulations I have read, it might lead to unfavorable action. They might regard that as applied to North America as requiring treatment by the conference. The brotherhood operates in Canada, Mexico, and the United States. Canada is under the influence of Great Britain's delegates, and their delegates sitting in this conference would join with those of the United Kingdom.

Let it be observed here that Great Britain has in this conference not the two delegates but she has delegates from each of her five self-governing colonial possessions. Australia, if not already represented, will be represented by delegates. Great Britain will have, in other words, six times the representation of the United States, even if we were lawfully within the conference.

It is not a violent interpretation to say that these regulations, applicable in Canada and in the United States by the brotherhood, would be a subject of action by the conference, and that a hostile resolution repealing, modifying, or wholly eliminating such a provision could be passed.

On page 93 there is another section applying to the brotherhood in Canada which reads:

Any member or division refusing to sustain the official acts or instructions of the legislative board or who circulates or signs a petition; or who by verbal or written communication to railroad officials or others that is calculated to injure or interfere with legislative matters offered by the legislative board; or at any time make suggestions to railroad officials or to dominion or provincial legislators that may be detrimental to the interest of the Brotherhood of Locomotive Engineers; or who by verbal or written communication to anyone calculated to injure or interfere with national legislative matters offered by our legislative representative at Washington, Canada, or Mexico—

The brotherhood includes all the English-speaking engineers in Mexico, which in normal times would embrace about all the engineers operating trains in that Republic—

or at any time make suggestions to anyone that may be detrimental to the interests of such legislation, shall be expelled when proven guilty, as per section 49 of statutes.

I present further sections from the same source:

SEC. 51. Any member of the B. of L. E. who takes the place of anyone engaged in a strike recognized as legal by the B. of L. E. shall be expelled when proven guilty, and shall forever be ineligible for readmittance to this brotherhood. (Statutes, p. 40.)

SEC. 54. When any member or members of a subdivision (except chairman of the local committee) take up directly with the general chairman, verbally or written, any question where other members' interest is involved or asked for a ruling upon any question, the general chairman must refuse to grant such a request or ruling until the proposition has been submitted to the subdivision for their consideration. If carried by a majority of the members present, the secretary will furnish the general chairman all the facts in the case, who will furnish the subdivision with his ruling or interpretation, as the case might be.

Any member who by verbal or written communication to railroad officials or others interferes with a grievance that is in the hands of the committee, or at any other time makes any suggestion to any official that may cause discord in any division, shall be expelled as per sections 49 and 54 of the statutes, when proven guilty, provided, however, this law shall not apply to a brother in official position when called upon to express an opinion in his official capacity.

SEC. 35. Any member of the general committee of adjustments who willfully and premeditatedly does, with malicious intent by act or word, in the presence of any railroad official, injure any matter under discussion by said committee which has for its purpose the enforcement of the standing rules of the G. I. D., shall, by a two-thirds vote of said committee, be deprived of serving on the same, the general chairman to fill such vacancy from the membership of the division to which the deposed member belonged, he serving until relieved by one appointed by the division so affected. (Standing Rules, p. 78.)

Those regulations all could be made the basis of equally hostile action in the conference.

Reading from the Washington Times of this afternoon:

The latest mystery: Where are the German and Austrian delegates to the international labor conference?

The State Department has information that they have not yet sailed from Holland, while other delegates from continental Europe believe they will show up in Washington at any time.

There seems to be some question about their passports. I was informed last night—and on that basis I made the statement I did a while ago—that the German delegates had arrived. I correct my former statement. The Japanese delegates are here and are visible in the flesh. The German delegates, according to a press report I saw not long ago, had sailed some days before that time from a European port bound for New York. Where they are at this time nobody knows, but very likely they will turn up before the conference is ended.

Because of the difficulties that might arise from the action of the conference in connection with local regulations in our own country and in other sovereign States in North America, we ought to enter into this international conference with great care, if we enter it at all. I think we are better off to stay out of it, for no good can come from it. With our great area, our industrial development, our surplus requiring export, if normal relations shall again be resumed we are abundantly able to take care of ourselves, and unless burdensome restrictions are placed upon us to take care of any surplus that may require an outlet in a foreign market.

There is another question that is very likely to be taken up, namely, the piecework problem. Many of the most expert of the artisans of this country are employed on a piecework basis. It is opposed by some of the unions because those who are competent outstrip in their earnings those less competent. It is proposed to reduce the skillful to a mediocre basis. Therefore there is an undercurrent of hostility found in many of the labor unions against the piecework plan. The less skillful—and in many instances they are the most numerous in the local unions—oppose the piecework plan. The more skillful in any occupation are apt to be in the minority, but they are potent agents of production. Still on the question of piecework the dissatisfied radical in this country may join with the radicals of other countries in an international labor conference and enforce upon us a limitation upon piecework which would interfere materially with our productive capacity. That is something wholly within the power of the conference to do. At any time a hostile measure may come from the conference and may be enforced upon us by the usual economic processes to which I have referred.

I wish to close this discussion, Mr. President, by reading the condition of the British East Indies and the conduct of the United Kingdom of Great Britain with that country. I read from "The New Map of Asia," by Herbert A. Gibbons, a recent publication by the Century Co., published in 1919. From page 41 I quote:

A maharaja told me in 1916, "We can not stand the British much longer." Economically, famines are more and more frequent, and the British authorities seem to be less able to cope with them than formerly. Trade returns show that England is taking $150,000,000 every year out of India with no commercial or material return.

In connection with the same subject, I now read from pages 54 and 55 of the same volume. These are matters that will come into this conference:

The average life of the Indian is 23 years, of the Englishman 40 years, of the New Zealander 60 years. In 1850 the average earning of an Indian was 4 cents a day. This sum fell to 3 cents in 1882 and to 1½ cents in 1900. The majority of the population of India goes through life without ever having enough to eat. This state of affairs did not exist before England started to drain India of her wealth. It exists in no other portion of the earth's surface. It does not exist in neighboring, equally densely populated countries that are not directly under British rule.

Every enemy of Great Britain in Europe and Asia in this conference will aggravate, by proper agitation, the feeling of the East Indian on this subject. During the war, Germany provoked the Afghans to an expedition across the borders of northern British India. They supposed they would meet with the demonstrations of the East Indians amounting to a revolt. It was quelled without the hoped-for disturbance, but it shows the activity of the enemy nations of Great Britain in various parts of these continents. It will break out naturally in the international peace conference, because the conditions are such as to provoke constant controversy.

On page 144, I read the following:

The record of European diplomacy in the Near East from 1815 to 1919 has no redeeming feature.

Eighteen hundred and fifteen marks the time of the close of the congress of Vienna, when there was a partition of territory, a union of powers, a balancing of the rights and wrongs and strengths and weaknesses of European nations; it was hailed as the threshold of universal peace.

From the congress of Vienna to the conference of Paris it did not change. Heartlessness and selfishness were its characteristics. The interests of the races of the Ottoman Empire, Moslem and Christian alike, were consistently sacrificed to fancied interests of the powers. Never once did European statesmen, assembled to solve Near Eastern problems, make a decision actuated by a desire to protect or to help the races whose fate was in their hands.

It is an error to believe that there has been a change of heart in the twentieth century. Before the outbreak of the Balkan War, on October 8, 1912, the six great powers notified the Balkan States that: "(1) The powers condemn energetically every measure capable of leading to rupture of peace; (2) supporting themselves on article 23 of the treaty of Berlin, the powers will take in hand, in the interest of the populations, the realization of the reforms in the administration of European Turkey on the understanding that these reforms will not diminish the sovereignty of His Imperial Majesty the Sultan and the territorial integrity of the Ottoman Empire; (3) if, in spite of this note, war does break out between the Balkan States and the Ottoman Empire, they will not admit, at the end of the conflict, any modification of the territorial status quo in European Turkey."

These countries are represented in the international conference. Great Britain is represented. The seeds of intrigue are present. The desire to promote revolution in East India and all of Great Britain's colonial possessions in Asia is present and the instigation that could have its origin in the international peace conference is such as to endanger our own domestic peace and welfare. Instead of having this body here, I think it ought to be in the countries where the trouble began. All of these difficulties were made in Europe. No one of them was made in the United States. This war was made in Europe. It was not made here. We were at peace. We are at peace now, and the only place in the world where countries are in armed collision is in the Old World. Those places are necessarily the ones where disputes have proceeded to that extreme, growing out of the so-called league of nations and peace treaty and the new boundaries created.

There is a very excellent article in the November number of the Protectionist, under the heading of "Labor" provisions of the treaty of peace." It analyzes the various sections to which I have alluded yesterday and to-day. It shows the representation, the jurisdiction of the conference, and how that jurisdiction may materially embroil us in the controversies of the world, as well as how it may interfere with the domestic industrial questions that are exclusively local to our country. This I should like permission to incorporate in the RECORD at length without reading, because I think it is a valuable contribution to the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Protectionist for November, 1919, p. 398.]

"LABOR" PROVISIONS OF THE TREATY OF PEACE.

[By Edward N. Dingley.]

In the discussion of the terms of the treaty of peace between the United States and the allied nations on the one hand and Germany on the other, comparatively little notice has been taken of what is designated as Part XIII, under the title of "Labor." Yet this portion of the treaty, occupying about 10 pages of the entire 213 comprising the voluminous document, contains provisions of vital and far-reaching importance, especially to the United States. The much-discussed covenant of the league of nations, which occupies the first 9 pages of the official document following the signatures, embodies a no more serious and revolutionary program than the 10 pages of the treaty of peace which are devoted to "labor." In short, the "covenant" and "labor" sections very properly may be deemed the "explosive by-products" of a treaty designed to contain conditions of peace.

The underlying principle of the "labor" provisions, as of the "covenant," is internationalism. Its objects are set forth in the preamble:

"Whereas the league of nations has for its object the establishment of universal peace, and such a peace can be established only if it is based on social justice; and

"Whereas conditions of labor exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled; and an improvement of these conditions is urgently required," etc.

[Here follows an enumeration of the alleged wrongs and the remedies proposed.]

The proposed "organization of labor" is planned to be an adjunct of the league of nations—a wheel within a wheel. Ratification of the treaty of peace by the United States will automatically make the United States a member of the International Labor Conference. The original members of the league of nations "shall be the members of the labor organization." Since there are to be 32 original members of the league of nations, there will be the same number of members of the international labor organization. The permanent organization "shall be (1) a general conference of representatives and (2) an international labor office controlled by a governing body." The general conference shall meet at least once a year and "shall be composed of four representatives of each of the members"; two shall be Government delegates and one shall be an employers' delegate and one an employees' delegate. Each delegate may be accompanied by not more than two advisers without votes.

Under this plan the general conference of representatives of the members will consist of 128 delegates, 64 representing the several Governments, 32 representing the employers, and 32 representing the work people. The 64 "non-Government delegates," as they are called, are to be chosen "in agreement with the industrial organizations which are most representative of employers or work people." There is no specific provision for the selection of the 64 Government delegates. Presumably they will be named by the heads of the respective Governments or by the persons representing the respective nations in the league of nations. The 64 "non-Government" delegates, if "chosen in agreement," must be agreeable to both employers and employees. No procedure is provided in case of a disagreement.

The following countries, self-governing colonies or dependencies, each will have four delegates in the general conference of representatives: United States; Belgium; Brazil; British Empire, Canada, Australia, New Zealand, South Africa, India; China; Cuba; Ecuador; France; Serb-Croat-Slovene State; Siam; Czecho-Slavonia; Uruguay; Greece; Guatemala; Haiti; Hedjaz; Italy; Japan; Liberia; Nicaragua; Peru; Panama; Poland; Portugal; Roumania.

It will be observed that the British Empire, together with its four "self-governing" colonies and India, which is not self-governing, will have 24 votes and the United States will have four—the same number that Japan or Haiti or Hedjaz or Liberia or Siam will have.

The general conference will meet at the seat of the league of nations, where an "international labor office" will be established "as a part of the organization of the league of nations."

Article 339 provides that "each of the members will [shall] pay the traveling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the conference." There is no method provided whereby this fund shall be raised or through what channel it shall be disbursed. However, the presumption is that each member [nation] agreeing to the treaty and thus becoming a party to that portion of the contract devoted to the International Labor Conference will appropriate funds to meet the expenses.

The governing body of the international labor office is to consist of 24 persons, 12 representing the Governments and 12 representing the employers and the workers—6 each. The 12 latter shall be elected by their respective groups. Of the 12 representing the Governments, 8 shall be "nominated" by the "chief industrial groups in the main conference" and 4 shall be "nominated" by the Governments' delegates. The council of the league of nations shall decide which are the groups "of chief industrial importance." Members of the governing board will hold office for three years. The governing board shall regulate its own procedure and fix its own times of meeting. There is to be a director appointed by the governing board and a staff (no number mentioned) appointed by the director.

We now have (1) a general conference of 128 delegates meeting at least once a year, (2) a governing board of 12 holding office for three years and meeting when and where it pleases, (3) a director of the international labor office with an indeterminate number on his staff. Each of the members will [shall] pay the traveling expenses of the delegates to the conference, members of the governing board, and all advisers. All other expenses of whatever nature "shall be paid to the director by the secretary general of the league of nations out of the general funds of the league."

The functions of the international labor office (controlled by the governing board of 12) shall be the distribution of information "on all subjects relating to the international adjustment of conditions of industrial life and labor and the preparation of the 'agenda' (program) for the meetings of the conference."

The subjects for discussion and consideration by the conference "shall be determined by the governing board." Objections to any subject may be made by any of the members [Governments] but such objections may be overruled by a two-thirds vote of the delegates present in the general conference. After the conference has reached a decision upon any subject a proposal either (1) for legislation or (2) for an international convention may be recommended to the members [Governments] to give it effect. A two-thirds vote is required and "due regard to climate, conditions, and imperfect development" shall be had.

Now comes the vital part of the contract. Each member "undertakes [agrees] that it will within the period of one year at most from the closing of the session of the conference or at the earliest practical moment, and in no case later than 18 months, bring the recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action." In the case of Federal States, the power of which to enter into conventions on labor matters is subject to limitations, this provision of the agreement is limited to recommendations only, and "in no case shall any member be asked or required to lessen the protection afforded by its existing legislation to the workers concerned." This is good as far as it goes.

In case any member [Government] fails to comply with the recommendations of the conference, an explanation may be required by the general board. If no reply or an inadequate reply is received, the fact may be published for the information of all the members. Any member [nation] may file a complaint against any other member [nation] and the governing board, after such complaint or on its own motion, may institute a commission of inquiry. Each member [nation] agrees to nominate three persons, forming a panel from which the members of the commission of inquiry shall be drawn. The secretary-general of the league of nations shall nominate from this panel the three members of the commission of inquiry. This commission shall make a report indicating among other things "the measure, if any, of an economic character against a defaulting Government which it considers to be appropriate and which it thinks other Governments would be justified in adopting." The secretary-general of the league of nations shall communicate the report to each of the Governments concerned in the complaints. Each Government must decide either to accept the recommendations or refer [appeal] the complaint to a permanent court of international justice to be established. The decision of this court shall be final and the court shall "indicate the measure, if any, of an economic character which it considers to be appropriate." In the event of any member [nation] failing to carry out the recommendation, any other member [nation] may take against the defaulting member [nation] the measures of an economic character indicated in the report of the commission or the decision of the court. These provisions of the treaty are to apply to colonies, protectorates, and possessions "except where local conditions make it impossible or require modifications." All expenses of the first meeting of the labor conference in Washington and originally called for October, 1919, will be borne by the members [nations] "in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union."

How will this portion of the treaty of peace, providing for an international labor conference, affect America industrially and economically? It is clear that the machinery provided in the contract contemplates the internationalization of all matters "touching the problem of industry and employment," including unions, collective bargaining, strikes, wages, hours of labor, and all kindred subjects. A body of 128 delegates, 64 representing the Governments—presumably politically appointed—32 representing the employers, and 32 representing the work-people, in session at the seat of the league of nations, will have the power to consider and "recommend" what the policy of any member [nation] concerning any problem of industry and employment shall be. In this conference the United States will have 4 votes—4 out of 128.

For example, take the five most vital questions touching industry and employment—wages, unions, closed shops, strikes, and collective bargaining. For a hundred years with a few and never-to-be-forgotten exceptions, the United States has adhered to the policy of protection. The difference between the cost of production in this country and competing countries as a rule has measured the amount of protection accorded. Wages are about 80 per cent of the cost of production, hence wages have been a matter of vital importance. The scale of wages always has been higher in this country than in any other country. Suppose the international labor conference controlled by the members from China, Japan, Brazil, Portugal, New Zealand, Belgium, and perhaps France and Italy decide that the scale of wages in the United States is too low? This might be made an excuse for increasing the cost of production in the United States, thus aiding the commercial rivals of this country in international trade. Suppose the recognition of unions be made an international policy by the labor conference, what would prevent the trades-unions from controlling the industries of the world? Thus the unions of half a dozen European and Asiatic countries might control industry and employment in the United States. Suppose the conference should decide upon the closed shop and recommend it to the different members [nations]? Where would the United States then stand as an industrial Nation? What would become of the American right to work unless all workers joined unions? Suppose the right to collective strikes should be recommended as an international policy. Is the United States ready to legalize collective strikes? Is it prepared to legalize collective bargaining?

True, the conference of 128 delegates sitting at the seat of the league of nations under the contract can only "recommend"; but what follows the failure of any member [nation] to carry out the recommendation? Failure on the part of a member [nation] to obey the recommendation of the conference is followed by (1) publication of the failure, (2) an inquiry by a commission selected by the secretary-general of the league of nations, (3) recommendations of "an economic character" against the defaulting member [nation], (4) appeal by any member [nation] to a court of international justice, followed by a decision indicating still further penalties of an economic character. Is there any doubt but what these economic penalties ultimately will be invoked against a "defaulting" member [nation]?

There appears to be no limit to the power of the proposed International Labor Conference within the broad field of industrial and labor problems. It is conceivable that the industrial supremacy of the United States, the hours of labor, the conditions of labor, the operation and management of industries, both great and small—of railroads, mines, etc.—ultimately might be controlled by the proposed International Labor Conference of 128 members (in which the United States would have only 4 votes) engineered by a governing board of 12, all of whom may be un-American, with its headquarters in Europe, probably at Geneva. It is conceivable that ultimately the control of America's domestic industries and transportation, so far as labor is concerned, might be transferred from Washington and the several State capitals to Geneva or the seat of the league of nations. The possibilities exist and the perils are apparent.

Furthermore, if the contemplated league of nations may use the "economic boycott," the International Labor Conference, an integral part of the league, may do likewise with equal effect. What is meant by an economic boycott? Refusal to trade, a blockade, cutting off supplies of raw material, food, coal, etc. Does America wish to be controlled by a labor conference of 128 men and a governing board of 12 men sitting in Europe? Is the United States prepared to surrender its industrial and economic rights to a coterie of men all but four un-American? Is the United States willing to jeopardize its fiscal and economic policy, its industrial independence, its supremacy? It is unthinkable.

It is argued that such a thing is impossible. Yet it is possible if the treaty of peace is ratified as it is with the provisions of the International Labor Conference intact. The treaty of peace is a contract. The creation of an International Labor Conference is a part of this contract, and the signing of the contract by the representatives of the United States makes binding upon the United States all the provisions, agreements, and undertakings recited therein. They can be enforced as much as any treaty can be enforced, and the United States always has lived and always will live up to its contracts. If the United States signs "on the dotted line," there is no escape from the consequences. Even the good effects of the American protective policy may be nullified.

The leading article in the April, 1919, number of the report of the United States Department of Labor, Bureau of Labor Statistics, is entitled "Control of labor conditions by international action." The article is by Leifur Magnusson, evidently a gentleman with a foreign ancestry and alien turn of mind. In this article, vouched for by the

United States Department of Labor, it is learned that the Socialist Internationale is the present organized expression of the international Socialist movement. It dates back to 1864, when Karl Marx organized the International Workingmen's Association of London. Thus the International Labor Conference, incorporated in the treaty of peace, distinctly is of Socialist origin. The organization was revived in 1889 and held its last meeting in Copenhagen in 1919, where 33 nations were represented. This movement was followed by the International Trades Secretariat, and since 1913 the International Secretariat has been the central executive organ of the International Federation of Labor. Nearly all the members come from European countries and represent collective policies—that is, State capitalism or socialism. As an adjunct to it, the International Association for Labor Legislation was formed in Paris in 1910 for the purpose of promoting treaties touching the movement of labor, emigration, equality of treatment of nationals and aliens, and uniform labor standards.

This is the organization which took advantage of the presence of the peace conference in Paris and succeeded in having attached to the treaty what is known as the "International Labor Conference" section. A program of purely European and socialistic origin was grafted upon a document designed to bring peace between the allied and associated powers on one hand and Germany on the other. To say the least, the process of the granting was novel, if not revolutionary. A commission on international labor legislation, headed by Mr. Samuel Gompers and comprising delegates from Great Britain, France, Italy, Japan, and Belgium, formulated a report and submitted a program, which was adopted by the peace conference and incorporated in the treaty of peace. Like the covenant of the league of nations, the labor conference is entirely foreign to a treaty of peace with Germany, to negotiate which the conference met at Versailles.

While the program outlined is innocent on its face, the possibilities are revealed, first, in the aims and objects of the European Internationale Socialist Organization—collectivism, destruction of capitalism and the wage system, and the public ownership of industries and utilities; second, in the language used in the labor conference section of the treaty defining the functions of the general conference and the governing board to be the consideration of "all subjects relating to the international adjustment of conditions of industrial life and labor." That is sufficiently comprehensive to meet the views of any socialist or internationalist. There is no question touching the production and distribution of wealth or the policies of nations in solving their own industrial and economic problems which can escape the consideration and "recommendation" of this "International Labor Conference" in which the United States will have 4 votes out of 128, and perhaps no vote at all in the governing board of 24.

Twenty-seven nations (or separate countries), together with four self-governing British colonies and India (not a self-governing colony), will be represented in the general conference. Ten will be European, 7 Asiatic, 7 North American, 6 South American, and 2 African. The British Empire, with her colonies and India, will be represented by 24 delegates, and the 26 other countries (including the United States) will be represented by 4 delegates each. The British Empire will have only 8 less than 25 per cent of the entire membership, while the United States, with more at stake, with a larger industrial population, and with far greater industries, will have 3½ per cent of the entire membership. In voting power the United States will be on a par with Cuba, Guatemala, Honduras, Liberia, Nicaragua, Panama, Roumania, Haiti, Siam, Uruguay, the Croat-Slovene State, Czechoslovakia, and Hejaz.

The idea is preposterous! Think of Hejaz, Siam, Liberia, India, or even China and Japan, voting to determine what the industrial or economic policy of the United States shall be! Think what the power of Great Britain, with her colonies united on an imperial commercial and preferential tariff policy, might be! Labor is a vital factor in the cost of production, and the cost of production in a large measure will control in the future commercial struggle of the world. Suppose Great Britain, France, and Italy, together with Japan, should form an anti-American commercial alliance and with their 36 votes in the international labor conference gain control and seek to force a labor program crippling the United States. With only 4 votes in the conference, what could the United States do? Nothing but submit to the consequences. Suppose the United States refused to carry out the program. An economic boycott would follow. Such possibilities are sufficient to warn patriotic Americans.

Yet it is argued that the aims of the organizations are to raise the labor standards of all other countries to the level of the American standard. Will China and Japan, or even Great Britain, France, and Italy, agree to this? By no means; for that would mean defeat of their plans for a resumption of domination in the trade of the world and the recapture of the markets of the world. In the struggle the tendency will not be to raise the low-standard countries, but to lower the high-standard countries. Water always runs down hill. No international labor conference can be sufficiently strong to embrace in its protecting scope the workmen and workwomen of the world. If American workmen and workwomen think they will improve their condition under international rather than national protection they have a serious disappointment in store for them.

Examination of the labor and industrial conditions of the 32 countries, including the colonies of Great Britain and India, faintly suggests the folly of attempting to protect labor conditions the world over by an international board and the impossibility of trying to raise and make uniform or even approximately uniform the standards of all.

Take the European countries in the proposed labor conference—even the best are low grade compared with the United States, while Greece, Poland, and Portugal are below comparison, and Roumania, the Croat-Slovene State, and Czechoslovakia are out of consideration. Take the Asiatic countries—Japan, China, Siam, India, and Hedjaz are either cheap-labor countries or slave countries. Australia and New Zealand would do Great Britain's bidding. In North America Canada would follow Great Britain's lead, while the countries south to Panama are low-wage or practically peon countries. All the countries in South America are low-wage countries, mostly agricultural, and all more or less backward. Even in Brazil, one of the most advanced countries in South America, out of a population of 17,000,000 more than 80 per cent can neither read nor write. In this international hopper the tendency will be to drag down the high-grade countries, not lift up the low-grade countries. If the dreams of the international labor conference are to be realized even partially, the burden must rest on the high-grade countries. With its 4 votes, what can the United States do toward solving this tremendous problem?

The proposed covenant of the league of nations contains no greater dangers to the United States than the proposed International Labor Conference. Amendments and reservations to the covenant intended to safeguard the sovereignty and political independence of this country will not reach the dangers nor cure the defects of the international labor conference. Giving the United States the same number of votes in the league assembly and council that Great Britain will have and explaining or altering article 10 of the covenant and the section referring to the Monroe doctrine, will have no effect on the labor conference. Great Britain will have 24 votes and the United States will have 4 in that organization. The powers, liabilities, and responsibilities of the general conference and the governing body will remain as before. To remedy defects and avoid dangers, the whole matter of representation and the powers and functions of the general labor conference should be revised.

Why should this wonderful Nation enter into a solemn agreement giving 31 other countries or colonies, all anti-American and more or less envious of America's powers and independence, an opportunity to determine her labor, industrial, or economic policy?

Why should this Republic of ours, in which a policy of protection has promoted the interests of labor and capital alike, be jeopardized by an organization whose aim is "the removal so far as possible of all economic barriers" and the employment of the economic boycott to destroy those barriers? Why should America place in the hands of those bent on undermining her institutions weapons to accomplish that purpose? Why should America, whose corner stone is independence and whose structure is founded on nationalism, surrender that independence and substitute internationalism? Such a course would be madness. Such an undertaking would be national suicide.

Mr. SHERMAN. Mr. President, this concludes for the present my comments upon the labor articles of the league.

I suggest the absence of a quorum. That is usually the proper suggestion to make at the end of an address in the Senate.

The PRESIDING OFFICER (Mr. HARDING in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	McKellar	Smith, Ga.
Brandegee	Henderson	McNary	Smoot
Capper	Johnson, Calif.	New	Spencer
Chamberlain	Johnson, S. Dak.	Newberry	Sterling
Colt	Jones, N. Mex.	Nugent	Sutherland
Cummins	Jones, Wash.	Overman	Thomas
Curtis	Kendrick	Page	Townsend
Dial	Kenyon	Phelan	Trammell
Dillingham	Keyes	Pittman	Underwood
Elkins	King	Pomerene	Walsh, Mont.
Fernald	La Follette	Ransdell	Williams
Gay	Lenroot	Sheppard	Wolcott
Gerry	Lodge	Sherman	
Gronna	McCormick	Shields	
Hale	McCumber	Simmons	

Mr. UNDERWOOD. I desire to announce that my colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The pending question is the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to strike out Part XIII.

Mr. THOMAS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCORMICK. Mr. President, I want to say a word in consideration of this amendment of the Senator from Wisconsin, and of the reservation offered by the Senator from Utah [Mr. KING], a word bearing upon not only that part of the treaty which the amendment seeks to eliminate, but upon the circumstances under which the so-called labor provision seems to have been prepared.

It has been asserted during the course of this debate, and, of course, without denial, that representatives of America at the conference in Paris were few, while the representatives of the European powers were many. It has been argued that in a political sense our interests were very different from those of the other great powers party to this conference; that even the development of communications, the development of industrial civilization on this Continent, had not made our interests so germane to those of Europe and Asia that we were warranted in entering into a political compact like the covenant of the league, or the treaty of peace exclusive of the covenant of the league.

I venture, Mr. President, that this is nowhere more manifest than the attempt under Part XIII of the treaty to erect an international legislature intended to deal with the problems of labor. If there had been opportunity for America to study its own interests—and even assuming that American interests could be served by the creation of such a legislature as is contemplated under Part XIII—the American delegates in Paris never would have agreed that this economic-labor legislature should not consider the greatest of American productive interests.

I have hurriedly assembled some figures bearing upon the relative production of agriculture and manufacture in America, because among the great powers, excluding Russia, America alone is still an agricultural country in the commonly accepted meaning of the term. If my memory serves me, it is now held that the number of persons enrolled in the ranks of organized labor is 4,000,000, or twice the number enrolled before the outbreak of the war. As far back as 1910, the number of persons

engaged in agricultural occupations, according to the census of the United States, was 12,500,000, and yet there is no especial provision in all the long pages of this treaty for the protection or consideration of agriculture, the most important of American industries. It was natural that the other powers, which primarily are manufacturing and secondarily are agricultural countries, should ignore agriculture, either deliberately or merely in the futherance of their more important interests; but it was not natural, nor in the interests of this country, that agriculture should have been ignored by the delegates of the United States at Paris.

The last table of agricultural production which I have been able to find was one in a recent number of the Journal of Commerce of New York, which places at twenty-four billions a year the current value of agricultural production of the United States, three times its value in 1910.

The aggregate value of exports from this country is about five times what it was in 1913, based upon the last months for which figures are available. It is impossible to believe that conditions of agricultural production and agricultural export will not be affected by conditions in the labor market. That palpably was the judgment of the farmers' conventions which sat last week and the week before in Maryland and at Kansas City, in Missouri. There is no Senator who is familiar, either through his own experience or through advices from his constituents, with conditions of production on the farm to-day who does not realize how closely interwoven they are with conditions of production in other industries and with labor conditions even remote from the farm. Yet there is no provision that agriculture shall be represented in this international legislature, which the Senator from Wisconsin [Mr. LA FOLLETTE] on the one hand by amendment and the Senator from Utah [Mr. KING] on the other hand by reservation would make inoperative upon the United States.

It is not possible that during this generation the representatives of any of the European powers east of Roumania and of Poland would have any identity of economic interest with the United States in the matter of agriculture.

Those are food-importing countries. It is to their interest to take such measures as they may to secure conditions of production, of import into Europe, and as will depreciate the value of the products to the American farmer. We have no right to quarrel with them on that score. They may seek to buy food for their operatives in the cheapest possible market of the world.

The other agricultural countries competitive with the United States in the export of foodstuffs are not industrial competitors of the United States as are the European powers which will be buying foodstuffs in the markets of the world. Russia, when she finds herself, Roumania, the Argentine, Brazil are producers and exporters of foodstuffs, but are not industrial producers in any modern sense of the word. How completely, then, the interests of these nonindustrial and exclusively agricultural countries coincide with the interests of those industrial countries of Europe which can not hope to produce foodstuffs enough for their own populations.

It has been said time and again in the course of this debate that the assembly and the council of the league would have a political rather than a judicial character. If that be true of either of those bodies, it is already manifest, from the deliberations of the international labor legislature now sitting in conference here in Washington, that the labor legislature will have a political character even more certainly than the assembly or the council. We all know from our own experience what is called logrolling by those who criticize Congress or the legislatures of the States or conventions, political or otherwise. We know that such logrolling is a union of interest between certain elements and often to the disadvantage of other elements in the convention.

I think the Senator from Utah [Mr. KING], whose proposed reservation I have before me, will remember, as I do, that during a long-drawn-out consideration and debate on a tariff bill two great areas of the country, without other economic interests in common, united in writing a wool schedule into that tariff bill. The great herdsmen whose flocks add to the wealth of his own and other States in the West joined with the mill owners whose mills are situate along the Atlantic seaboard. There was a great hue and cry on the part of the ultimate consumers, who felt that they were being assessed in the interest of the sheep owners and mill owners.

No one who has considered the composition of this supreme international labor legislature or who has read casually the newspaper accounts of its deliberations can doubt that already an instinctive union of certain economic interests is at work.

There is already before the labor legislature which is sitting in Washington a resolution to consider the problem of unemployment and a proposal to make employment compulsory. In itself such a proposal may be ominous of legislation to be submitted to the parliaments of the world to conscript or impress the workers of the world, but if we turn back to the period when the projects embodied in Part XIII of the treaty were under discussion, we can recall that among the natural means suggested to mitigate the dangers of fluctuating unemployment was a free market for labor, to be secured through the abrogation by international decree of all limitations upon emigration or immigration. The most conspicuous of the delegates in Paris who proposed this absolute abolition of all restraint upon immigration was George Nichol Barnes, minister without portfolio in the British cabinet, representing the British labor interests, the same Mr. Barnes to whom the Senator from Wisconsin [Mr. LA FOLLETTE] referred in his exhaustive analysis of Part XIII, the Mr. Barnes upon whose motion the American proposal for the abolition of slavery was voted down.

Mr. KING. Mr. President, will the Senator yield for a statement?

Mr. McCORMICK. Certainly.

Mr. KING. I do not wish to disturb the continuity of his very excellent presentation of the matter. Has it occurred to the Senator that there is nothing in the treaty that is more destructive of nationalism—if there is any part that is destructive of nationalism—than Part XIII? I have attempted to analyze Part XIII and to comprehend its full significance——

Mr. McCORMICK. If the Senator has succeeded in that regard, he has done more, perhaps, than any other Senator in the Chamber.

Mr. KING. I wish to assure the Senator that my mental capacity has its limitations, and I have not been able to understand its implications and its limitations and its far-reaching consequences; but, as I have analyzed it, it seems to me that Part XIII will tend to destroy nationalism, will tend to the promulgation and the establishment of internationalism, will be hurtful to American labor, and will not conduce to the world's peace.

Mr. McCORMICK. Mr. President, the Senator has very wisely remarked that of all the provisions calculated to break down nationalism this will go further than any other, because the powers which it proposes to delegate to the superstate through the medium of this labor congress are more penetrating in their effect than any of those which can be exercised immediately by the assembly or the council of the league, whatever powers the assembly or the council presently may draw to itself.

It is precisely on that point that Mr. Barnes, in my judgment, acted, for after all British merchant shipping, in the prosperity of which he has a great and patriotic interest, is largely manned by Lascar seamen, natives of the Indian Empire, paid an oriental wage. You may argue that the seamen's act, which we owe to the resolution and statesmanship of the Senator from Wisconsin [Mr. LA FOLLETTE], will meet that condition. It will meet that condition for any labor not oriental, but until the day when the policy of oriental exclusion in this country is broken down by international dictum the seamen's act can not meet the competition of the oriental seafaring men.

Mr. Barnes, as I said, was the most conspicuous of those who proposed the abrogation of all restraint on immigration. But he was not alone in sustaining that view. The Italian Government very naturally shared his opinion. The export of labor is one of the items upon which the Italian minister of finance always and publicly relies in the preparation of his budget. The British minister for labor and the Italian Government, since the assembly of the conference in Paris, have avowed their judgment that emigration should be without let or hindrance. At this date the Governments of the Balkan States have not spoken on the subject, but any student of immigration to America during the last few years, any student however superficial, knows that before the war it was from the Balkan States that came the growing stream of unskilled labor.

The Japanese position in this regard need not be argued here. Testimony to the intention of the Japanese Government, to the dangers to American labor implied in that intention, has been given by the Senator from California [Mr. PHELAN], who nevertheless is going to support this project to internationalize the labor of the world.

All of the countries whose populations exceed their ability to support them, either through the product of their own fields or through the organized industry which depends largely upon the importation of raw materials, must instinctively unite on a common policy to make easy the emigration of labor to fields where employment is open on terms better than those obtained at home.

How is it, then, with the other countries which receive immigrants? Is their view like ours and is their interest identical with ours? At the outset of my remarks I pointed out that they were primarily agricultural countries, either without the natural resources which make for manufacture or with those resources so little developed that it will be a generation and more before they enter the competitive field of manufacturing industry. The Argentine and Brazil are in point. Here are fine, vigorous, ambitious, growing agricultural countries seeking immigrants not for the exploitation of their industries, not to develop mines or to supply hands for factories, not to act as wage competitors in those industries where the wage cost, in the judgment of the employer, threatens economic production, but seeking immigrants for settlement on the farms. Not only have they no economic impulse to restrict or to prevent such immigration but they have every reason to encourage immigration. In past years they have maintained agencies in Europe for the purpose of encouraging the stream of immigration across the south Atlantic. Aye, in other South American countries, as well as in Brazil, there has been no objection even to oriental settlement.

See now how the interest of American labor and agriculture is going to be ringed about by the opposing interests of the other countries: First, by the community of interest between countries preponderantly industrial and exclusively agricultural as against one great country, the United States, which economically is self-contained, and which, therefore, is the competitor of the agricultural exporters on the one hand and of the exporters of manufactures on the other; in the second place, by the countries whose surplus population seeks an outlet through emigration and so are bound to these other powers not interested to restrict the volume of immigration but to encourage it.

The total number of States which will sit in this labor legislature will be 46 in all; 184 delegates will be assembled there; 24 representatives of the British Empire, 16 more representing its feudatory States, or 40 in all; and 4 for the United States. What other power will be moved by an economic interest identical with our own or so complementary to it as to join us in maintaining the position which we hold, either regarding the flow of immigration or the policy of the world toward agricultural production?

This scheme, as I have said, was devised without any due consideration of the economic position of the United States and of its great agricultural interests with reference to principal competitors, either industrial or agricultural. The scheme, Mr. President, was devised in a moment of spiritual exaltation and nebulous aspiration, eloquently voiced by a distinguished philosopher, unadvised by any economist or hard-headed business men to represent the economic interest of America. It is that very obliviousness of actualities which has brought the country into the grave economic straits in which it finds itself to-day.

Before I conclude I wish to allude to the point of view which guided our Government in facing our domestic industrial problems, for the light which that point of view throws on the want of practical foresight and judgment in dealing with our economic interests abroad. When I say that I do not profess to be a business man, although I believe I think in the terms which are common to the run of us, moved by the instinct to which Kipling alluded when he said of the American's readiness to turn "to the instant need of things" at home.

In his address of December 2 of last year the President spoke as follows:

> So far as our domestic affairs are concerned, the problem of our return to peace is a problem of economic and industrial readjustment.

That, I think, is a truism which none would deny, and which some of us would have taken more seriously than the distinguished speaker himself ever did.

> The problem of our return to peace is a problem of economic and industrial readjustment. That problem is less serious for us than it may turn out to be for the nations which have suffered the disarrangements and the losses of war longer than we.

That is to say, our economic constitution is so rugged that it may stand a siege of industrial disease without care and still survive. That means that the average well-being of the American workman is so high that we may ignore the difficulties of industrial readjustment and permit him to suffer from a long period of unemployment, knowing that he will not actually starve to death during that time.

> Our people, moreover, do not wait to be coached and led. They know their own business, are quick and resourceful at every readjustment, definite in purpose, and self-reliant in action.

That is all very true; nobody denies it; and yet it does not point the way toward the transition between the industrial condition in which the country was placed by the war and the condition to which we would return it.

> Any leading strings we might seek to put them in would speedily become hopelessly tangled, because they would pay no attention to them and go their own way.

Mr. President, the administration cut some of the leading strings and left the others drawn taut, with the confusing consequences which such unequal pressure must inevitably bring upon the industrial body of the country.

> All that we can do as their legislative and executive servants is to mediate the process of change here, there, and elsewhere as we may. I have heard much counsel as to the plans that should be formed and personally conducted to a happy consummation, but from no quarter have I seen any general scheme of "reconstruction" emerge which I thought it likely we could force our spirited business men and self-reliant laborers to accept with due pliancy and obedience.

Perhaps if the Government had been more actively concerned with industrial readjustments at home and less concerned with political readjustments in Europe, it would not have been necessary to call upon force at this time.

> The moment we knew the armistice to have been signed we took the harness off. Raw materials upon which the Government had kept its hand for fear there should not be enough for the industries that supplied the armies have been released and put into the general market again. Great industrial plants whose whole output and machinery had been taken over for the uses of the Government have been set free to return to the uses to which they were put before the war.

And now comes a very interesting sentence:

> It has not been possible to remove so readily or so quickly the control of foodstuffs and of shipping, because the world has still to be fed from our granaries and the ships are still needed to send supplies to our men overseas and to bring the men back as fast as the disturbed conditions on the other side of the water permit; but even there restraints are being relaxed as much as possible and more and more as the weeks go by.

It was a very short time before all restraint was relaxed, with the results that we now have, with the result that after the mounting cost of foodstuffs had evoked protest from every quarter of the country the moral and legal powers of the Government were belatedly and suddenly invoked, and here again the agricultural interests of America were of no concern to those in high place. After the farmer had raised his crops, had fattened his swine and his cattle, while everything that he bought was at the top of the market, a tremendous and effective effort was made to depress the value of his product, and that of no one else, so that 30 and 40 per cent of the value of some of the products of the farm was wiped out in six weeks.

The message from which I have been quoting made two recommendations, neither of which is likely to be carried out, both based on the assumption that there would continue for a long period a surplus of labor in this country; both based on the assumption that means must be found, not to increase production in the normal channels, but to find employment by abnormal methods.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. McCORMICK. I yield.

Mr. GRONNA. Before the Senator from Illinois leaves the discussion of agricultural products I want to suggest that a new policy has been instituted in our country that developed during the hearings before the Agricultural Committee the other day.

It seems that this country had from three hundred to three hundred and fifty million bushels of wheat to export, but in the face of that an embargo was placed upon those products; and when the neutral nations of the world applied to us for our products they were told that no permit would be issued to them, so they were sent to Argentina and other places. When the man in charge of this tremendous business was asked why these orders were not filled and why this product was not sold, he made the excuse that he thought the Allies were entitled to first consideration. The facts are, however, that we had at least 300,000,000 bushels to spare besides what we might furnish to the Allies.

I simply wanted to suggest to the Senator that it seems that this policy has been adopted, and we seem to have formed an association with those we call our allies, and, regardless of whether it is going to benefit the American people or is going to be detrimental to them, the policy adopted is being pursued. The Senator from Illinois said a moment ago that he was not a business man; but from his talk I do not believe that he would have pursued a policy such as I have suggested—to refuse the orders which came from the allied nations of the world, when we not only had enough for our own people but had hundreds of millions of bushels to spare. Does the Senator from Illinois think that it is wise in the interest of labor, in the interest of agriculture, and in the interest of the consuming public to carry on that policy?

Mr. McCORMICK. Mr. President, this scheme of uneconomic altruism, blind to the actualities and deaf to the facts, by which our delegation seems to have been moved, has done the American farmer some hurt in the sense of which the Senator speaks; but it will find its splendid fruition in the mandate for the Turkish Empire, which I read in the great administration organ, the New York Times, will take for its consummation 20 years' time, 50,000 American troops, and a billion dollars. I see that it is proposed by the editor of the Paris Matin that one of Mr. Morgan's partners shall be made the viceroy of Constantinople, an appropriate appointment under a mandate conceived as this one was conceived.

But, Mr. President, the disregard for the actualities arising out of the war, the ignorance of economic exigencies at home, which has found its fruit in strikes on every side, in industrial disorder everywhere, and in an unequal reduction in costs which has borne on one group of the community and on none other—this ignorance of American necessities tolerated the creation of this fantastic labor legislature of the world.

Mr. LODGE. I make the point of no quorum.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McCormick	Shields
Borah	Harding	McCumber	Simmons
Brandegee	Harrison	McKellar	Smith, Ariz.
Chamberlain	Henderson	McNary	Smith, Ga.
Colt	Hitchcock	Moses	Smoot
Culberson	Johnson, Calif.	New	Spencer
Curtis	Johnson, S. Dak.	Newberry	Sterling
Dial	Jones, Wash.	Nugent	Sutherland
Dillingham	Kellogg	Overman	Thomas
Elkins	Kendrick	Page	Townsend
Fernald	Kenyon	Phelan	Trammell
Fletcher	Keyes	Phipps	Walsh, Mont.
France	Kirby	Pittman	Warren
Gay	Knox	Poindexter	Watson
Gerry	La Follette	Ransdell	Williams
Gore	Lenroot	Robinson	Wolcott
Gronna	Lodge	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. Mr. President, the senior Senator from Missouri [Mr. REED] is desirous of addressing the Senate upon the question raised by the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to what are known as the labor articles. He has been detained at home by illness and will be unable to go on until to-morrow. I make the request, therefore, that this amendment may go over until to-morrow, with an agreement that it shall be voted upon at 3 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. I should like to inquire of the Senator what will be done meanwhile?

Mr. LODGE. It is my intention to offer an amendment, of which I gave notice, to strike out the Shantung articles, instead of the previous amendment or series of amendments from the committee, which, as the Senator is aware, proposed to strike out the word "Japan" and insert the word "China." I shall not discuss the amendment. I simply want a vote upon it. Then there is an amendment offered by the Senator from Oklahoma [Mr. GORE]. Those are the only amendments that remain. If this agreement is entered into, we will dispose of the labor amendment to-morrow at 3 o'clock, and I shall then ask the Senate to consider the reservations.

Mr. BORAH. Mr. President, perhaps I ought to say, in view of the statement of the Senator from Massachusetts, that I think I will offer an amendment, before the amendments are finally all disposed of, to strike out article 10 of the covenant; but I am not going to detain the Senate a great while in the presentation of the amendment.

Mr. HITCHCOCK. Does the Senator from Massachusetts think that we can dispose this afternoon of the two amendments to which he refers?

Mr. LODGE. I do not think the Shantung amendment ought to take a longer time than to call the roll. The subject has been fully discussed. How much discussion will arise on the amendment offered by the Senator from Oklahoma I can not say, but I should hope to dispose of that and the amendment suggested by the Senator from Idaho this afternoon, and I hope the Senate will remain in session for that purpose.

Mr. HITCHCOCK. The unanimous-consent agreement, then, is limited to a vote upon the La Follette amendment to-morrow afternoon at 3 o'clock?

Mr. LODGE. Yes; that was my request; and I hope to dispose of the other amendments before that time.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent to temporarily lay aside what is known as the La Follette amendment, with an agreement that the same shall be voted upon at not later than 3 o'clock upon the calendar day of to-morrow, November 5. Is there any objection? The Chair hears none.

Mr. LODGE. Now, I move the amendment of which I gave notice. I do not desire to debate it myself; I simply desire a vote. I move to strike out articles 156, 157, and 158, the Shantung articles. The motion is simply to strike them out.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts to strike out articles 156, 157, and 158.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). I have a general pair on this subject with the senior Senator from Virginia [Mr. MARTIN], and am therefore compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the junior Senator from Georgia [Mr. HARRIS], and vote "nay."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). My colleague, Mr. SMITH of South Carolina, is detained on account of illness in his family. He is paired with the Senator from Illinois [Mr. SHERMAN]. If my colleague were here and allowed to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM], and as he is absent I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). May I inquire if the Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE PRESIDENT. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and in his absence I am not at liberty to vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. SHERMAN (after having voted in the affirmative). I inquire if the senior Senator from South Carolina [Mr. SMITH] has voted.

The VICE PRESIDENT. He has not voted.

Mr. SHERMAN. I have a pair with that Senator, and therefore withdraw my vote. I voted inadvertently, thinking he had voted.

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL]. I transfer my pair to the junior Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. OVERMAN (after having voted in the negative). I observe that my pair, the senior Senator from Wyoming [Mr. WARREN], has not voted. I therefore withdraw my vote.

Mr. BRANDEGEE. I am paired with the senior Senator from Ohio [Mr. POMERENE], and in his absence withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted, but I have discovered that the senior Senator from Maryland [Mr. SMITH] is necessarily absent from the Senate to-day, and having a general pair with that Senator, I withdraw my vote.

Mr. HARDING (after having voted in the affirmative). I have already cast a vote in the affirmative, but I note the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair. I therefore withdraw my vote.

Mr. JONES of Washington (after having voted in the affirmative). I inadvertently voted, but the junior Senator from Virginia [Mr. SWANSON] is absent to-day on account of illness, and as I promised to take care of him during his absence, I withdraw my vote.

Mr. CURTIS. I desire to announce the necessary absence of the senior Senator from New York [Mr. WADSWORTH], who is paired with the Senator from Alabama [Mr. BANKHEAD], and the junior Senator from New York [Mr. CALDER], who is paired with the Senator from New Jersey [Mr. EDGE].

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Utah [Mr. KING] and vote "nay."

Mr. GERRY. The Senator from Georgia [Mr. HARRIS], the Senator from Missouri [Mr. REED], the Senator from Alabama [Mr. BANKHEAD] and the Senator from Virginia [Mr. MARTIN] are detained by illness. The junior Senator from Virginia [Mr. SWANSON], the senior Senator from Kentucky [Mr. BECKHAM], the Senator from Maryland [Mr. SMITH], the Senator from Oklahoma [Mr. OWEN], the junior Senator from Kentucky [Mr. STANLEY], and the Senator from Utah [Mr. KING] are absent on public business. I have been requested to announce that the Senator

from Missouri [Mr. REED] is paired with the Senator from Kentucky [Mr. STANLEY], both of whom are absent. If the Senator from Missouri [Mr. REED] were present and permitted to vote, he would vote "yea," and the Senator from Kentucky [Mr. STANLEY] would vote "nay."

I have also been requested to announce that the junior Senator from Massachusetts [Mr. WALSH] is in Massachusetts to vote in the State elections.

The result was announced—yeas 26, nays 41, as follows:

YEAS—26.

Ball	France	McCormick	Phipps
Borah	Gore	McLean	Poindexter
Capper	Gronna	Moses	Shields
Cummins	Kenyon	New	Thomas
Curtis	Knox	Newberry	Watson
Elkins	La Follette	Norris	
Fernald	Lodge	Page	

NAYS—41.

Ashurst	Hitchcock	Myers	Smoot
Chamberlain	Johnson, S. Dak.	Nelson	Spencer
Colt	Jones, N. Mex.	Nugent	Sterling
Culberson	Kellogg	Phelan	Townsend
Dial	Kendrick	Pittman	Trammell
Fletcher	Keyes	Ransdell	Walsh, Mont.
Gay	Kirby	Robinson	Williams
Gerry	Lenroot	Sheppard	Wolcott
Hale	McCumber	Simmons	
Harrison	McKellar	Smith, Ariz.	
Henderson	McNary	Smith, Ga.	

NOT VOTING—29.

Bankhead	Harding	Penrose	Swanson
Beckham	Harris	Pomerene	Underwood
Brandegee	Johnson, Calif.	Reed	Wadsworth
Calder	Jones, Wash.	Sherman	Walsh, Mass.
Dillingham	King	Smith, Md.	Warren
Edge	Martin	Smith, S. C.	
Fall	Overman	Stanley	
Frelinghuysen	Owen	Sutherland	

So Mr. LODGE's amendment was rejected.

Mr. LODGE. Mr. President, the amendment of the Senator from Oklahoma [Mr. GORE] has been offered, and the Senator from Idaho [Mr. BORAH] has given notice of an amendment which he desires to offer.

Mr. BORAH. I understand the Senator from Oklahoma [Mr. GORE] is not ready to proceed just now.

Mr. GORE. I prefer, if the Senator from Idaho can do so, that he shall proceed with his amendment. I do not know that I will care to discuss my proposed amendment at all, but I should like to have a little while before action upon it.

Mr. BORAH. I do not know that there is any difference as to which precedes the other in its fate.

The VICE PRESIDENT. Does the Senator from Idaho formally tender the amendment now?

Mr. BORAH. Yes; I move to strike out article 10 of the so-called covenant of the league of nations.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Idaho.

Mr. BORAH. Mr. President, article 10 of the covenant of the league reads as follows:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

As has been stated heretofore, and it may be repeated perhaps for the purpose of recalling it to our memory, this provision has two distinct parts. The first is a primary obligation which rests upon the members of the league. The second proposition is that provision which simply has to do with the advice of the council as to the means by which the primary obligation shall be fulfilled.

There has been reported to the Senate by the Committee on Foreign Relations a reservation on article 10, but I am impelled to offer the amendment which I do for the reason that the reservation does not, in my judgment, meet the situation; certainly not as I feel that it ought to be met. This is the proposed reservation:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

I think a close analysis will show that this reservation does not change the situation at all. It leaves intact, in my opinion, the obligation under article 10. It does not, in fact, modify the obligation. It seems to have for its purpose the transfer from the executive department to the Congress of the power of advice with reference to the manner of executing or carrying into effect the obligation in article 10. It says:

Unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

"So provide" must relate, I presume, to the employment of the military forces for the purpose of carrying into effect article 10.

Mr. LENROOT. Mr. President——

Mr. BORAH. I will yield in just a moment. If the reservation has any effect at all, its effect is that the military forces shall not be used to carry into effect the obligation until Congress acts upon it, thereby reserving to Congress apparently the power to say whether or not the military forces shall be used in a particular instance, but in no wise modifying or changing the primary obligation that we shall preserve and protect the territorial integrity of all members of the league, but consulting another body of our Government as to when and how we shall do it.

I now yield to the Senator from Wisconsin.

Mr. LENROOT. Does not the Senator concede that the reference to the employment of the military forces is merely a recital in the reservation, and that it is an obligation which is not assumed unless in a particular case Congress shall assume it?

Mr. BORAH. Is that the construction which the Senator places upon it?

Mr. LENROOT. It is.

Mr. BORAH. Let us read it and see. It is encouraging if that is the construction. I read it again:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war and authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Does the Senator understand that the words "so provide" mean that they shall protect the territorial integrity or political independence of another country?

Mr. LENROOT. Yes; that we may assume that obligation in a particular case.

Mr. BORAH. Then the language is most unfortunate in its use. The words "so provide" may relate back to the words "or to employ the military or naval forces of the United States under article 10" quite as well and far more aptly than to the question of "territorial integrity or political independence."

Mr. LENROOT. Instead of the words "so provide," had there been inserted, as originally was inserted, "shall assume such obligation," I do not believe the Senator would question its purpose.

Mr. BORAH. I think that would be better; but it is an awkward expression to say that you shall not assume this obligation with reference to protecting the territorial integrity and political independence of other nations until Congress shall "so provide." And it is all made ambiguous by the fact that there is the other proposition of the use of the military forces, united by a disjunctive, with the obligation to protect territorial integrity.

Mr. LENROOT. In a particular case?

Mr. BORAH. In a particular case. The interpolation put in between the two clauses as to when the use of the military forces may be had has no place in there at all.

Mr. LENROOT. The Senator will see that is merely a recital.

Mr. BORAH. It should be stricken out. It should read as follows:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, unless in any particular case the Congress shall by act or joint resolution so provide.

If the reservation can be so modified as to speak unmistakably to the proposition that the obligation under article 10 shall not be assumed in any instance until in a particular case which is presented to the Congress the Congress shall indorse it or undertake to carry it out, of course, that is a different proposition entirely from what I conceive the reservation now states. As the reservation is worded, in my judgment it would be interpreted and could be interpreted to mean nothing more than the advice of Congress as to the use of the military or naval forces in a particular instance in which we were called upon to carry out the obligation.

Mr. President, the Congress can not limit the power of the Commander in Chief in the use of the Army and Navy unless there is involved in the question that of a declaration of war. In other words, if we enter into this league and become a member of the league and a party to the treaty, the President of the United States as Commander in Chief would have as much right under

the league to send 100,000 men to Silesia for the purpose of policing the situation and preserving peace as he would have a right to send them to Texas. We can refuse to raise an Army, we can refuse to provide a Navy, we can make rules and regulations for the mere government of the Army or the Navy, but we can not intrench upon the right of the Commander in Chief to command the Army and to command the Navy. We can not say that the Army or part of it shall be stationed here and another part of it shall be stationed there, or that it shall be utilized in time of peace at this particular point and at another point upon another occasion. We can not issue the orders which belong to the Commander in Chief. And if this treaty becomes a binding obligation it will be the duty of the Executive to execute in so far as execution rests upon us and as Commander in Chief of the Army.

Mr. SMITH of Georgia. Mr. President——

Mr. BORAH. In just a moment. If my construction of this is correct, and it is permitted to stand in that way, Congress would never have any authority under this treaty to act until the question of a declaration of war was involved.

I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Does the Senator from Idaho think that the Commander in Chief of the Army, without a declaration of war, has the right to send the soldiers of the United States out of the United States into other countries to participate in any character of work?

Mr. BORAH. If we have the authority to make the treaty, then I would have no doubt about it, Mr. President. If the league is a body that we can enter at all, if we have the power to create the league, if it belongs to our delegated power at all to provide that we shall be a member of a council or assembly which has to do with the preservation of the peace of the world, I would have no doubt that the Commander in Chief could send the Army, or any portion, to any part of the world—for the territorial jurisdiction of this league is the world—for the purpose of preserving peace or of policing the situation.

By what authority is our Army in Russia to-day? What is it doing there? How did it get there and how is it maintained? Suppose, Mr. President, that the President should send 100,000 men to Silesia, what would we do about it as a Congress?

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. BORAH. Yes.

Mr. LENROOT. Suppose there were no treaty at all and the President should send a hundred thousand men to Silesia, what would Congress do about it?

Mr. BORAH. I do not know of anything except impeachment.

Mr. LENROOT. But could we impeach him for executing the solemn provisions of a treaty? If we have power to make it, has he not power to execute it? I think that is true. So it is immaterial, if we assume no obligation, whether it is under a treaty or without a treaty.

Mr. BORAH. But I am assuming now that we have created the league; that we have the power under the Constitution to create the league; that we are a member of the league; that the jurisdiction of the league is the world; and that its authority is to preserve peace. If we have authority to create the league, then certainly the Commander in Chief of the Army and Navy has the authority to operate anywhere within the jurisdiction of the league or under its authority.

Mr. LENROOT. Mr. President, will the Senator yield to me further?

Mr. BORAH. I yield.

Mr. LENROOT. Perhaps the Senator from Idaho and I would disagree upon that. I should say that was not so, unless there was something in the league which entailed an obligation upon us to take such action.

Mr. BORAH. Well, Mr. President, there is something in the league that entails that obligation.

Mr. LENROOT. There is now; but, of course, with the reservation there would not be.

Mr. BORAH. Oh, yes; the obligations will all be there after the reservations are adopted. We have been consoling ourselves with the idea that we were making radical changes in the covenant, but outside of the reservation which has to do with the withdrawal, in my judgment, the league will be just, in its practical workings, the same after the reservations are adopted as it was before.

Let me call your attention to the fact that when the league is organized, even if we adopt reservations, we shall be members of it. Our delegate will be sitting at Geneva; he will be the accredited representative of this Republic. The council under the league has jurisdiction of all questions coming under the league or which relate to the peace of the world. We have delegated our representative to sit and deal with those questions. Have we the authority to delegate him? Have we authority to give him that jurisdiction? If we have the authority to delegate him and have the authority to give him that jurisdiction, can not he bind the people whom he represents? What is all this about if that is not true? Is this man shorn of his power by reason of the fact that the Constitution does not authorize us to do this? If the Constitution does authorize us to do it, then certainly he has the authority to bind us; he has authority to do anything, in conjunction with his associates, which has to do with the preservation of the peace of the world. If the council decides that it is necessary to send 500,000 men to Manchuria, not for war, not to carry on war, but to prevent war, to preserve peace, to police the situation, has not the Commander in Chief the authority to take such action? He has, if we have any authority at all to create the league. I do not say the Commander in Chief would be compelled to take such action; it is not necessary to go that far, although there is where logic carries us. But I do say that if the council, of which we are a member, decides that it is necessary to preserve peace that we should send 100,000 men to Silesia, the President could do so without subjecting himself to the charge of usurpation or liability to impeachment.

Mr. SMITH of Georgia. Mr. President——

Mr. BORAH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator from Idaho has about answered the question I was on the point of asking. His contention is that under section 10, if the obligation is assumed, it requires no action by Congress to send troops throughout the world to comply with the obligation, but that the President can send them without waiting for action by Congress?

Mr. BORAH. Mr. President, if the President says, "I am sending these troops for the purpose of preserving peace, for the purpose of policing the situation, for the purpose of preventing war," what right has Congress to call him to account for it? We have given him the authority to appoint our representatives; we have created the league; we have given it the jurisdiction; we have given it the authority; and he is our Commander in Chief.

I said a few moments ago that if the President should send troops without the authority of the treaty and without the authority of the covenant, in my judgment he would be subject to impeachment; I have no doubt about that; but when we enter into a treaty—assuming that we have the power to do so—and when we create a league—assuming that we have the power to do so—sanctify it with legal authority, and become a party to a supergovernment which has to do with the peace of the world, what is the difference between sending 100,000 troops to Silesia and sending 50,000 troops to the coal fields in Illinois? Who shall say that the President has not the authority to do so?

Mr. President, I am debating this question now upon the theory that the proposed reservation will remain as it is. I concede that if the change which the Senator from Wisconsin [Mr. LENROOT] suggests is made it will be very much better.

Mr. LENROOT. Mr. President, I did not suggest a change; I merely suggested language that may mean the same thing, and I merely suggested that language in order to make clear my construction of it.

Mr. BORAH. Well, on the suggestion of the Senator from Wisconsin, I will suggest a change when we get to it.

Mr. Pomeroy says:

> Congress raises and supplies armies and navies and makes rules for their government, and there its power and its duty end. The additional power of the President as supreme commander is independent and absolute.

Up until the time that we propose to wage war the President has a perfect right to use the Army as Commander in Chief for the purpose of preserving peace, and after war is declared Congress can take no action which will infringe upon the right of the Commander in Chief to command. Our fathers were very careful about that when they wrote the Constitution, because they had some experience with Congress commanding, or trying to command, the forces under Gen. Washington.

> The legislative powers which relate to raising, equipping, supplying, and governing the land and naval forces have nothing in common with the separate and distinct function of commanding those forces. No particular statutes passed under the former class of attributes can interfere with the President in his exercise of the latter. Even the general clause of Article I, section 8 (par. 18), which authorizes Congress to make all laws necessary and proper to carry into execution the powers conferred upon any department of the Government, can not permit the Congress to assume the capacities and duties of Commander in Chief. * * * He commands the Army and Navy; Congress does not. He may make all disposition of troops and officers, stationing them now at this post, now at that; he may send out naval vessels to such parts of the world as he pleases—

As Col. Roosevelt did—

he may distribute the arms, ammunition, and supplies in such quantities and at such arsenals and depositories as he deems best.

Now, we are a member of the supergovernment. Article 4 provides what the authority of this supergovernment shall be with reference to this particular question:

The council may deal at its meeting with any matter within the sphere of action of the league or affecting the peace of the world.

That is a rather wide-reaching territorial jurisdiction, because it includes the whole world, regardless of membership in the league.

There is no place upon this mundane sphere where the league may not pry into conditions and put into operation its undefined and unlimited powers.

What may it do? Having for its territorial jurisdiction the world, it may do anything; it has jurisdiction of anything which affects the peace of the world. Suppose that the council is sitting in session and decides that the condition of affairs in the Far East is such as to threaten the peace of the world. War has not been begun; the council is desirous of preventing war; and suppose the council, with our member sitting with them, decides that it is necessary in order to preserve peace to send 500,000 troops to Mongolia or Manchuria; suppose that it decides that our portion of the 500,000 troops is 100,000 men, and that word comes to the Commander in Chief that this is for the purpose of policing the situation as we are policing the situation in Illinois and other places; and the President of the United States sends 100,000 troops to Manchuria; is there anything in the reservations or in the league covenant which you can point to the President and say "You have no authority to do it"? If you can point to no provision and no authority as expressed in the league prohibiting such action, upon what ground can you challenge the authority of the President for his action? Suppose you point to your reservation and say that the troops are not to be used without the authority of Congress, what will the President say? The President will say, "Under the Constitution of the United States I am the Commander in Chief of the Army and Navy; I am not carrying on war; I do not intend to carry on war; I am preventing war just the same as I am in Russia now or in Illinois." He would cite you to the Constitution, which makes him the Commander in Chief of the Army and Navy. You have raised the Army, you have equipped it, you have given him the munitions, and he can station them in Manchuria just the same as he can station them in New Mexico. Remember, my friends, that after this league is formed there is no foreign territory so far as the league is concerned. We are not then encroaching upon foreign territory so far as the league is concerned. It is all within the compass and jurisdiction of the league, whether it is the North Pole or the South Pole.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. SMITH of Georgia. Does the Senator think that even if article 10 is stricken out, and the council of the league left with authority to advise the use of troops, the President would be authorized to use the Army of the United States, so far as there was an Army, and send it to foreign countries to participate in carrying out the recommendations of the council?

In asking that question I do not mean to indicate an opinion to the contrary. I ask it because I desire to hear the Senator discuss it.

Mr. BORAH. The Senator has gone to the heart of this whole proposition, and he has touched upon a question which the reservationists have been careful to avoid.

Mr. SMITH of Georgia. I will say, for myself, that I am opposed to allowing our troops to be sent abroad except on specific action by Congress in each particular case.

Mr. BORAH. The Senator has gone to the heart of this entire controversy, and has touched a question which in my humble judgment is not touched by the reservations at all. Until you limit the jurisdiction and the authority of the council and the assembly as to what they shall be authorized to do, I do not see how you are going to be in a position to object to the action of the President in complying with the request of our member who sits in that council.

Reflect upon the situation in which we would be, and let us reflect upon our position as it would appear before the world, in case they were attempting to put into operation the powers of the council. May I go over that in part again, in view of the Senator's question?

We will assume that the council is in session at Geneva, and there sit nine men, all of them accredited representatives of their governments, and presumably accredited by legal authority and by constitutional power. A question arises in the Far East or in the Near East—we will say, for better illustration, perhaps, in the Balkans—and the council sits in judgment upon that situation.

Our member takes part with the rest of them, and finally they sign a program and announce it to the world as the method by which the league is to preserve peace. That is its primary obligation and purpose of being in existence. Remember, the representative of the United States is a duly accredited representative, and we are assuming, for the purpose of this argument, that under the Constitution we have a right to create the league and to send him, and that the council decides that the United States shall furnish 100,000 men as its proportion for the purpose of policing the situation in the Balkans and preventing war. Upon what theory would we object to sending them?

Will some man rise and say then, "Aye, but we have a peculiar form of government. One department checks another department, and the Executive can not send troops until he is authorized by Congress"?

Passing, now, the legal proposition, which I will come to later, let us see what position we would be in when we raised that question in Congress. Would we be in a position to raise that question after we had gone to the council and sat in judgment upon the question? Could we be heard before the world to say that notwithstanding our duly accredited representative decided that it was our duty to send 100,000 men we would fall back behind some provision or supposed provision of our Constitution and refuse to send them? If we did we would not only forfeit our respect at home, but we would forfeit our honor and our standing with every nation in the world.

Mind you, we have not undertaken to limit the jurisdiction of our representative. We have not undertaken to limit the jurisdiction of the league. We sign the league without anything of that kind. We have not undertaken to say that before he shall act he shall report back to Congress, and the Congress shall decide whether or not we shall be bound. We have given him authority and he has exercised it, and under every conceivable moral obligation we must carry it out.

Mr. President, if the authority of the assembly and the council is not limited, if their jurisdictions are not curtailed, if they are not restrained in power, any reservation outside of that, in my judgment, is wholly ineffective.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. It is perfectly competent for the Congress to limit the American representative on the council, to limit and restrict his powers, to require him to get authority from the Congress before voting on certain subjects. There is no difficulty about that. That is entirely a domestic question. Other nations can limit the authority of their own representatives as they please. Why does the Senator assume that our representative there is to have an unlimited and autocratic power?

Mr. BORAH. I will tell the Senator why. This covenant, which creates our relationship with the other nations of the world, says that the council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world—not that Congress may deal with it, not that a representative of this country shall hear the facts and report back, but that the council may deal with it; that constitutes an unrestrained authority. I take the position that if you permit this covenant to go out as your contract with the other nations of the world you must carry it out in letter and in spirit, or you will forfeit your standing with the other nations of the world. Does the Senator now say that we shall protect ourselves by passing a law here at home to the effect that our member of the council shall not deal with matters affecting the league or the peace of the world, and that Congress shall deal with those things, and send him there merely to record his vote? If he means that, that is not what is written in the covenant.

Mr. HITCHCOCK. I say that the American representative on the council is under the absolute control of the legislative authority of the United States, and that the Congress may and, in my opinion, should enact a law defining his powers; and I think it ought to define those powers so as to require him to get authority before casting his vote upon any occasion when it would require the use of the military or naval forces of the United States.

I see no difficulty about that. It is purely a domestic question. Each nation can empower its own representative as it sees fit; and I can not see why the Senator makes the point that the American representative is to be an autocrat and not

responsive to the authority of the Congress of the United States.

Mr. BORAH. He is not an autocrat. He is exercising authority which we, after six months of deliberation, have given him, and that is to deal with all matters within the sphere of action of the league or affecting the peace of the world.

Mr. HITCHCOCK. No; we have as yet given him no authority.

Mr. BORAH. I trust we never shall.

Mr. HITCHCOCK. When he is appointed the Congress can, with perfect competence and propriety, define his powers and limit his authority, and I believe it ought to do it.

Mr. BORAH. Of course, the position of the Senator from Nebraska is entirely satisfactory to me; and when a reservation is offered here to limit the power of this council to that of a mere amanuensis of the different parliaments and congresses, I trust that the Senator and I will be found together upon that proposition.

Mr. HITCHCOCK. That is a different proposition. My position is that it is a domestic question; it is for us to regulate, and not for us to make a treaty with some other country about regulating it. Let them do as they please; let them authorize their representatives to act without any authority, to have no restrictions, but on our part let us, as a republic, define the authority and the powers of our representatives.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. BORAH. Yes, I yield.

Mr. McCORMICK. Suppose that the President of the United States were to decide to act as a member of the council, in his own name and by his own proper authority——

Mr. BORAH. Or person.

Mr. McCORMICK. What, then, would constitute the limitations to be fixed by statute, as proposed by the Senator from Nebraska?

Mr. BORAH. Yes; or suppose he should send the deputy President, Col. House? [Laughter in the galleries.]

The VICE PRESIDENT. Do not forget what the orders of the Senate are. The notice is for all time, not for one day.

Mr. HITCHCOCK. Mr. President, the situation suggested by the Senator from Illinois would be no different. Congress has heretofore defined the powers of the President of the United States; and Congress could in this case, and undoubtedly would, when it defined the powers of the member of the council, limit the powers of any man that sat upon the council, whether he was the President of the United States or a man appointed by the President.

Mr. McCORMICK. May I rejoin to that that there is a statute prohibiting the President of the United States from leaving this country to take part in a conference?

Mr. BORAH. Mr. President, I agree with both Senators. They both arrive at the same destination. The Senator from Nebraska, however, prefers to accomplish it by a statute rather than by reservations.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BORAH. I yield.

Mr. GORE. I should like to ask the Senator from Idaho a question. If the Senator from Nebraska is correct in the assumption that the limitation of the authority of our representative in the council is a domestic question, then what? Does that imply that the Congress has original and exclusive jurisdiction over the question, assuming that it is a domestic question?

Mr. BORAH. Is the Senator addressing that question to the Senator from Idaho or to the Senator from Nebraska?

Mr. GORE. To the Senator from Idaho.

Mr. BORAH. I would prefer that the Senator should address it to the Senator from Nebraska, because I can not answer it.

Mr. GORE. The altercation seemed to turn on this point. The Senator from Nebraska was insisting that the limitation of the power of our delegate or representative would be a domestic question, and therefore would be within the province of the Congress to regulate.

As I recall, if one nation claims that a given question is a domestic question, that question itself must be remitted to the league for decision.

Mr. BORAH. And the council decides whether or not it is a domestic question.

Mr. GORE. Yes; the council decides whether or not it is a domestic question; and if this question can be referred to the council, and the council should decide that the limitation of his authority was not a domestic question, then it could not be reached by a legislative enactment.

Mr. CUMMINS. Mr. President, may I interrupt the Senator from Idaho?

Mr. BORAH. I yield.

Mr. CUMMINS. I want the Senator from Idaho to ask the Senator from Nebraska a question, because if what seems to be implied in the suggestion of the Senator from Nebraska is well founded, I would no more vote for this league of nations under any circumstances than I would vote for the annihilation of the American Government; and therefore I want a little light on that subject.

Mr. BORAH. So do I.

Mr. CUMMINS. I have not agreed with the Senator from Idaho with regard to his interpretation of certain parts of this covenant; but the Senator from Idaho has said that under article 4, under the clause which permits the council to deal with any matter affecting the peace of the world, it could direct that the United States shall send a military force into any part of the world for the purpose of maintaining peace.

Does the Senator from Nebraska agree to that interpretation of the article?

Mr. HITCHCOCK. No; I do not at all. I had not interrupted the Senator from Idaho on that question. At the time he was discussing it it seemed to me to be entirely beyond the text of the league of nations. I would like to have the Senator state a case in which that could be done.

Mr. BORAH. Mr. President, the Senator from Iowa states the case a little differently from what I stated it. What I said was this: Suppose the council, sitting in judgment upon a situation in Europe——

Mr. HITCHCOCK. Will the Senator specify a little what it is he means by "a situation" and "sitting in judgment"?

Mr. BORAH. A situation, for instance, which is supposed to imperil the peace of the world. We will assume that the situation in the Balkans has not yet been settled, conditions there have not been adjusted, and the council comes to the conclusion that there is a condition of affairs there which threatens the peace of the world, and therefore agrees upon a program. I do not say that the council of itself has authority to order these troops. I have not taken that position. What I do say is that if the council agrees upon a program, and submits that program to the world as a program which will preserve peace, and the Commander in Chief of the Army and Navy of the United States, in the discharge of his duties as Commander in Chief, sees fit to send 100,000 men to a particular portion of the Far East for the purpose of policing the situation, under this league of nations he has a perfect right to do so.

Mr. HITCHCOCK. I do not concede it at all. I think neither the council nor the President has that power.

Mr. McCUMBER. Will the Senator yield to me?

Mr. BORAH. If the Senator from Iowa is through, I will yield to the Senator from North Dakota.

Mr. CUMMINS. I simply want that point to be made just as clear as it can be made. I see no difference between the way in which the Senator from Idaho stated it and the way I stated it. What I would like to know is whether there is any reason to believe that this covenant can be construed, in the absence of article 10, to authorize the President of the United States to send an army, under any suggestion or direction of the council, to any part of the world, for the purpose of maintaining peace?

Mr. McCUMBER. That is the question I was going to ask the Senator, whether he gave it that construction. I claim that it is not subject to that construction.

Mr. BORAH. There is a peculiarity about the constructions which the advocates of the league put upon this covenant. One day they construe it to have the power to preserve the peace of the world, that on the council are nine men with sufficient authority and sufficient power, surveying the situation and seeing somewhere on the horizon a cloud of disturbance, to bring into operation such forces as will preserve the peace of the world. They say to those who want peace, "We have built a world machine of sufficient force and power to bring a warring world to peace." But the very moment you get down to the concrete proposition of how they are going to do it, to wit, with an army or a navy, they immediately tell you that they have no such power; they immediately say that there is no such authority. Now, what is the logic of the position taken by the Senator from Nebraska and the Senator from North Dakota? It is that this league can do nothing until the Congress of the United States acts. Then, why not leave the Congress of the United States to act without any combination or contract with foreign powers? If the council has no authority, no power, no reserve force until it consults the Congress, what reason have we to believe that its

authority will preserve peace any more than the action of Congress itself, without any contract binding us?

Mr. CUMMINS. Mr. President, I think it is only fair to state to the Senator from Idaho what I have supposed the article to which he refers means. If I am wrong I want to be put right very soon, because it touches the very heart of the whole covenant.

Mr. BORAH. One of the hearts.

Mr. CUMMINS. It may be that it has more than one. I hope we will be able to correct everything else I have heard suggested as wrong with the league of nations through proper reservations and proper amendments, because I have voted and intend to vote for amendments. I have supposed that the article to which the Senator refers, in declaring that the council might take account of anything that affects the peace of the world, means that it can only deal with those matters which may affect the peace of the world under the express powers that are otherwise conferred upon the council in the covenant. If that article means that without restriction and limitation the council can deal with such things in any way it pleases, it is intolerable.

Mr. BORAH. Certainly it is.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I yield to the Senator.

Mr. KNOX. I wish to call the attention of the Senator from Idaho to the fact that when there was given out to the American public, through the White House, a telegram from the President that he had agreed to form a defensive alliance with France, that telegram contained the statement that it only bound us to do immediately what we would otherwise be bound to do under article 10.

Mr. BORAH. Yes; and in addition to that, Mr. President, the Senator's suggestion recalls the fact that within the last 10 days there was printed in the New York Sun a long line of extracts from the leading papers of France, in which they denounced the reservation to article 10 because, they said, it would leave it to the power of Congress to say whether article 10 should be carried out or not, and take it away from the council.

In addition to that, the President said, in his Salt Lake speech, that if this reservation had the effect of confining it to Congress, it took the heart out of the league.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. LENROOT. I do not think the President said "if." I think he said the reservation did take the heart out of the league.

Mr. BORAH. I do not see any difference between the two propositions.

Mr. LENROOT. I do not think he admitted that there was any question about the construction of the reservation.

Mr. BORAH. Very well; it must be, then, that the President understands that under article 10 the council has the power to do what the Senator from Iowa said would be intolerable, to wit, order the troops abroad.

Mr. LENROOT. No; it is the independent several obligations under article 10, irrespective of the league or council, to preserve the territorial integrity of the members of the league, of which we are relieving ourselves under the reservation.

Mr. BORAH. Then the supposition is we are relieving ourselves of it. That is what we are debating now, whether we are or not.

Mr. LENROOT. The point is that the President evidently gave it the construction that under this language we did relieve ourselves of that obligation.

Mr. BORAH. Mr. President, let us read article 4, the paragraph which I have read in connection with article 16, and I want to call the particular attention of the Senator from Iowa to this:

> The council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

There is no limitation upon that, and there is no appeal from it to any other tribunal which can question their authority. There is no tribunal to which any dissatisfied person or nation may appeal. They have the last say, and they have the authority to deal with anything and everything.

Now turn to article 16, because the covenant must be construed as a whole. That article provides:

> It shall be the duty of the council in such case—

That is, in case any one of the nations disregards the covenants under articles 12, 13, and 15——

Mr. McCUMBER. Read a little more. "Resort to war." That the Senator has left out.

Mr. BORAH. I am glad to have the Senator from North Dakota make the correction.

Mr. McCUMBER. I stated that the Senator left those words out, which give the real meaning to that clause.

Mr. BORAH. Article 16 provides:

> Should any member of the league resort to war in disregard of its covenants under articles 12, 13, and 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league.

Then it says:

> It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

We must admit that after the violation of covenants in articles 12, 13, and 15, then the council has authority to advise us what military authority we shall invoke or use, and certainly under that advice the President could send his troops to any part of the world that the council would advise.

Mr. CUMMINS. Mr. President, that point is not clear to me, and I am very glad the discussion has arisen, because it ought to be made as plain as it is possible to make it. The Senator from Idaho begins his discussion, if he will permit me, with the statement that the President of the United States would, under the suggestion or direction of the council, have the same right to maintain the peace in Europe, Asia, or Africa that he has to maintain it in the United States. That prompts me to ask the Senator from Idaho what authority the President has to use the Army to maintain peace in the United States? I know it is generally assumed that the power is unlimited. I am not of that opinion. I do not know of any constitutional or statutory authority that warrants the President in using the Army of the United States merely to maintain peace or preserve order. There must be some national law or some national function or some national property involved before the President can use the armed forces of the United States for the purpose of maintaining order. I am now speaking of normal times, of course. It would be necessary to show that there was the same compulsion upon him to use the Army in a foreign country to maintain peace that we must find for his authority within our own borders.

What the Senator from Idaho has said has impressed me very deeply and really has challenged my former conviction more than it has hitherto been challenged. He is of the opinion that under the general clauses of the covenant the council may deal with any matter which affects the peace of the world in any way which they may think necessary in order to accomplish the purpose. I have not so construed that article. I have taken it for granted that the article which we have mentioned bears the same relation to the powers of the council as the preamble to the Constitution bears to the powers granted in it to Congress. We can not, simply because it is for the general welfare, do anything in Congress that we may desire to do and that we believe to be for the general welfare. We must find in the Constitution some express or incidental power at least to enact the legislation which we may believe ought to be enacted.

I am very glad that the Senator from Idaho has raised the point, and I think it well deserves a reply from those who are more favorable to this instrument than I am, although I have expected to vote for the ratification of the treaty if we are able to lift ourselves out of the awful tangle into which we are being led.

This leads me to say, with regard to the amendment now pending, that I would not be able to vote for it, although I am illy satisfied with the reservation which has been presented by the committee. I do not want to prevent the other nations of the world from agreeing with each other to protect their borders if they so desire, but I do not want the United States to assume any obligation whatever under article 10. It seems to me it ought not to be stricken out, but it either ought to be amended or there ought to be a reservation that would say simply that the United States assumes absolutely no obligations under article 10.

Mr. BORAH. I have offered a reservation which stops with the word "purpose" in the present reservation, but I felt, as a matter of good faith with my colleagues, particularly those upon the Committee on Foreign Relations, that I ought to raise the question by a motion to strike out, although my colleagues understood fully that none of these amendments were at all satisfactory to me, save the first one, as a member of that committee. In other words, they do not reach the destination toward which I am slowly and inadequately traveling. I voted for them, but all understood that I regarded them as inadequate. I felt, therefore, that I should raise it, and I have offered a reservation that stops with the word "purpose," that we shall not assume any obligations to preserve the territorial integrity and political independence of any nation

under article 10, or use our Army and Navy under that article for any purpose.

I think there is a great deal in what the Senator from Iowa [Mr. CUMMINS] suggests as to the real authority of the President in using the Army for the purpose of preserving peace, but I am discussing this proposition in the light of what has been done for the last 25 or 30 years with the Army and what is being done to-day with the Army. Whatever may be the power of the President, technically speaking, with reference to the use of the Army, it has become an instrument for the execution of the laws, as it were, and for the preservation of peace in the country, and we may assume that we will not recede upon that proposition, especially under the league of nations.

The council is a political body; it is not a judicial body, although it assumes to exercise sometimes quasi judicial powers; it is not a tribunal for arbitration; it is not a legislative tribunal, although it assumes to exercise legislative powers or quasi legislative powers. In its last analysis it is merely a conclave of ambassadors, or a political gathering, accredited to that particular place by the respective Governments.

It is not a question, my friends, as to what they will have the technical right to do. It is a question of what they will be able to do under this latitudinous power which has been granted to them when there is no tribunal to which an appeal could be had and when there is no way to reject the proposal except to tear out and destroy the league.

Let us take an illustration from recent history. On the 3d day of August, 1914, Sir Edward Grey appeared before the House of Commons to advise the House of Commons of the facts concerning the impending war struggle and to take from the House of Commons its advice as to whether or not Great Britain should enter the war. Sir Edward Grey was at pains to explain to the House of Commons that Great Britain was under no legal obligation and under no binding agreement to go to the aid of France. He stated to the House that they were perfectly free to decide whether or not they would go into the war.

Technically speaking, that was true. There was no agreement in express terms that Great Britain should go to the aid of France in case she were attacked, but from the Morocco affair in 1906 down until the 2d day of August, 1914, such relationship had grown up and such conversations had been had between the representatives of Great Britain and France that the world now knows that Great Britain was under the highest moral obligation, the obligation of honor, to go to the aid of France. For instance, after the Morocco affair the French ambassador had asked Great Britain for an express agreement to the effect that in case France were attacked Great Britain would come to her aid. The representative of Great Britain, at that time I think Sir Edward Grey, said they would not enter into an express agreement, but that their naval and army experts should interchange views and conversations with reference to preparation and with reference to distribution of their armed forces.

So the representatives of these two great nations, their naval and army experts, became possessed of each other's secrets, and became possessed of each other's power with reference to any great struggle which might arise, and that relationship grew stronger, not with any express agreement, but by reason of the association which sprang up between them and the interchange of confidences.

Finally, on the 22d of November, I think it was, 1912, Sir Edward Grey wrote a letter to the French ambassador and stated to him, referring to this interchange of views between their naval and army experts, that it must be understood that that did not amount to an express agreement, but he closed his letter with the statement—and, of course, I do not undertake to quote it in exact words—that "when an emergency shall arise we engage to enter into conversations or interchange of views as to how these nations shall protect themselves." Then, on the 2d day of August, the day before he spoke in the House of Commons, he had given France the assurance that in case the German Navy were used in a certain way the English Navy would come to her rescue.

Technically there was no express agreement, but under every obligation of honor, under the highest moral obligation, England was bound to come to the aid of France. The remaining portion of Sir Edward's speech was, whether consciously or unconsciously, a powerful argument, based upon the obligation of honor, that England should go to the aid of France.

Transfer the scene to the situation which may arise when the league of nations is sitting at Geneva. Let us assume that all these technical obligations and pending agreements are put aside. Let us even assume, sir, that the Constitution of the United States would forbid us to send a man to Geneva with the power to bind 110,000,000 people without the authority of Congress in each particular instance. Let us assume the situation to be as the technical defenders of the league claim it to be. Nevertheless we sit there in council with nine men, and a question involving the peace of the world arises. The nine men decide upon a policy and a program by which our duly accredited representative, with others, determines that a certain action is necessary in order to preserve the peace of the world. Will any man rise in his place in the Congress of the United States and say to the civilized world that our representative is to be repudiated and the Congress reserve the unreserved right to decide otherwise? Suppose we have the power, and that under the Constitution it could not be delegated. We have entered into a compact which binds us in conscience and in morals and in honor to go to the program which has been decided upon.

Mr. LENROOT. Mr. President——

Mr. BORAH. Then watch the papers and the powers which control international affairs begin to lash the Congress of the United States to preserve the peace of the world by complying with the decision at Geneva. What will Congress do? Technical right or no right, it will do as it is doing now.

I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to get the Senator's position. Assuming that the treaty is ratified with the league of nations in it, and under article 10 the council recommends that an armed force of men be raised and sent to China, as I think the Senator stated, and recommends that the United States contribute 100,000 men of that force, do I understand it to be the Senator's position that he, as a Senator of the United States, would feel obligated to enact legislation sending those 100,000 men there because the council so advised?

Mr. BORAH. I am just one of that kind of men.

Mr. LENROOT. I am not.

Mr. BORAH. No. If the Senator would be as careful, however, as is the Senator from Idaho with reference to the kind of compact he enters into before he assumes the obligation, he might well criticize the Senator from Idaho for carrying it out after he assumes it.

Mr. LENROOT. I wish the Senator would follow the case I made. It was not an obligation, but a recommendation.

Mr. BORAH. Mr. President, it is an obligation. It may not be legal. It may not be constitutional. It is an obligation, nevertheless, because we have by this covenant sent our representative there, and he, with the other nine men, has agreed upon it. The President has defined it as a moral obligation, "superior to and more effective," says the President, "than a legal obligation."

I want to say that the Senator would be for it, and seven out of ten men in the Congress of the United States would vote for it, and for the same reason that they are voting for the covenant of the league of nations, to wit, that we have been told that the seven wise men of the earth sat at Versailles and that it is a matter of extreme impudence and intolerable intolerance to differ with that which they thought was for the peace and welfare of the world; and the reason why they refuse to send this treaty back for amendment is the same reason that the Senator from Wisconsin would vote for it after it is sent there.

Mr. McCORMICK. Mr. President——

Mr. BORAH. I yield to the Senator from Illinois.

Mr. McCORMICK. I wish to recall to the Senator what doubtless he has already noticed, that public men in France are discussing the military convention between France and the United States, which is to make possible the expeditious carrying out of the terms of the treaty pending before the Senate for military action.

Mr. BORAH. Yes; they are deciding upon our program. There is no doubt about that, and they know enough about it to know that they can decide it, and that what they decide upon we will ultimately do. Have we disappointed them at any time within the last year?

We went to Paris pledged to a renunciation of the dominancy of the sea and to a declaration in favor of the freedom of the sea. England decided before we got there that we must abandon our position, and we accommodated her. We could not help it. Having sat down at their table in their own house, and in their game, being practically their guest, we could not help accommodating them in such matters.

The next thing they decided was that all the secret treaties, however unconscionable and vicious they were, should be written into this treaty. I have no doubt at all that the representatives of the United States who sat in that conference felt just as bitter and just as thoroughly humiliated over that situation as

any of the rest of us. Does anybody doubt that the representative of the United States would have rejected the Shantung infamy if he had felt he could do so? But we were there, intermingling in their affairs, subject to their intrigue and their manipulation, and, under the threat of another World War and eternal chaos, we yielded to their suggestion. When we sit in the council at Geneva, with their power to manipulate and to control, with the things near at hand which they better understand than do we, the mere question of sending 100,000 men for the purpose of preserving peace will be but a bagatelle, indeed, compared with the sacrifice which we have already made.

Mr. President, I do not criticize the President of the United States for not withholding the rapacious power of the imperial system of Europe, for it was an impossible task; but we are entering into a conclave of nations where our representatives will do that every time that a European situation arises. The reason, sir, why I am against this league and against all leagues and combinations and conclaves is because I know that instead of Americanizing Europe, Europe will Europeanize America. That is what is being done now, and that is what will continue to happen.

You may appeal to your Constitution; you may say that technically we have not the power to take the action proposed, but if you do that and any European representative insists that we act, as a matter of moral obligation we will do so, or else tear down and destroy the league at once.

Mr. President, it has been asked here how could the President send troops? I ask again, as I asked a moment ago, why are our troops being kept in Russia? Under what authority are they there, and what Member of Congress is proposing to challenge that authority in any legal way? I have on my desk a news item of yesterday afternoon to the effect that 60,000 rifles have been sent from America to Kolchak. Who is Kolchak? What are our relations with him? Under what authority do we send him 60,000 rifles? Well, I will tell you by what authority, Mr. President.

As a matter of fact, a league of nations was formed in Versailles while the peace conference was sitting there; and this covenant is like an election in Mississippi; it is simply a ratification of the primary proceedings. Troops and rifles were sent to Russia because the five men sitting at Versailles decided to send them. They are being sent there from day to day, and munitions are sent there from day to day, not by any action of Congress, not by any authority of ours, not by constitutional authority, but because those with whom we are associated thought that a wise thing to do. So, Mr. President, it is not the technical power with which I am concerned. If we had some supreme court like that of the United States or some other supreme judicial tribunal by which we could call every act into question, by which we could ask the cancellation of orders, or by which we could test delegated authority, the men who talk of technicalities would have their day of hearing. We have, however, no such tribunal. These men are their own umpires; there is no appeal from them. The jurisdiction given them is of the world, their authority the peace of the world; and whether it is technically authorized or not we are granting it to them. What right have we to say that they shall not exercise it?

Mr. President, I do not think I shall ask for a vote upon this amendment this afternoon. If a vote be insisted upon, I shall withdraw the amendment, for the reason that I should like the amendment to be voted upon at a time when we know what the reservation is ultimately to be. If there is going to be any change in the reservation, I should like an opportunity to discuss it.

Mr. HITCHCOCK. Mr. President, has the Senator from Idaho read the series of articles by Ludendorff, not yet finished, in one of which he made the statement that the sending of troops into Siberia and the taking possession of the great highway of travel across Siberia had deprived Germany of the opportunity of bringing into the conflict possibly 100,000 German prisoners who were in Siberia and whom Germany expected to use? Does not the Senator know that those troops were sent into Siberia as a war measure during the midst of the war with Germany?

Mr. BORAH. Of course, Mr. President, I know that, although I have not read Ludendorff's articles, and I do not propose to spend any time reading them. But, Mr. President, what has the flood to do with the present wet weather? I am speaking about rifles which have been shipped to Kolchak within the last three weeks. Who decided upon that? I am speaking about our boys who have been suffering and fighting and dying in Russia since the war closed.

Mr. HITCHCOCK. Mr. President, the Senator from Idaho speaks as if we had a great army in Russia.

Mr. BORAH. I do not care, Mr. President, whether it is an army of 100,000 or whether it is one single simple boy from an American farm, it is an infamous outrage that he should be compelled to die in a cause in which we are not concerned. I protest in the name of a single American citizen. I protest against the usurpation of power which sends him there. I protest against the violation of the guaranties which forbid his being sent. The fact that it is ten thousand or a hundred thousand is wholly irrelevant. If you can send ten thousand you can send a hundred thousand.

Mr. HITCHCOCK. Does the Senator think it an infamous outrage that the United States, fighting Germany, should have sent its soldiers into Siberia in sufficient force to take possession of the Siberian Railroad and prevent a hundred thousand German prisoners of war from reentering the conflict in which we were engaged?

Mr. BORAH. No, Mr. President, so long as the war was on, so long as we were at war with Germany or her allies, or any part of them, I had no criticism to pass upon anything that might be done; I have not the ability, of course, to criticize military experts and I have never assumed to do so; but that is all a thing of the past.

Why, Mr. President, since the action of which the able Senator from Nebraska speaks, Lloyd-George sent his special representative to Lenin and Trotski for the purpose of making peace with them, and the representative reported back.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. WATSON. I call the attention of the Senator to the fact that at the main door of the old Ford Theater, on Tenth Street, in this city, a sign is hung out bearing the words "Enlist here." On one side of it is the inscription "Siberia: Fifteen telegraph operators, 44 bandsmen wanted," and on the other side, "One and three year enlistments now open for Europe." I ask the Senator by whose authority those enlistments are being made for that purpose?

Mr. BORAH. I know of no one who is interested in having our Army in Russia other than the international bankers, who hold millions of Russian securities and who are also urging this league that American boys may be sent to restore order where other securities are in peril. What influence they exert on this Russian situation it would be difficult to say. I have no doubt it is very great.

Mr. LENROOT. Mr. President, the Senator from Idaho a little while ago made a statement which I think was made in the zeal of argument and to which, upon reflection, I think he will not adhere, when he said, in response to a question from me, that conceding the powers of the council under articles 4 and 11 were advisory only and could be exercised only by way of recommendation, yet he, as a Senator of the United States, would feel obligated to vote to carry their recommendations into effect. I think I state his answer fairly.

Mr. BORAH. I think the Senator has stated it fairly well; and while the Senator may be shocked at my reply, I desire to repeat what I said. If I send my agent out to accomplish a certain purpose or give him unlimited authority to advise as to a program and to advise me, I have not in any way, in my judgment, been guilty of a breach of honor if I stand by my agent. Indeed, I think in this particular kind of an agency we would be in honor bound to stand by his recommendations.

Mr. LENROOT. Oh, certainly not.

Mr. BORAH. We are sending a gentleman to Geneva as our representative. What I say is that if I were to enter into this contract—and, of course, I am safe because I never intend to enter into it; I never intend to give allegiance to it in any shape or form, I do not care how it is written; I never intend to do aught but oppose it—but if I entered into it I should feel under obligation to the other nations in honor to respect the program which my agent agreed upon with them.

Mr. LENROOT. Mr. President, it certainly is a most novel proposition that if a principal sends an agent, and the agent is given authority only to make recommendations back to the principal as to a given course to be pursued, the principal feels himself obligated to carry out the recommendations of the agent.

Mr. BORAH. Mr. President, if no one were involved except the agent and the principal that would be a very clear proposition; but when I send my agent to deal in honor with eight other men and they deal with him as my agent and agree upon a program, he being my agent, I owe something to those other eight men.

Mr. LENROOT. Very well. Then I will state the proposition under that situation: A principal sends an agent to meet with a dozen other agents representing a dozen other principals, the agents only having the power to make recommendations, and, acting jointly, they make recommendations, and the principal

feels obligated to be bound to carry out the recommendations they make, which is quite as novel as the other proposition to which I referred. I am sure the Senator upon reflection would not adhere to that.

But, Mr. President, with reference to the construction of this reservation which the Senator has criticized, I wish to call attention to the language of the reservation, because to my mind it is not possibly susceptible to the construction which he has given it:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress—

"The Congress"—what? The Senator would read it "the Congress which"; but the Congress what?

The Congress shall by act or joint resolution so provide.

Could the English language be simpler or clearer?

Mr. BORAH. Mr. President, what is the object of having in there the words "which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States"?

Mr. LENROOT. That is purely and solely parenthetical. It is a recital only. I have no objection to giving my understanding why those words were put in. They were put in upon the insistence of some Senators who believed that that recital would meet with more favor from our associates than if the recital were omitted. I frankly concede that it has nothing to do with the substantial part of the reservation. It does not affect it in the slightest degree; and if I had my way about it, if I could write this reservation as I should like to see it written, the recital would be stricken out entirely.

Now, Mr. President, with reference to the argument of the Senator from Idaho that we enter into obligations under article 4 and article 11 of this treaty, he has made a very able argument; but the Senator can not read anywhere into either article 4 or article 11 any jurisdiction in this council to make a decision that will be binding upon anybody. I have insisted from the beginning, and I am as well satisfied now as when the consideration of this matter began, that the proper construction of these articles is that the members agree to meet and consider and discuss matters affecting the peace of the world, but without any power to enforce or obligate anyone else to enforce any reports that may be made out of such meetings.

Mr. BORAH. Mr. President, assuming that the Senator is correct as to the legal obligation, does the Senator now state that it is his view of the matter that neither the council nor the assembly can make any decision which has any moral obligation that we are bound to consider?

Mr. LENROOT. I do, just that.

Mr. BORAH. Then the council, as well as the assembly, is a mere debating society.

Mr. LENROOT. Under these articles, that has been my insistence from the very beginning.

Mr. BORAH. I can imagine, then, why the Senator would agree to it, because he believes that it is perfectly harmless.

Mr. LENROOT. I have stated many times, and I have no objection to stating once more, that I do believe that this debating society, as the Senator calls it, will itself be helpful in preserving the peace of the world. I believe that taking cognizance of and discussing any matter threatening the peace of the world by this council or by the assembly, without the slightest power to bind either legally or morally any of the members of the league, will itself be very beneficial.

Mr. POINDEXTER. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. POINDEXTER. Does the Senator claim that the assembly of the league, in the exercise of the powers conferred on it in article 15, has no power to render a binding decision?

Mr. LENROOT. Oh, certainly not; of course not. I am speaking now of articles 4 and 11.

Mr. POINDEXTER. I beg the Senator's pardon. I thought he was speaking generally of the powers of the assembly under the covenant.

Mr. LENROOT. Oh, no; I am only referring to articles 4 and 11. Under article 10 the United States and every other member is, of course, obligated absolutely to preserve the territorial integrity and political independence of every other nation, and I am opposed to that.

Mr. BORAH. Mr. President, the Senator from Washington refers to article 15. What the Senator must understand, if I read this covenant correctly, is that the council may hurdle article 15 whenever it wants to and jump clear over it, because it may transfer the matter and transfer it on until it gets into the assembly.

Mr. LENROOT. Yes, but still under article 15. That is, a dispute must exist before they can get into either the council or assembly to make a binding decision so far as going to war is concerned; and that is the extent of their power, of course, under article 15. My point now is that neither under article 4 nor under article 11 is the council given any power to bind anybody, and yet I believe the mere discussion of matters threatening the peace of the world will be a very beneficial thing in preserving the peace of the world.

Evidently the position of some Senators is that the United States, great as it is, great as its moral influence and moral power is, should not, even to the extent of debating and discussing matters affecting the peace of the world, enter into any kind of relations with anybody. I can not agree with any such theory as that. I will go as far as anybody in protecting the United States from obligations, or compelling the United States to carry out, against the will of the Congress or the people of the United States, obligations that are sought to be imposed by this treaty; but I am not afraid of debating societies, neither am I afraid of articles 12, 13, and 15, relating to arbitration and the submission of international questions to an inquiry either by the council or by the assembly; and I am willing that the United States and every other nation should be bound by unanimous decisions where made by the council, or, if taken from the council, by the unanimous vote of all of the representatives composing the council and the majority of the other members of the league.

Those, to my mind, are the beneficial parts of this league of nations, and it is well worth entering into for those things alone; and I shall be glad to vote to ratify the league of nations portion of the treaty, as well as the whole treaty, provided we can relieve the United States from obligations in other portions of it, such as are contained in article 10, that ought not to be imposed upon the United States.

In corroboration of the construction that I have given to articles 4 and 11, the Senator from Idaho read from article 16, the second paragraph, where it is provided that—

It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

This is a case where a member of the league has gone to war in violation of its covenant, and yet in that case it is expressly provided that the council can only make a recommendation as to the use of military and naval forces by other members of the league; and if there is one place in this treaty where the council is given power to make binding obligations, it certainly would be in article 16. It is not, however. It is expressly stated there that they may make recommendations; and if they are only recommendations under article 16, how can they be any stronger under articles 4 and 11, which do not consist of violations of covenants at all, so far as making war is concerned?

But, Mr. President, I rose simply to express my opinion that the reservation which the Senator from Idaho has so criticized is complete in itself and fully protects the United States not only from the obligation to preserve the political independence and territorial integrity of any other nation, but it also relieves the United States from any obligation to use the military or naval forces under any article of the league.

The Senator from Idaho, usually so easy to follow, because he is so clear in his expression, I must confess I could not follow wherein, if I understood him correctly, he stated that if we adopted this reservation with his construction and ratified the treaty the President of the United States would be authorized to use the armed forces of the United States just exactly as he is now using them in Siberia. In other words, if I understood him correctly, if we adopt this league of nations the President will have the same authority to use the armed forces of the United States that he has to use them without any league of nations. I am willing to concede that and admit it, but with this reservation: The President has no authority from this league to use the military and naval forces of the United States for any purpose; and if he has that authority it is found not in the league but in the Constitution itself, and he has that authority, if he has it at all, irrespective of this treaty of peace.

Mr. BORAH. Mr. President, before the Senator takes his seat, does the Senator concede that if it were not for the reservation of article 10 the President would have the authority to use these armed forces?

Mr. LENROOT. I do not concede that he would.

Mr. BORAH. What is the necessity of the reservation?

Mr. LENROOT. The obligation would rest upon Congress to furnish them without the reservation.

Mr. BORAH. But you say in the reservation that he shall not use the armed forces of the United States.

Mr. LENROOT. The reservation does not say that. It says that the United States shall be under no obligation to do so.

Mr. BORAH. Well, of course I am taking my own construction of it. The Senator takes another construction. The Senator contends, then, that without any reservation at all the President would have no authority upon the recommendation of the council, no justification, legal or moral, in sending forces to any foreign country for the purpose of preserving peace?

Mr. LENROOT. I should say no authority gained from this league of nations. If he had any, it would be independent of it.

Mr. BORAH. The position which the Senator takes, then, is that the covenant does not give the President any authority whatever in addition to what he has now?

Mr. LENROOT. It creates obligations upon the United States, but has nothing to do with the authority that is to be exercised by the President.

Mr. BORAH. Now, assuming that the President has the authority to distribute his troops and his men as he sees fit as Commander in Chief, if we should ratify this league without any reservation at all, what objection could be made to his sending troops to a foreign country?

Mr. LENROOT. If he has the authority to do it, and we have the obligation to do it, of course there could be no objection; but that is what I am objecting to.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. JONES of Washington obtained the floor.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

Mr. JONES of Washington. I yield to the Senator from Nebraska.

The PRESIDENT pro tempore. The Senator from Nebraska will state the inquiry.

Mr. HITCHCOCK. I understood that the Senator from Idaho had withdrawn his amendment for the present.

Mr. BORAH. I do not desire to have the amendment voted on at present, in view of the construction which has been placed upon this reservation by one of those who, I presume, helped to frame it. I should like to have an opportunity to consult about the matter and see if we can not change the language to make it speak the construction of the Senator. Therefore I desire to withdraw the amendment. At the same time I do not want to put the Senator from Oklahoma [Mr. GORE] in a position where he must go ahead this evening if he does not want to.

Mr. HITCHCOCK. It was the understanding, when the La Follette amendment was deferred until to-morrow, that the Shantung amendment and the amendment of the Senator from Oklahoma should be taken up.

Mr. BORAH. If the Senator from Oklahoma is ready, I have no objection.

Mr. HITCHCOCK. It is rather late, and I have not any desire to press it to-night if it is not convenient.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. WALSH of Montana. I desire to address myself to the amendment of the Senator from Idaho for a few minutes, perhaps 10 minutes.

Mr. HITCHCOCK. That is not before the Senate, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho that the amendment be temporarily withdrawn?

Mr. JONES of Washington. Mr. President, I understood the Chair to recognize me a moment ago.

The PRESIDENT pro tempore. The Chair understood the Senator from Washington to yield to the Senator from Nebraska.

Mr. JONES of Washington. Yes; and when he is through I want to resume the floor for just a moment.

Mr. HITCHCOCK. I sought a ruling on the point whether or not the amendment of the Senator from Idaho is before the Senate.

Mr. BORAH. In order to clarify the situation, I withdraw the amendment which I offered.

The PRESIDENT pro tempore. Is there objection to the withdrawal of the amendment?

Mr. JONES of Washington. Mr. President, before the amendment is withdrawn I want to say just a word. As I understand the position of the Senator from Idaho, I think there is a great deal of force in it. It appeals to me, at any rate. It has seemed to me that in the discussion of the action by the council we have often overlooked the effect of the provision that requires unanimous consent before a decision is reached by the council. The council can make no decision on matters of importance except it agree unanimously.

The argument with reference to our position is based largely upon the proposition that the council has reached a decision. If that is the proper basis upon which to place it, then, it seems to me, after the council has made a decision, which necessarily implies that our representative has assented to that decision, there is a very binding force upon the United States to comply with that decision, whatever it may be. I propose to suggest, to meet that situation, something which will carry out the idea suggested by the Senator from Nebraska a while ago. I do not want our representative on this council to assent to any decision that involves the sending of our armed forces across the sea to any foreign country to settle any dispute there unless the Congress of the United States first gives its consent to it.

Mr. KELLOGG. Mr. President, does the Senator claim that the council could come to a decision to send our Army anywhere?

Mr. JONES of Washington. Oh, no, Mr. President. I had no such idea in my mind, and if I used any language that conveyed any such impression as that I was very unfortunate in it. What I tried to point out was that when the council has reached a decision upon a situation, and has, for instance, held that 100,000 men are necessary to take care of that situation, when our representative on the council gives his consent to that, and there can not be a decision without it, then this Nation, if it can be morally bound to do anything, is morally bound to furnish its quota of troops, and if we refuse to do it the nations of the earth can point the finger of dishonor at us. I do not want our country to be placed in that position, and I do not want the matter to rest with a single individual across the sea to put this Nation of ours in that situation.

So, Mr. President, I rose simply to give notice that unless the reservation proposed by the committee is amended to meet a situation of that sort, I propose, when it comes up for consideration, to offer this as an amendment to that reservation:

> And our representative in the council shall not give his consent to any decision involving the use of the military or naval forces of the United States under any provision of this covenant until the proposal has been submitted to Congress, and it has expressly authorized him to give such consent.

Mr. LODGE. Mr. President, the point I regard as an extremely important one. If it is not guarded under the reservation numbered 7, dealing with representatives, it ought to be provided for.

Mr. WALSH of Montana. Mr. President, I was wondering why the Senator from Idaho [Mr. BORAH] desires to have the covenant amended so that article 10 shall be eliminated; for that, I understand, is the purport of his motion. If it shall prevail, our action really amounts to this, that we propose to the other nations interested in the matter that we will ratify the treaty provided article 10 is eliminated. It will then not be effective as against any party to the treaty.

Four nations have already ratified the treaty with article 10 in. They are entirely satisfied to have the article in its entirety so far as they are concerned. I do not know why the Senator from Idaho should desire to relieve them from the burdens and obligations of article 10, such as they are, if they are quite willing to assume them. In other words, I do not see why he does not make his amendment practically to this effect, simply to add a provision to the effect that the United States shall not be bound by this article. That will accomplish everything that he desires. That is not the effect of the reservation that is proposed, but a reservation to that effect might be easily proposed—that is to say, that we would ratify, on condition, however, that the United States is not bound by the obligations of article 10.

I speak of that at this time for the purpose of showing that strangely a great many people make a marked distinction, an essential distinction, apparently recognizing a very important difference between a reservation and an amendment. I can not see why it would make any difference whether you accomplish that end through an amendment such as I suggest to the Senator from Idaho, or whether you accomplish the end by attaching a condition to your article of ratification. Perhaps there may be some difference in the minds of some, but I am not able to apprehend it.

Mr. BORAH. I will say to the Senator from Montana that I have already offered a reservation along the lines which he has suggested; but we have not reached reservations yet.

Mr. WALSH of Montana. I understand; but I suggest to the Senator that he will accomplish exactly the same result by tendering it as an amendment to article 10, and without, so far as I see, affecting the situation at all.

Mr. BORAH. The Senator means to tender it as a reservation?

Mr. WALSH of Montana. No; tender it as an amendment to article 10. Why not? What is the difference? Why does not the Senator present his amendment right now and discuss the whole thing? What is the difference whether you put it in in the body of the instrument or attach it as a condition to your signature? Suppose this were a matter of private negotiation

between the Senator and myself, and he drafted a contract and sent it to me with a certain article in it. I strike out the article and send it back in that way or I leave the article in, and I sign the instrument, saying, "I am not obligated, however, by article 2 or article 3, or article 4."

Mr. BORAH. I agree with the Senator that it would accomplish the same object; but in view of the fact that these other nations have already ratified the treaty the striking of it out at this time would have the same effect, in my judgment.

Mr. WALSH of Montana. You do not strike it out. Leave it in.

Mr. BORAH. I mean if I struck it out.

Mr. WALSH of Montana. Undoubtedly; that is what I suggested to the Senator, that it would seem that he did not desire to strike the article out; but I inquired of him why he should frame his amendment in that way.

I desire to say, Mr. President, that I quite agree with the Senator from Idaho that the reservation to which we have listened does not change the situation in the slightest degree. I have not any doubt in the world, and I have never heard any argument to the contrary that seemed to me based upon reason at all, if any has been indulged in of any kind, to the effect that we would get into a state of war without a declaration of war by the Congress of the United States and in accordance with the Constitution. Indeed, Mr. President, that is the only ground upon which this covenant can be justified constitutionally at all. There is not any question about that.

But, Mr. President, I want to speak for a moment about the suggestion made by the Senator from Idaho that the President of the United States, if we ratify this covenant, would be authorized to send an army anywhere over the world without any precedent action by Congress in declaring war. I apprehend that if the President of the United States issued an order to any of the officers of the Army to go anywhere, those officers would go there. They would either go, or they would resign their offices, and others would be appointed who would go.

In other words, Mr. President, it seems almost a physical impossibility, under our system, to prevent the President of the United States from sending an army anywhere he sees fit to send it, as suggested by the Senator from Idaho. The only remedy that I know of that we have in such a case as that is to impeach the President of the United States, and of course if he sent an army, for the purpose of making war, into a country with which we are at peace, he would be subject to impeachment.

Mr. President, it is said that he is sending troops to Russia at this time, or has been sending them. But, as suggested by the junior Senator from Wisconsin [Mr. LENROOT], he is not doing so by virtue of any power that comes to him under the league of nations, because, so far as we are concerned, at least, the league of nations does not exist. If he has no legal power or authority under the Constitution to send troops into Russia, what is the remedy? Impeach the President of the United States. That is all you can do about it. Put some one in the Presidency who will call the troops home from Russia. But has any suggestion been made from any source whatever, in either House of Congress, that the President of the United States ought to be impeached by reason of the fact that he has sent troops to Russia? If so, I have not heard it.

Mr. President, the President will be in exactly the same situation when the league of nations is established, and we become a party to it, that he is in now. If he shall undertake to send troops into a foreign country, there to make war, without a previous declaration by Congress, he will be subject to impeachment, just exactly as he is now. Certainly the President of the United States gets no authority by this article. The obligation rests upon the Government of the United States. It acts through Congress in declaring war. I have not heard from any source any argument to the effect that under this the President would be invested with any authority whatever.

The Senator assumes, and that seems to be the burden of his argument, as it seems to me, not that the league of nations, and particularly the council of the league of nations, is actually clothed with these vast powers with which he assumes they may be clothed, but that they will usurp these powers.

We can not, as a matter of course, protect ourselves in advance against any usurpation of power by the council or by any other body. We never refuse to give officers power or authority on the ground that they would usurp other powers which have not been confided to them. We simply refuse, as a matter of course, to recognize any authority in the league of nations or in the council of the league of nations beyond the powers that are granted to them thereby. I fully agree with the Senator from Wisconsin when he says that wherever the league or the council or the assembly is given power only to advise, to recommend, there can not possibly be any moral obligation upon the part of the United States to follow the recommendation. Otherwise you might just as well use another word. Take article 16, for instance, where the council is called upon to recommend the forces that shall be used for any particular purpose. If the recommendation is not satisfactory to us, upon what theory can it be urged that we are bound to follow the recommendation? I can not believe that anyone will conceive that when the council is authorized only to advise or to propose, anybody is under any obligation to follow the suggestion made. For instance, take the provision of the covenant which authorizes the council to propose a plan of disarmament. If the United States is not satisfied with the plan that is proposed, can it be urged that the United States is under any moral obligation to legislate in conformity with the recommendation that has been made or the proposal that is offered for its consideration? I can not think that anybody will be deterred from giving his approval to the covenant upon any suggestion of that character, at least.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Oklahoma [Mr. GORE].

Mr. LODGE. Mr. President, the Senator from Oklahoma is anxious to take up his amendment in the morning. He thinks there will be but very brief debate and that it can be quickly disposed of, and that will allow ample time for the Senator from Missouri [Mr. REED] to make his speech before 3 o'clock, at which time the vote is to be taken upon the La Follette amendment. I therefore move that the Senate take a recess——

Mr. KING. Will the Senator withhold his motion for a moment? I understood that the Senator from Nevada [Mr. HENDERSON] or the Senator from Washington [Mr. POINDEXTER] would desire to call up a measure which has passed the House and which will only take a moment.

Mr. SMOOT. I will say to my colleague that the Senator from Washington is out of the Chamber, and I have been unable to locate the bill that was to be laid before the Senate. I do not think there will be any objection to the consideration of it to-morrow morning, provided——

Mr. LODGE. Yes; there will be objection to its consideration to-morrow morning.

Mr. SMOOT. Provided it does not lead to any debate?

Mr. LODGE. There will be objection. To-morrow morning is to be devoted to the treaty. I do not want to mislead anyone. I think we will have to put it off until we have a morning hour if it is not ready now. I will gladly yield now. I do not want to make any promises of that kind for to-morrow morning.

Mr. KING. In view of that fact, I shall not ask the Senator to withhold his motion.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, November 5, 1919, at 11 o'clock a. m.

SENATE.

WEDNESDAY, *November 5, 1919.*

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harrison	McKellar	Ransdell
Brandegee	Henderson	McLean	Reed
Capper	Hitchcock	McNary	Robinson
Colt	Johnson, Calif.	Moses	Sheppard
Culberson	Johnson, S. Dak.	Myers	Smith, Ariz.
Curtis	Jones, N. Mex.	Nelson	Smith, Ga.
Dial	Jones, Wash.	Newberry	Smith, S. C.
Edge	Kellogg	Norris	Smoot
Elkins	Kendrick	Nugent	Spencer
Gay	Kenyon	Overman	Thomas
Gerry	Keyes	Owen	Trammell
Gore	King	Page	Walsh, Mass.
Gronna	Kirby	Phelan	Walsh, Mont.
Hale	La Follette	Phipps	Watson
Harding	Lodge	Poindexter	Williams

Mr. CURTIS. I wish to announce the absence, on official business, of the Senator from New York [Mr. WADSWORTH], the Senator from Indiana [Mr. NEW], the Senator from Wyoming [Mr. WARREN], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Maine [Mr. FERNALD], the Senator from Mary-

land [Mr. FRANCE], and the Senator from Nebraska [Mr. NORRIS].

Mr. KIRBY. I announce the absence of the Senator from Florida [Mr. FLETCHER], who is attending a hearing before the Committee on Military Affairs, the absence of the other Members of which has been already announced.

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from Nevada [Mr. PITTMAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Maryland [Mr. SMITH], the junior Senator from Virginia [Mr. SWANSON], the Senator from Delaware [Mr. WOLCOTT], and the junior Senator from Alabama [Mr. UNDERWOOD] are detained from the Senate on official business.

The Senator from Georgia [Mr. HARRIS], the senior Senator from Alabama [Mr. BANKHEAD], the Senator from North Carolina [Mr. SIMMONS], and the senior Senator from Virginia [Mr. MARTIN] are absent on account of illness.

The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a response of the United States Shipping Board to Senate resolution 203, which will be printed in the RECORD.

The communication is as follows:

UNITED STATES SHIPPING BOARD,
Washington, October 30, 1919.

Hon. GEORGE A. SANDERSON,
Secretary United States Senate, Washington, D. C.

DEAR SIR: Complying with provisions of Senate resolution No. 203, dated October 3, dealing with foreign commerce of the United States, I am pleased to advise:

1. The interest of the Shipping Board in foreign commerce is a primary one to the extent that at present more than 85 per cent of its fleet of over 7,000,000 dead-weight tonnage is engaged in foreign trade. However, in the operation of the Shipping Board fleet, the Division of Operations acts only as the transportation agency for American importers and exporters.

2. The personnel of the Division of Operations (headquarters and field), whose primary function is ship operation, with development of foreign commerce as incident thereto, is necessary to supervise operations of the board's fleet, and said personnel is not greater by reason of its indirect interest in foreign commerce. The total personnel of the Division of Operations as of September 30, 1919, was 1,752, at an annual expenditure for salaries of $3,540,032.

3. Except for the Panama Railroad & Steamship Co., the Division of Operations is the only governmental agency engaged in the commercial operation of ships.

4. The Division of Operations of the Shipping Board maintains a department, known as the governmental and foreign relations department, which has a personnel numbering seven, at an annual expenditure of approximately $15,000.

5. The duties of the governmental and foreign relations department, in addition to acting as liaison with Government departments and representatives of foreign countries, on current business, comprise transactions with the War Department for the return of Shipping Board vessels and the redelivery of foreign vessels to owners.

6. The work of the governmental and foreign relations department is not a duplication of the work of any other Government department, as its personnel fully appreciates and realizes that various departments of our Government and foreign Governments represented in Washington have information available which is of vast value in the consideration of our problems, and which said department readily takes advantage of and secures when it is necessary to answer certain requests, thereby avoiding and eliminating the possibility of a duplication of the activities of other Government departments.

Very respectfully,

JOHN J. FLAHERTY, *Secretary.*

STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I have received a copy of resolutions from the Edwin V. Evans Post of the American Legion, located at the University of Colorado, referring to the present coal strike, which I ask to have inserted in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

EDWIN V. EVANS POST OF AMERICAN LEGION,
University of Colorado, October 31, 1919.

Whereas the leaders of the coal miners' unions have announced their intention of declaring a nation-wide strike in the coal fields; and

Whereas the President of the United States, the Attorney General of the United States, and the governor of Colorado have declared this action unlawful and a menace to the welfare of the country; and

Whereas the leaders of the coal miners' unions have declared their intention to persist in calling this strike, despite the appeal and declaration of the Federal and State authorities; and

Whereas such action will be in open defiance of governmental authority, of overwhelming public opinion, and of the Nation's welfare: Therefore be it

Resolved by the Edwin V. Evans Post of the American Legion:

First. That its members pledge themselves, by any means in their power, to aid the Federal, State, and county authorities in any emergency which may arise to suppress violence, to maintain law and order, to protect property and life, and to alleviate suffering and hardship which will result from this unwarranted closing of the mines of the country.

Second. That a copy of this resolution be given to the press, to the Senators and Congressmen from Colorado, to the governor of the State, and to the sheriff of the county.

GERRY CHAPMAN, *Commander.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution providing that a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York when the steamship *Lake Daraga* is expected to arrive in New York, on or about November 9, bearing the first bodies of American soldiers from the fields of the World War, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 641. An act to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918;

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; and

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of sundry students of the Leland Powers School, of Boston, Mass., praying for the ratification of the league of nations treaty, which was ordered to lie on the table.

Mr. COLT presented a memorial of Local Lodge No. 119, Militant and Progressive International Association of Machinists, of Newport, R. I., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

MINING CLAIMS.

Mr. POINDEXTER. From the Committee on Mines and Mining, I report back favorably, without amendment, the joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than $100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919: *Provided*, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. THOMAS:

A bill (S. 3374) granting an increase of pension to Corydon W. Sanborn; and

A bill (S. 3375) granting an increase of pension to Elizabeth Leher; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3376) granting an increase of pension to Edward Smith; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3377) for the relief of Lieut. Col. John R. White; to the Committee on Military Affairs.

By Mr. EDGE:

A bill (S. 3378) to provide for the enforcement of the anti-trust laws; to the Committee on the Judiciary.

RETURN OF MORTAL REMAINS OF AMERICAN SOLDIERS.

Mr. LODGE. I ask that the concurrent resolution just received from the House of Representatives be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the following concurrent resolution of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and

Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate on vouchers to be signed by the chairman of the House and Senate committees, respectively.

Mr. LODGE. I move that the Senate concur in the resolution of the House.

The concurrent resolution was agreed to.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. GORE. Mr. President, I propose the amendment to the covenant of the league of nations of which I have heretofore given notice.

The VICE PRESIDENT. The Senator from Oklahoma offers the following amendment.

The SECRETARY. On page 27, line 5, at the end of the first paragraph of article 12 of the covenant of the league of nations, after the words "they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council," insert the following: "and not then until an advisory vote of the people shall have been taken."

Mr. GORE. Mr. President, I shall detain the Senate only a few moments in the discussion of this amendment. So far I have refrained from taking any part in the discussion of this treaty. I have been anxious to speed the treaty to final action. I have sympathized with the prevailing sentiment throughout the country that the treaty should be ratified without needless delay.

I wish to say, however, that I do not concur with those who imagine that final action upon the treaty will bring industrial repose to a distracted Nation or to a distracted world. The existing industrial unrest is based upon deeper and wider foundations than the slender isthmus between peace de facto and peace de jure.

There are, however, many people who anticipate an immediate return of industrial peace upon the ratification of this treaty In my judgment that is a vain hope, but it will render this substantial service: It will demonstrate that the unrest arises from other causes than mere delay in connection with the pending treaty. The elimination of this erroneous cause will set our feet in the path of progress toward the discovery of the real cause of existing distress, and that, sir, is one step in the evolution of a real remedy for existing social and industrial discontent.

Mr. President, I have submitted this proposition in the form of an amendment rather than in the form of a reservation, for reasons which I shall present to the Senate. There are Senators who are unalterably opposed to the adoption of textual amendments to the treaty. They apprehend that such amendments would occasion delay. I do not believe that it would cause the delay which Senators apprehend. I have for my own part voted for a number of amendments, and I shall vote for a number of reservations.

Amendments do directly what reservations do indirectly. I have felt that I ought to vote to do directly what in my opinion ought to be done. I have felt that the Senate of the United States, which is a constitutional part of the treaty-making power, ought not to resort to indirection in the discharge of its highest constitutional function. But I appreciate the feelings and the attitude of those who are resisting amendments in the conscientious belief that their adoption would occasion protracted delay. I would have accommodated this proposition to their views and to their attitude if I had found it possible to do so, but I have not been able to work out a reservation which would accomplish the purpose which I propose by the pending amendment.

The situation in the Senate has been perfectly obvious from the beginning. On the one hand, no textual amendments to the treaty could be adopted; on the other hand, the treaty itself could not be ratified without reservations. I have supported certain amendments knowing they would be defeated. I could not consistently oppose amendments which commended themselves to my judgment and conscience when I felt in duty bound in the interest of democracy and peace to propose this amendment securing the people a right to an advisory vote. Every Senator knows that to reject all reservations is to reject the treaty itself. To advise the rejection of all reservations is to take the responsibility of advising the rejection of both the treaty and the league of nations. I have not felt willing to assume this responsibility. It is a condition that confronts us, and I endeavored long ago to prevail upon my colleagues to adopt a practical program which would neither ignore the facts nor join issue with the inevitable.

Now to my amendment. Under article 12 of the covenant the member nations obligate themselves not to resort to war for a period of three months after the award of the arbitrators or the report of the council.

This is a self-imposed limitation on the part of nations which contemplate war. The President has asserted that the chief virtue of the league of nations is the fact that it insures discussion and that it provides a cooling time for the heated passions of peoples. I offer an amendment which will invite further discussion and which will afford further opportunity for the cooling of passions. The amendment which I offer proposes that nations after the expiration of the three months shall not even then resort to war until an advisory vote of the people shall have been taken. This is a self-assumed restraint on the part of nations which contemplate a resort to war. It is not liable to the objection that a nation might be invaded or that the danger of invasion might be too imminent to admit of delay. I repeat that this amendment, taken in connection with the text of article 12, affords no foundation for that argument or that apprehension, for if the nations will respect their obligation to adjourn war for a period of three months after the award of the arbitrators or the report of the council, there is no greater reason to doubt that they will respect their further obligation; that they will respect a self-imposed obligation to adjourn the resort to war until an advisory vote of their people may be taken. This eliminates that fear and that apprehension so commonly urged against a referendum upon the issue of peace or war.

We have heard a great deal in these latter days about world democracy. We have been assured that the United States entered this mighty conflict in order to "make the world safe for democracy." The purpose, I assume, was to democratize the world. With that purpose, whether real or ideal, I sympathize; it is undoubtedly a consummation most devoutly to be desired. In harmony with that lofty spirit, I propose this amendment in order to democratize war. I propose an advisory vote of the people on the part of nations contemplating war before they take up arms and plunge their people into the whirlpool of butchery and of blood.

Mr. President, this amendment, this plan, is the only way to democratize war and, in my judgment, it is the best way to prevent and minimize war. Perhaps no one indulges the fond hope that war can be entirely eradicated among the children of men; certainly not until further evolution has been realized in the progress of human affairs; but this amendment is in harmony with our professed purpose in entering the war; this amendment is in harmony with the spirit of the times; this amendment is in harmony with the great currents of human affairs; this amendment is in harmony with the genius of our free institutions; it is in harmony with the principles of self-government; it is in harmony with the theory that governments derive their just powers from the consent of the governed; it is in harmony with the high resolve that this Government of the people, by the people, and for the people shall not perish from the earth. This amendment is in harmony with the historic declaration of President Wilson made at Washington's Tomb on July 4, 1918:

> The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, must be upon the basis of free acceptance of that settlement by the people immediately concerned.

My desire is to exemplify my faith in the capacity of the people to govern themselves not alone in national concerns but in affairs that are international.

Whatever else may be said in behalf of the league of nations, it can not be said that it is entirely democratic in its organization. It lacks the two essential conditions of democracy: The representatives to the league are not chosen by a direct vote of the people, and the representatives are not directly responsible to the body of the people in the constituent nations. It lacks both essentials of democracy—direct choice and direct responsibility. One of these conditions is essential even to the sem-

blance of democracy. Both of these conditions are essential to the substance of democracy.

There is one other feature of the league which is not entirely consonant with democratic principles or democratic institutions. In some measure, at least, legislative, executive, and judicial powers are combined and centralized in the hands of the selfsame set of men. Such a combination of powers, Mr. President, is the source and the sinews of despotism. The separation of these powers is essential to liberty and is indispensable to democracy. In dispensing with this partition of powers we now accept as an article of faith and as a rule of action a scheme—I may say an experiment—which bears the universal condemnation of all human experience.

Not only that, but as at present constituted the league will be a government of men and not a government of laws. The will of the council, the will of the assembly, so far as I can ascertain, will not be bound by the principles of international law as they have heretofore existed. There is no rule of action prescribed for the guidance of these men; there is no fixed standard to govern their deliberations or their decisions, and, in the absence of law, there can be no such thing as responsible and assured justice. But I waive these considerations.

There is, Mr. President, in the pending treaty the recognition of one democratic principle. The recognition is not theoretical or academic; it is explicit. The treaty proposes to reduce this principle to practice. It proposes to apply this democratic principle in concrete cases for the decision of important issues and determining the fate and allegiance of considerable bodies of people. I refer, Mr. President, to the plebiscite or to the referendum which is to be applied in the Saar Valley and which is also to be applied in Upper Silesia. The treaty undertakes to apply this democratic principle, perhaps, to the one set of circumstances to which it is least applicable. To allow a small body of people occupying a narrow tract of territory to determine the destiny of great States and larger peoples, I am not certain is required by the principle of the plebiscite, and I am not certain that it will contribute to international peace.

I hope that this resort to the plebiscite will be justified by events; but, however that may be, the point I now make is that the peace commission and the pending peace treaty give distinct and practical recognition to the principle of the referendum or to the principle of the plebiscite.

If the people of the Saar Valley, if the people of Silesia, are to be permitted to decide by an advisory vote under what flag they will live, is it inconsistent to permit them to pass judgment upon the vital issues of peace and war? That is the principle which I invoke.

I should explain that my amendment provides solely for an advisory vote. I do not propose to make this vote conclusive or binding. This distinction rests upon two considerations. Under our Constitution, this league could not provide for a mandatory vote upon the question of peace or war. The power to declare war is vested by our Constitution in the Congress of the United States, and not even the league of nations could divest the Congress of that constitutional power. I do believe, however, that an advisory vote touching the question of peace or war would not be incompatible either with the letter or with the spirit of our Constitution. I am certain that it would be compatible with the spirit of our institutions and with the genius of our people.

There is one other practical reason for providing for an advisory rather than for a conclusive and binding referendum. I think that an advisory vote is in the interest of peace. It is conservative in its character and tendencies. Let me illustrate what I mean.

Suppose that a nation contemplating war should take a vote upon that issue. Suppose that the war party should prevail by a majority of only 1,000 in a vast vote. If the vote were mandatory, if it were final and conclusive, the nation would thereupon find itself in a state of war. It could not retrace its steps, notwithstanding the even division of sentiment among its people. On the other hand, if the vote were advisory and only advisory, the authority charged with the power to declare war, finding sentiment so evenly divided, might still find ways and means to keep the peace, and to avert the impending calamities of war. For this reason, I submit that an advisory vote would contribute more to the maintenance of peace than would a mandatory vote upon the issue.

The object of my amendment is, I repeat, to democratize war. In view of the recognition of the plebiscite in this treaty, there can be no objection founded upon principle to the application of the principle of the plebiscite to the issues of peace and war. My purpose is to permit the people who are to bear the burdens of war to have at least an advisory vote as to the desirability of a proposed war. I wish to let the boys who are to bleed and die, I wish to let the fathers and mothers of the boys who are to bleed and die, have the privilege of at least an advisory vote as to the indispensable necessity of a proposed war.

In view of the recognition by the treaty of the principle of the plebiscite, there can be only one argument against this proposed amendment. That is the ancient, the undemocratic, the autocratic argument that the people are not qualified to pronounce judgment upon the issue of peace and war. It is the autocratic, it is the undemocratic, contention that the people do not understand the finesse of foreign diplomacy, that the people do not understand the profound principles of international jurisprudence, that the people do not understand the mysteries of higher statecraft; it is the old contention that the people do not understand their own vital interests, the contention that the people do not understand and can not preserve their own national honor; it is the old contention that the people are not capable of self-government.

Mr. President, one hundred and fifty years ago it was denied by kings and emperors and czars that the people were capable of self-government even in domestic affairs. Those in high places feared democracy. Tyrants feared that it meant the rule of the mob and the reign of the anarchist. Faith in the capacity of the people for self-government is the slow growth of uncounted centuries. It comes only with the process of the suns. At that time they challenged the capacity of the people equally with respect to national and international affairs. With opportunity and experience, the people have demonstrated their capacity for self-government in connection with local and national concerns. If they are afforded an opportunity, as they will one day take the opportunity, the people will demonstrate their capacity for government in international affairs. Thomas Jefferson rendered his country, Thomas Jefferson rendered the human race, no greater service than in the exhibition of his unfaltering faith in the capacity of the people for self-government.

Mr. President, for my own part I think that the people themselves are quite as well qualified to pronounce judgment upon the question of peace and war as are kings and emperors and kaisers and czars. I think that an advisory vote on the part of the people would be a salutary guide to the action of congresses and parliaments. The voice of the people is the nearest approach to the voice of God.

What Senator is willing to deny the capacity of the people for self-government? What Senator is willing to deny the capacity of the people to pronounce judgment upon the questions of peace and war? What Senator is willing to deny the fathers and mothers of the soldiers of this and other countries at least an advisory vote upon the tragic issue of life and death? What Senator is willing to draft free-born American citizens to die in a war which he insists they can not understand? If this be true, why not let the sages, let the savants, let the statesmen who understand these wars wage these wars which baffle the understanding and which exceed the capacity of the common man? What democratic nation will deny the capacity or the right of its people to have an advisory vote before resorting to the bloody arbitrament of the sword? If the Kingdom of Great Britain is democratic, will it deny its people this democratic right? If the Republic of France is democratic, will it deny its people this democratic right? If the Kingdom of Italy is democratic, will it deny its people this democratic right? The very word "democracy" means the rule of the people. The consent of the governed is the soul of democracy. To me it was a distinct disappointment that the covenant of the league did not embody this democratic principle, that it did not embody a provision for an advisory vote preceding an appeal to the sword. If tendered by this country I believe this principle would be accepted by every nation which professes democracy. I know it would be adopted by every nation which practices democracy. You may delay, you can not defeat, the ultimate triumph of this principle of true democracy. I propose this amendment in the interest of democracy and peace. My sole and supreme purpose in the presentation of this amendment and in my course touching the pending treaty has been to promote peace and prevent war. My devotion to peace, my abhorrence of war, is beyond challenge.

Mr. President, it would be a calamity worse than war if nothing came out of this war to prevent or to minimize war, to minimize the causes and possibilities of war, to minimize the horrors and sorrows of war. If the human race, bleeding now at every pore, should waste this opportunity to erect every possible guaranty of peace, it would, in my judgment, constitute an impeachment of twentieth-century civilization. Of course, there will be no final preventive of war until mankind comes to regard war as the worst of evils. This has never yet happened. Men have not regarded war as the worst of evils. Ofttimes they have regarded it as an inconsiderable evil,

and apparently at times have looked upon war as a positive blessing in itself. Education in that direction, evolution in the direction of peace, must be our remedy, and we can not rely solely upon a mere paper contrivance. Such contrivances have often been formulated in the past. Such contrivances have often been signed by high signatory powers. Such contrivances have often bound the honor of nations in the past, yet they have proven to be ropes of sand. They have not kept the peace; they have not averted war; still that should not discourage an honest effort on our part to promote peace and to prevent war.

Mr. President, I have voted for a series of amendments to the treaty. I shall vote for a series of reservations to the treaty. These votes have only one purpose, have only one object, to minimize the causes, to minimize the dangers, to minimize the possibilities of war. I have voted, in the interest of peace, to clarify the terms of this treaty, to make the terms of the treaty certain and distinct beyond the possibility of cavil, as far as human foresight can bring that to pass.

Uncertainty is the womb of war. Its spawn is strife. As far as I can, I wish to obviate all uncertainty. When the President laid the first draft of this league before the American people it evoked a great deal of constructive criticism, and I say that constructive criticism is now and has always been the headlight of advancing civilization. To extinguish such criticism would be to petrify the human race.

When the President returned to Paris he undertook to respond in three important particulars to the criticism which the treaty had evoked. He secured a change in regard to the Monroe doctrine, in regard to domestic questions, and in regard to the right of withdrawal. The President's efforts, in the opinion of a great many patriotic people, did not quite succeed. Indeed, he has proclaimed that the treaty was not all that he wanted. Old World diplomacy hampered his efforts and limited his success.

The Senate is now engaged in an effort to complete the changes which the President attempted upon his return to Paris. The Senate is now engaged in an effort to make it certain beyond doubt that the Monroe doctrine is not abrogated, to make it certain beyond doubt that domestic questions are reserved within the jurisdiction of the United States, to make certain that the right to withdraw is so distinct that it can never be challenged, and that the United States will never be obliged to hew its way out of the league of nations with the sword.

Mr. President, I am one of those Americans who believe in America for Americans. I believe in an America of Americans, by Americans, for Americans. I am one of those who believe that we ought to declare, as our fathers declared, that these States, then colonies, are and of right ought to be free and independent States. I do not think that this declaration should be made with either a blush or an apology.

I am one of those who believe that sovereignty is to a nation what honor is to a man and what chastity is to a woman. I am one of those who believe that it is as impossible to arbitrate purely domestic questions as it would be to arbitrate the sanctity of the home. There are many Americans who would insist upon the preservation of the Monroe doctrine as they would insist upon the sacred right of self-preservation.

These sentiments, Mr. President, ought not to be the subject of criticism. They are animated by patriotism. They may be ill-advised, they may be unwise, and yet they are inspired by pure Americanism, they are animated by undoubted patriotism.

The President maintains that the language respecting domestic questions, the Monroe doctrine, and the right of withdrawal means exactly what certain Senators insist the language should mean. All agree as to what the language should mean. The only dispute is as to whether the language actually bears that meaning beyond all doubt. This ought to be the easiest imaginable difference to adjust and reconcile. When men agree as to what they wish to say, they ought to be able to agree as to how to say it. If serious men can not adjust a difference of this character, how can they hope to prevail upon jealous nations to adjust and compromise quarrels which are older than recorded history? May I not commend to all parties concerned the spirit of conciliation?

I wish to insert at this place the famous parable against persecution. It is a classic, and is supposed to run back to the ancient Jewish Talmud.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

And it came to pass after these things that Abraham sat in the door of his tent, about the going down of the sun. And behold a man bent with age coming from the way of the wilderness leaning on a staff. And Abraham arose, and met him, and said unto him, "Turn in, I pray thee, and wash thy feet, and tarry all night; and thou shalt arise early in the morning, and go on thy way." And the man said, "Nay; for I will abide under this tree." But Abraham pressed him greatly; so he turned, and they went into the tent; and Abraham baked unleavened bread, and they did eat. And when Abraham saw that the man blessed not God, he said unto him, "Wherefore dost thou not worship the most high God, creator of heaven and earth?" And the man answered and said, "I do not worship thy God, neither do I call upon his name; for I have made myself a god, which abideth always in my house, and provideth me with all things." And Abraham's zeal was kindled against the man, and he arose and fell upon him, and drove him forth with blows into the wilderness. And God called unto Abraham, saying, "Abraham, where is the stranger?" And Abraham answered and said, "Lord, he would not worship Thee, neither would he call upon Thy name; therefore have I driven him out from before my face into the wilderness." And God said, "Have I borne with him these hundred ninety and eight years, and nourished him, and clothed him, notwithstanding his rebellion against me; and couldst not thou, who art thyself a sinner, bear with him one night?"

Mr. GORE. In behalf alike of the interest, the honor, and the dignity of the United States, I voted for an amendment and I shall vote for a reservation to equalize the voting power between this Republic and the British Empire. No amount of arithmetical sophistry or legerdemain will ever convince the common sense of America that one vote is the equivalent of six votes. Our people understand voting too well for that. I hope that democracy will not stake its future and its fortunes upon its ability to demonstrate the truth of that self-evident absurdity. If six votes are not more than one vote, the British Empire ought not to ask it. If six votes are more than one vote, the British Empire ought not to have it. Either horn of the dilemma forbids our consent to this inequality, to this degradation. Why should red-blooded Americans hesitate to demand equality with the British Empire when Mr. Fielding declared in the Canadian Parliament that Canada had no more right to a vote in the league than the State of New York; when the editor of the Free Press published in Ontario condemned this inequality of voting power; when Mr. A. G. Gardner, late editor of the London News and a distinguished advocate of the league, asserted that the United States had just ground to complain of the proposed inequality of the voting power, and suggested that Great Britain should take the initiative in the establishment of such equality. Some Americans comfort themselves with the statement that the unequal voting power makes no difference in view of the requirements as to unanimous consent. The requirement of unanimous consent in respect to reports and recommendations touching international disputes is limited to the council. It is often said that the United States can protect itself in the council because nothing can be done except by unanimous agreement. It is true that the United States has a veto, an effective veto, in every controversy considered by the council in which the United States is not concerned, but it has no voice, it has no vote, it has no veto, in any controversy which concerns the United States. There is the rub. In all such controversies it is denied a vote and denied a veto. The requirement as to unanimous consent is of no avail when our interest, when our destiny, is involved. The requirement as to unanimous consent does not apply where disputes are appealed to the assembly. There the majority controls and six votes count for more than one. If Great Britain and the United States should be parties to the controversy, both would be denied a vote in the assembly. But the British Empire would still have five votes. Such an inequality, such a disparity, is as incompatible with the interest and the continued good will of the two nations as with the dignity and honor of the United States as a sovereign and independent nation. I am not willing to say by my vote that the British Empire is six times as good or six times as great as the United States of America. I am not willing to say by my vote that this puissant, that this matchless Republic is a sixth-rate power. I say this as one who had five ancestors in the struggle for American sovereignty and independence.

Mr. President, I shall vote to modify article 10. There are many uncertainties in connection with this league. Indeed, there is only one certainty, and that certainty looms lurid as the nether flames, and that is that article 10 obligates the United States to take part in every war that ever happens upon this planet. That is certain. That is certain unless we modify article 10, or unless we repudiate the moral obligation imposed by article 10. Only by treating article 10 as a scrap of paper can the United States escape a resort to war whenever a war anywhere shall be instituted that threatens the boundary lines of any nation upon the globe. Article 10 binds us to tax our people, to spend our money, to draft our boys, to shed their blood, to sacrifice their lives, in every war that ever happens involving the boundary lines of a member of this league, whether it be in Europe, in Asia, in Africa, or in the islands of the sea.

Mr. President, I do not like to bind the United States in advance to participate in all these wars, which concern neither

our rights, our interests, nor our honor. I am not willing to draft our boys and send them over the sea to die upon the burning deserts of Arabia or upon the frozen tundras of Siberia in quarrels that concern us not. I would not sacrifice the life of one Oklahoma boy, I would not break the heart of one Oklahoma mother, to decide whether Greece or Serbia should own the Sanjak of Novi-Bazar, nor to confirm the clouded title of Japan to the pilfered Province of Shantung. It should never be forgotten that during the last 105 years there have been 52 bloody wars in Europe. The United States engaged in only two of these wars. A league of nations which would have reduced this number one-half, reduced it to 26, would have been a great blessing to Europe, but a league which would have involved the United States in 26 wars would have been a rather bloody blessing. Does not this warn us to heed the voice of Washington and beware of entangling alliances? The United States entered the recent war, and was able to determine that war in its own favor and in accordance with its own interests and purposes. Let us hope that the United States will never be obliged to enter another war, but if it should, let us hope that it will be able to decide such war in accordance with its interest, its purpose, and its honor. Faith in the chivalry and heroism of our soldiers, exemplified upon the fields of France and Flanders, renders such a conclusion beyond all doubt.

There is a possibility, however, that the pending league, unmodified, would extend the ancient European balance of power to Asia and to the Americas. If that should happen, and if history should not belie all its lessons and examples, it would result in the formation of a counter combination. The world would divide into two vast armed camps, and the issue in that event might possibly be rendered doubtful if the United States should commit itself in advance.

Mr. President, there are those who fear that the proposed arrangement is not a league of nations at all, that it is only an alliance, that it is an offensive and defensive alliance on the part of the Big Five, and that this alliance might degenerate into an oligarchy.

Mr. President, I am one of those who believe in a society of nations, and I hoped to see, and I still hope to see, a society of nations grow out of this war, a society of nations that will create an international court of justice. I would be willing to commit to that court of justice all justiciable questions. I think that I might consent to refer to that court questions which are denominated nonjusticiable if only moral sanctions were to be attached to the decisions, and if there should be no resort to armed force and to military power.

To my mind the phrase, "A league to enforce peace," is a contradication of terms. I hope the present arrangement will develop into a society of nations, a society of nations that would not only institute the sort of court I have mentioned but a society of nations that would constitute an international legislature, an international legislature vested with the power and charged with the duty of clarifying and codifying international law, rendering its principles distinct and certain.

I would be willing that the principles of international law which such a legislature should promulgate by unanimous consent should be accepted as binding upon all the members of the society. The principles of international law agreed upon by three-fourths of the States represented might constitute binding international law as between the States agreeing, but the principles of international law agreed to by only a majority should merely be published for the enlightened verdict and opinion of mankind. This might not immediately bring about a definitive code of international law which would be binding upon the conscience and the conduct of men, but it would set in operation forces which would lead to the evolution and to the final consummation of such a system of international jurisprudence and international justice. Mr. President, I devoutly desire the consummation of such an end and the realization of such an ideal.

I know that the people of the United States and that the people of the world, bent and bleeding with war, are praying to the God of nations to send them universal and perpetual peace. Mr. President, I sympathize with their prayers and with their heartfelt yearnings and aspirations. I am determined, both as a matter of duty and of choice, to aid the people in realizing these holy aspirations. The people everywhere are asking for a fish. We must take care not to give them a hissing serpent. The people everywhere are asking for an egg. We must take care not to give them a scorpion that will sting them to the death.

I am determined to do everything possible to promote peace and to prevent war. My chief concern is that whatever we shall do may contribute to the preservation of peace and to the prevention of war, and that it may not prove the highway into every war that ever happens upon this revolving planet. That, sir, is the object of my deepest solicitude for my country and for my countrymen. This solicitude explains my attitude and my course with respect to the league. The one tragedy that would be worse than war would be for our honest efforts to keep the peace to prove the means of involving us in endless wars. We should adopt every precaution that human foresight can devise to avert such a tragedy. In our desperate desire to take a step in the right direction we must use every possible precaution not to take a leap in the wrong direction. We must not set the dove of peace upon the dragon's nest of war. This is the counsel alike of prudence, of patriotism, and of humanity.

The distinguished originators of this league do not exemplify perfect faith in its efficacy to preserve the peace of the world. When President Wilson laid the first draft of the covenant before the commissioners in Paris he said:

> Armed force is in the background; and yet it is not in the background. If the moral forces of the world will not suffice to keep the peace of the world, physical force shall.

Physical force shall!

There, Mr. President, is a doubtful mark that looms as high as the heavens. But the President is too profound a historian to imagine or to assert that he could devise or that they had devised a sovereign remedy for war among the children of men.

Premier Clemenceau exemplified his doubt in the efficacy of the pending league when he secured or accepted the special alliance or treaty between the United States and France, a treaty under which we bind ourselves to go to the rescue and defense of France in case of an unprovoked attack on the part of Germany. If the premier of France had reposed implicit faith in the league of nations, if the premier of France had reposed as much faith in the league as we are bidden to entertain and exhibit, he would not have sought, neither would he have accepted, this special arrangement for the defense of France. He would have relied upon the league of nations to provide France with ample security and protection against her ancient and conquered foe.

Lloyd-George, in a recent speech in Parliament, indicated that he would hereafter expect, when the British Empire entered war, that the United States would enter the war, and would enter the war by virtue of the two facts that the British Empire had entered the war and that the United States was a member of the league. I do not know how much weight we should attach to an opinion of this sort.

But, Mr. President, our own country has not exhibited the implicit and trusting faith in the league of nations which the Senate is asked to exhibit. I refer now to the Army reorganization bill which is pending in the Senate and in the House of Representatives. This reorganization bill has the approval of Gen. March, the Chief of Staff. It has the approval of Mr. Baker, the Secretary of War. It is to be assumed that it is an administration measure. What does this bill provide? It provides that every able-bodied male person in the United States, between the ages of 18 and 45 years, shall be automatically drafted into the military service when the United States enters war; that 22,000,000 men shall be automatically drafted into the military service without any further action, without any further authorization, upon the part of the Congress.

What else? Before our entry into the war we had a standing Army of approximately 82,000 men. Under this administration Army bill now pending it is proposed, notwithstanding the league of nations, to create a standing Army in time of peace of 500,000 Regulars and to create a reserve of 750,000 men. This new Army is to cost $900,000,000 a year; is to cost about seven times as much as our Army cost before our entrance into the war; is to cost, if I remember correctly, three times as much as the entire German military establishment before the war. This new Army is to cost $200,000,000 more than the total expense of the Government of the United States for all purposes prior to the war, excepting only the Post Office Department, which pays its own way.

In addition to this vast and expensive Army in time of peace, we are to have a Navy costing $1,000,000,000 a year.

Mr. President, are these the first fruits of universal disarmament? Is this the evidence of our faith in the efficacy of the league to preserve peace and to prevent war? Are these vast preparations to be carried forward in the light of world democracy and universal disarmament and perpetual peace and the brotherhood of man and a return of the golden age?

I mention these facts as evidence of a want of faith on the part of certain high officials—which we are forbidden to share—in the infallible and entire efficacy of the proposed league to prevent war and perpetuate peace.

If those who framed and sanctioned and formulated the league of nations have exhibited so many proofs of their want of faith,

should not the honest and earnest efforts of those who are seeking in good earnest to make this league a guaranty of peace and a preventive of war be viewed with temperance and with tolerance?

I am not willing to conceal the fact that I shall vote against the Army reorganization bill to which I have referred. I shall not vote to set up in America that militaristic system which we have sacrificed so much to tear down in Germany. I am not willing to welcome in this free Republic that foul demon of militarism which we have attempted to cast out of the German Empire.

Mr. President, the time may not have come when the Senate or the parliaments of other nations will consent to give the people themselves even an advisory voice in a declaration of war, but, sir, the stars in their courses are battling for this principle. This principle and its consummation are in the womb of the future. It is but a matter of time until governments will consent, consent perhaps with reluctance but will consent, to invest the people with some power and with some voice touching the mighty issues of peace and war. The time will come in the advance of democracy, which is as resistless as the tides of the sea and the revolutions of the planets, when sovereign peoples will refuse to be devoted to butchery and death without their own sovereign and voluntary consent.

In an earnest and perhaps in a premature effort to speed the coming of that day, that day of realized democracy, I have proposed the pending amendment.

I wish to have printed as part of my remarks an editorial from the Brooklyn Times in support of my amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATOR GORE'S PROPOSAL.

The various amendments which would have effected a textual change in the treaty of Versailles were voted down in the Senate yesterday. The victory was not one for the administration forces, but for the block of Senators who fear the effect of opening up the whole question, and prefer to carry out the aims that have been developed as representing American sentiment by a series of frank reservations.

Senator GORE introduced a proposal that goes to the bottom of the question. He advised that no war be declared without a referendum and the approving vote of the people. No better safeguard of peace among civilized nations could exist than such a provision in the treaty. It may be urged against it that there are occasions when an attack suddenly made would necessitate immediate action by the Government. If the spirit of the league is what it professes to be, there is no great likelihood of such an event. The proposed machinery of the league allows for a period of discussion in cases where controversies trend toward war, and plebiscites could be speedily arranged and carried out while these discussions were in progress. Should a nation take advantage of the situation, make a sudden attack, however, the Government would be ready to meet it and could trust to the patriotism of the people to sustain it. That is a supposable case, to guard against which all the machinery of the league would be impotent. Senator GORE'S proposal is worthy of consideration, and if it can not be made an amendment to the treaty, it can at least be submitted to the league as a step in the direction of further minimizing the possibilities of war.

Mr. MYERS. Mr. President, I intend to vote for the pending amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. I have during my service in this body many times voted with the Senator from Wisconsin, and in this instance I intend to do so again.

It had been my hope to vote against every amendment and every reservation offered to the peace treaty; it had been my intention to do so if I could conscientiously. That was my decided intention and predilection for a long time. Every inclination on my part was in that direction, and until recently I thought perhaps I could conscientiously do so and favor ratification of the peace treaty exactly as it is. In the last few weeks I have come to the conclusion, however, that I can not conscientiously vote to retain in the peace treaty Part XIII, or, at least, that I can not conscientiously vote to ratify the treaty without first voting to strike out that part.

I believe Part XIII is fraught with possibility of great danger. I believe it is teeming with possibilities of trouble. I believe it would provide a nursery for the germination, sprouting, and dissemination of socialistic and bolshevistic doctrines, which would tend to create unrest amongst those who are already dissatisfied, to make people believe that they have further and greater grievances when they already claim that they have much in the way of grievances, and would tend to create disturbance all over the world. I think the result would be that it would extend to the entire world the industrial disturbance, dissatisfaction, and unrest which now unhappily exists in this country.

I believe the body or tribunal provided for by Part XIII would be a hothouse of freakish, fantastic, and radical ideas which would take root in the minds of ignorant and unsuspecting people everywhere and cause them to take positions which they would not otherwise take and make unreasonable demands which they would not otherwise make. There are hundreds of thousands of workmen in this country who are ignorant aliens, who know nothing of our institutions, of our laws, of our traditions; who will give credence to anything that is told them that will tend to set them against the Government, against the established order of things, against organized society. They are easily misled and imposed upon. The investigation of the steel strike, which has been conducted by the Senate Committee on Education and Labor, has disclosed that there are thousands of ignorant, illiterate foreigners working in the steel mills who are told by agitators and demagogues and who believe that the Government will soon take over the steel industry and run it, and grant all of their demands and pay any wages they may ask; that there are thousands of them who are told and who believe that all they have to do is to stay out on strike a little while longer and the workmen will then take control of the steel mills and do away with bosses and run the mills themselves and fix their own wages and their own hours of labor. This shows how credulous they are, and there are millions of such in this country, to say nothing of the rest of the world. They are easily imposed upon. They furnish a fertile field for the sowing of socialistic, anarchistic, bolshevistic seeds; and the opportunity is readily taken advantage of by designing men. So it will be, in my opinion, if the international labor conference provided for by Part XIII of the treaty be established. There would be sure to be in it men from all quarters of the world who would seize this opportunity for trouble.

If the world labor conference for which Part XIII of the peace treaty provides were established, I feel it safe to assume that some of the most radical elements of labor to be found in the world would be represented there. They would be sure to proclaim loudly their radical ideas, their extravagant demands, their unreasonable complaints. Doubtless Mr. Arthur Henderson would be a delegate from Great Britain. Doubtless some of the most socialistic and radical representatives of labor from France and Germany would be delegates.

The radical elements of labor in all countries of the world seem to be dominant now. I suppose the radical elements of labor in this country would probably select the representatives of labor from this country. I believe there is to be, on the part of each country participating, one representative of labor, one of capital, and two of the public. I suppose it is fair to assume that representatives of labor from this country would take very radical and advanced ground. All the labor leaders seem to take those grounds now, or nearly all of them, and such as do not take those grounds seem disposed to drift with the tide.

As to who might be the representatives of the people of this country, of the public, I have no idea; we have no assurance as to who or what they might be. Mr. B. M. Jewell was appointed a representative of the public in the late conference between capital and labor that assembled here in the behest of the President. He it is, I believe, who said a few weeks ago that, if a certain policy were pursued by the President, the railroads would be tied up so tight they would "never run again," which could only mean their physical destruction by dynamite or some other powerful agency.

Mr. William Bullitt and the former minister of the Gospel, Rev. Mr. Herron, have represented the people of this country, I believe, in some capacity in times past.

I do not say that such men would be delegated to represent the public in the proposed international labor conference, but we do not know what would be the character of the men who would represent the public. I do know the occasion would afford an opportunity for infinite harm. It would afford a forum for proclaiming every doctrine of unrest and evil. Plenty there be who would listen and believe.

I think the scheme a fanciful, socialistic creation which is fraught with great danger, and I am not willing to vote to ratify the peace treaty with that provision in it if it can be eliminated, and for that reason I shall vote for the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], which would strike out of the peace treaty Part XIII, the part which provides for an international labor body of vast powers.

Mr. REED. Mr. President, I very greatly regret that the condition of my health is such as to have kept me from the Senate Chamber for a number of days, and that this morning, although I think the Senate has practically held this measure until to-day in order to give me an opportunity to express my views, I am still far from being in any condition to endure the fatigue or to rally the energies necessary properly to present this question either as its importance demands or even as my own poor abilities ought to be represented. I shall have to ask the indulgence of the Senate, therefore, if I proceed in a somewhat leisurely fashion, and if what I say may not be as well connected or as forcefully put as the dignity of the occasion and the importance of the subject demand.

We are about to vote upon a proposition to strike out Part XIII of the German peace treaty. Part XIII of the

German peace treaty is in reality part and parcel of the league of nations covenant, the league of nations covenant, as we have spoken of it, constituting the first part of the German peace treaty, and the labor question, which we are now discussing, constituting the thirteenth part. It has a very proper number, if there is anything in the old superstition that 13 is unlucky.

Part XIII was not submitted at the time the so-called league covenant or constitution was submitted. I believe it was withheld at that time for the purpose, if possible, of diverting attention from it and of bringing about the very state of affairs which now confronts us. The state or condition is that the attention of the country has been riveted upon the provisions of article 10 and article 13 and upon certain other provisions of the peace treaty, and Part XIII, which has to do with the labor proposition, has apparently been regarded as immaterial; and yet, sir, it is the most revolutionary, the most dangerous, and the most infamous of all the dangerous and infamous provisions of this document, which proposes to change the form and structure of the American Government and to betray the rights of the American people.

Every effort is being made to force this treaty to a vote; to force it to a vote without an opportunity for the American people even to understand its provisions. The cry is Haste! Haste! Ratify! Ratify at once; accept without deliberation! Why this haste? There never was a man yet who had a gold brick which he was trying to dispose of who was not anxious to make a quick bargain. There never was a man with honest goods who was not anxious to have a thorough examination. If this treaty contains the virtues that its proponents claim, then every day of discussion will add to their strength and every hour of investigation will bring forth more clearly their shining and glorious qualities; but if it will not bear the acid test of investigation, then its proponents must have a hasty consideration and a very prompt vote. So we were told before the original draft of the original constitution, now called a covenant, was presented that it ought not even to be discussed, at least until the President had returned and had shed light upon the subject for the benefit of the darkened intellects of the Congress and the country.

Again, in consonance with the same policy, when the President started back to Europe on March 4, I believe it was, he said publicly that he proposed to return to Europe and to tell the people of Europe that the people of the United States were for this league, although there was not 1 per cent of the people of the United States that ever had any opportunity to know what was in the league, and that he proposed to so intertwine and interweave the conditions of this covenant with the conditions of peace that we could not dissect them apart, the object and purpose plainly being to deprive the Senate of the opportunity of exercising its constitutional right and to compel it to accept an instrument in which it did not believe, which it did not think to be just, and to put upon it the hard condition of rejecting peace and perpetuating a state of war. It was the boldest declaration of a proposed attempt to deprive a coordinate branch of the opportunity to exercise its constitutional functions that has ever fallen from the pen or the lips of an American Executive.

But, Mr. President, the situation has eventuated a little differently than was anticipated. The world is at peace; peace is an accomplished fact. If we were to ratify the peace treaty to-day by the vote of the Senate, it would not in any substantial degree change existing conditions. We are free to take whatsoever time we need without injury to the public and without perpetuating an actual state of war, whatever may be the technical state; and we can wipe out that technical state by a resolution of Congress to-morrow without the slightest danger to the Republic or without yielding a single right we may desire to enforce. So that it is mere chicanery put upon the public when they are told that we must ratify the peace treaty in order to have a condition of peace.

Again, we are told that we must make haste in order that business conditions may be settled. What business conditions, I pray you? Is it our foreign commerce? The argosies of the nations are moving back and forth across the seas with as complete freedom of intercourse as they ever had in the history of the world, the solitary exception to that being where embargoes have been placed by orders of our allies against the ships landing at the ports of certain countries with which we are technically at peace and have always been technically at peace. I refer, of course, to Russia. There is no interference with trade except the interference that is made by the unlawful mandate of a body of men over in Europe to whose commands we seem to be a party, or at least trucklingly subservient.

But some say that the declaration of peace will bring stability to business; that if we will adopt the league of nations we will inspire the world with confidence.

Mr. President, we will inspire with confidence the international financier who has invested his money in the rotten securities of Europe, and if you will withdraw that force from the elements that are back of this league you will withdraw the most potential force that is there to-day or that has been there from the first—the gentleman who made his investments in European securities, either private or public, and who now desires to have those securities underwritten by the United States and indorsed by the blood and tears of the American soldier and the American mother of the American soldier.

I affirm, sir, that the rejection of this league of nations is the thing that would inspire with confidence the real business of this country, the American banker as contradistinguished from the international banker, the American banker who expects to make his money by dealing honestly with the American people instead of the international banker who looks to foreign fields that he expects to harvest, and who sees a golden crop that his hands long to gather. I affirm, sir, that to the American banker who expects to do business in America you can do nothing of a more disturbing nature than to adopt this league of nations, and you can do nothing that will bring him more confidence and peace of mind than to reject it. And why? Because if you adopt the covenant of the league of nations the domestic banker, the American banker, knows that you have contracted to become a party to every war of the world. He therefore knows that there lurk in Europe and in Asia and in Africa, in every part of the world, latent dangers or irritating causes which may at any moment bring about a condition of war, that you have multiplied by 10,000 the chances of war, and he knows that there is nothing in all the world so disturbing to business as the prospect of war. You have so disturbed the mind of the American banker and the American business man when you bring about a condition in which our affairs, financial and political, are so intertwined with the affairs of Europe and Asia that every disturbance there must be immediately and directly reflected here. You can not escape it.

Suppose that we were to-day to withdraw from the league, make our peace, and say to all the world that America intends to look after her own affairs, that she will not be a party to European wars, that she will not be a party to Asiatic controversies; that here, within her seagirt shores, relying on her own strength and responding only to her own liabilities, she will continue to grow and prosper. There is not a business man in the United States, there is not a financier in the United States, who would not recognize in that fact a guaranty of security for his investments honestly made in this country. So that when this talk is put forward that we must rush this treaty through in order to create business stability, it is the dishonest cry of the dishonest man putting forward a false argument in support of a false issue.

It is proposed, sir, to change the very structure of our Government, and we intend to rush it through without giving the American people the slightest chance to express their own opinions. Men may stand in this Senate, or they may stand in other places, and say they represent the voice of the American people; but the American people never have had an opportunity to utter that voice, and the American people have not yet had presented to them the issues that are really wrapped up in this proposed treaty.

We might as well talk plainly. To begin with, no man can understand this document unless he is a great lawyer, or the equivalent of a great lawyer—I mean when he is thrown back upon his own resources to analyze it. Moreover, in addition to being a great lawyer he ought to be a great international lawyer, and in addition to both he ought to have a profound knowledge of ancient and modern history and to have been a close student of the treaties now governing the nations of the world. How many men living fill that definition? How many men in this Senate fill it? I do not claim, for my part, that I fill these qualifications. Every time I turn my attention to this document I feel the lack of ability, the lack of training, the lack of knowledge pressing upon me as a heavy burden. Of course, there is the cock-sureness of the ignorant, which may be consoling to some individuals, but I believe I have never been guilty of thinking I was able to solve all the difficulties within the four corners of this remarkable document.

What the people can understand, if you will give them an opportunity to understand them, are the principles involved. I have the utmost respect for the intelligence of the American people, and if we will submit those principles to them in a clear way and let them discuss them until they have an opportunity to make up their minds what those principles are, then, and not until then, will they have had an opportunity to form an opinion. I say that it is an outrage upon decency that this thing is to be forced through before the American people have an opportunity to vote upon it.

I heard a great publicist, one of the great men of this country, say the other day that technically the Senate of the United States had every right to pass upon this treaty and technically the President had every right to negotiate this treaty, but that morally neither the President nor the Senate had the right to confirm and ratify and put this treaty upon the country until the people had had an opportunity to express themselves, for, said he, "It is a repudiation of our old traditions; it is a reversal of all those principles that the people have held dear; it is a denial of the things we have heretofore regarded as axiomatic." No man in public life was elected on this issue. The President was not elected upon it. The Members of the Senate were not elected upon it. No political party ever passed upon it. Now, the people of the United States have a moral right to a vote upon it, and that, sir, is what should be given them. That, sir, is what in the end they will have; but in the interval we will have entangled them in a web of European and Asiatic diplomacy and conspiracy from which extrication may be difficult.

So far as I am concerned, I intend to submit to this Senate and to the Congress a proposition to give the people of the United States a chance to cast an advisory vote upon this question, which, in very truth, undertakes to undermine the citadels of the temple of liberty that they have so long been building, and which seeks in a cowardly way to avoid the terms of the Constitution and to nullify its sacred precepts.

We heard a rumble yesterday at the elections. We on this side of the Chamber, gentlemen, may go off in a corner and hold a meeting with ourselves and resolve that the league of nations had nothing to do with it, but it is my opinion that it had much to do with it, and the only place where we saved our skins was where we rallied the cohorts of John Barleycorn and raised the glorious issue of "free booze" to a point where all other issues were obscured.

Mr. President, I think it was 53 days ago that Mr. Bullitt testified before the Foreign Relations Committee. I do not know much about Mr. Bullitt, but what I do know is of a favorable character. At least, it does not lie in the mouths of the proponents of this league to cast aspersions upon him or to question either his integrity or his intelligence, for he was selected by their side of this proposition to help write the league of nations for us and for the world. He is their agent. He was their selection. He bears the brand of their approval, and the certificate he had in his pocket was signed by them. Fifty-three days ago he testified before the Foreign Relations Committee, and this testimony, so far as I know, has never up to this date been denied by the parties concerned. When the representative of the press asked Mr. Lansing what he had to say in regard to Mr. Bullitt's testimony he said he was going fishing. Fifty-three days have gone by, and if to-day they were all to deny Bullitt's testimony, I would take Bullitt's statement, because they have allowed the 53 days to go by. When it takes a man 53 days to deny a proposition of this kind, that is too long a preparation for the presentation of the simple truth.

Let us see what was said by the Secretary of State. I will read now from the testimony given before the Foreign Relations Committee by Mr. Bullitt:

Mr. BULLITT. I do not think that Secretary Lansing is at all enthusiastic about the league of nations as it stands at present. I have a note of a conversation with him on the subject, which, if I may, I will just read, without going into the rest of that conversation, because it bears directly on the issue involved.

This was a conversation with the Secretary of State at 2.30 on May 19. The Secretary sent for me. It was a long conversation, and Mr. Lansing in the course of it said:

"Mr. Lansing then said that he personally would have strengthened greatly the judicial clauses of the league of nations covenant, making arbitration compulsory. He also said that he was absolutely opposed to the United States taking a mandate in either Armenia or Constantinople; that he thought that Constantinople should be placed under a local government, the chief members of which were appointed by an international committee."

This is a matter, it seems to me, of some importance in regard to the whole discussion, and therefore I feel at liberty to read it, as it is not a personal matter.

The CHAIRMAN. This is a note of the conversation made at the time?

Mr. BULLITT. This is a note which I immediately dictated after the conversation. [Reading:]

"Mr. Lansing then said that he, too, considered many parts of the treaty thoroughly bad, particularly those dealing with Shantung and the league of nations. He said: 'I consider that the league of nations at present is entirely useless. The great powers have simply gone ahead and arranged the world to suit themselves. England and France, in particular, have gotten out of the treaty everything that they wanted, and the league of nations can do nothing to alter any of the unjust clauses of the treaty except by unanimous consent of the members of the league, and the great powers will never give their consent to changes in the interests of weaker peoples.'

"We then talked about the possibility of ratification by the Senate. Mr. Lansing said: 'I believe that if the Senate could only understand what this treaty means, and if the American people could really understand, it would unquestionably be defeated, but I wonder if they will ever understand what it lets them in for.' He expressed the opinion that Mr. KNOX would probably really understand the treaty, and that Mr. LODGE would; but that Mr. LODGE's position would become purely political, and therefore ineffective. He thought, however, that Mr. KNOX might instruct America in the real meaning of it."

Mr. KNOX has instructed America as to the meaning of it. But it takes many months for discussions of a legal character to be so conveyed to 110,000,000 people that they understand those principles and are able to make a practical application. Mr. KNOX's instructions are that we ought to repudiate this entire document, make a peace, come home, and live as we have lived in the past, true to our traditions, true to our Constitution, and true to our flag. I think I epitomize the position of the Senator from Pennsylvania, who is present and who, I hope, will correct me if I have misstated him in any way.

Mr. President, a little earlier Mr. Bullitt said:

It is no secret that Mr. Lansing, Gen. Bliss, and Mr. Henry White objected very vigorously to numerous provisions of the treaty.

And those gentlemen have not come forward to deny that statement. So that you have nearly all the men there were over there representing America opposing, and saying, "This is not a proper treaty"; and without these things even being pointed out to the Foreign Relations Committee, and without the testimony of those gentlemen here, the demand is that we shall rush this document through, and back of the movement a propaganda financed as no propaganda was ever financed in the history of the world, systematically carried forward by paid agents planted in every State, and who have gone from State to State with the money of Mr. Taft's league in their pockets, every effort being made to deprive the people of an opportunity to know.

Among the things they do not know about, although a number of very clear and incisive speeches have been made on the floor of the Senate, is Part XIII, and Members of the Senate do not know about it. They retire to the cloakroom; they play the part of the snapping turtle, who, when disturbed, pulls in his head, pulls in his tail, shuts down his shell, and closes up. They are determined to vote for this league whether it is right or wrong. They are committed. Their massive minds are in a static condition and can not be moved. Argument does not appeal to them. "It is a Democratic measure," say some of them. "The President demands it," say others of them. Well, it is not a Democratic measure, for no Democratic convention ever passed on it. And if they are doing it simply because the President declares they should do it, without the exercise of their independent judgment, they ought to go and live in a country where one man does the thinking for all the people. They ought not to sit in a body under a Constitution that makes it their duty to exercise an independent judgment, and they ought not to hold up their hands and swear to God they will sustain and uphold that Constitution and then lay down their judgment and transform themselves into a mere servile brood fawning at the feet of Executive authority.

Mr. President, one further preliminary word, and then I want to pay some attention to Part XIII. A number of gentlemen are solacing their souls with the fact that they will not vote for amendments, but they are going to do the same sort of thing by voting for reservations. They state that no matter how good an amendment is it might be defeated, and it is defeated by the votes of men who say that every principle contained in the amendment is wise and just and proper and necessary, but they will not vote for it because it is an amendment. They will, however, salve their consciences and anoint their tender sensibilities by a reservation.

Now, let us see what real sense there is in that position. If a reservation is the equivalent of an amendment in its effect, then the amendment must be the equivalent of the reservation in its effect, and two things that are the equivalents each of the other are exact equals; and if they do accomplish the same purpose and bring about the same end, then why is it that men will adopt one and refuse the other? I will tell you why. A reservation is the last resort of cowardice. It is the hole through which the little soul of a fellow who is not willing to stand up and front the people seeks to escape from responsibility. It is the crack in the fence through which a hound dog always seeks to escape. The mastiff turns at bay and fights, or else he takes the fence at a jump. He does not go cringing and crawling and whining; and some of them have their heads stuck in the crack now and do not know whether to back up or go ahead.

The VICE PRESIDENT. The Chair feels that he will have to call the Senator from Missouri to order.

Mr. REED. For what reason?

The VICE PRESIDENT. If that is not imputing to Senators conduct or motives unworthy or unbecoming, the Chair does not know what is.

Mr. REED. The Chair is putting a construction upon what I am saying that I do not intend to imply at all. I am simply

using figurative language in painting a situation, and not to attack any individual.

The VICE PRESIDENT. Well, the Chair thinks it is going too far.

Mr. REED. Of course, if the Chair thinks so I will use other language.

The VICE PRESIDENT. The Senator from Missouri objected the other day when another Senator used language which he characterized as unparliamentary.

Mr. REED. I will get another metaphor that is more pleasant. I have not the slightest desire to reflect upon individual Senators. I am discussing a situation that is presented here, and I think the voluntary calling to order by the Chair is very unkind.

The VICE PRESIDENT. The Chair does not mean to be unkind, but the Senator charged a body of Senators with being snapping turtles and dogs and things of that kind.

Mr. REED. No; I have not charged them with being dogs or snapping turtles. I used a comparison that came into my mind to express an idea, and not to describe them at all; and the text of my speech will so show, and it will be printed without any corrections.

When I say that men close their minds like snapping turtles I do not call them snapping turtles. If I said they acted like angels, I would not mean to say they were angels, for that would be equally far from the truth.

Mr. KING. Will it disturb the Senator if I ask a question at this point?

Mr. REED. Not if it has anything to do with what I have been saying.

Mr. KING. Indeed it has. The Senator has been criticizing some who have preferred reservations to amendments. So that I may make myself very clear I wish to call the Senator's attention to Part XIII, which we are now considering. The Senator from Wisconsin [Mr. LA FOLLETTE] has moved to strike that part from the treaty. I have had the honor to offer a reservation which states in substance that the United States declines to enter into that part of the treaty, to be bound by it, or to participate in it at all. It strikes me, and I am quite sure that it is the view of many Senators, that if other nations signatory to the treaty want Part XIII, that is their business. Let them have it. We therefore ought not textually to amend by striking out Part XIII. If we do not want to participate in it we can reach that point by reservation. Does not the Senator think that position is sound?

Mr. REED. No; I do not. I do think, though, that in the particular case which the Senator now states it can fairly be said that if he wants to allow Part XIII to become the rule among the nations of the earth, we alone being excepted, there is a difference between that and striking it out. However, if it were stricken out and the other nations wanted it, they could still get it.

The difficulty with the proposition is, I would say, by way of clearing this one matter up and then passing on, that if Part XIII is so iniquitous that we should not enter into it, we should not help to set it up by making it a part of the machinery of the league of nations. If it be socialism and anarchy here to us, we ought not to help set it up in other parts of the world.

Mr. McCORMICK. Mr. President, will the Senator yield?

Mr. REED. Yes; though I do want to get through.

Mr. McCORMICK. I only desire to ask the Senator if he believes we ought to take water and wash our hands of it? Would not that be enough?

Mr. REED. I do not think so. I never did think much of Pontius Pilate——

Mr. McCORMICK. That is what I wanted to bring out.

Mr. REED. Who said, "Take ye Him and crucify Him." I do not think much of the statesmanship which says, "There is a thing that is utterly bad and must not be put upon our country, but we will help create an organization and we will confer upon that organization the power and the authority to bind all the other nations of the world."

Let us come back to the proposition of the distinction between reservations and amendments. The reservationist says his reservation accomplishes the same thing. Men have sat here and voted against the Shantung amendment, have voted against other amendments; but they have done it because they are going to put in a reservation. If the reservation accomplishes the same thing as an amendment, why not vote for the amendment? If the amendment is the same thing as a reservation, why not vote for the amendment?

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia. Take the reservation offered by the Senator from Utah [Mr. KING]. It does not accomplish the same thing, but it accomplishes everything, so far as our country is concerned, that we can ask for. It frees us from any responsibility or connection with Part XIII and simply says "the balance of you may make your own arrangements to suit yourselves; we are not running your end of it, but we will not be a party to it."

Mr. REED. I have already stated my proposition on that point, and, I think, correctly. I think the Senator is not at variance with me in regard to that particular provision. I stated then that if it is such an iniquitous thing that we will not adopt it ourselves, we ought not to help to set up international socialism elsewhere. If we do not want international socialism to thrust its ugly, scaly head into the public life of this country, we ought not to create the serpent to wind its coils around other countries. If we do not want it in our own country, we ought not to help create it or sanction it.

Mr. SMITH of Georgia. If we decline to connect the United States with it, if we distinctly state that we will not assume the responsibilities provided for or be a party to the provisions covered by Part XIII, how are we creating it? Are we not simply leaving it for other countries to determine whether it is a thing which will help them? Something might help them which would not help us.

Mr. REED. Ah, Mr. President, but the Senator of course does not——

Mr. SMITH of Georgia. I want to go one step further. Is it a responsibility that we ought to carry, so far as they are concerned?

Mr. REED. That just depends upon our viewpoint. If we are going to return to the old American doctrine of coming back home and attending to our own business and letting Europe alone, then we could well say, "We propose to have nothing to do with your arrangements regarding international socialism."

But that is not the position of the Senator, and that is not the position that we are taking in this league. We are setting up an instrumentality here to govern the world, and we are assuming the responsibility of interfering in the affairs of the world; but we come to one proposition so obnoxious that we can not swallow it, so we reserve the right to throw that out, though at the same time the organization we create is authorized to go straight on and, for the rest of the world, set up international socialism. Now, the Senator knows if that is being done by the league of nations internationally, it will eventually force its way into this country.

Mr. SMITH of Georgia. I wish to ask the Senator if it is not at least true that the reservation of the Senator from Utah takes us entirely out from it, frees us from contributing anything toward the expense, frees us from the responsibility of the distribution of any of their publications, and that even socialism might help in Russia if it is better than what they have?

Mr. REED. I think not.

Mr. SMITH of Georgia. Then let me ask the Senator a further question. If he is so opposed to our undertaking to dictate and interfere in European affairs, ought not he at least to be pleased with the action as to Part XIII where we, as a member of it, by reservation undertake to define its application to us?

Mr. REED. I would rather have the United States left out by a reservation than be put in. What I am complaining about is that Senators say, "This is international socialism; it is a wicked thing; it is a serpent that crushes liberty and destroys rights. Now, we will not permit it to come into our own country, but we will help set up an organization that proposes to sanction it by international law and by custom, and we will create it every other place." And if you do that, I warn you that it will twist itself about the columns of the temple of liberty in this country.

Instead of voting for that, why not vote to strike it out? What is the reason? Now, I come to the only reason that is ever offered or that I have ever heard offered for a reservation. They say if we amend the treaty, it has to go back to the peace conference and that all of the delegates have to be reassembled. The men who say that know it is not true. They know it is not true, because the peace conference is now in session and has never adjourned. It has been in session for many months. All they would have to do in the world would be to send back the treaty to that conference, now in session, and they know it. Yet from high places the people of the United States have been told that they would have to reassemble the peace conference.

But some of them say you have to call in Germany as part of these matters; that is, of course, incorrect, because Germany is not a party to the league of nations, and as to any amendment to the league of nations proper, as we talk of it, Germany does not have to be called in for she is not a party to it.

But suppose that Germany had to be called in, let us apply some common sense to the proposition. How long would it take to call Germany in and how long would Germany dare to hesitate to agree to any amendment that the rest of the nations had agreed to, particularly when that amendment does not substantially check her fortunes? In one moment we are told that Germany is so powerful and so potential that we dare not go back to her with a mere verbal change in an instrument that does not affect her fortunes, lest she rise up and refuse to any longer agree to this treaty. In the next breath we are told that Germany lies prostrate and will for the next half century. The fact is that Germany desires this peace more than anybody and Germany desires a league of nations more than any nation on earth.

Gentlemen have had the impudence in various parts of this country and the unkindness in this sacred Chamber to intimate that those who want to change the treaty or to reject the league of nations are pro-German. Yet, sir, they know that there is not a German statesman of any size in the world who has not advocated the league of nations. They have been advocating the league of nations and the 14 points ever since they surrendered. I can bring here to the Senate and read from their declarations by the hour to that effect. The German delegates to the peace conference and the German delegates to the international labor conference came with the same demand upon their lips. No man here will challenge that statement. If there is such a man, I would like to have him challenge it now.

Mr. President, what is the genesis of Part XIII? I assert that Part XIII of the treaty was born in the brain of the international socialist, anarchist, and Bolshevist; that it is the realization very largely of his dream that he has entertained for years. I wish, if my strength permits me, to bring that to the proof. I say that the convention now assembled in the city of Washington has in it as representatives the very men who have taught the infamous doctrine of the Bolshevist of Russia and the international anarchist who has made Europe an unsafe place.

There has been in existence for many years an international society. It has taught the doctrine as its fundamental that labor not only lies at the basis of all progress, but that the laboring man, being the basis of all progress, has a right to control the world. They have taught the doctrine that capital has controlled governments, and that it is the business of the men who work with their hands and their bodies to organize and control and take over the governments of the earth, and through international societies to create a condition whereby they can defy and disregard all the governments of the earth. That is their fundamental; that is their doctrine. They taught—and they taught it with tons of literature—that when war should be declared it was the business of the laboring men to refuse to fight each other in different countries; to go into a state of rebellion; that there was a brotherhood of men who happened to work with their hands, and that that holy brotherhood should control this entire world. If I had the time this afternoon, I could put in document after document and book after book in demonstration of what I have said.

The last of these international societies, save the one that I am going to call attention to, met in 1912, and went to the very limit in the declaration of these principles. When war was declared, to the astonishment and disgust of these reformers, the German socialist and the French socialist said, notwithstanding his international obligation, he would adhere to his own country. So they became powerless for the time being to carry out their scheme. Afterwards, however, the same crowd of men, speaking generally, met in Switzerland. You remember that to that Berne convention Arthur Henderson, member of the British Parliament, was a delegate. British firemen refused to fire the boilers of the ship that was going to carry him and his fellow delegates. Mr. Arthur Henderson is in Washington, or, at least, is a delegate accredited to the convention now sitting in Washington. The firemen's strike seems to be over so far as he is concerned.

Mr. KING. Possibly he came on an American ship.

Mr. REED. Possibly so. These conventions sowed the seed that resulted in breaking the Russian lines. The Russian soldiers were convinced that they had the right to refuse to obey the authorities over them. So they broke the Russian lines right in the very crisis of this war.

This same crowd of gentlemen introduced their seductive doctrine—seductive to the ignorant—into the Italian Army, which was one of the great forces that produced the Italian debacle. They introduced it into the English Army until it became a menace, and also into the French Army. They were working assiduously, night and day, to undermine the military forces of those countries; and if they had then succeeded Germany would have triumphed, and the so-called saving of the world for democracy would have ended in a bloody catastrophe.

Mr. President, these gentlemen got together at Berne, Switzerland. They met, I believe, on February 2, 1919. I hold in my hand a book entitled, "The Spirit of the International at Berne," by John de Kay, published for free distribution. Mr. John de Kay introduces himself by saying that he is an internationalist and a socialist. He attended this convention; and I am asking the attention of the Senators who are present to the fact that every principle laid down by that convention at Berne is found in Part XIII, recognized expressly and adopted, or, if not adopted, in substance pledged for the future.

First, let us look at the magnitude of this organization. It is declared on pages 6 and 7 that before the war they had a membership of "between ten and twelve million affiliated through their national sections." Mr. de Kay states:

> It is now still possible to make such a computation for some countries. The British delegation represented four and a half million members; both French delegations represent 1,000,000 members; the Canadian delegation represented 500,000 members. * * * The German delegations came in the name of all the social and labor votes of their country, numbering about 12,000,000 voters in the socialist majority and about 3,000,000 of the independent party. The Lettish, Esthonian, and Georgian delegations represented a great part of their people. The Russian figures are completely unknown. They may be 1,000,000 or 10,000,000. * * *
>
> Instead, then, of speaking of 12,000,000 people, we may, without the least exaggeration, speak of more than 50,000,000 of men and women.

He states that—

> The French and German delegates met, not as enemies and not as friends, but as fellow men who were common sufferers from a common source, and who recognized that this source was an international caste which throughout the world had maintained its international and identical interest, while it had found the realization of its temporary and material ends by exploiting the sentiments and nationalism of the masses who in all nations have a common interest, and are nationals in nothing except tradition, name, and prejudice.

As I pass on you will observe that the whole of the teaching of these gentlemen are that there shall be no nations; that we are to be drawn into one common world government, and that world government to be run by labor.

Now, I wish to say here that there does not stand upon this floor a man who has more consistently fought for the cause of union labor than myself. In so far as labor ever comes asking for things that it justly ought to have, I intend to support it; but when it is proposed that labor shall break down our Government or a part of it, when it is proposed that in the name of labor men shall assail the Constitution of the United States and shall set up a part of the people to rule over all of the people, at that point, as an American citizen, I protest.

I wish to continue presenting these views. Mr. de Kay constantly attacks every other class except the men who labor with their hands. He speaks sneeringly of "hard-working diplomats, lawyers, armament makers, and pirates of high finance." Then he makes this declaration:

> These great bodies—
>
> That is, the labor organizations—
>
> should, without delay, create a world parliament—
>
> A world parliament; get that—
>
> a world parliament standing for the interests of the masses of labor in all lands and dedicated to a protection of the general social welfare without distinction as to race, nationality, or religion. Such a world parliament should meet three or four times each year in the capitals of various nations. It should be provided from the general funds with its own public buildings and expenses; it should elect its executive board of action and confide to such a board or cabinet the powers to carry out decisions, summon the parliament in the event of a crisis, and by the decisions of such a parliament the labor and socialism of the whole world should abide, and upon its mandates they should act.

And that, sir, is written in Part XIII; every principle embodied in the statement I have read is in Part XIII of the pending treaty.

> There is no time to be lost in the creation of this unique and only body through which exploitation and wars may be abolished. * * *
>
> This is not the time to foster revengeful measures against one nation or another or to inflict arrogance upon vanquished men whose despair will lead to a form of social upheaval which will cross all national boundaries. This is to-day only an eventuality, but it may soon be a reality. * * *
>
> As one who has associated with the plutocrats and who knows their arrogance and blindness and how reluctant they are to believe in anything except the omnipotence of their own powers, I feel that they will only act in any new or reasonable way under pressure of the most direct and irresistible sort. * * *
>
> Gradually the feeling is gaining ground that the policy of negotiation is failing and concurrently with this sentiment the ideas of constitutional action are passing from the minds of men. This is an ominous sign which he who runs may read. It bears a sinister inscription which must not be ignored.
>
> Let there be no mistake as to what these words mean. If there is to be "no more war," it means complete disarmament for every nation. And if "all is possible" is not to be translated into universal violence, it means that those who now rule mankind through industrialism and governments must by conciliation and negotiation enable the toilers throughout the world to realize without delay their natural and legitimate demands. These are set forth with great moderation in the resolutions and speeches here published.

They are in this book.

It will be well for the ones in whose hands the fate of mankind temporarily rests in Paris to take into full account the moderate demands of the patient men who were represented at Berne and who represent the class which is in the future to rule the world.

Who represent the class which is in the future to rule the world!

I commend these pages to the consideration of all who have any voice in the affairs of men, with the solemn warning that unless the message of the international at Berne is heeded without delay there will be no escape from violence and dictatorships; and, contrary to official calculations, the violence will precede the dictatorships.

This calamity should and may still be averted on the lines I have indicated. If these are ignored, any physical force which can be employed will be no more potent than a man raising his hand to stay a hurricane, which unfortunately goes its way and carries everything before it.

He has put in one paragraph the demands of the Berne people. Mr. President, what are some more of these demands?

The league of nations must further prevent all economic war by the establishment of free trade.

This is one of the resolutions adopted:

The functions of the league shall include the establishment, development, and enforcements of an international labor charter.

And the international labor charter is Part XIII, now submitted to us.

This is another of their resolutions:

The conference urges the socialists of the whole world to close their ranks and not to deliver the revolutionary peoples into the hands of international reaction.

He calls upon them to do their utmost to secure the triumph of social democracy. Then they present their demands to a labor charter. They say:

The limits which capitalism has reached are very different in the various countries. One of the dangers here involved is that industry and labor of the more progressive countries are injured by a system of sweated labor in the more backward countries. The need to establish an international standard of labor legislation—

That is what we are doing—establishing an international standard of labor legislation.

Now, listen to this: If I were to say to the people of America that it is coldly proposed by those who bring forward Part XIII that labor unions, getting together through their representatives, should pass labor resolutions regulating labor conditions throughout the world, and that that is to constitute international law, there would be some doubt about it; and yet that is the proposition, I shall demonstrate, of the Berne convention and the proposition of the men who drew Part XIII—that a labor resolution shall constitute international law and bind the world. I am coming to that in a minute.

The Berne conference having taken into consideration the resolutions adopted by the international trade-union conferences of Leeds and Berne, and without prejudice to any more far-reaching resolutions which may be adopted by trade-unions, demands that the following minimum requirements, which are already carried out in part in some countries, shall be converted into a code of international law by the league of nations on the conclusion of peace.

Then they have their eight-hour day, which they specify; forty-eight hours a week; time to begin work and time to close work; 36 hours from Saturday to Monday—less time where men are employed in dangerous trades—prohibition of the use of poisonous articles in work.

In all districts where there is home work, wage boards, representatives of employers and workers, shall be instituted, with the duty of fixing legal rates of wages. The rates of wages shall be posted up in the work places. Immigrant workers shall enjoy the same rights as the workers of the country into which they immigrate as regards joining and taking part in the work of trade-unions, including the right to strike. Any interference with the exercise of the right of combination and association should be punished.

Now, this is all to be international law.

Every foreign worker shall have a right to the wages and conditions of work agreed to between the trade-unions and the employers of his trade. Where no such agreements exist foreign workers shall have a right to the wages customary in the locality for their trade. * * *

Immigration shall not be prohibited in a general way. The rule shall not affect—

(a) The right of any State to restrict immigration temporarily in a period of economic depression in order to protect the workers of that country as well as the foreign immigrant workers.

But outside of that they propose to say to the sovereign nations of the world that any man can go from any country to another country and live there; and why not? If all barriers are to be broken down; if, instead of nationalism, we are to have internationalism; if we are to pull down the American flag and run up an international rag; if we are to destroy our Government for the benefit of the socialists and anarchists of other countries, then why not the thing they demand here, namely, that all men can go from one part of the world to another and settle and do as they please?

Then they graciously concede the right to the State to prohibit immigration temporarily for the purpose of protecting health:

These exceptions can, however, only be admitted in agreement with the commission provided for in article 15.

That is to say, before a State can do these things, before it can introduce these exceptions, it must get the permission of a commission to be set up by the labor organizations of the world—not the labor, but the socialists—for I take this occasion to exculpate the great body of American union labor from the charge that they are international socialists, or that they are anything but good American citizens, and, although they have made many mistakes, and although they sometimes make mistakes in their officers, it is because at heart they are good American citizens that so many times outrages have been prevented by the men themselves.

They demand that the States shall contract to carry out these propositions, and add this:

Moreover, the contracting States shall convoke as speedily as possible an international conference charged to take effective measures against the reduction of value of wages and assure their payment in money which has not depreciated in value.

* * * * * * *

All workers shall be insured by the State against industrial accidents. * * * A system of unemployment insurance shall be set up in every country.

Now, article 13:

A special international code of law for the protection of seamen shall be established. This code shall be drawn up with the collaboration of the seamen's unions.

International law is to be drawn in collaboration with a labor union—not with all the people who have to live under it; not with the great mass of humanity who are concerned, but with a few of them who are organized. That is all there is to Bolshevism. Bolshevism is the control of the entire people by a class of the people. They simply say that the man who labors and is organized shall run the Government and have everything, and that the men who are not so situated shall be controlled and governed by them. That is all there is to Russian Bolshevism, sovietism, or any of the other "isms," including anarchism.

I want to read, in connection with just what I did read, section 13 of these resolutions:

The enforcement of these provisions shall, in the first place, rest with the labor departments of each State and their industrial inspectors. The trade-unions shall assist in the effective enforcement of the labor laws. Employers who employ at least five workers of foreign tongues shall be required by law to post up in the mother tongue of such workers all labor regulations.

Now I read Part XV:

With a view to the carrying out of this treaty and the further promotion of international labor regulations, the contracting States shall appoint a permanent commission—

Now, get this—

consisting in equal parts of representatives of the States which are members of the league of nations and of the international trade-union federation. The commission shall prepare the ground for and convoke conferences of representatives of the contracting States, which shall be held every year to promote international labor legislation. One-half of the voting members of the conference shall consist of representatives of the organized workers of every country. The conferences shall have power to adopt binding resolutions within the scope of the powers conferred upon them.

And, as said elsewhere, they are to have the effect of international law.

Now, Mr. President, what did they do at the Paris peace conference? They proceeded to adopt Part XIII, and Part XIII does provide for this very conference to which I have referred. It provides for it in this way: It provides that there shall be four delegates from each of the member States. Two of these delegates are to represent the governments, the ordinary people; one of them is to represent the employer of labor; and one of them is to represent organized labor. The solitary distinction, you will observe, between the recommendation of the Berne convention and what was done is this, that the Berne convention demanded that 50 per cent of the representatives should be selected by labor. The authors of this labor provision gave them 25 per cent and gave the employer 25 per cent. But the principle is fully admitted. They did set up the tribunal. They did not give to labor exactly the votes that labor demanded.

But let us see how that happened, why it was accepted. I read from the June number of Current History:

Some difference of opinion made itself felt on the commission as to the relative numbers of the delegates representing the governments, the employers, and the workpeople, respectively. The French, American, Italian, and Cuban delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one.

In other words, the proposal amounted to giving the States a veto on the proceedings of the conference, which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start.

The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical results, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it.

This was the argument that prevailed.

Moreover, it was likely—especially in the future—that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which, under the Franco-American proposal, would be practically impossible if the employers voted in a body against them.

The commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

In a word, Mr. President, abandoning reading, all the records show that after a considerable dispute there as to whether labor should have 50 per cent of the votes and the Governments 50 per cent of the votes, they reached this compromise, and labor accepted it; or the representatives, not of labor, but the international socialists accepted it, because the international socialists became convinced that they could control the Government vote. Of course, in that conclusion they were perfectly correct, for if you give to one class of the people the right to select 25 per cent of the voting strength in a body, and to do that directly, and then you give to that same class the right, as citizens of a State, to participate with all the other citizens of the State in selecting the representatives of the Government, it is almost inevitable that in the end they will control the selection of the Government delegates.

In a word, it is the principle of Bolshevism once more introduced. Here is a country with 110,000,000 people. I understand that about 4,000,000 are organized. That 4,000,000, or one twenty-fifth of the people of the United States, are given one-fourth of the representation directly in this great tribunal that is to write international law and control the destiny of the world. Then they have the right to throw their power into the general elections and into the selection of the Government, and to control, as far as they are able, the selection of the other two men who are to be sent there to represent all the people.

The man who belongs to one of these organizations first is given twenty-five times the power in the selection of this tribunal that the average man is, and all the rest of the people may not be organized, but are just simply ordinary people, and go along with no other representation than that which is accorded to the organized man as a citizen of the State, and then that organized man is given directly twenty-five times the representation outside. It is the introduction into our system of the proposition that a class shall rule, that the organized worker shall have a vote separate and distinct because he is an organized worker. That vote may be the controlling vote that governs the destiny of the United States or of the world.

To proceed with this a little further, Mr. President, I have read you that the Berne convention demanded the right for these bodies that were to be created, as they demanded they should be created, one half the representatives of labor and the other half the representatives of all the rest of the people, including labor, labor being thus twice represented; I have read you how that convention demanded that the decrees of this body should constitute international law. Let us see what was done about that by the men who prepared the peace treaty.

I read now from the July number of Current History, page 15. The writer discusses the representation of labor.

Demand of the German delegates.

I think it is worth while reading all this. It says:

The note of Count Brockdorff-Rantzau, of May 22, is as follows.

You will notice that this German followed exactly the recommendations of the Berne convention and spoke for Germany. Again I say, and I say it with a vehemence that I wish could reach every part of this country, that I want to hear no more of this talk that those who oppose this treaty are playing into the hands of Germany, when every German of prominence in the world has declared for it; when this German, from whose utterances I am about to read, representing Germany, stands as the special sponsor for Part XIII, only complaining that it does not go far enough. This is his note addressed to M. Clemenceau:

Sir: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

Let us go back and note something.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions.

That may be true elsewhere, but it is not true here. We may have some strikes and we may have some difficulties here. Strikes and difficulties and wrangles are sometimes not altogether unhealthy. I can say to the international socialists of other countries that the United States of America can take care of its labor problems, and will take care of them, and that we have no fear of the result. We can maintain peace in the United States and will. If the peace were seriously imperiled in our country, the very men who belong to these labor unions would flock to the standard of the Republic. There would be some foreign internationalists who would not. There would be some scoundrels here from abroad who would not. There would be some anarchists who would not. But when we get through with those gentlemen, if they start a sedition, there will not be any necessity to put any guards over them when they are shipped back to their own countries, if they are sent there for internment.

But I want to read this statement. I am cutting it up by my own comments, which I ought not to do. I shall ask permission to have the article printed in full at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

NOTE ON INTERNATIONAL LABOR.

The exchange of notes between the peace conference and the German delegation regarding international labor legislation, as made public, consisted of the English text of a note dated May 22, from Count Brockdorff-Rantzau to President Clemenceau, and the allied reply from President Clemenceau, dated May 31.

The note of Count Brockdorff-Rantzau of May 22 follows:

"SIR: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

"The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

"In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

"In the opinion of the German democratic Government the final decision in questions of labor law and labor protection belongs to the workers themselves. It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace the proposal of the German democratic Government and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919. Contrary to this proposal the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

"The International Labor Conference contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor. The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

"REPRESENTATION OF LABOR.

"Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for according to the draft of the allied and associated Governments each country is to be represented by two Government delegates, one employer and only one worker. The Governments are even in a position, according to article 390 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international work people, and will deepen the impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

"The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne, the International Parliament of Labor is to issue not only international conventions, without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws (proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France). The draft of the German democratic government indorses this resolution, and makes the passing of such laws depend on the assent of four-fifths of the nations represented. No such resolution can be passed by a conference which is called on the basis of part 13 of the draft of the treaty, but only recommendations or drafts which the Governments concerned may adopt or repudiate, and for such nonobligatory proposals a majority of two-thirds of the votes cast is even required.

"ESSENTIAL TO SOCIAL PEACE.

"In so providing the draft of the conditions of peace deviates to such an extent from the resolutions of the International Trade Union Conference at Bernt, that a discussion and decision by the organizations of labor, as part of the peace negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Conference at Berne, that the minimum claims of labor agreed upon be, already at the conclusion of peace, turned into international law by the society of nations. Moreover, a firm foundation for the peace of the world shall be erected by this means, whereas a treaty concluded by the governments alone, without the assent of the organized workers of all countries will never bring forth social peace to the world.

"The allied and associated governments give no place to these considerations in their reply. As have above been illustrated, the resolutions of the International Trade Union Conference at Berne are in fact not taken into consideration by part 13 of the draft of the treaty of peace, so that the fears expressed by the German Democratic Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprised by the reply note that the representatives of the trade-unions of the countries represented by the allied and associated governments have taken part in the elaboration of the clauses of the conditions of peace relating to labor, we must, on the other hand, make note of the fact that they have made no announcement of any kind notifying a change of their view on the resolutions of the International Trade Union Conference at Berne, much less of an abandonment of these resolutions which they sacredly have adopted.

"The German delegation again moves to call a conference of representatives of the national organizations of all trade-unions before the negotiations of peace are terminated. Should this motion again be rejected, an utterance of the leaders of the trade-unions of all countries is at least necessary. In moving this we desire to bring about that the provisions of the treaty of peace relating to labor may also have the approval of all trade-union organizations.

"Accept, sir, etc."

TEXT OF ALLIED REPLY.

The following is the allied reply, dated May 31, signed by President Clemenceau, to the Brockdorff-Rantzau note of May 22 regarding international labor legislation:

"The president of the peace conference to Count Brockdorff-Rantzau.

PARIS, *May 31, 1919.*

"SIR: In the name of the allied and associated governments I have the honor to acknowledge the receipt of your further note dated May 22, 1919, on the subject of international labor legislation. (Conditions of Peace, pt. 13.) The reply is as follows:

"1. The German delegation states the principle for the German National Government, that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law, but the laws must be passed by representatives of the whole community.

"2. The allied and associated governments draw attention to a misconception in the note to the German Government on May 22, 1919, *namely*, that the views and interests of Governments must necessarily be antagonistic to those of labor. Accredited labor representatives now form some part of the genuine democratic governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of governments which are democratic only in name.

"3. The allied and associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the peace treaty. The labor organization, which was submitted to representatives of labor, can deal in a practical manner in any proposal put forward by any one of the affiliated members. It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the preamble of part 13 or in the general principles which are accepted to guide the league of nations and the labor organization in the attainment of social justice. There is manifestly no need for another conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or departing from them. The widest publicity has been given to the plan of labor organization and the responsible trades-union leaders have been given an ample opportunity to formulate definite suggestions.

"4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the government body attached thereto.

"5. While the resolutions passed by the Berne conference, February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of seamen, to be especially drawn up with the collaboration of the seamen's union (copy annexed).

"6. It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

"MORE LIBERAL REPRESENTATION.

"7. In reply to the statement as to the divergence from democratic principles, the proposal of the allied and associated Governments, already pointed out, goes further than that of the German proposition, for three-quarters of the delegates at the labor conference will directly and indirectly represent the wishes of the population generally, the two governmental delegates representing the people at large and the labor delegates representing the workers directly, the employers of labor being granted a representation of only one-quarter. The theory of the German delegation that article 390 of the draft may 'exclude the workers' is wholly fallacious, as the so-called governmental representatives, at least those of the allied and associated powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large part of the workers are engaged in agriculture and that these workers are not generally united in industrial organizations, and it is therefore peculiarly apparent that their interests should be represented in labor conferences through the governments.

"8. Furthermore, the proposal of the German delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the labor conference. It is of particular importance to notice that according to the proposal of the German delegation each country in such a conference would have one vote, and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the allied and associated powers, which not only permits voting in conferences to be by delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the delegates.

"NEW CONFERENCE UNNECESSARY.

"9. At the present time active preparations are being made for the first meeting of the international labor organization in October. It is obvious, therefore, that no need exists for interposing a labor conference at Versailles. Moreover, the suggestion of the German delegation that the peace negotiations should be delayed in order to permit of another labor conference is contrary to the interests of the workers throughout the world, who are more interested than anyone else in a return to peace as a relief from the conditions produced by four years of German aggression. The allied and associated Governments, taking account of this most just desire, are endeavoring not to postpone but, on the contrary, to hasten the conclusion of peace and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany turned the efforts and thought of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself.

"CLEMENCEAU.

"Annex 1. The commission considers that the very special questions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

"Annex 2. The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference, under the auspices of the league of nations, with power to take, under conditions to be determined, resolutions possessing the force of international law."

Mr. REED. I read from the article:

In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic government the final decision in questions of labor law and labor protection belongs to the workers themselves.

That is a new principle. That is internationalism. That is Bolshevism, that a class of the people are to decide all questions of law concerning themselves for themselves, make their own laws, and enforce them to suit themselves. It continues:

It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace, the proposal of the German democratic government, and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919.

I told you this was submitted. I said to you that Part XIII was modeled after the Berne convention. We notice the Germans protesting that it has not been sufficiently modeled. It is said:

Contrary to this proposal, the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference, contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor.

The body referred to is that now meeting here in Washington, and is sitting here by authority of this treaty which the United States has not sanctioned or ratified.

The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne, one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

As I said, they did not get all they wanted. They got half of what they wanted.

Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for, according to the draft of the allied and associated Governments, each country is to be represented by two Government delegates, one employer, and only one worker. The Governments are even in a position, according to article 390 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international workpeople, and will deepen the

impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

So they objected because they only got one vote out of four instead of getting two votes out of four, and that is the point of diversion. The only thing that attention was called to by this German, where they departed from the Berne convention of socialists and anarchists, was this:

The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne the international parliament of labor is to issue not only international conventions without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect—legally binding force—as national laws—proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France.

I think that same man is down here now; I am not certain.

The draft of the German democratic government indorses this resolution.

Now, observe the demand that the proceedings of one of these bodies, like the one that is now assembled here in Washington, shall have the force of international law—not be merely advisory, but shall have the force of international law and shall bind every government on earth. Then observe this, that when Mr. Clemenceau replied in his note he stated:

1. The German delegation states the principle for the German National Government that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law. But the laws must be passed by representatives of the whole community.

Hold that in your mind a moment, for that is not all of it. I read from paragraph 5. Mr. Clemenceau continues:

5. While the resolutions passed by the Berne conference February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of the seamen, to be especially drawn up with the collaboration of the seamen's union.

Now note this:

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law.

The very gentlemen who prepared Part XIII wrote back to the Germans and told them that they can not give these labor bodies the power to write international law to-day, but that they favor it and they are going to get it for them.

It adopted a resolution—

I am reading from Clemenceau's letter, and, by the way, Mr. Clemenceau is a socialist, whether he is a hero or not.

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions, as provided for under the peace treaty, are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

* * * * * * *

9. At the present time active preparations are being made for the first meeting of the international labor organization in October.

Then Mr. Clemenceau, in relation to the demands for international power to be referred to bodies like they have meeting in Washington, making their decrees international law, states this in Annex 2:

The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference under the auspices of the league of nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

So that the bald proposition is that a body of men, assembled and constituted as this body of men now meeting, shall have the right, as soon as it can be brought about by the confirmance of Part XIII, to pass their decrees relating to labor in any country and in any clime, and that those decrees when passed shall immediately and without delay become international law, with the same force as national law, governing this world and all of the nations thereof. And you propose to put in a reservation about a thing of that kind! You propose to help set it up in other countries, but to say we will not be bound to participate.

That is the doctrine of the reservationist, but the doctrine of the Democrat or Republican who votes for it is that he is willing to set up a tribunal with those powers, that tribunal not to be selected even by the nations of the world, but to be selected in part by some capital and in part by some labor, and then all of the people, including those two classes, are to have 50 per cent representation; that body, when it meets down here, to represent the entire world, and its decrees to become international law. That, sir, is not socialism; that, sir, is not anarchy. It is something worse than both. It proposes to destroy nationality. It proposes to destroy government. It proposes to set up a government selected, not by the people of the world, but selected by classes of people of the world. And you propose to establish that in this country. At the risk of being called to order again, I say it is a betrayal of the United States; I say it is a betrayal of our duty as Senators; and I say it is wrong to salve one's conscience with the fact that while we wash our hands and say that we will not be a party to it, yet we sanction the setting up of a tribunal by the signing of the treaty that creates this for all of the rest of the world. In my opinion, that is not the part of brave men or of statesmen.

In this connection I call attention to the fact that this is not being done for the benefit of American labor, and I shall a little later try to call the attention of American labor to the fact that this is a move as severe against them as it is against all other parts of the people.

Here is what Mr. Gompers said, and I am reading now from the proceedings of the Atlantic City convention held on June 20. Mr. Gompers made some remarks there, and among other things he said:

Let me say this to you, ladies and gentlemen: It wasn't for the promotion of the interests of American workers that this draft convention received my support. I declared in the commission time and again that, so far as we in the United States were concerned, we could and would take care of ourselves, and I would prefer, with the old text, before the protocol and many other changes were adopted, to take my chances in labor legislation by the activities of the American Federation of Labor, rather than by that draft convention. But I see in this draft convention for labor, not that it will bring very much of light into the lives of American workers, but I do believe that its adoption and operation will have the effect of bringing light into the lives of the workers in the more backward countries.

What concerned me most was that there should not be in the draft convention anything by which the standards of American labor could be reduced, and that the seamen's act should be protected by that protocol to article 19 of the draft convention.

So he was satisfied when he got in the clause that said there should be no legislation that would take away any of the rights labor now has. Of course, that did not accomplish anything; it does not cover the case. But I have this to say to American labor—and, I repeat, I have always occupied a friendly attitude toward it—that when American labor comes to understand the truth it will know that if ever Part XIII is put into effect and becomes a practical working thing, every single principle which American labor has contended for in order to maintain its supremacy and its advantage will be wiped out.

What are those principles? One of those principles is that American laborers should be protected against great influxes of bodies of foreign workmen to take their places. This document deprives the Government of the United States of the right to exclude foreigners from our shores except for limited periods and under peculiar conditions; and we must submit those conditions to the labor conference. Ratify this treaty, and I say to the American laboring man that there can be gathered together all the hordes of Europe and they can be brought over here to take the places of American workers; and they will come and they will take their places.

Then it is made the solemn duty of the lawmaking authorities to see that when they do come they get as good wages, if they demand them, as have been fixed by labor unions. But suppose they do not demand them; suppose they want the labor-union man's place. They can get as much as he can get by the demand, but they can cut his wages and they can take his job; they can leave him to starve; they can come here by the millions; and our Government under this instrument is to be powerless as against the demands of the Berne convention to protect its own shores, a right accorded to it by international law. That is the scheme; that is the plan.

A very great part of American labor has for many years contended that it must be protected against the goods manufactured in other countries by cheap pauper labor. So it has demanded a discriminatory tariff. Many men have contended that that was not necessary, because of natural conditions; but to all those men who adhere to that philosophy I say that the principles of the Berne convention, now about to be enacted into a treaty which binds the world, cover all that and wipe that all out and put the labor of every other country upon an exact equality with American labor.

Let us see what we are doing. What are the real things that kept up the high standard of American labor? Many factors, of course, are involved. One of them is the intelligence of the American workingman; but the chief reason, in my opinion, at

"ESSENTIAL TO SOCIAL PEACE.

"In so providing the draft of the conditions of peace deviates to such an extent from the resolutions of the International Trade Union Conference at Berne, that a discussion and decision by the organizations of labor, as part of the peace negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Conference at Berne, that the minimum claims of labor agreed upon be, already at the conclusion of peace, turned into international law by the society of nations. Moreover, a firm foundation for the peace of the world shall be erected by this means, whereas a treaty concluded by the governments alone, without the assent of the organized workers of all countries will never bring forth social peace to the world.

"The allied and associated governments give no place to these considerations in their reply. As have above been illustrated, the resolutions of the International Trade Union Conference at Berne are in fact not taken into consideration by part 13 of the draft of the treaty of peace, so that the fears expressed by the German Democratic Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprised by the reply note that the representatives of the trade-unions of the countries represented by the allied and associated governments have taken part in the elaboration of the clauses of the conditions of peace relating to labor, we must, on the other hand, make note of the fact that they have made no announcement of any kind notifying a change of their view on the resolutions of the International Trade Union Conference at Berne, much less of an abandonment of these resolutions which they sacredly have adopted.

"The German delegation again moves to call a conference of representatives of the national organizations of all trade-unions before the negotiations of peace are terminated. Should this motion again be rejected, an utterance of the leaders of the trade-unions of all countries is at least necessary. In moving this we desire to bring about that the provisions of the treaty of peace relating to labor may also have the approval of all trade-union organizations.

"Accept, sir, etc."

TEXT OF ALLIED REPLY.

The following is the allied reply, dated May 31, signed by President Clemenceau, to the Brockdorff-Rantzau note of May 22 regarding international labor legislation:

"The president of the peace conference to Count Brockdorff-Rantzau.

PARIS, *May 31, 1919.*

"SIR: In the name of the allied and associated governments I have the honor to acknowledge the receipt of your further note dated May 22, 1919, on the subject of international labor legislation. (Conditions of Peace, pt. 13.) The reply is as follows:

"1. The German delegation states the principle for the German National Government, that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law, but the laws must be passed by representatives of the whole community.

"2. The allied and associated governments draw attention to a misconception in the note to the German Government on May 22, 1919, namely, that the views and interests of Governments must necessarily be antagonistic to those of labor. Accredited labor representatives now form some part of the genuine democratic governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of governments which are democratic only in name.

"3. The allied and associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the peace treaty. The labor organization, which was submitted to representatives of labor, can deal in a practical manner in any proposal put forward by any one of the affiliated members. It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the preamble of part 13 or in the general principles which are accepted to guide the league of nations and the labor organization in the attainment of social justice. There is manifestly no need for another conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or departing from them. The widest publicity has been given to the plan of labor organization and the responsible trades-union leaders have been given an ample opportunity to formulate definite suggestions.

"4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the government body attached thereto.

"5. While the resolutions passed by the Berne conference, February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of seamen, to be especially drawn up with the collaboration of the seamen's union (copy annexed).

"6. It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

"MORE LIBERAL REPRESENTATION.

"7. In reply to the statement as to the divergence from democratic principles, the proposal of the allied and associated Governments, already pointed out, goes further than that of the German proposition, for three-quarters of the delegates at the labor conference will directly and indirectly represent the wishes of the population generally, the two governmental delegates representing the people at large and the labor delegates representing the workers directly, the employers of labor being granted a representation of only one-quarter. The theory of the German delegation that article 390 of the draft may 'exclude the workers' is wholly fallacious, as the so-called governmental representatives, at least those of the allied and associated powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large part of the workers are engaged in agriculture and that these workers are not generally united in industrial organizations, and it is therefore peculiarly apparent that their interests should be represented in labor conferences through the governments.

"8. Furthermore, the proposal of the German delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the labor conference. It is of particular importance to notice that according to the proposal of the German delegation each country in such a conference would have one vote, and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the allied and associated powers, which not only permits voting in conferences to be by delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the delegates.

"NEW CONFERENCE UNNECESSARY.

"9. At the present time active preparations are being made for the first meeting of the international labor organization in October. It is obvious, therefore, that no need exists for interposing a labor conference at Versailles. Moreover, the suggestion of the German delegation that the peace negotiations should be delayed in order to permit of another labor conference is contrary to the interests of the workers throughout the world, who are more interested than anyone else in a return to peace as a relief from the conditions produced by four years of German aggression. The allied and associated Governments, taking account of this most just desire, are endeavoring not to postpone but, on the contrary, to hasten the conclusion of peace and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany turned the efforts and thought of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself.

"CLEMENCEAU.

"Annex 1. The commission considers that the very special questions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

"Annex 2. The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference, under the auspices of the league of nations, with power to take, under conditions to be determined, resolutions possessing the force of international law."

Mr. REED. I read from the article:

In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic government the final decision in questions of labor law and labor protection belongs to the workers themselves.

That is a new principle. That is internationalism. That is Bolshevism, that a class of the people are to decide all questions of law concerning themselves for themselves, make their own laws, and enforce them to suit themselves. It continues:

It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace, the proposal of the German democratic government, and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919.

I told you this was submitted. I said to you that Part XIII was modeled after the Berne convention. We notice the Germans protesting that it has not been sufficiently modeled. It is said:

Contrary to this proposal, the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference, contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor.

The body referred to is that now meeting here in Washington, and is sitting here by authority of this treaty which the United States has not sanctioned or ratified.

The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne, one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

As I said, they did not get all they wanted. They got half of what they wanted.

Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for, according to the draft of the allied and associated Governments, each country is to be represented by two Government delegates, one employer, and only one worker. The Governments are even in a position, according to article 390 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international workpeople, and will deepen the

impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

So they objected because they only got one vote out of four instead of getting two votes out of four, and that is the point of diversion. The only thing that attention was called to by this German, where they departed from the Berne convention of socialists and anarchists, was this:

The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne the international parliament of labor is to issue not only international conventions without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect—legally binding force—as national laws—proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France.

I think that same man is down here now; I am not certain.

The draft of the German democratic government indorses this resolution.

Now, observe the demand that the proceedings of one of these bodies, like the one that is now assembled here in Washington, shall have the force of international law—not be merely advisory, but shall have the force of international law and shall bind every government on earth. Then observe this, that when Mr. Clemenceau replied in his note he stated:

1. The German delegation states the principle for the German National Government that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law. But the laws must be passed by representatives of the whole community.

Hold that in your mind a moment, for that is not all of it. I read from paragraph 5. Mr. Clemenceau continues:

5. While the resolutions passed by the Berne conference February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of the seamen, to be especially drawn up with the collaboration of the seamen's union.

Now note this:

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law.

The very gentlemen who prepared Part XIII wrote back to the Germans and told them that they can not give these labor bodies the power to write international law to-day, but that they favor it and they are going to get it for them.

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It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions, as provided for under the peace treaty, are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

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So that the bald proposition is that a body of men, assembled and constituted as this body of men now meeting, shall have the right, as soon as it can be brought about by the confirmance of Part XIII, to pass their decrees relating to labor in any country and in any clime, and that those decrees when passed shall immediately and without delay become international law, with the same force as national law, governing this world and all of the nations thereof. And you propose to put in a reservation about a thing of that kind! You propose to help set it up in other countries, but to say we will not be bound to participate.

That is the doctrine of the reservationist, but the doctrine of the Democrat or Republican who votes for it is that he is willing to set up a tribunal with those powers, that tribunal not to be selected even by the nations of the world, but to be selected in part by some capital and in part by some labor, and then all of the people, including those two classes, are to have 50 per cent representation; that body, when it meets down here, to represent the entire world, and its decrees to become international law. That, sir, is not socialism; that, sir, is not anarchy. It is something worse than both. It proposes to destroy nationality. It proposes to destroy government. It proposes to set up a government selected, not by the people of the world, but selected by classes of people of the world. And you propose to establish that in this country. At the risk of being called to order again, I say it is a betrayal of the United States; I say it is a betrayal of our duty as Senators; and I say it is wrong to salve one's conscience with the fact that while we wash our hands and say that we will not be a party to it, yet we sanction the setting up of a tribunal by the signing of the treaty that creates this for all of the rest of the world. In my opinion, that is not the part of brave men or of statesmen.

In this connection I call attention to the fact that this is not being done for the benefit of American labor, and I shall a little later try to call the attention of American labor to the fact that this is a move as severe against them as it is against all other parts of the people.

Here is what Mr. Gompers said, and I am reading now from the proceedings of the Atlantic City convention held on June 20. Mr. Gompers made some remarks there, and among other things he said:

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What are those principles? One of those principles is that American laborers should be protected against great influxes of bodies of foreign workmen to take their places. This document deprives the Government of the United States of the right to exclude foreigners from our shores except for limited periods and under peculiar conditions; and we must submit those conditions to the labor conference. Ratify this treaty, and I say to the American laboring man that there can be gathered together all the hordes of Europe and they can be brought over here to take the places of American workers; and they will come and they will take their places.

Then it is made the solemn duty of the lawmaking authorities to see that when they do come they get as good wages, if they demand them, as have been fixed by labor unions. But suppose they do not demand them; suppose they want the labor-union man's place. They can get as much as he can get by the demand, but they can cut his wages and they can take his job; they can leave him to starve; they can come here by the millions; and our Government under this instrument is to be powerless as against the demands of the Berne convention to protect its own shores, a right accorded to it by international law. That is the scheme; that is the plan.

A very great part of American labor has for many years contended that it must be protected against the goods manufactured in other countries by cheap pauper labor. So it has demanded a discriminatory tariff. Many men have contended that that was not necessary, because of natural conditions; but to all those men who adhere to that philosophy I say that the principles of the Berne convention, now about to be enacted into a treaty which binds the world, cover all that and wipe that all out and put the labor of every other country upon an exact equality with American labor.

Let us see what we are doing. What are the real things that kept up the high standard of American labor? Many factors, of course, are involved. One of them is the intelligence of the American workingman; but the chief reason, in my opinion, at

least, is found in the fact that there are in this country immense material advantages which the Old World does not possess.

Here are our undeveloped resources; here is a constantly expanding world. Commerce is growing; buildings are being erected; cities are growing up in a night. The wilderness is being conquered; swamps are being reclaimed; there is a constant demand for labor. Because of that demand the American workingman has always had a position of superior advantage, but if this scheme goes through the labor of the world is to be reduced to a dead level. That is the principle. They may tell American labor that they propose to raise the wages of all the other workers of the world up to the American level, but even if that were possible we should still be on the same level; and when you are on the same level with another man you have no advantage.

But the fact is that that dream can not be realized; the fact is that the man who tries to put the American workman upon the same level as the serf of Russia, the peon of Mexico, the Chinese coolie, or the Jap is helping to murder American labor; whether it is done under the sanction of the league of nations or however done, it destroys the supremacy of the American laborer and takes away his advantage. We are asked to sacrifice him upon the altar of international socialism, not for his benefit, Mr. Gompers tells us, but for the benefit of somebody thousands and thousands of miles away. Why should he be placed upon that altar? Why should he be so immolated and sacrificed? If, unfortunately, a race of men somewhere else have submitted through the long ages to conditions of climate and soil and government and to economic conditions under which they have seen fit to live, why should the American laborer, whose ancestors or who himself sought our shores to better his condition, who is the beneficiary of a long line of ancestors who have slowly climbed the ladder of success—why should that man sacrifice himself for the benefit of the Chinaman or the Jap or the man of India or the man of Siam or the inhabitants of other even less favored parts of the world? Why should the American laboring men who bared their bosoms to the blasts of this war as bravely and patriotically as any other class of people, who stood in the trenches as inflexibly, who endured the toils of the march and the horror of the hospital with the same courage as the rest of those who fought to preserve our flag, be now sacrified for the benefit of men thousands of miles away, men who from environment and training can live on one-quarter or one-tenth of what the American laborer can live upon, men who have no ambition in life and who are satisfied to tread in the mills of the centuries and to become mere automatons, working and toiling in their own dull way with their own dull brains and their own dull hands from the cradle to the grave? Why should American labor be thus sacrificed? I say to you, sir, it will not submit to being so sacrificed. The American laborer is not an international socialist yet. There is more of international socialism about to be recognized here in Washington than exists in the other parts of our country.

Mr. President, there is one phase of this treaty to which I wish to invite particular attention. I shall not go over the plan of organization of the labor government of the world which is to be set up further than to refer in the briefest way to the outlines of the structure, and then I wish to call attention to one or two monstrous provisions.

There is to be a general conference created, composed of four representatives from each of the members of the league. That will give a body of 128 men, 64 of whom are to represent the Governments, 32 to represent the employers of labor, whoever they may be, and 32 to represent union or organized labor. Each of them is to be entitled in a meeting to have two advisers on each item of the agenda or program to be considered at that meeting. If there were 20 items of the agenda, each man could have 40 advisers. So we might well have a body of 7,000 or 8,000 men assembled at any time, and thus all the walking delegates of the country could have their way paid by the Government. Out of this body thus constituted there is created what is known as the governing body, composed of 24 men, 12 of them representing States, 6 of them representing the employers of labor, and 6 of them representing organized labor.

It will be observed, in the first place, that there are 32 States represented at the present time in the league of nations, and if there are only 12 representatives of government upon the governing body, then there must be 20 of these States without any representation at all. While there are 20 States left without representation, the labor organizations of the world might or they might not be represented.

The bodies thus constituted have the authority to submit to the various Governments of the world drafts of international conventions. They are to prepare the conventions or treaties for the sovereign Governments of the world, and, when so prepared, it is made the legal duty of the Governments to submit those conventions or treaties within 12 months, and at the longest 18 months, to their appropriate bodies for ratification.

Mr. President, it is true that the Governments are not forced to enter into these treaties, and if they do not enter into them, they are not bound; but, sir, that is no answer to be made. If we are engaged in setting up this tribunal, we must be setting it up for a purpose. That purpose must be to carry out the scheme and plan. We help to create a scheme and plan. It must be our purpose to do one of two things—to comply with that scheme and plan in good faith and help carry it out, or else it is our purpose to deceive the world and our associates when we enter into it, because we enter into it without the intention honestly to carry it out.

I can not attribute that base motive or purpose to the United States. Therefore, I say that if we enter this tribunal of the league of nations, with the tribunal that is proposed in Part XIII, we are in good faith bound to accept the recommendations that are made. Any other argument is the argument that we are not acting in good faith. Any other claim is the claim that we are setting up something here as a fraud upon the world.

Moreover, if we do not carry out these recommendations, we give to ourselves the lie direct, for we have recited in the league of nations covenant itself that it is necessary to carry out these conditions in order to maintain the peace of the world, and we have solemnly asseverated that we propose in good faith to promote that peace, and we have recited in the preamble to article 13 this:

Whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education, and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The high contracting parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

So we affirm that you can not have peace in the world unless these things are done. We affirm that unless Part XIII is accepted and its terms carried out the peace of the world can not be maintained. In the treaty itself, in article 23, is laid down the same proposition, and I am going, with the permission of the Senate, to print that as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league:

(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations.

* * * * * * *

Mr. REED. So, now, if we are in good faith, we become bound to go into this scheme and to help carry it out. Therefore, when the draft convention is submitted, it is our duty in order to preserve the peace of the world, in order to make the league of nations a success, in order to realize this dream of a universal peace and equity, that we shall accept that draft convention; and when it is accepted, what is the result? A result so appalling, so unbelievable, that no man in this Chamber would have deemed it possible if it were not here written in cold type.

It is provided, sir, that once we have accepted this condition, any State—aye, any labor organization—can file a complaint with the governing body of 24 men, charging that the United States has not fulfilled its obligations under that convention. That is to say, the charge can be made that the United States has not enforced the eight-hour law in Georgia, sir; that a negro has been caught picking cotton after 5 o'clock in the evening, or that a white man has been caught working over hours, and contrary to the rules of the union.

Thereupon this body of 24 men, 6 of them representing union labor, 6 of them representing employers, 12 of them representing the people of the world, including the laborer and employer, shall determine whether they will put the Government to trial; and let us say it is the United States, and that the high crime and misdemeanor of which we have been guilty is that we have not enforced the eight-hour law, or that we have not

provided employment, or that we have not passed an old-age pension law, or done something else that these 24 autocrats of the world have told us we ought to do, and that we have been foolish enough to agree to do. Now, we are brought to trial, sir; and I ask the privilege of printing along with my remarks, without reading it here, the language of the document.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

ARTICLE 409.

In the event of any representation being made to the international labour office by an industrial association of employers or of workers that any of the members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the governing body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE 410

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the governing body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE 411.

Any of the members shall have the right to file a complaint with the international labour office if it is not satisfied that any other member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

The governing body may, if it thinks fit, before referring such a complaint to a commission of enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in article 409

If the governing body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the governing body considers to be satisfactory, the governing body may apply for the appointment of a commission of enquiry to consider the complaint and to report thereon.

The governing body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the conference.

When any matter arising out of articles 410 or 411 is being considered by the governing body of the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the governing body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

ARTICLE 412.

The commission of enquiry shall be constituted in accordance with the following provisions:

Each of the members agrees to nominate within six months of the date on which the present treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the commission of enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the governing body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present article.

Upon the application of the governing body, the secretary-general of the league of nations shall nominate three persons, one from each section of this panel, to constitute the commission of enquiry, and shall designate one of them as the president of the commission. *None of these three persons shall be a person nominated to the panel by any member directly concerned in the complaint.*

ARTICLE 413.

The members agree that, in the event of the reference of a complaint to a commission of enquiry under article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the commission all the information in their possession which bears upon the subject matter of the complaint.

ARTICLE 414.

When the commission of enquiry has fully considered the complaint it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they shou'd be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE 415.

The secretary-general of the league of nations shall communicate the report of the commission of enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the secretary-general of the league of nations whether or not it accepts the recommendations contained in the report of the commission; and if not, whether it proposes to refer the complaint to the permanent court of international justice of the league of nations.

ARTICLE 416.

In the event of any member failing to take the action required by article 405, with regard to a recommendation or draft convention, any other member shall be entitled to refer the matter to the permanent court of international justice.

ARTICLE 417.

The decision of the permanent court of international justice in regard to a complaint or matter which has been referred to it in pursuance of article 415 or article 416 shall be final.

ARTICLE 418.

The permanent court of international justice may affirm, vary, or reverse any of the findings or recommendations of the commission of enquiry, if any, and shall in its decision indicate the measures, if any, of an *economic character* which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

ARTICLE 419.

In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of enquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an *economic character* indicated in the report of the commission or in the decision of the court as appropriate to the case.

ARTICLE 420.

The defaulting Government may at any time inform the governing body that it has taken the steps necessary to comply with the recommendations of the commission of enquiry or with those in the decision of the permanent court of international justice, as the case may be, and may request it to apply to the secretary-general of the league to constitute a commission of enquiry to verify its contention. In this case the provisions of articles 412, 413, 414, 415, 417, and 418 shall apply, and if the report of the commission of enquiry or the decision of the permanent court of international justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an *economic character* that they have taken against the defaulting Government.

Mr. REED. How do they proceed? They pick a jury panel of three men from each of the States members of this league. There are 32 members now. That would mean 96 men on the panel. I can picture this panel now. I can see the three colored gentlemen from Liberia, the three from Haiti, coming, wondering whether they have to take their winter clothes along with them. I can see three gentlemen from the deserts of Arabia. They have just laid aside their old-fashioned flint-lock rifles, with which they have been holding up the pious pilgrims to the shrine of Mahomet, and are undertaking to garb themselves in the accouterments of civilization, providing themselves with concealed instead of obvious weapons. As the Senator from Oklahoma [Mr. GORE] tells me, the King of Hejaz has a subsidy of three-quarters of a million dollars a year from Great Britain, or three-quarters of a million a year during the war. Very well. He is cheap at the price, because he will vote right. I can see them from India, the snake charmer, and the voodooist from Siam, and as you search their baggage you will find the dried-snake fetish that the jurors probably worship. I can behold them picked from every quarter of the world, and I have not time to describe the motley crew; but if they were assembled there probably would not be anybody there, outside of a few educated Englishmen and Frenchmen and Italians, who could understand what anybody else said.

Out of this body of 96 men—Hottentots and buccaneers and pirates and princes—they proceed to draw a jury of 3 men. One of them is to represent labor—not just to represent other folks, but organized labor, a class—one of them is to represent employers, and one to represent governments, I believe—three men, not one to represent the United States, because we are a party in interest and have no representation.

Here stands Uncle Sam, prisoner at the bar, charged with having violated the eight-hour law in Georgia on a farm. They try him like a common criminal, and they find him guilty, and they proceed to fix the punishment, and there is no limit to the punishment. There is no law; there is no constitution; there is nothing except their gracious charity and pity; and they condemn old Uncle Sam, and I can see his majestic figure, his head somewhat bowed in shame, his eyes envisioning the day when he was a sovereign looking the world in the face, when his spirit was that of the eagle, and his soul the soul of liberty. They lead him out, and then, by three men, not an American there, try a sovereign nation before private individuals—that is all it amounts to; before a trio of foreign internationalists—that is all it amounts to; before international socialists—that is all it amounts to; before anarchists who would destroy the structure of civilization and tear down the temple of liberty to-morrow—that is what it amounts to.

Oh, but it is said you can appeal to a court! Yes; some kind of a court yet to be created, the composition of which we do not know. But again the court renders its decree. That decree is binding. There is no appeal. It is not a question of whether we think it just or unjust. There is only the question of obedience.

A decree is rendered by this court, and if we do not obey they have the right to call upon the league of nations to apply such economic pressure as they recommend. What, sir, is economic pressure? The most brutal instrumentality in the civilized world, after all, has been the boycott. We all know where the word came from. It was coined over in Ireland, where the inhabitants refused to speak to or look at the foreign landlord, refused to trade with him, refused to sell him anything. They did that justifiably, for an oppressor was in their land; but it was a terrible weapon. In our civil life it has been a weapon that has resulted in the destruction many times of men's fortunes. But applied internationally we are told what it is in the league of nations. It is the right to command

that other nations shall cease to have any intercourse whatever with a nation that is thus boycotted. Its commerce is to be refused, its nationals are to be denied the right to communicate with the nationals of other countries. All financial transactions must cease. Ships shall no longer ply the ocean and carry freight to its ports. It is to be sealed up as in a tomb. It is to suffer a living death. It is to have starvation finally fastened upon it by the most terrible instrument of the fiends of war. It is the thing that is applied by military commanders in time of war as the means by which they can break the morale of the line by starvation in the rear which they can not destroy by attacking in the front. It is a glorious and humane proposition, that proposes to substitute for the death of brave men upon the battle field the starvation of women and of babes at home. This may be visited upon us by the mandate of three foreigners, not one of whom can speak our tongue, and these men not representatives even of Governments but representatives, in part at least, of classes of people.

This monstrous creation, sir, you propose to set up, and to give it sanctity, and all you are going to do is to say, like Pilate, "I wash my hands. Take ye Him and crucify Him," instead of striking it down with the force of a giant's blow, instead of saying to all the world, "America stands acquit; America turns her back against every proposition to break down the structure of society, or to set up Bolshevism or sovietism or anarchism anywhere in the world."

Sir, this is to be accepted undebated, undigested, not understood by the people of our country. Let me tell you what I think of it in a few short sentences. The thing that has made the American race progress has been the equal opportunity of its people before the law. Every other nation that has risen and that has fallen, or that even yet survives, in all the tides of time, has been great just in proportion as it has afforded opportunity to the masses of its people, a chance in life. That chance in life can only exist where it is an equal chance. You can not have a government of an autocracy of wealth unless you retard the growth and development of an entire people. You can not have a government of an autocracy of labor without at the same time retarding the growth and development of the entire country. This is proven to-day in Russia. The salvation of the laboring man consists in his equal opportunity to run the race of life. The thing that makes life sweet and glorious to him is the fact that all men have an equal chance, for he may labor with his hands and he may be an employer to-morrow; he may be a capitalist the day after. When you destroy the chance and opportunity of that man to advance himself, you destroy his opportunity in life.

There is no terror so great in my heart to-day as that something may be done to destroy that equality before the law. Here we are proposing in the United States Senate and in the councils of the world to give to a class of people who happen to be organized together in societies and associations the right to special representation in the government of the world separate and distinct from the government the other people enjoy. We propose here to set up, then, a government by a part of the people, an autocracy of organization as against the mass of the people of the land. Sir, I say that if this thing is done it will be the saddest blow ever struck to labor itself. It will be the saddest blow ever struck to the liberties of our country.

No reservation answers the question, for a reservation still allows this thing to be set up and makes us a party to the organization that will set it up. Though we refuse to be bound, still we have created it. Though we refuse to be parties to the operations of the serpent after it is hatched, we have helped hatch the serpent. Though we say it shall not enter here, we have helped to create a creature that will wind its coils around the liberties of other peoples in other lands, and we have recognized as a world principle the proposition that the world should not be governed by all the people of the world, but that it should be governed by a class of the people.

Sir, signs of the times warn us to beware, when it was shown before a Senate committee recently that men who are anarchistic in their views and destructive in all their sentiments are to-day controlling vast classes of men, and when we find them boasting, "We have now become so powerful that by a strike we shall not only injure our employer and compel him to submit because of his injuries, but we shall compel the American people to force him to submit by starving the American people for want of food or freezing them for want of fuel."

That, sir, is a new proposition in American life. A strike used to be aimed at the employer. It was a contest between him and his men. The object of the strike was to compel him to yield because of the misfortunes put upon him. But to-day these strikes seem to be taking the character of an effort to freeze the people of the United States into submission and to starve them into submission. Beware, as we pass along the troubled highway of these times, that we do not add fuel to a smoldering fire and that we do not by our acts encourage and recognize the very principle that these men contend for. That principle is that a few men, organized, have the right to control the destiny of the rest of the people of the world, the principle written in this document that we are asked now to sanction.

If we strike it out we shall play the part of a manly nation. If we strike it out we shall play the part of Senators of the United States. If we quibble about it, if we evade it, if we refuse to take responsibility we shall play a part of which I shall never be proud and which I think none of you will look back upon with any cheerfulness of mind.

Mr. President, these questions should go to the American people. It is our business to see that they do go to the American people. This revolutionary instrument should be submitted to the votes of that great body of men and women who constitute, after all, the Government of the United States of America.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Sherman
Ball	Gronna	McKel'ar	Simmons
Borah	Hale	McLean	Smith, Ariz.
Brandegee	Harding	McNary	Smith, Ga.
Calder	Harris	Moses	Smith, S. C.
Capper	Henderson	Myers	Smoot
Chamberlain	Hitchcock	Nelson	Spencer
Colt	Johnson, Calif.	New	Sterling
Culberson	Jones, N. Mex.	Newberry	Sutherland
Cummins	Jones, Wash.	Norris	Swanson
Curtis	Kellogg	Nugent	Thomas
Dial	Kendrick	Overman	Townsend
Dillingham	Kenyon	Owen	Trammell
Edge	Keyes	Page	Underwood
Elkins	King	Phe'an	Wadsworth
Fernald	Kirby	Phipps	Walsh, Mass.
Fletcher	Knox	Poindexter	Walsh, Mont.
France	La Follette	Ransdell	Watson
Frelinghuysen	Lenroot	Reed	Williams
Gay	Lodge	Robinson	Wolcott
Gerry	McCormick	Sheppard	

The VICE PRESIDENT (at 3 o'clock p. m.). Eighty-three Senators have answered to their names. There is a quorum present. In accordance with the unanimous-consent agreement, the amendment known as the La Follette amendment is now to be voted upon. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Ohio [Mr. POMERENE]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. For that reason I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN] and I must withhold my vote. If permitted to vote, I would vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I believe the Senator from Pennsylvania [Mr. PENROSE] has not voted. I have a pair with that Senator, which I transfer to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Noting that he has not voted, I transfer my pair with him to the senior Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], the Senator from Maryland [Mr. SMITH], and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The Senator from Nevada [Mr. PITTMAN] and the Senator from Tennessee [Mr. SHIELDS] are detained on official business.

The result was announced—yeas 34, nays 47, as follows:

YEAS—34.

Ball	Frelinghuysen	McCormick	Poindexter
Borah	Gore	McLean	Reed
Calder	Gronna	Moses	Sherman
Capper	Harding	Myers	Thomas
Cummins	Jones, Wash.	New	Wadsworth
Curtis	Kenyon	Newberry	Walsh, Mass.
Elkins	Knox	Norris	Watson
Fernald	La Follette	Page	
France	Lodge	Phipps	

NAYS—47.

Ashurst	Henderson	McNary	Smith, S. C.
Chamberlain	Hitchcock	Nelson	Smoot
Colt	Johnson, S. Dak.	Nugent	Spencer
Culberson	Jones, N. Mex.	Overman	Sterling
Dial	Kellogg	Owen	Swanson
Edge	Kendrick	Phelan	Townsend
Fletcher	Keyes	Ransdell	Trammell
Gay	King	Robinson	Underwood
Gerry	Kirby	Sheppard	Walsh, Mont.
Hale	Lenroot	Simmons	Williams
Harris	McCumber	Smith, Ariz.	Wolcott
Harrison	McKellar	Smith, Ga.	

NOT VOTING—15.

Bankhead	Fall	Pittman	Stanley
Beckham	Johnson, Calif.	Pomerene	Sutherland
Brandegee	Martin	Shields	Warren
Dillingham	Penrose	Smith, Md.	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE obtained the floor.

Mr. LODGE. Will the Senator allow me to ask for the printing of a document?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. I have here a compilation of notes exchanged between the German peace delegation and the allied and associated powers, respecting the conditions of peace presented to Germany. They are very important papers, many of which have not been printed, and I think they would make a very valuable public document. I ask that they may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered. [S. Doc. No. 149.]

Mr. LA FOLLETTE addressed the Senate. After having spoken for 1 hour and 40 minutes,

Mr. LODGE. I understand that the Senator from Wisconsin can not conclude to-night.

Mr. LA FOLLETTE. I can not conclude to-night.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate go into secret executive session.

The motion was agreed to, and the doors were closed. After 10 minutes spent in secret executive session, the doors were reopened.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Thursday, November 6, 1919, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate November 5 (legislative day, November 3), 1919.

UNITED STATES DISTRICT JUDGES.

Edwin Y. Webb to be United States district judge, western district of North Carolina.

John W. Peck to be United States district judge, southern district of Ohio.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Edward R. Marshall to be surgeon.

Passed Asst. Surg. Emil Krulish to be surgeon.

Asst. Surg. Roscoe Roy Spencer to be passed assistant surgeon.

Asst. Surg. Charles Joseph McDevitt to be passed assistant surgeon.

Asst Surg. Sanders Louis Christian to be passed assistant surgeon.

Asst. Surg. Walter Casper Teufel to be passed assistant surgeon.

Asst. Surg. Henry V. Wildman to be passed assistant surgeon.

Asst. Surg. Herbert A. Spencer to be passed assistant surgeon.

Asst Surg. Gleason C. Lake to be passed assistant surgeon.

Asst. Surg. William S. Bean to be passed assistant surgeon.

Asst. Surg. Thomas B. H. Anderson to be passed assistant surgeon.

Dr. Clarence A. Ransom to be assistant surgeon.

Dr. Guy McM. Parkhurst to be assistant surgeon.

POSTMASTERS.

INDIANA.

Charlie O. Alton, Milan.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *November 5, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the center and circumference, the all in all, the Alpha and Omega, the same yesterday, to-day, and forever, creating, recreating, upholding, directing the destiny of men and of nations, open Thou our perceptions, that we may see clearly the way, and give us the courage to walk therein, that our lives may harmonize with the great eternal plan, that Thy kingdom may come and Thy will be done in earth as in heaven.

We faintly hear, we dimly see,
In differing phrase we pray;
But, dim or clear, we own in Thee,
The Light, the Truth, the Way!

Amen.

The Journal of the proceedings of Monday, November 3, was read and approved.

REQUEST TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana, Dr. ASWELL, be permitted to address the House for 35 minutes.

The SPEAKER. This being Calendar Wednesday, the Chair thinks that there must be unanimous consent to dispense with the regular business of Calendar Wednesday. The gentleman can put it in that form.

Mr. CLARK of Missouri. I move that the business of Calendar Wednesday be dispensed with for 35 minutes and that the gentleman from Louisiana [Mr. ASWELL] be permitted to consume the time for 35 minutes in addressing the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent——

Mr. MADDEN. I make the point of order that the Chair can not entertain a motion of that sort on Calendar Wednesday under the rule.

Mr. CLARK of Missouri. What is the reason?

Mr. MADDEN. You can not make that kind of a motion.

The SPEAKER. The gentleman is asking unanimous consent.

Mr. MADDEN. That is different.

The SPEAKER. The Chair was putting it as a request for unanimous consent.

Mr. MADDEN. I understood that the gentleman moved it.

The SPEAKER. The Chair will put it as a request for unanimous consent. The gentleman from Missouri asks unanimous consent that the business of Calendar Wednesday be dispensed with for 35 minutes to allow the gentleman from Louisiana [Mr. ASWELL] to address the House for 35 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, a parliamentary inquiry. My impression is that the present Speaker and the former Speaker have both held that a unanimous-consent request can not be submitted on Calendar Wednesday. Is not that true?

The SPEAKER. That is, on the ground that the business of Calendar Wednesday must be dispensed with, but this is a request for unanimous consent to dispense with the business of Calendar Wednesday for that length of time.

Mr. MONDELL. But the rule is that the business of Calendar Wednesday can only be dispensed with by a two-thirds vote.

Mr. CLARK of Missouri. Unanimous consent is more than two-thirds.

Mr. ANDERSON. Mr. Speaker, I think it is bad practice to have these speeches coming in on Calendar Wednesday, and therefore I object.

The SPEAKER. The gentleman from Minnesota objects.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, the call rests with the Committee on Military Affairs. They have a few bills of not very great importance, but still bills that ought to be passed. My

hope is that these bills may be disposed of in about two hours, and that we may then go to the Unanimous Consent Calendar. If the business of that committee is disposed of at a reasonably early hour this afternoon, I intend to move to suspend the business of Calendar Wednesday for the balance of the day and go to the Unanimous Consent Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake, between the States of Minnesota and South Dakota;

S. 3125. An act authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; and

S. 1300. An act to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes.

S. 3126. An act authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission;

S. 46. An act for the protection of the water supply of the town of Sunnyside, Utah;

S. 2789. An act for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes;

S. 2323. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 2798. An act authorizing the removal of stumps from cut-over Oregon and California lands;

S. 1743. An act for the relief of Matthew McDonald;

S. 2188. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes";

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed;

S. 3239. An act to amend the Army appropriation act for 1920 so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes;

S. 157. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise;

S. 3115. An act authorizing the Secretary of the Interior to correct an error in an Indian allotment;

S. 729. An act to amend section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; and

S. 3238. An act relating to detached service of officers of the Regular Army.

The message also announced that the Senate had passed with amendment the bill (H. R. 3844) for the relief of Della James, in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; and

S. 641. An act to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

October 22, 1919:

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918; and

H. R. 8624. An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia.

October 27, 1919:

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt.

November 4, 1919:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The message further announced that bills and joint resolutions of the following numbers and titles, having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

Presented to the President September 29, 1919:

H. R. 9091. An act granting the consent of the Congress to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River.

Presented to the President October 2, 1919:

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

Presented to the President October 7, 1919:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Presented to the President October 16, 1919:

H. R. 7972. An act to improve the administration of the Postal Service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands; and

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.

Presented to the President October 17, 1919:

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho; and

H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

Presented to the President October 18, 1919:

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota; to the Committee on Flood Control.

S. 3125. An act authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; to the Committee on Military Affairs.

S. 3126. An act authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission; to the Committee on Military Affairs.

S. 46. An act for the protection of the water supply of the town of Sunnyside, Utah; to the Committee on the Public Lands.

S. 2789. An act for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes; to the Committee on Agriculture.

S. 2323. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; to the Committee on the Judiciary.

S. 2798. An act authorizing the removal of stumps from cut-over Oregon and California lands; to the Committee on the Public Lands.

S. 1743. An act for the relief of Matthew McDonald; to the Committee on Naval Affairs.

S. 2188. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes"; to the Committee on Irrigation of Arid Lands.

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910, as amended by the act of August 24, 1912, and which are no longer needed; to the Committee on the Public Lands.

S. 157. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Indian Affairs.

S. 3115. An act authorizing the Secretary of the Interior to correct an error in an Indian allotment; to the Committee on Indian Affairs.

S. 729. An act to amend section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

S. J. Res. 112. Joint resolution continuing temporarily certain allowances to officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Committee on Military Affairs was called.

JURISDICTION OF CRANEY AND FISHERMANS ISLANDS.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill (S. 2495) transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department.

The SPEAKER. The gentleman from California, by direction of the Committee on Military Affairs, calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman from California a question for information. How long will this bill take?

Mr. KAHN. It should not take more than five minutes.

Mr. CLARK of Missouri. I have heard that kind of stuff before. What are you going to call up after this? I want to know for my own information.

Mr. KAHN. There is another bill for the transfer of a lighthouse reservation at North Point, Md. There are also about six or seven bills unanimously reported by the Committee on Military Affairs, covering various subjects. I am not calling up any bill as to which the action of the committee was not unanimous.

The SPEAKER. The Clerk will report the bill.

Mr. HARRISON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. HARRISON. I should like to ask the chairman of the Committee on Military Affairs if it is possible to get up the bill for public roads, in which we are very much interested? A bill has passed the Senate and been reported by the Military Affairs Committee, to undertake to transfer to the departments of public roads of the various States, for the building of the public highways, a lot of unused war material. I think it is a matter of very great importance to the State of Virginia, and I have been hoping that the chairman would call up that bill.

Mr. KAHN. I understand that the matter is to be taken up under a special rule to-morrow, but I will yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. WALSH. The bill has not been read. This is all irregular. Debate can not start until the bill has been read.

The SPEAKER. This is all by unanimous consent. The bill must be read before there is any debate. The clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the military reservation known as Craney Island, now under the control and jurisdiction of the War Department, lying on the western side of the Elizabeth River in Norfolk County, Va., and bounded by the waters of the Elizabeth River, Craney Island Creek, Thoroughfare Creek, and James River, be, and the same hereby is, transferred to and placed under the control and jurisdiction of the Treasury Department for the use of the Public Health Service; and that the sandspit or island called Fishermans Island or Linen Bar, now under the control and jurisdiction of the Treasury Department, situate, lying, and being in the county of Northampton off the point of Cape Charles, between the Atlantic Ocean and Chesapeake Bay, in the eastern district of Virginia, about 12 miles south of Cape Charles City and about 1¼ miles from Cape Charles Light, containing 225 acres, more or less, above high-water mark, be, and the same hereby is, transferred to and placed under the control and jurisdiction of the War Department for use for military purposes.

Mr. HARRISON. Mr. Speaker, I should like to get about five minutes.

Mr. KAHN. I will yield five minutes to the gentleman from Nebraska first.

Mr. REAVIS. Mr. Speaker, in answer to the question of the gentleman from Virginia [Mr. HARRISON] with reference to the bill that has been reported out by the Military Affairs Committee concerning the distribution of motor vehicles to the highway departments of the several States, I will say that that legislation, so far as it pertains to motor vehicles, is utterly and absolutely unnecessary. Legislation was passed by this House as a rider on the post office appropriation act in March, which granted authority, in the discretion of the Secretary of War, to turn over to the highway department all of the surplus motor vehicles for the purpose of being operated upon roads which were built in whole or in part by Federal aid. Subsequent to that time, in July, a provision was incorporated in the sundry civil appropriation act to the effect that no further transfers of motor vehicles should be made to any of the departments unless compensation was paid therefor, unless such transfers were otherwise authorized by law. The matter was submitted by the Secretary of War to the Judge Advocate General, who rendered an opinion that the provisions of the July act was a prohibition of further transfers to the Agricultural Department for the purpose of building roads by Federal aid. It was then carried to the Attorney General, and the Attorney General rendered an opinion that it was not a prohibition for the reason that the language in the sundry civil appropriation act of July was to prohibit the transfer to any department, unless the transfer was authorized by law, and in the act of March, the post office appropriation act, we had directly authorized by law the transfer to the Highway Commission. Consequently any legislation before this body now granting authority to the Secretary of War to turn these motor vehicles over to the Highway Department is merely a duplication. That is already the law and has already been construed as being the law by the Attorney General and the department in part has been following it.

Mr. BROWNE. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. BROWNE. Is it not a fact that the Secretary of War, Mr. Baker, notwithstanding the overruling of the Judge Advocate's opinion by the Attorney General, refuses to turn over certain road material such as tractor engines and concrete mixers and a great many other things?

Mr. REAVIS. Oh, the Agriculture Department has been clamoring and the highway departments of the various States have been appealing ever since January of this year for this equipment. There has been full authority of law since March of this year, and all of that time the trucks have been standing in the open with no storage to protect them.

Mr. KITCHIN. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. KITCHIN. Have they been authorized ever since March to make these transfers without compensation?

Mr. REAVIS. Yes; in the Post Office appropriation act of March.

Mr. KITCHIN. I thought I understood the gentleman to say that subsequently in some other appropriation act passed this session——

Mr. REAVIS. In the sundry civil appropriation act of July, following the appropriation act of March, there was a rider attached to the act to the effect that no further transfers should be made to these departments, without compensation, unless otherwise authorized by law, but it was authorized by law in the act of March to turn them over to the Agriculture Department, and the Attorney General so construed the law, and I do not see how any man could have construed it otherwise.

Mr. KAHN. Mr. Speaker, if the gentleman will permit, I think that law was passed February 28, 1919.

Mr. REAVIS. The gentleman means the first authorization?

Mr. KAHN. The Post Office appropriation act.

Mr. REAVIS. Whether in February or March, there has been full authority for this transfer from February or March down until this time, to the Secretary of War, and the matter will come before the House under a rule to-morrow with reference to compelling the transfer.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. HARRISON. I am very much interested in the matter. I do not care how we get it, if we get results. I understand

that the resolution which has been reported with a rule is nothing in the world but a House resolution asking the Secretary of War to turn these machines over.

Mr. REAVIS. That is absolutely true, and it is also true that certain food lay in the warehouse rotting for nine months until the same kind of a resolution was passed by this House, and it was then turned out to the people within two weeks.

Mr. HARRISON. The resolution is confined solely to motor vehicles, when there is any quantity of other road material.

Mr. REAVIS. Oh, the gentleman is mistaken about there being any quantity. There is a very limited quantity.

Mr. HARRISON. I think there is $4,500,000 worth.

Mr. REAVIS. I mean of surplus.

Mr. HARRISON. Four million five hundred thousand dollars' worth.

Mr. REAVIS. Not of surplus. There is a total equipment in excess of $4,000,000, but not surplus, and the only thing that the War Department can do under any legislation, unless we want to make appropriations to buy again for the War Department, is to dispose of the surplus, and the surplus, of course, is that portion of the equipment which the department and the Army does not need.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. CANDLER. If the situation is as the gentleman describes, and the War Department fails, even though it appears to be the law, as clearly stated by the gentleman from Nebraska [Mr. REAVIS], in view of the fact that this distribution of these supplies is held up and we are not able to get results, does the gentleman from Nebraska not think that we better pass the resolution in order to begin to get these supplies moving to the States?

Mr. REAVIS. I will say to the gentleman that it is the purpose, if it is possible to do so, to bring the resolution before the House the first thing to-morrow morning. I would have made the effort and have made the effort to get it before the House earlier, but the subcommittee, from which that resolution comes is composed of three members, two Republicans and one Democrat. The one Democrat has been forced to be away from Washington for several days and will not return until to-morrow. He is the only member from the gentleman's side of the House who heard the testimony, who knows anything about it, and I think it would be unfair to take it up in his absence.

Mr. CANDLER. I think the gentleman is correct about that. His course evidences his usual courtesy and desire at all times to be fair.

Mr. REAVIS. For that reason I asked for the rule to-morrow morning, when he will be present.

Mr. CANDLER. And the gentleman is anxious to get the resolution passed?

Mr. REAVIS. There is nobody more anxious.

Mr. CANDLER. I am glad to hear that, as I am anxious to see the States get these supplies at the earliest possible date.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the resolution, House resolution No. 362, which the Rules Committee has reported and to which the gentleman from Nebraska refers, if practical results are desired, amounts to nothing. It is simply a House resolution of request, and if adopted would be without the force of law. As the basis for partisan discussion of the demerits of the War Department it may serve a purpose, but it is hard to understand what other object it has.

As pointed out by the gentleman from Nebraska at the last session of Congress, Congress enacted a statute authorizing the Secretary of War to turn over to the Agriculture Department to be distributed amongst the States such surplus implements and materials as the Army no longer needs.

Everyone will realize that if this material is exposed for sale, much of which has been used or abused, the people will realize a very small return in dollars and cents, whereas if utilized for road-building purposes it will be of great practical benefit to the road-construction public, who are the people in the final analysis. In other words, the Government of the United States, representing the people of the United States, should not sell as junk that which the people of the States, who are the people of the United States, badly need for the great road-building program now on foot in practically all the States.

I am informed by the Bureau of Public Roads in the Agriculture Department that the road-building program of the several States aggregates the enormous sum of $750,000,000. I know in my own State the program contemplates an expenditure of $8,000,000. The testimony before the Military Affairs Committee disclosed the fact that many of the States had acted upon the assumption that they would receive their proportion of this surplus under the provisions of the act of Congress to which the gentleman from Nebraska has referred.

This act is very broad in its terms. The Secretary of War is clothed with a broad discretion to turn over to the States for road purposes all equipment which the War Department does not need and which is used for road building. At this session of Congress, in the sundry civil appropriation bill, a clause was inserted that no motor-propelled vehicles should be turned by the War Department to any other department without payment, except such as are authorized by law.

This clause was construed by the Judge Advocate General as repealing the provisions of the act of last session so far as motor-propelled vehicles are concerned. Of course, all distribution to the States ceased. Bills were promptly introduced in the Senate and the House to reinstate the provisions of the act of last session. The House military Affairs Committee has reported House bill 9412 with amendments, and, I understand, is identical in its original form with a Senate bill.

After distribution to the States had ceased by reason of the ruling of the Judge Advocate General, the Attorney General rendered an opinion overruling the opinion of the Judge Advocate General, and the original act is recognized as the law of the land. But the Secretary of War, in a letter to the chairman of the Military Affairs Committee, has announced his purpose of confining his discretion to the distribution of certain motor-propelled vehicles and of refusing to distribute other essential road-building material. The bill reported by the House Military Affairs Committee makes it mandatory to distribute the material, which it defines as properly road-building material. As well as I can gather from official sources, the motor situation is about this.

The figures I here give were furnished me by the Director of Sales.

At the date of the armistice there were under construction motor vehicles in number 119,625. Contracts were canceled to the number of 78,349, and deliveries were made through the several months, including June, of 41,285. Of these 41,285 vehicles, delivered, 1,018 were passenger cars, 8,568 were motor cycles, 8,545 were side cars; bicycles, 14,890.

There were, of course, a large number on hand at that date.

The following table shows the number shipped overseas since the armistice:

	Trucks.	Automobiles.
November	9,556	1,223
December	3,951	807
January	226	357
February	206	161
March	12	415
April		62
May and June	12	2

The following tables show the declared surplus and its distribution:

Motor-propelled vehicles declared surplus.

April 15	36,589
July	3,000
Total	39,589

Vehicles distributed.

Agricultural Department, for roads	13,035
Agricultural Department, for other purposes	1
Post Office Department	7,900
Public Health Service	1,268
Camp Community Service	39
Food Administration	8
Superintendent State, War, and Navy Building	2
Department of Labor	1
Reserve Officers' Training Corps	3
Department of Commerce	4
Other departments	11
Interior Department	128
Treasury Department	3
Housing Corporation	13
Navy and Marine Corps	483
District Commissioners	3
Total	22,903
Surplus declared	39,589
Surplus distributed	22,903
Balance on hand	16,686

Of which 15,000 are unserviceable and 5,000 will shortly be sold as junk.

A car is treated as unserviceable when the cost of repair will exceed 35 per cent of cost value.

Of the 39,589 declared surplus, 6,000 were passenger cars:

Passenger cars' surplus		6,000
Distributed:		
Bureau of Public Roads	1,554	
Post office	2,152	
Public Health	252	
Camp Community Service	39	
Food Administration	8	
Department of Labor	1	
Reserve Officers' Training Corps	3	
Unspecified department	3	
District Commissioners	3	
Interior Department	94	
Housing Corporation	1	
Navy and Marine Corps	42	
		4,153
Total		1,847

Of this balance perhaps there is hardly a serviceable vehicle.

Mr. REAVIS. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. REAVIS. Will the gentleman be good enough to state from whom he got those figures?

Mr. HARRISON. I obtained them from the Director of Sales, Mr. Guy Hutchinson. I got them only the other day.

Mr. REAVIS. Does the gentleman know who Mr. Guy Hutchinson is?

Mr. HARRISON. I only know he is the man at the head of the Sales Division. That is all I know. He appeared before the Committee on Military Affairs as such, and the resolution for which the rule was obtained amounts to nothing, because the War Department now claims to be carrying out exactly what that resolution requires. The bill which, I think, has passed the Senate and has been approved by the Committee on Military Affairs makes it mandatory upon the War Department to distribute this material. Now, I say there are about 16,000 undistributed motor-propelled vehicles, of which about 15,000 are unusable, and 5,000 are going to be sold as junk in a very short time, and the resolution for which the rule was obtained amounts really to nothing.

Mr. KINKAID. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. KINKAID. What will the Senate bill accomplish if enacted?

Mr. HARRISON. It carries a great many materials other than motor vehicles useful for road building and motor vehicles when declared surplus. The Secretary of War says that he will confine his discretion to these motor-propelled vehicles that have been already requisitioned, and he will not extend his authority or his discretion beyond that.

Mr. KINKAID. If the gentleman will pardon a further question, would the Senate bill authorize the distribution of vehicles and implements which would be usable?

Mr. HARRISON. Yes; as soon as declared surplus they will. I want to lay before the House——

Mr. KINKAID. There will be some surplus declared?

Mr. HARRISON. There ought to be. I will read figures which I would like to incorporate in the RECORD. I have here the weekly statistical report made by the War Department. Now, they have here a table, which I will put in the RECORD, which anybody can read for himself, in which it shows the number of vehicles that are required for an army of 576,000 men and officers and the surplus. For instance, trailers required for such an arm, 4,302; on hand, 28,015. Bicycles, 5,008 required; on hand, 20,170. Motor cycles, 18,789 on hand; required, 10,874. Special trucks, 5,429 required; and they only have 4,349. Passenger cars, 7,309 required; and only 5,733 on hand.

MOTOR VEHICLES AND BICYCLES REQUIRED FOR AN ARMY OF FIVE CORPS.

Estimated requirements for an army of 5 corps (21 divisions) skeletonized on a peace-time basis, plus the needs for garrisons and posts and special service, including the National Guard, but not providing for universal military training. Estimate based on 1919 tables of organization:

	Required.	On hand.	On hand in per cent of required.
Trailers	4,302	28,015	651
Bicycles	5,008	20,170	403
Motor cycles	10,874	18,789	173
Special trucks	5,429	4,349	80
Passenger cars	7,309	5,733	78
Cargo trucks	20,920	12,091	58

Estimated requirements for the forces enumerated above brought up to war strength according to 1918 tables of organization; universal military training provided for:

	Required.	On hand.	On hand in per cent of required.
Trailers	5,882	28,015	476
Bicycles	7,508	20,170	269
Motor cycles	15,951	18,789	118
Special trucks	7,929	4,349	55
Passenger cars	10,856	5,733	53
Cargo trucks	31,055	12,091	39

Mr. REAVIS. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. REAVIS. What does the gentleman refer to when he says "required"—required for what?

Mr. HARRISON. For an Army of 576,000 men. If the Army should be less the surplus will be greater.

Mr. REAVIS. Let me state to the gentleman that there are 158,000 motor vehicles in the hands of the Army in the United States. The gentleman says there are 15,000 surplus. That would leave a motor vehicle for every third man in the Army.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. How much more time would the gentleman desire?

Mr. HARRISON. I would like to have five minutes.

Mr. KAHN. I will yield the gentleman five minutes.

Mr. HARRISON. I have here and I will put in the RECORD how these vehicles have been distributed and what purchased of the surplus. The bill which has been unanimously reported by the Committee on Military Affairs contains a second section which refers to a number of articles which are not motor-propelled vehicles but still are very useful in the construction of public roads. The figures given me are as follows:

Equipment available to be transferred		$4,015,000
Total ordered to be transferred		$2,759,000
Tractors transferred to Agricultural Department		$2,353,000
Tractors to Agriculture	number	339
Tractors to Public Health	do	16
Tractors, value $440,000, still available	do	27

Mr. BLAND of Indiana. If the gentleman will permit, the gentleman understands the available amount of road-building material in this country is a very small amount compared with what we had in France; that none of that was available a month after the armistice was signed, because it was turned over to the French?

Mr. HARRISON. I did not know about that.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. SMITH of Michigan. Are those trucks to be turned over to the road-building authorities of the States without compensation?

Mr. HARRISON. Yes; they are to be turned over to the States engaged in road building, just as the money is turned over which we have appropriated for road building.

Mr. SMITH of Michigan. I understand the gentleman from Nebraska, who preceded the gentleman, to say that it was only to be turned over upon payment therefor.

Mr. HARRISON. Oh, no. That is the point that held this matter up. I think, in defense of the War Department, this much can be said, that they had not ascertained the surplus until April. They declared the surplus and began the distribution of these motor vehicles. Then this Congress enacted a provision in the sundry civil deficiency bill which required that no vehicles be turned over except those that were paid for by the various departments unless some provision of law authorized it.

The Judge Advocate General held that that repealed the provision in the act of March or February which authorized the distribution of these things. Ever since August those matters have been held up in the War Department to await action on the part of this Congress, which has never been forthcoming. It was the fault of this Congress in part——

Mr. SMITH of Michigan. What was the purpose or use of that provision that required payment to be made therefor? How do we get around that?

Mr. HARRISON. The statute says except such as were authorized by law. The Attorney General, overruling the Judge Advocate General, held that the distribution for road purposes was authorized by law, and therefore the deficiency bill provision excepted such distribution.

Mr. LAYTON. Mr. Speaker, as a matter of information, what is the basis of distribution? Is it based upon population or miles of road under construction?

Mr. HARRISON. I trust the bill indorsed by the Military Affairs Committee, which will bring results, will be considered,

and the resolution sanctioned by the Rules Committee abandoned as useless.

I believe an opportunity is here offered to aid every State in the Union in its road-building program, which ought not to be neglected.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I yield one minute to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Speaker, the following telegram was sent this morning to Gov. Coolidge, of Massachusetts:

I congratulate you upon your election as a victory for law and order. When law is the issue, all Americans stand together.

(Signed) WOODROW WILSON.

[Applause.]

Mr. WALSH. Why did not the President send that message before the election?

Mr. KAHN. Mr. Speaker, the bill which is pending proposes an exchange of land in Chesapeake Bay. There are two islands there, one of them Craney Island and the other Fishermans Island. One is owned by the Treasury Department, and the War Department has constructed fortifications on it. The other is owned by the War Department, and the Treasury Department has constructed a quarantine station there. So these islands ought to be transferred to the departments that are really using them, and each department should be given complete jurisdiction over the island it is using.

Mr. WALSH. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. What use is the Treasury Department making of Craney Island now?

Mr. KAHN. It has a quarantine station on it, with buildings, and so on.

Mr. WALSH. And what use is the War Department making of the other island?

Mr. KAHN. It has put up fortifications thereon.

Mr. WALSH. This use of these tracts of land under the jurisdiction of other departments is only something that has arisen during the war emergency, is it not?

Mr. KAHN. No. I think revocable licenses were granted by the respective departments to the other department.

Mr. WALSH. How long ago?

Mr. KAHN. Some years back.

Mr. WALSH. How long ago?

Mr. KAHN. Some years back. And they have become so important at this time that it is deemed advisable to transfer the title, so that the proper department could exercise full jurisdiction over the island.

Mr. WALSH. Well, do they take possession and control of some of the property of either department when the transfer is made?

Mr. KAHN. No; they will not. The island on which the fortifications are located is now owned and controlled by the Treasury Department. They will turn it over to the War Department, the War Department already having property on that island.

Mr. WALSH. And the Treasury Department having none except the island?

Mr. KAHN. Exactly. Mr. Speaker, I ask that the bill be read for amendment.

Mr. CANNON. Let me ask a question. If this is transferred to the Treasury Department, that means to the Public Health Service?

Mr. KAHN. Yes; practically.

Mr. CANNON. What improvements are there?

Mr. KAHN. I believe there are some buildings there. It is either used as an immigration station or a quarantine station; I have forgotten which.

Mr. CANNON. An immigration station would be under the Department of Labor?

Mr. KAHN. Yes.

Mr. CANNON. Are there any hospitals there?

Mr. KAHN. No; there are some buildings there that can be used for housing people if they should be quarantined.

Mr. CANNON. Where is this?

Mr. KAHN. Near the mouth of the Chesapeake Bay.

Mr. CANNON. Between Norfolk and the sea?

Mr. KAHN. Yes.

Mr. CANNON. Are there any hospitals out there?

Mr. KAHN. I do not know that there are any hospitals there.

Mr. CANNON. Well, is it not more important that the Department of Labor should have this if it wanted an immigration station there?

Mr. KAHN. It is used as a quarantine station. I was mistaken about the other. It is now controlled by the Treasury Department, which has jurisdiction of the Quarantine Service—the Public Health Service.

Mr. CANNON. Well, I could a tale unfold, but it is not necessary.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 74, noes 0.

So the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF LIGHTHOUSE RESERVATION, NORTH POINT, MD.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill S. 2494.

The SPEAKER. The gentleman from California calls up a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 2494) to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department.

Be it enacted, etc., That the following-described tract of land situated at North Point, Md., now under the control and jurisdiction of the Department of Commerce, and known as the Lighthouse Reservation, at North Point, Md., be, and the same hereby is, transferred to and placed under the control and jurisdiction of the War Department for use for military purposes:

Beginning at a post now set in the ground north, 82 degrees east, 1¼ perches from the center of a stump, and north 65 degrees west, 14 perches from a large black oak tree now marked, and running thence south 65 degrees east, 14 perches to the said black oak, thence still south 65 degrees east, 12½ perches to a post north, 65¾ degrees east, 12 perches to a post standing southwardly 9 feet from a large white oak, thence south 47 degrees east, 48 perches to a marked sassafras, thence still south 47 degrees east, 2 perches to the water of Chesapeake Bay, thence bounding on the water on said bay and Patapsco River south, 74 degrees west 7 perches, south 80½ degrees west 10 perches, north 71 degrees west 15 perches, north 57½ degrees west 12 perches, north 46½ degrees west, 12 perches, north 46½ degrees west, 44.8 perches, until it intersects a line drawn south 48 degrees west from the place of beginning, and thence to the beginning, containing 7 acres and 22 square perches of land more or less.

Mr. KAHN. Mr. Speaker, this tract of land which it is proposed to transfer has been partly under the jurisdiction of the War Department since 1898. In 1898, by a revocable permit, the island was transferred to the War Department. The Department of Commerce has no real use for the island, while the War Department has a considerable use for it. This legislation will permit that transfer to be made. I ask that the bill be read for amendment.

The SPEAKER. The bill has already been read a second time. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. A division is asked for.

The House divided; and there were—ayes 72, noes 0.

So the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING THE ARTICLES OF WAR.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill H. R. 3706.

The SPEAKER. The gentleman from California calls up the bill H. R. 3706, which the Clerk will report.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

Mr. BLANTON. Reserving the right to object, I shall not object to a gentleman having leave to extend his remarks where there is no good reason for his not doing so. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. There is a Senate bill pending that is exactly identical with the House bill. I ask that the Senate bill be considered in lieu of the House bill, and that it be read in lieu of the House bill.

The SPEAKER. The gentleman from California asks unanimous consent that the Senate bill be read in lieu of the House bill. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the

state of the Union. The gentleman from Connecticut [Mr. TILSON] will please take the chair. The Chair is informed that the Senate bill 1373 has not yet been reported, that it is still pending in the Committee on Military Affairs. Therefore it is appropriate to move to discharge the committee.

Mr. KAHN. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of Senate bill 1373.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the Senate bill 1373, and that it be substituted for the House bill. Is there objection?

There was no objection.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 1373, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1373, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That article 112 of section 342 of the Revised Statutes of the United States, as amended by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, approved July 9, 1918, be, and the same is hereby, amended to read as follows:

"ARTICLE 112. EFFECTS OF DECEASED PERSONS—DISPOSITION OF.—In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment."

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

The CHAIRMAN. The gentleman from Vermont is recognized for 10 minutes.

Mr. GREENE of Vermont. Mr. Chairman, the purpose of this bill is to make certain amendments to article 112 of the Articles of War relating to the disposition of the effects of deceased persons. The amendments that are proposed are simply those which have been found by years of administration of the law to be practical suggestions for the improvement of the law and to further the carrying out of its original intent.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes; certainly.

Mr. BEE. Have those amendments been reported?

Mr. GREENE of Vermont. It is the bill itself that makes the amendments.

Mr. BEE. Let me ask the gentleman this question: Where they have authority to receive any debts due to the deceased's estate from a local debtor, what would become of the question of paying debts that require an administrator to collect? How would you get around that?

Mr. GREENE of Vermont. That is a matter for the civil courts. All that this does, if the gentleman will inquire into it, is to provide a means whereby the Army, having in its custody temporarily the effects of a deceased man, may turn them over to the representative of the deceased.

Mr. BEE. I am in favor of the bill.

Mr. GREENE of Vermont. We are not administering his estate in any sense.

Mr. BEE. I am in favor of the bill, but I was afraid of this clause—to receive any debts due to the deceased's estate from local debtors.

Mr. GREENE of Vermont. Suppose an officer in the garrison owed $25 to the deceased, and it is paid in and made part of the effects sent back to his family. The changes proposed here do not run to the principle of the law. It is not originally intended to administer the officer's estate. It means that the Army will turn over to somebody who will subsequently take care of them those effects that are found in the garrison when the man dies. All the changes that are proposed—as the gentlemen may see if they will turn to the second page of the report accompanying the bill, upon which the original text of the article 112 is printed—are these: If you go down about 10 lines you will see, after the words "or to the son, daughter, father," the words "next of kin" are written in; and then, after the word "father," we have written in "*Provided*, That the father has not abandoned the support of his family."

There are one or two small verbal changes that do not affect the sense or intention; and in another place, after the words "the beneficiary named," the words are written in, "in the will of the deceased" instead of "the beneficiary named by the deceased," as the original text provided.

Now, I will say the only purpose of this bill is to profit by the experience in the operation of this article 112 for a good many years and to provide by this change that some of the accidents and circumstances which have hitherto confused and perhaps made the operation of this article miscarry shall be avoided. You can get a good idea of that perhaps from the very words that I read here:

Provided the father has not abandoned the support of his family.

It would manifestly be improper and unjust, and altogether contrary to the intention of the act, to turn over this personal property of the dead officer or soldier to the father when it was known that the father was not living with the family, had abandoned it and gone away, in which case it ought to go to the next of kin.

Mr. WINGO. That would not always be true. I happen to know of a case, not in my district or in my State, of the father of a soldier who acted very properly in abandoning the family. The family consisted of a wife and one daughter, and the father could not maintain his self-respect and live with them. The father and the son were of the same opinion, although they were much humiliated by the conditions. The only one that the boy had anything to do with was the father. Now, why should that father be denied the effects of his son, and those effects be turned over to the mother, who really was not entitled to any consideration by reason of the life she was living?

Mr. GREENE of Vermont. Let me suggest to the gentleman that, as a lawyer, he understands that a law must be written so as to be of general application, rather than to provide for unusual and peculiar circumstances.

Mr. WINGO. But the law does not make any exception like that which you are making here.

Mr. GREENE of Vermont. Just a moment. If the relations which you suggest existed between father and son, it is very probable that the son would have given notice where his property was to go and not let this automatic law take effect.

Mr. WINGO. Oh, not one boy in a thousand ever thinks of what is going to become of his effects when he goes into the Army.

Mr. GREENE of Vermont. Then, take it on that ground. Supposing the father was the only one who was justly entitled to the effects of the son, and the family had really abandoned the father, and the son was living with him, would not the father have the right to go into court and get the property?

Mr. WINGO. Not under this law. You are undertaking to fix a law to govern this. If it were not for this article of war, then the laws of the States on the descent and distribution of personal as well as real property would control, but the present Articles of War, which you do not remedy by the amendment, say "the widow or legal representative." In some States the father is not considered a legal representative, because the property would go to a brother in preference to a father, because in most of the States property descends before it ascends, and going to the father or mother is considered an ascent and not a descent. That is the trouble with this whole article, that you disturb the laws of descent and distribution that are in effect in most of the States. You bar the father. Under the article as it now exists the father can not go to the camp and get the effects of his son, and you do not remedy it by this.

Mr. KAHN. If the gentleman from Arkansas will yield, the purpose of the bill is not to change the law of distribution. The purpose of the bill is simply to name some person who, if the soldier dies, shall receive temporarily the effects of the soldier. The estate of the soldier must be administered by the courts.

Mr. WINGO. Will the gentleman permit me there?

Mr. KAHN. Yes.

Mr. WINGO. The gentleman certainly is too good a lawyer to make the contention he has just made. I presume the gentleman is a lawyer.

Mr. KAHN. Yes.

Mr. WINGO. Let me read him the language. The gentleman is discussing a legal proposition. You say you collect the property temporarily and then turn it over.

Mr. KAHN. That is the idea.

Mr. WINGO. And the gentleman says that then the law of descent and distribution of the State controls. I say it does not control. On page 2, line 5, appears this language:

> And as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense—

To whom? To the person entitled to them under the law of domicile of the soldier? No—

> to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named.

In other words, you set up a legal rule for the distribution of personal property of soldiers by this act.

Mr. GREENE of Vermont. No.

Mr. KAHN. No; the gentleman is entirely mistaken.

Mr. GREENE of Vermont. I have tried to tell the gentleman from Arkansas the very same thing, that this is not for the purpose of establishing a probate court to administer the effects of the deceased, but it is a gathering up of the personal property of the deceased soldier for the purpose of turning it over to a custodian. This is a military court, not a civil court.

Mr. WINGO. I know that; but you provide that this military court shall distribute the personal property of the deceased soldier to the person whom you designate.

Mr. GREENE of Vermont. And the law of the State can reach the custodian and determine the distribution of the property.

Mr. WINGO. Yes; but if the gentleman has had experience such as I have, he knows that possession is nine points of the law.

Mr. GREENE of Vermont. The Army is simply getting rid of property on its hands.

Mr. WINGO. The trouble is there is too much red tape. I will gladly welcome the assistance of the gentleman to get the property of a soldier which I have been trying for two years to get. The trouble under the present article of war, which you do not remedy here, is that it provides a different rule from that of the States. If you provided that the commanding officer should turn over the property to the person entitled to receive it under the laws of the domicile of the soldier, then you would remedy the situation some.

Mr. GREENE of Vermont. That would make it necessary to turn the commanding officer into a court, and he would have to be a lawyer. But he is a military man, and all he wants to do is to relinquish the custody of the property which he has in his hands.

Mr. WINGO. There is no trouble in any other department.

Mr. GREENE of Vermont. The only intention is to put it into the hands of somebody by whom it may be lawfully and properly distributed through the probate court.

Mr. WINGO. Why not put it into the hands of somebody who is entitled to it under the law? There is no State in the Union that has such a rule of distribution as this.

Mr. GREENE of Vermont. This is not a rule of distribution. It is a rule of custody.

Mr. WINGO. It is a rule of distribution.

Mr. GREENE of Vermont. No; it is not a rule of distribution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes more to the gentleman. Now, will the gentleman yield to me?

Mr. GREENE of Vermont. I will.

Mr. KAHN. The gentleman from Arkansas has been mixed. In the first place, the officer in command of a post is not familiar with the laws of descent of the whole country. A soldier happens to die and leave a little personal property. In order to send this promptly to some of his folks the law tries to fix a series of relatives who shall receive it in the order named in the bill. Then, when it comes to that person, if any of the kin are interested in procuring possession of the property they will begin proceedings in the probate court of the State.

Mr. WINGO. Yes; but why do you adopt an order providing for the delivery to persons not in conformity with the rule of distribution in a single State in the Union? Why do you not adopt an order here that they shall turn this property over and adopt the ordinary rule of distribution?

Mr. KAHN. There may be only 100 soldiers at a camp, and no judge advocate there and no lawyer.

Mr. WINGO. The gentleman is talking about one thing and I am talking about another. I ask him why you do not write in here that the property shall go to the person that ordinarily is entitled to receive it?

Mr. KAHN. The officer in command would have to know the law.

Mr. WINGO. The gentleman now does not catch my question. Why do you not, instead of saying it shall go in the order named here—why do you not take the ordinary order and write it into the law here?

Mr. KAHN. Because the ordinary order changes in different States. It is not the same in every State.

Mr. GREENE of Vermont. May I suggest to the gentleman from Arkansas that he perhaps is under the impression that this seeks to administer the soldier's effects.

Mr. WINGO. Oh, no.

Mr. GREENE of Vermont. We are not seeking to exercise a judicial function, but merely a military one, to relieve the officer in charge of the post of the custody of the property and have another party take charge of the personal effects that the dead man has left as soon as possible. The officer gathers up the effects and sends them to these people in the designated order and gets them off his hands. After that the civil process will operate, wherever the soldier was domiciled, in the administration of his effects through the probate court.

Mr. WINGO. I am not talking about their acting as a probate court. Why is it you do not include the right of a father to take the boy's effects?

Mr. GREENE of Vermont. Because the experience has been, and the suggestion of the War Department——

Mr. BEE. Will the gentleman from Vermont let me answer the gentleman from Arkansas? I have a case in point. A boy was killed in France. His watch and ring and other personal effects were left. His father had abandoned the family and for 20 years had paid no attention to them. The mother had reared the boy. Should the father be entitled to those personal effects?

Mr. WINGO. A little while ago I gave an illustration just the opposite. You ought not to bar the father absolutely because one father has acted badly.

Mr. BEE. If he had not supported his family, if he had abandoned his family, he ought not to have charge of those personal effects.

Mr. GREENE of Vermont. The language of the bill is "provided the father has not abandoned the support of his family." If he abandoned his family, he ought not to have the personal effects. They are mostly keepsakes and trinkets, little things which the deceased leaves when he dies at an Army post.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. WINGO. Mr. Chairman, I would like five minutes.

Mr. KAHN. I will yield five minutes to the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, there is no difference between the gentleman from California and the gentleman from Vermont and myself with reference to the object to be attained. We all want to simplify the procedure by which the personal effects may be turned over to the proper person. But I am afraid this amendment does not do that. I am for anything that will stop holding these effects. My experience has been very exasperating in regard to this matter, and I am for any proposition that will give the proper party the goods and effects, effects not worth sometimes much in money, but worth everything to the father. I have one case in point—a watch which had been in the family for generations, handed down from father to son. Here is what you do if you undertake to say that the commanding officer can deliver it to two persons—first the widow or the legal representative. The gentleman from California says that if you undertake to provide that you shall turn them over to the person entitled to them by law of the soldier's domicile that you have to make a lawyer out of the commanding officer. You certainly have to make a lawyer out of the commanding officer if you make him decide who is the legal representative that you provide for.

Mr. KAHN. No; there is a court that passes on that.

Mr. WINGO. Oh, well, why not provide it could be delivered directly to the father or to the mother—of course if he is married the widow is entitled to it—and then, if you want to provide with respect to either one having abandoned the family you can do it. But in the first instance, the commanding officer can deliver it to the widow or to the legal representative. If he does not know who the legal representative is, and he would not know in some States, he can then do like every other department of the Government does—demand that their authority be presented. In most instances they come along and show authority. They could cite the commanding

officer to the section of the statute of the State, which is available to the Judge Advocate's department, and the man could turn it over, but if the widow is not present, or if the soldier is single, the commanding officer now does what he will do under this. He will say, "I do not know who the legal representative is," and he will not send it to anybody, he will hold it, and a Congressman may beg for it. They will tell you that they do not know where it is, that they have searched and that they can not find it, and what do you provide? You provide that in that case he shall send it at Government expense to the Quartermaster Department. Why go to the expense of transporting this over the country and sending it to the Quartermaster Department? Then that department will have to have a showing made to it as to who is the legal representative.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GREENE of Vermont. This article of war is exactly as its name indicates—one of those rough-and-ready makeshifts by which men in charge, in the exigencies of military life, may have some quick means of disposing of the exigency. What would you do with a little detachment of men in the field, where a man dies and has some property? Would the gentleman have the matter go to the Supreme Court of the United States before that property could be gotten out of the Army's hands?

Mr. WINGO. No. I will tell the gentleman what the officer would do, if he has enough sense to be an officer, in such a contingency. The officer would have the dead man's companions put together his effects, his watch, his pictures, his letters, and he would seal them up in a package and send them to his superior commanding officer of that particular camp. That is what the average soldier would do in the field. What would that commanding officer do, if he was not restricted by some provisions as you have here? He would notify the relatives of the deceased soldier, and then he would send the effects on to the relatives whenever he was satisfied that the person demanding them was the proper legal representative, but that is not the way that it is done now.

Mr. GREENE of Vermont. May I ask the gentleman another question?

Mr. WINGO. Can the gentleman tell me how it is done now by the officer out in the field? How does he do it now?

Mr. GREENE of Vermont. He makes the first thumb-hand rule that may suit the circumstances, just as anybody would do.

Mr. WINGO. They do the thing we are trying to get around by this amendment; but these amendments restrict the right of the father instead of extending the right of the father. The trouble is that your present article of war has most of the language in it now that this bill has. The gentleman points out the changes made——

Mr. GREENE of Vermont. Exactly; and they are made as a result of experience, which showed they are necessary.

Mr. WINGO. In other words, you want to shut it up and restrict it instead of extending it.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, as I understand this bill, it is not what the gentleman from Arkansas [Mr. WINGO] believes it to be. This is not to provide for the distribution of personal property as personal property is distributed by the laws of inheritance of a State. It is to give authority and direction to officers of the Army to deliver the meager belongings of a deceased soldier into the hands of some responsible person, a relative of the deceased, who will keep them, if entitled to do so, or who will act as custodian of them so that they will reach the hands of the person who is entitled to the possession of them. If any question arises as to the right of any such person as custodian to hold and keep the property, that question can be determined in a proper proceeding in a court having jurisdiction of the persons and the property. I do not see that this law is a law for the distribution of property in the sense of determining the person or persons who at the time have or are later to have the right of permanent possession; it is simply to find somebody into whose hands it shall be placed, somebody to relieve the War Department of the duty and burden of keeping it until a court shall determine the title or right of possession. The title can be determined later, if there is a controversy in respect to it.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WINGO. Does it not go further than that? Does it not state to whom you shall distribute it, and do you not for the purpose of Army administration set up a rule of distribution?

Mr. McLAUGHLIN of Michigan. By its terms it simply suggests persons to be preferred and the order in which they may be preferred, but practically only as custodians by the War Department.

Mr. WINGO. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN of Michigan. I have only five minutes.

Mr. WINGO. Is not that all that a law of distribution in any statute of a State does?

Mr. McLAUGHLIN of Michigan. No; it is not. A statute of a State relating to inheritance and descent of property and a judgment of a court under that statute are for the purpose of determining the descent of intestate property; to determine not the temporary custodian but the person or persons who are to have title to and permanent possession of property.

A court, in pursuance of a statute, determines the final ownership and right of possession of property. This does not undertake to do anything of that kind.

And as to the particular case the gentleman cites, where there was a separation of a husband from his wife and daughter, in my humble judgment the husband would not be held by a court to have abandoned his family. They, being wholly at fault, would be held to have abandoned him; at least he would be justified in leaving them and in living apart from them, and in doing so he would lose none of his rights as to the property of his son. And the rule is the same as to the wife. If she leaves his home on account of his misconduct—justifying divorce—she takes all her rights with her. It seems to me this bill is entirely proper; it provides simply for finding a temporary—and I think I use the proper word—custodian of property, somebody with whom the War Department can deal without delay. If there is later a dispute or controversy as to who is permanently entitled to the property, the matter can be tried in a court. Difficulty would arise, possibly, in some cases. Property of some value may be put into the hands of one who is not really entitled to hold it permanently, and it may be difficult to recover the property from him, but that often happens.

Mr. GREENE of Vermont. Will the gentleman permit a suggestion?

Mr. McLAUGHLIN of Michigan. I will.

Mr. GREENE of Vermont. After all, the effect of this bill, apart from what the gentleman said or rather in continuation of it, is that by enumerating these different persons in the law the officer who has the present custody may know to whom he may safely intrust this property awaiting final decision, and thereby relieve him of the responsibility of making any particular choice.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GREENE of Vermont. In other words, it is informing to him and instructional to him as to whom he can deliver this property and thus relieve his own responsibility for it.

Mr. McLAUGHLIN of Michigan. The gentleman is right.

Mr. KAHN. I yield two minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Chairman, in many of these far western posts we have this situation: A soldier dies. There is no definite information as to his heirs. This bill merely authorizes a transfer out of the post into the custody of some one else of the personal property only. There is not very much personal property at best. These men are not men endowed with great wealth. There is probably a watch, a ring, a chain, and a little individual keepsake or perhaps a few dollars. This bill prevents the accumulation in the camp of this property until the heirs or the courts settle who is to receive it. It merely transfers from the post to some party who in the civil courts can have the matter determined. It occurs to me, in spite of the suggestion of the gentleman from Arkansas, that it expedites, enhances, and hastens getting the property into the hands of the relatives and friends instead of delaying it.

Mr. WINGO. Will the gentleman yield?

Mr. BEE. I will.

Mr. WINGO. That is not new in this bill; it is the present law. Now, the thing we are trying to get away from is that the present law does not expedite. Can the gentleman name a single soldier whose personal effects have been obtained——

Mr. BEE. No, sir, I can not; but I can name a great many soldiers whose personal effects are being held in the custody of the War Department until the heirs can be ascertained. It is the question of getting a watch, a chain, or a ring——

Mr. WINGO. But this act will not have that effect——

Mr. BEE. This act will have that effect, in my opinion. It will have the effect of transferring the entire troublesome question of determining who they will be and not make the Army

hold it at any place with the attendant risk and at the same time have to pass upon the relative rights of another party. The only objection I have got is that we ought to put the sister before the brother in reference to personal effects.

Mr. WINGO. Will the gentleman yield for another question?

Mr. BEE. If I have time; I see the gavel——

Mr. WINGO. The gentleman is a lawyer; what authority has Congress to undertake to decide who shall have preference?

Mr. BEE. None at all.

Mr. GREENE of Vermont. And it does not.

Mr. WINGO. The plain language of the provision is that they shall deliver the property.

Mr. BEE. And relieve the Army camps from——

Mr. WINGO. The only thing Congress can do is to turn it over to the legal heirs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That article 112 of section 342 of the Revised Statutes of the United States, as amended by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, approved July 9, 1918," be, and the same is hereby, amended to read as follows:

Mr. GREENE of Vermont. Mr. Chairman, I desire to offer an amendment. Evidently by typographical error, in the Senate engrossed bill print, as well as the Senate printed bill, line 3 is made to read "That article 112 of section 342 of the Revised Statutes of." That should read "1342," and I move an amendment to strike out, in line 3, the figures "342" and insert in lieu thereof "1342."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, amend by striking out the figures "342" and insert in lieu thereof "1342."

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Is the bill now open for amendment?

The CHAIRMAN. The bill is being read for amendment.

Mr. WINGO. And the first paragraph only has been read?

The CHAIRMAN. The first paragraph has been read. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

ART. 122. Effects of diseased persons, disposition of: In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all of his effects then in camp or quarters, and if no legal representative or widow be present the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

Mr. BLANTON. Mr. Chairman, I offer an amendment. On page 2, reverse the position of the words "brother, sister" so that "sister" will precede "brother."

The CHAIRMAN. Will the gentleman indicate the line?

Mr. BLANTON. Line 12.

Mr. GREENE of Vermont. Does the gentleman care to discuss that?

Mr. BLANTON. I do not care to discuss it.

Mr. GREENE of Vermont. If the gentleman will permit me to make a suggestion, that this, of course—what we have been trying to emphasize for the last half hour—does not give title to the property.

Mr. BLANTON. But it says in the order named.

Mr. GREENE of Vermont. That is simply a depository—the order in which this officer may release the custody of this property. Now, it might easily be that the brother—the male—under the circumstances may be the most convenient person to intrust this to, because ultimately it is going to be submitted, perhaps, to somebody else——

Mr. BLANTON. But I would rather make the sister temporary custodian than the brother——

Mr. GREENE of Vermont. If the gentleman is sure with his experience with our human family——

Mr. BLANTON (continuing). Because I think sisters appreciate it more. Women, I think, appreciate things of that kind more—keepsakes and family articles.

Mr. GREENE of Vermont. I desire to suggest again to the gentleman that she is not necessarily going to get them. She is made to be a servant in this bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 9, of the Senate printed bill, transpose the word "sister" so that the line will read: "Mother, sister, brother, or the next of kin."

Mr. BLANTON. Mr. Chairman, I do not care to take up any time discussing the proposition; but in reply to the gentleman from Vermont [Mr. GREENE] I will state that this involves merely a temporary custodian of the property, it is true; but we men of experience in the ordinary affairs of life certainly understand that the women of our country do take more interest in keepsakes and heirlooms than we men do. And I think, if we are going to prescribe the order of even temporary custodians of such property, preference should be given to the sister rather than to the brother. That is the purpose of the amendment. It is not a matter of any great importance, but yet, of whatever importance it is, since any preference is sought to be given, I think the preference should be given to the woman.

Mr. KAHN. Mr. Chairman, I hope the amendment will not prevail. I recognize the fact that the women do lay more stress upon keepsakes than men do. But here is your situation: Suppose the soldier has a sister when he goes into the Army; while he is away she marries and changes her name altogether, possibly goes away from the neighborhood where the family has lived for many years. The brothers remain in that neighborhood; it is much easier for the War Department officials to transfer to a brother than it is to some sister under those circumstances. We speak of "brothers and sisters." The brother comes first in the ordinary affairs of life. If I thought for a moment that some really great good could be accomplished, I would not object to the amendment, but I think it would be much easier to find the brother than it would be, possibly, to find the sister.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, I ask for recognition. I move to strike out the last word.

The gentleman from California [Mr. KAHN] need not be in a hurry to get a vote on this. It is a very important matter. It is to be regretted that the committee confined itself in amending article of war 112 to a simple change or two, that would make it more difficult for the father to get the personal effects of the son when he dies in camp. I am not going to offer an amendment, because I recognize that when you undertake to amend articles like this on the floor you are doing a very dangerous thing. I trust that members of the committee will go into this matter further and not simply think of one case, where a father is not worthy. The only material amendment you put in here is to provide that a father who has abandoned his family shall not receive the effects, and that is the most material amendment.

The gentleman talks about a summary court. It does not make any difference what you call it, this Congress has no authority to set up any court of probate jurisdiction over the effects, personal or otherwise, of any citizen of this land. Of course, all you do by this is to give directions to a commanding officer as to whom he shall deliver the personal effects of a deceased soldier. Now, if you did not have article of war No. 112, the law would compel the commanding officer to do what? To deliver the property to the person who is entitled to the possession of it under the law of the domicile of the deceased soldier. Now, when you undertake to provide that nobody but a legal representative or the widow can get the effects at the camp, what do you do?

Under this bill and under the present law the father may stand there and say, "I want these effects"; the mother may stand there and say, "I want these effects"; the brother may stand there and say, "Here is a letter from father and mother, and he was my only brother, and I want these effects"; or

the sister may come there to camp and say, "He was my brother; I want the effects"; a Congressman may go to the camp and say, "I represent the father of the deceased soldier. The soldier had a watch that had been in the family since Revolutionary days. Here is a letter from the father telling me to get it, and I want it." But you can not get it. You have to turn it over to a summary court and send it to the Quartermaster Department at Government expense, tie it up in Washington in storage, and then when you call on the War Department they say, "We have no record of any effects left by the soldier, but will ask the commanding officer to report," and months elapse and finally you are told the soldier left no effects. What becomes of the boy's watch? Such a policy is silly. It would be common sense to let the commanding officer turn the property over to the father or mother. Everybody in this House knows that if the father is not entitled to the property the court can compel him by summary process to deliver it over to the person that is entitled to it. Any lawyer knows that. So you are not trying to meet that kind of a situation but just trying to add a little more red tape to the already burdensome red tape, which has so far caused most of the effects of the deceased soldiers, which are purely sentimental in value, to be lost at the camps. And this only adds to the interminable processes along that line.

Mr. KAHN. Mr. Chairman, I want to rise in opposition to the pro forma amendment.

The gentleman from Arkansas [Mr. WINGO] is unduly frightened. During this war a great many boys were killed. When the soldiers' pockets were searched there was a little money found, possibly, or there was some trinket found or he had a watch on his wrist. The soldier probably carried a photograph of his sweetheart. Now, the purpose of the legislation is to enable the commanding officer immediately upon the death of a soldier to gather those effects, put them into a package, convene three officers to determine among themselves, from his effects if they can, to whom they should send the package for division among the relatives, if the relatives should go into a court to ask that the estate be divided. The officer who sends the material to one of the family does not know positively whether that person is entitled to it or not. But suppose there were two or three brothers of the deceased; under the reasoning of the gentleman from Arkansas [Mr. WINGO] the officer would have to determine the division of the property to show which articles each brother ought to receive. The purpose of the legislation is simply to enable the War Department officers to determine among themselves to whom they will send the materials, and the question of subsequent disposal is another matter and will be settled in the courts if the case should be taken into court.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the question recurs on the amendment of the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 4, noes 38.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1373) to amend the Articles of War, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WINGO. Mr. Speaker, I move to recommit the bill to the Committee on Military Affairs with instructions to report the same back forthwith with an amendment after the word "widow," on page 1, line 11, of the House print of the bill, by inserting the words "father or mother," so that it will read, "will permit the legal representative or widow, father, or mother of the deceased, if present, to take possession," and so forth.

The SPEAKER. The Clerk will report the motion of the gentleman from Arkansas.

The Clerk read as follows:

Mr. WINGO moves that the bill be recommitted to the Committee on Military Affairs with instructions to that committee to report the same back forthwith with the following amendment: Page 1, line 11, after the word "widow," insert the words "father or mother."

Mr. KAHN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. WINGO. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 5, noes 37.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum. Evidently there is no quorum present. The Clerk will call the roll. As many as favor the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 49, nays 193, answered "present" 2, not voting 188, as follows:

YEAS—49.

Almon	Gallagher	Martin	Robinson, N. C.
Aswell	Gard	Mays	Sanders, La.
Ayres	Garrett	Minahan, N. J.	Stoll
Bankhead	Goodwin, Ark.	Montague	Steagall
Bland, Va.	Huddleston	Moon	Steele
Blanton	Hulings	Neely	Tillman
Caraway	Humphreys	Oldfield	Watkins
Carss	Jacoway	Padgett	Wilson, La.
Collier	Johnson, Miss.	Park	Wilson, Pa.
Connally	Jones, Tex.	Pou	Wingo
Dewalt	Kitchin	Rainey, Ala.	
Emerson	Lankford	Randall, Calif.	
Evans, Mont.	Larsen	Rayburn	

NAYS—193.

Alexander	Echols	Layton	Rowe
Anderson	Edmonds	Lazaro	Rubey
Andrews, Nebr.	Elliott	Lea, Calif.	Rucker
Anthony	Esch	Lee, Ga.	Sanders, Ind.
Baer	Evans, Nebr.	Lehring	Sanford
Barbour	Fairfield	McArthur	Schall
Bee	Fisher	McFadden	Scott
Begg	Foster	McKinley	Sells
Benham	Freeman	McLaughlin, Mich.	Shreve
Black	French	McLaughlin, Nebr.	Sinnott
Blackmon	Fuller, Mass.	McPherson	Small
Bland, Mo.	Glynn	MacCrate	Smith, Idaho
Bowers	Green, Iowa	MacGregor	Smith, Mich.
Box	Greene, Mass.	Madden	Smithwick
Brand	Greene, Vt.	Major	Stedman
Briggs	Hadley	Mann, S. C.	Steenerson
Brinson	Hardy, Colo.	Mansfield	Stephens, Ohio
Brooks, Ill.	Hardy, Tex.	Mapes	Stiness
Brooks, Pa.	Harrison	Mason	Strong, Kans.
Browne	Hastings	Merritt	Summers, Wash.
Browning	Hayden	Michener	Sweet
Buchanan	Hays	Miller	Taylor, Tenn.
Burdick	Heflin	Monahan, Wis.	Thompson
Burke	Hernandez	Morgan	Tilson
Byrnes, S. C.	Hersey	Mott	Timberlake
Byrns, Tenn.	Hickey	Nelson, Mo.	Upshaw
Caldwell	Hoch	Nelson, Wis.	Valle
Candler	Holland	Newton, Minn.	Venable
Chindblom	Houghton	Newton, Mo.	Vinson
Christopherson	Hudspeth	Nichols, Mich.	Volstead
Clark, Fla.	Hull, Iowa	O'Connor	Walsh
Clark, Mo.	Hull, Tenn.	Olney	Wason
Classon	Husted	Osborne	Watson, Pa.
Cleary	Igoe	Overstreet	Watson, Va.
Coady	James	Parker	Weaver
Cooper	Johnson, Wash.	Parrish	Welling
Crago	Juul	Pell	Wheeler
Cramton	Kahn	Purnell	White, Kans.
Crisp	Kearns	Quin	White, Me.
Crowther	Keller	Radcliffe	Williams
Currie, Mich.	Kelly, Pa.	Raker	Winslow
Dale	Kiess	Ramseyer	Woods, Va.
Darrow	King	Randall, Wis.	Wright
Dent	Kinkaid	Reavis	Yates
Dickinson, Mo.	Kleczka	Reber	Young, N. Dak.
Dickinson, Iowa	Knutson	Reed, W. Va.	Young, Tex.
Dowell	Kraus	Rhodes	
Dunbar	Lampert	Ricketts	
Dupré	Lanham	Romjue	

ANSWERED "PRESENT"—2.

Cannon Sears

NOT VOTING—188.

Ackerman	Butler	Davis, Minn.	Ellsworth
Andrews, Md.	Campbell, Kans.	Davis, Tenn.	Elston
Ashbrook	Campbell, Pa.	Dempsey	Evans, Nev.
Babka	Cantrill	Denison	Ferris
Bacharach	Carew	Dominick	Fess
Barkley	Carter	Donovan	Fields
Bell	Casey	Dooling	Flood
Benson	Cole	Doremus	Focht
Bland, Ind.	Copley	Doughton	Fordney
Boies	Costello	Drane	Frear
Booher	Cullen	Dunn	Fuller, Ill.
Britten	Curry, Calif.	Dyer	Gallivan
Brumbaugh	Dallinger	Eagan	Gandy
Burroughs	Davey	Eagle	Ganly

Garland	Kincheloe	Murphy	Smith, Ill.
Garner	Kreider	Nicholls, S. C.	Smith, N. Y.
Godwin, N. C.	LaGuardia	Nolan	Snell
Goldfogle	Langley	O'Connell	Snyder
Good	Lehlbach	Ogden	Stephens, Miss.
Goodall	Lesher	Oliver	Stevenson
Goodykoontz	Linthicum	Paige	Strong, Pa.
Gould	Little	Peters	Sullivan
Graham, Pa.	Lonergan	Phelan	Sumners, Tex.
Graham, Ill.	Longworth	Platt	Swope
Griest	Luce	Porter	Tague
Griffin	Lufkin	Rainey, H. T.	Taylor, Ark.
Hamill	McAndrews	Rainey, J. W.	Taylor, Colo.
Hamilton	McClintic	Ramsey	Temple
Haskell	McCulloch	Reed, N. Y.	Thomas
Haugen	McDuffie	Riddick	Tincher
Hawley	McGlennon	Riordan	Tinkham
Hersman	McKenzie	Robsion, Ky.	Towner
Hicks	McKeown	Rodenberg	Treadway
Hill	McKinley	Rogers	Vare
Howard	McLane	Rose	Vestal
Hutchinson	Magee	Rouse	Voigt
Ireland	Maher	Rowan	Walters
Jefferis	Mann, Ill.	Sabath	Ward
Johnson, Ky.	Mead	Sanders, N. Y.	Webb
Johnson, S. Dak.	Mondell	Saunders, Va.	Webster
Johnston, N. Y.	Mooney	Scully	Welty
Jones, Pa.	Moore, Ohio	Sherwood	Whaley
Kelley, Mich.	Moore, Pa.	Siegel	Wilson, Ill.
Kendall	Moore, Va.	Sims	Wise
Kennedy, Iowa	Moores, Ind.	Sinclair	Wood, Ind.
Kennedy, R. I.	Morin	Sisson	Woodyard
Kettner	Mudd	Slemp	Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. FLOOD.
Mr. BOIES with Mr. SEARS.
Mr. LANGLEY with Mr. FIELDS.
Mr. TINCHER with Mr. THOMAS.
Mr. ACKERMAN with Mr. GANDY.
Mr. FULLER of Illinois with Mr. SHERWOOD.
Mr. LUCE with Mr. TAGUE.
Mr. SINCLAIR with Mr. GALLIVAN.
Mr. LONGWORTH with Mr. GARNER.
Mr. MOORE of Ohio with Mr. DOUGHTON.
Mr. TREADWAY with Mr. BOOHER.
Mr. LITTLE with Mr. HENRY T. RAINEY.
Mr. KENDALL with Mr. MCCLINTIC.
Mr. ANDREWS of Maryland with Mr. WISE.
Mr. BACHARACH with Mr. WHALEY.
Mr. BLAND of Indiana with Mr. WELTY.
Mr. BURROUGHS with Mr. TAYLOR of Colorado.
Mr. REED of New York with Mr. EVANS of Nevada.
Mr. RIDDICK with Mr. EAGLE.
Mr. ROGERS with Mr. EAGAN.
Mr. GOOD with Mr. RIORDAN.
Mr. GOODALL with Mr. JOHN W. RAINEY.
Mr. KREIDER with Mr. MCANDREWS.
Mr. LAGUARDIA with Mr. LONERGAN.
Mr. LEHLBACH with Mr. LINTHICUM.
Mr. BUTLER with Mr. TAYLOR of Arkansas.
Mr. CAMPBELL of Kansas with Mr. SUMNERS of Texas.
Mr. COPLEY with Mr. STEVENSON.
Mr. COLE with Mr. SULLIVAN.
Mr. CURRY of California with Mr. STEPHENS of Mississippi.
Mr. GOODYKOONTZ with Mr. PHELAN.
Mr. GOULD with Mr. OLIVER.
Mr. LUFKIN with Mr. LESHER.
Mr. MCCULLOCH with Mr. KETTNER.
Mr. MAGEE with Mr. JOHNSTON of New York.
Mr. MANN of Illinois with Mr. JOHNSON of Kentucky.
Mr. DALLINGER with Mr. SMITH of New York.
Mr. DAVIS of Minnesota with Mr. SISSON.
Mr. ROSE with Mr. DRANE.
Mr. SANDERS of New York with Mr. DOREMUS.
Mr. SIEGEL with Mr. DOOLING.
Mr. SMITH of Illinois with Mr. DONOVAN.
Mr. DEMPSEY with Mr. SIMS.
Mr. DUNN with Mr. SAUNDERS of Virginia.
Mr. MONDELL with Mr. HOWARD.
Mr. MOORE of Pennsylvania with Mr. HERSMAN.
Mr. SNELL with Mr. DOMINICK.
Mr. SNYDER with Mr. DAVIS of Tennessee.
Mr. MOORES of Indiana with Mr. HAMILL.
Mr. TINKHAM with Mr. DAVEY.
Mr. STRONG of Pennsylvania with Mr. CULLEN.
Mr. TOWNER with Mr. CASEY.
Mr. VARE with Mr. CARTER.
Mr. VESTAL with Mr. CAREW.
Mr. GRAHAM of Pennsylvania with Mr. O'CONNELL.
Mr. FESS with Mr. SCULLY.
Mr. FOCHT with Mr. SABATH.
Mr. GRAHAM of Illinois with Mr. NICHOLLS of South Carolina.
Mr. HASKELL with Mr. MOORE of Virginia.
Mr. HAUGEN with Mr. MOONEY.
Mr. HAWLEY with Mr. MEAD.
Mr. VOIGT with Mr. CANTRILL.
Mr. WALTERS with Mr. CAMPBELL of Pennsylvania.
Mr. WARD with Mr. BRUMBAUGH.
Mr. WILSON of Illinois with Mr. BENSON.
Mr. WOOD of Indiana with Mr. BELL.
Mr. WOODYARD with Mr. BABKA.
Mr. ZIHLMAN with Mr. ASHBROOK.
Mr. MORIN with Mr. GRIFFIN.
Mr. MUDD with Mr. GOLDFOGLE.
Mr. HILL with Mr. MAHER.
Mr. HUTCHINSON with Mr. MCLANE.
Mr. IRELAND with Mr. MCKINLEY.
Mr. MURPHY with Mr. GODWIN of North Carolina.
Mr. FORDNEY with Mr. ROWAN.
Mr. GARLAND with Mr. ROUSE.
Mr. PETERS with Mr. GANLY.
Mr. RAMSEY with Mr. FERRIS.
Mr. JONES of Pennsylvania with Mr. MCKEOWN.
Mr. KELLEY of Michigan with Mr. MCDUFFIE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The nays have it, and the motion to recommit is rejected. The question is on the passage of the bill.

The question being taken, the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KAHN. Mr. Speaker, I move that House bill 3746, which is identical with the Senate bill just passed, be laid on the table.

The motion was agreed to.

SURPLUS DENTAL OUTFITS.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs I call up House joint resolution 222, directing the Secretary of War to dispose of surplus dental outfits.

The SPEAKER. The gentleman from California, by direction of the Committee on Military Affairs, calls up a House joint resolution, which the Clerk will report.

The Clerk read the title of the joint resolution.

The SPEAKER. This joint resolution is on the Union Calendar. Accordingly the House will resolve itself into the Committee of the Whole House on the state of the Union for its consideration, and the gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 222.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Whereas on November 11, 1918, the day the armistice was signed, there were in round numbers 5,000 commissioned dental officers on duty; and

Whereas since the discharge of a large majority of these dental officers there are many thousand dental outfits in the hands of the Government and not in use; and

Whereas these outfits will inevitably deteriorate and become useless in a short time if stored away as they now are; and

Whereas thousands of these dental officers who before entering the service disposed of their private outfits and are now without them: Therefore be it

Resolved, etc., That the Secretary of War is hereby authorized and directed to dispose of all dental outfits not in use and not immediately needed by the Government: *Provided*, That they shall be sold preferentially to an honorably discharged dental officer and at a price not to exceed 25 per cent of the first cost to the Government: *Provided further*, That after the period of six months after this act goes into effect these dental outfits may be disposed of to the general trade: *And provided further*, That all dental outfits or parts thereof so purchased shall be invoiced, packed, and delivered to any railroad station within the United States designated by the purchaser without additional cost for packing and shipping.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized to sell at public or private sale, under such rules and regulations as he may prescribe, all dental supplies in excess of the needs of the Government, preferentially to persons who served in the Army of the United States during the recent war and who are at the time of such sale licensed to practice dentistry."

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, it happens that the War Department has on hand a very large amount of dental equipment and supplies such as are usually used in dentistry. Now, we have a provision of law that war supplies of this character shall be sold preferentially to the Navy, to the Marine Corps, to the Red Cross, and one or two others. Those are public purposes, and the provision of law is that those public purposes shall have preferential recognition. That is, the War Depart-

ment can turn these things over to the Navy or to the Marine Corps under existing law.

The purpose of this joint resolution, and its only purpose, is to authorize the Secretary of War to sell at private sale to men who served in the war who are now licensed to practice dentistry. The bill originally introduced by the gentleman from Delaware [Mr. LAYTON] provided that the War Department should sell to such dentists, apparently in recognition of their services in the war, at 25 per cent of the original cost of these supplies. No one can fail to recognize that it would be a very fine thing to give something to any soldier, but the committee was unable to see any very good reason why the War Department should give 75 per cent of the value of these things to those particular soldiers who served in the war who happen to be dentists.

These supplies are now very rare. Many of the dentists who went into the war gave up their practice, sold their outfits, and now find themselves upon their return to civil life unable to buy the equipment that is necessary to reestablish themselves in their profession, at least without paying a very exorbitant price. I can see absolutely no reason why the War Department should grant to one soldier a money bonus—and that would be the effect of the original bill—in preference to any other soldier.

The bill as it is amended by the committee allows the War Department, in its own discretion and under its own rules, to sell at a fair, reasonable price at private sale, without advertisement to the public, to any soldier who is a dentist and who served honorably in the war. It also provides that dentists who served in the war shall be given a preference over every other private interest. That prevents the dealers in supplies in dentistry from coming in and buying these things from the Government at private sale and provides that the dentist who is actually licensed to practice his profession shall have this preference.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. JONES of Texas. What was the purpose in taking out of the bill the direction to the Secretary of War to sell these supplies? Is it the purpose to leave it in his discretion?

Mr. SANFORD. That was the exact purpose. This is an administrative matter. I take the position that Congress ought not to specify the details, but should put the responsibility where it belonged, on the Secretary of War, to sell these supplies at a fair and reasonable price within the limits of the bill.

Mr. JONES of Texas. I agree with the gentleman; but the question whether they should be sold or not should not be left to the Secretary of War. The details should be left to him, but it seems to me that it would be well to direct him to sell them.

Mr. SANFORD. I think it is advisable to avoid the use of the word "direct" as often as possible. The object of this bill is to get these supplies into the hands of bona fide soldier dentists as early as possible.

Mr. MADDEN. If the gentleman will yield, has it not always been the construction of the executive branch of the Government that the word "may" shall be construed as a direction?

Mr. BRIGGS. Will the gentleman yield?

Mr. SANFORD. Yes.

Mr. BRIGGS. I would like to ask the gentleman if there is any large surplus of these supplies now on hand available for distribution?

Mr. SANFORD. I am advised that there is a very large supply.

Mr. BRIGGS. The reason I ask the question is that I had inquiries from my district and was informed by the War Department that they did not have any surplus on hand at this time, but if it developed later on they would be glad to give consideration to its distribution.

Mr. SANFORD. I think the War Department had this matter in mind when they gave that information.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman and gentlemen of the House, it is not my purpose to occupy much time on this matter, so I will be as brief as possible.

The genesis of this resolution comes out of a demand by the dental officers of the late war. When they enlisted in the Federal service some of them sold their dental outfits to the Government at prevailing prices and others disposed of them to individuals or dealers at whatever price they could obtain. This was done not only by reason of their belief as to the indeterminate duration of the war, but also because of the well-known difficulty of preserving them from rust and general deterioration resulting from lack of use. Now that war is over, they find themselves not only with impaired vocations, but without the professional equipment to pursue the same. This is a great hardship upon these patriotic men, especially since their enlistment and discharge dental outfits have increased more than 300 per cent in their selling price.

This injustice was called to my attention by certain dentists of my State, who asked me to interest myself in the matter, with a view, if possible, of correcting it.

For the information of the House it might be well to state a few pertinent facts in relation to this resolution. At the beginning of the war with Germany there were 86 commissioned dental officers. At the signing of the armistice there were 5,000 commissioned dental officers, 3,600 of whom were on duty in the United States and the remainder in foreign service. There are, approximately, at this time, 4,000 dental officers demobilized or discharged from the service. The Government owns about 6,000 dental outfits.

About 5,000 of these outfits are stored away in various places, such as camps, cantonments, and warehouses throughout the country. About 1,000 of them are in use. An Army of 350,000 men would be allowed by law 700 dental officers and would not need more than 1,000 of these outfits, so that there could be sold without detriment to the service 4,000 of them. It is nearly a year since the armistice was signed. I am informed that the War Department has refused to sell either outfits or parts of the same to discharged dental officers, assigning as a reason its intention of turning them over to the Health Service.

Mr. JONES of Texas. Will the gentleman yield?

Mr. LAYTON. Yes.

Mr. JONES of Texas. Can the gentleman give us any information as to why they waited so long before moving to have this equipment sold?

Mr. LAYTON. I am coming to that.

Mr. JONES of Texas. One further question. Would it not have been much better to have sold this property to the men as they were discharged instead of waiting until they got back and got their equipment?

Mr. LAYTON. My judgment is that as a matter of good business, as fast as a dental officer was discharged the War Department should have allowed him to take a dental outfit home with him.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. KAHN. I yield to the gentleman five minutes more.

Mr. LAYTON. The charge is also made that the reason for this is due to an agreement between the manufacturers and the Government that none of these outfits should be for sale after the termination of the war.

I do not wish to be understood as indorsing these statements. I am compelled to say, however—and it is very regrettable—that suspicions and direct charges of this character have been directed against the Government, wherever it entered into contractual obligations for supplies during the war, including the Beef Trusts, the vegetable and fruit canner, the automobile manufacturer, the cotton and woolen manufacturer, down to the manufacturer of the pick and shovel. While I am addressing the House on this subject, I desire to say that I shall introduce another resolution relating to the disposition of vast quantities of medical and surgical supplies, including all sorts of surgical instruments and appliances now held by the Government far beyond its needs. There are millions upon millions of cotton-gauze bandages, for instance, held in storage by the Government which now retail for from 15 to 30 cents when the prewar price was 5 cents. They should be disposed of for the benefit of the whole people.

I find that the chairman of the Committee on Military Affairs has a bill dealing with supplies, and when that bill comes before the House I wish to oppose it. In addition to dental outfits there is a vast amount of supplies of all kinds that are required in hospital and civilian practice that are needed in this country for the benefit of our people. I am opposed to a bill which I understand will be presented whereby all this vast material will be handed over to the Red Cross solely for use in foreign countries. There are only three of us who represent the medical profession in the House. I assume to say that the medical profession of the United States to-day needs these supplies here in America. Bandages which before the war cost 5 cents now cost from 15 to 30 cents, and everything else in proportion; and to take those supplies out of the country instead of giving them to hospitals and other institutions and then to those engaged in private practice, in my judgment is neglecting our first duty. [Applause.]

There is no reason why the Government, in these days of high prices, should not dispose of everything which it possesses beyond its proper needs and necessities in order to reduce prices generally. Surely it is evident that the people should have this consideration shown them, inasmuch as there is no dispute

that the manufacturer and the laborer reaped phenomenal profits during the war, and could therefore well afford to endure a temporary abatement of profits when the national need is so imperative. That the national need is imperative needs no extended arguments. Clinical developments of recent years prove conclusively the relation between decayed teeth and dental abscesses, which is the especial province of the dentist's activity, and many diseases arising therefrom, such as rheumatism, pneumonia, and many other pathological conditions due to germs generated in the maxillary regions of the body. Sound teeth have been found one of the primary requisites to the health of the soldier. They are no less requisite to the health of the civilian, and I again repeat that all these superfluous dental outfits should be made immediately available for the people in the cities, towns, and villages throughout the land. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, in this time I am going to read a letter from The Adjutant General in regard to returning some of our troops from Russia. [Applause.] Unfortunately, I am sure my colleagues will not smile when I tell them that those landing this week are coming here in their coffins. The Secretary informs me that 111 of those that were buried in Siberia, that we understood were being sent to Brest, in France, there to remain temporarily, have been ordered directly home. They will come on the 9th of this month on the steamship *Lake Daraga*.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, November 1, 1919.

Hon. WILLIAM E. MASON,
House of Representatives.

MY DEAR MR. MASON: With reference to your inquiry relative to the return of bodies of deceased soldiers from north Siberia, I beg to say that report has been received from the commanding general, American Forces in France, that 111 bodies evacuated from north Siberia are being returned to the United States on the steamship *Lake Daraga*, which is due to arrive at New York about November 9. No report has been received as to the names of the soldiers whose bodies are returned, but when received their relatives will be communicated with as to the disposition they desire made of the bodies.

Very truly, yours,

P. C. HARRIS,
The Adjutant General.

I wish simply to remark, as I file this letter here, that it would be a good time for the Congress to consider the question of continuing our sending American troops into Siberia. It is the announced policy of the department not to return these soldiers from Siberia until volunteers are found to take their places. As I have stated to you before—and I dislike to repeat—the sending of these soldiers to Siberia and into northern Russia was an absolute violation of the Constitution of the United States. Congress has declared no war there. According to the statement made by the Secretary of War before the Committee on Military Affairs when I was present these soldiers were not fighting there. He said that they were instructed not to fight; and, according to some with whom I have talked, who have come back and who are still alive, they have been used as guards. One young man was used as a guard for the National City Bank of the city of New York, which has just established a branch in Vladivostok. It occurred to me, on the bringing home of these dead heroes, men who have been sacrificed for our country, and, as I believe, without due process of law——

Mr. BLANTON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. On Calendar Wednesday, under the rules of the House, debate is confined to the subject matter of the bill under consideration. Because of the character of debate by the distinguished gentleman from Illinois [Mr. MASON], I feel constrained to ask that that rule be enforced; and I make the point of order that the gentleman is not confining his remarks to the subject of the bill under consideration.

The CHAIRMAN. The gentleman is correct in his statement of the rule. The gentleman from Illinois will proceed in order.

Mr. BLANTON. I have no objection to the gentleman's proceeding out of order if he does not denounce the Government of the United States just at this particular time.

The CHAIRMAN. The gentleman from Illinois will proceed in order.

Mr. MASON. Mr. Chairman, when it is brought to me so suddenly from a diplomatic source so reliable, I hardly know how to make applicable and germane the return of the dead soldiers from Russia to the discussion of a bill in respect to the price that we shall receive for certain dental tools. With all due respect, I desire to confine myself within the rules of the House, and I shall say no further upon the subject for the time being. I may be pardoned for saying, as I take my seat, that I had hoped to call the attention of the House, so that we would consider the duty of the Congress. I am not finding fault with any particular branch of the Government. I have my views as to what is right and what is constitutional. The gentleman from Texas probably has his. I think what I have discussed is a fair question for discussion on a military bill of any kind. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KITCHIN. Mr. Chairman, will the gentleman from California yield to me for a moment?

Mr. KAHN. I yield to the gentleman from North Carolina.

Mr. KITCHIN. I notice that this bill is confined to the sale of dental supplies.

Mr. KAHN. Yes.

Mr. KITCHIN. That is, supplies which dentists can purchase from the Government. Why should not medical and surgical supplies be included, so that the doctors and surgeons throughout the country can have the same privilege as the dentists?

Mr. KAHN. I understand that there has been no request made by the doctors for the sale of surgical supplies. The War Department has sent to the Committee on Military Affairs a bill asking that surplus medical supplies be turned over to the Red Cross.

Mr. KITCHIN. Does that include surgical instruments?

Mr. KAHN. I think it does. I dare say that if the doctors of the country had demanded legislation of this kind somebody would have introduced a bill, and it would have been considered.

Mr. KITCHIN. But perhaps they never thought about it. Perhaps they never thought that Congress would pass such a bill. Perhaps some smart, shrewd dentist was looking out for the dentists but not for the doctors.

Mr. KAHN. Oh, the gentleman from Delaware [Mr. LAYTON], who introduced this bill, is a doctor, and he introduced the bill for the dentists.

Mr. KITCHIN. Perhaps the dentists are stronger politically in Delaware than the doctors. [Laughter.] I have no objection to the bill; but I really wanted to know, because it struck me that both should have the same privilege.

Mr. LAYTON. Mr. Chairman, if the gentleman will yield, I said that I would be very glad if we could amend this bill; and as I said in the few remarks I made I am going to introduce a bill covering all this vast material outside of mere dental outfits for the benefit of the health of the people of the United States first.

Mr. KITCHIN. Would it not be very easy for us to amend by including surgical instruments and surgical supplies?

Mr. KAHN. I will have to reserve a point of order on such an amendment.

The CHAIRMAN. The Chair will call attention to the fact that the bill has not yet been read for amendment.

Mr. KAHN. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read the bill.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all of the preamble and all after the enacting clause and insert:

"That the Secretary of War is hereby authorized to sell at public or private sale, under such rules and regulations as he may prescribe, all dental supplies in excess of the needs of the Government, preferentially to persons who served in the Army of the United States during the recent war and who are at the time of such sale licensed to practice dentistry."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. LAYTON. Mr. Chairman, I have an amendment to the committee amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 2, line 13, after the word "authorized" insert the words "and directed."

Mr. LAYTON. Mr. Chairman, if there is no objection to the amendment, I shall take no time.

Mr. KAHN. Oh, I shall not vote for the amendment, but I do not care to take up the time of the House with discussion of it.

Mr. SANFORD. Mr. Chairman, I wish to oppose the amendment; I think the committee did not——

The CHAIRMAN. The gentleman from Delaware is entitled to five minutes.

Mr. LAYTON. If the gentleman is going to oppose the amendment I would like to have the floor on my amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. QUIN. I would like to ask a question of the gentleman from New York.

Mr. LAYTON. Let me get started, please.

Mr. QUIN. I am in favor of the gentleman's amendment, but I want to get at why the gentleman from New York objected. I guess I will have a little time later.

Mr. SANFORD. Mr. Chairman, my reason for opposing the amendment is this: Under the existing law certain preferences are created in favor of the War Department, the Marine Corps, and these others. Now, if you mix up that by giving the Secretary of War direction to sell these goods, I do not know what he would do. I do not think he would know what he would do, and I think you would create an obligation which would make it very difficult for him to handle the subject at all. That is the reason why I desire to authorize him to do it, and leave it to his judgment to accomplish what he has in his mind just as clearly as the gentleman has.

Mr. LAYTON. Mr. Chairman, I want to say in rebuttal of that argument that this bill is so worded it is not taking any supplies needed for governmental purposes. It deals absolutely with the surplus for which there is no governmental use, and therefore I want the words "and directed" put in there for this reason. The word "authorization" is not "direction," so far as I have ever understood it. I might authorize a gentleman, or yield the floor for him to make a speech, but by authorizing him to do that I do not compel him to make a speech if he wants to sit down. And the Secretary of War has had this authorization under the general act, which I have here, for a year; at least he has it now—I do not know how long it has been—but he has not acted yet under that authorization. My desire is to make it mandatory, because I have information here, which I desire to put in the RECORD, showing the War Department has refused to sell these dental outfits either in whole or in part.

Mr. BRIGGS. Will the gentleman yield?

Mr. LAYTON. In just a moment. I, as a Member of the House of Representatives, care nothing about who is Secretary of War; that does not enter into it; but as a Member of the House of Representatives I believe this body should begin to resume some of its constitutional powers and say so-and-so shall be done.

Mr. BRIGGS. Will the gentleman now yield?

Mr. LAYTON. Yes.

Mr. BRIGGS. Does the gentleman know to what extent there is a surplus of these supplies on hand? What amount of supplies are on hand?

Mr. LAYTON. I stated that a moment ago, about 6,000 dental outfits. There were 5,000 enlisted dental officers, 86 when the war began and 5,000 at the armistice.

Mr. BRIGGS. These have been on hand for some time, have they not?

Mr. LAYTON. Ever since demobilization took place; yes. And there is a suspicion that the Government also has more dental outfits than that because they had contracts in excess of their needs at the time.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. LAYTON. I will.

Mr. GREENE of Vermont. How long ago did the War Department arrive at the figures of the surplus? They must have begun some time ago to find out how many they had more than they needed?

Mr. LAYTON. This information which I have here of which I have spoken has been in my possession for two months.

Mr. GREENE of Vermont. Does the gentleman know the basis of the official determination of the department that that amount was actual surplus?

Mr. LAYTON. I got my information from the dental officer, the man in charge of one of the divisions.

Mr. GREENE of Vermont. Did he give to the gentleman the information in his official capacity as one giving information for the department?

Mr. LAYTON. He gave it to me in that way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I am heartily in favor of the amendment offered by the gentleman from Delaware. I have had this matter called to my attention from time to time and have not been able to get any satisfaction out of the Surgeon General's office as to any policy that that office intended to pursue with reference to this particular matter. Now, everybody knows that if the Surgeon General's office during the war had sufficient dental equipment for the Army then in the service it has more now than it has any business with and ought to dispose of it. And we may assume it had sufficient for the service. If it did not, it was because it could not purchase sufficient, because it had plenty of appropriations and authorization, and I believe that this Congress ought to say to the Secretary of War, "You are not only authorized but you are directed to sell all dental supplies which are not needed for the service." Now, in doing that I make no reflection upon the Secretary of War. The Secretary of War, however, in technical matters, in matters of this kind, necessarily has to rely upon subordinates. He has to rely upon the dental officers, men in the Surgeon General's office, and all the information I have been able to get from the Surgeon General's office indicates, at least to my mind, that that office is in no hurry and did not care much about disposing of these dental instruments.

Mr. LAYTON. If the gentleman will permit, I think I have pretty good information that the reason these dental outfits have not been disposed of, although authorized, is because somewhere in the Government, I do not know where, there is a desire to turn this surplus over to the Public Health Service. Well, I do not believe in that. I think it ought to be turned over to the dentists throughout the whole country.

Mr. CONNALLY. Well, a sufficient argument in favor of this amendment is that the Secretary of War has had authority all along to dispose of these surplus supplies and has not done so.

Mr. SANFORD. Will the gentleman from Texas yield to me?

Mr. CONNALLY. I yield.

Mr. SANFORD. The Secretary of War has also had authority to turn over to the Public Health Service such of these items as he sees fit, but he has not had authority to sell other than by public bidding, and the purpose of this bill is merely to sell at private sale to these dental soldiers.

Mr. CONNALLY. I understand that. My purpose in espousing the amendment of the gentleman from Delaware is not to give to the Secretary of War——

Mr. SANFORD. The gentleman would not approve selling at private sale to other than dental officers, would he?

Mr. CONNALLY. I will say to the gentleman that under the language of the bill you give the Secretary of War practically carte blanche to do as he pleases, because you say "under rules and regulations prescribed by the Secretary of War."

Mr. SANFORD. That is dealing with a part of the bill.

Mr. CONNALLY. It is dealing with the whole bill. You simply give the soldiers the preference, but you are authorizing the Secretary to sell these supplies to anybody under such rules and regulations as he may make.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. EVANS of Nebraska. Do you have any information as to what the reason is that the Secretary of War refused to sell, as was inferred by the gentleman from Delaware [Mr. LAYTON]?

Mr. CONNALLY. I have no information other than that I suppose that the Secretary of War was advised by somebody in the Surgeon General's office that it had not completed an investigation as to whether or not these supplies are needed by the Army.

The following letter from the Surgeon General's office may throw some light on the subject:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, September 20, 1919.

Hon. TOM CONNALLY,
House of Representatives, Washington, D. C.

MY DEAR MR. CONNALLY: Replying further to your letter of August 22, transmitting letter from J. M. Murphy, D. D. S., Temple, Tex., relative to dental outfits, report that investigation by this office has failed to elicit the whereabouts of dental outfits in excess of the requirements of the Army on a peace-time basis.

If universal training is to be decided upon, a large number of outfits will be required, and they will be in constant use, taking care of the young men who will be called to the colors for training. It will probably be the policy of the War Department to remedy dental defects, in so far as practicable, during the period of training. At any rate, all emergency work will be promptly and properly performed, and to do this will require the large number of outfits indicated.

A large number of outfits were purchased. A large number were sent overseas, together with large quantities of dental instruments. Some of these are being returned; others, it is believed, have been sold to the French Government. It will probably be several months before the stock which is being returned from France can be properly assorted, classified, repaired, and made available for issue or for sale.

It is possible that the Director of Purchase and Storage under whose jurisdiction this property now is, may be able to furnish you further information, although in the present state of records and methods in that office this is very doubtful.

Regretting that I can not furnish you any more definite information, I am,

Very sincerely, yours,

EDWIN P. WOLFE,
Colonel, Medical Corps.

Mr. CALDWELL. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. CALDWELL. The proposition is this, that under the law, if they sell these instruments or supplies under the authority that they now have, they must publish and sell them to the highest bidder and in open competition. The idea of this bill is to give those men who sold their instruments to the Government when we needed them and could not buy them from the factories an opportunity to get privately and make a bargain over the counter for such of the supplies as they want and give them the preference in the purchase.

Mr. LAYTON. Mr. Chairman, I would follow the first amendment, when it is disposed of, with another.

Mr. CALDWELL. We have not disposed of this. The gentleman is asking for information.

The CHAIRMAN. The gentleman's time has expired. All time has expired.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.

Mr. CALDWELL. I rise to oppose the amendment.

The CHAIRMAN. All time has expired.

Mr. CALDWELL. Have I not the right under the rules of this House to oppose the amendment?

The CHAIRMAN. That would be an amendment in the third degree at this stage of the proceedings.

Mr. CALDWELL. Mr. Chairman, a point of order. Is it not a rule of this House that when an amendment is offered one person opposed to the amendment is entitled to five minutes in opposition to it?

The CHAIRMAN. The understanding is that when a gentleman moves an amendment he has five minutes in which to favor his amendment, and any person who rises in opposition may have five minutes. The gentleman from Texas [Mr. CONNALLY] rose, and the Chair had no idea whether he was in favor of or opposed to the amendment.

Mr. CALDWELL. Mr. Chairman, if the Chair will recall—and he can get the Reporter to read it to him—when the gentleman from Texas rose he announced he was in favor of the amendment.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. CALDWELL] will be recognized for five minutes in opposition to the amendment.

Mr. CALDWELL. Have I answered the gentleman's question?

This is not a case where the Secretary of War or the War Department has hoarded anything that ought to be sold. It is a case where the War Department is asking leave to cut the red tape in order that the men who are really entitled to a preference in the purchase of these things may have an opportunity to do so. These men gave their services and time and energies to the Nation in the time of her greatest need, and there is no reason why they should not have this preference.

Mr. SANFORD. The gentleman from Texas [Mr. CONNALLY] told the committee that in his opinion these sales could be made to anybody. I wish to call the attention of the committee to the fact that this permits sales to soldier dentists, and to nobody else. You can not read a part of this sentence and draw from it an inference of general authority. The only authority given to the Secretary of War is to sell to soldier dentists, and to nobody else; and he not only must sell to them, but sell to them preferentially.

Mr. CONNALLY. I will ask the gentleman from New York, then, what is the use of the word "preferentially"? It means he has authority to sell to anybody, but preferentially to soldiers.

Mr. SANFORD. That would be so if it said so.

Mr. CONNALLY. What is the use of using the word "preferentially"?

Mr. SANFORD. There is not much use. It is merely a description and is opposed to a surplus.

Mr. CALDWELL. Mr. Chairman, I hope the amendment will be voted down.

Mr. JONES of Texas. What is the gentleman's objection to the amendment if the purpose is to sell these and to direct the Secretary to sell them? How would that interfere in any way?

Mr. CALDWELL. We believe there ought to be a certain amount of discretion in the matter, and I do not think we ought to tie the Secretary's hands when he asks the privilege of cutting red tape.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Delaware [Mr. LAYTON].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. LAYTON) there were—ayes 31, noes 29.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

Mr. LAYTON. Mr. Chairman, I desire to offer another amendment to the committee amendment.

The CHAIRMAN. The gentleman from Delaware offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 2, line 14, after the word "prescribe," insert the words: "at a price not to exceed the original cost to the Government."

The CHAIRMAN. The Clerk informs the Chair that there is some error in the gentleman's reference. The gentleman from Delaware [Mr. LAYTON] will give heed. The Clerk informs the Chair that the gentleman's reference to the line is an incorrect one.

Mr. LAYTON. It is line 15, page 2, after the word "prescribe."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 2, line 15, after the word "prescribe," insert the words: "at a price not to exceed the original cost to the Government."

Mr. CANNON. Mr. Chairman, will the gentleman modify his amendment so that it will read "at the price paid by the Government"?

Mr. LAYTON. I accept that.

Mr. CANNON. It seems to me better. Otherwise they might sell it for nothing.

Mr. LAYTON. The gentleman's suggestion is acceptable.

Mr. SANFORD. Mr. Chairman, I ask that the modified amendment be reported.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

On page 2, line 15, after the word "prescribe," insert "at the price paid by the Government."

The CHAIRMAN. Is there objection to the modification of the gentleman's amendment?

There was no objection.

The CHAIRMAN. The question is on agreeing to the modified amendment offered by the gentleman from Delaware.

Mr. LAYTON. Mr. Chairman, I have the floor. I submit, Mr. Chairman and gentlemen of the House, that this bill is for the soldier boy, and that it is perfectly right; and more than that, it is patriotic. It is a little recognition of men who left their offices and left their practice and sold their outfits, and who now stand to pay over 300 per cent more in order to resume their vocation. I am only asking that the Government sell those outfits at the price it paid for them. Certainly the Government does not want to put itself in the position of trying to make a profit at the expense of the men who sacrificed themselves in this struggle.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. LAYTON. Yes.

Mr. SANFORD. Does the gentleman realize that the Government may have paid a very high price for these things in an emergency, and that they ought to sell now for very much less to these officers? The gentleman's amendment would prohibit that.

Mr. LAYTON. If they sell those outfits to dental officers at the price that the Government paid for them in the beginning, I have the assurance that the dental officers who came to me with their petitions will be perfectly satisfied.

Mr. FULLER of Massachusetts. But the prices have been advanced.

Mr. LAYTON. Yes; I understand that prices have been advanced over 300 per cent.

Mr. PARRISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PARRISH. In view of the statement of the gentleman from Delaware [Mr. LAYTON], I would like to know if a substitute for his amendment will be in order?

The CHAIRMAN. An amendment by way of a substitute will.

Mr. PARRISH. Then I move to substitute in lieu of his amendment this: "at a price not less than the amount paid by the Government."

Mr. LAYTON. I accept that, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

Mr. PARRISH. "At the price paid by the Government."

The Clerk read as follows:

Amendment offered by Mr. PARRISH as a substitute to the amendment offered by Mr. LAYTON: Page 2, line 15, after the word "prescribe," insert "at a price not less than the price paid by the Government."

The CHAIRMAN. Does the gentleman from Delaware wish to withdraw his amendment and accept this one?

Mr. LAYTON. No.

Mr. SANFORD. Mr. Chairman, I would like to say a very short word in favor of leaving discretion in the hands of the Secretary of War in this matter. The Government has been fortunate enough to sell very few things that it bought during the war at the price it paid. I think instances are very rare where they were sold for cost. The Government should not expect to sell at cost to these soldiers. At any rate, that is a matter to be left to the judgment of the Secretary of War. We have not before us sufficient facts to justify us in saying how he should sell or at what price he should sell. I think we can safely leave the matter in the hands of the administrative officer, where it belongs. If he could succeed in selling for 80 or 90 per cent of the cost he would be doing well.

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. OLNEY. It may be that some of these instruments have been used. They may be secondhand now.

Mr. SANFORD. The gentleman from Massachusetts is right. Many of these instruments may have been used. It is the notion of the committee that the soldier citizen should get a very fair advantage here, but just what advantage he will get I do not know.

Mr. EMERSON. Is it the intention of the department to ask the same price for the new and for the secondhand?

Mr. SANFORD. I do not know as to that. Probably the Secretary would make a fixed price for standard articles and let the dentists know that they can be had at that price.

Mr. PARRISH. Mr. Chairman, in view of the statement made by the gentleman from New York [Mr. SANFORD], a member of the committee, I ask unanimous consent to withdraw my substitute amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his substitute amendment. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I would like to ask one question.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD] has the floor. Does he yield to the gentleman from North Carolina?

Mr. SANFORD. Yes.

Mr. KITCHIN. Leaving the language as it is, if these supplies are sold they will be sold at a fair market value, will they not?

Mr. SANFORD. Yes.

Mr. KITCHIN. It would permit the Secretary of War or any Government agent to sell at a fair market price?

Mr. SANFORD. I think so.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. BEE. I understand the purpose of this bill is to give the benefit to the dentist who went into the Army. Is that right?

Mr. SANFORD. Yes.

Mr. BEE. I ask a careful reading of lines 16, 17, and 18 to see if we do that or not:

Preferentially to persons who served in the Army of the United States during the recent war and who are at the time of such sale licensed to practice dentistry.

Suppose a man were licensed to practice dentistry on the 1st of last January and he was not a dentist at the time he was in the Army, but became one afterwards?

Mr. SANFORD. I think it would apply to him.

Mr. BEE. I have heard the gentleman from Delaware [Mr. LAYTON] say these men had given up their offices and had gone into the Army, and now they would have to pay more for these instruments.

Mr. SANFORD. It includes those who are in the Army.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Delaware [Mr. LAYTON].

The question was taken, and the amendment was rejected.

Mr. CANNON and Mr. STEENERSON rose.

The CHAIRMAN. Does the gentleman from Illinois desire to offer an amendment?

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

Mr. CANNON. I would like to make a pro forma amendment in order to ask a question or two.

The CHAIRMAN. The gentleman from Minnesota offers an amendment. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. STEENERSON: At the end of the committee amendment insert "*Provided*, That the Secretary of War is hereby directed to dispose of said supplies at as early a date as possible in accordance with this resolution and the provisions of law applicable thereto."

Mr. KAHN. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

Mr. STEENERSON. Mr. Chairman, I do not think a point of order is involved. This amendment authorizes the Secretary of War to sell at public or private sale, but it does not say when he shall do it, and this proviso simply adds that he shall do it at as early a date as practicable, in accordance with the provisions of the resolution, so that it can not be delayed indefinitely.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STEENERSON. In a minute. The grievance that we have against the War Department is that they do not take action. They delay and keep these supplies on hand indefinitely until they deteriorate. There is nothing in this committee amendment that will make them act speedily, whereas my amendment simply says that they must do it at as early a date as practicable in compliance with the provisions of the resolution and the provisions of law applicable to such sale. That covers the case of the Marine Corps and the Red Cross, the provisions of existing law which have been referred to.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. The gentleman's amendment contains the words "as early as practicable," does it not?

Mr. STEENERSON. Yes.

Mr. GREENE of Vermont. And it leaves the War Department to determine how early that shall be?

Mr. STEENERSON. Yes.

Mr. GREENE of Vermont. Then what have you gained by adding those words?

Mr. STEENERSON. I have simply indicated that it is the desire of Congress to have speedy action. We have passed a resolution with reference to other supplies, and when we indicated that we wanted early action taken in regard to food supplies that had been on hand for months and were deteriorating, the War Department, in compliance with our action, put those food supplies on sale at once. If we indicate as a part of this committee amendment that we want early action, I believe it will influence the department to proceed to dispose of these things earlier than it would otherwise.

Mr. GREENE of Vermont. I admire the gentleman's faith.

The CHAIRMAN. Does the gentleman from California withdraw his point of order?

Mr. KAHN. Yes.

Mr. CANNON. Mr. Chairman, I should like to have some information about this whole matter. First I should like to know what these 6,000 sets of dental instruments are worth. Does anybody know? I am asking about the sets of dental instruments, not the dental supplies.

Mr. KAHN. I do not know. Dr. LAYTON, who introduced the resolution, probably knows what these outfits are worth.

Mr. LAYTON. The average cost to the Government of these 6,000 outfits, at $1,500 apiece, is $9,000,000.

Mr. KEARNS. Fifteen hundred dollars a set?

Mr. LAYTON. Yes.

Mr. CANNON. Precisely. Now, does anybody know what the supplies are worth? Does anybody know how much gold and how much platinum the Government has on hand in the form of dental supplies?

Mr. LAYTON. If the gentleman will excuse me, this bill has nothing at all to do with dental supplies. It is only dealing with dental outfits.

Mr. CANNON. The word "supplies" appears at line 15 in the amendment.

Here are $9,000,000 worth of instruments that the Government owns, and that I apprehend it is not using. Now, somebody suggests that they are to go to the Red Cross. Can they go to the Red Cross under existing legislation? Who knows?

Mr. SANFORD. Yes.

Mr. CANNON. The Government could turn over the $9,000,000 worth of these dental outfits to the Red Cross?

Mr. SANFORD. Yes.

Mr. CANNON. Can these instruments be transferred to the Public Health Service under existing law?

Mr. SANFORD. Yes.

Mr. CANNON. Now, is there $9,000,000 or $19,000,000 or $29,000,000 worth of dental supplies besides the instruments? I do not know how many dentists there were in the service. Who does know?

Mr. LAYTON. There were 5,000.

Mr. CANNON. Five thousand went in, and they received the pay and they got their commissions. You say they sold their instruments. What did they get for them? I do not know. Who does know? We are spending the money and wasting the supplies that the Government does not need, and doing it like

drunken sailors. I do not know whether the Committee on Military Affairs had knowledge or not, but if the Army has the power to turn over $9,000,000 worth of supplies to the Red Cross, presumably to go abroad, or to the Public Health Service, which spreads all over the country, to treat not only the servants of the Government but to treat people in civil life, I wish somebody who had the knowledge would give some information and offer some legislation that will enable the Government to realize on the supplies that it does not need.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired on this amendment.

Mr. KAHN. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KAHN. This bill does not give anything to anybody. It provides for the sale of dental outfits and dental supplies, and, of course, it is reasonable to suppose that the department will sell them for the price that they cost the Government, or as near that price as it can.

Mr. LAYTON. In other words, this bill proposes to recoup the Government $9,000,000?

Mr. KAHN. Yes.

Mr. LAYTON. If the facts here stated are correct, that these outfits are 6,000 in number and cost $1,500 apiece, and this bill requires that they shall be sold at somewhere near what they cost the Government.

Mr. SANFORD. And give the soldiers the benefit of the opportunity.

Mr. CANNON. I want to ask another question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for how long?

Mr. CANNON. Five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Is there any danger of these supplies and other supplies being turned over to somebody else that we do not know anything about?

Mr. KAHN. Not under this bill.

Mr. CANNON. Does the committee anticipate reporting a bill providing that these supplies that are not needed by the Government shall be sold and the money covered into the Treasury?

Mr. SANFORD. That is what this bill does.

Mr. CANNON. That is as to these dental supplies?

Mr. KAHN. Well, Mr. Chairman, the surplus Government war supplies are being sold every day. They have a sales department up in the War Office, and they are selling off the surplus of their supplies every day of the week except Sunday, and I do not know but what they are doing business on Sunday. They are trying to get rid of these supplies by sale.

Mr. MACGREGOR. I would like to ask the chairman whether he knows anything about the $100,000,000 worth of medical supplies that were given away by the War Department?

Mr. KAHN. They were given to the Red Cross under an act passed by Congress, and those supplies were in Europe; they were not supplies in this country.

Mr. BEE. A point of order, Mr. Chairman.

Mr. CANNON. When were they given away?

Mr. KAHN. As I recollect we passed a law on the subject——

Mr. CANNON. Since the armistice?

Mr. KAHN. Yes.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BEE. The gentleman from New York is not discussing anything before the House, but is making a partisan statement under the guise of speaking to the amendment.

The CHAIRMAN. The time of the gentleman has expired; all debate has been exhausted, and the question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 16, strike out the word "preferentially" and insert in lieu thereof the following: "first giving preference." After line 18 strike out the period, add a comma and the following: "and thereafter to other persons who are licensed dentists."

Mr. CONNALLY. Mr. Chairman, I am prompted to offer this amendment by the statement of the gentleman from New York [Mr. SANFORD] a little while ago that the only purpose of the bill was to authorize the sale of dental outfits to those who had been in the Army. As a matter of fact, I do not believe the language of the bill is susceptible of any such construction. But assuming that the gentleman from New York speaks with authority, being a member of the committee, I think the House ought to make it entirely clear what the House means by this measure.

Mr. SANFORD. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. SANFORD. Does the gentleman think that the War Department ought to sell at private sale?

Mr. CONNALLY. Yes; I do, under proper regulations. I think the Secretary of War ought to be authorized to make sales to private persons under such rules and regulations as the Secretary of War is authorized to make in the bill. The Secretary could classify the instruments by regulation. He could put a standard price on the different articles and different pieces of equipment and let anybody who is a dentist purchase these articles from the War Department.

Referring to the suggestion of the gentleman from Illinois [Mr. CANNON] about the Government getting a fair price, allow me to say if the War Department sells these sets of equipment to dentists, to individual dentists, there will be no trouble in getting somewhere in the neighborhood of what the equipment is really worth. It is only when the Government or anybody else undertakes to sell a great bulk of goods to some dealer, who expects to turn around and retail the articles at an enormous profit, that the Government gets the worst of the sale.

I believe that not only dentists who have been in the Army, but civilian dentists, should have the right to purchase these supplies after those who were in the Army are supplied. We are not legislating alone for dentists who happened to be in the Army, but for the people of the United States, for civilians who need the outfits. Why should they not be allowed to go to the Government and buy surplus outfits over and above those needed for the Army and those officers discharged?

The Surgeon General does not seem to be excited about this. The letter, dated September 20, already placed in the RECORD, discloses that fact.

That was one reason why I favored the adoption of the amendment of the gentleman from Delaware, because the Surgeon General's Office, according to the letter, has got to speculate on what Congress is going to do as to universal training or other action that we may take, saying that in view of what may happen it has no surplus supplies that it could dispose of.

So if the bill is so restricted, as the gentleman from New York says, the amendment should be adopted in order that preference shall be given to those who were in the Army and then to those who have a dental certificate, and then, if any equipment is left, to sell it to the trade. I want to say that the trade does not want the instruments sold. The wholesale dealers have sold to the Government all the available instruments and supplies at enormous prices, and they do not want them turned back, especially into private hands. If they are to be turned back at all, they would prefer that they should be turned over to the jobbers, who would save the Government the trouble of retailing them and, incidentally, collect an enormous profit. [Applause.]

Mr. LAYTON. I only asked the gentleman to yield the floor to me for the purpose of getting into the RECORD a report of the Federal Trade Commission on the very subject he is speaking about.

Mr. CONNALLY. Oh, the gentleman can put that in later. He can ask leave to extend his remarks. I have not seen it, and I would not care to take the responsibility for it.

Mr. LAYTON. I am so doubtful as to what extending remarks means and how far I can go within the last two weeks——

Mr. CONNALLY. Oh, the gentleman can put that in.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. The practice on the gentleman's side of the House is such that he can get that in, I am sure.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for this purpose.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SANFORD. Mr. Chairman, I desire to be frank and to say to the committee that it was and is my intention now that the provision of the committee amendment limit the Secretary of War, in making private sales, to selling only to soldier dentists. That, in my opinion, was the purpose of the committee and is the purpose of the amendment. I can not agree with the gentleman from Texas [Mr. CONNALLY] that the Secretary of War ought to be authorized or encouraged to sell millions of dollars worth of surplus property by private sale. I can not approve of that. I do not approve of that policy, for I

feel that all surplus property that is sold should be sold at the earliest possible moment, and that all public property, with these few exceptions, as in the case of these soldier dentists, should be sold at public sale, after due advertisement, and that all dealers and all citizens who contributed to the purchase of the property—and they all did contribute—should have an equal chance now to buy.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield for a question?

Mr. SANFORD. I yield to the gentleman.

Mr. CONNALLY. I will ask the gentleman if it is not a fact that food supplies are being sold by the War Department all over the country now at private sale. The gentleman approves of that, does he not? The gentleman from New York voted for that, did he not?

Mr. SANFORD. I hear the gentleman's question.

Mr. JONES of Texas rose.

Mr. SANFORD. I yield to the gentleman for a question.

Mr. CONNALLY. But the gentleman has not answered my question.

Mr. SANFORD. I will answer it in a moment.

Mr. JONES of Texas. I would ask the gentleman if he does not think the language of this amendment is clear, that they can sell to anyone, but preferentially to persons who served in the United States Army.

Mr. SANFORD. Whether there is any doubt about the meaning of the committee amendment, there is no doubt about my purpose. I would not authorize the War Department to sell these millions of dollars of public property at private sale. Not only would I not direct it but I would not authorize it. I disagree with persons who have that purpose in mind.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. No; because I find there is no purpose in yielding, as I have such a short time anyway that I can not make myself clear in the time I have.

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. No. In answer to the gentleman from Texas [Mr. CONNALLY] as to whether we are selling perishable foodstuffs at private sale, I can not say. I have no knowledge and I care for no knowledge on that subject. Of course, the Government should sell perishable foodstuffs or other foodstuffs if it wants to to all of the people in a manner that is understood by all of the people; but here is a matter where you have millions of dollars' worth of technical property desired by the profession and by the trade; and I think, with the exception that the committee amendment has in view, that this stuff should be sold only at public sale, and I think we will make a mistake when we go beyond that.

Mr. HUSTED. Mr. Chairman, will the gentleman now yield?

Mr. SANFORD. I yield to my colleague.

Mr. HUSTED. Has the Secretary of War unrestricted rights under existing law to sell these goods at public auction now?

Mr. SANFORD. It is my understanding that he has absolute right to sell all of this surplus material at public auction.

Mr. KAHN. And he is doing it every day.

Mr. SANFORD. And he is doing it as rapidly as he can. I think it is a good thing that he did not do it in this specific case until this matter was considered.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

Mr. WALSH. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes?

Mr. WALSH. Mr. Chairman, I rose to a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. What is the pending amendment?

The CHAIRMAN. The pending amendment is an amendment to the amendment offered by the gentleman from Texas [Mr. CONNALLY], and the question is on that amendment.

Mr. LAYTON. Mr. Chairman, I move to strike out the last two lines.

The CHAIRMAN. That motion is not in order at this time. The question is on agreeing to the amendment to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. KITCHIN. Mr. Chairman, I have an amendment, which I have sent to the desk, which I desire to offer.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KITCHIN: Page 2, line 15, after the word "supplies," insert "and surgical instruments."

Mr. KAHN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. What is the point of order?

Mr. KITCHIN. Will the gentleman reserve it just a moment?

Mr. KAHN. That it is not germane to the bill.

Mr. KITCHIN. Will the gentleman reserve his point of order?

Mr. KAHN. Yes.

Mr. KITCHIN. I admit, Mr. Chairman, it is subject to a point of order, because the entire bill is for disposition of surplus dental outfits. Well, my two friends from Texas suggest that it is not subject to a point of order because surgical instruments apply to dental supplies and are a part——

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. For a question.

Mr. WALSH. The gentleman's contention is that they should be permitted to sell surgical instruments that might be used in conducting operations for appendicitis to the dentists——

Mr. KITCHIN. I have another amendment, if the gentleman will just wait. Of course, if this amendment is not subject to the point of order and should pass, then I desire to offer the following amendment: Strike out the period in line 18 and add "or medicine or surgery," so it would apply to surgeons and doctors and dentists and surgical instruments. I said a while ago I thought it might be subject to a point of order, according to the ruling of the distinguished chairman on certain other occasions with respect to bills, which I thought then was an erroneous ruling; but to be consistent, if a point of order is insisted on, I think the Chair would have to sustain it.

Mr. KAHN. I would say frankly—will the gentleman yield for a minute?

Mr. KITCHIN. I will.

Mr. KAHN. I have no objection to that kind of legislation, properly worded and properly introduced. If the gentleman is willing to introduce a bill of that kind, I will promise him we will try to get early action on it and report it out.

Mr. KITCHIN. I think all gentlemen can agree on this. If you will notice, my amendment does not interfere with medical supplies. It is only surgical instruments, and I have looked it over very carefully, and with the amendment I suggested I will offer if this should pass it simply gives the doctors and surgeons the identical privilege which you say you are willing to give to dentists. If doctors have left their offices and have gone to the Army under the same circumstances as the dentists, why should we not give them the right to purchase from the War Department the surgical instruments they may want to use just as the dentists?

Mr. LAYTON. If the gentleman will yield to me for a moment——

Mr. KITCHIN. I will.

Mr. LAYTON. I have no interest in this bill at all, though I introduced it in the beginning, because of the fact I see very plainly that this bill is not going to do the soldier dentists one particle of good. You are going to sell at public sale, and the combined dental manufacturers of the country will buy the whole shooting match and then charge what they please.

Mr. KITCHIN. The gentleman is mistaken; it is at public or private sale.

Mr. LAYTON. I thought your amendment——

Mr. KITCHIN. No; that is in the committee amendment.

Mr. LAYTON. How are they going to secure a private sale unless they advertise?

Mr. KITCHIN. No; "the Secretary of War is hereby authorized to sell at public or private sale under such rules and regulations," and so forth.

Mr. LAYTON. Individually?

Mr. KITCHIN. Yes. That covers the gentleman's case.

Mr. LAYTON. Then I will take it back.

Mr. KITCHIN. I can not see, to save my life, why the doctors, surgeons, and dentists of the country should not be treated alike when——

Mr. MONDELL. Mr. Chairman, the gentleman is not confining himself to the point of order.

Mr. KITCHIN. There is no point of order made, the gentleman reserved the point of order.

The CHAIRMAN. The gentleman is discussing his amendment under the reservation of the point of order.

Mr. MONDELL. Mr. Chairman, I assume the point of order is to be made, therefore I do not quite understand the object of taking up the time of the committee in discussing the merits of a matter that will not be considered.

Mr. KITCHIN. Just let me finish this.

Mr. MONDELL. I think it is entirely proper for the Committee on Military Affairs to take up this very matter——

Mr. KITCHIN. Would the majority leader permit me to give him one good Republican reason why surgical instruments for doctors should be left out of this bill, to be consistent with other legislation which you passed? That is all I wanted to say now, if you will permit me, the only Republican reason that can be given.

Mr. MONDELL. There is reason why everything should be left out of the bill except what is provided for.

Mr. SANFORD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KITCHIN. I admit according to the Chair's ruling heretofore on bills of this kind it is subject to the point of order, but I thought I could reason with the gentlemen and get them to withdraw it.

The CHAIRMAN. The question is on the committee amendment as amended. The gentleman from New York [Mr. PELL] has sent an amendment to the Clerk's desk of which the Chair did not know. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. PELL: Page 2, line 16, after the word "Army," insert the words "Navy, Marine Corps, and Red Cross."

Mr. SANFORD. We approve of that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PELL].

The question was taken, and the amendment was agreed to.

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. EMERSON: Page 2, line 18, after the word "dentistry," insert "but not more than one set of dental supplies shall be sold at private sale to any one person."

Mr. PADGETT. Mr. Chairman, a point of order. There has been an amendment already adopted and agreed to by the committee adding some words at the end of the resolution, and the gentleman's amendment should be offered at the end of the resolution and not at the specific place mentioned in the bill.

The CHAIRMAN. The Chair is informed there has been no amendment offered at the end of the resolution.

Mr. PADGETT. Was not the amendment offered by the gentleman from New York [Mr. PELL] at the end?

The CHAIRMAN. It was not.

Mr. EMERSON. I ask for a vote on my amendment. I do not care to discuss it.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. EMERSON].

The question was taken, and the amendment was agreed to.

Mr. PELL and Mr. HICKS rose.

The CHAIRMAN. The gentleman from New York [Mr. HICKS] is recognized.

Mr. HICKS. Mr. Chairman, I have an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. HICKS], offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HICKS: After the words "Marine Corps," in Mr. PELL'S amendment, add the words "Coast Guard."

Mr. HICKS. Mr. Chairman, the purpose of that is to make it entirely uniform.

Mr. KAHN. Does the gentleman know whether any dentists in the Coast Guard went into the service?

Mr. HICKS. The purpose of my amendment is to make the various branches of the service uniform. We have included the amendment of the gentleman from New York [Mr. PELL] as to the Marine Corps and the Navy, and this is merely another branch of the service—the Coast Guard.

Mr. BANKHEAD. Mr. Chairman, I want to call the attention of the gentleman from New York [Mr. PELL] to this—although it is merely a technical matter, but it might be important in pursuing this amendment—that his amendment provides for the "Red Cross." The name is "American Red Cross," and the amendment ought to be corrected.

Mr. PELL. Mr. Chairman, I ask unanimous consent that the name of the organization may be changed in my amendment to "the American Red Cross."

The CHAIRMAN. The gentleman from New York asks unanimous consent that the name may be changed to "the American Red Cross." Is there objection?

Mr. PELL. And following that it may be changed to read:

The American Red Cross and Public Health Service.

Mr. SANFORD. Will the gentleman yield? I did not realize it included the words "Red Cross." The Red Cross is already provided for by law and can receive these things as gifts. I thought the gentleman said "Marine Corps."

Mr. PELL. Only the men who served in these bodies—in the organizations themselves.

Mr. SANFORD. Very well.

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken, and the amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY: Page 2, line 16, strike out the word "preferentially"; in line 18 strike out the period and insert a comma, and add the following: "and to other persons licensed to practice dentistry. *Provided*, That after the offer of sale of such dental supplies to persons licensed to practice dentistry, any surplus dental supplies remaining may be sold at public sale to the public or the trade."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken and the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. LAYTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LAYTON. On page 2, line 15, strike out the word "supplies" and insert the word "outfits."

Mr. SANFORD. We agree to that.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAYTON: Page 2, line 15, strike out the word "supplies" and insert in lieu thereof the word "outfits."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. How will the bill as amended, including the amendment of the gentleman from Ohio [Mr. EMERSON], now read?

The CHAIRMAN. Does the gentleman ask that it be reported?

Mr. WALSH. The Emerson proviso.

The CHAIRMAN. Without objection, the committee amendment as amended will now be reported.

The Clerk read as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That the Secretary of War is hereby authorized and directed to sell at public or private sale, under such rules and regulations as he may prescribe, all dental outfits in excess of the needs of the Government, preferentially to persons who served in the Army, Navy, Marine Corps, the American Red Cross, and Coast Guard of the United States during the recent war, and who were at the time of such sale licensed to practice dentistry, but not more than one set of dental supplies shall be sold at private sale to any one person."

Mr. LAYTON. Mr. Chairman, I think that inasmuch as the Committee of the Whole House on the state of the Union has cut out the word "supplies" elsewhere in the resolution, it ought to cut out the word "supplies" there and insert the word "outfits."

The CHAIRMAN. Does the gentleman from Delaware offer an amendment to that effect?

Mr. CALDWELL. Will not the gentleman ask unanimous consent that that be stricken out?

Mr. LAYTON. Yes; I do.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent that the word "supplies" be stricken out and that the word "outfits" be inserted in lieu thereof. Is there objection?

Mr. BANKHEAD. Reserving the right to object, Mr. Chairman, would it not be possible that some dentist might want to buy a partial outfit, and not an entire outfit, as signified by the amendment?

Mr. LAYTON. I submit, Mr. Chairman, that there is a vast difference between a dental "outfit" and "supplies." Supplies are changeable things.

Mr. BANKHEAD. What does the gentleman mean by a dental "outfit"?

Mr. LAYTON. A dental outfit consists of a dental engine and a chair and all sorts of instruments for filling teeth and pulling teeth, and it includes amalgams and fillings and other things known as "supplies."

Mr. BANKHEAD. Under that a man could not buy a part of an outfit without buying a whole outfit. I just wanted to raise that question, Mr. Chairman, because some impoverished dentist under existing conditions that we are seeking to correct

might desire simply to buy a dental chair, or a single set of dental instruments, or something of that kind.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DOWELL. If the word "outfits" was inserted in lieu of the word "supplies," possibly only supplies could not be bought. This would enable the dentist to buy only an outfit. It occurs to me we ought to permit these sales of supplies also.

Mr. BANKHEAD. I think so. That is why I raised the question. Under the circumstances I object to unanimous consent.

The CHAIRMAN. Does the gentleman from Delaware move to strike out "supplies" and insert "outfits"? What is the gentleman's motion?

Mr. LAYTON. I move to strike out the word "supplies" and insert the word "outfits."

Mr. WALSH. I make the point of order against that amendment. Let us have the amendment again reported. I want to make the point of order against it when the amendment is reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. LAYTON moves to strike out the word "supplies" in the Emerson amendment and insert in lieu thereof the word "outfits."

Mr. WALSH. I make a point of order against that. This language has already been inserted in the bill, and the committee passed on to other amendments. It is not in order now to return to that and move to strike out.

The CHAIRMAN. The Chair sustains the point of order. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The question is on agreeing to the resolution as amended.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. KAHN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 42, noes 9.

So the resolution as amended was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the resolution back to the House with the amendment, with the recommendation that the amendment be agreed to and that the resolution as amended be passed.

The CHAIRMAN. The gentleman from California moves that the committee do now rise and report back the resolution to the House with the amendment, with the recommendation that the amendment be agreed to and that the resolution as amended be passed. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration House joint resolution 222, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. CONNALLY. Mr. Speaker, I move that the joint resolution be recommitted to the Committee on Military Affairs with instructions to report the same back forthwith with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas moves that the House joint resolution be recommitted to the Committee on Military Affairs with instructions to report the same back forthwith with an amendment. The Clerk will report the gentleman's motion.

The Clerk read as follows:

Mr. CONNALLY moves to recommit the House joint resolution to the Committee on Military Affairs, with instructions to that committee to report the same back forthwith, with the following amendment: Page 2, line 16, strike out the word "preferentially" and insert in lieu thereof the words "first giving preference," and after line 18 strike out the period, add a comma and the following: "and thereafter to other persons who are licensed dentists."

Mr. KAHN. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from California moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. CONNALLY. A division, Mr. Speaker.

The SPEAKER. The gentleman from Texas asks for a division.

The House divided; and there were—ayes 12, noes 49.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the Calendar Wednesday rule.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under Calendar Wednesday rule.

The question being taken, the Speaker declared that the ayes appeared to have it.

Mr. WALSH. If the Chair will permit, I think the RECORD should show that in the judgment of the Chair two-thirds voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman for the suggestion. Two-thirds having voted in the affirmative, further proceedings under the Calendar Wednesday rule are dispensed with.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the business in order on Monday, the Unanimous Consent Calendar and suspension of the rules, may be in order during the remainder of the day.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the balance of the day be devoted to business in order on Monday last. Is there objection?

Mr. KITCHIN. Reserving the right to object, does the gentleman have any intention of calling up anything where there is a proposition to suspend the rules?

Mr. BUTLER. There is one motion to suspend the rules on which the vote was ordered.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

CERTAIN ALLOWANCES TO OFFICERS OF THE NAVY.

The SPEAKER. On last suspension day the House had reached the stage of voting upon a joint resolution from the Naval Committee, which the Chair will ask the Clerk to report.

The Clerk read the title of House joint resolution 213, continuing temporarily certain allowances to officers of the Navy.

Mr. KRAUS. Mr. Speaker, let the joint resolution be read.

The Clerk read as follows:

Whereas since it now appears that peace will not have been declared by October 1, 1919, on which date officers of the Navy, by operation of law, will cease to receive the benefits prescribed in the act of April 16, 1918 (Public, No. 129).

Whereas said benefits will accrue to officers of the Army until peace shall have been declared: Therefore be it

Resolved, etc., That the paragraph in the act of July 11, 1919 (Public, No. 8), which reads as follows:

"The act of April 16, 1918 (Public, No. 129), granting under certain conditions to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war and in no event beyond October 1, 1919," be, and the same is hereby, repealed.

Mr. WALSH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WALSH. I think the gentleman from Wyoming [Mr. MONDELL] procured unanimous consent to take up business upon the Unanimous Consent Calendar.

The SPEAKER. No; the Chair thinks he asked for the consideration of business that was in order on Monday, unanimous-consent day.

Mr. WALSH. I misunderstood the gentleman's request.

Mr. PELL. Mr. Speaker, there is no class in this country which deserves better treatment from the Government than the officers of the Navy. They are now far above the average in capacity and in intelligence, inspired by a spirit and loyalty

that should be a model for all citizens. Their duty involves unflagging vigilance, arduous training, and great responsibility.

It is becoming a growing scandal that the men on whose efficiency we all rely in time of danger should be reduced almost to penury, and in many cases, at least, be forced to deny themselves all but the simplest pleasures and comforts.

The patriotic devotion of our naval officers has always been a great glory of this country; I sincerely hope that their martyrdom will not become our disgrace. We can not give them what they are worth; let us at least give them what they need.

Mr. KRAUS. By direction of the Committee on Naval Affairs, I request that Senate joint resolution 112 be substituted for the pending joint resolution, it having passed the Senate and being on the Speaker's table.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Senate joint resolution 112, which has passed the Senate, be taken from the Speaker's table and substituted for the resolution pending. Is there objection?

Mr. WALSH. I object.

The SPEAKER. Objection is made. The question is on the passage of the joint resolution.

The question being taken, on a division there were—ayes 65, noes 6.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees. As many as are in favor of the passage of the joint resolution will, when their names are called, answer "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken, and there were—yeas 228, nays 4, answered "present" 2, not voting 198, as follows:

YEAS—228.

Alexander	Dowell	Knutson	Reber
Almon	Dunbar	Kraus	Reed, W. Va.
Anderson	Echols	Lampert	Rhodes
Aswell	Edmonds	Lanham	Ricketts
Ayres	Elliott	Lankford	Robinson, N. C.
Bacharach	Emerson	Larsen	Romjue
Baer	Evans, Mont.	Layton	Rowe
Bankhead	Evans, Nebr.	Lazaro	Rubey
Barbour	Fairfield	Lee, Ga.	Sanford
Bee	Fisher	Luhring	Schall
Begg	Foster	McFadden	Scott
Benham	French	McLaughlin, Mich.	Sells
Black	Fuller, Mass.	McPherson	Shreve
Blackmon	Gallagher	MacCrate	Sinnott
Bland, Va.	Gard	MacGregor	Small
Blanton	Garrett	Madden	Smith, Idaho
Bowers	Glynn	Major	Smith, Ill.
Box	Goodwin, Ark.	Mann, S. C.	Smith, Mich.
Brand	Graham, Ill.	Mansfield	Smithwick
Briggs	Greene, Mass.	Mapes	Stoll
Brinson	Greene, Vt.	Martin	Steagall
Brooks, Ill.	Hadley	Mason	Stedman
Brooks, Pa.	Hardy, Colo.	Mays	Steele
Browne	Hardy, Tex.	Michener	Steenerson
Browning	Harrison	Miller	Stephens, Ohio
Buchanan	Hastings	Minahan, N. J.	Strong, Kans.
Burdick	Hayden	Monahan, Wis.	Summers, Wash.
Burke	Hays	Mondell	Sumners, Tex.
Butler	Heflin	Montague	Taylor, Colo.
Byrnes, S. C.	Hernandez	Moon	Taylor, Tenn.
Byrns, Tenn.	Hersey	Morgan	Thompson
Caldwell	Hersman	Mott	Tillman
Campbell, Kans.	Hickey	Murphy	Tilson
Candler	Hicks	Neely	Timberlake
Cannon	Hoch	Nelson, Mo.	Towner
Caraway	Houghton	Nelson, Wis.	Upshaw
Carss	Howard	Newton, Minn.	Vaile
Chindblom	Hudspeth	Newton, Mo.	Venable
Christopherson	Hulings	Nichols, Mich.	Vinson
Clark, Fla.	Hull, Iowa	O'Connor	Volstead
Clark, Mo.	Hull, Tenn.	Oldfield	Walters
Classon	Humphreys	Oliver	Wason
Cleary	Husted	Olney	Watkins
Coady	Igoe	Osborne	Watson, Va.
Collier	Jacoway	Overstreet	Weaver
Copley	James	Padgett	Whaley
Crago	Jefferis	Park	Wheeler
Cramton	Johnson, Miss.	Parrish	White, Kans.
Crisp	Johnson, Wash.	Pell	Williams
Crowther	Juul	Purnell	Wilson, La
Currie, Mich.	Kahn	Quin	Wilson, Pa.
Curry, Calif.	Kearns	Radcliffe	Wingo
Darrow	Keller	Rainey, Ala.	Wood, Ind.
Davis, Tenn.	Kiess	Raker	Woods, Va.
Dent	King	Ramseyer	Wright
Dickinson, Mo.	Kitchin	Randall, Calif.	Young, N. Dak.
Dickinson, Iowa	Kleczka	Randall, Wis.	Young, Tex.

NAYS—4.

Connally	Huddleston	Jones, Tex.	Walsh

ANSWERED "PRESENT"—2.

Dupré	McKinley

NOT VOTING—198.

Ackerman	Focht	Longworth	Rowan
Andrews, Md.	Fordney	Luce	Rucker
Andrews, Nebr.	Frear	Lufkin	Sabath
Anthony	Freeman	McAndrews	Sanders, Ind.
Ashbrook	Fuller, Ill.	McArthur	Sanders, La.
Babka	Gallivan	McClintic	Sanders, N. Y.
Barkley	Gandy	McCulloch	Saunders, Va.
Bell	Ganly	McDuffie	Scully
Benson	Garland	McGlennon	Sears
Bland, Ind.	Garner	McKenzie	Sherwood
Bland, Mo.	Godwin, N. C.	McKeown	Siegel
Boies	Goldfogle	McKinley	Sims
Booher	Good	McLane	Sinclair
Britten	Goodall	McLaughlin, Nebr.	Sisson
Brumbaugh	Goodykoontz	Magee	Slemp
Burroughs	Gould	Maher	Smith, N. Y.
Campbell, Pa.	Graham, Pa.	Mann, Ill.	Snell
Cantrill	Green, Iowa	Mead	Snyder
Carew	Griest	Merritt	Stephens, Miss.
Carter	Griffin	Mooney	Stevenson
Casey	Hamill	Moore, Ohio	Stiness
Cole	Hamilton	Moore, Pa.	Strong, Pa.
Cooper	Haskell	Moore, Va.	Sullivan
Costello	Haugen	Moores, Ind.	Sweet
Cullen	Hawley	Morin	Swope
Dale	Hill	Mudd	Tague
Dallinger	Holland	Nicholls, S. C.	Taylor, Ark.
Davey	Hutchinson	Nolan	Temple
Davis, Minn.	Ireland	O'Connell	Thomas
Dempsey	Johnson, Ky.	Ogden	Tincher
Denison	Johnson, S. Dak.	Paige	Tinkham
Dewalt	Johnston, N. Y.	Parker	Treadway
Dominick	Jones, Pa.	Peters	Vare
Donovan	Kelley, Mich.	Phelan	Vestal
Dooling	Kelly, Pa.	Platt	Voigt
Doremus	Kendall	Porter	Ward
Doughton	Kennedy, Iowa	Pou	Watson, Pa.
Drane	Kennedy, R. I.	Rainey, H. T.	Webb
Dunn	Kettner	Rainey, J. W.	Webster
Dyer	Kincheloe	Ramsey	Welling
Eagan	Kinkaid	Rayburn	Welty
Eagle	Kreider	Reavis	White, Me.
Ellsworth	LaGuardia	Reed, N. Y.	Wilson, Ill.
Elston	Langley	Riddick	Winslow
Esch	Lea, Calif.	Riordan	Wise
Evans, Nev.	Lehlbach	Robsion, Ky.	Woodyard
Ferris	Lesher	Rodenberg	Yates
Fess	Linthicum	Rogers	Zihlman
Fields	Little	Rose	
Flood	Lonergan	Rouse	

So, two-thirds having voted in favor thereof, the rules were suspended, and the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. YATES with Mr. BARKLEY.

Mr. WEBSTER with Mr. LEA of California.

Mr. TEMPLE with Mr. MCGLENNON.

Mr. SWOPE with Mr. PAIGE.

Mr. MCKENZIE with Mr. RAYBURN.

Mr. KENNEDY of Rhode Island with Mr. RUCKER.

Mr. KENNEDY of Iowa with Mr. SANDERS of Louisiana.

Mr. JEFFERIS with Mr. WELLING.

Mr. HICKS with Mr. BELL.

Mr. HAMILTON with Mr. CAMPBELL of Pennsylvania.

Mr. GRIEST with Mr. CASEY.

Mr. FREAR with Mr. DONOVAN.

Mr. ELSTON with Mr. GODWIN of North Carolina.

Mr. ELLSWORTH with Mr. NICHOLLS of South Carolina.

Mr. DYER with Mr. STEPHENS of Mississippi.

Mr. DENISON with Mr. STEVENSON.

Mr. COSTELLO with Mr. TAYLOR of Arkansas.

Mr. BRITTEN with Mr. WHALEY.

Mr. WHITE of Maine with Mr. DEWALT.

Mr. WATSON of Pennsylvania with Mr. BLAND of Missouri.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

RETURN OF THE BODIES OF DEAD SOLDIERS.

Mr. NICHOLS of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of House concurrent resolution 36.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the immediate consideration of the resolution which the Clerk will report.

House concurrent resolution 36.

The Clerk read as follows:

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and

Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress

at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of the said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate, on vouchers to be signed by the chairmen of the House and Senate committees, respectively.

The SPEAKER. Is there objection?

Mr. GARRETT. Reserving the right to object, let me ask the gentleman, is it the thought that this shall become a regular function?

Mr. NICHOLS of Michigan. No; the resolution states that these are the first bodies officially to be returned to this country.

Mr. GARRETT. I understand that. Is it the gentleman's thought that we shall continue this thing in the future; and if not, why not?

Mr. NICHOLS of Michigan. My thought is this, I will say to the gentleman, that this country should not allow the dead to be dumped on the dock in New York City or anywhere else unnoticed.

Mr. GARRETT. But that will be true of those returned in the future.

Mr. NICHOLS of Michigan. It is particularly true of the first bodies to be brought home.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. MADDEN. Will the gentleman yield to me?

Mr. NICHOLS of Michigan. I do.

Mr. MADDEN. I want to call the attention of the House to the fact that when the first bodies that were brought home dead from the Mexican expedition the President of the United States went to New York and headed the committee that held the ceremonies there. If that was proper then it is certainly proper now. I hope nobody in the House will object.

Mr. CRAMTON. Will the gentleman yield?

Mr. NICHOLS of Michigan. I will.

Mr. CRAMTON. I take it that this was the thought of my colleague that inasmuch as it would not be possible for a committee of Congress to meet each ship that might return with our dead from abroad, the feeling was that there should be some recognition by Congress of the return of these dead heroes from over the seas and that the proper time for Congress to arrange exercises and for Congress on behalf of the country to pay homage would be now when the first ship does arrive. I take it that this was the thought of my colleague, which, I am sure, we all share.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. NICHOLS of Michigan. I will.

Mr. JOHNSON of Washington. How many bodies are coming and from what country are they from?

Mr. NICHOLS of Michigan. I am informed by the War Department that there are 111 bodies from North Russia—dead American soldiers.

Mr. BLANTON. Will the gentleman yield?

Mr. NICHOLS of Michigan. Yes.

Mr. BLANTON. This is the return of 111 bodies from Russia when we know that there are about 75,000 of them in France yet to be returned, and whose return we know not whether it will ever be consummated. Does the gentleman believe that these dead soldiers, were they alive, or their families now, would want Congress to spend a great amount of money on a junketing trip at this particular time on this particular occasion?

Mr. NICHOLS of Michigan. Does the gentleman want an answer?

Mr. BLANTON. Yes.

Mr. NICHOLS of Michigan. I do not think the gentleman means to use the expression "junketing trip" on an occasion of this kind.

Mr. BLANTON. We have had junketing trips at funerals.

Mr. NICHOLS of Michigan. If the gentleman feels that the war was a junket, he is entitled to that opinion.

Mr. BLANTON. But the war is now over.

Mr. NICHOLS of Michigan. And the dead are coming home.

Mr. BLANTON. I would be in favor of doing something to bring the dead in France back home.

Mr. NICHOLS of Michigan. That has nothing to do with this. This is consummated.

Mr. BLANTON. Mr. Speaker, I object.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The Clerk read as follows:

An act (S. 183) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.

Mr. BLANTON. Mr. Speaker, I withdraw the objection I made a moment ago.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent that the bill just reported go over for the day, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

RETURN OF BODIES OF AMERICAN SOLDIERS.

Mr. NICHOLS of Michigan. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the present consideration of House concurrent resolution 36?

Mr. GARD. Mr. Speaker, reserving the right to object, I desire to submit a parliamentary inquiry. Was it not the purpose of the gentleman from Wyoming [Mr. MONDELL] to take up the Calendar for Unanimous Consent?

The SPEAKER. The Chair had directed the calling of the first bill upon the Calendar for Unanimous Consent, and at the request of the gentleman from Montana [Mr. EVANS] the bill first called was ordered to go over without prejudice. Is there objection to the request of the gentleman from Michigan?

Mr. CONNALLY. Mr. Speaker, reserving the right to object, has this resolution been referred to a committee and acted upon by it?

Mr. NICHOLS of Michigan. It has not.

Mr. CONNALLY. I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. NICHOLS of Michigan. Mr. Speaker, I ask the House to indulge me for a few brief words. The resolution which I offer proposes to recognize one of the most solemn occasions in the history of this country. Within a few days a boat will arrive in New York laden with over 100 of the bodies of dead American soldiers who gave up their lives in the greatest of all wars. These are the first of the Nation's dead in that Great War to be brought home. We have acclaimed and received with triumphant marches and joyous celebrations the return to our bosom of the living heroes of that war. I believe we should now reverently and humbly honor our dead. [Applause.] I have only this to add, that these dead, too, won the war.

Mr. PELL. Mr. Speaker, it is only right and fitting that the Congress of the United States should do honor to these dead. They are the first of a great number to be returned to lie in the land they died to save. This is a proper time for us to show our respect, our sorrow, and our pride.

The landing of these bodies should be the occasion of a solemn searching of hearts by all Americans. We must keep this country for which they died worthy of their sacrifice and ourselves hold cheap the rewards of wealth or political place in the cause for which these boys gave their lives.

Mr. NICHOLS of Michigan. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. PELL. Mr. Speaker, I ask unanimous consent to extend my remarks upon the resolution just agreed to and upon the naval bill just passed.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

TITLE TO CERTAIN HOMESTEAD LANDS IN HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 546) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii and to issue land patents to those eligible under the terms of said agreements.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would ask the gentleman from Virginia [Mr. WATSON] how many tracts of land and how many people are affected by this legislation?

Mr. WATSON of Virginia. Mr. Speaker, the total acreage involved in this bill comprises some 524 acres, in perhaps 33 different tracts or parcels. There are 26 individuals interested in these land titles. The trouble has arisen here on account of a mistake made by the land commissioner in the Territory of Hawaii. These 26 individuals some years ago were permitted

to apply for and to hold and take possession of these tracts of land. After they had occupied these tracts of land, on account of the mistake of the law, because of the land commissioner of the Territory, they were permitted to withdraw their application for these several parcels that they had so taken up and to apply for other tracts of land. The act of Congress of 1908, I think, and 1910 provided that no one who had once applied for and taken up a tract of land should be permitted to apply for or take up another tract or to have a patent issued to him for another tract. The land officer of the Territory allowed this to be done on the part of each individual because of his ignorance of the act of Congress relating to that subject. Of these 26 people, 6 have complied with all the provisions of the statute and have taken possession of and occupied the land in question and have had the patents actually issued to them. Two of them have complied with all of the provisions of the law and are entitled to have patents issued to them. The remainder, 18 in number, are in different stages of having complied with the law on the subject, and perhaps by this time most of them have complied with all of the legal requirements.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. WALSH. Of course these persons acquired this land contrary to the provisions of law, did they not?

Mr. WATSON of Virginia. In the first instance, they did not. When they exchanged the land they had in the first instance and were permitted to take up other tracts of land, by the advice and consent of the land commissioner of the Territory, they were acting ultra vires.

Now, there is no question, I will say to the gentleman, as to the good faith of these individuals; there is no question as to the mistake of the law certified by the local land commissioner.

Mr. WALSH. Well, was it not more than a mistake on the part of the local land commissioner?

Mr. WATSON of Virginia. There is no evidence in the case, I will say to the gentleman, that there was anything but a mistake of law committed by the land commissioner. From reading the act of Congress I do not see how he could have very well committed the mistake, but if you take the act of Congress now and undertake to construe it in the light of what has transpired in these cases, I think the gentleman, like myself, would reach the conclusion that the local land officer made a mistake in the law on this subject of the exchange of one body of land for others. The question of the bona fide of the transaction is beyond dispute. I want to say to the gentleman further that this bill, or an identical bill, passed the Senate in the last Congress, was reported favorably from a committee of this House, and was ready to be passed in this House just before we adjourned at the last session. The Territorial Legislature for Hawaii has asked for the passage of this legislation. The governor of the Territory has memoralized Congress asking that this be passed. The Secretary of the Interior has asked that it be passed, and I am satisfied there is no harm done to anyone, and that these people are entitled to relief. I hope the gentleman will raise no objection.

Mr. WALSH. I withdraw the objection.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. WATSON of Virginia. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 546) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements.

Be it enacted, etc., That the governor of the Territory of Hawaii is hereby authorized and directed to ratify and carry into effect the agreements made by the commissioner of public lands of the Territory of Hawaii with certain homesteaders, referred to in the resolution adopted by the senate and house of representatives of the Territory of Hawaii, April 26, 1917; also to issue land patents to those living up to the terms of the agreements when same have been completed; also to issue land patents to those who have already complied with all the terms of their agreements, and to ratify and confirm the land patents already issued to homesteaders in accordance with the provisions of the resolution of the senate and house of representatives, Territory of Hawaii, of April 26, 1917, above mentioned.

SEC. 2. The governor shall report to the Secretary of the Interior the action taken by him hereunder.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATSON of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—HARRY GRAHAM.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

TO THE HOUSE OF REPRESENTATIVES:

I return herewith without my approval H. R. 8272, entitled "An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry." I am constrained to take this action for the reasons set forth in the accompanying letter from the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE,
5 November, 1919.

Mr. CLARK of Missouri. Mr. Speaker, is there any objection to having the letter read?

Mr. KAHN. Mr. Speaker, I think the letter is part of the veto message.

The SPEAKER. The Chair thinks not.

Mr. KAHN. Mr. Speaker, I move to refer the veto message to the Committee on Military Affairs.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Mr. Speaker, the President gives as his reasons for his veto the accompanying letter. The letter accompanies the message and manifestly it is part of the veto, and I think the House should have the benefit of it.

The SPEAKER. If the House wants it, of course, it will undoubtedly give unanimous consent to have the letter read, but the Chair does not think it is. I think the gentleman will recall that very often documents are sent down——

Mr. WINGO. That is where the accompanying documents do not go to the substance of the proposition. But here the President gives his reasons set out in the letter and the House will have no knowledge of the reasons for the President's veto without a reading of the letter to which he refers.

The SPEAKER. Of course, the President could have made it a part of his veto if he wished, but he did not, and the Chair does not think it is a part of the message.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the letter is not part of the veto message, what reasons has the President given for refusing to approve the bill, and how does the House know?

The SPEAKER. Of course, the House does not know until the letter is read.

Mr. WALSH. Then I submit there is grave doubt whether this veto message is in proper form.

Mr. WINGO. If the Speaker will allow me to suggest this, the letter does not come in the ordinary category of accompanying documents. It is part of the document itself. The document is the President's veto, and he says that he vetoes this bill for the reasons which are expressed in the letter attached and it is attached solely for the purpose of convenience and to save repetition in his message. And I submit to the Speaker——

The SPEAKER. The Chair agrees entirely to that, and of course the House before acting on the measure will undoubtedly wish to hear the letter. The Chair understood the gentleman from California simply wishes to refer the whole matter to the Committee on Military Affairs, which might simply save the time of reading it. The Chair does not think it is part of the message itself.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that it may be read.

Mr. CLARK of Missouri. Mr. Speaker, evidently and clearly the letter is a part of the veto message. Of course, we have time to-day and will have other days, but suppose that this was the 3d of March at this time in the day, and the House wanted to vote on the veto? They would not want to vote on it without this letter, which is the foundation of the veto message.

The SPEAKER. Evidently not.

Mr. WALSH. The section of the Constitution reads as follows:

If he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

In view of that, does the Chair hold that the letter of the Secretary of War will be entered upon the Journal of the House?

The SPEAKER. The Chair would say not.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. How are you going to extend from the record to the House his reasons unless you print the reasons he gives, which he says are contained in this document which he sends to the House?

The SPEAKER. The Chair thinks that is a matter for the President to decide. The President in his message could have inserted the letter of the Secretary.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the letter be read.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the letter be read. Is there objection? [After a pause.] The Chair hears none.

The letter was read, as follows:

WAR DEPARTMENT,
Washington, November 3, 1919.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I return herewith the act of Congress authorizing the restoration of Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry, referred to me for statement of objections, if any, to its approval.

Capt. Graham was dismissed from the service January 16, 1917, by reason of sentence of a general court-martial. He was found guilty of making a false official statement in connection with his work as a student officer in the Army School of the Line, at Fort Leavenworth, Kans., in May, 1916.

Capt. Graham was appointed a captain (temporary) in the Signal Corps February 4, 1918, upon the recommendation of the Chief Signal Officer of the Army, and by the act of February 18, 1918, he was restored to duty as a captain of Infantry of the Regular Army at the foot of the lineal list of captains.

The original bill provided for Capt. Graham's restoration to his former place in the lineal list, but upon the recommendation of the Committee on Military Affairs, House of Representatives (Rept. 226, 65th Cong., 2d sess), this was amended so as to place him at the foot of the lineal list of captains of Infantry.

On August 28, 1918, Capt. Graham requested that the War Department introduce a bill in Congress to restore him to his former position. This application was disapproved by me, yet Capt. Graham apparently has succeeded in having such a bill introduced, and it was passed, without asking the War Department for its views on the question.

Capt. Graham was found guilty of conduct unbecoming an officer and a gentleman by a competent court. To restore him to his former position would be practically a pardon, and an injustice to those officers who served honorably and faithfully during the time Capt. Graham was out of the service, and, furthermore, would acquiesce in his action in securing the passage of this bill over the disapproval of the War Department of his request for the introduction of such a bill.

Accordingly I recommend that this act be disapproved.

Very sincerely,

NEWTON D. BAKER,
Secretary of War.

The SPEAKER. The gentleman from California [Mr. KAHN] moves that the message be referred to the Committee on Military Affairs. The question is on the motion of the gentleman from California.

The motion was agreed to.

PUBLIC BUILDING, SANTA FE, N. MEX.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill (S. 681) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I think the bill is so important and covering such a wide range of activities as to probably involve the expenditure of a large amount of money that I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. WALSH. It is only for a public building in one place.

Mr. MADDEN. Mr. Speaker, I withhold my objection, then.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. BLACK. Let the bill be read.

The SPEAKER. Does the gentleman from Ohio [Mr. THOMPSON] wish to be heard?

Mr. THOMPSON. I wish to make a statement.

Mr. BLANTON. Mr. Speaker——

The SPEAKER. Objection is reserved. The gentleman's rights will be protected.

Mr. THOMPSON. I think I can make this clear to the House. I would like to have the bill read first.

The Clerk read as follows:

Be it enacted, etc., That so much of the act of Congress approved March 4, 1913 (37 Stat., p. 875), as authorized the erection of a building for the accommodation of the post office and United States courts at Santa Fe, N. Mex., be, and the same is hereby, amended so as to require that said building shall be for the accommodation of the post office and other governmental offices, exclusive of the United States courts.

The SPEAKER. The gentleman from Ohio [Mr. THOMPSON] is recognized. Does the gentleman wish to make a statement.

Mr. THOMPSON. If there is no objection to the bill; no.

The SPEAKER. Objection has been reserved.

Mr. BLANTON. If I may ask the gentleman a question, I may withdraw the reservation.

Mr. THOMPSON. All right.

Mr. BLANTON. As I understand the bill, it is to segregate the offices heretofore authorized to be conducted in the building used as a courthouse and post office, or is it to combine both in one building?

Mr. THOMPSON. It is not to combine, but to segregate.

Mr. BLANTON. In other words, the original act states that a certain building shall be erected for the joint use of the post office and the courthouse. Is not that true?

Mr. HERNANDEZ. Yes.

Mr. BLANTON. And this is to have two buildings instead of one?

Mr. HERNANDEZ. Yes. To eliminate the courthouse.

Mr. BLANTON. And have just the Federal court at that place?

Mr. HERNANDEZ. Yes.

Mr. BLANTON. Why could not the two be combined, as has been done in numerous instances all over the United States?

Mr. HERNANDEZ. The courthouse was built about 30 years ago.

Mr. BLANTON. In other words, if this bill is passed, it would require two buildings in a small place when one building would probably suffice. Is not that the case?

Mr. HERNANDEZ. I will let the gentleman from Ohio make a statement.

Mr. THOMPSON. Mr. Speaker, before discussing the merits of this bill it is my purpose to make a few general remarks concerning the city which this bill affects, namely, the city of Santa Fe, the capital of the Sunshine State of New Mexico. I visited there in March, 1916, and know from first-hand information something about the city—its history, its population, its topography, and its public buildings, ancient and modern, and about which I will tell you. I stood in the old Spanish plaza of Santa Fe, with its monuments, and watched the descendants of Conquistadores bringing pinyon firewood to town on backs of burros; watched the Indians carrying their pottery, the squaws with the papooses on their backs; watched the incoming schooners of land seekers; the devout on their way to the cathedral; the globe-trotter from all parts of the earth mingled in the throngs; and even then I did not gain a vision of more than a small sector of Santa Fe's charms. The city was important three centuries ago, before New York, Philadelphia, or Washington was thought of and before the Pilgrims landed at Plymouth Rock. The city occupies a plain rimmed by mountains, whose peaks, snow covered, tower 10,000 and 13,000 feet. The altitude of the plain is 7,000 feet, considerably more than a mile higher than the city of Washington. Santa Fe is quaint, historic, with many attractions that are scenic, ethnological, historic, and prehistoric. It occupies a region where archæology is caught alive, as it were, because in the country round about are Pueblo Indians, who are town or community builders, and from them—their habits and customs—the experts of archæology trace the history, customs, and so forth, of the cliff dwellers, and are just beginning to bring to light much about the mound builders.

Thirty-seven miles north of Santa Fe is a prehistoric mound, which not long ago, having been excavated, disclosed from 1,200 to 1,700 rooms made and conditioned similar to those of the cliff dwellers and the present Pueblo Indians. This might be interesting to our United States Housing Corporation relative to community or apartment houses in our great cities. Such edifices with from 1,200 to 1,700 rooms are unknown, or, at best, rarities. Yet it is now known that present-day Pueblo Indians, cliff dwellers of long ago, and prehistoric races, all were community dwellers.

One of the interesting buildings at Santa Fe is the old palace of the governors, and from this building for 300 years Spain ruled a large part of North America now a part of the United States. In that building I was shown an old Spanish map, which disclosed that prior to 1846 Spanish civilization ruled as its territory Arizona, Colorado, a part of Wyoming, part of Montana, part of Texas, part of Kansas, and part of Oklahoma. The building is 1-story adobe, with walls 5 feet thick to withstand siege, occupying the entire north side of the beautiful plaza in the heart of the city. It was built in 1606—313 years ago—by Juan de Onate, who was the great grandson of Monte-

zuma, the Aztec emperor of ancient Mexico, and the grandson of Hernando Cortez, the Spanish conqueror who subdued and took over the Aztec or Indian civilization of Mexico and, with the sword in one hand and the cross in the other, substituted Spanish civilization. The El Palacio, as the building is termed in Spanish, was originally designed for a palace, castle, and fortress. Its vicissitudes during more than three centuries, under Spanish, Indian, Mexican, and American rule, formed a most dramatic and thrilling chapter in the story of the Nation. Its history for many years was the history of a domain more extensive than the late German Empire. For three centuries it was not only the seat of government but also the home of captains general and governors, their retainers and families, and from time to time it housed the dungeon, the jail, the post office, the legislature, the supreme court, the Territorial secretary and family, the Territorial law library, and law offices. On every page of the history of the venerable edifice one finds romance, stirring incidents, and important episodes, in which the figures of Spanish conquerors and Franciscan monks, Indian chieftains and American adventurers, soldiers, statesmen, authors, scientists, and dainty society ladies step into the spotlights, to vanish again as Father Time, grim and inexorable, swings his scythe.

The population of the city of Santa Fe at present is about 10,000, of which about two-thirds are Spanish. The postal receipts of the Santa Fe post office for the year ending June 30, 1918, were $35,765.79. The report of the postmaster's receipts beginning July 1, 1918, and up to March 31, 1919, were $49,428.66. The Scottish Rite Masons have a half-million-dollar cathedral built on the Moorish style of architecture, the building being a reproduction in part of the Alhambra. And "alhambra" is a Moorish word meaning red, and the building is built out of red material or granite. Near it stands the United States Government building, imposing and massive, in front of which towers a monument bearing the following inscription:

KIT CARSON
Died May 23, 1868; age, 50 years.
He led the way.
Pioneer, Pathfinder, and Soldier.
Erected by comrades of the Grand Army of the Republic.

A quaint old building is the old adobe San Miguel Church, believed to be the oldest church building in the United States, still used for evening vespers. It was built in 1541 and is 24 years older than the settlement of St. Augustine, Fla., and 79 years older than the settlement at Plymouth Rock. It also has a bell which weighs 780 pounds and was cast in Spain in 1356 and is 560 years old and has a beautiful musical tone. When I visited there an attendant permitted me to ring the bell, who said I was almost as enthusiastic over it as Theodore Roosevelt, who visited the same spot during his first Presidency. When I asked the attendant what Teddy had said about it, he replied, "Oh, it is a bully bell."

Tourists who visit the historic Southwest of the United States should not fail to visit Santa Fe and the Archæological Society of New Mexico, located in the old El Palacio.

In the State of New Mexico there are approximately 20,000,000 acres of land subject to entry and 10,000,000 additional of forestry lands, and, of course, the land office will require considerable space in the proposed new Federal building. The land office is both a registry and receiving office, and its authority will ultimately extend over the entire State.

Mr. Speaker, I will explain the bill.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Let me make my explanation first. Mr. Speaker, on March 4, 1913, Congress passed an act authorizing the erection of a Federal building at Santa Fe, N. Mex., to cost $295,000. The site has been purchased, and out of the sum legislated there remains $274,500, from which the sundry civil bill set aside and appropriated and made available $150,000. Senate bill 681, which we are asking the House to pass to-day, is intended to amend the act of March 4, 1913, which authorized the construction of a building for the accommodation of the post office and the United States courts at Santa Fe. This amendment embodied in Senate bill 681 proposes that the building to be built at Santa Fe be constructed for the accommodation of the post office and other governmental offices exclusive of the United States court.

The legislation proposed to-day is based upon a communication from the Department of Justice, dated February 19, 1918, in which the following paragraph from the United States marshal is quoted: "Court officials will not require any space in the new Federal building at Santa Fe, provided practically all of the present Federal building is assigned to the use of the Department of Justice officials. Judge Neblett and all other court officials are of the opinion that it would be better to use the present Federal building for court purposes than to have space provided in the new building."

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. In a minute.

The action of the Department of Justice has been approved by the Treasury Department, and the Committee on Public Buildings and Grounds offer this bill in order to amend the act of March 4, 1913, so construction of a new building may be at once commenced at Santa Fe to house the various branches of the Government, as follows:

	Square feet.	Rent.
Post Office	3,350	$1,800
Internal Revenue	300	
General Land Office	6,100	2,400
Department of Labor	480	425
Department of Agriculture:		
States Relation Service	550	
Weather Bureau	1,600	780
Forest Service	1,936	1,704
Civil Service Commission	1,000	
	15,316	7,109

Because of the large increase in the cost of labor and material, the Treasury Department has estimated that it would cost $534,600 to construct an adequate building having 16,500 square feet ground area to properly house all the Government offices, including the United States district court.

If this bill is passed to-day, it will permit the Treasury Department to at once proceed with construction of a building suitable to house all offices aside from the courts and save the Government approximately $240,000. In other words, by the passage of this amendment, suitable buildings will be provided at Santa Fe to not exceed the amount of $295,000, ground and all, authorized in the act of March 4, 1913.

The proposed new Federal building will be a good building and in keeping with such buildings usually erected at State capitals. It should not be the policy of the Government to erect cheap buildings at State capitals. Santa Fe has a new State House costing $1,250,000. At present it is costing the Government $550 a month, or, $6,600 per year, in rentals for outside space, light, and fuel for the Post Office, Forestry Service, Weather Bureau, Internal Revenue, Department of Labor, States Relations Service, and Civil Service Commission. The present Federal building at Santa Fe does not meet the demands, and all these departments of the Federal Government are now housed in rented buildings. The present Federal building at Santa Fe has long since ceased to provide space enough, hence the necessity of an additional building at an early date.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question or two?

The SPEAKER. Does the gentleman from Ohio yield?

Mr. BLANTON. Will the gentleman yield for a question or two?

Mr. THOMPSON. Yes.

Mr. BLANTON. The present building that is being used by the United States Court is a rented building, is it not?

Mr. THOMPSON. No; it is a Federal building. I would like to give the gentleman some information if he will permit me.

Mr. BLANTON. It is owned by the Government of the United States?

Mr. THOMPSON. Yes.

Mr. BLANTON. And there is no rental paid for it?

Mr. THOMPSON. None.

Mr. BLANTON. But the gentleman says there are various other buildings rented, by the Department of Agriculture, the Department of Labor——

Mr. THOMPSON. And the Post Office.

Mr. BLANTON. The Post Office and various other offices, for which rental is paid?

Mr. THOMPSON. For outside buildings, there being no room in the present Federal building at Santa Fe.

Mr. BLANTON. The rental paid is less than one-half of 1 per cent interest on the building proposed now, is it not? I want to get this information for my own benefit. Is not the rental that is now paid about 1 per cent interest on the cost of the building which it is proposed to construct?

Mr. THOMPSON. This money has already been appropriated.

Mr. BLANTON. But the rental is not over 1 per cent interest, which would make a very small rental, indeed. Now, in the present circumstances, when everything is out of all proportion to normal conditions, would it not be better for us to wait 6 months or 12 months until we get back to normal, and then construct a building on a proper basis, that would house all of these Government institutions? Would it not be better to do that than to build this building now, and then

later on have Congress asked to appropriate a great big sum for a new Federal building?

Mr. HERNANDEZ. The courts already have the building which they occupy.

Mr. BLANTON. But it is a small building that is inadequate for any of these other uses.

Mr. THOMPSON. Let me state what the present Government building is, if the gentleman would like the information.

Mr. BLANTON. Mr. Speaker, I am constrained to object.

The SPEAKER. Objection is made.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that this bill be placed at the foot of the calendar.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill be placed at the foot of the calendar. Is there objection?

Mr. KEARNS. Mr. Speaker, reserving the right to object——

Mr. BLANTON. Mr. Speaker, upon the insistence of some of my colleagues I withdraw the objection.

Mr. KEARNS. Mr. Speaker, reserving the right to object——

Mr. THOMPSON. The objection has been withdrawn.

Mr. KEARNS. Yes; but I am reserving the right to object. I want to know how many of these bills the Public Buildings Committee are considering?

Mr. THOMPSON. How many bills like this?

Mr. KEARNS. Yes.

Mr. THOMPSON. One other.

Mr. KEARNS. You have just gone over the country and selected certain places where you are going to put up buildings. Is that it?

Mr. THOMPSON. Oh, no. This is not a new building. This is to amend the act, so that they can go ahead with the work without increased cost to the Government.

Mr. KEARNS. Is it contemplated to report an omnibus bill for public buildings?

Mr. THOMPSON. It is proposed to pass an omnibus bill, but not at this session.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, I want to inquire of the gentleman regarding the present quarters of the court at Santa Fe, and whether or not if this bill be permitted to go through by the extraordinary process of unanimous consent, the old building will still continue to be subject to care by the Government?

Mr. THOMPSON. I will answer that by saying that the building will be a Federal building and will be occupied solely as a courthouse.

Mr. GARD. Is it not the better policy to sell that building and put up a good building and have the courthouse in that new building?

Mr. THOMPSON. Let me explain what the Federal courthouse is. It is not large enough to house the different bureaus of the Government. You must remember that Santa Fe is the State capital; that it was known before New York, Philadelphia, or Washington was thought of.

The present building in Santa Fe was completed in the latter part of 1889 at a cost of $142,240.50. It is stone faced, two stories and basement, approximately 55 feet by 144 feet 5 inches, with a ground area of 7,943 square feet. It contains 20,349 square feet of floor space within the walls, of which 8,559 square feet is taken up by partitions, corridors, toilets, boiler and fuel rooms, leaving for office and court-room purposes on the first and second floors 9,490 square feet and 2,300 square feet for storage and files in the basement.

The United States district court occupies all the second floor and two rooms on the first floor, in all 5,765 square feet of the available space in the building; the remainder, 3,725 square feet, is assigned to the Interior Department and occupied by the General Land Office.

Mr. GARD. Is there any regular court held in Santa Fe?

Mr. THOMPSON. Yes.

Mr. GARD. Is there any resident judge at Santa Fe?

Mr. THOMPSON. Sure; it is the State capital and the headquarters for all governmental functions in the Southwest. This amendment is an absolute necessity in order that the governmental bureaus may be taken care of.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. JOHNSON of Washington. The State of New Mexico has the largest Federal holdings in it of any State in the Union—the forest reserves and the Indian activities and other Federal activities.

Mr. HUDSPETH. Will the gentleman yield?

Mr. THOMPSON. Yes, to the gentleman from Texas.

Mr. HUDSPETH. I have practiced in this courthouse. The Federal building is inadequate for court purposes. As I understand, the Federal Government is spending there a great deal of money all over the town for rent, and this will be a great saving of money to the Government. Is not that a fact?

Mr. THOMPSON. That is true.

Mr. GARD. What would be the objection to repairing the old Federal building so that courts could be held in it?

Mr. THOMPSON. It does need repairing, but it is not large enough to house the governmental bureaus of the United States. Santa Fe is the headquarters for all the governmental activities in the Southwest.

Mr. GARD. Is there a proposition to supplement this by improving the old building?

Mr. THOMPSON. No; the appropriation is already made, and when this building is completed it can take care of all the governmental activities.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEENERSON. Reserving the right to object, what are the postal receipts of Santa Fe?

Mr. THOMPSON. For the fiscal year ending June 30, 1918, $35,765.79; for the first nine months of the fiscal year from July 1, 1918, to March 31, 1919, both dates inclusive, $49,428.66.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 681) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes."

Be it enacted, etc., That so much of the act of Congress approved March 4, 1913 (37 Stats., p. 875), as authorized the erection of a building for the accommodation of the post office and United States courts at Santa Fe, N. Mex., be, and the same is hereby, amended so as to require that said building shall be for the accommodation of the post office and other governmental offices, exclusive of the United States courts.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 71, noes 3.

So the bill was passed.

On motion of Mr. THOMPSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. HERNANDEZ and Mr. THOMPSON, by unanimous consent, were given leave to extend their remarks in the RECORD on the bill just passed.

REPAYMENT OF EXCESS PAYMENTS UNDER THE LAND LAWS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2129) to amend an act approved March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws."

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. GARD and Mr. WALSH objected.

THE HAWAII NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent that the bill go to the foot of the calendar.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SCHOOLHOUSE IN KETCHIKAN, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8953) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Ketchikan, Alaska, is hereby authorized and empowered to issue its bonds, in any sum not exceeding $ 00,000, for the purpose of constructing a schoolhouse in said town and equipping the same.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Ketchikan, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Ketchikan. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 15 years from the date thereof: *Provided, however*, That the common council of the said town of Ketchikan may reserve the right to pay off said bonds in their numerical order at the rate of $10,000 or less thereof per annum at any interest period: *Provided further*, That on all bonds paid off the first year after date there shall be paid a premium of 2½ per cent, on all bonds paid off the second year a premium of 2 per cent, on all bonds paid off the third year a premium of 1½ per cent, and on all bonds paid off the fourth year a premium of 1 per cent besides interest. Principal and interest shall be paid in lawful money of the United States of America at the office of the town treasurer of the town of Ketchikan Alaska, or at such other place as may be designated by the common council of the town of Ketchikan, the place of payment to be mentioned in said bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of said town of Ketchikan and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed by the school board of such town under the limitations hereinbefore imposed and under the direction of said common council from time to time as the same may required for the purposes aforesaid.

Mr. STRONG of Kansas. Mr. Speaker, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 15, strike out the first four letters of the line, so that it will read "annually" instead of "semiannually."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The attention of the Chair is called to the fact that on the last line of the bill the word "be" is evidently omitted after the word "may."

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that the word "be" be inserted after the word "may" on page 3, line 19.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill came from the committee, did it not?

Mr. STRONG of Kansas. Yes.

Mr. BLANTON. Did not the committee catch this error?

Mr. STRONG of Kansas. In the copy of the bill which I have the word "be" appears, so that in the copy which has been read at the Clerk's desk it is evidently a misprint.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STRONG of Kansas, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFUNDING CERTAIN EXCESS PAYMENTS.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to return to the bill (S. 2129) to amend an act approved March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and the purchase moneys paid under the public-land laws," which was objected to a moment ago.

Mr. WALSH. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, I object.

Mr. SINNOTT. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. GARD. Yes; but I intend to object.

Mr. SINNOTT. This provides a time limit——

Mr. GARD. I do not think this bill should be taken up on the Calendar for Unanimous Consent. I therefore object.

Mr. SINNOTT. It is to limit the time within which people can present claims against the Government, and the gentleman ought not to object to a measure of that kind. It was introduced at the request of the Interior Department.

Mr. GARD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects.

BRIDGE ACROSS CHOCTAWHATCHEE RIVER, FLA.

Mr. MONTAGUE. Mr. Speaker, I rise to ask unanimous consent that the bill (S. 3159) to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, may be taken up out of order and passed. The facts are that the material is there, the building is waiting, and great public inconvenience is incurred. I hope the House will indulge me and that the Chair will recognize me for that purpose. It is a Senate bill and has already passed the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, is this bill on the calendar?

Mr. MONTAGUE. Yes; it is on the Calendar for Unanimous Consent, No. 98. The bridge is to be constructed by the State of Florida. The bill has already passed the Senate.

Mr. WALSH. Mr. Speaker, reserving the right to object, I do not think that is just exactly the thing to do, when we are considering the Unanimous Consent Calendar.

Mr. MONTAGUE. We can not get to it to-day unless we consider it now. Heretofore we have always had consent to pass these bridge bills which are practically ministerial action.

Mr. WALSH. I did not hear the reasons for the passage of the bill.

Mr. MONTAGUE. The reasons are that the materials and everything are at hand, and the public authorities of Florida think it very imperative to construct this bridge at the earliest possible moment, and they are delayed awaiting the action of Congress. The bill has already passed the Senate.

Mr. WALSH. The bill has passed the Senate?

Mr. MONTAGUE. It has.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3159) to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad Bridge.

Be it enacted, etc., That authority is hereby granted to the State road department of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River at a point suitable to the interests of navigation, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HAWAII NATIONAL PARK.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 74, H. R. 3654; the objection made to the bill will be withdrawn.

The SPEAKER. The Chair could not hear the gentleman.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 74 and take up for consideration the bill H. R. 3654; the objection will be withdrawn.

The SPEAKER. The gentleman from California asks unanimous consent to return to the bill indicated. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned land and rights of way within the boundaries of the Hawaii National Park.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. CRAMTON. Mr. Speaker, my objection having been removed by assurances from the gentleman from California, I withdraw any objection on my part.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, was not this bill sent to the foot of the calendar a moment ago?

Mr. CURRY of California. I asked unanimous consent to return, and unanimous consent was given.

Mr. GARD. But you have to vacate the order sending it to the foot of the calendar.

The SPEAKER. It may be taken up by unanimous consent, even if it were sent to the foot of the calendar, the Chair thinks.

Mr. MADDEN. Regular order.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. CURRY of California. I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the governor of the Territory of Hawaii is hereby authorized to acquire, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by "An act to establish a national park in the Territory of Hawaii," approved August 1, 1916, and all necessary perpetual easements and rights of way, or roadways, in fee simple, over or to said land or any part thereof.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read the third time.

Mr. CURRY of California. Mr. Speaker, I move to amend the bill. Line 4, after the word "acquire," insert the words "at the expense of the Territory of Hawaii."

The SPEAKER. The bill has already been ordered to be engrossed and read the third time. The Chair thinks that will have to be vacated.

Mr. CURRY of California. I did not think the amendment was necessary, Mr. Speaker, but I offered it——

Mr. CRAMTON. Mr. Speaker——

Mr. CURRY of California. For that reason I would like——

Mr. CRAMTON. Mr. Speaker, the bill has never been read beyond section 1. There are two sections in the bill. It has never been read beyond section 1.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to vacate the last vote taken in order that the amendment of the gentleman from California may be offered.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to vacate the last vote. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRY of California. Mr. Speaker, I offer to amend section 1, line 4, after the word "acquire," add "at the expense of the Territory of Hawaii."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CURRY of California: Page 1, line 4, after the word "acquire," insert the words "at the expense of the Territory of Hawaii."

The SPEAKER. The second section of the bill has not been read.

The Clerk read as follows:

SEC. 2. That the provisions of section 73 of an act entitled "An act to provide a government for the Territory of Hawaii, approved April 30, 1900, as amended by an act approved May 27, 1910, relating to exchanges of public lands, shall not apply in the acquisition, by exchange, of the privately owned lands herein referred to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 54, noes 3.

So the bill was passed.

On motion of Mr. CURRY of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIBRARY INFORMATION SERVICE.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 6870, on this calendar. I apprehend we will not reach it to-day. It is for the purpose of providing for a library information service in the Bureau of Education.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

Mr. BLANTON. Reserving the right to object, I shall not object——

Mr. WALSH. Regular order, then, Mr. Speaker.

Mr. BLANTON. If he is going to include this propaganda we have been getting——

The SPEAKER. Regular order is called for.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I should like to ask the reason.

Mr. MONDELL. The idea is that the House has a number of very important matters before it, and will have from now until adjournment. If we are to adjourn at the time we hope to, it will be necessary, probably, on several occasions, to meet as early as 11 o'clock.

Mr. ANDERSON. We have wasted enough time to-day to pass six or seven of them.

Mr. MONDELL. I do not know that we have wasted time. At any rate, neither the gentleman from Minnesota nor myself is responsible for the waste of time, if any was wasted. It is important we should meet a little earlier to-morrow in order to dispose of matters that are coming before the House.

Mr. WALSH. Does the gentleman think if we had begun meeting at 11 o'clock a little earlier in the session we would have been here now? If we meet at 11 o'clock now and try to push things through in a jam——

Mr. MONDELL. We are not trying to do that. But some of the matters we hope to dispose of are to be reported, and we want to take them up as soon as we can.

Mr. WALSH. Meeting at 11 o'clock will not hasten the report.

Mr. MONDELL. It will shorten the time for disposing of matters before us, so that when these bills are reported we can take them up promptly.

Mr. WALSH. What is there pending that calls for meeting at 11 o'clock.

Mr. CRAMTON. It will help us to make up the time we lost yesterday.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. WALSH. Mr. Speaker, I object.

Mr. MONDELL. I hope the gentleman from Massachusetts will reconsider that matter; I have not made this request lightly; and I have not made it without discussion with Members of the House who desire to bring up matters to-morrow. It is very important that we shall dispose of the business before the House. There is not any reason why we should not meet at 11 o'clock.

Mr. WALSH. I should like to know what it is.

Mr. MONDELL. There are two matters that we hope to bring up to-morrow. One is a report from the War Department investigating committee, and that will take an hour, perhaps, or an hour and a half, and in addition to that I should like to dispose of the bill from the Banking and Currency Committee that is now before the House.

The SPEAKER. Is there objection?

Mr. BEGG. I object, Mr. Speaker.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. FULLER of Illinois, for one week, on account of important business.

To Mr. SINCLAIR, for an indefinite period, on account of important business.

To Mr. TOWNER, for three days, on account of important business.

LEAVE TO FILE REPORT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. RAKER. Will the gentleman withhold that just a minute? Mr. Speaker, I ask unanimous consent that I may have permission to file a supplemental report on the bill H. R. 1125.

Mr. WALSH. Mr. Speaker, I object.

ADJOURNMENT.

The SPEAKER. The gentleman from Wyoming moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until Thursday, November 6, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Interstate Commerce Commission, transmitting copy of a letter addressed to the Secretary of War, calling attention to certain erroneous statements of fact and incorrect interpretations of law contained in House Document No. 1521, Sixty-fifth Congress, third session (H. Doc. No. 289); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting communication from the Acting Secretary of State, submitting estimate of appropriation for purchase of buildings and grounds for the embassy at Brussels, Belgium, fiscal year 1920 (H. Doc. No. 290); to the Committee on Foreign Affairs and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 10365) for the purpose of improving the facilities and service of the Bureau of War Risk Insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10366) to provide adequate subsistence for those employed at lighthouse stations and on lightships; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 10367) to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10368) to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10369) to amend an act to regulate commerce, approved February 4, 1887, as amended, so as to provide that not exceeding $20,000 of the salary or compensation paid any official of any railroad company shall be charged to operating expenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 10370) creating and establishing an inferior district court in each district of the United States of America, and defining the jurisdiction and providing for the appointment of judges for said courts, and for other purposes; to the Committee on the Judiciary.

By Mr. WASON: A bill (H. R. 10371) making an appropriation to be expended under the provisions of the act of March 1, 1911 (36 Stats., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. WEAVER: A bill (H. R. 10372) making an appropriation to be expended under the provisions of the act of March 1, 1911 (36 Stats., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. SHERWOOD: A bill (H. R. 10373) to amend section 1466 of the revenue act of 1918, approved February 24, 1919; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 10374) giving the courts in naturalization proceedings further powers and requiring additional facts to be shown before final naturalization papers are issued to applicants, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10375) to authorize the joint use of reservoirs, canals, laterals, pipe lines, flumes, tunnels, or other water conduits used to promote irrigation, mining, quarrying, the supply of water for domestic, public, or any other beneficial uses, or for the generation and transmission of hydroelectric power, and for other purposes; to the Committee on the Public Lands.

By Mr. HAUGEN: A bill (H. R. 10376) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture.

By Mr. SELLS: A bill (H. R. 10377) making appropriations to be expended under the provisions of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands, and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: A bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. BYRNES of South Carolina: A bill (H. R. 10379) to prohibit and punish certain seditious acts against the Government of the United States, and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

By Mr. HULL of Iowa: A bill (H. R. 10380) to create a department of aeronautics; to the Committee on Military Affairs.

By Mr. PARRISH: A bill (H. R. 10381) authorizing the Postmaster General to advance certain fourth-class post offices to the appropriate presidential class whenever he deems it in the public interest so to do, and directing him to grant the necessary authority and allowances for sufficient clerk hire at such offices; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Resolution (H. Res. 374) authorizing the President of the United States to take over and operate the coal mines for the period of one year, or so long thereafter as in his discretion may be necessary for the public good; to the Committe on the Judiciary.

By Mr. BRAND: Memorial from the Legislature of the State of Georgia, memorializing Congress to enact legislation whereby the Okefenokee Swamp may be made a national park reservation, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 10382) granting an increase of pension to Huston M. Jones; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10383) granting a pension to George W. Shafer; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 10384) granting a pension to Arthur A. Roberts; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 10385) granting a pension to Cora B. Kelley; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10386) granting a pension to Joseph R. McKeever; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 10387) granting a pension to George W. Rabel; to the Committee on Pensions.

Also, a bill (H. R. 10388) granting an increase of pension to Thomas Kerrigan; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 10389) granting an increase of pension to William H. Brown; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10390) granting a pension to Mary Jane McDonald; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10391) granting an increase of pension to Charles C. Chilson; to the Committee on Pensions.

Also, a bill (H. R. 10392) granting a pension to Margaret Huling; to the Committee on Pensions.

By Mr. RANDALL of California: A bill (H. R. 10393) granting an increase of pension to Jasper N. Pankey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) granting an increase of pension to Julia A. Marugg; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 10395) to correct the military record of James Montgomery; to the Committee on Military Affairs.

By Mr. RICKETTS: A bill (H. R. 10396) granting an increase of pension to Joseph W. Santee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10397) granting an increase of pension to Christopher Slatzer; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10398) granting an increase of pension to John W. Wright; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10399) for the relief of C. C. Acklin; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 10400) granting a pension to Hester Walk; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURDICK (by request): Resolution of Newport Lodge, No. 119, International Association of Machinists, Govern-

ment employees, of Newport, R. I., protesting against imprisonment of certain Hindus in this country and demanding that their persecution cease; to the Committee on Foreign Affairs.

By Mr. CURRY of California: Petition of Liberty Parlor, No. 213, Native Sons of the Golden West, and Galt Parlor, No. 243, Native Sons of the Golden West, of California, opposing oriental immigration; to the Committee on Immigration and Naturalization.

Also, petition of Napa Parlor, No. 62, Native Sons of the Golden West, opposing oriental immigration; to the Committee on Immigration and Naturalization.

Also, petition of Hon. William D. Stephens, governor of California, urging an adequate tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of St. Michael the Archangel Society, of Chicago, Ill., concerning Lithuanian independence; to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of Baraga Council, Iron Mountain, Mich., opposing the Army taking over the welfare work at the various camps; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of Public School Teachers' Association, of Baltimore, Md., indorsing the so-called Smith-Towner bill; to the Committee on Education.

Also, petition of Bishop John Hurst, of Baltimore, Md., favoring passage of House resolution 319 for an investigation of the race riots; to the Committee on Rules.

Also, petition of McCormick & Co., of Baltimore, Md., regarding the longshoremen's strike; to the Committee on the Judiciary.

Also, petition of Charles S. Baldwin, of Baltimore, Md., supporting the Myers bill prohibiting the experimentation on living dogs; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Board of Trade, urging the passage of the export finance bill, amending the Federal reserve act; to the Committee on Banking and Currency.

By Mr. RAKER: Petition of D. D. Ferguson and Mrs. D. Ferguson, of Portola, Calif., protesting against Senate bill 2906; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. H. Tyler & Son, Sanborn, Vail & Co., and H. M. Heinemann Sons, all of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Big Valley Parlor, No. 211, Native Sons of the Golden West, of Bieber, and Dolores Parlor, No. 208, Native Sons of the Golden West, of San Francisco, both in the State of California, urging prohibition of immigration from oriental countries; to the Committee on Immigration of Naturalization.

Also, petition of California Club, of San Francisco, Calif., favoring preservation of suitable acreage in the Sequoia forests in California; to the Committee on Agriculture.

Also, petition of Shasta Water Co., of San Francisco, Calif., favoring the Dallinger bill to prohibit the exportation of sugar; to the Committee on Interstate and Foreign Commerce.

Also, petition of Western Forestry and Conservation Association, of Portland, Oreg., urging sufficient appropriation for proper attention to forest experiment stations; to the Committee on Agriculture.

Also, petition of California Joint Stock Land Bank, of San Francisco, Calif., protesting against any attempt to weaken the farm-loan act; to the Committee on Agriculture.

Also, petition of Fageol Motors Co., of Oakland, Calif., indorsing House bill 9412; to the Committee on Military Affairs.

Also, petition of Fageol Motors Co., of Oakland, Calif., indorsing Townsend good-roads measure; to the Committee on Roads.

Also, petition of California Retail Grocers' and Merchants' Association, protesting against House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL of Wisconsin: Petition of eight Lithuanian organizations of the city of Kenosha, Wis., requesting official recognition of the independence of the Lithuanian Government; to the Committee on Foreign Affairs.

By Mr. ROWAN: Petition of L. D. Gardner, of New York, favoring passage of the Air Service appropriation; to the Committee on Appropriations.

Also, petition of the Wholesale Coal Trade Association of New York, presenting facts pertaining to the present coal-strike crisis; to the Committee on the Judiciary.

Also, petition of Julian Loebenstein, favoring universal military training as prescribed by the Kahn-Chamberlain bill; to the Committee on Military Affairs.

SENATE.

THURSDAY, *November 6, 1919.*

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hitchcock	Myers	Smith, Md.
Brandegee	Johnson, Calif.	Nelson	Smith, S. C.
Calder	Johnson, S. Dak.	New	Smoot
Capper	Jones, N. Mex.	Norris	Spencer
Chamberlain	Jones, Wash.	Nugent	Sutherland
Colt	Kellogg	Overman	Thomas
Curtis	Kendrick	Page	Townsend
Dial	Keyes	Phelan	Trammell
Dillingham	Knox	Pittman	Underwood
Edge	La Follette	Poindexter	Wadsworth
Elkins	Lenroot	Pomerene	Walsh, Mont.
Gay	Lodge	Ransdell	Watson
Gerry	McCormick	Reed	Williams
Gronna	McCumber	Robinson	Wolcott
Harris	McLean	Sheppard	
Harrison	McNary	Smith, Ariz.	
Henderson	Moses	Smith, Ga.	

Mr. DIAL. I wish to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on official business.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] and the Senator from Maine [Mr. FERNALD] are absent on official business.

Mr. GERRY. I wish to announce that the Senator from Colorado [Mr. PHIPPS], the Senator from Massachusetts [Mr. WALSH], the Senator from Iowa [Mr. KENYON], and the Senator from South Dakota [Mr. STERLING] are absent at a meeting of the Subcommittee of the Committee on Education and Labor. I wish also to announce that the senior Senator from Alabama [Mr. BANKHEAD] is detained from the Senate by illness and to announce the absence on official business of the Senator from Arizona [Mr. ASHURST], the Senator from Florida [Mr. FLETCHER], the junior Senator from Tennessee [Mr. MCKELLAR], the Senator from Arkansas [Mr. ROBINSON], the Senator from Virginia [Mr. SWANSON], and the Senator from North Carolina [Mr. SIMMONS]. The Senator from Utah [Mr. KING], the Senator from Oklahoma [Mr. GORE], the senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], and the senior Senator from Tennessee [Mr. SHIELDS] are absent on public business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

RETURN OF MORTAL REMAINS OF AMERICAN SOLDIERS.

The VICE PRESIDENT. As in legislative session, and in accordance with House concurrent resolution 36, adopted yesterday, for the appointment of a joint committee of the two Houses to represent the Congress at the port of New York on the arrival of the steamship *Lake Daraga*, on or about November 9, bearing the first bodies of the American soldiers from the fields of the World War, the Chair appoints as the Senate members thereof Mr. WADSWORTH, Mr. CHAMBERLAIN, Mr. NEWBERRY, Mr. BECKHAM, Mr. MCCORMICK, and Mr. POMERENE.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3379) to establish the Utah National Park in the State of Utah; to the Committee on Public Lands.

A bill (S. 3380) granting a pension to Frances D. Miller; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3381) for the relief of Gertrude Lustig; to the Committee on Claims.

A bill (S. 3382) to authorize the Secretary of War to transfer to the Chief of Engineers, United States Army, for the execution of civil works, surplus property pertaining to the Military Establishment;

A bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service;

A bill (S. 3384) to provide for burial and transportation of remains of certain officers and enlisted men of the reserve forces of the United States;

A bill (S. 3385) to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condi-

tion prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor;

A bill (S. 3386) to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts; and

A bill (S. 3387) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 3388) granting an increase of pension to Lydia M. Fleming; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3389) for the relief of Thurman A. Poe; to the Committee on Claims.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LA FOLLETTE. Mr. President——

Mr. MYERS. Will the Senator yield to me for a short statement in the nature of a question of personal privilege?

Mr. LA FOLLETTE. I would be very glad to yield to the Senator. How much time will the Senator occupy?

Mr. MYERS. Two or three minutes.

Mr. LA FOLLETTE. Certainly, I will yield.

Mr. MYERS. I thank the Senator.

I notice in this morning's Washington Post that the account of the Senate proceedings of yesterday on the proposed amendment to the peace treaty offered by the Senator from Wisconsin [Mr. LA FOLLETTE] contains this statement:

Prior to the vote Senator MYERS, Democrat, announced that he would support both the La Follette amendment and the amendment, still pending, of Senator GORE, which stipulates a referendum to the people before engaging in war.

That statement is true in so far as it says I announced that I would support the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. I not only announced that I would support it, but I voted for it. However, I did not say that I would support the amendment offered by the Senator from Oklahoma [Mr. GORE] to refer to a vote of the people the question of making a declaration of war. I made no reference to that amendment. I do not intend to vote for it and never have intended to vote for it.

Ordinarily I pay no attention to mistaken statements in newspaper accounts about my part in the Senate proceedings, because now and then mistakes unintentionally occur about some Senator, and ordinarily they are of no consequence. I assume, of course, and am very sure that this was just an unintentional mistake on the part of the reporter. Probably he was not here when I made my remarks.

This, however, is of some consequence to me. I do not want, without denial, to be portrayed to the public as in any manner a pacifist, to any degree or any extent whatever. If there is one thing in the world which most emphatically I am not it is a pacifist of any kind or character. I would not under any circumstances vote to refer the question of a declaration of war to the people of the country. I think it would be absurd. The Constitution makes the Congress the judge of that, and I think the Congress should discharge that duty without shrinking or shirking. If Members of Congress feel that they are not capable of doing it, they should resign and let their constituents elect other Members who will discharge that constitutional duty.

I voted yesterday for the amendment of the Senator from Wisconsin, but I do not know that I shall vote for any other amendment to the peace treaty. I have no intention of voting for any other. I intend to vote for the reservation offered by the Senator from Utah [Mr. KING] to withhold our assent from Part XIII of the peace treaty, but I do not know whether or not I shall vote for any other reservation. I have just now no intention of voting for any other. It is only in the last few weeks that I came to the conclusion to vote for the amendment offered by the Senator from Wisconsin. It is only in the last few weeks that I have come to the conclusion that it would be for the best interests of this country and the world to strike Part XIII from the peace treaty or reserve it from our ratification of the treaty.

Had the radical element which appears now to dominate organized labor in this country not come out in the open and disclosed its purpose so soon, I should probably not have voted for the amendment of the Senator from Wisconsin, but I could not but do so under existing circumstances as I now see them.

In this connection, I will say that I am well pleased with the reelection of Gov. Coolidge, of Massachusetts. There are some things which are above party. Among them are the maintenance of the American Republic, the upholding of law and order, the protection of organized society, and the defense of stable government. When my party comes out clearly, fairly, candidly, firmly, openly, and aboveboard and declares for those things, it has my earnest wishes for success. If it has the opportunity to do so and does not, it does not deserve success; neither would any other party under like circumstances.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I do.

Mr. KNOX. Mr. President, with the consent of the Senator from Wisconsin, I should like to send to the desk a brief, simple, and general reservation to America's ratification of the treaty of Versailles and its league of nations, which I propose to the pending treaty; and I ask the indulgence of the Senate for 5 or 10 minutes in order to explain the purpose of the reservation.

Mr. LA FOLLETTE. I yield to the Senator for that purpose.

Mr. KNOX. I ask to have the proposed reservation read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

Resolved further, That the Senate of the United States advises and consents to the ratification of this treaty, reserving to the United States the fullest and most complete liberty of action in respect to any report, decision, recommendation, action, advice, or proposals of the league of nations or its executive council or any labor conference provided for in the treaty, and also the sole right to determine its own relations and duties and course of action toward such league or toward any member thereof, or toward any other nation in respect to any question, matter, or thing that may arise while a member of such league, anything in the covenants or constitution of such league or the treaty of Versailles to the contrary notwithstanding, and also reserves to itself the unconditional right to withdraw from membership in such league and to withdraw from membership in any body, board, commission, committee, or organization whatever set up in any part of the treaty for the purpose of aiding its execution or otherwise, effecting by such withdrawal as complete a release of any further obligations and duties under such treaty as if the United States had never been a party thereto. It is also

Resolved further, That the validity of this ratification depends upon the affirmative act of the principal allied powers named in the treaty of peace with Germany approving these reservations and certifying said approval to the United States within 60 days after the deposit of the resolution of ratification by the United States.

Mr. KNOX. Mr. President, the only purpose and effect of this reservation is to make the United States a consulting member of the league of nations; to put the United States in the league, in principle, without making us an integral part of the league in all its complicated detail and in all its perilous and questionable obligations; to put the United States in position to exert its influence or not when and for whatever purpose this Nation may or may not deem it good to do so through the league; to put the United States in touch with the league, but to prevent the United States from being interned or interred in the league; and to avoid the pretense of undertaking to do things which we should, we all know, be unable to do without alike violating the Constitution of the United States and doing violence to the will and the very nature of the American people.

This war found us in a situation where we were free to serve the world and to stand up for international right. We did so. I hope we may ever do so.

Be it remembered that it was precisely as a consulting member of the alliance, and bound only by the national conscience, that America brought her military power and her vast resources to the aid of those who fought for right, and by doing so brought victory in this war. If we can carry on war as an independent member of an alliance, may we not carry on peace as an independent member of a league? It is no strange policy that I propose, no heartless aloofness from world affairs. It was by being faithful exactly to the policy I now advocate that America had become great enough to bring victory. It was in adhering to this very policy that America did, when the test came, bring victory and save the world.

To declare, as I have before suggested, that "if a situation should arise in which any power should, directly or indirectly, menace the freedom and peace of Europe, the United States would regard such situation with grave concern as a menace to its own freedom and peace, and would consult with other powers affected, with a view to concerted action for the removal of such menace," is but to generalize as a policy what has been the specific action of America. On no great occasion could America be asked to do more for the world. Under no league could America do more for the world than she has done by the guidance of her own conscience. Declared or not, the above is the approved policy of America. With or without any relation

whatsoever to the league, American diplomacy can stand upon that policy. By becoming a consulting member of the league, the league, too, becomes available to us for the maintenance of that policy. On great occasions America will not be found wanting. By little occasions it is far better that America be not distracted from her real work, that the energy needed for national progress be not dissipated in internationalism.

It is as a consulting member of the league, free and true to ourselves, that we shall best serve America and that we shall best serve the world. As a consulting member of the league we shall be able to use its machinery for every good purpose; we shall not be imperiled of being ground and destroyed in the cogs of that machinery.

By becoming a consulting member of the league I wish to see America do a great part in service to the world. By becoming more, America would stultify herself for the service of right in the world and would at the same time put in jeopardy her own precious heritage.

Not under any circumstances would I sacrifice the spirit, the character, the nationalism of America, or the Constitution and the institutions that have bred America's manhood and womanhood. If we plunge America into this welter of internationalism we shall destroy America, and, in the name of good to the world, we shall make our country incapable of good either to the world or to ourselves.

As a consulting member of the league we shall do our full duty to the rest of the world. We shall be free to turn calmly to the great problems we have to meet here at home. Free and untrammeled, with safe frontiers, America's task is to perfect America's own national life in America's own way. Only so can America—North, South, East, and West—the America we all love, endure. Only so can America irradiate an ever higher influence in the world.

Internationalism would destroy us at home. Nationalism will save us at home. If there is anything through which we can do good to the world it is our Americanism. If we sacrifice our Americanism we destroy America. If we sacrifice that distinctive thing we destroy the hope that the world has in America. We are the salt of the earth, and for the earth "Salt is good"; but if the salt have lost his savour, wherewith shall it be seasoned? It is neither fit for the land, nor yet for the dunghill; but men cast it out. He that hath ears to hear, let him hear." Thus spoke the Savior of mankind, and, to paraphrase another divine expression, What will it profit America to gain the world and lose its own soul?

Mr. LA FOLLETTE resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

November 5, 1919.

Mr. LA FOLLETTE. Mr. President, the Constitution provides that the President of the United States shall have "power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur."

That this constitutional provision was disregarded by the President in making the treaty now before the Senate for concurrence can not successfully be denied. Had the President obeyed the Constitution in making this treaty by and with the advice of the Senate, the treaty would have been so framed as to have embodied the views of the Senate as well as those of the President, and whenever the treaty came to the Senate for formal action its early concurrence therein would have been a foregone conclusion.

Through the interchange of views between the President and the Senate contemplated by the Constitution while the treaty was in the process of making, differences of opinion, if any, would have been discovered and reconciled in the legal, orderly course of procedure commanded by the Constitution. In such interchange of views neither party would have had an advantage over the other. Under such procedure the President and the Senate would have been equally free to consider the proposed treaty on its merits, and neither could have been coerced into surrendering honest convictions as an alternative to abandoning the treaty. This, sir, is the rational procedure ordained by the fathers in their wisdom when they framed our Constitution.

It has been asserted here and elsewhere that business is stagnant, prices exhorbitant, labor and capital unsettled and resentful, and industrial conditions alarming in the extreme, because this treaty was not at once concurred in and duly ratified. Such a statement wholly ignores the real cause of the grave industrial situation which confronts us; but if it were true in any sense that the nonconcurrence in the treaty up to the present time contributed in any degree to the present industrial unrest, then, sir, the responsibility for that situation rests upon one man, and that man is the President of the United States. For it is his departure from the letter and spirit of the Constitution in the making of the treaty that has led the Senate to spend months in its consideration, and may result in its final rejection.

I do not know why the President in making this treaty refused to obey the plain mandate of the Constitution, and refused to follow the precedents established by the great Presidents Washington, Adams, Jefferson, Jackson, Lincoln, Grant, and others who sought and received the advice of the Senate in all stages of treaty making where they felt that they were dealing with questions which were vitally important to the country upon which the opinion of the Senate should be taken.

If, sir, the President had in mind and expected that there would be written into this treaty covenants and provisions which more than a third of the Senate might feel impelled, under their oaths, to reject, had they been advised with while the treaty was being framed, then the conduct of the President is easily understood in refusing to advise with the Senate while the treaty was in the making. If before the negotiations were complete the Senate had advised the President that it disapproved of certain articles, there would have been no excuse for the President to incorporate such articles in the treaty; and if, nevertheless, they were incorporated and written in the treaty and the treaty rejected on account of them, the record would then have fixed the responsibility upon the President.

When he placed the treaty before the Senate, however, the whole situation was changed. Then he knew that many Senators strongly opposed to the terms of the treaty on principle would be constrained, as we daily and hourly have witnessed from the lips of Senators that they are constrained, to accept it and concur in it, though they regarded it as a menace to our peace if not to the very existence of constitutional government.

Mr. President, there is so much in this treaty hostile to American interests and destructive of American ideals, so much of iniquity and spoliation that violates national honor and challenges American resentment, that Senators have directed their attacks solely upon these odious provisions of the treaty. In so doing I venture to say that they ignore that which is even more important than the treaty itself: They have permitted to pass unchallenged the illegal and unconstitutional manner in which the treaty was framed.

It has been almost a daily occurrence in this debate for one Senator after another to arraign and condemn important provisions of the treaty and then surrender his judgment with the concluding statement that he was constrained to vote to concur in it, to the end that we might as soon as possible conclude some sort of a treaty of peace.

A treaty so framed and concurred in does not represent the judgment of the Senate, in conformity with the Constitution.

It was to guard against such an event that the framers of the Constitution provided that the President should advise with the Senate in making all treaties. If this be not the plain meaning of the Constitution, then the words "by and with the advice" of the Senate have no meaning at all. After a treaty has been signed and sealed in secret without the advice of the Senate and is then presented for concurrence there is no longer anything to advise with the President about. The work is complete. The treaty has been framed. Presumably every article in it has already received his careful consideration and his approval, and his signature has been affixed to the document. The same thing, sir, is true of the representatives of some 30 other nations, signatories to the treaty, gathered from all parts of the world. When the treaty comes to the Senate it is true that the Senate still has the technical right to concur in it, even to reject it.

But that is only one-half of the constitutional duty of the Senate in making treaties. The provision of the Constitution that the treaty shall be made with the Senate's advice is just as mandatory as that it shall be concurred in by two-thirds of the Senators present before it can become effective.

Mr. President, let us look more closely at this construction of the provision of the Constitution.

What has the Senate really to do with making a treaty of peace?

Does the Constitution lodge in this body the express right to participate in the making of a treaty?

Has the Senate any duty to perform other than to "consent," or refuse to consent, to a treaty after it shall have been completed, signed, and submitted to this body by the President?

Article II, section 2, of the Constitution provides:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Note well the language of the Constitution.

The words "by and with the advice and consent of the Senate" immediately follow the words "he shall have power."

They limit, modify, and restrict the power of the President in the act of making a treaty the moment he begins to exercise that power.

The framers of the Constitution used words with accuracy and exactness.

The only meaning of the word "by" given in any standard authority which could aptly apply to the text is "through" or "according to." The use of "with," upon all authority, signifies association, conjunction, alliance, assistance, harmony. As Webster states it, "association in respect of accompaniment, conjunction, interaction"; "association by way of alliance"; "association by way of simultaneousness"; "association in respect of sphere of jurisdiction."

And what is the obvious meaning of the word "advice"?

It means "to counsel; to give an opinion recommended as worthy to be followed."

But when should "advice" and "counsel" be sought? When as to the making of a treaty should it be given?

Manifestly it should be given, if at all, when it would be most effective; while the scope and terms and covenants of the treaty are being formulated, while the minds of those directly engaged in making the instrument are most open to receive "advice" and "counsel" "worthy to be followed."

It is idle to say that the Constitution means that the President should advise with the Senate after the treaty has been put in final form, and has been duly signed by the accredited delegates to the peace conference.

That is not the meaning of the language of the Constitution. Its plain terms deny any such construction. If that were the meaning of the Constitution, then the words "by and with the advice and consent of the Senate" would have been left out altogether, and the section would have simply provided that the President shall have the power to make treaties, provided two-thirds of the Senators present concur. And, sir, if that were the language of the Constitution, if there had been eliminated the provision which, with much thought and consideration, as I shall show, was put in by the constitutional convention—"with the advice of the Senate"—if those words had been eliminated and it was simply provided that "the President shall have the power to make treaties with the concurrence of the Senate," even that language would have been sufficient to require a right-minded President, who desired to consult the country's welfare, and not merely his own arbitrary will, to confer with the Senate during the making of a treaty, lest the Senate, at the last moment, might withhold its consent from a treaty so momentous in the making of which it had no part.

But the framers of the Constitution wisely did not leave the matter there. It makes the "advice" of the Senate just as much a necessary part of the framing of the treaty as it makes the "consent" of the Senate necessary to its final execution.

But go a step further. What is it the President shall have power to do "by and with the advice and consent of the Senate"? Why, "he shall have power, by and with the advice and consent of the Senate, to make treaties."

"To make," according to all authority, is "to create," "to frame," "to construct."

What better word could have been chosen to express the purpose and intent of the framers of the Constitution?

It puts the "advice," the "counsel," of the Senate into every act of the President, after he shall have opened the negotiations, in making, framing, and constructing the treaty, from the beginning to the end, from its inception until its completion.

The President violates the strict and literal mandate of the Constitution, as well as its spirit, when he makes, frames, and constructs the treaty without advice and consultation with the Senate.

It is too late for the advice to be effective after the treaty is made and signed and passes out of his hands and into the possession of the Senate.

It is no answer to say that the Senate can then amend the treaty and refuse to concur in it unless the amendments are accepted.

True, they have that power, but the conditions then operate to deprive them of that freedom of judgment which the Constitution intended to confer upon them as an unconstrained aid in perfecting that instrument.

Why, Mr. President, we have daily, almost hourly, manifestations of that fact. It is perfectly apparent that there is a majority of Members of the Senate here who feel that they can not exercise their independent judgment on the provisions of this treaty as they would have been able to do if they had been advised with while the treaty was in the making, as was provided by the men who framed the Constitution.

Mr. HITCHCOCK. Mr. President——

Mr. LA FOLLETTE. If the Senator will pardon me, I prefer to go on with my argument, which is close-knit. I shall be glad to have the Senator make notes upon it and question me when I get through.

Mr. HITCHCOCK. I have not any desire to do so, because it is only at this point——

Mr. LA FOLLETTE. But just at this point the Senator can make his notes.

Mr. HITCHCOCK. The Senator declines to make them.

Mr. LA FOLLETTE. And then he can question me when I get through.

Mr. HITCHCOCK. Oh, no.

Mr. LA FOLLETTE. That is the orderly way of making an argument in court, or in any other place excepting in the Senate. The Senate debates have degenerated into quilting-bee conversations.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. LA FOLLETTE. No, Mr. President; I do not yield. I will proceed with this argument as I have prepared it, and the Senator can question me when I get through, and I shall be glad to answer him.

To amend the treaty at that stage—that is, after it reaches the Senate—and the Senator ought to be able to see that there should be no interruption at this point, from the context of what I am saying—to amend the treaty at that stage would subject the Senate to the charge of delaying and, it may be, altogether defeating the ratification of the treaty.

What is this curious atmosphere that surrounds the gentlemen who are known on this side of the Chamber as mild reservationists? It is an atmosphere that is impervious to argument. They fear to take the responsibility for the delay necessary to perfect it by amendment, and that is exactly what the Executive anticipated.

Of course, I can understand the psychology of the mild reservationists in this body. They reason that if amended this treaty must go back to the President. If his mind has become set and fixed as to its terms—and who doubts that it is somewhat set and somewhat fixed? [laughter]—he may deadlock the whole proceeding by refusing to transmit it with the proposed Senate amendments to the other high contracting parties. If he does transmit the treaty as amended by the Senate to the other governments concerned, it is at that late day certain to cause friction and delay, which may in the end result in the failure of the treaty. I take it, Mr. President, that that is what troubles so many of the Senators who do not like the terms of this treaty, who, if they could have been consulted as parties to the contract, as was provided by the framers of the Constitution, would quickly have voted to change certain provisions; but they are constrained by the circumstances which surround us at this hour. It seems to me that that is exactly what the President of the United States contemplated; that he contemplated that he was in a position to control and completely coerce the Senate of the United States and annul that provision of the Constitution.

The possibility of this outcome may well have the effect to coerce the Senate into accepting a treaty containing provisions of doubtful meaning or omissions of great importance to our Government, or into yielding and reluctantly concurring in a treaty some of the covenants of which may even contain the germs of national disaster.

Never before in the history of this Republic were we party to the making of any treaty of such far-reaching influence upon the destiny of this Nation, the freedom and happiness, the weal or woe of our own people, as that which was made at Paris, without the advice of the Senate, and which is now before us for concurrence.

Any President with a due regard for the awful responsibilities involved in this undertaking ought to have welcomed counsel and advice. Certainly he should have been the last to deny participation, at every step of the proceedings, as the terms and conditions were being wrought out line by line, to the United States Senate, which is specifically named in the Constitution as a part of the treaty-making power. And he should have been ready to accord, not a reluctant, narrow, technical compliance with the letter of that constitutional provision, but he should have extended a cordial and prompt hospitality to all advice and counsel from the Senate within the broadest conception of the spirit of the Constitution.

What would be said of a President who, while in France conducting the negotiations for this treaty, deliberately refused, if the Senate had been in session, to receive communications and advice from the Senate concerning those negotiations?

Could there be any doubt in anyone's mind that there would be but one answer to make to such an abuse of power by the Executive? Yet how would this conduct differ in effect from that by which the Executive just as effectively stopped his ears and closed his mind to the advice of the Senate by refusing to convene that body in session while this treaty was in the making?

I turn aside for a moment, Mr. President, to consider the evolution of the President.

Prior to his becoming a candidate for governor of New Jersey, Woodrow Wilson was known among those who were at all familiar with anything he had written as a pronounced reactionary. However, a short time before he essayed to enter politics he announced a radical change in views and became a very ardent advocate of liberal, progressive democracy.

But President Wilson in 1919 is no longer the "forward-looking" progressive he appeared to be as governor of New Jersey and in his first years as President. That interesting period seems to have been mainly a rhetorical exhibition, in which the highest achievements are recorded in The New Freedom and his essays on "Making the world safe for democracy."

As he has progressed backward in these later years he presents what might be called a typical case of atavistic reversion.

For example, as to the treaty-making power, President Wilson now reverts to the uniquely autocratic views of Woodrow Wilson of 1908. His opinions upon these powers, as set forth in 1908, have no counterpart—in so far as I am advised—in all the literature on that important provision of the Constitution.

He is the first of all of our Presidents openly to challenge the constitutional right and duty of the Senate to advise and counsel with the President in the making of a treaty. Nay, more than that, he asserts that the President has the autocratic power to coerce the Senate into concurring in a treaty to which it may even be opposed.

From his book, Constitutional Government in the United States, first published in 1908 and reprinted as late as December, 1917, I quote the following:

> One of the greatest of the President's powers I have not yet spoken of at all: His control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely.

Now, we begin to get a picture of the inside of this man's mind, away back in 1908.

> The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made, if the faith and prestige of the Government are to be maintained.

That is, he can put the Government in such a place that its honor is committed to the carrying out of that provision that would not otherwise be carried out.

Mr. McCORMICK rose.

Mr. LA FOLLETTE. Just let me conclude the quotation. He says further:

> He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

He thinks he has it committed, and he has evidently some gentlemen on this side committed.

This statement was of little importance at the time it first appeared in a small edition of classroom lectures to his college students. Its author, Mr. Wilson, was a gentleman who had failed as a lawyer and had become a college professor of "jurisprudence and politics." His views upon this subject at that time—1908—would not specially have interested anyone except for the fact that artful circumventing standards of political ethics which this quotation evidences were being taught to college students.

Mr. McCORMICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. McCORMICK. Perhaps the same view of the powers of the President to commit the country has become current in Europe through some medium, because Stephane Lausanne, of the Paris Matin, returning from Brussels, announced the course which France would pursue "if America did not keep her word," the implication being that some power unknown to the Constitution had pledged the word of America in Paris.

Mr. LA FOLLETTE. Exactly. Now, to take up the thread of my thought.

It is quite another matter now. By the accidents of political fortune Mr. Wilson, the author of the foregoing paragraph, is now President Wilson. Curious things happen in this Government of ours.

He chose to constitute himself a direct participant in making the treaty of Versailles. It transcends infinitely in importance any other to which this Nation was ever a party.

And President Wilson properly having taken the initiative in opening communications with the representatives of other nations, and thus being in control of the situation up to that point, by the Machiavelian method suggested by Woodrow Wilson in 1908, usurped sole and exclusive power, as he says, to—

> Guide every step of diplomacy—
>
> As to himself decide and—
>
> Determine what treaties must be made, if the faith and prestige of the Government are to be maintained.

But he goes further than that. This is not enough to satisfy the peculiar sinuous working of that mind. He carried it to the monstrous conclusion that the President, and I quote his words, "need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also." And I take it that a considerable number of Senators on this side feel themselves so pushed into a corner that they are in a way committed also to this unconstitutional method of making treaties.

In so doing, President Wilson manifested a willful, stubborn disregard of his constitutional obligations and the honorable precedents of other Presidents.

It is an accepted canon of construction that the meaning of any law is to be found in its own language. As an aid to the determination of an ambiguous statute, resort may be had to the discussion of the legislative debates and to legislative journals. The treaty-making power of the Constitution is not involved in any ambiguity. However, it may be of interest in this connection to notice briefly the historic setting of this provision. It will aid to a clear understanding of the intention of the framers of the Constitution to start with the thought in mind that the making of a treaty is the exercise of a sovereign power.

When the Colonies achieved independence, the right of sovereignty, carrying with it the treaty-making power, became inherent in each of the thirteen States. In forming the Continental Congress, the State was made the voting unit, and the treaty-making power was exercised through the State acting in its sovereign right.

Under the Articles of Confederation each State retained its sovereignty and had one vote. Provision was made in the articles that no one State should enter into a treaty with any king, prince, or foreign State without the consent of Congress. The Congress was given the authority to enter into treaties. But so jealous were the States of their sovereign treaty-making power that it was provided in the articles that no treaty could be made excepting by and with the vote of nine States. I emphasize this because it bears upon the Senate's power in making treaties. This conception of the close association with the power of making treaties and sovereignty in each of the States becomes a material consideration in construing and in tracing the historical development of this matter in the Constitutional Convention. Hence when the Constitutional Convention met to form a more perfect Union on the 25th of May, 1787, the delegates there assembled were imbued with the idea that the treaty-making power was inherent in the sovereignty of the States. It was so agreed that each State should be represented in the United States Senate.

Therefore it logically followed, when it came to dealing with the delegation of the treaty-making power to the new government that they were about to form, that they should lodge that great power exclusively in the United States Senate, and that is what they did. In the first construction of our Constitution you can see how their minds were working. You only need to trace the history of this provision to get the psychology of the men who were making our Constitution.

So we find in the first draft of the Constitution presented to the convention by Mr. Pinckney on the 29th of May, that it contains the provision with respect to treaties which I shall read. Just listen to it, Senators, and see what a monstrous change has been imposed upon this Republic from that conceived by the men who formed it:

> ART. 7. The Senate shall have the sole and exclusive power to declare war and to make treaties.

That is the first draft of our Constitution. It is a far cry from that provision, Mr. President and Senators, to having treaty making controlled by one mind. Thus it will be seen that in the first draft of the Constitution the President was not even mentioned in connection with the power of making treaties.

This draft of the Constitution, presented by Mr. Pinckney, was presented on the 29th of May. As I remember it, the convention assembled on the 14th of May. There was but a meager attendance at that time, and because of the meager attendance of delegates an adjournment was taken to, I think, the 25th of May; and on the 25th of May the delegates assembled in such numbers that they organized the Constitutional Convention, and Gen. George Washington was elected its president and William Jackson, as I now remember it, was elected its secretary.

So it was organized for business about the 25th of May, and on the 28th or 29th of May Charles C. Pinckney presented to that Constitutional Convention a working draft of a constitution for this Government of ours.

Impressed by the fact that with the power of making treaties goes hand in hand sovereignty, that each of the thirteen Colonies had the power of making treaties because of their independent sovereignty, when they organized into the Confederation that provision was recognized, and the vote by States was carried over into the provisions of the Articles of Confederation and expressed there and perfected. So if each of the States was to be represented in the legislative body here and have equal voting powers, known as the United States Senate in the new government that they were about to form, it was perfectly logical and perfectly natural in the working of the mind of Charles C. Pinckney that in the first draft he submitted he should have incorporated the provision that treaties should be made by the States represented in the United States Senate on an equal voting basis.

Mr. President, as I have studied the proceedings of that convention, I find that on June 18, a little less than a month after the Constitutional Convention convened, Alexander Hamilton made an address before the convention, and in that address he submitted, in a tentative way, some suggestions—as he says, mere suggestions—for the consideration of the committee that was working upon the building up of the constitutional provisions. Among the suggestions that he made I find this one, and it is the first time that in the Constitutional Convention the President appears to have been thought of by anybody in connection with the treaty-making power. I think that is rather interesting.

I quote the following:

The authorities and functions of the Executive to be as follows:

I omit enumerating other functions and come to the one in question:

To have, with the advice and approbation of the Senate, the power of making all treaties.

But, sir, I am unable to find from that time on that he had so impressed any delegates in the Constitutional Convention that the matter was taken up and advocated by any one member of the convention. They still adhered to the plan that treaties should be made by the United States Senate, because the United States Senate represented the States on an equal voting basis.

Then a committee on detail—that is, a committee to work out the details of the Constitution—was appointed. It presented its report on August 6. It reported as to treaties the following:

Article IX, section 1. The Senate of the United States shall have power to make treaties.

I find the next reference August 15. Mr. Mercer, a delegate who was a factor in that convention, made the suggestion that the treaty-making power ought to be lodged solely with the Executive. There was not any discussion upon his suggestion, as revealed by the notes. Mark you, it was on the 15th day of August that he made that suggestion.

On September 4 Mr. Brierly, of the committee of 11, the committee on detail, reported to the convention several propositions, among which was the one dealing with this question of making treaties, and I have it before me. That was on the 4th day of September, 13 days and only 13 days before the Constitutional Convention adjourned. Then for the first time the President was brought into the report of the committee which was preparing the draft of the Constitution for the final action of the convention in substantially the same form in which we have it now.

Mr. President, I think the history of that is of some significance. I think it shows that it was clearly the purpose of the framers of the Constitution to withhold from the President any participation in the making of treaties until it was suggested that the Senate, being a legislative body, would require some agency for communicating with foreign nations in the making of a treaty and that the Executive was a proper agency.

That suggestion was made by Madison. It was adopted, and the Executive was brought into the treaty-making power.

The men who were looking to the perpetuity of democracy for the light of the world never rested it upon one mind. You can not find it in the Constitution.

I tell you, Senators, never in all of your service in this body—I care not how long you have served—have you been brought to or which now faces us. Will you yield in this matter and write into the history of the proceedings of this Government a precedent that surrenders all control of our intercourse with the foreign Governments of the world practically to one mind? It was clearly the purpose of the framers of the Constitution to withhold from the President the exclusive authority to make treaties. Indeed, it was at a late hour in the proceedings of the convention that they admitted the Executive to a participation in it. They regarded it as too vast a power, fraught with too serious consequences, to be committed to the sole discretion of one man. A badly conceived and unwisely constructed treaty might prove a costly venture. It might involve the country in the gravest difficulties, the most embarrassing entanglements. It might even convert a covenant designed to secure peace into an instrument to force us into war. To safeguard against the dangers incident to the mistakes and errors of a one-man judgment and the menace of an overreaching ambition, the framers of the Constitution vested the treaty-making power in the President and the Senate.

Now, Mr. President, after this somewhat too extended excursion into the historical aspects of this, to me, very interesting matter, let us come back to a consideration of this provision of the Constitution. I have already quoted it unnecessarily, for it is familiar to every Senator, but it seems to me that this provision ought to be given some meaning.

Chief Justice Marshall, in Gibbons versus Ogden, said:

As men whose intentions require no concealment generally employ words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they said.

When, therefore, the Constitution commands that the President and the Senate shall advise together in making a treaty, it was clearly intended that each side should be free to receive or to reject the advice of the other; but, as I have said, when this treaty was presented to the Senate for its consideration, it was no longer possible for the President to accept and to conform to the advice of the Senate if the advice involved changing any of the terms of the treaty. The time for advice was when the treaty was being negotiated and debated at the conference table and was still subject to change by the representatives of the 31 Governments parties to the agreement; but that time had passed when the treaty was first brought before the Senate; and it had been, I believe, the deliberate purpose of the President to deprive the Senate, in so far as he could, of all influence in making the treaty.

In Gerrald versus Mobley, in Thirteenth Otto, page 580, Justice Field said:

A constitutional provision should not be so construed as to defeat its evident purpose, but rather so as to give it effective operation and suppress the mischief at which it is aimed.

Now, what was the mischief at which this constitutional provision was aimed which required the President and the Senate to advise together in making a treaty? It was aimed at the mischief of too great power in making treaties being exercised by one man.

Alexander Hamilton, fresh from active participation in the Constitutional Convention, addressing the people of New York pending their ratification of the Constitution, emphasized the importance of the Senate's "joint and concurrent participation in making treaties." Those are his words. What does that mean?

Speaking of the danger of lodging with one man, the President of the United States, the exclusive authority to make treaties and control foreign relations, he said:

However proper and safe it may be, in governments where the executive magistrate is an hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to intrust that power to an elective magistrate of four years' duration.

Again, he says:

The history of human conduct does not warrant that exalted opinion of human virtue, which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate, created and circumstanced as would be a President of the United States.

Mr. President, I grant that the Senate still has the power to reject this treaty; it still has the power to amend it; but I say to Senators here that every man within the reach of my voice knows that Senators have been under constraint in voting as to changing this treaty. It never was intended by the

makers of the Constitution that they should be under constraint, but we can not get the independent judgment of Senators as to the language of the treaty, although upon the language of the treaty may hang the lives of millions of our soldier boys.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I will yield in a moment. It never was intended, I say, that the coordinate treaty-making power—the Senate—should by the Machiavelian tactics of an Executive be placed in a position where it could not exercise its independent judgment in framing treaties. Now I yield to the Senator from Washington.

Mr. JONES of Washington. Mr. President, I have no doubt the Senator has noted in the newspapers nearly every day, and I think in those of this morning, statements to the effect that Senators are waiting the orders of the President before they determine how they are going to vote, if certain reservations are put on.

Mr. LA FOLLETTE. Oh, Mr. President, I have noted that. I have noted it, as I have noted other things that have transpired under this administration. Oh, never before in the history of this Republic has there been known anything, faintly or remotely, approaching the servile, abject, cringing attitude of the legislative department of the Government to the Executive; and I am taking the time of the Senate to protest and to seek to arouse some unity of action here which will assert and will preserve, sir, to us and to our children the letter and spirit of the Constitution that cost us so much in blood and treasure. Senators, in God's name what justification can be made for this surrender of the Senate's constitutional right when the Constitution imposes upon you your independent duty under your oath to support the Constitution?

Too many Senators have voted down amendments which in their hearts and in their consciences they believed to be just and knew were right and knew ought to be written into this treaty, but because the treaty has come to the Senate in this form and through violation of the letter and spirit of the Constitution.

Listen to Hamilton further. Fortunately we have the voice and the thinking of these men here, preserved in the printed page occasionally to make its appeal. Will you not heed that? Listen to Hamilton.

Also, in the same address, he said that if we would attend carefully to the subject—

It—

The treaty-making power—

will be found to partake more of the legislative than of the executive character.

And in the same address he spoke of the danger involved in giving—listen—an ambitious President too great treaty-making power. He said:

An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents.

Mr. McCORMICK. Will the Senator repeat that, please?

Mr. LA FOLLETTE. Gladly. Listen again to this admonition from Hamilton:

An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents.

Since the mischief at which the constitutional provision was aimed, which gave to the Senate coordinate power with the Executive in making treaties, was plain and well understood, and the language of the Constitution directly and aptly confers this power upon the Senate, I might at this point rest my argument to show that the President proceeded in violation of the Constitution in making this treaty.

But I am going further than that and call to the attention of the Senate the precedents upon this subject established by Presidents whose learning, devotion to duty, and loyalty to the institutions of our country can not be questioned.

President Washington's administration, following immediately upon the adoption of the Constitution, and numbering among its members many of those who had been prominent in framing the Constitution, furnishes the most persuasive proof as to what the men of that time understood the Constitution to require of the President in the exercise of his treaty-making power.

The first treaty ever negotiated by our Government, so far as I have learned, was with the southern Indians early in President Washington's first administration. The method of procedure in that case, though involving nothing more than a treaty with an Indian tribe, was such as to carry out the letter and the spirit of the Constitution. President Washington first sent a message to the Senate in which he advised the Senate that he wished to meet with it the following day "to consider the terms of a treaty *to be* negotiated with the southern Indians." This message was sent to the Senate August 21, 1789. President Washington accordingly the next day came to the Senate, accompanied by Gen. Knox, a soldier who was prepared to answer questions pertaining to the Indians, though he was not otherwise an officer of the Government, and the President briefly stated the purpose of the meeting. Seven specific questions were submitted to the Senate as to the "proposed negotiations." The President requested a vote by the Senate upon each of the seven propositions. The Senate took the questions under advisement and postponed action until the following Monday, at which time it voted in favor of only a part of the seven propositions stated.

Some two or three weeks before President Washington asked the advice of the Senate concerning the negotiation of the treaty I have just mentioned, the Senate had already appointed a committee to determine the manner in which communications respecting treaties should be conducted between the President and the Senate. President Washington communicated his views to this committee, stating, in substance, that "in case of treaties oral communications seem to be indispensably necessary, because of the variety of subjects embraced in them which would not only require consideration but might undergo much discussion. (See Crandall on Treaties, 2d ed., p. 67.)

That indicates how the Senate and President Washington viewed this question. Oh, how far have we traveled, and in what an untoward direction! Where are we going? Is this to be a Republic, or is this to be a Government controlled by one man? You must answer to your consciences and to your constituents on this issue, for it is not to be settled here to-day or to-morrow or with the disposition of this treaty. This question goes to the very foundations of the life of this Republic, and there are, thank God, in this country men loyal enough to our free institutions to carry this question from this Hall to the American people, the sovereign power of this Republic, for final determination.

So far as I have been able to find, President Washington throughout his two terms of office never failed to ask the advice of the Senate respecting the negotiation of all treaties which were made while he was President.

We know that on August 4, 7, and 11, 1790, and January 18, 1792, and March 23, 1792, the President asked the advice of the Senate as to negotiating various treaties with the Indian tribes.

In a message to the Senate on August 4, 1790, respecting the proposed treaty with the Creek Indians, the President said:

In consequence of the general principles agreed to by the Senate in August, 1789, the adjustment of the terms of a treaty is far advanced between the United States and the chiefs of the Creek Indians, now in this city, in behalf of themselves and the whole Creek Nation.

You will note here that a year prior to the date of this communication the President had advised with the Senate and secured from it an opinion as to the general principles which should be embodied in the treaty. Following out those principles, it seems that a year's negotiations were in progress. It further appears from this communication from the President to the Senate, under date of August 4, that the President was embarrassed in his dealings with the Creek Indians, because British merchants importing their goods, through Spanish ports, had a monopoly of the trade with the Creeks, and brought about disorder and discontent among the Indians. The President therefore submitted to the Senate whether a secret treaty might be negotiated with the Indian chiefs to obviate this difficulty.

On August 11, 1790, the President, in a message to the Senate in reference to a proposed treaty with the Cherokee Indians, said:

On this point, therefore, I state the following precedents, and request the advice of the Senate thereon:

First. Is it the judgment of the Senate that overtures shall be made to Cherokees to arrange a new boundary so as to embrace the settlements made by the white people since the treaty of Hopewell, in November, 1785?

President Washington thought that in fixing this boundary, this little boundary, a mere short span upon the map, that the Senate ought to be consulted and advised with before he put it into the fixed terms of a treaty to be submitted for them to concur in. But he who is now President has joined in a treaty that changes the boundaries of the world, and he has done that without a suggestion from the United States Senate, or an intimation of any desire to have their advice, and has done it in such a way, as indicated by the attitude of many Senators, that he can not secure the independent opinion of those Senators in deciding as to whether he pursued a proper course.

Second. If so, shall compensation to the amount of ——— dollars annually or of ——— dollars in gross be made to the Cherokees for the land they shall relinquish, holding the occupiers of the land accountable to the United States for its value?

Third. Shall the United States stipulate solemnly to guarantee the new boundary which may be arranged?

Those were the questions that he submitted to the Senate to be advised upon by the Senate in pursuance of what he thought to be the requirements of the Constitution in treaty making.

On January 18, 1792, President Washington addressed the Senate as follows:

I lay before you the communications of a deputation from the Cherokee Nation of Indians now in this city, and I request your advice whether an additional article shall be made to the Cherokee treaty to the following effect, to wit:

That the sum to be paid annually by the United States to the Cherokee Nation of Indians in consideration of the relinquishment of lands as stated in the treaty made by them on the 2d day of July, 1791, shall be $1,500 instead of $1,000 mentioned in the said treaty.

You will note here how trivial was the amount involved, how simple the negotiations; and yet, sir, because of the principle involved, and because he wished to obey the Constitution, President Washington did not proceed to negotiate even the simple treaty here proposed and the determination of the amount—between $1,500 and $1,000—without first requesting the advice of the Senate upon the subject.

November 6, 1919.

Mr. LA FOLLETTE. Mr. President, at the conclusion of the session on yesterday one of the Senators upon the other side of the Chamber paid me the compliment of saying that he had been much impressed with my argument that it was the duty of the President, under the Constitution, to advise with the Senate in making a treaty; but he suggested that, with the peace commission sitting in Paris, remote from this country, it would be very difficult for the President to advise with the Senate. I reminded him, and I remind the Senate, that the President, when he withdrew himself from this country at the beginning of the December session of Congress in 1918, in an address to the two Houses, said:

The cables and the wireless will render me available for any counsel or service you may desire of me, and I shall be happy in the thought that I am constantly in touch with the weighty matter of domestic policy with which we shall have to deal.

It seems to me, Mr. President, that, being in full control of the cables and the wireless, he might have added that it would be possible for him to comply literally and according to its spirit with the provision of the Constitution as to advising with the Senate at every step in making a treaty dealing with the momentous affairs that were being considered by the peace conference at Paris.

Now, Mr. President, I resume where I broke off at the adjournment or the recess taken last evening, when I was presenting to the Senate the conception of President Washington of his obligations, as President, to advise with the Senate in the making of treaties, as shown by the records of his administration. I had completed the recital with respect to one case in which he had advised with the Senate while a treaty was in the making; and again, in addressing the Senate of the United States May 8, 1792, President Washington submitted the following propositions for the advice of the Senate. I quote:

If the President of the United States should conclude a convention or treaty with the Government of Algiers for the ransom of the 13 Americans in captivity there for a sum of not exceeding $40,000, all expenses included, will the Senate approve the same? Or is there any, and what, greater or lesser sum which they would fix on as the limit beyond which they would not approve the ransom?

Continuing the quotation:

If the President of the United States should conclude a treaty with the Government of Algiers for the establishment of peace with them at any expense not exceeding $25,000, paid at the signature, and a like sum to be paid annually afterwards during the continuance of the treaty, would the Senate approve the same? Or are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

Of course, in all the more important treaties President Washington was equally punctilious in seeking the advice of the Senate, or in associating the Senate with the President in framing the treaty through an agent agreed upon between the President and the Senate. Whenever that course seemed to be the most practical one the Senate was represented in the making of the treaty as much as the President, when they jointly agreed upon the selection of an agent or of agents who should make the treaty.

For example, February 9, 1790, he addressed the Senate as follows:

You will perceive from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States relative to the boundary line between our eastern and their territories. A plan for deciding this difference was laid before the late Congress, and whether that or some other plan of a like kind would not now be eligible is submitted to your consideration.

In my opinion it is desirable that all questions between this and other nations be speedily and amicably settled, and in this instance I think it advisable to postpone any negotiations on the subject until I shall be informed of the result of your deliberations and receive your advice as to the propositions most proper to be offered on the part of the United States.

As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, etc., I am the more solicitous that the business now submitted to you may be prepared for negotiation as soon as the other important affairs which engage your attention will permit.

Think of it, sir! President Washington thought it advisable to postpone even opening negotiations until the Senate had deliberated upon the matter and advised him—to quote his own words—"as to the propositions most proper to be offered on the part of the United States"; and because of the great importance and urgency of the question, the President exhorted the Senate that it act as promptly as the other important affairs which engaged its attention would permit, to the end that he might be advised upon the questions submitted to the Senate and the matter—to quote his words—"be prepared for negotiation."

If, sir, it is allowed the spirit of Washington to know the evils that afflict his unhappy country to-day, his thoughts must have been aroused by the spectacle of President Wilson betaking himself to the capitals of Europe, there to negotiate in secret, with the representatives of the Kings of Great Britain and Italy, the Emperor of Japan, and other potentates, a treaty more far-reaching in its consequences to this country than ever before was contemplated by the mind of man; and in all this proceeding the President addressed no communication to the Senate, and not only never sought its advice, but deliberately destroyed all possibility of the Senate advising with the President by refusing to convene it in special session while the peace conference was doing its most important work.

The criticism of the league of nations by Senators during the session which terminated March 4 did constrain the President grudgingly to consent to inviting a few Senators to the White House on his return from abroad February 25, and thus grant to them the special privilege of a brief exchange of views on that branch of the work of the peace conference. The Senators wanted to know the meaning of this provision and that provision. Answers in hazy generalities did not seem to satisfy their desire for information. Questions were delicately pressed by the members of the Committee on Foreign Relations, invited to the President's private dinner. The President did not particularly enjoy the occasion. He wasted no more of his time upon the "pygmy minds" of Senators who declined to permit him to do their thinking for them; and manifestly he welcomed the approach of the 4th of March, which automatically adjourned Congress and put a stop to further discussion of the proceedings of the peace conference in the daily sessions of the Senate.

Who, think you, best knew the meaning of the Constitution, George Washington or Woodrow Wilson? Whose interpretation will you accept? That of the great soldier and statesman who presided over the convention that framed the Constitution, and was unanimously elected the first President of the United States, or the schoolmaster who read the Constitution only as 10,000 other professors read it, for classroom purposes, and who by the accident of politics was elected President of the United States?

Sir, not only did President Washington, in his solicitude to obey the Constitution, seek the advice of the Senate in advance upon the principles to be embodied in every treaty made during his administration, but when he found it necessary to appoint some one to conduct the negotiations for him he submitted the names of such persons to the Senate, with his reasons for their selection, and sought the approval of the Senate upon the appointment.

Accordingly, he addressed the Senate on January 11, 1792, respecting the proposed treaty with Spain. After setting out the fact that the representatives of the King of Spain had approached our Government with suggestions that a treaty be made respecting the navigation of the Mississippi River, President Washington said:

In consequence of the communication from the Court of Spain, as stated in the preceding report, I nominate William Carmichael, present chargé d'affaires of the United States at Madrid, and William Short, present chargé d'affaires of the United States at Paris, to be commissioners plenipotentiary for negotiating and concluding with any person or persons who shall be duly authorized by His Catholic Majesty a convention or treaty concerning the navigation of the River Mississippi by the citizens of the United States, saving to the President and Senate their respective rights as to the ratification of the same.

It evidently never occurred to President Washington that the way to make that treaty was to take his family and Col. House, besides some thirteen hundred other friends and associates, and go over to the Court of Spain, and make the treaty all by himself in secret, never communicating with the Senate until the treaty was a completed document, and then merely calling it to

the attention of the Senate by pointing out the place where the vote of concurrence of the Senate could be attached.

The several communications addressed by President Washington to the Senate, from which I have quoted, and the many others of the same nature, are to be found, of course, in the published Messages and Papers of the Presidents under the dates I have mentioned.

President Washington not only knew and recognized the constitutional right and duty of the Senate to advise with the President in making treaties, but he also realized the full extent and great responsibility and the limitations imposed upon the treaty-making power vested by the Constitution in the Executive, and he never hesitated to execute that power to the full limit of his constitutional right and duty. No man ever called President Washington a weakling or a man who was afraid to assume responsibility or disposed to surrender the rights and prerogatives of the presidential office. Accordingly we find that when the House of Representatives, in March, 1796, adopted a resolution requesting the President to send to it a copy of the instructions to the minister to negotiate a treaty with the Government of Great Britain, claiming that the carrying out of the treaty would require legislation of the House, President Washington courteously but firmly declined to comply with the request, on the ground that no such duty was enjoined upon him by the Constitution.

In his message to the House of Representatives, Washington pointed out that the House of Representatives was a large body and that the danger of communications of a confidential nature becoming public was much greater than in the case of the Senate, and that this was one reason which moved the convention which framed the Constitution to vest the treaty-making power in the President and the Senate. On this point he said:

The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle upon which that body was formed confining it to a small number of Senators. To admit, then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

President Washington knew the danger of a bad precedent, and so he adhered firmly to the Constitution, every line of which had been written under his eye, and every sentence of which had been most ably debated in his presence, neither seeking, on the one hand, an undue extension of the President's treaty-making power nor, on the other hand, allowing that power to be in the slightest degree limited or impaired.

I can not, of course, Mr. President, take the time of the Senate to go over all the many instances in which other Presidents, in conformity with the Constitution, have sought the advice of the Senate to or during the negotiations of a treaty, or have joined with the Senate in the selection of an agent or commission to make the treaty. I have dwelt at some length upon the practice followed by Washington because his position in the Constitutional Convention puts it beyond question that he knew the meaning of the framers of the Constitution—the meaning that they gave to the clause I am discussing.

The practice of all the early Presidents, particularly those who had some part in the framing of the Constitution, was the same. They sought the advice of the Senate concerning any proposed treaty at some point prior to the time the treaty was submitted for final action. While I am aware that subsequently this practice was departed from, it is also true that it has been generally followed in exceptional cases when necessary to enable the Senate to advise the President in the constitutional sense.

Passing rapidly over the different administrations, I note that President Adams's practice was exactly the same as Washington's. Let one instance suffice.

In negotiating a treaty with the French Republic, the President laid before the Senate a general statement of the ground covered, and submitted to the Senate for confirmation the names of the agents he desired to select to conduct the negotiations. Addressing the Senate under date of May 31, 1797, he said:

I nominate Gen. Charles Cotesworth Pinckney, of South Carolina; Francis Dana, chief justice of the State of Massachusetts; and Gen. John Marshall, of Virginia, to be jointly and severally envoys extraordinary and ministers plenipotentiary to the French Republic.

After mature deliberation on the critical situation of our relations with France, which have long engaged my most serious attention, I have determined on these nominations of persons to negotiate with the French Republic to dissipate umbrages, to remove prejudices, to rectify errors, and adjust all differences by a treaty between the two powers.

It is, in the present critical and singular circumstances, of great importance to engage the confidence of the great portions of the Union in the characters employed and the measures which may be adopted. I have therefore thought it expedient to nominate persons of talents and integrity, long known in the three great divisions of the Union, and at the same time to provide against the cases of death, absence, indisposition, or other impediments to invest any one or more of them with full powers.

So much for President Adams.

President Jefferson, it is well known, maintained, and while Secretary of State advised the President, that the Senate should be consulted before the opening of negotiations respecting a treaty, since it was for that body to finally concur in the treaty. I cite the writings of Jefferson, Ford Edition, fifth volume, page 442.

If the requirements of secret diplomacy which were so much affected by statesmen throughout the world in the nineteenth century sometimes led our Presidents to conduct treaty negotiations with too little regard for the letter and spirit of the Constitution, that was merely the occasion for the really great Presidents to respect the principles of the Constitution, and return to the practice of Washington and his immediate successors.

Accordingly we find that President Jackson, under date of May 6, 1830, sought the advice of the Senate concerning a proposed treaty with the Choctaw Indians, by which they offered to cede to the United States all their country east of the Mississippi River. Among other things, he said:

It is certainly desirable, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians by which an object so important as their removal beyond the territorial limits of the States may be effected.

In settling the terms of such an agreement, I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution and not incompatible with the interests of the United States and their duties to the Indians. I can not, however, regard the terms proposed by the Choctaws to be in all respects of this character; but, desirous of concluding an agreement upon such as are, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, the most likely to be acceptable to both parties, and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications which on a frank interchange of opinions my constitutional advisers may suggest, and which I shall be satisfied are reconcilable with my official duties.

With these views I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me?

If not, what further alteration or modification will the Senate propose?

Lincoln, too, in negotiating treaties, conformed strictly to the Constitution and followed the practice of early Presidents. One of Lincoln's first acts was to ask the advice of the Senate on a proposition submitted by the British Government to refer certain matters in controversy between the two countries to arbitration. In his communication, under date of March 16, 1861, President Lincoln said:

The Senate has transmitted to me a copy of the message sent by my predecessor to that body on the 21st day of February last, proposing to take its advice on the subject of a proposition made by the British Government through its minister here, to refer the matter in controversy between that Government and the Government of the United States to the arbitrament of the King of Sweden and Norway, the King of the Netherlands, or the Republic of the Swiss Confederation.

In that message my predecessor stated that he wished to submit to the Senate the precise questions following, namely:

Will the Senate approve a treaty referring to either of the foreign powers above named the dispute now existing between the Governments of the United States and Great Britain concerning the boundary line between Vancouver Island and the American Continent? In case the referee shall find himself unable to decide where the line is by the description of it in the treaty of the 15th June, 1846, shall he be authorized to establish a line according to the treaty as nearly as possible? Which of the three powers named by Great Britain as an arbiter shall be chosen by the United States?

I find no reason to disapprove of the course of my predecessor in this important matter; but, on the contrary, I not only shall receive the advice of the Senate therein cheerfully, but I respectfully ask the Senate for their advice on the three questions before recited.

The predecessor of Mr. Lincoln referred to in his message was, of course, Mr. Buchanan. His views on the subject had been stated while Secretary of State, in 1846, in instructions given to Mr. McLean, Minister to Great Britain. He there said, and I quote from President Buchanan now:

The Federal Constitution has made the Senate to a certain extent a coordinate branch of the treaty-making power. Without their advice and consent no treaty can be concluded. This power could not be intrusted to wiser or better hands. Besides, in their legislative character they constitute a portion of the war-making as in their executive capacity they compose a part of the treaty-making power. * * * A rejection of the British ultimatum might probably lead to war, and as a branch of the legislative power it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations the President, in deference to the Senate—

Listen, now, to this—

and to the true theory of the constitutional responsibilities of the different branches of the Government, will forego his own opinion so far as to submit to that body any proposition which may be made by the British Government not, in his judgment, wholly inconsistent with the rights and honor of the country.

President Buchanan also during his administration followed this practice, and on February 21, 1861, sought the advice of the

Senate in advance of negotiations for a treaty to refer to arbitration the northwest boundary dispute.

Resuming for a moment reference to Lincoln's administration and to the practices which he followed, on July 19 President Lincoln submitted to the Senate for its advice, with a view to formal ratification, the draft of a treaty formally agreed upon between the United States and the Delaware Tribe of Indians relative to certain lands of the tribe.

On December 17, 1861, President Lincoln transmitted to the Senate for advice a copy of a draft for a convention with the Republic of Mexico, by Mr. Corwin, then minister to that Government. He urged the immediate consideration by the Senate, because of the momentous interests of the two Governments at this juncture.

On January 24, 1862, President Lincoln sent a message to the Senate laying before it a dispatch just then received from Minister Corwin. It contained important information concerning the war then being waged against Mexico by Spain, France, and Great Britain. The President asked that the Senate give early consideration to the request which he had previously submitted to the Senate, to the end that he might cause instructions to be sent to Mr. Corwin, such instructions as would enable him to act in a manner which, while it would most carefully guard the interests of our country, would at the same time be most beneficial to Mexico.

In this connection I wish to read a communication from President Lincoln to the Senate:

WASHINGTON, *June 23, 1862.*

To the Senate of the United States:

On the 7th day of December, 1861, I submitted to the Senate the project of a treaty between the United States and Mexico, which had been proposed to me by Mr. Corwin, our minister to Mexico, and respectfully requested the advice of the Senate thereupon.

On the 25th day of February last a resolution was adopted by the Senate to the effect "that it is not advisable to negotiate a treaty that will require the United States to assume any portion of the principal or interest of the debt of Mexico, or that will require the concurrence of European powers."

This resolution having been duly communicated to me, notice thereof was immediately given by the Secretary of State to Mr. Corwin, and he was informed that he was to consider his instructions upon the subject referred to modified by this resolution and would govern his course accordingly.

That dispatch failed to reach Mr. Corwin, by reason of the disturbed condition of Mexico, until a very recent date, Mr. Corwin being without instructions, or thus practically left without instructions, to negotiate further with Mexico.

In view of the very important events occurring there, he has thought that the interests of the United States would be promoted by the conclusion of two treaties, which should provide for a loan to that Republic. He has, therefore, signed such treaties, and they having been duly ratified by the Government of Mexico, he has transmitted them to me for my consideration. The action of the Senate is, of course, conclusive against an acceptance of the treaties on my part. I have nevertheless thought it just to our excellent minister in Mexico and respectful to the Government of that Republic to lay the treaties before the Senate, together with the correspondence which has occurred in relation to them. In performing this duty I have only to add that the importance of the subject thus submitted to the Senate can not be overestimated, and I shall cheerfully receive and consider with the highest respect any further advice the Senate may think proper to give upon the subject.

On March 5, 1862, President Lincoln submitted to the Senate a copy of a message addressed to them by President Buchanan relating to the award made by a joint commission under the convention between the United States and Paraguay, together with the original journal of the proceedings of the commission, and requested the advice of the Senate as to the final acquiescence in or rejection of the award of the commission by the Government of the United States. He requested also that the Senate return the journal, as it was a document which should be returned to the custody of the Secretary of State.

Oh, Mr. President, compare that with the denial of the present Executive made again and again to the Senate to have put into its possession anything approaching memoranda of the proceedings of this peace commission that transacted this important business at Versailles, to aid the Senate in considering this treaty. All, everything pertaining to the daily discussion of the different terms of this great document, so far-reaching in its consequences, withheld from the Senate that must be bound by its concurrence therein, not to speak of the treaties that are bound up with this treaty and with the league covenant, to which the Senate, when it concurs, if it ever should, in this document, bind this country as to the other documents withheld from the Senate.

Mr. President, I undertake to say that in all the history of governments which are even an approach to a democratic form of government, there never has been such an exhibition of autocratic power as that to which this body has submitted at the hands of the present Executive.

President Johnson, following the footsteps of his immediate predecessors, on January 15, 1869, asked the advice of the Senate concerning the proposed naturalization treaty with Great Britain in conformity with the London protocol of October 9, 1868.

President Grant adopted the same course. In the communication to the Senate under date of May 18, 1872, he said:

I transmit herewith the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871.

I respectfully invite the attention of the Senate to the proposed article submitted by the British Government with the object of removing the differences which seem to threaten the prosecution of the arbitration and request an expression by the Senate of their disposition in regard to advising and consenting to the formal adoption of an article such as is proposed by the British Government.

The Senate is aware that consultation with that body in advance of entering into agreements with foreign states has many precedents. In the early days of the Republic, Gen. Washington repeatedly asked their advice upon pending questions with such powers. The most important recent precedent is that of the Oregon boundary treaty in 1846.

The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents and to desire the counsel of the Senate in advance of agreeing to the proposal of Great Britain.

President Arthur followed the same practice, and on June 9, 1884, submitted to the Senate in advance of any negotiations a proposal from the ruler of the Hawaiian Islands to extend the reciprocity agreement then in force for a period of seven years.

In very recent years the proposed treaties have often been dealt with by the Presidents in annual or general messages instead of special messages, and the whole matter opened in that way for general discussion between the President and the Senate for a complete understanding.

Treaty negotiations have often been begun by the Executive in response either to joint or Senate resolutions advising such negotiations.

Such was the resolution of March 4, 1909, requesting the President to renew negotiations with Russia concerning the treatment of American citizens in Russia.

So also in some instances Presidents have designated as commissioners to negotiate treaties Members of the Senate and of the Foreign Relations Committee, as in the case of the commissioners appointed by President McKinley September 13, 1898, to negotiate the treaty of peace with Spain. It will be remembered—indeed, I think there are a number of Members of the Senate to-day who were then Members of the Senate—that President McKinley at that time gave to the Senate a majority of the membership of the commission that negotiated the treaty with Spain. The membership of that commission was as follows: William R. Day, late Secretary of State, chairman of the commission; Cushman K. Davis, Senator, and at that time chairman of the Committee on Foreign Relations; William P. Frye, Senator, and also a member of the Committee on Foreign Relations; George Gray, Senator, and a member of the Committee on Foreign Relations at that time; Whitelaw Reid, late minister plenipotentiary of the United States to France. That was the commission that negotiated the treaty with Spain at the conclusion of the War with Spain in 1898.

That was in a marked degree a recognition of the Senate as a concrete authority and power in the making of treaties. The practice, I believe, has been uniform, or practically uniform, for the Presidents to transmit to the Senate information concerning any proposed treaty in response to a resolution of the Senate requesting it. Where the treaty has come before the Senate in a completed form for its action without having been previously advised with by the Executive, the Senate has never hesitated—unless this shall make the first record of that sort—to reject the treaty if it was deemed objectionable. For example, the Senate refused concurrence in proposed treaties with Great Britain in January, 1869; June, 1886; February, 1888; and January, 1897.

It will serve no good purpose, Mr. President, to go over the long list of treaties which have been rejected by the Senate which came to it for consideration for the first time in completed form, because it is a fact of history that the Presidents after a time, particularly when our Government had passed beyond the influence of the period of the making of the Constitution, began to reach out for more and more executive power. It is sufficient to say that whenever an Executive has assumed that the situation was such that the advice of the Senate could be obtained by submitting the treaty in completed form for its consideration without previous conference, the Senate has in such cases invariably insisted upon the right to the same freedom of action as it would have possessed had it been consulted at an earlier stage of the negotiations.

I shall not attempt to exhaust the precedents upon this subject, nor would it serve any useful purpose to do so. It is not to be expected that through a period of almost a century

and a half and the administration of 27 different Presidents there would be perfect uniformity on all occasions; but, to the great credit of all previous Presidents, be it said that through the administrations of nearly all runs a clear recognition of the constitutional mandate to advise with the Senate in making a treaty.

The policy of our greatest Presidents has been to seek the advice of the Senate concerning a proposed treaty in advance of negotiations, where that was feasible. In many instances, of course, that has not been feasible and has not been done. In many instances the will of the Senate and the wishes of the parties to the treaty were well known and the interests of the United States were perfectly clear. In such cases few, if any, doubtful questions were involved in the negotiation of the treaty, and the advice of the Senate could be freely given upon the completed draft of the document, which, however, if found faulty could be amended or rejected without in any way jeopardizing the interests of the country. But the rule to be deduced from all the precedents, and which is expressed so clearly in the Constitution as hardly to require the citation of authorities, is that the President is bound to advise with the Senate at some stage in the process of making a treaty which will leave the Senate free to give its advice solely on the merits of the proposed treaty, and when the President is free to accept and act upon the advice which the Senate gives him.

I concede, of course, Mr. President, that there is no power in the Senate to compel the President to do that; and many of the text writers upon this subject have treated it just from that standpoint alone in discussing the question of the power of the Senate to compel the President to advise with the Senate in the making of a treaty. Of course, the Senate has no other power over the Executive than the power of impeachment upon articles presented by the House of Representatives, and a critical and close reading, I think, of the discussion that has been had shows that it is directed chiefly to that point.

No other interpretation than that which I have given, as it seems to me, of the Constitution is possible if this language is to be understood in its plain, ordinary sense, and no other interpretation is possible, in view of the construction which, by their official acts, Washington and the other Presidents of the country, particularly those who caught the spirit of the Constitutional Convention from the time in which they lived, have placed upon it. What I have said is the very least that any President can do in advising with the Senate in making treaties and still claim to have obeyed the Constitution, and particularly when treaties relate to changes in the very substructure of this Government.

Sir, has President Wilson, in conducting the negotiations respecting the treaty now before the Senate, obeyed either the letter or the spirit of the Constitution, or has he violated both? Did he ask the advice of the Senate upon this most far-reaching treaty ever negotiated since the world began, at a stage of the negotiations where the Senate was free to discharge its constitutional duty of considering this treaty upon its merits and advising the President accordingly? We all know that he did not. We all know, moreover, that he deliberately and for months after he had started negotiations refused to call the Senate into session in order that neither by resolution nor otherwise could it seek information or make suggestions concerning the negotiation of this treaty which the President was then conducting in person in a foreign land. The Senate, of course, could not convene itself; and so for many weeks he avoided even the criticism of not taking into his confidence the coordinate treaty-making branch of the Government.

When the exigencies of the United States, of course, required the calling of a special session, the President still in no way recognized his constitutional duty to advise with the Senate or to permit it to have any information concerning the amazing covenants, undermining the sovereign rights of this Government, or to know anything about the enormous burdens imposed upon it, or to have an intimation of the base surrender of the professed principles and high purposes for which the American people have been persuaded to believe that they were sacrificing priceless lives in fighting a foreign war.

Why did President Wilson take this course? There is but one answer. He knew that he was engaged in framing a treaty many provisions of which were as shocking to the moral sense of the people of this country as they are to a majority of the Senate, and he knew that if knowledge of those conditions came to the Senate, the Senate, whether its advice were sought or not, would by resolution or otherwise advise the President and his associates in Paris who were framing this treaty that the Senate would never concur in a treaty containing monstrous provisions which undermine the independence and sovereignty of this Government.

Suppose, sir, the President had informed the Senate that the shameful secret treaties between the Allies, partitioning the world between themselves as spoils of war, were to be carried out by the terms of the treaty about to be made and asked the advice of the Senate thereon; we all know what the result would have been. The Senate, sir, would have with practical unanimity advised the President that the Senate would never concur in such an infamous treaty of spoliation, which would have inevitably disgraced and dishonored this Nation.

I say, sir, that the Senate would have taken this action with practical unanimity, for I assume that there is not a Senator here whose self-respect and sense of decency would have permitted him to have taken any other course. That was the situation which the Constitution required the President to advise with the Senate. Then the Senate would have been under no compulsion; it would have been free to have advised the President of its real thought and honest judgment, and the President in turn must have communicated the judgment of the Senate to the other members of the conference, and the objectionable provisions would never have been written into the treaty; or, if they had been written into it, it would have been with full notice that the treaty would be rejected by the Senate.

Suppose, sir, that during the course of the negotiations in Paris President Wilson had informed the Senate that it was proposed to write into the treaty a provision that Great Britain should have six times the voting strength of the United States in this league which was being formed, and asked the advice of the Senate upon that proposition. It would be an insult to every Member of the Senate to suggest that there would have been any dissent from the indignant declaration this body would have promptly transmitted to the President declaring its unalterable opposition to concurring in any such provision in the treaty.

Suppose, sir, the President from his secluded retreat at Versailles had informed the Senate that they proposed to put a provision in this treaty which would rob China, a sister republic and one of the allies in the war, of an area of territory larger than England, with incalculable wealth and great military importance, and turn it over to Japan. Why, sir, we can hardly imagine the indignation with which so monstrous a proposition would have been rejected by the Senate.

Mr. President, I might stand here and enumerate proposition after proposition in this document which shocks the moral sense of any rational mind, every one of which the Senate would unhesitatingly have advised the President should never find place in this treaty.

Why is it, Mr. President, that this was not the course pursued? Every person in this Chamber knows the answer. It was because the President was determined that the Senate should have no opportunity to express itself concerning this treaty or any of its shameful provisions until such time as he could coerce the Senate into taking the action he desired by holding over it the threat that, if the treaty was amended in any particular, peace would be indefinitely postponed.

I do not know whether the President was moved to take this course by anything other than a sincere but misguided conviction that he was really acting for the best interests of the people of the United States in signing this treaty, a large portion of which no man has ever undertaken to defend. I do not know to what extent, if any, an ambition to see himself the first president of the league of nations dulled his appreciation of the injustice involved in this treaty; but I can not conceive of a normal man, under normal conditions, who, being duly regardful of his responsibilities, could bring himself to set his hand and seal to the indefensible provisions of this treaty.

What the President's ambitions or what his motives and purposes were is immaterial. The course which he deliberately chose to take concerning this treaty, by which the Senate was deprived of all possibility of advising him respecting its terms until the Senate could be coerced, by the fear of continuing a state of war, into accepting the treaty, though contrary to its judgment, is just as much a violation of the Constitution as it would have been for the President to refuse to submit the treaty to the Senate at all.

The Constitution, when it required the President to advise with the Senate, intended in the first place that that advice should represent the deliberate, free thought and judgment of the Senate, and in the second place it was intended that it should be received at a time when the President was free to act upon it. The President so managed the negotiations respecting this treaty as to defeat the entire constitutional provision. He has proceeded exactly as though there was no requirement of the Constitution that he should advise with the Senate on the subject at all. He has gone even further than that. He has

proceeded in such a manner as to render it impossible for the Senate to advise with him effectively upon the subject, and also in such a manner as to compel the Senate to concur in the treaty or else leave the country still in a state of war. Every Senator knows that if this treaty is ratified without fundamental and far-reaching amendments it will be done not because a majority of the Senate are not in favor of such amendments, but because they are ready to forego the amendments in order to have peace formally declared. They have been placed by the President in a position where they must say to their constituents and to the country: "This is a shameful treaty, but the President left us no choice but to approve it or continue in a state of war. Of the two evils, we chose that which seemed to us the lesser." That, sir, in the last analysis is the whole of the argument which will prevail if this treaty is concurred in.

It would be an insult to the memory of the wise and patriotic men who framed our Constitution to suppose that they ever intended that the great treaty-making power with which they endowed the Senate should be so prostituted as to become merely a means of registering the President's will. We know that nothing of the sort was intended by the framers of the Constitution, and the language of the Constitution permits no such construction. Nothing of the sort can happen if Senators perform their sworn duty under the Constitution, no matter what are the desires and ambitions which move the President.

I am not arguing that a good treaty should be rejected or amended merely because a President disregarded the Constitution in refusing to advise with the Senate concerning it; but I do say that any treaty which comes into the Senate under such a cloud should be regarded with suspicion. The presumption is against it.

In the present case, however, the iniquities of the treaty are admitted. The ratification of this treaty is not demanded upon its merits, but only because its ratification is believed by some to be the lesser of two evils.

Mr. President, if the Senate meets its responsibilities and discharges its constitutional duty, this treaty will be either materially amended or it will be rejected so decisively that no President in the future will ever attempt to make a treaty involving matters of supreme importance in our international relations, to say nothing of an attempt to reconstruct our Government, without at least advising with the Senate in his monumental undertaking.

Mr. WALSH of Montana. Mr. President, in view of the very fierce attack made by the Senator from Wisconsin [Mr. LA FOLLETTE] yesterday and to-day on the President of the United States, charging him with having violated the Constitution of the United States in failing to take the advice of the Senate with respect to the treaty with Germany, I read from volume 1 of Willoughby on the Constitution, section 192, particular reference being made, in the extract which I shall read, to the experience of President Washington, to which reference has been made by the Senator in his remarks:

> With respect to the manner in which treaty making is, according to the Constitution, to be conducted, the first question that arises is as to the extent to which the Senate may properly participate not only in the ratification but in the preliminary negotiation of international agreements.
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> In the same clause, indeed in the same sentence, of the Constitution in which provision is made for entering into treaties it is provided that the President "shall nominate and, by and with the advice of the Senate, shall appoint ambassadors, other public ministers, and consuls," etc. Here the phraseology shows that the act of nominating the public officials mentioned is clearly distinguished from their appointment. They are to be nominated by the President, but to be appointed by the Senate and President. The negotiating of treaties is not, however, by the phraseology of the treaty clause thus sharply distinguished from their ratification as regards the Federal organs by which this negotiation and ratification is to be performed. The language is that the President "shall have power, by and with the advice and consent of the Senate, to make treaties," not that "he shall negotiate and, with the consent of the Senate, ratify treaties."
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> As further indicative of an intended participation of the Senate in the negotiation of treaties is the fact, already adverted to, that in the convention, until almost the last moment, it was agreed that the treaty-making power should be vested exclusively in the Senate, a body the membership of which at that time it was thought would remain comparatively small.
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> Actual practice exhibits frequent instances in which the Senate has participated in the negotiation of treaties.
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> During the first years under the Constitution the relations between the President and the Senate were especially close. In 1789 President Washington notified the Senate that he would confer with them with reference to a treaty with certain of the Indian tribes and on the next day, and again two days later, went with Gen. Knox before that body for that purpose.
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> Again, in 1790, President Washington, in a written communication, asked the advice of the Senate as to a new boundary treaty to be entered into with the Cherokees. So, also, in 1791, he asked the Senate to advise him as to what answer to be made to the French chargé d'affaires with regard to a question of tonnage on foreign vessels.
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> John Quincy Adams in his memoirs relates that Crawford told him that Washington went to the Senate with a draft of a treaty; that "they debated it and proposed alterations, so that when Washington left the Senate Chamber he said he would be damned if he ever went there again. And ever since that time treaties have been negotiated by the Executive before submitting them to the consideration of the Senate."
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> In fact, however, the Presidents did continue occasionally to consult with the Senate in regard to the negotiation of treaties.
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> In 1794, when sending the name of John Jay as envoy extraordinary to England, Washington explained to the Senate his purpose in doing so, and the same was done by President Adams in 1797 when nominating the special commission to France.
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> After the first few years under the Constitution, however, the practice on the part of the President of consulting the Senate with regard to the treaties to be negotiated, became an infrequent one, but yet not one wholly obsolete. Thus, in 1818, President Monroe asked the Senate whether he alone as Executive was constitutionally competent to arrange with Great Britain as to naval armaments upon the Great Lakes; and, if not, that they should give him advice as to the proper agreement with reference thereto, that should be entered into. Again, in 1830, President Jackson asked the advice of the Senate as to the terms of a treaty to be negotiated with the Choctaw Indians. His message, however, bears evidence to the fact that he is aware that he is departing from the practice of years immediately preceding, though not from that of the early period. He says: "I am aware that in thus resorting to the early practice of the Government, by asking the previous advice of the Senate in the discharge of this portion of my duties, I am departing from a long, and, for many years, unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution, that it is strongly recommended in this instance by considerations of expediency, and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian tribes, I flatter myself that it will not meet with the disapprobation of the Senate."
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> In the article already referred to Senator LODGE enumerates a not inconsiderable number of instances down to comparatively recent times in which the Senate has participated in the negotiation of treaties.
>
> In a number of cases the Senate has by resolution suggested to the President that certain negotiations be initiated.

I read no further, Mr. President, except to say that the author agrees, as all who have inquired into the subject agree, that the practice is altogether exceptional, and that the rule is that the President does not confer with the Senate with regard to treaties until they have actually been negotiated.

I do not read from the volume before me for the purpose of refuting the able argument of the Senator from Wisconsin, but merely to show that the crime, if it be a crime, laid by him at the door of the President of the United States, is one which practically every President of the United States from Washington down has been guilty of. I do not need to say, Mr. President, that in this particular instance the President of the United States might not commendably have taken the Senate more freely into his confidence. I assert, however, that he was entirely within his constitutional rights, as the Constitution has been construed from the very earliest days of our history down to the present time, in the course he has taken.

Mr. President, I desire to submit another reference in this connection. There was at one time a Member of this body from the State of the Senator who has indulged in these animadversions upon the President of the United States who had no little distinction as an expositor of the Constitution. I refer to the late Senator John C. Spooner, from the State of Wisconsin. He had occasion to inquire into this matter, and had something to say about it on the 23d day of January, 1906. I read from the CONGRESSIONAL RECORD of that date, as follows:

> The Senate has nothing whatever to do with the negotiation of treaties or the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of "advice and consent," which the Constitution requires as a precedent condition to the making of a treaty. Except as to the participation in the treaty-making power the Senate under the Constitution has obviously neither responsibilities nor power.

And then, being interrogated by a Senator as to what significance he gave to the words "advice and consent," as used in the Constitution, he said:

> The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or the people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I used that word advisedly in order to illustrate what all men who have studied the subject are willing to concede, that the Constitution, the absolute power of negotiation, is in the President and the means of negotiation subject wholly to his will and his judgment.
>
> When he shall have negotiated and sent his proposed treaty to the Senate the jurisdiction of this body attaches and its power begins. It may advise and consent or it may refuse. And in the exercise of this function it is as independent of the Executive as he is independent of it in the matter of negotiation.

The views thus expressed by the eminent Senator were very warmly indorsed by the present senior Senator from Massa-

chusetts [Mr. LODGE], the chairman of the Foreign Relations Committee.

I believe, Mr. President, that at this stage of our history it is a little late to discuss the question as to whether the President of the United States violates the Constitution by submitting to the Senate a treaty for its advice and consent without having communicated with it during the course of negotiations. Mr. President, it does not make a bit of difference, so far as the crime is concerned, whether the treaties negotiated by a President of the United States without conferring with the Senate during the process of negotiations were important or unimportant. If the construction is correct that he violates the Constitution when he does not do so, it is entirely irrelevant whether he neglected to do it in the case of unimportant, even trivial treaties. It can not be contended, either, that the Presidents in the past have neglected to do so only in the case of unimportant treaties. In fact, quite the contrary has been the rule.

Mr. ROBINSON. Mr. President, supplementing briefly the statement which has just been made by the Senator from Montana [Mr. WALSH], I desire to call attention to some remarks made by the Senator from Ohio, Mr. Sherman, chairman of the Committee on Foreign Relations, in the Senate on August 7, 1888, which, I think, correctly state the power of the President in connection with the negotiation of treaties. He said:

> The President of the United States has the power to propose treaties subject to ratification by the Senate, and he may use such agencies as he chooses to employ, except that he can not take any money from the Treasury to pay those agents without an appropriation by law. He can use such instruments as he pleases.

That excerpt is taken from a statement made by Mr. Sherman on August 7, 1888. It has been apparent, during the course of this debate, that there is an implied, if not an expressed, criticism of the President for his failure to appoint members of the peace commission. There are three distinct proceedings in the making of a treaty—the negotiation, the advice and consent by the Senate, and the exchange of ratifications. The first and the last—the negotiation of the treaty and the exchange of ratifications—are, according to all the authorities with which I am familiar, exclusively executive functions.

I do not express an opinion as to the wisdom of the policy pursued by the President in failing to include Senators as representatives of this Government at the peace conference, but merely remark that the proceedings in the Senate—the debates—disclose that upon the part of some Senators, at least, he could not have secured sincere cooperation and assistance in the preparation of any treaty of peace which might have been acceptable to the Senate, and if the disagreements that have been expressed in the Senate as to what the treaty should contain had been reflected in the peace conference it is probable that the resurrection would have occurred before any treaty would have been successfully negotiated and submitted to the Senate.

The very eminent authority referred to by the Senator from Montana [Mr. WALSH] made another statement, in addition to that read by the Senator from Montana, which I take the liberty of reading into the RECORD as reenforcing the argument and position of the Senator from Montana. Mr. John C. Spooner made the declaration in the Senate on January 26, 1906:

> The President is so supreme under the Constitution in the matter of treaties, excluding only the Senate's ratification, that he may negotiate a treaty, he may send it to the Senate, it may receive by way of "advice and consent" the unanimous judgment of the Senate that it is in the highest degree for the public interest, and yet the President is as free, when it is sent back to the White House with resolutions of ratification attached, to put it in his desk never again to see the light of day as he was free to determine in the first instance whether he would or would not negotiate it. That the power is not expressly given to the President by the Constitution, but it inheres in the executive power conferred upon him to conduct our foreign relations, and it is a power which inheres in him as the sole organ under the Constitution through whom our foreign relations and diplomatic intercourse are conducted.

Thus, Mr. President, it appears that the duty devolves upon the Executive to negotiate a treaty and to make exchange of ratifications.

Senators who spend their time day after day in bitter denunciation of the President of the United States for his failure to consult them and to procure in advance their advice concerning the discharge of his functions may well attempt in the same connection to satisfy the country that they are efficiently discharging their constitutional functions. During the last six months two important measures, and only two, outside of the great appropriation bills, have been before the Senate of the United States. The first is the treaty of peace, and now, in an hour when the session is drawing to a close, it appears probable that final action may not be taken on the treaty, that there may be a failure to finally dispose of that all-important subject during the present session.

The other important question is the disposition of the railroads now under Federal control. We have sat here month after month and listened to the recitation of arguments with which we are all familiar. There is not a Senator in this Chamber or outside of it who does not know that the argument which we make here now will not influence or change the votes of Senators on the important questions relating to this treaty. Yet we are preventing the Congress from considering and disposing of other important subjects, including the railroad question, by constantly holding in front of it this subject, the treaty of peace, which should have been ratified long ago.

I believe in freedom of debate, and so long as any Senator fairly believes that he can impress his viewpoint upon his colleagues, debate may well continue, but day after day, week after week, we have heard the same arguments repeated over and over, and now in a few days the session will close, and there is a probability, a possibility if not a probability, that it will expire without a single important act having passed the Congress.

The responsibility for legislation now is primarily upon the other side of this Chamber—upon the majority. If they want to assume responsibility for holding up the final disposition of the treaty of peace, if they want to assume the responsibility for failing to consider and determine the railroad question, let them do so. But this country will know where that responsibility rests, and the majority must bear that responsibility. They can not, they shall not, escape it.

Mr. LODGE. Mr. President——

Mr. HITCHCOCK. Will the Senator yield to me for a moment?

Mr. LODGE. No; I am going to suggest the absence of a quorum, as I want to have the pending amendment disposed of.

Mr. HITCHCOCK. I simply desire to ask to have a reprint of Document 139, which is supposed to be a compendium of reservations, so that it may be correct up to date, and include the reservation offered by the Senator from Massachusetts on behalf of the Committee on Foreign Relations the last session, and also all other reservations that have been offered.

Mr. LODGE. The others are not in the document?

Mr. HITCHCOCK. Not the others.

Mr. LODGE. I have no objection to the request.

Mr. HITCHCOCK. I simply desire to have it brought up to date, and to include all reservations pending at the present time.

The PRESIDING OFFICER (Mr. SMOOT in the chair). Without objection, the request of the Senator from Nebraska is granted.

Mr. LODGE. The pending amendment is the amendment offered by the Senator from Oklahoma [Mr. GORE]. I hope we can now take a vote upon it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Simmons
Ball	Gronna	McKellar	Smith, Ariz.
Borah	Hale	McLean	Smith, Ga.
Brandegee	Harris	McNary	Smith, Md.
Calder	Harrison	Moses	Smith, S. C.
Capper	Henderson	Nelson	Smoot
Chamberlain	Hitchcock	New	Spencer
Colt	Johnson, Calif.	Newberry	Sterling
Culberson	Johnson, S. Dak.	Norris	Sutherland
Cummins	Jones, N. Mex.	Nugent	Swanson
Curtis	Jones, Wash.	Overman	Thomas
Dial	Kellogg	Owen	Townsend
Dillingham	Kendrick	Page	Trammell
Edge	Keyes	Phipps	Underwood
Elkins	King	Pittman	Wadsworth
Fall	Kirby	Pomerene	Walsh, Mass.
Fernald	Knox	Ransdell	Walsh, Mont.
Fletcher	La Follette	Reed	Warren
France	Lenroot	Robinson	Watson
Frelinghuysen	Lodge	Sheppard	Williams
Gay	McCormick	Sherman	Wolcott

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. There is a quorum present.

The pending question is on the amendment offered by the Senator from Oklahoma [Mr. GORE]. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is rejected.

Mr. LODGE. That is the last amendment to be offered that I am aware of.

Mr. LA FOLLETTE. I ask for the yeas and nays on the amendment offered by the Senator from Oklahoma.

Mr. UNDERWOOD. I make the point of order that the request comes too late.

Mr. LA FOLLETTE. Then we will take time to present it in the Senate later, and will have a roll call on it there.

Mr. LODGE. I hope the Senator from Alabama will withdraw the point of order.

Mr. GRONNA. I ask unanimous consent for a reconsideration of the vote just taken.

Mr. LODGE. I am perfectly willing to have the vote taken by yeas and nays.

The PRESIDING OFFICER. Is there objection to a reconsideration?

Mr. UNDERWOOD. Will the Chair have the amendment read?

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 27, line 5, at the end of the first paragraph of article 12 of the covenant of the league of nations, after the words "they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council," insert the following: "and not then until an advisory vote of the people shall have been taken"; so that the first paragraph of article 12 will read:

> The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council, and not then until an advisory vote of the people shall have been taken.

The PRESIDING OFFICER. The junior Senator from North Dakota [Mr. GRONNA] asks unanimous consent that the vote by which the amendment was rejected shall be reconsidered. Is there any objection? The Chair hears none, and the vote is reconsidered. The question is on agreeing to the amendment.

Mr. REED. Mr. President——

Mr. GORE. Will the Senator allow me to say that a request for the yeas and nays was pending; that I made it yesterday at the time I concluded my remarks?

Mr. LA FOLLETTE. I think that is true. I think the yeas and nays were requested by the Senator from Oklahoma at the time he concluded his remarks. I am not sure whether they had been ordered or not.

The PRESIDING OFFICER. The Chair will state that he is informed that the yeas and nays were requested, but had not been ordered.

Mr. REED. I yield for the purpose of having that request presented at this time.

Mr. GRONNA. Upon the amendment now pending I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED. Mr. President, I want just enough time to explain the vote I intend to cast upon this amendment.

Ordinarily I do not believe in the doctrine that war shall never be declared except after a referendum vote. I believe that proposition is impracticable. I believe that when nations are called upon to act in some great emergency they must generally act quickly and that there is no time for a referendum vote. Indeed, the life of a nation may be sacrificed by a delay of a few hours. The great wars of history have demonstrated that they are not arranged, like prize fights, days in advance, with all arrangements made and an audience invited. Some nations strike quickly, and because that occurs, or is likely to occur, it is absolutely necessary that any sovereign nation shall have reserved to its government, in some of its branches, the right to determine when and how the nation shall strike or act in a great emergency.

Whoever has perused the history of great wars knows that it may be said with practical certainty that there never has been a great war when the very conditions to which I have referred have not obtained. If I remember correctly, Japan attacked Russia and sunk a part of Russia's fleet before she even declared war at all. If you undertook to apply to the last war the ridiculous—and it is to me ridiculous—proposition of a referendum vote, you would find that while the rest of the countries were voting Germany would have been marching.

Of course, a referendum vote, if it applied to every nation and would be observed by every nation, would be quite a different thing; but as the world is constituted today and as the world will be constituted even if the covenant of the league of nations is adopted, it still remains true that any nation at any moment might disregard these obligations, if we were to write them into the league of nations itself, and prepare to strike some other nation. No man can say what the circumstances will be. While one nation is voting another nation will be capturing its citadels, landing its troops on its soil, and closing its ports.

Of course, if we can bring all the nations of the world into a society of nations; if we can set up a supergovernment; if that supergovernment is going to control; and if everybody is going to observe the conditions of the agreement, then it may be all right to agree never to fight until we vote; but we ought to add to that that we will not fight after we have voted; that we will settle everything without war.

Here is the anomaly that is presented to-day to the world by this treaty or this compact: It proposes that we shall settle all wars, and yet it provides for war. It pretends that we are going to create an organization that will end war, and yet it directly specifies the terms and the conditions upon which war can be made even among members of the league. A question is submitted for decision to the council or to the assembly which involves a dispute between two nations, and if there is not a unanimous vote in the council and a unanimous vote in the assembly of the members of the council plus a majority vote of the other members of the assembly, then any nation is at perfect liberty to make war if it sees fit. There is a delay of three months specified.

Now, the Senator from Oklahoma [Mr. GORE] seeks to add to that clause the proposition of a vote, and I believe that his proposition of a referendum to the people is logical as attached to that clause. I am going to vote for it as an amendment to that clause, because I think it is consistent with it; but if it stood alone as a naked proposition to be submitted to the nations of the world, I could not vote for it. If, however, we are to adopt the proposition of three months' delay, there is no reason, in my opinion, why we can not add to that period of delay the further condition of a vote by the people. So, upon that ground, and that alone, I intend to vote for this resolution.

Mr. GRONNA. Mr. President, I do not wish to delay the taking of a vote upon the pending amendment, but it is an amendment which I believe means a great deal to the people of the country. I have always advocated the elimination of war. I have always believed that it would be possible for Congress to enact a law which would give the people of the country the right, at least in an advisory way, to say whether or not we should go to war. I know that such a statement is very displeasing to some of the ultraradicals and were it not for the fact that some of them are now pleading for peace merely for the purpose of adopting this treaty, I think I could hear their voices raised in denunciation of such a proposition. I am anxious to have a record vote on this proposition regardless of whether my associates on this side favor it or not.

The people of the country furnish the men to fight the war. The mothers of the country rear the children and their parents educate them; the people of the country pay for the wars; Congress does not pay for the wars; Congress only appropriates the money, which belongs to the people; yet it seems that some would make us believe that we ought to be rebuked and punished when we suggest the proposition that an advisory vote shall be taken whether or not we shall go to war. No man who is honestly and sincerely for lasting and permanent peace and who wishes to obviate war will oppose a proposition like that offered by the Senator from Oklahoma [Mr. GORE].

Mr. President, those of us who had our sons in the late conflict know what war means. I realize, of course, that for a person who is not opposed to war and who has no one, especially no boys of his own, to send to war, such a person does not find it so difficult to vote for war.

We are now beginning to realize what it has cost us to go through all these wars, first our Revolutionary War, and then what it cost us to perpetuate this Union, when we had an internecine strife. Is it not reasonable to believe that when it is only internecine strife we could at least obviate or eliminate war?

Nobody is complaining, Mr. President—at least, I am not complaining—because we have in the past engaged in war; but we are proposing now to prevent war and to promote lasting peace. I do not know by what mode of reasoning we can say that there shall be no more wars, while we are preparing for war to the utmost, building up armies and navies, expending the people's money by the billions, and taking it out of the power of the people to say, even in an advisory manner, whether we shall have war. I can not see how you are going to square such activities with your mode of reasoning nor how you are going to perpetuate peace.

Militarism breeds wars. If Germany had not been prepared, as she had been preparing for years, she would not have marched her armies into Belgium and France, and her Government would not have been destroyed. It was militarism that destroyed Germany, and the people of Germany had nothing whatever to say about the war. It was the military chiefs who built up that powerful military machine.

However, it seems, Mr. President, that it is always very dangerous, because it might set a bad precedent, to submit anything to the judgment of the American people. I may be entirely mistaken, but I honestly and sincerely believe that the amendment proposed by the Senator from Oklahoma, if it is

written into this treaty, will be one of the most effective means of obviating future wars. We refuse to reduce armaments; instead of reducing armaments, we are by the very provisions of the pending treaty holding up and increasing them.

Mr. President, I have no hesitancy in saying that if this amendment stood by itself alone I should be very glad to vote for it.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Oklahoma [Mr. GORE]. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair for the day with the Senator from Rhode Island [Mr. GERRY]. In view of his absence I withhold my vote.

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. OVERMAN (when Mr. SHIELDS's name was called). I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is detained at home on account of sickness. If present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have been informed that the senior Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, has not voted. That being the case, I transfer my pair with that Senator to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. JOHNSON of South Dakota. I should like to ask if the Senator from Maine [Mr. FERNALD] has voted?

The VICE PRESIDENT. He has not.

Mr. JOHNSON of South Dakota. I have a pair with that Senator which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. McKELLAR. I wish to announce the absence on official business of the Senator from California [Mr. PHELAN] and the Senator from Rhode Island [Mr. GERRY].

Mr. SHEPPARD. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Alabama [Mr. BANKHEAD] are detained from the Senate by illness. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The result was announced—yeas 16, nays 67, as follows:

YEAS—16.

Ball	France	Knox	Moses
Borah	Gore	La Follette	Norris
Capper	Gronna	McCormick	Reed
Elkins	Jones, Wash.	McLean	Sherman

NAYS—67.

Ashurst	Harrison	Nelson	Smith, Md.
Brandegee	Henderson	New	Smith, S. C.
Calder	Hitchcock	Newberry	Smoot
Chamberlain	Johnson, S. Dak.	Nugent	Spencer
Colt	Jones, N. Mex.	Overman	Sterling
Culberson	Kellogg	Owen	Swanson
Cummins	Kendrick	Page	Thomas
Dial	Kenyon	Phipps	Townsend
Dillingham	Keyes	Pittman	Trammell
Edge	King	Poindexter	Underwood
Fall	Kirby	Pomerene	Wadsworth
Fletcher	Lenroot	Ransdell	Walsh, Mass.
Frelinghuysen	Lodge	Robinson	Walsh, Mont.
Gay	McCumber	Sheppard	Warren
Hale	McKellar	Simmons	Williams
Harding	McNary	Smith, Ariz.	Wolcott
Harris	Myers	Smith, Ga.	

NOT VOTING—13.

Bankhead	Gerry	Phelan	Watson
Beckham	Johnson, Calif.	Shields	
Curtis	Martin	Stanley	
Fernald	Penrose	Sutherland	

So Mr. GORE's amendment was rejected.

Mr. LODGE. Mr. President, I move the adoption of the following conditions and reservations to be incorporated in the resolution of ratification.

Mr. BORAH. Mr. President, is the Senator now taking up the reservations?

Mr. LODGE. Yes.

Mr. BORAH. I have a couple of amendments. I have no desire to discuss them, because I am not able to-day to discuss them, or else I should; but unless we can have an understanding—and I do not suppose we can—I want to offer those amendments before the reservations are taken up.

Mr. LODGE. I suppose those amendments can be offered at any time.

Mr. BORAH. I should be glad if they could go over, because I am not in a condition to debate them. I should like a little time, but not much.

Mr. LODGE. The offering of the reservations, I take it, will not cut them off. I am not aware of anything that will prevent their being offered in Committee of the Whole.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator from Massachusetts a question with reference to the parliamentary situation.

My understanding is, under the rules, that the reservations relate to a resolution adopting the treaty, and that resolution is supposed to reflect the voice of the Senate, the conclusions of the Senate. It seems to me that it is clearly out of order to adopt a resolution of ratification or rejection until the Senate has reached a conclusion with reference to what amendments it desires to adopt.

Mr. LODGE. If the Senator will allow me to interrupt him, I am not offering the resolution of ratification.

Mr. UNDERWOOD. I understand that, but the Senator is proposing an amendment to a resolution.

Mr. LODGE. I am not. I am proposing conditions and reservations to be added to and incorporated in the resolution of ratification when that resolution is presented, which is always the last thing.

Mr. UNDERWOOD. I judged, from what the Senator was proposing to do, that he proposed to offer reservations at this time and have a vote on them.

Mr. LODGE. I do.

Mr. UNDERWOOD. Of course, if the Senator is only offering them for the information of the Senate, that is a different proposition.

Mr. LODGE. No, Mr. President; I propose to offer them now for action, and, if the Chair will permit me, reservations are not mentioned in the rules at all. The practice has been hitherto to offer reservations the last thing in the Senate, with the resolution of ratification. I am unable to see why they can not be offered in Committee of the Whole exactly as an amendment is offered, to be placed, exactly as an amendment has to be placed, upon the resolution of ratification when it is reached. That resolution can not be dealt with until the Senate has determined what amendments, if any, to make to the treaty, and what reservations, if any, it will adopt; and I have come to the conclusion, after studying the rules, that there is no reason why the reservations to be incorporated should not be offered at this stage, in order—as this treaty is of peculiar moment, unlike any other we have ever had—that the Senate may consider them in Committee of the Whole, and subsequently in the Senate, before final agreement to them.

Mr. UNDERWOOD. Mr. President, I think this question is a matter of importance to our procedure, because we have got to know where the line rests when we finally go to vote. I think that the offering of reservations in the Committee of the Whole and not in the Senate proper is undoubtedly in contravention of the letter of the rules of the Senate. As to whether the rules of the Senate can limit the constitutional power of this body to adopt reservations or amendments, I have my doubts, and I am not concerned about that part of it. So far as I am personally concerned I am not concerned as to whether it is against the letter of the rules of the Senate or not. I have no objection to the Senator offering his reservations in the Committee of the Whole instead of waiting to go into the Senate, but I do think it is important and necessary that we dispose of all of the amendments, and then take up the reservations to the resolution of ratification. If I may have the attention of the Chair for a moment, while I am not taking issue with the Senator on the question as to whether he can offer his reservations in the Committee of the Whole, I contend that it is not in order to offer these reservations in the Committee of the Whole or in the Senate until either the Committee of the Whole or the Senate has disposed of amendments.

Now, the rule distinctly says that the first business before the Senate shall be the disposition of amendments.

It is true, as the Senator from Massachusetts says, that the rule ignores reservations. It says nothing about offering reservations, but it does say that after the Senate has adopted or rejected such amendments as are proposed to the treaty, then a resolution of ratification shall be in order. A reservation is not standing out separate from a resolution of ratification or rejection. In the end it must be a part of it. Of course, if the Senator wanted to offer some interpretation independently of the resolution of ratification, and that was all he desired, he

might make progress with great ease, because there are many of us who are very much opposed to an amendment of the treaty, either by a textual amendment or a reservation, who are not very much concerned what interpretation the Senator or anybody else desires to put on the treaty.

The point I make is that, although reservations are not mentioned in the rule, the rule prescribes that the first business shall be amendment and that the next business shall be the adoption of a resolution of ratification that reflects the action of the Senate in the Committee of the Whole.

Mr. LODGE. That is not the next step.

Mr. UNDERWOOD. It is a subsequent step.

Mr. LODGE. No; they have to go to the Senate.

Mr. UNDERWOOD. Of course.

Mr. LODGE. "Of course" that is a very different proposition.

Mr. UNDERWOOD. I think, myself, under the strict rule, we could not offer a reservation here; but I have no objection to that, Mr. President. I am not seeking to press that point, as far as I am personally concerned. The point that I am pressing is that amendments must be first disposed of, because a reservation such as has been offered here, and such as I suppose the Senator is offering——

Mr. BORAH. Mr. President, I can protect my position by offering a reservation to cover the same things, referring to articles 10 and 11. I understand that is the point the Senator refers to?

Mr. UNDERWOOD. Certainly; I have no objection to voting on the amendments, but I want it to be understood that the amendments are closed before we go to a vote on reservations.

Mr. BORAH. The amendments which I am proposing to offer have already been drawn as reservations, and it was a mere matter of what I thought was courtesy to the committee of which I was a member that I offer them as amendments rather than as reservations, because the report of reservations by the committee did not cover them. I am perfectly willing to withdraw them as amendments; and if the amendments do not cover the subject satisfactorily, I will offer them as reservations.

Mr. UNDERWOOD. That is entirely satisfactory. The only point I was trying to make, Mr. President, was that we should not go into the question of adopting reservations and then go back to amendments. I wanted it understood that that door is closed when we took up reservations.

Mr. LODGE. Amendments can be offered in the Senate, of course.

Mr. UNDERWOOD. That is a question that is open to debate when we get to the Senate.

Mr. LODGE. I think I might as well read the rule:

> When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read the second time, and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross if no Senator shall object; after which new amendments may be proposed.

Mr. President, I have given this matter a great deal of reflection. I am not going to repeat what I have already said, but it seems to me that as that rule stands, it is entirely in order to offer reservations in Committee of the Whole, and I think there are many reasons that might be adduced in its support. But I do not wish to delay the discussion by debating the point of order.

The VICE PRESIDENT. The Chair understands that the Senator from Alabama [Mr. UNDERWOOD] has withdrawn his point of order.

Mr. UNDERWOOD. I only made the point of order against the offering of reservations.

The VICE PRESIDENT. The Chair understood that the point was that if the Senator from Idaho [Mr. BORAH] had amendments to offer, that they must be first disposed of before the reservations.

Mr. UNDERWOOD. Undoubtedly, Mr. President.

The VICE PRESIDENT. There is no point of order pending now, the Chair understands.

Mr. UNDERWOOD. My position was that whether in the Senate or in Committee of the Whole, after we have taken up the resolution of ratification and the reservations, it is too late then to offer amendments either in the Senate or in Committee of the Whole.

Mr. LODGE. If the point of order has been withdrawn, Mr. President, I will offer the reservations.

Mr. SWANSON. I would like to understand what is the parliamentary situation. I understand the Senator from Massachusetts proposes at this time to offer reservations?

Mr. LODGE. I do.

Mr. SWANSON. Which would constitute amendments?

Mr. LODGE. I say nothing about constituting amendments. If the Senator had listened to what I move——

Mr. SWANSON. I listened very carefully.

Mr. LODGE. I moved the adoption of the following conditions and reservations to be incorporated in a resolution of ratification, which I do not, of course, offer now.

Mr. SWANSON. I understood that. Does the Senator insist that that would be in order now until the resolution of ratification is before the Senate?

Mr. LODGE. I think they are in order now. I think they are in order in the Senate. I do not think it is possible to deal with the resolution of ratification until the Senate has determined what is to go upon it, whether there are amendments to go upon it, or whether there are reservations to go upon it.

Mr. SWANSON. The only thing that seemed to me to be ambiguous was that these are offered as reservations which would be included in the resolution of ratification; that before the resolution of ratification is before the Senate you offer amendments to something you will afterwards propose to adopt. The parliamentary question I ask is, Suppose your resolution of ratification, with these reservations having been adopted in the committee, should be rejected, what would be the parliamentary status then?

Mr. LODGE. After the resolution of ratification has been defeated?

Mr. SWANSON. If the resolution should be defeated.

Mr. LODGE. The only motion then in order would be a motion to reconsider, and bring the treaty back into the Senate.

Mr. SWANSON. If the question of reconsideration then can come up, it would reopen the entire question, as the Senator understands it?

Mr. LODGE. Mr. President, I propose to offer each one of these reservations separately, so that there will be a vote upon each one. If that course is pursued in Committee of the Whole and in the Senate, of course, if a vote is taken on each reservation, each reservation would have to be reconsidered, just as if you bring a bill back, you must reconsider each amendment. But they will all be open to reconsideration in the Senate.

Mr. SWANSON. I ask the Senator this question: After you have offered reservations, and some have been adopted and others rejected, the resolution of ratification, if the resolution of ratification with the amended reservations, as you call them, should be rejected, what is the parliamentary situation then, as the Senator conceives it?

Mr. LODGE. My attention was diverted a moment. The Senator asks what would happen after a vote for reconsideration?

Mr. SWANSON. What does the Senator consider the parliamentary situation then? You offer reservations to be included in the resolution of ratification. They are agreed to, say, by the Senate in Committee of the Whole. Then you include them in your resolution of ratification. If that resolution of ratification should be rejected, including the reservations, what does the Senator consider that the parliamentary situation would then be before a reconsideration is had?

Mr. LODGE. Of course, a motion to reconsider must always apply to the vote which it is moved to reconsider. The motion would have to come, of course, from the prevailing side, which would be the minority of more than one-third.

Mr. SWANSON. Regardless of the side from which it comes?

Mr. LODGE. The Senator does not allow me to state the case.

Mr. SWANSON. I will allow the Senator to proceed.

Mr. LODGE. I have to go through these painful details in order to make it clear to my own rather slow-moving mind. You bring it back by a motion made by one of the prevailing side to reconsider, and you reconsider the vote by which the resolution was rejected, and that brings it back into the Senate with all the reservations attached to it.

Mr. SWANSON. Then what is the Senator's interpretation as to the right to substitute reservations which would then be offered or to consider the entire matter of reservations?

Mr. LODGE. The whole resolution and all the reservations, of course, are open——

Mr. SWANSON. Would be fully open to reconsideration in the Senate?

Mr. LODGE. They would have to be reconsidered.

Mr. SWANSON. I say, they would be entitled to a full reconsideration?

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I yield.

Mr. LENROOT. Would not the situation be, if the vote were reconsidered, to leave the resolution exactly in the same situation it was in immediately before the vote was taken?

Mr. LODGE. Certainly.

Mr. LENROOT. And subject to any parliamentary procedure that was then to be taken?

Mr. LODGE. Absolutely.

Mr. SWANSON. The only point I want to have cleared up is, if reservations have been adopted in the Senate, and then you move to reconsider, what effect would their adoption in the Senate have on the reconsideration of the resolution of ratification?

Mr. LODGE. If you reconsider it, that would bring the resolution of ratification and the reservations back into the Senate.

Mr. SWANSON. To do as it pleases with?

Mr. LODGE. Subject to any parliamentary procedure, as the Senator from Wisconsin has just suggested.

Mr. UNDERWOOD. I would like to ask the Senator from Virginia a question.

Mr. BRANDEGEE. Mr. President, is anyone recognized as having the floor?

The VICE PRESIDENT. I do not know who has the floor.

Mr. LODGE. I thought I had the floor.

Mr. BRANDEGEE. It may be immaterial, but——

Mr. LODGE. I yield to the Senator from Connecticut.

The VICE PRESIDENT. I think the Senator from Massachusetts had the floor.

Mr. LODGE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I want, for the purpose of the record, to read a paragraph of the rule which provides how a resolution of ratification shall be formulated. The rule states that—

> The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

Mr. REED. Mr. President, I call for order in the Chamber. We can not hear what is going on.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield.

Mr. McCUMBER. Mr. President, I should like to put this matter in a very definite and concrete form. I would like to have the Senator from Massachusetts state, in his opinion, after there has been a vote to reconsider the vote by which the resolution was passed, and that vote has carried and the matter has been reconsidered, whether the resolution is then subject to amendment by the Senate or whether the only thing we can do is to vote again as to whether it shall pass or not.

Mr. LODGE. Mr. President, in the situation the Senator from North Dakota has described, it is certainly open to a motion to recommit, which would bring it back into the Senate in the same position and open to all amendments that it had at the beginning. A motion to recommit could not be cut off. As to the procedure of going back through each reservation then in Committee of the Whole, I am not clear, because the Senate has more than once, I find from the executive journals, reconsidered the vote and taken the resolution of ratification carrying the amendments right back into the Committee of the Whole. But it was done, I suppose, by unanimous consent. It could undoubtedly be done, because it has been done.

Mr. OVERMAN. In the event, Mr. President, that we come to reconsider the question in Committee of the Whole of reservations adopted, we would have to reconsider each reservation that you now present.

Mr. LODGE. That is the rule always. Of course, you can not reconsider 10 votes by one motion to reconsider. You have to reconsider each vote.

Mr. OVERMAN. As I understand the Senator, then, if it is recommitted to the Committee of the Whole we will have to go over every reservation that has been adopted in Committee of the Whole.

Mr. LODGE. If it is recommitted, it has to start as with a new matter.

Mr. McCUMBER. Recommit it to the Committee on Foreign Relations, the Senator means, and not recommit it to the Senate. The point I wanted to get at is whether, when it is recommitted by the Senate, we can amend any one of the reservations that had been previously adopted by the Senate. I would like the view definitely, if the Senator from Massachusetts will give it, as to whether that can be done or whether it will have to go back to the Committee on Foreign Relations.

Mr. LODGE. It certainly can be done by a recommittal to the Committee on Foreign Relations, and therefore it can be reached in the same way. It is only another step. If a majority of the Senate desire to reconsider and go over all the reservations again, the regular procedure is open to them to do it.

Mr. McCUMBER. But suppose the Senate does not wish to refer it back to the Committee on Foreign Relations and refuses to do so, can we then amend the reservations which we have adopted before that time?

Mr. LODGE. If there are a majority having the power to make changes in the reservations, they could recommit to the committee and bring it out of the committee and make any changes they want.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. LODGE. Certainly.

Mr. NELSON. It seems to me the difficulties which have been suggested would vanish if we took the right course. The proper course is to do as we do in the case of a bill, not to vote upon what amendments we will put into the bill, but to take the bill and consider amendments. The proper way to get reservations before the Senate is to offer a resolution of ratification containing the reservations in detail, and then take up and consider those amendments to that resolution. Then we get the subject before us in the only orderly and proper way. With the resolution of ratification and the different amendments or reservations in it, we can then take them up one by one as we would the paragraphs of a bill. That is the only legitimate way to do it.

Mr. LODGE. That is precisely what I propose to do, but the resolution of ratification can not be introduced until the last thing. The procedure is uniform. You can not present your final resolution of ratification until you know what is going on it, and you can not know what is going on it until the Senate has dealt both with the amendments which have to go on the resolution of ratification and the reservations which have to go on it.

The practice hitherto has been to present reservations up to the last stage, and then introduce the resolution of ratification. I took this step, which I thought the rules allowed, on account of the gravity of the situation, and also to meet a point which has been suggested to me and which I think is a point of great importance, and that is that many Senators have stated on the floor of the Senate that they were voting against amendments because they preferred to have them covered by reservations. Now, suppose that a reservation desired by a Senator to cover an amendment against which he voted, preferring the reservation method, when it is offered in the Senate is not satisfactory, or suppose the reservation is defeated, then he is deprived of his opportunity to vote on an amendment, and still he does not get the reservation which he desired and which guided his first vote on the amendment.

I introduced this in the Committee of the Whole because I thought, in a question of this gravity, there ought not to be any narrowness of parliamentary action, but there ought to be every possible opportunity for the Senate to deal with these reservations one by one in Committee of the Whole. Then, in the Senate there is an opportunity to deal with them again before they are attached to the resolution of ratification, which is nothing but an enacting clause. My purpose was to give the greatest latitude possible for dealing with the reservations.

Mr. NORRIS. Will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. NORRIS. I think I know the Senator's idea, and it seems to me he ought to make one point clearer. As he said, a great many Senators have voted against amendments on the theory that they would vote for reservations covering the same point. If the Senator's procedure is followed and he introduces his reservations in Committee of the Whole, if those Senators who are going to support those reservations, where they voted against amendments providing for similar things, find they are defeated in voting for the reservations, they will still have in the Senate an opportunity to vote for the amendments.

Mr. LODGE. Precisely. That is the point I made.

Mr. NORRIS. If you do not take that course, those Senators would be shut off from that right.

Mr. LODGE. I did not make it as clear as the Senator from Nebraska has done. That is the precise point. The whole purpose of my course here is not to restrict or cut off, but on the contrary to open the doors as wide as possible in our parliamentary procedure so that reservations can be dealt with in the most liberal way and in the manner in which, in my opinion, the gravity of the subject demands.

Mr. SWANSON. Will the Senator yield to me for a minute?

Mr. LODGE. I yield, with pleasure.

Mr. SWANSON. I understand this to be the contention of the Senator from Massachusetts: These amendments—reservations, as he calls them—are adopted in Committee of the Whole. They come to the Senate and are adopted. They are then included in the resolution of ratification really as amendments. Then, say, that resolution of ratification, including these amendments, is defeated. I think if the resolution of ratification is defeated, others are in order. I believe that is clear.

Mr. LODGE. Others are not in order until a reconsideration has taken place.

Mr. SWANSON. Conceding that now, though I know that will be debated later——

Mr. LODGE. Yes; we will debate it later.

Mr. SWANSON. The Senator insists the only way we can offer another resolution of ratification is to move to reconsider. That is his contention. What I want to get the Senator to make plain to the Senate is what is the effect of the resolution after a reconsideration, and in what status does that leave the treaty before the Senate?

Mr. LODGE. It brings back the treaty and the resolution of ratification.

Mr. SWANSON. It brings back the entire treaty?

Mr. LODGE. Certainly.

Mr. SWANSON. And the resolution of ratification?

Mr. LODGE. With the reservations and amendments, if there are any, attached to the resolution.

Mr. SWANSON. I would like to ask this question: If the resolution is reconsidered, what do you consider; only the resolution of ratification that was rejected?

Mr. LODGE. The Senator is too old a parliamentarian not to know that we can consider but one vote at a time. We may reconsider the vote by which the resolution was rejected, and that brings it back.

Mr. SWANSON. As it passed——

Mr. LODGE. Just as it left the Senate.

Mr. SWANSON. As it passed the Senate. Do I understand the Senator contends that that leaves open to the Senate every question of ratification on all the separate reservations?

Mr. LODGE. Certainly.

Mr. SWANSON. And all the other amendments?

Mr. LODGE. Of course it does, because it is open to a motion to recommit.

Mr. SWANSON. Without that motion, what would the status be?

Mr. LODGE. That I am not prepared to say, because the Senate has pursued a different course in regard to that on different occasons.

Mr. THOMAS and Mr. LENROOT addressed the Chair.

Mr. LODGE. My own judgment would be that in the Senate they could reconsider each vote on each reservation, if separate votes were taken.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield to the Senator from Wisconsin [Mr. LENROOT].

The VICE PRESIDENT. The Chair inquired if the Senator from Massachusetts would yield to the Senator from Colorado.

Mr. LODGE. I do.

Mr. THOMAS. I merely rose to suggest that it would be much better if we get to voting and leave the results in the hands of Providence.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I yield.

Mr. LENROOT. When the Senator replied to the Senator from Virginia that the reservations would be open to reconsideration he, of course, meant under the rules of the Senate.

Mr. LODGE. Of course.

Mr. LENROOT. And the situation would be that after that reconsideration it would be subject to any motion that would be in order before the vote was taken.

Mr. LODGE. That is absolutely my position. I have stated it two or three times.

Mr. SWANSON. The Senator says "under the rule." That is, the phrase "under the rule" is open to debate. That is a very ambiguous statement as to how to consider it. I would like to ask the Senator if the resolution of ratification as it passed the Committee of the Whole and the Senate will be open to amendment after the vote of reconsideration has been passed?

Mr. LODGE. I do not think, under the rule, that it would be.

Mr. SWANSON. Then, if you vote to reconsider, the question would be whether the Senate would pass the resolution of ratification as in Committee of the Whole.

Mr. LODGE. Not at all. I have pointed out again and again that the road which is always followed when we wish to change a bill or a joint resolution is to recommit it, and then you have it all fresh from the beginning and can put on anything you want.

Mr. SWANSON. I understand the rule to recommit would take it back.

Mr. LODGE. That opens the whole treaty.

Mr. SWANSON. Suppose a motion to recommit were made, what then would be the situation? Could the resolution of ratification then be reconsidered and amended?

Mr. LODGE. After the motion to recommit is carried, of course, you can do anything with it.

Mr. SWANSON. Not recommit, but reconsider.

Mr. LODGE. After you have reconsidered, you have reconsidered that one vote. You have got to reconsider each of the others or else you have to resubmit it. That is what you have to do.

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. LODGE. Certainly.

Mr. BRANDEGEE. In reply to the——

Mr. SMITH of Georgia. Will the Senator let me ask him a question?

Mr. BRANDEGEE. I believe the Senator yielded to me, and I am about to ask a question.

The Senator from Virginia [Mr. SWANSON] asked whether a resolution of ratification, having been defeated and then reconsidered, is amendable. I want to call his attention to that section of the rule which was read a few moments ago which says:

> The decisions thus made shall be reduced to the form of a resolution of ratification—

Then follows matter immaterial to this question, and it then says:

> At which stage no amendments shall be received, unless by unanimous consent.

I take it, then, Mr. President, that the defeated resolution of ratification having been reconsidered, being in the same position that it was before it was defeated, it is not amendable except by unanimous consent.

Mr. LODGE. However that may be, there is no question that you can proceed by recommittal to open the entire subject and put on any reservations you have the votes to put on.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from Massachusetts one question.

Mr. LODGE. I yield.

Mr. SMITH of Georgia. The question brings us really to the issue which is being considered, but not mentioned. If reconsideration takes place when the treaty, with the provisos, has not received a two-thirds majority, does the Senator from Massachusetts think it would then be in order to offer as a substitute for the resolution of ratification with the provisos a straight resolution of ratification without any provisos at all?

Mr. LODGE. Does the Senator mean after it comes back on reconsideration?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. You have brought back the treaty with the provisos into the Senate?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. I confess that form of substitution had not occurred to me. I am not prepared to say.

Mr. SMITH of Georgia. I think I have put my finger on the difficulty.

Mr. LODGE. I do not see how you can do it unless you reconsider the vote of the Senate.

Mr. SMITH of Georgia. Or unless it is referred to the Committee of the Whole.

Mr. LODGE. By recommittal.

Mr. UNDERWOOD and Mr. BORAH addressed the Chair.

Mr. LODGE. I yield to the Senator from Idaho. He rose first.

Mr. BORAH. I was just going to say that we can not forestall the decision of the Chair nor of the Senate by discussing this proposition at this time.

Mr. LODGE. Of course we can not.

Mr. BORAH. I do not see anything particular to be gained by it. If we are going to take up and discuss wholly immaterial

questions in the Senate that can not bind anybody for the future, I think I may as well go ahead with my amendment.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. I should like my motion disposed of.

Mr. SWANSON. Mr. President, it seems to me that this is a material question.

Mr. LODGE. We have talked this matter up and talked it down, if I may say so to the Senator from Virginia, although the question is not now before the Senate.

Mr. SWANSON. Before the motion comes to a vote, I desire to say that I understand the Senator is pursuing an unusual course, in that he offers amendments to the resolution of ratification, which is not as yet before the Senate. I understand the usual course has been to include reservations in the resolution of ratification. The Senator is really making them amendments to the treaty. Why does he do that?

Mr. LODGE. I am not doing it.

Mr. SWANSON. Perhaps the Senator has not done it, but that is the purpose.

Mr. LODGE. No; it is not the purpose.

Mr. SWANSON. Then why does the Senator want the reservations considered now?

Mr. LODGE. I can not attach the reservations to the resolution of ratification as in Committee of the Whole; that is impossible; there is no resolution of ratification here.

Mr. SWANSON. But the Senator pursues the unusual course of treating the reservations as amendments to be included in the resolution of ratification which is not here. Why?

Mr. LODGE. I do not propose them as amendments; I propose them specifically as reservations. There is no use in continuing this character of discussion.

Mr. SWANSON. The Senator proposes them as amendments to the resolution of ratification which has not been offered. Why does he do that? If they are adopted and included in the resolution of ratification, and if that resolution should fail, and a motion to reconsider is made, according to what the Senator from Connecticut [Mr. BRANDEGEE] insists, if the motion to reconsider is adopted, the question simply comes up whether the treaty shall be ratified with the reservations or whether it shall be rejected. Senators admit the only way they can avoid that is to move to recommit to the committee.

Mr. LODGE. It does not make a particle of difference about that——

Mr. SWANSON. If it is recommitted to the committee it means a long delay. All I ask is that this matter may come before the Senate and that the will of the Senate may have an opportunity to express itself.

Mr. LODGE. That is what I am after. Now, let me say to the Senator from Virginia that if after the adoption of these reservations the resolution of ratification should fail, he may look for a very long delay indeed; it will be the delay of death.

Mr. SWANSON. I think that is the procedure the Senator is trying to follow.

Mr. LODGE. If these reservations are put on the treaty, it will be ratified; and it will not be ratified, in my judgment, in any other way.

Mr. BRANDEGEE and Mr. UNDERWOOD addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. UNDERWOOD. Mr. President, the Senator from Idaho [Mr. BORAH] a moment ago made a very pertinent suggestion that we were discussing a question that had not arisen; but it is a question that is going to arise, and after the declarations coming from the Senators in charge of the pending treaty as to what the rules mean and what they are, I am not willing to let those statements go into the RECORD without contradiction and allow those who are not familiar with the Senate rules to take that as the decision of the Senate. Of course, I realize that ultimately the presiding officer of the Senate will be called on to decide this question, and then the Senate will pass judgment on his decision; but in order that the RECORD may at least show my viewpoint in reference to the matter, and I think the viewpoint of some of my colleagues, I propose to state what it is.

In the first place, an amendment can be made to the treaty by a majority vote of the Senate, if the majority so desires. Up to the present time no amendment has been adopted. When amendments have all been disposed of either by acceptance or rejection, it is then the duty of the Senators in charge of the matter to propose a resolution of ratification voicing the sentiment of the Senate, as is suggested by the amendments according as they are adopted or rejected. That is all the rules provide for. A custom has grown up in the Senate that has gone so far as to become a part of the rules of the Senate that a resolution of ratification may not only reflect the vote of the Senate on amendments but it may reflect the viewpoint of the Senate by way of reservations. However, I never heard of a reservation being proposed in the Senate of the United States as a reservation—not as an interpretation—that was not included in the resolution of ratification. If it is a part of the resolution of ratification—and it must be to be effective—it can not be adopted separately from the resolution of ratification. Before a reservation is in order in the Senate—whether it be in Committee of the Whole or in the Senate proper I am not concerned about—the resolution of ratification must be here; it must be pending before the Senate. We can not any more act on an amendment to a proposition that is not before the Senate than we can act on the proposition itself that is not before the Senate.

If the Senator from Massachusetts proposes to offer the so-called reservations as amendments to the treaty, of course he is in order; but if he proposes to offer them as reservations that ultimately are included in the resolution of ratification, then the resolution of ratification must be pending; it must be the pending question before the Senate.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I yield.

Mr. BRANDEGEE. On what theory does the Senator from Alabama think that a reservation can not be adopted except the resolution of ratification is drawn in form and is before the Senate at the same time, when the rule specifically provides that amendments must be adopted before the resolution is proposed?

Mr. UNDERWOOD. I have just said that if these are amendments to the treaty, of course as amendments they are in order; I concede that; but if they are reservations they are reservations to what?

Mr. LODGE. Mr. President, if I may——

Mr. UNDERWOOD. I yield to the Senator from Massachusetts. I have the floor, I believe.

Mr. LODGE. I think not. I yielded to the Senator from Alabama.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. LODGE. If the Senator from Alabama has the floor, I will wait until he shall have concluded.

Mr. UNDERWOOD. I shall be glad to yield to the Senator from Massachusetts.

Mr. LODGE. I desire to call the attention of the Senator from Alabama to the Danish treaty, one of the last treaties ratified. To that treaty reservations were adopted, and then Senator Stone offered a resolution of ratification.

Mr. UNDERWOOD. But that was by unanimous consent.

Mr. LODGE. Oh, no. The unanimous consent was in regard to taking action on the treaty on that day.

Mr. UNDERWOOD. Then there was no objection, I may say, which was equivalent to unanimous consent.

Mr. LODGE. But Senator Stone held back the resolution of ratification.

Mr. UNDERWOOD. I was in the Senate when that resolution was adopted. There was no contest about it.

Mr. LODGE. Has the Senator from Alabama read the executive journal made up at that time? If not, I have it here.

Mr. UNDERWOOD. No; but I know there was no contest in the Senate and no Senator then raised the question. But, Mr. President, I do not care what precedent may be cited growing out of that instance, because that treaty went through as a mere matter of form. There were no issues raised, as I happen to know, no matter what the executive journal may recite, as I was present in the Senate when it was ratified. The real issue is as to whether reservations are a part of the resolution of ratification. If they are they are either a part of it now as pending before this body or are proposed to be amendments to it. The contention I make is not whether they can be considered in Committee of the Whole or in the Senate, but it is that they can not be considered at all if they are proposed as reservations to the final resolution of ratification until the resolution of ratification is pending.

The Senator says the last thing to be done is to offer the resolution of ratification; that resolution is the last question we shall act on after amendments have been disposed of; but the Senator can not contend that after he offers the resolution of ratification other Senators can not propose amendments to it so long as we have a right to vote on it. Therefore, amendments may be added to it even after the Senator has perfected it to suit himself. Other Senators will have the privilege at

least of proposing amendments, even if they can not obtain the votes to accomplish the result they desire.

So I contend that if we have closed the hour of offering amendments, if no Senator desires to offer further amendments, then the business before the Senate is the resolution of ratification and such amendments to it by way of reservation or otherwise as may be offered. That is the only way the Senate can in an orderly manner transact its business, and, as the Senator from Minnesota [Mr. NELSON] suggested a moment ago, it is the correct way for us to transact our business.

Mr. LODGE. Mr. President, let me ask the Senator, does he mean to say that a resolution of ratification can be offered while the treaty is being considered in Committee of the Whole?

Mr. UNDERWOOD. I do not think that the resolution of ratification could be offered; I merely said that I had no objection to the Senator offering reservations as amendments to the treaty.

Mr. SWANSON. Mr. President, will the Senator from Alabama permit me a moment?

Mr. UNDERWOOD. I yield.

Mr. SWANSON. If the resolution of ratification can not be offered in Committee of the Whole, how can amendments to the resolution of ratification be offered in Committee of the Whole?

Mr. LODGE. They are always in order before the resolution of ratification is presented.

Mr. SWANSON. No. The Senator says the resolution of ratification can not be offered in Committee of the Whole, and yet he says amendments to the resolution of ratification can be offered in Committee of the Whole. That is the contention.

Mr. LODGE. Oh, no.

Mr. SWANSON. That is the position the Senator occupies.

Mr. LODGE. I never stated anything of the kind; there is no use of the Senator misstating my position.

Mr. SWANSON. Well, let me state it again.

Mr. LODGE. Oh, no; do not let us take any more time in this discussion.

Mr. SWANSON. The reservations are amendments to the resolution of ratification, and the Senator says that the original resolution can not be offered in Committee of the Whole, but amendments to that resolution can be offered.

Mr. BRANDEGEE. That is because the rule orders it so.

Mr. SWANSON. The rule does not order it so. Let us see what the situation is, for we may just as well face it. Senators are confronted with a rule which says that the resolution of ratification shall contain the amendments adopted in Committee of the Whole or in the Senate. In order to avoid that rule the Senator, in Committee of the Whole, brings in reservations as amendments to the resolution of ratification. What is the effect of that?

Mr. NORRIS. Mr. President, will the Senator from Alabama permit me to ask a question of the Senator from Virginia?

Mr. UNDERWOOD. I yield.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. NORRIS. The Senator from Alabama has yielded to me. I wish to suggest to the Senator from Virginia that the Senator from Massachusetts has not offered any amendments to the resolution of ratification. That is where I think the Senator from Virginia misunderstands the situation.

Mr. SWANSON. I do not misunderstand the matter at all. The Senator offered the reservations to be adopted now and to be accepted as amendments to the original resolution of ratification——

Mr. LODGE. Not as amendments, but as reservations.

Mr. SWANSON. To be included in the resolution of ratification.

Mr. LODGE. Mr. President, the Senator from Virginia can misstate my position faster than I can state it. I have stated it over and over again, but the Senator keeps misstating it, and it is a mere waste of the time of the Senate to continue the discussion.

Mr. SWANSON. Let us see what the purpose is. All this contention would not be without a material purpose. The Senator from Massachusetts endeavors, by a majority vote, to make the Senate either reject or accept what he brings here or force a motion to reconsider. The Senator from Connecticut has said that if the motion to reconsider is agreed to, the question recurs, Shall the resolution of ratification as amended be accepted or rejected? It seems to me if we want to get an expression of the will of the Senate as to what, in their judgment, should be put in the resolution of ratification, the proper course would be to secure a unanimous-consent agreement, in view of the rule, that if one resolution of ratification is rejected another one shall be in order, or, in case of a motion to reconsider, that the resolution shall be subject to amendment.

Mr. UNDERWOOD. Mr. President, if the Senator from Virginia will pardon me, while I dislike to interrupt him, I should prefer to proceed with my remarks.

Mr. SWANSON. Very well.

Mr. UNDERWOOD. Mr. President, I desire to make clear my position. If the Senator from Massachusetts promises reservations here that are ultimately to become a part of the resolution of ratification, I desire to make a point of order that they are not in order until the resolution of ratification is before the Senate. I am not concerned whether he offers the reservations in Committee of the Whole or in the Senate, but until the original resolution of ratification of which it is proposed they shall become a part is before this body the reservations are not in order.

Aside from that, there has been much argument here as to what would happen if the resolution of ratification of the Senator from Massachusetts should be voted down.

I recognize that what the Senator from Idaho [Mr. BORAH] said awhile ago is true, that we are discussing a problem before it arises; but, as I expect to vote against the resolution of ratification as offered by the Senator from Massachusetts, and hope that it may be defeated, I want the RECORD to show what my interpretation of the parliamentary situation will be when that happens.

I understood from the Senator's statement awhile ago that he takes the position that if this resolution of ratification ultimately is defeated the treaty is dead, or action on the treaty is inoperative, unless a motion to reconsider is made in the Senate or in the Committee of the Whole.

Mr. President, I do not think there is any parliamentary law, nor is there any common sense, to sustain that proposition. The proposition before the Senate is the ratification of the treaty of peace with Germany. In my understanding, there are but three ways of disposing of that in the Senate: One is for the Senate by a majority vote to refer it and thus temporarily dispose of it. Another, under the rules, is to indefinitely postpone it, which, under the rules of the Senate, requires a two-thirds vote; and a vote of that kind would kill the treaty, and that would be the end of it. The other disposition is for the President to withdraw the treaty from the Senate. Without the happening of one of those events, unquestionably the treaty is before the Senate continuously for action.

I think the position that the Senator from Massachusetts has taken with reference to the defeat of a resolution of ratification is absolutely unsound. What difference is there between defeating a resolution of ratification by a majority vote and defeating it by the vote of one more than a third of the Senate? Suppose it were entirely a question of a majority vote, Mr. President, to make the matter clear. Suppose it did not require a two-thirds vote to ratify this treaty. Suppose it merely required a majority vote, and the Senator from Massachusetts had jockeyed his resolution of ratification through the various hurdles of amendments and reservations to the point where it was ready to take the final jump, and when that time came, and he demanded a roll call on his resolution of ratification, it did not command a majority vote of the Senate: Would anybody say, because the Senator's resolution of ratification was defeated, that that defeated the treaty of peace with Germany? Why, I say there is no parliamentary precedent in the history of the ages that would sustain a position of that kind. More than that, it can not be weighed in the balance of the scales of common sense and be sustained.

The purpose of this great treaty is to enable these nations to establish the peace conditions of the world; and to say that because a resolution proposed by one faction of the Senate of the United States could not command a majority vote of this body, therefore the treaty must fail, is not common sense.

If that is true as to a majority vote, why is it not equally true as to a two-thirds vote? There is no difference between its status on a majority vote and its status on a two-thirds vote except the difference which the Constitution of the United States itself prescribes, and that is that a resolution of ratification must command a two-thirds vote. In all other particulars, or most other particulars, it must command a majority vote. Therefore it fails when it does not get a majority vote; but here it must command a two-thirds vote, and one more vote than a third of the Senate will reject it. Now, what does that do? It rejects it just in the way that you would reject any other resolution by a majority vote of the Senate. The resolution having been rejected, it goes to the waste-paper basket; and the Senate, through its membership, is entitled to propose some other procedure to dispose of the treaty of peace. That is all there is to the proposition.

Mr. LODGE. Mr. President, if the Senator will allow me to make a suggestion——

Mr. UNDERWOOD. Surely.

Mr. LODGE. The Constitution says nothing about a majority vote.

Mr. UNDERWOOD. Oh, undoubtedly; but it does about a two-thirds vote.

Mr. LODGE. One moment. That is found in the rule, and at one time the Senate had a rule under which a two-thirds vote was required for every amendment. It is a mere matter of the rules of the Senate. The majority part of it has nothing to do with the Constitution.

Mr. UNDERWOOD. To be sure. The Constitution prescribes a majority vote for the passage of bills and other resolutions—that is what I was referring to, and not to the treaty—and I was simply saying that because the Constitution, in reference to bills and other resolutions, requires a majority vote in one place, and here it requires a two-thirds vote, it does not change the parliamentary status of the situation. Unquestionably it can not be anything but the rejection of the resolution offered by the Senator from Massachusetts.

Mr. President, I have not occupied the time of the Senate in giving my views in reference to this treaty. I have been so concerned that the peace of the world might be consummated, and that the conclusion of this war might be reached at an early date, that I preferred through these months to sit in silence rather than further to delay action on the consummation of this treaty; but the time has come when the people who believe that the most important question before this Nation is the consummation of peace must determine on what action they are going to take.

I do not suppose there is a man in the Senate of the United States who, if he had had the power to write this treaty in the beginning, would have written it in the exact form in which we find it before the Senate. More than that, I do not suppose for one minute that if the President of the United States had had full power to write this treaty he would have written a treaty such as is now pending before us in all its provisions. Unquestionably this is a document of compromises—the compromises of 26 nations sitting at the peace table trying to work out their differences and solve their difficulties in an instrument that might bring about the peace of the world. The primary question before the Senate is as to whether or not we shall accept this treaty, though we may differ from it in part, and consummate the peace of our country or whether we shall reject it and send it back into the turmoils of European politics.

Of course I am not now going into the question of discussing how far we might make reservations or interpretations that will endanger the peace of the world, or how far we might go and further endanger the peace of the world and the rejection of this treaty.

I do not think that is necessary from my standpoint. I am not going to take any chances about it at all. If this treaty does not work out all right in two years we can repudiate it, and I think that is sufficient to protect my country from any dangers that might arise out of it; but I think the straight road to the conclusion of peace is the ratification of this treaty without amendment and without reservation.

Therefore I am not willing to vote for any amendment or reservation, or any resolution of ratification with reservations in it, until the opportunity has been afforded to the people of the United States to take a direct vote on a resolution of ratification without amendments or reservations—an unconditional vote of ratification. If that happens, and it can not command the necessary two-thirds, then I realize that some compromise must be made; but I say to those men who differ with me—and I am not criticizing them; I am always glad to recognize the right of the other man to maintain his own position, as I ask that I may have the right to maintain mine—there are just two votes on this treaty of peace. One is absolutely in the hands of the President of the United States and the other is in the hands of the Senate of the United States. It is idle to say that a treaty of peace can be consummated until those two votes vote together, until those two minds concur in a final agreement.

The President of the United States has made this treaty. He has sent assurance to foreign powers that it will be ratified by the Senate. He has announced to the people of the United States that he was opposed to any amendment or any reservation that amounted to an amendment; and why? Because he said that if it was proposed it endangered the final ratification of the treaty of peace; and that danger has grown since he uttered it, because when he first announced the proposition the treaty had not become a fact. It had not been ratified by the European powers. To-day this treaty is a living entity. Of the five great powers that are required to ratify it first, four have accepted it. It is the law of the world. It is a question as to whether we are going to be a part of it or stand out of it and make a separate treaty of peace with Germany.

With vital amendments to this treaty, affecting the internal affairs of England, France, Italy, or Japan, how could we expect them to accept amendments that modified or changed the treaty in reference to their own affairs? Yet such amendments have been proposed on the floor of the Senate.

If they had been adopted, Mr. President, I think the Government of the United States would have found itself, so far as this treaty is concerned, like Mahomet's coffin, between air and earth, suspended, with no resting place, no parliamentary status, no position in the world as to whether we were at peace or at war with Germany, an indefinite suspension, that might have wrought wreck and ruin to our internal affairs and disaster to our people.

I think that we who desire to have the immediate ratification of this treaty of peace, to sustain the hands of the President of the United States in his efforts to write this treaty and bring about the peace of the world, have but one course open to us, and if that is true, and we are men, we are going to take that course, regardless of what criticism may fall on our heads. More than that, I doubt whether there will be much criticism, because I think the common sense of the American people is with us. That course is that we should demand before this treaty is ratified in any other way that we have a right to vote on unconditional ratification. If that is rejected, then, of course, the President must recognize that the coordinate body in treaty making will not agree with him, and compromises must be made. But he is entitled to an honest vote, a clean record, as to whether the Senate accepts or rejects his position. I take it—and I believe it is true—that there are 40 men on the floor of the Senate who have the courage of their convictions.

Mr. THOMAS. Does not the Senator concede to the remaining Senators the same courage?

Mr. UNDERWOOD. Undoubtedly. I just said so. There are 40 men on the floor of the Senate who have the courage of their convictions, in my judgment, to sustain the position that I have just announced. I, of course, recognize that those who differ with us have equal courage and an equal right.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. Why does the Senator say, as I understood him, that the adoption of any of those reservations would necessitate the resubmission of the treaty to Germany and compel a renegotiation of the treaty with Germany? Does not the Senator think that there may be reservations and, indeed, amendments to the league, which would not occasion the resubmission of the treaty to Germany?

Mr. UNDERWOOD. I do not think so. Not any that I have seen around here. But I do not think that is very material, because most of those that have been offered undoubtedly would have required a resubmission.

Mr. SMITH of Georgia. Mr. President, I desire to ask the Senator a question, but I will have to preface my question with a statement. The difficulty with the position of the Senator seems to be that the resolution of ratification has to come in the Senate after the amendments have been perfected; and, in the Committee of the Whole, unless it was by unanimous consent, a resolution of ratification could not be considered. Could not this entire difficulty be obviated by unanimous consent? Could we not obtain unanimous consent to offer a resolution of ratification in Committee of the Whole, to which any reservations that Senators might desire could be also offered, and for which also could be offered as a substitute a straight resolution of ratification, without any reservations? If such a unanimous-consent agreement could be made, would it not speed our deliberations?

Mr. UNDERWOOD. I think not, because under the rules of the Senate and the provision of the Constitution, a final resolution of ratification must receive a two-thirds vote, and there is no way to test the sentiment that I have spoken of by offering a substitute for somebody else's reservation. There is but one way in which it can be done, and that is to propose it as a resolution of ratification itself, and see whether or not it can command a two-thirds vote. I think that is the only way out of it.

Mr. SMITH of Georgia. If we were, by unanimous consent, considering a resolution of ratification in Committee of the

Whole, could it not be proposed in Committee of the Whole, and could not the status of the Senate with reference to such a resolution there be tested?

Mr. UNDERWOOD. As I said a while ago, I have no objection to considering the resolution of ratification, if you want to do it by unanimous consent, either in Committee of the Whole or in the Senate. That is immaterial. But whether it is in Committee of the Whole or in the Senate, I want the rules of orderly procedure conformed to and carried out, in order that we may know at all times our status and our rights in these matters.

I think, Mr. President, that we might as well recognize that we are up against this proposition, in my judgment, that the Senator from Massachusetts and those who agree with him will ultimately propose a resolution of ratification that meets their conclusions, which in all human probability will not command a two-thirds vote in the Senate. When that is defeated, undoubtedly a resolution of ratification without reservations, unless some other resolution of ratification preceded it, will be offered. As to whether that can command a two-thirds vote I do not know and I do not predict. If it does, the treaty is ratified. If it does not, then the treaty will still be before the Senate, and we will have reached a status where those who believe in unconditional ratification will know that we can not have our way, and those who are proposing drastic amendments or reservations will know that they can not have their way, and then the question as to whether the Senate and the President can reach a compromise by which the treaty can be agreed to, that will be acknowledged by the European powers, or whether it will be necessary to finally reject it and open further negotiations with Germany, can be considered and voted on. But it is simply idle to waste days and hours, weeks and months, in the continuation of this debate about matters that we know must come to this final conclusion, this final test of a vote on these two questions.

I therefore think that the wise thing for the Senate to do is not to disturb the parliamentary situation, which is a question for the Chair to decide, but is to limit this debate and bring the resolution of the Senator from Massachusetts to a vote. If he wins, he has accomplished his object. If he loses, then the other issue comes before the Senate for its decision. We will make progress, and we will meet the wishes of the country.

Mr. LODGE. Mr. President, if the Senator wants to make progress, why does he not ask unanimous consent to take a vote on an unconditional ratification of the treaty now?

Mr. UNDERWOOD. I will.

Mr. LODGE. All right.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent——

Mr. HITCHCOCK. That can not be done in Committee of the Whole. It must be considered in the Senate.

Mr. LODGE. Oh, yes; by unanimous consent we can do anything. [Laughter in the galleries.]

The VICE PRESIDENT. There will be order in the galleries. This violation of the rules will not be allowed to continue. The occupants of the galleries have been notified to keep quiet, and I call on the doorkeepers to remove the men who do not obey the rules of the Senate. The doorkeepers know who they are.

Mr. UNDERWOOD. Mr. President, I am not assuming to lead on this side, because this side has been ably and well represented by the distinguished Senator from Nebraska [Mr. HITCHCOCK], and I make no proposal coming from this side that does not meet with his approval. I recognize that a resolution of unconditional ratification coming at this time does not come with the force that it would have after the resolution of the Senator from Massachusetts is defeated.

Mr. LODGE. Then I understand the Senator objects?

Mr. UNDERWOOD. No; I do not. I am not going to object. If the Senator will bear his soul in patience, I will give Senators on the other side a chance to object. I realize that such a request will not be as forceful as it would be if coming after the Senator's resolution is defeated. But I also realize that this is no child's play; that this is no hour in which we can stand on technicalities. The great duty we owe to this country is to act on this treaty one way or the other, solve the issue, and bring the question before us to a vote.

Therefore, Mr. President, accepting the proposition of the Senator from Massachusetts, I ask unanimous consent that the leader on this side of the Chamber, the Senator from Nebraska [Mr. HITCHCOCK], may have unanimous consent to propose at this time a resolution of unconditional ratification for the consideration of the Senate.

The VICE PRESIDENT. Is there any objection?

Mr. HITCHCOCK. Mr. President, I have been waiting to propose a unanimous-consent agreement myself, and I shall carry out the purpose I have had.

The offer which is made by the Senator from Massachusetts [Mr. LODGE] is recognized to be extraordinary. All the precedents of the Senate indicate that reservations are not considered in Committee of the Whole, but are considered in the Senate. So far as I know, there has been, perhaps, no exception, and certainly there have been few, in which the Committee of the Whole has done anything more than read the treaty and consider proposed amendments to it. The rules require that when that proceeding has been finished by the Senate as in Committee of the Whole, the Committee of the Whole reports the treaty to the Senate, and all that the Senate does when it is so reported is to consider a resolution of ratification.

There are many precedents for saying that the Senate is at perfect liberty, while considering a resolution of ratification, to consider reservations, interpretations, and qualifications, and it seems to me that that is the orderly proceeding to take in this case. But if the Senator from Massachusets fears that some advantage may be taken or some advantage lost by considering it in that way, I suggest a unanimous-consent agreement in advance, so that he may know, and all Senators may know, that the Senate will be just as free, sitting as the Senate, to consider a resolution of ratification with reservations, with qualifications, and with interpretations, as it might be to consider reservations or qualifications or interpretations in Committee of the Whole.

The unanimous-consent agreement which I suggest is this, that it shall be in order, when the Committee of the Whole reports the treaty to the Senate, to offer resolution of ratification with or without reservations, interpretations, or qualifications, and any Senator may demand a separate vote on any reservation, interpretation, or qualification. Any pending resolution and any pending reservation, interpretation, or qualification, shall be open to amendment or substitute.

Mr. LODGE. There is no need of unanimous consent. That is the rule now. All that can be done without unanimous consent. Of course, you can offer a substitute for anything before the final vote is taken.

Mr. HITCHCOCK. Then, if that is perfectly understood, there certainly can be no reason why the Senate should not at this time pursue the ordinary course as in Committee of the Whole and report the treaty to the Senate. Therefore, I move that the Committee of the Whole now report the treaty to the Senate.

Mr. LODGE. That is a wholly different proposition. Is the Senator ready to vote now on the treaty without any amendment or reservation? That is the only question.

Mr. HITCHCOCK. I am ready to vote on it as soon as we get into the Senate.

Mr. LODGE. No; is the Senator ready to vote now on it without any reservations or conditions attached?

Mr. HITCHCOCK. Just as soon as it is reported to the Senate in an orderly way.

Mr. LODGE. No unanimous consent will take it out of the Committee of the Whole. The Senator need not worry about it. The unanimous consent is a plain proposition to vote on it unconditionally. Is that the Senator's request? If it is, I will not object to it, but I am not going to agree to a lot of stuff about the rules.

Mr. HITCHCOCK. I have made this suggestion for unanimous consent in perfect good faith. There is no advantage to be taken on either side in conducting this matter in the ordinary way. The Senator from Massachusetts is endeavoring to do it in an extraordinary and unusual way, contrary to the precedents of the Senate, and when I suggested to him a few moments ago that it should be taken up in the Senate by unanimous consent, the Senator from Massachusetts intimated he feared some advantage would be taken of the situation.

Mr. CURTIS. Mr. President, is not the proposition submitted by the Senator from Nebraska exactly the same proposition as that submitted by the Senator from Alabama?

Mr. UNDERWOOD. I will say that it is. I hope the Senator from Nebraska will allow the Senate to pass on the question of the unexpected offer coming from the Senator from Massachusetts. Of course, it is unusual to pass on a resolution of ratification in Committee of the Whole, but it undoubtedly can be done by unanimous consent.

There are many of us who for months have sat here to sustain the President and demand an honest vote on the question of whether he should be sustained. We thought we might have to battle to get that position. There may be some technical advantage in postponing that vote, but I think the country is entitled to vote as to whether we will ratify

unconditionally. Senators are entitled to take a position before the country for unconditional ratification or not, and when that vote is taken it will clear the atmosphere, I think, to a large extent. I sincerely hope the Senator from Nebraska will allow us to take that vote on his own resolution of ratification.

Mr. HITCHCOCK. I should prefer to have my unanimous-consent agreement assented to by the Senator from Massachusetts, but failing that, I move that the Senate advise and consent to the ratification of the treaty of peace now pending before the Senate, and on that I demand the yeas and nays.

Mr. LODGE. The Senator should ask unanimous consent. Of course, it is out of order without unanimous consent.

Mr. HITCHCOCK. I ask unanimous consent.

Mr. LODGE. I make no objection to unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Reserving the right to object, it is understood that if the treaty fails of ratification by that vote, it leaves it exactly where it was before the vote was taken?

Mr. UNDERWOOD. Undoubtedly.

Mr. McCUMBER. I hope we will all agree to that.

Mr. HITCHCOCK. Do I get unanimous consent?

Mr. McCORMICK. Reserving the right to object, what was the inquiry of the Senator from Wisconsin [Mr. LENROOT] and what was the reply thereto, and is its effect binding and conclusive?

Mr. LENROOT. To make it clear, I will ask the Senator from Nebraska [Mr. HITCHCOCK] if he will not incorporate in his unanimous-consent agreement that in case of failure to ratify the treaty shall be at the same stage as if the vote had not been taken.

Mr. McCUMBER. That is all right.

Mr. HITCHCOCK. I see no objection to that. That is my theory of this matter. I think if the resolution of ratification fails to receive a two-thirds vote it leaves the treaty right where it has been.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Nebraska [Mr. HITCHCOCK] asks unanimous consent that the Senate may proceed at once to vote upon the following resolution:

Resolved, That the Senate advise and consent to the ratification of the treaty of peace with Germany signed at Versailles, France, June 28, 1919.

The VICE PRESIDENT. There should be included the words "*Provided*, That if the treaty shall fail of ratification it shall occupy the same position in the proceedings of the Senate that it occupied before the vote was taken."

Mr. HITCHCOCK. I assent to that. Has unanimous consent been given?

The VICE PRESIDENT. It has not.

Mr. FALL. It has not.

The VICE PRESIDENT. Is there objection?

Mr. FALL. Mr. President, of course, I have my views upon this entire subject, and some of them have been expressed, as vigorously as I knew how, prior to this time. I do not believe that this subject can be treated in the way that is now proposed. I believe that if the vote is taken as proposed, and two-thirds do not vote for the ratification resolution, the treaty is dead forever, and I can not consent, by my silence, to any other construction.

The VICE PRESIDENT. That is an objection, then?

Mr. FALL. I think that we all are considerably at sea in the matter of the treatment of the treaty and the rules applying, and if I may trespass upon the time of the Senate for a few moments, I will express my views upon the subject.

In the matter of the treaty, while it is treated by this body in a legislative way, the Senate itself is taking part in the passage of executive duties in advising and consenting to the ratification of the treaty. It is not a legislative act in that sense. The rules are perfectly clear as to the procedure which should be followed. The general rules or the general parliamentary rules do not apply in the treatment of this subject.

The rule is to me perfectly plain. The rule provides that we shall consider the treaty in the Committee of the Whole, and amendments; that we shall then go into the Senate, and that the only motion there is, Shall the action of the Committee of the Whole be concurred in or not?

That is the rule when we get into the Senate. If concurred in, the resolution of ratification is then formed, and you are not amending a resolution of ratification. You are now preparing a resolution of ratification by amendments, if you adopt them, whether you call them reservations or not. In the parliamentary treatment of these reservations, irrespective of their diplomatic effect, if the Senators can see anything in them, irrespective of how they may be treated diplomatically, in parliamentary treatment or legislative treatment in this body, they are considered exactly as amendments; and upon the action of the Committee of the Whole in adopting the amendments, whether you call them reservations or whether you call them amendments, depends the form of the resolution of ratification.

No action has been taken upon the pending amendments whatsoever, or at least unanimous consent is asked in Committee of the Whole, which is entirely out of order, unknown to the rules at all, unless it were submitted in the form of the formation of a resolution of ratification. If the Senator were to offer it as a form of resolution of ratification to be reported and adopted by the Senate, he might have some ground there for a motion or for a unanimous consent for such request, but to have a vote upon what he chooses to introduce here now in Committee of the Whole as a resolution of ratification or a reservation and if that fails of passage then we are back in the same position we are now occupying is, to my mind, extremely ridiculous. We are playing with the entire subject.

If Senators desire to go on record for the unreserved ratification of the treaty, if they desire to express themselves, let them rise here and so express themselves. It will go into the RECORD. There is no necessity for violating all the rules of the Senate in an endeavor to do the thing in this indirect way. I have no objection whatsoever to a vote being taken, but I want it understood distinctly that I do object to any unanimous consent which would put the matter back in the same position as it was before the vote is taken. If you support it, and if you vote upon your resolution of ratification simply to test the matter, I think you would be exactly where you are by your reservations now. It is child's play; it is unknown to the rules.

The Senate is in Committee of the Whole. If you are in good faith, if Senators on the other side of the Chamber are in good faith, then move that the committee now rise, go into the Senate, and report the resolution of ratification without any reservations, and that you will then go back into the Committee of the Whole for treatment of this matter exactly as you have it.

I have no objection to your taking a test vote for the benefit of posterity. That is all it is. I have no possible objection to that, but I do object to undertaking to tie the Senate in any manner whatsoever to any such doctrine as has been announced in this request.

Mr. SMOOT. May I ask the Senator a question?

Mr. UNDERWOOD. Do I understand the request is objected to?

The VICE PRESIDENT. It is.

Mr. FALL. As formed, it is objected to.

Mr. UNDERWOOD. In what form would the Senator consent to its going through?

Mr. FALL. What is the Senator's purpose, to stay in Committee of the Whole or to go into the Senate?

Mr. UNDERWOOD. So far as I am concerned, my only purpose is to have an unqualified vote on the ratification of the treaty, without amendment or reservation.

Mr. FALL. And that vote can only be taken in the Senate.

Mr. UNDERWOOD. It can be taken anywhere by unanimous consent.

Mr. FALL. No; it can not be.

Mr. UNDERWOOD. It can be taken anywhere by unanimous consent, but I am willing——

Mr. FALL. It can be taken, of course, but it would have no effect if taken in Committee of the Whole, but it will have effect if we go into the Senate. If the Senator will move to go into the Senate, I shall make no objection.

Mr. UNDERWOOD. I ask to amend the request for unanimous consent so as to read "in the Senate." We can go into the Senate by unanimous consent. Of course, we will agree to come out if the motion is not agreed to in the Senate.

The VICE PRESIDENT. Is there objection to that request?

Mr. FALL. In not insisting upon my objection to the request for unanimous consent I am for the first time since I have been a Member of this body knowingly and willfully stultifying myself as a Senator.

Mr. LENROOT. Mr. President, I rise to a parliamentary inquiry. I ask that the unanimous-consent request as modified be now stated.

The VICE PRESIDENT. The Secretary will state it.

The Secretary read as follows:

It is agreed by unanimous consent that the Senate shall immediately pass to the parliamentary stage of the Senate and will vote therein upon the following resolution:

Resolved, That the Senate advise and consent to the ratification of the treaty of peace with Germany, signed at Versailles, France, June 28, 1919——

Mr. LODGE. Mr. President, there should be inserted in the resolution the words "two-thirds of the Senators present and voting concurring therein."

Mr. UNDERWOOD. Undoubtedly that should be done.

The VICE PRESIDENT. The Chair will decide that it is not a thing the Chair can do.

Mr. LODGE. I am only giving the universal form of ratification resolutions; that is all.

The VICE PRESIDENT. The Secretary will insert the words suggested by the Senator from Massachusetts.

The Secretary read as follows:

It is further agreed that if the treaty shall fail of ratification, it shall occupy the same position in the proceedings of the Senate that it occupied before the vote was taken.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Before the words "of the Senate," as stated by the Secretary, there should be inserted the words "as in Committee of the Whole." When the treaty goes back, it goes back to the Committee of the Whole.

The VICE PRESIDENT. Is there objection?

Mr. GORE. I should like to hear the proposed agreement again stated.

The VICE PRESIDENT. The agreement will be again stated.

The proposed agreement as finally perfected was read by the Secretary, as follows:

It is agreed by unanimous consent that the Senate shall immediately pass to the parliamentary stage of the Senate and will vote therein upon the following resolution:

Resolved (two-thirds of the Senators present and voting concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany signed at Versailles, France, June 28, 1919; and, further, that if the treaty shall fail of ratification it shall immediately be returned to the parliamentary stage of the Committee of the Whole.

Mr. JONES of Washington. I object.

Mr. HITCHCOCK. I move that the treaty be reported to the Senate.

Mr. LODGE. Mr. President, I have made a motion which, I think, has to be disposed of.

The VICE PRESIDENT. Did the Senator from Alabama [Mr. UNDERWOOD] raise the point of order that the resolutions were not in order in Committee of the Whole?

Mr. UNDERWOOD. I raised the point of order that if they were offered as reservations they were not in order. I do not know whether they are offered as amendments or reservations.

Mr. LODGE. They are offered as reservations.

Mr. UNDERWOOD. Then, I make the point of order that they are not in order.

The VICE PRESIDENT. The presiding officer at best only makes a ruling that enables an appeal to be taken and states a question that the Senate will ultimately decide. Hitherto the Senate on many important questions has construed the rules to meet the exigencies of the occasion as the Chair looked at the rules.

The rules of the Senate provide that this treaty shall be first considered in Committee of the Whole; be amended, if desired by a majority of the Senators; be then reported to the Senate, the question there being, Shall the Senate concur in the amendments made in the Committee of the Whole? Then it is amendable in the Senate. When all the proceedings are through the decisions are to be reduced to the form of a resolution of ratification, with or without amendments, as the case may be.

If treaties and the constitutional right of the Senate to advise and consent to the making of them are to be governed by a strict construction of the rules and if it were a matter of first impression, the Chair would be compelled to hold that if there were no amendments made in the Committee of the Whole or in the Senate there could be no form of resolution of ratification other than one providing for a straight ratification of the treaty; but that is in direct violation of the uniform practice of the Senate of the United States.

Reservations, interpretations, and exceptions have gone into many treaties. Some of them have been published in a Senate document, and it is not needful to refer to them.

The Chair may be pardoned for saying one thing which perhaps is not pertinent to the determination of this question. This is the most important treaty that ever was presented to the Senate of the United States. It involves far-reaching consequences to the people of this country and to the people of the world. It took six months to make it; it has taken four months of exhaustive discussion in the Senate up to the present hour to consider it. Recognizing the right of the Senate and realizing that it will exercise that right whether it is agreeable to the Chair or not, the present occupant of the chair is unwilling to make any sort of a technical ruling that will prevent the Senate of the United States from ratifying this treaty either without reservations or with any character of reservations that a majority chooses to put into the resolution of ratification. The Chair is unwilling to construe the rules in so strict and narrow a way that the treaty may be pigeon-holed or hung up by such narrow construction.

The Chair is going to hold that a majority of the Senate can present whatever it pleases to the Senate in the way of reservations or interpretations, and the Chair thinks that these reservations, as they are called, ought to be considered as in Committee of the Whole in justice to certain Senators of the United States who have been voting against amendments to the treaty, with statements made that they voted against the amendments because they thought they could preserve their views by way of reservation and interpretation. The Chair is unwilling to rule that they shall be put in the position of waiting until the resolution of ratification is presented and then finding themselves confronted with the necessity of voting for a resolution of ratification which contains reservations that do not meet with their views upon the question.

The whole conduct of this treaty since it came into the Senate by the Senate itself impels the Chair to rule that reservations are in order in the Committee of the Whole, to the end that Senators who have voted against amendments may have the opportunity of again presenting the amendments and voting upon them in the Senate if the reservations adopted in the Committee of the Whole are not satisfactory to such Senators. The Chair accordingly overrules the point of order.

Mr. LODGE obtained the floor.

Mr. JONES of Washington. Will the Senator yield to me for just a moment?

Mr. LODGE. I yield.

Mr. JONES of Washington. I objected to the request for unanimous consent a while ago very largely for the reasons the Chair has just stated as the basis of his ruling, of which I heartily approve.

Mr. LODGE. Mr. President, I now, after some interruption, renew the motion which I made two hours ago. I move the adoption of the following conditions and reservations to be incorporated in the resolution of ratification. I have made a modification in the condition which is numbered 1, in regard to making the reservations and understandings a part of the conditional resolution of ratification, by inserting at the proper place the words "by an exchange of notes." I have also made, as Senators will see if they compare it with the print, one or two further changes that are of no importance. I shall ask for a vote on each paragraph separately after they have been read. I think they had all better be read first, so as to go into the RECORD, and then I shall ask to take up the first one for consideration.

Mr. NORRIS. Mr. President, will not the Senator ask that they be also printed in the form of a bill?

Mr. LODGE. Yes; I ask that they be printed in bill form, as read by the Secretary, for the use of the Senate to-morrow.

Mr. McCUMBER. Mr. President, I understand that there is also submitted with these reservations a preamble, which is submitted for adoption as well as the several numbered reservations.

Mr. LODGE. I mentioned that, but I referred to it as conditions. It is generally called, and miscalled, a preamble. Of course a preamble always precedes, and never follows, the enacting clause. It is really a declaration of conditions of ratification, that has been called commonly the preamble.

Mr. McCUMBER. The point I wanted to ascertain was whether or not the Senator, in asking for a vote upon each of these separately numbered reservations, would also ask for a vote upon what is commonly designated a preamble.

Mr. LODGE. Yes; I certainly shall, and it is numbered I in what I have sent to the desk.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The following conditions and reservations are proposed, to be incorporated in the resolution of ratification:

"1. The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

"2. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

"3. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress,

which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

"4. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

"5. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

"6. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which, in the judgment of the United States, depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

"7. The United States withholds its assent to articles 156, 157, and 158 and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

"8. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations and may, in its discretion, provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof, and for the appointment of members of said commissions, committees, tribunals, courts, councils or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences, except with the approval of the Senate of the United States.

"9. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

"10. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

"11. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

"12. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

"13. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

"14. The United States declines to accept as trustee or in her own right any interest in or any responsibility for the government or disposition of the overseas possessions of Germany, her rights and titles to which Germany renounces to the principal allied and associated powers under articles 119 to 127, inclusive.

"15. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power."

Mr. LODGE. Mr. President, I now ask to take up for action paragraph No. 1. When I made my motion, I moved them all as the report of the committee, and I gave notice that I should ask for a vote on each paragraph. I now ask for a vote on the first paragraph.

The PRESIDENT pro tempore. The Chair is of the opinion that any Senator has a right to a division.

Mr. JOHNSON of California. Mr. President, I ask permission to present reservations, in order that they may be printed and put upon the desks of Senators in the morning.

The PRESIDENT pro tempore. That action will be taken.

The reservations are as follows:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the league of nations and the treaty to the contrary notwithstanding:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league, the United States shall have representatives in the council and assembly, and in any labor conference or organization under the league or treaty, numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in such council and assembly of the league and labor conference or organization under the league or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the council and assembly, and in any labor conference or organization under the league or treaty, numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies and parts of empire are entitled.

Whenever a case referred to the council or assembly involves a dispute between the United States and another member of the league whose self-governing dominions or colonies or parts of empire are also represented in the council or assembly, or between the United States and any dominion, colony, or part of any other member of the league, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Whenever the United States is a party to a dispute which is referred to the council or assembly and can not, because a party, vote upon such dispute, any other member of the council or assembly having self-governing dominions or colonies or parts of empire, also members, upon such dispute to which the United States is a party, or upon any phase of the question, shall have and cast for itself and its self-governing dominions and colonies and parts of empires, all together, but one vote.

The PRESIDENT pro tempore. The Secretary will state the first reservation offered by the Senator from Massachusetts on behalf of the committee.

The Secretary read as follows:

1. The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

The PRESIDENT pro tempore. The question is upon the adoption of the reservation.

Mr. THOMAS. Mr. President, before the vote is taken I wish very briefly to outline my reasons for voting against the first reservation.

If I understand that proposal correctly, it imposes a condition upon the principal allied powers whereby our ratification of the treaty is not to become effective until at least three of them shall accept the reservations which it is proposed to insert in our resolution of ratification. That, of course, means that if only two of the principal allied powers shall accept these reservations, the treaty will not be ratified at all. I am opposed, Mr. President, to imposing conditions upon the allied powers in our resolution of ratification. I do not pretend to be entirely familiar with the effect of a reservation in a resolution of ratification. But generally speaking, my understanding is that it differs from an amendment in that it may be accepted by acquiescence or otherwise by the other treaty-making or signatory powers; and that is as it should be.

Our exercise of the right to determine the conditions of ratification is a right the interference with which by any other nation we would resent, and I am inclined to think that if a resolution of ratification by one of the principal allied powers containing a similar preamble or condition should be laid before the Senate by the President, we would not regard it with equanimity. It would seem to dictate, or to be an announcement which would be the equivalent of, "Take it or leave it as you may determine; but unless it is taken with the condition the treaty will fail of ratification."

I do not believe, Mr. President, if we have the right, which may be conceded for the sake of argument, to attach such a condition to a resolution of ratification, that it consists with the comity and courtesy which should at all times prevail in the intercourse of nations with each other, and especially in reference to agreeing upon covenants which are to have the force of international law.

I prefer, therefore, Mr. President, that the reservations should be made in the ordinary course, and that the resolution of ratification should be silent on such a condition. If it be true that reservations do not require the affirmative action of the other signatory powers, but become a part of the treaty unless they are expressly rejected, then certainly these conditions are not necessary. If it be true that we are willing to accept the treaty with certain reservations, let us insert those reservations without adding any conditions whatever.

I am not concerned whether Great Britain or France or Italy or Japan shall act upon a condition or an alternative placed before them. What I am concerned with, and only concerned with, are such reservations as seem to me to be absolutely essential for the protection of the United States.

To my mind it is plain, and if I am mistaken I want to be corrected, that with the conditions set forth in the first so-called reservation as a part of the resolution of ratification, there can be no treaty, there can be no ratification, except by a compliance with the conditions which we have sought to impose upon other sovereign nations.

I shall for these reasons, Mr. President, vote against the first proposition.

Mr. LODGE. Mr. President, a similar provision asking for the acceptance of a reservation was adopted by the United States in the case of the cession of the Danish Islands. In the treaty with Denmark we inserted a reservation relating to the established church, which was a necessary reservation. We required that we should have the acceptance of that reservation by Denmark before the treaty became effective. The notes were exchanged as set forth in the President's proclamation. I have the President's proclamation here, which gives the whole thing. After stating the reservation in the proclamation, it says:

And whereas it was further provided in the said resolution "That the Senate advises and consents to the ratification of the said convention on condition that the attitude of the United States in this particular, as set forth in the above proviso, be made the subject of an exchange of notes between the Governments of the two high contracting parties, so as to make it plain that this condition is understood and accepted by the two Governments, the purpose hereof being to bring the said convention clearly within the constitutional powers of the United States * * *";

And whereas this condition has been fulfilled by notes exchanged between the two high contracting parties on January 3, 1917;

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the 17th day of January 1917:

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said convention to be made public—

And so forth.

There is, therefore, nothing new in this.

Mr. THOMAS. But, Mr. President, does not the Senator think there should be a distinction between a treaty which amounts to nothing more nor less than a contract between two nations for the purchase of territory, and a treaty like this, which involves nearly every subject under the sun, and which is designed as a treaty of peace to close the World War?

Mr. LODGE. I see no distinction whatever in principle. If we can make such a reservation to one power we can make it to others, and I do not see how by any ingenuity there can be found to be anything rude in asking for an exchange of notes. Of course, every one of these reservations, if they are adopted, is open to objection by the other signatories. The effect of this exchange of notes with three of the principal allied and associated powers would simply be to expedite the acceptance of the treaty. If they accept it, we need not fear objection from the others. The treaty would come into effect at once, and there would be no misunderstandings, which are to be avoided, in my judgment; and it seems to me a wise and necessary provision.

I can not understand the idea that there is anything rude in asking in a negotiation that powers should accept a reservation. I think this treaty is rather too important for us to consider questions of etiquette and manners. But there is no question of etiquette and manners here. It has been done before without any objection whatever. How could anybody take offense at it? I can not see the force of that objection. On the other hand, I think it is distinctly promotive of a prompt and good understanding. We are following precisely the precedent we ourselves set in the Danish treaty.

Mr. McCUMBER. Mr. President, we are following to some extent the precedent established in the Danish treaty. We are not following to any extent the precedent established in any other treaty, so far as I can understand. This same matter was up before the Committee on Foreign Relations, not exactly in the same form in which it appears before the Senate at the present time, but in a form that meant precisely the same thing, and I wish to read from the reservations which have been printed, and which were first presented by the chairman of the Committee on Foreign Relations. I expect to show, Mr. President, that there is a vice in this request for a formal acceptance that Senators have not probably given full consideration. As it appeared before the Committee on Foreign Relations, this is the way the preamble, which is now No. 1 of the reservations, read:

The committee also report the following reservations and understandings to be made a part and a conditon of the resolution of ratification, which ratification is not to take effect or bind the United States until the said following reservations and understandings have been accepted as a part and a condition of said instrument of ratification by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan.

When this matter was before the Committee on Foreign Relations, I moved to strike out all after the word "ratification," which would include "which ratification is not to take effect or bind the United States" until these other powers shall formally accept our several reservations.

Mr. President, I again move to strike from No. 1 of the reservations all after the words "resolution of ratification." As I have not before me the original as it is now presented, I can not give the lines.

But, Mr. President, the preamble, or the introductory reservation, would then read:

The committee also report the following reservations and understandings to be made a part and a condition of the resolution of ratification.

So far, Mr. President, as this country is concerned, these retained words answer every possible legitimate purpose. They make it clear that the reservations are to be made a part and a condition of the resolution of ratification. To the extent that these reservations relieve the United States from any obligation under the compact, that compact is, in effect, modified so far as the United States is concerned. It is an amendment of the treaty so far as the United States is concerned. While it binds others, it binds us only to the extent by which we have bound ourselves in the acceptance of any particular article, and when we file our acceptance of this treaty, with its reservations, we make the reservations a part of the treaty, and every other nation must take cognizance of them whether we say another word or whether we ask them to do anything else. These reservations are just as much a part of this treaty as though they had been written into the body of the instrument in the first instance. No Senator, therefore, who seeks to compel other countries to any formal declaration of consent to these reservations would have the audacity to claim that such an acceptance is necessary to give validity or effect to our reservations. It is not necessary.

They know, as everyone knows, that if our acceptance is a qualified one, we have modified it in so far as our interests are concerned to the extent of the qualification, and every other party to the treaty must take cognizance of the extent to which we have bound ourselves and the extent to which we have freed ourselves from any one of the obligations or the provisions of the treaty.

I believe that not a single supporter of this preamble, in the form proposed by the committee, would ever contend upon the floor of the Senate or elsewhere that the failure of any or the failure of all of these other nations to the treaty, these parties to the contract, to formally declare their acquiescence in it in any possible way would in the slightest degree detract from their effectiveness.

It is worse, then, than idle to say that this is proposed to the end that there shall be no misunderstanding in the future. It is deceptive of the real purpose of the provisions. This resolution of reservation, with its conditions and qualifications, as I have stated, becomes a part of the instrument and will be filed with it, and it will have just exactly the same meaning and be just as binding upon the other powers whether those powers say "Yes" or whether those powers refrain from saying anything. No one in the Senate doubts that.

While we have in one or two instances—and I can only find one in my examination—asked for the acceptance of a reservation from the other party to the contract, it has been only where there has been one party, and only where the question was one of the United States being compelled to notify the other party that under our Constitution we could not adopt a state religion for any islands which we purchased, and we wished them to fully recognize that that could not be done under the Constitution, and therefore we asked an exchange of notes upon that subject.

It is clearly evident, however, Mr. President, that an entirely different purpose, a purpose entirely outside of the necessity for formal acceptance of these reservations, is intended. The very first question that arises in our minds as we read this preamble is this: If assent of other powers is necessary that others should also understand it, why does the preamble limit the formal assent to three out of four? There are 32, I believe, who have signed the treaty. Why, if we want them all to understand it, do we say that three, naming them, out of a certain four shall accept it? If formal assent is necessary, why is it not just as necessary that each and every other party to the compact should give its formal assent, or, taking the first instance, why should we say that it should be done by at least three out of the four? Why not say that it should be done by all of the four instead of three out of the four?

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I yield.

Mr. BRANDEGEE. I think, if the Senator will pardon me, that this very number was arrived at because that is the identical language of the treaty, providing that the treaty itself shall go into full force and effect when ratified by three of the principal powers.

Mr. McCUMBER. But I do not see that that has the slightest thing to do with it.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. Certainly.

Mr. POMERENE. The Senator from Connecticut fails to distinguish as to the character of these different parties. When the provision of three out of four was made in the treaty it related to the peace relations between those three and the common enemy. This provision relates to the status of the four allies themselves and our relation to them.

Mr. McCUMBER. And that is not all. That refers to the entire peace treaty, while this acceptance only refers to our particular reservation.

Mr. NORRIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Nebraska.

Mr. NORRIS. I did not clearly understand the Senator from Ohio, so I may be covering the ground which he has already covered. I am interested in what the Senator from North Dakota is saying and I have been very much in doubt as to what this particular preamble, if you call it such, means. Suppose these reservations were agreed to by Japan, Italy, and France. That would be three. First, would the reservations be in force as to Great Britain?

Mr. McCUMBER. They would not. That is not all; the treaty would not be in force.

Mr. NORRIS. If that is true, it seems to me, since the treaty itself provides that it shall be in force as to three when they have agreed to it, and if it should happen to be a different three, we might have a bad situation. What kind of a dilemma would we be in with the treaty in a situation of that kind?

Mr. McCUMBER. This is an expression of our ratification of the treaty. Now, though the Senate ratifies the treaty, it places it in the hands of another country by its silence to avoid the ratification of the United States. That is the vicious part of it. But I wish to follow the thread of my argument to arrive at what was really intended.

Mr. President, throughout the long discussion of reservations by the Committee on Foreign Relations a majority of that committee have insistently, and I may say also consistently, opposed any wording in the reservation that would give the language of the treaty a construction that would be binding on all members of the treaty. They declared that this was not our purpose, that we were concerned only with the construction which we should apply to the treaty wherever we were concerned, and if other nations were willing to abide by a different construction between themselves, that was their exclusive concern, and it was none of our affair. So we declare in our reservations, "The United States so understands and construes," "the United States reserves to itself," "the United States assumes no obligations," "the United States will not submit," and so forth. We everywhere purposely refrain from either binding or asking any other nation to be bound as between themselves by our reservations.

As there can be no legal necessity for any formal acceptance of our reservations by other powers, there must be some other thought or sentiment responsible for this demand. We do not need to look very far to find it. It has manifested itself in nearly every proposed amendment. Like a gliding serpent, it is now concealed and now revealed throughout all of the different phrases of the reservations prepared by the committee.

It is the sentiment of malice, of hatred toward the covenant, which is so great that it irresistibly seeks to vent itself upon the wounded and bleeding nations, who, in their anguish and misery beyond description, have sought by this instrument to prevent a recurrence of such an awful tragedy to their country.

We have not been satisfied to demand special rights and privileges. We have demanded them in words of haughtiness and abruptness and inconsiderateness that could not but leave a sting.

Harsh and stern as were the terms necessarily imposed upon Germany by this treaty, the language of the victor toward the vanquished was far more considerate and moderate than that often used to evidence our dissent from features of the treaty prepared by our own envoys in conjunction with those of other friendly powers.

Now, undoubtedly the hardest clause of this treaty and the one most repugnant to the sensitiveness and the pride of the German envoys was that which compelled them to publicly declare and accept for their country the sole responsibility for this ungodly war and all the loss and damage resulting therefrom, which exacted from them a plea of guilty of all of the offenses and all of the atrocities they committed in this sanguinary conflict. Yet, Mr. President, we and our allies deemed this admission necessary and proper not only as a justification, but as a basis for assessing damages against the German Empire and her allies.

There, however, we were dealing with an enemy whose conduct during the war had been most cruel and shocking. Recognizing bitterness on the part of those who suffered from those atrocities, it was most natural that language should be firm and should be even dictatorial.

But in this treaty we are dealing with our allies, with those whom we called friends as long as they were fighting our battle with us, those who not only fought with us but did most of the fighting, most of the dying, most of the suffering in defense of a great world principle, in a war which we acknowledged was, in its ultimate possibilities, as much our war as it was the war of any other country. Now, why should we treat them as a hated enemy?

If we must insist upon rights and privileges on our part which are not accorded other nations, if we must compel all the other members to occupy a position of inferiority, if, in order to secure our consent to this league of nations, it is necessary for them to surrender their own equality, why should we seek to make them come out publicly and openly and make acknowledgment that in their dire distress, so impoverished by this war that they dare not contemplate the possibility of another, they are compelled to acknowledge that our support of the league to prevent its recurrence could only be purchased by conceding to us special rights and special privileges?

If it is not necessary, why should we seek any exultant joy in compelling them publicly to swallow their bitter pill? I confess I can not understand this spirit.

Article 10 of the treaty imposes a moral obligation upon every member of the compact to protect the territorial integrity and political independence of every other member from external aggression. By our second reservation we excuse ourselves from such obligation unless our Congress in its wisdom should so declare when the occasion arises. That is probably one of the most important obligations to be found in the league of nations provisions. We hold ourselves aloof from these other nations. They are bound to come to the defense of any other nation whose territory is invaded for an aggressive purpose by any other nation, but under our reservation we are not compelled to do so.

Again, under the terms of the treaty, while purely domestic concerns are withheld from consideration by either council or assembly, whether the dispute does or does not involve an international matter, must, under the treaty, necessarily in the end be decided by the council or assembly. In other words, if a controversy arises as to whether a question is a domestic or an international question, the council or the assembly must, under the treaty as it now stands, determine that question. But by the fourth reservation we can hold ourselves superior to those rules which would govern other members of the compact and reserve to ourselves exclusively the right to decide what questions are within our domestic jurisdiction and what questions are without it. The same thing is true in respect to the Monroe doctrine. While the treaty excepts the Monroe doctrine from consideration, questions might naturally arise whether a dispute would fall within the scope of the Monroe doctrine, and that would necessarily require a decision by the council or the assembly as to what the Monroe doctrine is. But here again we place ourselves above and superior to our copartners in this world league and maintain that the United States is to be the sole judge whether a matter falls within the Monroe doctrine.

I am not claiming that that is not as it should be; but what I am insisting upon is that we hold a position superior to that of the other nations in that respect, and necessarily place them in an inferior position before this brotherhood of great nations.

Mr. President, there are numerous other provisions in our reservations which reserve to ourselves rights and privileges not accorded other members of the league. Such special privileges, of course, destroy the equality principle in the league of nations. The other nations, dealing with each other with entire equality, granting and reserving no privilege that is not granted or reserved to others, must necessarily feel a degree of chagrin if not of resentment at our assumed superiority. But, measuring the benefits which they hope to secure by this agreement and recognizing that they have been nearly bankrupted by this war, they will undoubtedly bow their pride and acquiesce in the conditions we impose. Under those circumstances ought we not to exhibit a spirit of generosity? That is all. Ought we not to be just a little considerate of those countries and at least allow them the right of silent acquiescence, which we have allowed in every other treaty where we have made reservations, except, possibly, the one with reference to the Danish Islands?

There have been a number of occasions in our own history when a President has found it necessary either to allow a bill

to become a law without his signature or to veto it. Often a President may find in a bill that which is repugnant to his idea of right and justice, but he may find other things in the bill which are absolutely necessary for the carrying on of governmental functions, as, for instance, in the case of bills to raise revenue and appropriations bills. He does not wish to give his adherence to the one objectionable provision, and, therefore, he allows the bill to become a law by acquiescence, by allowing it to remain for 10 days without putting his signature to it. I can recall the case of a revenue bill having been so treated by President Cleveland, and other similar cases might be cited.

Do you not think, Mr. President, that the least we can do, if we adopt these reservations, is to allow the other countries to acquiesce in our construction and our special privileges, without an attempt to "rub it in," for that is really all there is in this?

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield.

Mr. SMITH of Georgia. Has the Senator from North Dakota explained just what he considers will amount to acquiescence?

Mr. McCUMBER. Anything which is done under the treaty, any action taken under it by the other powers, the appointment of commissions, the making of no objection whatever; their silence would be equivalent to acquiescence. We have again and again ratified treaties in which we have made special reservations, and no exchange of notes has passed between us and other nations.

Mr. SMITH of Georgia. If they should be notified by our Government of these reservations and yet made no objection, the Senator would consider that an acquiescence?

Mr. McCUMBER. Certainly; and they would be bound by the treaty. They will make no objections, because they can not make objections. I do not think, as some Senators believe, that the treaty would go back to the peace conference if we leave it in that way; and I prefer to leave it in that way. If the Senator from Georgia and myself have such relations between us that he is in a position to exact from me conditions which he knows place me in an inferior position to himself, as a considerate gentleman he would allow me at least to accept his proposal without compelling me to come out and acknowledge that he is my superior and that I must under the exigencies of the case accord to him superior rights.

Mr. SMITH of Georgia. But the Senator would have in the resolution of ratification a provision that the provisos shall become a part of such ratification?

Mr. McCUMBER. Certainly. I leave that in.

Mr. SMITH of Georgia. So that the ratification would not be binding except with the provisos?

Mr. McCUMBER. Oh, yes; they become a part of the treaty; there is no question about that. I leave in the first reservation these words:

> The committee also report the following reservations and understandings to be made a part and a condition of the resolution of ratification.

Mr. SMITH of Georgia. As a condition of such ratification?

Mr. McCUMBER. It is a condition of the ratification. All the reservations are a condition of the ratification. In other words, we ratify the treaty with these conditions, and therefore they become a part of the ratification and a part of the treaty itself.

While we have been voting down amendments because we wished to avoid further delay and believe we can accomplish everything we seek by proper reservations, we are to be trapped into the same situation by compelling a ratification of the reservations by the other powers. I know that since first written the Senator from Massachusetts [Mr. LODGE] has changed the method of the assent of the other powers by providing that it shall be by a mere exchange of notes, but, after all, it means practically the same thing.

Mr. President, dull indeed must be he who fails to comprehend that there can be no possible difference between compelling a reconsideration to accept particular reservations and compelling a reconsideration by reason of amendments. If the acceptance of these reservations must be had by each nation separately without reconvening the peace conference, then amendments could be dealt with exactly in the same way by each one of the separate nations.

Mr. SMITH of Georgia. Would it interrupt the Senator if I should ask him another question?

Mr. McCUMBER. No; I yield to the Senator.

Mr. SMITH of Georgia. Are not some of the reservations that we contemplate making—at least, some that I contemplate supporting—such as involve entirely our own conduct inside of this country as between the act of the President and the act of Congress? Ought we to call on the foreign nations to express any opinion at all about such a question? Is that not another reason why it is desirable that there should be merely acquiescence rather than formally expressed approval?

Mr. McCUMBER. Yes. I was going to mention that further on, but I can refer to it right now. The reservations provide how we shall appoint members to various committees or commissions and provide that no appointment shall be made until Congress has provided for it by law. That is not a matter of any concern whatever to the other countries; that is our own concern. We should not ask them to acquiesce in our congressional acts or in congressional acts which we propose to provide for in the resolution.

Mr. SMITH of Georgia. Or to formally express approval of them.

Mr. McCUMBER. The other apparent purpose, I say candidly, is to defeat the treaty by this unique process. In other words, we are to ratify the treaty by the United States Senate, and leave a string in the hands of a foreign power to undo what the United States has done. That is exactly what it means. It is a surrender to those who will vote against the treaty. It is a new method of killing the treaty after we have adopted it. Those who have formulated this provision have done so with the hope that any action of the Senate in ratifying this treaty may be undone and the ratification changed into a rejection by us by reason of the failure of certain other nations to accept formally our special reservations.

No one can doubt that. All that can be said in defense of it is that we have only put it in the hands of four powers to set aside our ratification, instead of placing it in the hands of all of them.

The authors of this preamble know that if the sixth one of these reservations, for instance, should pass the Senate, Japan could not and would not formally accept it. That would put Japan out of the case entirely. They understand that, and that is why they use the language that the reservations shall be accepted by three out of the four. They ought to know that it could not possibly be covered up if you said all of them, because they understand as well as any Senator understands that it would be impossible for Japan, if she is a nation to be respected by her own people, to have the United States take from her territory that she obtained through the struggle in this great war, to deprive her of her right of conquest.

That would put Japan out. It would also, in my opinion, put Italy out. Italy to-day is smarting under her failure to secure Fiume; and should she decline openly to vote to give the United States these special privileges, although naturally she would take no steps to negative our action, such nonaction on her part would nullify our acceptance. Now, why should we place in the hands of Italy the power to nullify a ratification by the Senate of the United States?

Or suppose France should say, "While we are so situated that we can not oppose these special privileges and reservations by the United States, and while we will accept them in silence, we can not afford to say to our people, by any positive action or legislation, that we do not come into this league of nations on an equality with the greatest power in it." Any failure on the part of France to acknowledge formally our superior claims would change our acceptance into a rejection, because that is the way the preamble reads.

I can not understand, Mr. President, how any Senator who could vote against amendments, for any of the reasons that have been given for voting against them, can now turn around and vote for this preamble proposition, designed to effectuate the very purpose which by his vote he declared should not be effectuated, namely, the final defeat of this treaty.

There can be no question, Mr. President, as to the meaning of this preamble, because it says "which ratification is not to take effect or bind the United States until the said reservations and understandings" have been accepted as a part and condition of the resolution of ratification by these other powers. The ratification is not to take effect until then. In other words, when we vote for the ratification of this treaty we have not voted for its ratification. We have voted to hold it in abeyance until three out of four other powers shall say that the ratification of the United States Senate shall have effect.

Is it not the most unique proposition that was ever put up to the Senate of the United States—this effort to defeat the solemn ratification of a treaty by putting into the hands of four foreign powers the rope that is to strangle it? I can not vote for that proposition, Mr. President.

Mr. EDGE. Mr. President, I have voted very consistently against all of the amendments that have been proposed to the pending treaty. I have voted against them mainly for two rea-

sons, which I have partially explained from time to time upon the floor of the Senate—one as a matter of expedition in disposing of the treaty; the other, a conviction that the Senate of the United States was primarily concerned when considering the treaty in positively and absolutely protecting the independence and sovereignty of our own country, rather than attempting to rewrite the document which in effect we would be doing by amending it textually, and being unequipped with the information necessary to rewrite it. By an amendment, we attempt to control another's destiny; by a reservation, we are only asserting our own position. But in voting against amendments I have stated, and want to take this opportunity to reiterate, that I do not want any question, so far as my vote is concerned, as to the protection of the independence and sovereignty of our own country; and in considering reservations which are now coming before us I hope the reservations will thoroughly protect this country in the manner that it must be protected.

This is too important a matter, Mr. President, to depend even upon precedent—the precedent that silence means acquiescence. I believe precedent has established that in similar negotiations; but this is not a negotiation between two nations. It is a negotiation or a covenant between practically all of the nations of the world; and, so far as I am concerned, when we adopt reservations—which we will, I am sure, and which we must, so far as my vote for final ratification is concerned—I can see no logical reason why we should not, through a courteous exchange of notes, at least, have those reservations agreed to by a majority of the nations involved.

It seems to me it is a matter that hardly merits argument. If they object or any one of them objects to the reservations we make or to any one of the reservations we make, and will not join with us because of that objection, they certainly must say so. They must reduce it to writing. If they do not object, then there can be no reason in the world why likewise they should not say so.

Therefore, even though silence may be acquiescence, and thus treaty negotiations be understood and their understandings carried out, in a matter so important as this, practically forming a new government, I think we owe it to the people of the United States that when we complete our reservations at least an exchange of notes in agreement from three of the four other powers should be demanded by this country.

I feel, again trying to emphasize my position as I look upon reservations as compared to amendments, that we can not go too far. I will qualify that. I do not mean that we can go so far with reservations as to render impossible a league of nations. I am not prepared for that, because I want to see a league of nations, and I want to see it function, and I want to see the moral influence of this country exerted. As we evaded no responsibility in war, we should not in times of peace. But I believe these reservations should be so positive that we will have an anchor to windward now, so that, when any question is raised, our representative in the league of nations or in the council will be in such a position that the honor of this country will be in no way involved in a position that he may take under our reservations.

This certainly involves no humiliation on the part of our allies. In making our reservations we in no way deny them a like privilege.

Therefore, in a matter so important, I can not conceive how the Senate would be doing its full duty, if a majority of this body agree that reservations shall be made, not to have that frankly and positively understood by an ordinary exchange of diplomatic notes.

Mr. THOMAS. Mr. President, the instance which the Senator from Massachusetts cited a few moments ago in support of the authority of the Government to require an express acquiescence in such reservations as we may attach to our resolution of ratification does not seem to me to be an apposite one. I differ from the Senator from Massachusetts upon subjects of international concern and the exercise of the treaty-making power with a good deal of hesitation, for the Senator's experience and the long time of his service in the Senate of the United States give him the right to speak by authority.

I am unable, however, to perceive the analogy between the imposition of a condition to the ratification of a treaty with one nation, the object of which is to secure territory by purchase, and which partakes, therefore, of a purely commercial nature, and the situation which confronts us in our consideration of such a treaty as this. This is a document prepared by 32 nations on one side and 1 nation on the other, and the condition which this first reservation imposes is not imposed upon Germany, which is the other party to the document, but upon our own allies and associates, with whom we have so far conditionally agreed.

It would seem that the mere statement of such a difference was conclusive of the proposition. But if it is not, then, as was well said by the Senator from North Dakota [Mr. McCUMBER], there can be no logic or consistency in requiring the assent or the ratification of but 3 of these 32 powers as necessary to make our ratification effective. I am unable to perceive why, if any such express assent by one or more of our associates is necessary, it is not more necessary to demand the same assent from Germany.

Had there been other analogies or precedents, I am sure the Senator from Massachusetts [Mr. LODGE] would have given them to the Senate. The fact that there is but one, and that concerning a treaty for the purchase of the Virgin Islands, and the condition being one which our Government deemed essential to the consummation of the purchase, it should stand upon a far different basis morally and in dignity from an agreement like this, which seeks to conserve the common interests of 32 nations in a treaty of peace following the close of the greatest war of history.

I again say, Mr. President, that we should concern and content ourselves with the imposition in our resolution of ratification of every reservation which in our judgment is necessary to safeguard and protect our interests, leaving it to our associate nations to act as they may choose concerning these reservations, and without virtually notifying them in advance that unless a certain number of them accept these reservations there will be no treaty.

RECESS.

Mr. CURTIS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Friday, November 7, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *November 6, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We invoke Thy blessing, Father in heaven, upon all the proceedings of this House, that every question which presents itself may be wisely, justly, amicably disposed of, with perfect urbanity, kindness, and good will among its Members; that the problems disposed of may redound to the good of all and advance the interests of the Commonwealth. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had concurred in the following concurrent resolution:

House concurrent resolution 36.

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and

Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate on vouchers to be signed by the chairman of the House and Senate committees, respectively.

The message also announced that the Senate had passed without amendment H. J. Res. 241, to suspend the requirements of annual assessment work on mining claims during the year 1919.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

PERMISSION TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. ASWELL] be permitted to address the House for 35 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Louisiana [Mr. ASWELL] be permitted to address the House for 35 minutes. Is there objection?

Mr. REAVIS. Mr. Speaker, reserving the right to object, I am advised that there is a matter coming up here that I think is more or less pertinent to what the gentleman from Louisiana desires to talk about. There will be an hour of general debate on a side. Can not the gentleman get in on general debate?

Mr. CLARK of Missouri. He would if somebody over there did not rise up and object to what he was saying and get into a wrangle and waste his time.

Mr. REAVIS. If I understand it correctly, under the rule the general debate will not be confined to the subject matter of the resolution.

Mr. CLARK of Missouri. Does the gentleman object to this?

Mr. REAVIS. Inasmuch as the gentleman from Louisiana can get in under general debate, I object.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to proceed for——

A QUORUM—CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I think we ought to have a quorum here. I make the point of no quorum. If a man on this side of the House can not get a few minutes in which to address the House, I think we ought to get a quorum.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fordney	Luce	Sanders, Ind.
Andrews, Md.	Frear	Lufkin	Sanders, La.
Ashbrook	Fuller, Ill.	McAndrews	Sanders, N. Y.
Baer	Gallivan	McCulloch	Saunders, Va.
Barkley	Gandy	McDuffie	Scully
Bell	Ganly	McKenzie	Sherwood
Benson	Garland	McKeown	Sinclair
Blackmon	Garner	McKinley	Sisson
Boles	Godwin, N. C.	McKinley	Slemp
Booher	Goldfogle	McLane	Smith, N. Y.
Britten	Good	Maher	Snell
Brooks, Pa.	Goodall	Mann, Ill.	Snyder
Brumbaugh	Gould	Mason	Stephens, Miss.
Campbell, Pa.	Griest	Mead	Sullivan
Cantrill	Griffin	Montague	Swope
Carew	Hamill	Mooney	Tague
Carter	Haskell	Moores, Ind.	Taylor, Ark.
Casey	Hawley	Mudd	Taylor, Colo.
Costello	Hill	O'Connell	Thomas
Cullen	Hull, Iowa	Ogden	Tincher
Curry, Calif.	Humphreys	Paige	Tinkham
Davey	Hutchinson	Parker	Towner
Davis, Minn.	Ireland	Peters	Treadway
Dempsey	Johnson, Ky.	Porter	Vare
Dooling	Johnson, S. Dak.	Rainey, H. T.	Voigt
Doremus	Johnston, N. Y.	Rainey, J. W.	Ward
Doughton	Kahn	Ramsey	Webb
Drane	Kendall	Reed, N. Y.	Webster
Dunn	Kennedy, Iowa	Riddick	Welty
Eagan	Kennedy, R. I.	Riordan	White, Me.
Eagle	Kettner	Robsion, Ky.	Wilson, Ill.
Echols	Kincheloe	Rodenberg	Wilson, Pa.
Ferris	LaGuardia	Rogers	Wise
Fess	Langley	Rouse	Woodyard
Fields	Lehlbach	Rowen	Yates
Flood	Little	Sabath	Young, N. Dak.

The SPEAKER. Two hundred and eighty-four Members have answered to their names—a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

SURPLUS ARMY MOTOR VEHICLES.

Mr. KREIDER. Mr. Speaker, by direction of the Committee on Rules, I submit the following resolution from the Committee on Rules and ask that it be agreed to. I ask that the resolution be read.

The SPEAKER. The gentleman from Pennsylvania submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall take up for consideration House resolution 362, being a resolution providing for the distribution and sale of surplus Army motor vehicles; that there shall be two hours of debate on the resolution, one half to be controlled by the gentleman from Nebraska [Mr. REAVIS] and one-half to be controlled by the gentleman from New York [Mr. DONOVAN]; that during the debate it shall be in order to offer amendments which shall be pending; that at the conclusion of the debate the amendments shall be voted upon in the order in which they are offered; that at the conclusion of the voting on said amendments the previous question shall be considered as ordered on the resolution and amendments to final passage, without intervening motion, except one motion to recommit.

Mr. KREIDER. Mr. Speaker, does the gentleman from Tennessee [Mr. GARRETT] desire any time?

Mr. GARRETT. After a few moments I suggest that the gentleman move the previous question; then we shall have 20 minutes on a side.

Mr. BROWNE. Mr. Speaker, reserving the right to object, I will state that I am opposed to this.

Mr. KREIDER. Mr. Speaker, there is no request for time. I move the previous question.

Mr. BROWNE. Mr. Speaker, reserving the right to object——

Mr. KREIDER. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. At what stage would it be permissible to offer amendments to the resolution?

The SPEAKER. It depends on whether the previous question is ordered or not. It would not be in order until it is read, at any rate.

Mr. HARRISON. The resolution provides that amendments must be offered during general debate.

The SPEAKER. The gentleman can not debate it. It depends on whether the previous question is ordered.

Mr. GARRETT. The gentleman from Virginia [Mr. HARRISON] is referring to the resolution that this rule makes in order. This is upon the rule, not upon the resolution.

The SPEAKER. The Chair did not understand the gentleman. That question will not be for the Speaker to decide. That will be for the Chairman of the Committee of the Whole to decide.

Mr. HARRISON. What I want to know is at what time amendments can be offered?

The SPEAKER. That will be for the Chairman of the Committee of the Whole to control.

Mr. EVANS of Montana. At any time during the debate?

The SPEAKER. Upon examining the resolution, the Chair sees that he was mistaken. The resolution does not provide for going into Committee of the Whole. The amendments will be considered according to the rule during the general debate.

Mr. HARRISON. The point I desire to inquire about is whether the resolution is open for any Member of the House to offer amendments, and as to the time when he will have the right to offer them; whether it should be done now or afterwards?

The SPEAKER. Not until after the resolution is adopted.

Mr. KREIDER. I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the adoption of the rule.

The previous question was ordered.

Mr. KREIDER. Mr. Speaker, I do not care to debate the resolution, because it is self-explanatory, and two hours' debate are provided under the rule.

I reserve the remainder of my time.

Mr. GARRETT. Mr. Speaker, in view of the confusion which existed in the House at the time the resolution was read, I think it will be well to state briefly just what it means. There has been reported to the House from the Special Committee on Expenditures in the War Department a resolution which was reported to the full committee by the subcommittee on quartermaster's expenditures presented by the gentleman from Nebraska [Mr. REAVIS], requesting the Secretary of War to send to the State highway commissions those motor vehicles that have been requisitioned for use in road building, and to sell the other vehicles that have been up to this time, and shall hereafter be, declared to be surplus. This is a rule to make the consideration of that resolution in order. The rule provides that there shall be two hours of general debate, one-half to be controlled by the gentleman from Nebraska [Mr. REAVIS] and one-half by the gentleman from New York [Mr. DONOVAN]; that during the general debate amendments to the Reavis resolution may be offered, and that they shall be voted upon at the conclusion of the general debate in the order in which they are offered, and that then the previous question shall be considered as ordered upon the Reavis resolution and all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. WALSH. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WALSH. Is it necessary under this rule that a man shall have time yielded to him in order to offer an amendment?

Mr. GARRETT. That question was asked in the Committee on Rules, and it was thought that it might be done in that way, and that the resolution would be construed to mean that if a Member did not have time yielded to him before the conclusion of the general debate he should have an opportunity to offer amendments before the previous question was voted upon.

Mr. WALSH. Can it be interpreted in that way?

Mr. GARRETT. That was the construction placed upon it by the majority members of the Committee on Rules.

Mr. KITCHIN. Under that construction, could they discuss the amendments?

Mr. GARRETT. No. This is a House resolution. The House will not go into the Committee of the Whole on the state of the Union for the consideration of it. It is a simple House resolution. The minority are not objecting to the consideration of this resolution from the Committee on Rules——

Mr. WALSH. Does not the rule provide that the previous question shall be considered as ordered after two hours?

Mr. GARRETT. No; it provides that after the amendments are disposed of, then the previous question shall be considered as ordered.

Mr. HASTINGS. Is the discussion confined to the resolution in the general debate?

Mr. GARRETT. It is not. It simply says there shall be two hours of debate on the resolution.

Mr. LONGWORTH. Then, is it the gentleman's construction that after the general debate shall be concluded gentlemen may nevertheless be recognized in their own right to offer amendments?

Mr. GARRETT. That was the impression, as I understand, of the majority members of the Committee on Rules. I myself in the committee asked that question, because I wanted to be sure that opportunity would be presented, and that was the construction of the majority members of the Committee on Rules. Now, as I was about to say, the minority are not objecting to this resolution nor objecting to its coming at this time if the majority party desire to sidetrack the very important banking bill that is pending in order to take this matter up for consideration. Of course, the majority party are responsible; we are not responsible.

Mr. RAKER. I want to ask the gentleman whether this would be binding upon the Secretary as a law would be?

Mr. GARRETT. It is a simple request, a simple House resolution. There is no law at all involved in the Reavis resolution. It is a simple request of the Secretary of War.

Mr. RAKER. The Senate has nothing whatever to do with it?

Mr. GARRETT. Nothing whatever. It is a simple House resolution.

Mr. HARRISON. Mr. Speaker, I should like to ask the gentleman from Tennessee the question that I asked the Speaker, whether at the conclusion of the general debate any Member will have the opportunity of offering amendments?

Mr. GARRETT. I will say to the gentleman from Virginia, as I said in answer to the gentleman from Massachusetts [Mr. WALSH], and other gentlemen who propounded a similar inquiry, that that question was asked—I think by myself; at any rate, I know it was asked in the Committee on Rules, and the majority members of the Committee on Rules held that amendments could be offered; that if a Member did not get time yielded to him during the general debate for the purpose of offering an amendment, immediately upon the conclusion of the two hours of talk a chance would be given to offer it, but there will be no chance to debate the amendments.

Mr. HARRISON. Then I ask unanimous consent that that shall be the construction adopted by the House.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. GARRETT. I yield five minutes to the gentleman from Virginia.

Mr. HUDSPETH. Will the gentleman yield a moment? I should like to ask the gentleman from Tennessee why he does not make this a concurrent resolution; why it would not be better to do that? It has not the effect of law, as I understand it.

Mr. GARRETT. It has not. I happen to be a member of the Committee on Expenditures, but I am not a member of the subcommittee that reported the resolution, and had nothing to do with its preparation.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. BANKHEAD. This may properly come up on discussion of the resolution, but I am asking the gentleman a question for information. Has the department refused to turn over to the Department of Agriculture any of these vehicles?

Mr. GARRETT. I am not informed on that question. Mr. Speaker, I now yield five minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the construction placed upon the rule by the gentleman from Tennessee as to offering amendments be adopted by the House.

The SPEAKER. The gentleman from Virginia asks unanimous consent that in construing the rule amendments shall be held to be in order at the conclusion of the general debate. Is there objection?

Mr. CAMPBELL of Kansas. Reserving the right to object, with the understanding that the amendments are not debatable.

Mr. HARRISON. Yes; with that understanding.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRISON. Mr. Speaker and gentlemen of the House, I really see no objection that can be urged against the resolution, if properly amended, except that it will not have the force of law. All the States in this Union, I believe nearly every one of them, has entered on a very large road-building program. I am informed by the Bureau of Public Roads of the Agricultural Department that $750,000,000 is to be dedicated this year to public roads, and that many of these States have made their appropriations upon the theory that they will get the benefit of the act that was passed at the last session by which this surplus material, owned by the Government, used in road construction was to be distributed among them.

This resolution, it seems to me, is harmful in this. I propose to vote for it with amendments, but I think it is harmful in that it confines the request to those vehicles which are now declared as surplus. The figures that I put in the RECORD yesterday show unquestionably that hereafter there will be a large number of motor vehicles that will be declared surplus. There is also five or six million dollars' worth of other road-building material which under the law enacted at the last Congress should be distributed among the States. If this resolution has any force or effect, it will be to narrow the force of that statute by confining it to motor-propelled vehicles now declared surplus. It will not embrace material useful for road-building purposes that the statute left it discretionary with the Secretary of War to distribute, among which were these motor vehicles and other material.

He has announced positively that in the exercise of his discretion he would not include anything but the motor vehicles which have already been declared surplus. So, unless some mandatory statute is enacted, the States will be deprived of road-building material which under the provisions of the former law would be applicable to road-building purposes. The resolution simply indorses the action which the Secretary of War has taken, and will be an authority to him not to distribute the road-building material, such as motor propelled, and is not included in matters already declared surplus.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. GARRETT. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes.

Mr. GARRETT. I yield three minutes more to the gentleman.

Mr. WATSON of Virginia. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. WATSON of Virginia. May I ask the gentleman to tell the House in general what other kinds of material he has in mind?

Mr. HARRISON. There are a large number of scrapers, donkey engines, industrial railroads, hods, rock crushers, and articles of that character which have been used by the War Department for road-building purposes.

Mr. BEE. Will the gentleman yield for a question?

Mr. HARRISON. Yes.

Mr. BEE. Does that include the caterpillar tractors?

Mr. HARRISON. There are $40,000 worth of these tractors waiting the decision of this Congress. On that matter the Military Affairs Committee has already reported a bill, and all that the Rules Committee had to do was to take that bill and bring it before Congress.

Mr. REAVIS. I do not know that I understood the gentleman correctly. Did the gentleman state that the present resolution provided only for motor-propelled vehicles now declared surplus?

Mr. HARRISON. That is the way I understand it.

Mr. REAVIS. The resolution says "and that all Army motor vehicles now or hereafter declared surplus."

Mr. HARRISON. You limit it to a number.

Mr. REAVIS. Yes; and it provides for "22,195 motor vehicles, for which requisition has heretofore been made by the Secretary of Agriculture, and that all other Army motor vehicles

now or hereafter declared surplus be immediately offered for sale at public auction."

Mr. HARRISON. But you disregard the needs of the Public Health Service and the Post Office Department.

Mr. REAVIS. I think the gentleman will change his mind when he finds out the number of vehicles.

Mr. HARRISON. I produced certain tables yesterday, which I got from the Director of Sales, and these I have substantially had verified by Gen. Drake, of the Motor Transport Corps.

Mr. BROWNE. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BROWNE. I want to call the gentleman's attention to this resolution. It simply confines it to 22,135 motor vehicles——

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. CARTER. Mr. Speaker, I yield the gentleman one minute more.

Mr. BROWNE. Mr. Speaker, the bill that has been favorably reported out by the Committee on Military Affairs not only includes motor vehicles but it also includes all road machinery, loaders, hoisting cables, and a great many things that this resolution does not cover.

Mr. HARRISON. That is true.

Mr. BROWNE. Does the gentleman know that a bill similar to the one passed in the Committee on Military Affairs of the House has passed the Senate and is now before the House?

Mr. HARRISON. I understand so.

Mr. BROWNE. Does not the gentleman think that we will get more effective legislation if we pass these two bills than if we pass this resolution?

Mr. HARRISON. This resolution does not amount to anything. The Secretary of War replies that he is already carrying out its purpose.

Mr. GARRETT. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, this resolution as proposed is simply a House resolution which "requests" the Secretary of War to deliver to the Secretary of Agriculture for distribution among the highway departments of the several States, for use on roads constructed in whole or in part by Federal aid, the 22,195 motor vehicles for which requisition has heretofore been made by the Secretary of Agriculture, and that all other Army motor vehicles now or hereafter declared surplus be immediately offered for sale at public auction to the American people.

It seems to me that better results would have been obtained if this had been a concurrent or a joint resolution, or if we had taken up the bill which passed the Senate on October 22 or the bill which is on the calendar unanimously reported by the Committee on Military Affairs, which provides for the distribution of motor trucks and all other available material for road-building purposes throughout the States. In the report on the pending resolution you will see it is stated that about 25 per cent of the motor vehicles have been distributed to the States, some of them receiving their full quota, whereas other States have received only a small proportion of that which they are entitled to. If that statement is correct, that is unjust. The law should be so drawn and administered so that all States shall receive their proportionate quota in accordance with the regulations, in accordance with the proportion of money that goes to the various States for road-building purposes. This resolution ought to be amended. I understand that amendments will be offered to it which will enlarge its provisions in order that larger benefits from it may be secured, and I hope such amendments when proposed will be adopted.

If these motor vehicles are sold, they will bring very little clear money for the Government, whereas if they are distributed to the States to be used for road-improvement purposes some good results will be obtained throughout the several States. What I am anxious to obtain is the distribution of this material which can be used for road improvement in the several States. I will vote for any resolution or bill that will secure that result. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. KREIDER. Mr. Speaker, the previous question having been ordered, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. CALDWELL) there were—ayes 93, noes 3.

Mr. CALDWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-eight Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the adoption of the resolution.

The Clerk called the roll, and there were—yeas 267, nays 3, answered "present" 4, not voting 158, as follows:

YEAS—267.

Alexander	Edmonds	Lanham	Rhodes
Almon	Ellsworth	Lankford	Ricketts
Anderson	Emerson	Larsen	Robinson, N. C.
Andrews, Nebr.	Esch	Layton	Romjue
Anthony	Evans, Mont.	Lazaro	Rose
Aswell	Evans, Nebr.	Lea, Calif.	Rowe
Ayres	Evans, Nev.	Lee, Ga.	Rubey
Babka	Fairfield	Lehlbach	Rucker
Bacharach	Fisher	Lesher	Sanders, Ind.
Baer	Focht	Linthicum	Sanford
Bankhead	Foster	Lonergan	Schall
Barbour	Freeman	Longworth	Sells
Barkley	French	Luhring	Shreve
Bee	Fuller, Mass.	McArthur	Siegel
Begg	Gallagher	McClintic	Sims
Benham	Garrett	McFadden	Sinnott
Benson	Glynn	McGlennon	Small
Black	Goodwin, Ark.	McLaughlin, Mich.	Smith, Idaho
Bland, Va.	Goodykoontz	McLaughlin, Nebr.	Smith, Ill.
Blanton	Graham, Pa.	McPherson	Smith, Mich.
Bowers	Graham, Ill.	MacCrate.	Smithwick
Box	Green, Iowa	MacGregor	Steagall
Brand	Greene, Mass.	Madden	Stedman
Briggs	Greene, Vt.	Magee	Steele
Brinson	Hadley	Major.	Steenerson
Brooks, Ill.	Hardy, Colo.	Mansfield	Stephens, Ohio.
Browning	Hardy, Tex.	Mapes	Stevenson
Buchanan	Hastings	Mays	Stiness
Burdick	Haugen	Michener	Strong, Kans.
Burroughs	Hayden	Miller	Strong, Pa.
Butler	Hays	Minahan, N. J.	Summers, Wash.
Byrnes, S. C.	Hellin	Monahan, Wis.	Sweet
Byrns, Tenn.	Hernandez	Mondell	Taylor, Colo.
Campbell, Kans.	Hersey	Moon	Taylor, Tenn.
Candler	Hersman	Moore, Ohio	Temple
Caraway	Hickey	Moore, Pa.	Thompson
Carss	Hicks	Moore, Va.	Tillman
Chindblom	Hoch	Morgan	Tilson
Christopherson	Holland	Mott	Timberlake
Clark, Fla.	Houghton	Murphy	Upshaw
Classon	Howard	Neely	Vaile
Cleary	Huddleston	Nelson, Mo.	Venable
Coady	Hudspeth,	Newton, Minn.	Vestal
Cole	Hull, Tenn.	Newton, Mo.	Vinson
Collier	Husted	Nichols, Mich.	Volstead
Connally	Igoe	O'Connor	Walsh
Cooper	Jacoway	Oliver	Walters
Cramton	James	Olney	Wason
Crisp	Jefferis	Osborne	Watkins
Crowther	Johnson, Miss.	Overstreet	Watson, Pa.
Currie, Mich.	Johnson, Wash.	Padgett	Watson, Va.
Curry, Calif.	Jones, Pa.	Park	Weaver
Dale	Jones, Tex.	Parrish	Welling
Dallinger	Juul	Pell	Whaley
Darrow	Kearns	Phelan	Wheeler
Davis, Tenn.	Keller	Platt	White, Kans.
Denison	Kelley, Mich.	Pou	Williams
Dewalt	Kelly, Pa.	Purnell	Wilson, La.
Dickinson, Mo.	Kiess	Quin	Wilson, Pa.
Dickinson, Iowa	King	Radcliffe	Wingo
Dominick	Kinkaid	Raker	Woods, Va.
Donovan	Kitchin	Ramseyer	Wright
Dowell	Kleczka	Randall, Calif.	Yates
Dunbar	Knutson	Randall, Wis.	Young, N. Dak.
Dupré	Kraus	Reavis	Young, Tex.
Dyer	Kreider	Reber	Zihlman
Echols	Lampert	Reed, W. Va.	

NAYS—3.

Browne	Caldwell	Dent

ANSWERED "PRESENT"—4.

Bland, Ind.	Cannon	Harrison	Sears

NOT VOTING—158.

Ackerman	Drane	Haskell	McKinley
Andrews, Md.	Dunn	Hawley	McLane
Ashbrook	Eagan	Hill	Maher
Bell	Eagle	Hulings	Mann, Ill.
Blackmon	Elliott	Hull, Iowa	Mann, S. C.
Bland, Mo.	Elston	Humphreys	Martin
Boies	Ferris	Hutchinson	Mason
Booher	Fess	Ireland	Mead
Britten	Fields	Johnson, Ky.	Merritt
Brooks, Pa.	Flood	Johnson, S. Dak.	Montague
Brumbaugh	Fordney	Johnston, N. Y.	Mooney
Burke	Frear	Kahn	Moores, Ind.
Campbell, Pa.	Fuller, Ill.	Kendall	Morin
Cantrill	Gallivan	Kennedy, Iowa	Mudd
Carew	Gandy	Kennedy, R. I.	Nelson, Wis.
Carter	Ganly	Kettner	Nicholls, S. C.
Casey	Gard	Kinchelce	Nolan
Clark, Mo.	Garland	LaGuardia	O'Connell
Copley	Garner	Langley	Ogden
Costello	Godwin, N. C.	Little	Oldfield
Crago	Goldfogle	Luce	Paige
Cullen	Good	Lufkin	Parker
Davey	Goodall	McAndrews	Peters
Davis, Minn.	Gould	McCulloch	Porter
Dempsey	Griest	McDuffie	Rainey, Ala.
Dooling	Griffin	McKenzie	Rainey, H. T.
Doremus	Hamill	McKeown	Rainey, J. W.
Doughton	Hamilton	McKinley	Ramsey

Rayburn	Saunders, Va.	Sullivan	Ward
Reed, N. Y.	Scott	Sumners, Tex.	Webb
Riddick	Scully	Swope	Webster
Riordan	Sherwood	Tague	Welty
Robsion, Ky.	Sinclair	Taylor, Ark.	White, Me.
Rodenberg	Sisson	Thomas	Wilson, Ill.
Rogers	Slemp	Tincher	Winslow
Rouse	Smith, N. Y.	Tinkham	Wise
Rowan	Snell	Towner	Wood, Ind.
Sabath	Snyder	Treadway	Woodyard
Sanders, La.	Stephens, Miss.	Vare	
Sanders, N. Y.	Stoll	Voigt	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. RIDDICK with Mr. GALLIVAN.

Mr. TINCHER with Mr. THOMAS.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. SINCLAIR with Mr. TAGUE.

Mr. GOODALL with Mr. ROUSE.

Mr. GOULD with Mr. RIORDAN.

Mr. LANGLEY with Mr. FIELDS.

Mr. KAHN with Mr. MEAD.

Mr. VARE with Mr. BRUMBAUGH.

Mr. PETERS with Mr. GANLY.

Mr. NELSON of Wisconsin with Mr. GOLDFOGLE.

Mr. OGDEN with Mr. GODWIN of North Carolina.

Mr. PAIGE with Mr. GARD.

Mr. GRIEST with Mr. RAYBURN.

Mr. PORTER with Mr. FERRIS.

Mr. RAMSEY with Mr. EAGLE.

Mr. MCKINLEY with Mr. GANDY.

Mr. DAVIS of Minnesota with Mr. HENRY T. RAINEY.

Mr. ROBSION of Kentucky with Mr. EAGAN.

Mr. FULLER of Illinois with Mr. NICHOLLS of South Carolina.

Mr. HAMILTON with Mr. JOHN W. RAINEY.

Mr. HASKELL with Mr. RAINEY of Alabama.

Mr. ACKERMAN with Mr. DOUGHTON.

Mr. BOIES with Mr. SEARS.

Mr. VOIGT with Mr. BLAND of Missouri.

Mr. WARD with Mr. BLACKMON.

Mr. HULINGS with Mr. OLDFIELD.

Mr. KENDALL with Mr. MANN of South Carolina.

Mr. KENNEDY of Iowa with Mr. MAHER.

Mr. TINKHAM with Mr. CANTRILL.

Mr. TOWNER with Mr. CAMPBELL of Pennsylvania.

Mr. KENNEDY of Rhode Island with Mr. MCLANE.

Mr. LAGUARDIA with MCKINRY.

Mr. LITTLE with Mr. MCKEOWN.

Mr. WILSON of Illinois with Mr. BELL.

Mr. COPLEY with Mr. SULLIVAN.

Mr. COSTELLO with Mr. STOLL.

Mr. CRAGO with Mr. STEPHENS of Mississippi.

Mr. DEMPSEY with Mr. SMITH of New York.

Mr. WINSLOW with Mr. ASHBROOK.

Mr. TREADWAY with Mr. BOOHER.

Mr. WHITE of Maine with Mr. GARNER.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. BRITTEN with Mr. WELTY.

Mr. WOOD of Indiana with Mr. HUMPHREYS.

Mr. DUNN with Mr. SISSON.

Mr. ELSTON with Mr. SHERWOOD.

Mr. FESS with Mr. SCULLY.

Mr. FORDNEY with Mr. SAUNDERS of Virginia.

Mr. RODENBERG with Mr. DOREMUS.

Mr. ROGERS with Mr. DOOLING.

Mr. SANDERS of New York with Mr. DAVEY.

Mr. LUCE with Mr. MCDUFFIE.

Mr. LUFKIN with Mr. MCANDREWS.

Mr. MCKENZIE with Mr. KETTNER.

Mr. MANN of Illinois with Mr. JOHNSTON of New York.

Mr. MOORES of Indiana with Mr. JOHNSON of Kentucky.

Mr. MORIN with Mr. HAMILL.

Mr. MUDD with Mr. GRIFFIN.

Mr. BROOKS of Pennsylvania with Mr. TAYLOR of Arkansas.

Mr. BURKE with Mr. SUMNERS of Texas.

Mr. FREAR with Mr. SANDERS of Louisiana.

Mr. GARLAND with Mr. SABATH.

Mr. GOOD with Mr. ROWAN.

Mr. HULL of Iowa with Mr. O'CONNELL.

Mr. SCOTT with Mr. CULLEN.

Mr. SLEMP with Mr. CLARK of Missouri.

Mr. SNELL with Mr. CASEY.

Mr. SNYDER with Mr. CARTER.

Mr. HUTCHINSON with Mr. MOONEY.

Mr. IRELAND with Mr. MONTAGUE.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TILSON). A quorum is present. The Doorkeeper will unlock the doors. Under the rule the House proceeds to the consideration of House joint resolution 362, which the Clerk will report.

The Clerk read as follows:

House resolution 362.

Resolved, That the Secretary of War be, and is hereby, requested to immediately deliver to the Secretary of Agriculture, for distribution among the highway departments of the several States, for use on roads constructed in whole or in part by Federal aid, the 22,195 motor vehicles for which requisition has heretofore been made by the Secretary of Agriculture, and that all other Army motor vehicles now or hereafter declared surplus be immediately offered for sale at public auction to the American people.

Mr. REAVIS. Mr. Speaker, the previous question was adopted on this resolution before it was called to my attention that I was placed in charge of the time on this side of the aisle. The gentleman from Illinois [Mr. GRAHAM] is chairman of the committee. As a matter of right, he is entitled to control the time, and I therefore ask unanimous consent that the gentleman from Illinois [Mr. GRAHAM] may control the hour on this side instead of myself.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the gentleman from Illinois [Mr. GRAHAM] may control the time. Is there objection?

Mr. CALDWELL. Mr. Speaker, reserving the right to object, if this resolution is passed it will be an absolute futile act on the part of this House until a bill that has been reported by the Military Affairs Committee of the House, and which has already been passed——

Mr. WALSH. Mr. Speaker, I demand the regular order.

Mr. CALDWELL. Then I object, and I make the point of order that there is no quorum present.

Mr. REAVIS. Mr. Speaker——

Mr. CALDWELL. I make the point of order.

Mr. REAVIS. I make the point of order that the gentleman's point of order is dilatory.

Mr. CALDWELL. It is not dilatory.

The SPEAKER. The Chair thinks that inasmuch as the vote has just been held, and no business has been transacted——

Mr. CALDWELL. But business has been transacted since that time.

The SPEAKER. No business has been transacted. The gentleman from Nebraska is recognized.

Mr. REAVIS. Mr. Speaker, I yield 20 minutes to the gentleman from New York [Mr. MACGREGOR].

The SPEAKER. The gentleman from New York is recognized for 20 minutes.

Mr. CALDWELL. Mr. Speaker——

The SPEAKER. The gentleman from New York is recognized.

Mr. MACGREGOR. Mr. Speaker and Members of the House, subcommittee No. 4 of the committee on investigation of expenditures in the War Department has thought it wise to bring to your attention and request the passage by you of this resolution requesting the War Department to dispose of automobiles that are now in its possession. We feel that there should be a greater degree of activity upon the part of the War Department in supplying the Department of Agriculture with the automobiles that they have requisitioned for use in road building and there should also be a greater degree of activity in turning into cash the surplus automobiles that will be on hand after the needs of the road-building department are complied with.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MACGREGOR. I can not yield now. They had on hand at the time of the armistice, including those delivered after the signing of the armistice, something like $163,000,000 in value of motor vehicles within this country. Seventy thousand machines were delivered after the signing of the armistice. The number on hand is not determined by the testimony. At one stage in the testimony it was stated that we had something like 130,000 trucks, passenger automobiles, side cars, motor cycles, and so forth, or motor equipment. The last statement was that we had 108,000. It is the intention to keep for the use of the Army approximately 52,000 motor vehicles of various kinds and also to retain 10 per cent for replacement based upon an army of 500,000 men. The balance is to be distributed, under various acts or resolutions that have been passed by this House and the Congress, to the Department of Agriculture and other departments of the Government. The Post Office Department has received a large number, the Public Health Service has received a large number, and many other departments of the Government have received numbers of motor vehicles, many of them, I personally believe, in excess of the absolute needs of the departments. The Agricultural Department has

made requisition for about 22,181 machines. Up to the last report 8,447 have been delivered, and the various States are clamoring for expedition in the delivery of these motor vehicles to their States for road-work purposes.

I do not know if there is any intention to sell to the general public any substantial number of motor vehicles except nonserviceable or nonstandard cars.

Mr. RAMSEYER. Will the gentleman yield there?

Mr. MACGREGOR. I can not.

The SPEAKER. The gentleman declines to yield.

Mr. MACGREGOR. All of us are unfortunately familiar with the matter of responsibility in any department, and this chasing responsibility around is, I imagine, considerably like the boys across the seas chasing the cooties; you think you have them and then you have not. And so this testimony in reference to the disposition of automobiles is like chasing the cooties. We have not fixed the responsibility on any particular person in the Department of War, but the Secretary of War certainly should be the boss of his department and ought to be in a position to say, "Go and do it now." A surplus was declared by Gen. March April 15, 1919, of 36,352 motor vehicles, and according to the statement of Gen. Drake, these various departments down here have been holding debates among themselves since that time to determine how it was going to be done, and they have not reached any conclusion. But we desire, so far as our committee is concerned, and I think all the Members of this House, that they should go and do it instead of holding these debates, and they should get these motor vehicles that have been apportioned to the States into the hands of the State officials, so that they can use them, if they are valuable, as Congress desires that they should be used.

Mr. CALDWELL. Will the gentleman yield?

Mr. MACGREGOR. I can not yield, unfortunately. I concur with Gen. Drake upon that propositon. Gen. Drake is the most forward one—I do not want to make any comparison, but he has been forward about the proposition that these States——

Mr. HUSTED. Will the gentleman yield to a question for information?

Mr. MACGREGOR. I can not. I have not the time.

Gen. Drake expressed the opinion that these automobiles ought to have been disposed of immediately after the declaration of the armistice, and that they should have been turned into cash for the benefit of the American people and the money put into the Treasury in order to cut down some of this great debt we are laboring under. And I thoroughly agree with him in that proposition. We must get over the idea of spending the people's money recklessly and giving things away and throwing things away. All over this country there have been thousands and thousands of automobiles standing out, unprotected, going to waste, rusting away, and the departments are doing nothing to cut down this great debt under which we are laboring. Here, as I said, were $163,000,000 worth of automobiles which were on hand in this country at the time of the armistice, and nothing whatever has been done to any great extent to apply that great sum to the reduction of our debt. Our people are entitled to have something done along that line.

One of our colleagues has handed to me a letter from a constituent of his with reference to the conditions existing at Camp Holabird upon the occasion of his visit to that camp on October 30, 1919. He says:

> But what surprised us most was to see the thousands and thousands of fine new trucks of the very best make standing all over the fields or boxed for shipment lying idle, and nothing apparently being done to make them available for use to anyone. It is nothing less than a crime to have millions of dollars' worth of good material like this simply rusting away.

There is another proposition involved in this. In the Motor Transport Corps there are 25,000 civilian employees taking care of these thousands of automobiles, and if any of you gentlemen want to get a real idea, just go down here to Camp Holabird and look over those fields of automobiles standing there out in the weather and going to waste. Twenty-five thousand civilian employees, at 45 cents an hour, according to my way of figuring, costs pretty nearly $100,000 a day. It will be perfectly possible with the carrying out of the idea of disposing of these automobiles to the various departments and disposing of the balance to the public that we could do away with a part of this immense army of civilian employees. All that we desire is to convey to the War Department, to the Secretary of War, the feeling and desire upon the part of the Members of this House that there should be some expedition in the carrying out of the desires of Congress with reference to the distribution of these automobiles to the various departments, and that what are left should be sold to the general public, to the end that that money may be turned into the Treasury for the benefit of the people of the country.

Mr. BROWNE. Will the gentleman yield for a question?

Mr. MACGREGOR. Yes; I will yield now.

Mr. BROWNE. What objection has the gentleman to the bill that has already passed the Senate (S. 3037) and has already passed the Committee on Military Affairs of the House, which provides for giving this service to these departments mentioned, and also provides for all other road materials not included in this resolution, such as——

Mr. MACGREGOR. Road machinery, and so forth.

Mr. BROWNE. Steam shovels, dump wagons, hoisting machines, and other road-building materials? What objection does the gentleman make to that?

Mr. MACGREGOR. We make no objection to it.

Mr. BROWNE. Then, what is the reason for substituting this resolution and pushing it in ahead of this bill, which has already passed the Senate and passed the Committee on Military Affairs of the House?

Mr. MACGREGOR. Does that provide for giving more motor vehicles to the various departments?

Mr. BROWNE. All the surplus that the Agricultural Department can use.

Mr. MACGREGOR. I do not believe in that, because they would have all their employees riding in automobiles.

Mr. CALDWELL. Will the gentleman yield?

Mr. MACGREGOR. Certainly.

Mr. CALDWELL. Will the gentleman consent to the substitution for this resolution, that does not carry any teeth, a resolution such as he has been referring to, in order that the House may vote on it?

Mr. MACGREGOR. We are concerned with the proposition of the distribution of motor vehicles. It is not for me to consent to anything.

Mr. CALDWELL. I understand; but this is the point: The department has recommended the passage of a bill of this kind. We passed one, and then the House passed the sundry civil bill to prevent the distribution, and now you come in and ask that the Secretary of War do something in violation of law. Why not pass that one?

Mr. MACGREGOR. What is the question?

Mr. CALDWELL. Why not pass the Senate bill instead of this one?

Mr. RAMSEYER. The gentleman said that there were eighty-one thousand and some motor vehicles. How many passenger automobiles?

Mr. MACGREGOR. There are 81,000 automobiles and automobile trucks, 17,106 motor cycles, and 10,096 bicycles.

Mr. RAMSEYER. Of the 22,000 plus that you request the Secretary of War to turn over to the Agricultural Department, what kind of vehicles are those?

Mr. MACGREGOR. Do you mean that they asked to have turned over?

Mr. RAMSEYER. No; that you ask here in the resolution, some 22,000.

Mr. MACGREGOR. They were allocated to the Agricultural Department.

Mr. RAMSEYER. What were they? Passenger automobiles?

Mr. MACGREGOR. No; they were trucks mostly; some of them were passenger.

Mr. RAMSEYER. Why do they need passenger automobiles?

Mr. MACGREGOR. They claim that each State wants passenger machines for the use of its inspectors and engineers.

Mr. RAMSEYER. For State inspectors or Federal inspectors?

Mr. MACGREGOR. State inspectors.

Mr. HUSTED. I understood the gentleman to say that the Secretary of Agriculture had made requisition for some 22,000 of these machines.

Mr. MACGREGOR. Yes.

Mr. HUSTED. And of that number about 8,000 had already been delivered.

Mr. MACGREGOR. Yes.

Mr. HUSTED. That would leave about 14,000 undelivered.

Mr. MACGREGOR. Yes.

Mr. HUSTED. In view of that fact, why does the resolution ask for the immediate delivery of 22,000? Would not that be 8,000 more than the Secretary has asked for?

Mr. MADDEN. The States have not got the automobiles.

Mr. MACGREGOR. No. It reads, "For which requisition has heretofore been made by the Secretary of Agriculture."

Mr. LINTHICUM. I want to ask the gentleman what he would think of the suggestion that these caterpillar motors be first offered to the farmers of the various States rather than

these dealers, who would use them merely for profit and to sell again? It would assist agricultural production and help the farmer, and I believe the Government would get more money from the transaction. What does the gentleman think of it?

Mr. MacGREGOR. I am in favor of getting the most money for the benefit of the taxpayers.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. Yes.

Mr. HUDSPETH. The gentleman was on the subcommittee that brought in this resolution?

Mr. MacGREGOR. Yes, sir.

Mr. HUDSPETH. Why did you bring in a resolution affecting one body only, having no binding effect? Why did you not bring in a concurrent resolution?

Mr. MacGREGOR. To get action, the same as we did with respect to the Army food proposition, and we got action from the Secretary of War.

Mr. HUDSPETH. But the gentleman recognizes that this is only a request to do it?

Mr. MacGREGOR. Yes; certainly. Sometimes they do things on request, if the request comes strong enough.

Mr. LINTHICUM. He has the power to do it?

Mr. MacGREGOR. Oh, yes; the absolute power.

Mr. BLACK. Mr. Speaker, will the gentleman yield for a question?

Mr. MacGREGOR. Yes.

Mr. BLACK. Does not the gentleman know that the Secretary of War was just as rapidly turning over these motor vehicles as surplus was declared when, on July 1, the conference report on the sundry civil bill was passed here in the House, containing a provision that no motor vehicles hereafter should be turned over until specific authorization was given and after the passage of that law?

Mr. MacGREGOR. Not specifically authorized, but that it should be paid for.

Mr. BLACK. If the gentleman will wait, I will read to him the law. I quoted it absolutely.

Mr. MacGREGOR. Besides that, that did not apply to the Department of Agriculture.

Mr. BLACK. The Judge Advocate General held that it did apply, and that unless the vehicles had been specifically authorized they should not be turned over; and it was upon the advice and opinion of the Judge Advocate General that the Secretary of War ceased the distribution. I think the gentleman would want to be fair enough to state that.

Mr. MacGREGOR. I understand there was no impediment in the way of going ahead and getting these into the hands of the Department of Agriculture. Anyway, there is August, September, and October.

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. Certainly.

Mr. VAILE. I understand from the gentleman's remarks that the Chief of Staff had declared a surplus of some 36,000 machines.

Mr. MacGREGOR. Yes.

Mr. VAILE. And 22,200 of these are allotted to the Agriculture Department.

Mr. MacGREGOR. Twenty-two thousand one hundred and eighty-five.

Mr. VAILE. Now, the determination of what was surplus might vary from time to time, and would be subject to delay, would it not?

Mr. MacGREGOR. Yes.

Mr. VAILE. The gentleman from Wisconsin [Mr. BROWNE] called attention to House bill 9412, which provides for the disposition of such machines as are or may hereafter be found to be surplus, to be distributed to the various departments.

Mr. MacGREGOR. Yes.

Mr. VAILE. Now, under the resolution we are considering, House resolution 362, if they are all sold at public sale or auction there would be nothing for House bill 9412 to operate on, so that you would nullify that.

Mr. MacGREGOR. No; we would not nullify that; we would simply disagree with it.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. Yes.

Mr. REED of West Virginia. If I understand the situation correctly, it is something like this: The Secretary of War has partially complied with the proposed distribution of motor vehicles to the States, but now for some reason the distribution has been discontinued.

Mr. MacGREGOR. There has been some hesitation on account of the interpretation of the law.

Mr. REED of West Virginia. Well, this resolution would not——

Mr. MacGREGOR. The law has been determined long ago—months ago.

Mr. REED of West Virginia. And still the Secretary of War does not function.

Mr. MacGREGOR. He does not function.

Mr. BEE. Mr. Speaker, will the gentleman yield for a question?

Mr. MacGREGOR. Certainly.

Mr. BEE. Why does this resolution provide that 22,200 trucks and motor vehicles shall go to the States and declare all over 22,200 to be surplus, to be sold at public sale to the public?

Mr. MacGREGOR. Because all that the Department of Agriculture has asked for is this number.

Mr. BEE. That would fill the bill, would it?

Mr. MacGREGOR. Yes.

Mr. HARRISON. Mr. Speaker, will the gentleman yield for a question?

Mr. MacGREGOR. Certainly.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DONOVAN. Mr. Speaker, does the gentleman from Nebraska [Mr. REAVIS] wish to use any further time? If not, I yield 35 minutes to the gentleman from Louisiana [Mr. ASWELL].

The SPEAKER. The gentleman from Louisiana is recognized for 35 minutes.

Mr. ASWELL. Mr. Speaker, I wish to occupy as little time as possible. I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks. Is there objection?

Mr. BLAND of Indiana. Reserving the right to object, on what subject?

Mr. ASWELL. War expenditures and investigations of this Congress.

Mr. BLAND of Indiana. Is that with reference to what the gentleman is going to speak on to-day?

Mr. ASWELL. Partly.

Mr. BLAND of Indiana. I do not object to the gentleman revising his remarks, but I object to his extending them unless some time is allowed to this side to answer them.

Mr. ASWELL. I shall not object to anyone answering.

Mr. KNUTSON. I want to ask the gentleman if his remarks are going to include anything in the line of the speech that he proposed to deliver the other day?

Mr. ASWELL. I am not discussing the election to-day, but some other things.

Mr. KNUTSON. Well, I think the gentleman had better proceed until we find out along what line he is proceeding. I object for the time being.

RETURN OF BODIES OF AMERICAN SOLDIERS.

The SPEAKER. The Chair announces the appointment of the following Members on the part of the House of the joint committee to represent the Congress at the ceremonies at the port of New York in connection with the return of the bodies of dead American soldiers on the steamship *Lake Daraga* under House concurrent resolution 36: Mr. NICHOLS of Michigan, Mr. MASON, Mr. HULINGS, Mr. DOREMUS, Mr. CRISP, and Mr. SMITH of New York.

SURPLUS ARMY MOTOR VEHICLES.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] will proceed.

Mr. ASWELL. Mr. Speaker and gentlemen of the House, it is not my custom to follow a manuscript, but under the circumstances I desire now to speak with exactness and within a time limit.

Mr. Speaker, that the Democratic majority when in control was unafraid, worked incessantly, did things effectively, and reached definite ends, in striking contrast with the present Congress, no one denies. That some individual crookedness, mistakes, and errors did not occur in a task so urgent in time, so overwhelming in magnitude, so intricate in detail, as successfully prosecuting the war no one claims. That the Republican Party supported every measure centralizing executive authority in expending vast sums of money during the war all of us know. To note later developments should be interesting to the country, for the full meaning of the conduct of this Republican-controlled Congress has not yet been exposed to the American people.

The Republican leaders late in the last Congress began their political campaign by doing everything their limited vision would permit to nag and embarrass the President to prevent his going to Paris. They ended that session with the unpardonable filibuster, the details of which the country now knows and resents, to force the President to call a special session of the Con-

gress. No Republican official protested at that time, and the Republican Party stands wholly responsible and rightly condemned before the country for that expensive and disgraceful filibuster. The President, of course, did what he always does—to the delight of the country and the humiliating chagrin of the Republicans. He ignored their garrulous chatter and petty partisan tactics, went on to Paris as duty called him, and gave the United States the foremost permanent place among the nations of the world. His bitterest enemies now secretly applaud his courageous conduct and fervently wish their party could find some way of escape from the wrath of the people which they know is certain to come.

Republican leaders, still eager to harass the President, then during two months howled incessantly for a special session of the Congress. They got it. They have had it for five months. They have done nothing, and they now cry to quit. Is it any wonder that the President foresaw this situation and appealed to the country for a Democratic Congress to support him in prosecuting the war and to hold the confidence of the country by enacting straightforward, efficient legislation during the reconstruction period through which we are now passing?

The first months of the Sixty-sixth Congress were largely taken up by repassing and increasing supply bills passed by this House in the last Congress, but, as is well known, for the purpose of embarrassing the President killed in another body by the now notorious Republican filibuster. Still eager to annoy the President, the Republican majority went into his private affairs on the question of gifts and found nothing to be criticized, for which the Republican Party, through the press, was properly rebuked by the American people. [Applause.]

The country is now in ominous turmoil, lawlessness seeks excuses, business is paralyzed and afraid, and internal agitators would like to threaten organized government. Yet the Republican majority, in full control of this Congress, sits supinely by without purposeful leadership. Until the last day of October, when forced by the crystallization of public sentiment, led by Democrats, they have refused to stand up and be counted on grave questions vital to the whole people. Attacking the administration and criticizing the Government have become the habit, which gives hope, comfort, and courage to anarchy and Bolshevism.

The attitude of Republican leaders on legislation in this House to-day would be amusing were it not tragic. This Congress has been in session for more than five months and nothing has been done to stay the hand of criminal greed, to quiet disorder, or to maintain and strengthen confidence in the Government. The Republican leaders have cold feet on their own proposed legislative program. Their extravagant promises have not been kept. Their loudly announced legislative program is practically untouched at this late day.

Exclusive of expenses for maintenance, heating, lighting, caring for the Capitol Grounds, and Printing Office expenses, the total appropriations carried in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1919, for the House, Senate, and Capitol police, were $7,175,657.75. This is not an opinion. It is the official record. Calculate it for yourself, and you find the expense to the people of Republican inaction is a minimum of $20,000 a day, or more than $3,000,000 already expended in the current expenses of this special session, to say nothing of vast additional expenditures through the protracted operations of the various investigating committees in this House and in another body of the Congress.

The Republican leaders in this House, although wholly responsible for the legislative program, hesitate, side-step, duck, dodge, and quibble among themselves. They know, as the country knows, that the Republicans of the West and the Republicans of the East can never agree on any permanent, serviceable, constructive legislation program. [Applause.] There is no hope as long as the Republican Party, with its discordant elements, is in control of the Government. [Applause.]

Afraid to move forward, they fiddle away the time by investigating everything that might give promise of campaign material for 1920, which is intended to divert public attention from their own shortcomings to the departments, nag the administration, and hinder efficiency. Let the Congress find out now how much time and money are being squandered upon these ponderous and noisy investigations to find campaign thunder for 1920, when up to this hour they have not revealed a single important fact not already known. The case of the Standard Steel Co. was revealed by the War Department itself.

The country wants legislation on the railroads, the merchant marine, the control and development of our national resources, our military and naval policies, the regulation of immigration, the stamping out of anarchy and Bolshevism, the high cost of living, the extension of motor-truck mail service, highway construction, and soldier-relief measures. [Applause.] The Democrats in Congress are eager for action. Yet the Republican majority refuses to act or permit action, fritters away the time with irrelevant political matters, to the discouragement and disgust of the country. Much noise was made by the Republicans as to the Lane land bill, now the Mondell bill, and yet that bill, over the protest of Democrats, serenely sleeps on the calendar, though prepared with great ostentation in the committee room, where Republican leaders had their pictures taken in dramatic action saving the soldiers. It is well known that the Republican leaders can secure action on a soldier's relief measure of some character any day they have the courage to tackle it. [Applause.] Nothing has been done for the returned soldiers except what has been worked out and accomplished by the departments of the Government in a Democratic administration, for which the Republicans can in no way claim credit. The Republicans, in absolute control, on the question of aiding the soldiers have shamefully reneged. Why do they remain inactive? Why are they afraid? The country has a right to know who is directly responsible for the disgraceful failure of this Congress to act on these measures. [Applause.] My eight resolutions calling for definite information from investigating committees, submitted October 20, if Republican leaders permit their passage, will reveal, in small part only, the amount of time wasted and money squandered by this House, to say nothing of similar waste in another body, on these political investigations declared to be purely political early in the session by the Republican chairman of the Committee on Rules. Answering questions, preparing data, and furnishing witnesses cost the departments vastly more in time and money than the investigating committees will report as expended.

Demobilization is being expensively delayed as Army officers are being held in the service to answer questions for the investigating committees. These august bodies have called upon the War Department to delay disposal of vast Government properties, especially in the States of Washington and West Virginia, involving several million dollars in each case, by ordering the War Department to hold up all bids for such disposal until investigating committees can investigate. Notice has been served upon the War Department not to do anything further until the committees can investigate. Three billion dollars of public business is tied up indefinitely. The country demands the disposal of motor trucks, automobiles, and other Army materials needed for road construction in civil life, yet the investigating committees are taking up the entire time of 40 per cent of the forces of the War Department in answering questions and preparing data for the investigating committees, leaving the department no time to meet the demands of the country or to transact the public business. Cantonment funds are tied up. Hundreds of worthy citizens who were ejected from their homes and their property used are still unpaid—all caused by delay in investigating cantonment expenditures, which makes it impossible for the claims already approved to be paid. Contracts with private citizens for building and construction are tied up by investigating committees and still unsettled. This is a crime against loyal citizens who are being robbed of their daily bread and who gladly gave their all to the use of the Government in the hour of need. [Applause.] How long must inefficiency be enthroned in this Congress?

Garrulous chatter, passion, partisanship, and prejudice on the treaty of peace and the league of nations continue a year after the signing of the armistice, at an expense of millions of dollars to the American people, by delaying the demobilization of the armed forces of the country. This same chatter and delay are contributing immeasurably to the encouragement of lawlessness and serious industrial unrest.

Except to pass one belated resolution, what has the Republican majority in control of Congress done to force respect for the law, to show its courage in this critical situation in support of the President and in opposition to class domination in subverting the Government in favor of the few, to stabilize business, to bring peace and contentment, or to merit the confidence of the people? [Applause.]

The Republican Party now knows with the successful inauguration of the income-tax law by the Democratic Party, which justly and properly taxes the great wealth of the country, that the antiquated and fossilized tariff system of their party is a dead issue. They do not dare come out in the open and try to revise the general Underwood tariff law upward, as they would like to do and as they promised they would do, but during these five months of Republican control, expensive to the country to the tune of $20,000 a day, not including the cost of numerous jaunting parties, and without submitting the measures openly to public scrutiny, as all legislative subjects should be submitted, especially tariff measures that vitally effect 110,000,000

people, they have from time to time quietly slipped in small bits of tariff legislation to give special privilege to a few favored big interests, which will enable the Republican Party to raise from these favored ones a large campaign fund in 1920. [Applause.] Let the country now know that even these piecemeal tariff measures already passed by this House, over the solid vote of the Democrats, when enacted into law will cost the consumers of the country $60,000,000 annually, with an additional forty millions already proposed and now intended to be slipped in by a Republican majority on potash alone, which means fertilizers for the farmers are to be taxed under Republican rule $40,000,000 annually. Will the country tolerate such special privilege? If the Republican Party assesses these special interests 5 per cent of this graft, which these interests will, of course, gladly pay, the Republican Party will have in 1920 from this source alone a campaign fund of $5,000,000. Can the next national election be thus purchased?

In honor we entered the war; with honor we ended it, and honorably should we deal with those who faithfully bore the responsibility of prosecuting it. No Democrat or department of the Government opposes the most searching investigation in quest of facts for the good of the Government, but we demand that the country's present and future business also receive the serious attention of the Congress. [Applause.] If there be crookedness or dishonesty in any expenditure of public funds in any department of the Government, apprehend and punish the guilty without mercy, whether he be big or little, Democrat or Republican, but do not fiddle along for a year for campaign purposes, as you clearly plan to do. [Applause.] Do not tie up the activities of the departments indefinitely at an expense to the country of millions of dollars. Do the job well and on time, so this Congress may get to business, the departments may proceed to function, and the country have a rest. [Applause.] But it is not your purpose to do the job either well or on time. You are not searching for information that is reliable, accurate, or dependable. What could a jaunting party of two or three joy riding in Europe for one month ascertain as to the exact expenditures of hundreds of millions of dollars in France? What can a handful of accountants in Washington ascertain as to the expenditures of billions of dollars?

It is estimated by the War Department that 115,257 people were actively engaged during a period of 18 months in making these expenditures scattered throughout the world. Any competent accountant will certify that to make an accurate investigation of these expenditures would take a force of several hundred accountants working over a period of from 5 to 10 years. How many men have you now at work? Have you more than a few dozen in addition to your jaunting parties? Your claim of searching for the exact truth is ridiculous. Your committees have blazed a shameful political trail from the Capital of the Nation across the country to the Pacific coast. [Applause.] You are trying to keep the country in turmoil to cover up your inaction and inefficiency. You do not want a complete and accurate investigation. You prefer a few snipers to pluck here and there for material for campaign purposes. Your noisy investigations are misleading no one to believe that the results will be of value to the country.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. ASWELL. No; I can not yield.

Republican leaders devote their energies to making much ado about the enormous cost of the war, for which they voted on every roll call. They call it extravagance by the Democratic administration. But, Mr. Speaker, war itself is nothing but extravagance. War means waste of money; it means destruction of life and property. The greatest waste of war is that of blood and men. The facts are, regardless of the cost in money, the American people demanded that the Democratic administration organize the manhood of the country and win the war. It was not a question of penny-wise economy. The people rightly demanded that the war be won. The task was assigned to the Democratic administration. The job was done well, on time, and to the entire satisfaction of the American people and the allied peoples of the world. [Applause.] The only question was to win the war and win it on time. What Republican now dares intimate that the task was not accomplished to the satisfaction and delight of the American people? Now is the time to retrench, to economize, and to prevent extravagance; but it was not the time during the war for niggardly economy of money when it meant the sacrifice of men. Time then was not only money but it was life. Delay meant death to thousands of American men; it meant to prolong the struggle.

Reduce the cost of the war by subtracting every penny claimed useless or extravagant, and the total sum will not be the value of one American soldier saved from death. [Applause.] How many American lives would Republican critics have sacrificed in order for the Government not to have been liberal in the expenditures of money? Let them answer to the mothers of the country! [Applause.]

The attitude of the people during the war on this question of money as contrasted with saving the lives of our soldiers was clearly revealed by the lavish hand with which the American people contributed to every cause for the support and comfort of the American soldier. Had it seemed necessary any real American would have contributed his last dollar to relieve the needs of one American soldier in France.

Instead of wasting so much time and money now in talking endlessly of the cost of the war, it were better to stop foolish expenditures, retrench in appropriations, and save money by purposeful energy and efficiency in this Congress. [Applause.]

Mr. BLAND of Indiana. Will the gentleman yield there?

Mr. ASWELL. I can not yield.

The marvelous achievements of the American people in boldly defying the murderous German mines and submarines to send troops in overwhelming numbers and supplies in abundance to France in defense of our country and the liberty of man amazed the world and staggered the enemy. The rapidity and magnitude of the construction of American docks, railroads, supply stations, means of equipment, lines of communication and transportation in France was a subject of admiration and wonder to the Allies and discouragement to the enemy. If there be doubt on this point I call Gen. Ludendorff of the German Army as a witness, whose recent articles are convincing.

Let Republican critics condemn and investigate as they will but this record of brilliant American Democratic achievement in winning the war was never equaled and can never be surpassed in the history of the world. [Applause.]

With the American people the war is ended, and we face the future. The people are disgusted with endless chatter in criticism of expenditures in a war so nobly and effectively won. The American soldiers themselves are utterly tired of Republican wrangling over the money expended in that struggle. None of it can be salvaged or reclaimed now by wasting millions in political vituperation in the vain hope of party advantage in 1920. [Applause.] The people have turned their faces to the front with manly courage and are ready for mighty strides in progress and efficiency, if the proper readjustment and reconstruction of industrial and commercial enterprises can be speedily accomplished. The duty, the opportunity, of this Congress is to quiet conflicting interests and lead in the reestablishment of confidence and faith among men. Why can not the Republican majority keep pace with the demands of the hour? The country demands whole-hearted, concrete action by this Congress—sane, purposeful, constructive legislation. Dark is the future of that party unable to grasp or recognize the American spirit in this moment of opportunity, which failure reveals that party's incapacity for constructive leadership.

The Republican Party in this Congress has been "weighed in the balance and found wanting." Its leaders should stop playing petty politics, cease dillydallying, get down to business, do something worth while for the whole people, or surrender control and quit! [Applause.]

Mr. DONOVAN. Mr. Speaker, I feel certain that some gentleman on the other side will desire to answer the speech of the gentleman from Louisiana [Mr. ASWELL], and therefore I yield for that purpose.

Mr. REAVIS. Mr. Speaker, there will be but one more speech on this side, and I will ask the gentleman to use his time.

Mr. DONOVAN. That is our plan here.

Mr. REAVIS. I think under the rule the proponents of the resolution have the privilege of closing the debate.

Mr. DONOVAN. Mr. Speaker, I will proceed, if it is the desire of the gentleman from Nebraska.

First, let me ask that I be not interrupted, for the reason that in my treatment of this subject I shall endeavor to talk on the facts as I understand them, ignoring absolutely the question whether it is a Democratic or a Republican administration that has control of it. It is my conception that the House and the country want to know the facts untinctured, uncolored, and I think I can in an impartial way submit them, and by them answer and rebut suspicions and statements that have been carelessly and recklessly made, which I have heard repeated even by several substantial Members of this House.

Gentlemen, you know that it is the easiest thing in the world to start a damaging rumor, whether it is as to a man's character, his business ability, or whatever it may be. There is always some one ready to take it up and magnify it and then pass it on.

I am at a disadvantage in not being apprised what the proponent of this resolution contends, for he has assumed the rather unusual practice of refusing to present either his facts or criticisms, and my presentations must perforce therefore be in an assumption of what I believe will be said by him.

So probably you will be told that the administration of the War Department has been grossly negligent in the functions of its office, particularly relative to the automobile situation, as to the declaration and disposal of the surplus. You will be told, with more power and eloquence than I can command, that a frightful condition exists. Sometimes I wonder if we do not let personal vanity get the better of our judgment when given the opportunity to come on the floor and draw the attention of the country to either our histrionic powers or our oratorical ability, and if through that same element of vanity we do not frequently confuse the issue in a maze of meaningless, partisan, or unjust criticism of the absolute true fact. No doubt you will be told in fine rhetoric of the terrible condition that exists relating to the motor vehicles now under the control of the Secretary of War. You will be told that over here at Camp Holabird, a suburb of Baltimore, there are 11,000 autos, and you will probably be given the impression that all of them are passenger cars, which is not the fact, and that there are among them a number of new cars that have never been used, that a part of them are crated, but that they are crated in such a way that they are not protected. You will also be told that there are trucks standing over there in the open without bodies upon them; that the transmissions are being affected by the weather. You will be told, further, that by the neglect in declaring a surplus nothing has been done, or you will be told that a surplus was declared by one department and then that the director of sales absolutely fell down and has not done his duty. You will be told that Gen. Drake, who was in charge of the Motor Transport Corps, did his part, and that it was a question of whipsawing between the several bureaus.

Now, what are the facts? I am not going into a minute detail of figures and amounts. I am not a mathematician; neither am I an expert accountant. I know you want the truth. I think I know facts when I see them and they impress me.

Knowing them and having given them a careful consideration and examination, I can with confidence assure you that we as a Government need no alibi or speak aught but the truth, which, in my opinion, proves conclusively, with the exception of delay in declaring a correct surplus by the Chief of the Motor Transport Corps, which has also a justifiable side, that any vehement criticism by the gentlemen who are to follow me or from any other source is most unfair.

Now, what was the situation? Let me try to help you visualize the facts, if I can, by giving you the details of this subject. You may well ask who has charge of the motor vehicles in the War Department. It is the Assistant Secretary of War, Benedict Crowell. When the war started we had in this country about 5,000 motor vehicles in the Army. Motorizing the Army was a new problem upon which we were launching. We, of course, had no equipment and had no adequate facilities for storage, for what we then had were motor cycles, bicycles, and trucks, and the small total of these were distributed throughout the entire country. There were very few passenger cars.

When the armistice was declared, or immediately thereafter, the Acting Secretary of War, Mr. Crowell, called in conference a representative of the Motor Transport Corps, a representative of the Purchase and Supply Department in the Quartermaster Corps, and a representative of the General Staff and gave instructions that "a surplus must be declared." It was decided at this conference to determine what would be a correct surplus, that the first necessary step to be determined was to know how many men were to be included under the proposed peace plan of the Army.

At that time it was the purpose, the hope, and desire of the War Department that there should be an Army of 500,000 men. The conferees assuming that number to be the basis upon which to begin, the Assistant Secretary of War, Mr. Crowell, then ordered that a surplus of 30,000 vehicles be declared. Do not be deceived that this meant 30,000 passenger cars, as has been erroneously stated in the public press of the country. This surplus included bicycles, motor cycles, trailers, trucks, passenger cars, observation cars, and cars upon which were mounted small ordnance.

Then the question was discussed what types of cars should be declared surplus. It was decided that certain cars and trucks which had proven the most serviceable and practicable for Army use were to be retained, which resulted in what they, the confrères, called standardizing the motor vehicles then within the control of the War Department. They classified the Cadillac as the largest passenger car, the Dodge as the smaller passenger car, and the White as the observation staff car. They classified the Packard truck, the Garford truck, the T. T truck, the ammunition train truck, and kitchen truck, and also certain trailers, and ordered a survey made by the Motor Transport Corps of these trucks and cars, which they designated as standard, and other cars and trucks designated as nonstandard be thereupon surveyed and declared surplus, and that the nonstandard surplus be held ready for transfer to the several governmental departments that under the law were entitled to them.

Immediately Gen. Goethals, then Assistant Chief of Staff, Director of Purchase, Storage and Traffic, on February 27, 1919, issued Supply Circular No. 16 to the office of the director of sales, which read:

Supply circular No. 16.

WASHINGTON, *February 27, 1919.*

Subject: Office of the Director of Sales.

Confirming verbal instructions of December 17, 1918, there is established in the Purchase, Storage and Traffic Division a sales branch under an officer designated as the director of sales, whose duties will be as follows:

(a) To formulate, supervise, coordinate, and direct the selling of surplus supplies, material, equipment, by-products thereof, buildings, plants, factories, or lands embraced within the act of Congress approved July 9, 1918.

(b) To supervise and direct the sale, in accordance with existing regulations and statutes, of all other supplies, material, and property not embraced within the act of Congress approved July 9, 1918, but the sale of which may be desired in the public interest, as may be directed from time to time by the Director of Purchase, Storage and Traffic.

(c) To direct and supervise the compilation of records covering all sales of any war supplies, material, lands, factories, or buildings and equipment, so that a detailed report may be made to Congress on the first day of each regular session, in accordance with the provisions of the act of Congress approved July 9, 1918.

By authority of the Secretary of War:

GEO. W. GOETHALS,
Major General, Assistant Chief of Staff,
Director of Purchase, Storage and Traffic.

In accordance with this letter the Director of Sales relayed it to the Chief of the Motor Transport Corps, and advised that a surplus be immediately declared of all serviceable trucks and cars of the nonstandard type. The Post Office Department, the Agricultural Department, the Public Health Service, had been sending to the office of the director of sales numberless requisitions for cars of the serviceable nonstandard type.

What was the result? The director of sales' office patiently awaited the receipt of the requested declaration of surplus from the Motor Transport Corps, and on March 27, 1919, received memorandum, which reads as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, March 27, 1919.

Memorandum for the Director of Sales:

In compliance with the request from Col. Fred Glover, through Maj. Guy Hutchinson, that a list be immediately submitted showing the amount of excess transportation on hand under the Secretary of War's allowance to be retained, I submit herewith a tentative list, unapproved and subject to revision, of vehicles now available for sale:

Automobiles:	
Miscellaneous American makes, all used; approximately, 30 per cent unserviceable	968
Fords, new and serviceable, approximately	1,200
Total automobiles available for disposition	2,168
Light delivery and light repair trucks; all used but in serviceable condition	2,212
Motor patrol wagons	97
Class "AA": Staff observation and reconnoissance cars	1,000
The above are all new vehicles.	
Class "A":	
Garfords, practically 50 per cent used	1,200
Light aviation, approximately 50 per cent used	2,000
Pierce-Arrow, all new	900
Miscellaneous American makes; all used	2,200
Type "B":	
Miscellaneous American makes, all used	2,166
Pierce-Arrow, new	919
Riker, practically 50 per cent used	800
Macks, practically 50 per cent used	1,932
Packards, practically 30 per cent used	2,500
Heavy aviation, practically 20 per cent used	2,500
F. W. D.:	
Nash, not more than 5 per cent used	7,750
F. W. D., practically 20 per cent used	4,000
Total trucks, all classes, available for disposition	33,067

A. OWEN SEAMAN,
Colonel, General Staff.

P. S.—The above list should not be taken into consideration under any circumstances until the Army has been reduced to a working basis of 500,000 men.

Which purported to be the surplus, ordered declared by Assistant Secretary of War Crowell, and which stated it was "a tentative list, unapproved and subject to revision, of vehicles now available for sale," and under a postscript stated "the above list should not be taken into consideration under any cir-

cumstances until the Army has been reduced to a working basis of 500,000 men."

On April 15, 1919, Gen. March, Chief of Staff, declared a surplus predicated on the information given him by the Motor Transport Corps under date of March 27, 1919, which was most incomplete as to the condition, the location, and data of any consequence to assist the director of sales in giving a complete description to possible purchasers either by the Government or by the public. The number requisitioned by the Agriculture Department alone was 22,000. In the meantime the director of sales' office was phoning and writing the Motor Transport Corps for an accurate surplus of the available nonstandard serviceable cars and trucks for disposal.

The director of sales, being unable to obtain from it an accurate list, in sheer desperation, knowing that the Agriculture Department particularly and the Post Office Department needed the cars which they requisitioned, ordered the entire number declared surplus to be transferred and gave the order as regulations directed to the Motor Transport Corps for the physical delivery of these cars and trucks. When about 8,000 vehicles were transferred to the Agriculture Department, there were transferred in all about 19,000 vehicles of the 36,000 declared. Then there was a cessation of further transfers, because there came a conflict as to the interpretation or meaning of the legislation passed by the Congress as to whether these cars could be transferred without transfer of funds. The War Department, through the Judge Advocate General, gave an interpretation that the nonserviceable vehicles transferred to the Agriculture and Post Office Departments could not be allotted and transferred without a transfer of funds, while it had been the custom of the War Department up to that time to transfer them without a transfer of funds.

The Agricultural Department did not concur in that opinion or interpretation of the Judge Advocate General of the War Department and relied upon the opinion of its own solicitor, which was contrary to that of the Judge Advocate General. There were a number of cars and trucks in transit which had been shipped. They were on the trains or they were being propelled under their own power, and were then a distance from the several storage camps from which they had started. Under these circumstances the Secretary of War, instead of ordering them to return or be taken off the cars and paying the additional freight for their return, displayed the best of business judgment and common sense and sent them through to their destination to the several State departments of agriculture. When that opinion was rendered by the Judge Advocate General the hands of the War Department were tied, and it stopped all succeeding cleared orders for transfer and delivered no more of the vehicles, because there was the interpretation of the two lawyers diametrically opposed. The result of this complication of legal construction was that the Agricultural Department requested an opinion of the Attorney General, and that request was made on August 13 last.

The opinion of the Attorney General was rendered in September following. It disagreed and reversed the interpretation of the law as promulgated and enunciated by the Judge Advocate General of the War Department, and thereupon the War Department started right in again to distribute vehicles in accordance with orders and allotments made by the director of sales' office.

But I want to be fair and I want to be honest. I forgot or overlooked this point. Here was the system by which the allocation of these cars was made: There was a trinity of function. First, Assistant Secretary of War Crowell, who was chief executive in this particular line of activity. Then there was the director of sales in Purchase, Storage and Traffic, and there was also the Motor Transport Corps.

Now, gentlemen, the sales department was created by Gen. Goethals, and I need not tell you that he has the confidence of the American people, irrespective of political faith. What was the purpose for its organization? The purpose was that, as you all know, in years past, during war and also during peace times, it was the practice of some weak Army officers, who could not withstand temptation, to yield to the graft system, and many an Army scandal resulted, and frequently dishonest Army officers were convicted and served time in the penitentiaries. The system to defraud was as follows: Some Army officer would make a survey and declare certain vehicles or equipment as unusable and drop them from the Army property list and order a sale; then he would have an outside man through whom he could work, and the Army officer would share in the illegal profit. That is common knowledge and is nothing new. Gen. Goethals—not only wonderful in his military career and character but a man of wonderful commercial and business instincts—conceived the idea of creating the department of sales and placing at its head a trained business man from civil life, whose private as well as business character was unimpeachable. He selected as its first director Mr. Hare.

I do not know him, but his reputation is of the highest type. The present acting director of sales, Col. Guy Hutchinson, is a man of equal high character, probity, and ability, and one of the finest type of men in this country. Col. Hutchinson, now in control, volunteered for service in the World War and was recruited for overseas duty, later commissioned a major, and then promoted to a lieutenant colonel. When Mr. Hare resigned he was designated from the commissioned force of the Army as acting director of sales, which position he has creditably held for about four months.

The director of sales was constantly urging the Motor Transport Corps for a corrected and accurate surplus, stating where the vehicles were and what was their condition, and, not receiving it, he finally, as I have before stated, despairing of ever getting an accurate one, began to allot the total of cars and trucks as reported in the alleged declared surplus of April, 1919, and did, in fact, make an allotment of the entire list available to the Post Office and Agriculture Departments, and gave orders to the Motor Transport Corps to transfer them accordingly. This allotting of surplus vehicles was completed by June 6, 1919.

You will be told that on April 15, 1919, there was a surplus declared of 36,000 vehicles—not all cars—including bicycles, motor cycles, trailers, trucks, and automobiles, and that this department of sales had at that time the information whereby it could have allocated or transferred them. What is there in regard to that? If I were to make a criticism, I would say that I believe if there is any fault to be found, there was an element of lack of speed, lack of pep, lack of business efficiency in the Motor Transport Corps in not declaring an accurate and complete surplus. To be sure, the Chief of Staff, Gen. March, on April 15, 1919, taking what had been sent to him by the chief of the Motor Transport Corps, reiterated it in a memorandum, declaring what I believe was but an alleged surplus. What was it?

It said that 1,516 light delivery trucks, 2,071 light aviation 2-ton, 3,166 American miscellaneous 3-ton, with others, constituted a surplus; nothing in this alleged surplus of April 15, 1919, to show where they were, nothing to show what was their condition, nothing to show whether they were serviceable or not, and the sales department could not on that data submit the unserviceable nonstandard trucks or cars declared surplus to the departments for transfer, because it was to be a business transaction, and the Post Office Department as well as the Agriculture Department wanted to send their respective representatives to inspect them before receipting for them. Not knowing where they were necessarily caused delay in their inspection and delivery, and not being informed the type of vehicle, the make of it, what its condition was, whether it was standard or nonstandard, serviceable or unserviceable, the whole proceeding of distribution and disposal of surplus was impeded. So the department of sales wrote back to the Motor Transport Corps and asked for a particularization in regard to these cars. You will be told that there were about 670 communications that Gen. Drake testified he had sent to the sales director, and after a number of months they were returned to him with a letter from the director of sales.

It is true that Gen. Drake's department, the Motor Transport Corps, wrote hundreds of letters to the sales department, covering a great many months; it is not true that they were returned with the statement that they were not wanted, but with instructions and a form for the Motor Transport Corps to execute and give the much-sought-for information.

Now, of what did these letters consist? The first one that came was somewhere along in March or April, and it was a letter stating that there was one Ford car for sale in the West. Another day another came stating that there was one for sale in Chicago, or two or three. It was a crazy quilt, a patchwork, piecemeal affair, from which the sales department could make nothing for the advantage of a proper sale, and so the director of sales wrote back—and it is all in the hearings with the copies of the letters asking for specific information, and in March, when a supposed declaration was made and sent by Maj. Williams, of the Motor Transport Corps—in that communication there was a reservation that said, "Do not consider this as final, because it is subject to revision; we can not tell as to the number of the Army." They never had a properly declared surplus, and it is an actual fact that the Motor Transport Corps and its chief testified before our subcommittee that they are to-day engaged in a survey of cars, admitting that a real accurate surplus was never declared, and, therefore, that these motor vehicles could not be properly allotted, and they are now endeavoring to do so. The department of sales, after its temper had been ex-

hausted, last August assigned the entire distribution of this surplus of nonstandard vehicles to the management of the Motor Transport Corps, who are now struggling with it.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DONOVAN. Yes.

Mr. MADDEN. In view of the fact that England and France have been able to sell all of the cars which they had which they did not need after the close of the war, I wonder why it is that we have not been able to find out even how many we have.

Mr. DONOVAN. Because the personnel of the Army has not been established.

Mr. MADDEN. That was not necessary.

Mr. DONOVAN. At that time it was necessary.

Mr. MADDEN. Somebody ought to know how many cars we had.

Mr. DONOVAN. That was one of the elements—that the personnel of the Army had not been decided. The next reason was the misfortune of not declaring a proper surplus. On June 6 every one of these cars was allotted to the several departments, and then came in the legal interpretation, which delayed it. It will be said that there are, as described in the press, acres of cars over in Holabird not under cover and deteriorating. It may be true that they are not all under cover, but it is not true that they are rapidly deteriorating, as has been alleged. I went to Camp Holabird with my colleagues. I was told that there was a number of cars over there—trucks, with their transmissions exposed—and that they could not be moved under their own power. To me that was a shocking declaration. I gladly went, and we went through there, and sure enough there was a number of trucks, a great number of them—I think at the maximum there have been 8,000 trucks there at different times since the signing of the armistice—but what did we find. We found those trucks there in perfect alignment, just as if they were men. We found the hoods in good shape. They were on the trucks all in good shape. The curtains were down and they were protected as much as they could be. In a number of instances the bodies were off the chassis. We looked at the transmission. Did we find any uncovered? No. I did not see one; and I think my colleagues will agree that they did not. I did not see one uncovered. And where the paint was chipped off the body of the car, it was gone over with the necessary compound, and this was done once a month, and a corps of 30 men was employed for this line of duty alone.

But let me get back to the statement or rumor that the transmissions on the trucks at Holabird were exposed to the weather. What happens to the transmission of a truck or auto in action. Is it coddled? Is it protected from the elements? No. What do they do with cars and trucks to-day in everyday use? They not only run them in wet weather but through shush and mud, and every time the wheel turns and revolves it deposits the mud and slush up against the transmission, which at worst, as to the trucks at Camp Holabird, which have not the bodies on them, could only be injured from above by a downpour of rain, which is rather infrequent. The chairman asked Maj. Evans, the motor expert, why the bodies were not on the trucks, and was told that all of them were crated and under cover. The line of examination led to the reason why it would not be better to have them on the trucks than in storage, and Maj. Evans very quickly pointed out that whatever complaint the chairman might have of the cars as they now were, without the bodies, the bodies, if upon chassis, would, of course, be subject to the elements, and were better off crated and in covered storage.

The chairman put the following question to Maj. Evans:

Now, Major, I ask you, is it not a fact that these cars standing there for eight months in the open, subject to the winds of winter and the rains of summer, will deteriorate?

Maj. Evans replied:

Slightly.

The CHAIRMAN. What do you mean by that?

Maj. EVANS. A day like to-day it would not deteriorate at all—

It was a sunshiny day, the 6th of September—

because it would only deteriorate when there is moisture in the air.

And he said:

It is not so material as you would suppose, because a truck or car is run from 14 to 16 hours.

You will be told about the cars in park G. I designated it the hospital junk heap and isolation ward. There are 500 nonstandard passenger cars in park G. Maj. Evans testified that they were received in the same condition that the committee observed they were in when it visited the camp on August last. They were the junk that was declared unserviceable and absolute derelicts, and sent to Holabird to the junk heap, and dropped from the property list of the Army, from the camps and cantonments from which they came. They consist of every type of nonstandard passenger cars, and trucks which were discarded. They are unserviceable. The chairman of our subcommittee asked Maj. Evans:

What do you mean by unserviceable?

Maj. Evans replied:

Unserviceable means a car that can not go on the road under its own power.

Gentlemen, even after these unserviceable derelicts from all over the country have stood out in the open in this isolation ward for a number of months and dropped from the property lists of the Army, it is a high indorsement of the management of the War Department when I tell you that one hundred-odd of these cars were dismantled and their parts taken by the Post Office Department to replenish other cars, and that the War Department has sold 80 of these derelicts and has received a sum of about $5,000 for them.

Mr. HUSTED. Will the gentleman yield for a brief question?

Mr. DONOVAN. For a question.

Mr. HUSTED. Could not some of those cars which were declared unserviceable have been repaired and made serviceable, and would it not have been a desirable thing to do?

Mr. DONOVAN. Maj. Evans answered that question, and I thank the gentleman for bringing it out. The policy of the War Department was to repair all serviceable vehicles of the standard type. They, of course, were to be retained by the War Department. These cars, of course, were used roughly during the war, and there was a vast number of them that needed repairing. The cars in Park G—Maj. Evans or Col. Chitty, I do not recall which one it was—or it might have been Capt. Crane—testified that they were beyond repair. Those that were disposed of, as I have already stated, to the Post Office Department and sold to an individual for the $5,000 were taken to be dismantled and have their parts used for replacements.

Much will be made, I expect, by the gentlemen following me of the fact that there are a number of new cars at Holabird that are crated, and it will be claimed, I fear, that, to quote the pet question of the chairman of the subcommittee, "that the beating of the winds of winter and the rains of summer against them" causes their deterioration. You need give no serious concern to such a contention if it is advocated. There are, I think, some two hundred and odd Dodge cars, new ones, that are crated. They were sent to Holabird for transshipment when the armistice was declared, and they are neatly and orderly piled five high and six wide and are under an A-shaped sectional roof, whose edges extend beyond the front, back, and sides of the walls of the crates which go to make the substructure of the building. The roof is covered with heavy water-proof tar paper, mechanically laid. The crates are made of seven-eighths tongued and grooved white pine lumber, and you who know what white pine is know that it is the best rain and sun resisting lumber in the world. The cars in these white pine crates are slushed with oil and a grease compound, are wrapped in a two-ply water-proof tar paper, and the crates by their construction, being tongued and grooved and closely jointed, are light, air, and storm proof.

The Motor Transport Corps, upon taking out several of these cars from the crates, found them in the same condition that you or I would find a new car which we might buy directly from the factory, which would be shipped to us in the exact type of crate and would be hauled by the railroad on a flat car subject to greater exposure during its transit, but of course not probably of so long a duration.

These cars were found to be in the pink of condition, both mechanically and as to their painting and upholstery.

Gentlemen, I want you to remember that of the 11,000 vehicles at Camp Holabird less than one-third of them are in the open. A great majority of them are the trucks which I have described. Every bicycle, every motor cycle, and 727 ambulances, besides thousands of trucks and passenger cars, are under cover. I think the following question and answer—the answer being that of an expert—explains much as to any damage that might result to the exposed trucks or cars:

Mr. REAVIS. Do you want to be understood in this record, as a practical automobile man, as saying that motor cars standing exposed that way would not deteriorate and were not deteriorating?

Maj. EVANS. There is an element there that I do not think has come to the minds of the people who were looking into that. The vehicle that is in operation on the road is usually in operation from 14 to 16 hours a day. It is then out exposed to the elements. The vehicle in our parks is exposed only 24 hours, so that there is only a slight time that the vehicle standing in our parks is receiving any greater exposure to the weather than the vehicle that is in operation.

Gentlemen, I think I have now arrived at a point in this discussion where a vital consideration and a just criticism

might be leveled at the Motor Transport Corps or the War Department for not providing sufficient storage to house all of these many motor vehicles that were in the open subject to the weather not alone at Camp Holabird but at Camp Normoyle and Camp Jeffries, which were the three big receiving and shipping storage motor vehicle depots in America. I was about to ask Gen. Drake, the chief of the Motor Transport Corps, this question, but was relieved of that duty when the chairman of the subcommittee propounded the following in reference thereto:

Mr. REAVIS. Have you ever made an effort to store any of these cars?

Brig. Gen. DRAKE. Yes, sir. We have tried to get storage. In fact, we have an appropriation, an allotment of $375 for building storage in these different camps, Camp Holabird, Camp Normoyle, and Camp Jeffries, and we had just started work with all the materials on the ground when Congress passed an act prohibiting the further use of funds for construction camps, cantonments, etc. We contended to the War Department that our activities at these places did not come within the intent of this act, but the decision was made adversely to us, so that the construction could not be proceeded with.

Gentlemen, here is a complete answer to the question, and it is given by Gen. Drake, and I believe every fair man of this Congress will subscribe to this fact that here at least is a most substantial reason why vehicles were not placed under cover, and do not forget, gentlemen, that Maj. Evans testified that these motor vehicles, with the exception of the junk heap, were being received and shipments made ever since the armistice to date, and that, in his opinion, none of the trucks or cars that were in the open had remained at Holabird for one time longer than three months, and many of them not as long as one month. I confess that I am at a disadvantage to answer in detail criticisms that may be advanced by the gentlemen who will follow me as to the handling, management, and disposition of the surplus motor vehicles, from the fact that the chairman of the subcommittee, who I am reliably informed is the creator of the resolution under discussion, has adopted the rather unusual procedure, as the proponent of the resolution, to withhold his support of it until the close of the time-period allotment under the special rule.

To me the resolution is one of absolute senseless purport because, speaking in the kindliest manner of it, it is only a suggestion or an attempt to accomplish what is already being done by the War Department, and it has the other regrettable effect of superseding or suspending the consideration of a most important bill and sidetracking it for an entire day—the banking bill, or what is known as the Edge bill. I shall, however, notwithstanding the senseless feature of the resolution, for the reasons that I have just disclosed, vote for it, because it is but a reiteration of the policy now employed by the War Department in disposing of the unserviceable nonstandard surplus vehicles, and it is also an indorsement of the excellent business management employed under the direction of Col. Hutchinson, director of sales of the Purchase, Storage and Traffic Division of the War Department.

I expect you will be further told that a vast number of cars have been purchased from the factories since the signing of the armistice and have been received at Camp Holabird. I doubt, in view of a careful reading of the testimony, whether anyone following me will have the temerity to make such a statement. The fact is that many new cars were received at Holabird; the further fact is that not a new car was purchased from the factories. The program of purchase by the Division of Purchase, Storage and Traffic of the War Department contracted for a great number of cars on a monthly production basis to extend over and to include, as you will recall, the month of June, 1919, for it was then that we thought back in the months of August and September, 1918, that the war would be ended. When the armistice was signed on November 11, 1918, these commitments for the production of motor vehicles were going ahead with great rapidity, and there was delivered each week from the factories in this country to the War Department 1,100 passenger cars. When the armistice was signed many of these cars and trucks were unassembled and were being assembled; many were in storage in the factories about to be shipped, and the result was that a large cancellation of thousands and thousands of cars and trucks was made by the War Department, but those that were finished or about to be finished were permitted to be shipped by direction of the War Department's representatives at the factories, and they were strung out over a period of two or more months after the signing of the armistice with the object of saving costs of storage or the necessity of placing these new crated cars out in the open, such as I assume complaint will be made, by the gentlemen who will follow me, of those that were so stored at Holabird. As an evidence of the small proportion of new cars that was received after the signing of the armistice, the director of sales canceled all orders on passenger cars and received during the succeeding months from November to June but the equal of one week's production—1,100 cars—in all that period. What was true of the passenger cars was proportionately true of the trucks.

I desire at this time to read a letter from Col. Hutchinson, assistant director of sales, under date of October 16, 1919, to Hon. Benedict Crowell, Assistant Secretary of State, from which you will gather a very clear and intelligible understanding relative to this phase of the motor-vehicle situation:

WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES.
Washington, October 16, 1919.

Memorandum for the Assistant Secretary of War.

1. Complying with your verbal request this morning concerning cancellation of motor-vehicle contracts, the following is submitted on trucks (all types, including ambulances) and passenger cars:

2. Immediately upon the signing of the armistice manufacturers were consulted in the matter of cancellation of their contracts, the War Department production representatives at the different district offices were called into conference as to the status of production on various contracts, and in every case the War Industries Board was consulted and its approval secured. The result is given herewith:

Total vehicles ordered to Nov. 10, 1918:	
Trucks	198,768
Passenger cars	37,065
Undelivered as of November 10:	
Trucks	119,625
Passenger cars	20,690
Average production per month for November, December, and January:	
Trucks	17,020
Passenger cars	4,931
Canceled since Nov. 11, 1918:	
Trucks	78,340
Passenger cars	19,672
Accepted by War Department Nov. 11, 1918, to date:	
Trucks	41,285
Passenger cars	1,018

3. In making cancellations it was assumed that the Army needed no further motor vehicles. Efforts were therefore made to cancel as many vehicles as possible, taking into consideration, of course, the status of production and the amount of material which the Government would have to pay for in settling claims resulting from such cancellations. It will be noted that approximately only one week's production in passenger cars after the signing of the armistice was accepted, and that on trucks of all types there was accepted only the average production for two and one-half months. It will be seen that manufacturers were allowed approximately a 60-day run in order to finish machine work on parts in process and to complete assembling. An average termination of 70 per cent of all contracts was effected.

4. Considering that the War Department had practically reached the "peak" of production when the armistice was signed, terminations to this extent were remarkable. If additional terminations of any consequence had been made, it would not only have worked an extreme hardship on the manufacturers and labor, but would have cost the Government practically as much to have adjusted claims, and instead of having completed vehicles the War Department would have had a lot of uncompleted material worth only scrap value.

5. The requirements for any Army of 30 divisions, shown on tentative table of vehicle requirements, as filed by the Motor Transport Corps as of August 31, 1918, and on which basis the War Department was purchasing motor equipment shows that there were required for each army approximately: 7,800 touring cars, 6,200 ambulances, 55,350 trucks, 24,000 motor cycles, 17,000 bicycles, 8,000 trailers.

6. After the cancellations were arranged for, the manufacturers were allowed to extend their final delivery dates on the vehicles still due, for the reason that the Government storage facilities were totally inadequate, and for the further reason that these extensions on deliveries would allow the manufacturer to more readily resume his commercial business, meanwhile holding the nucleus of his organization together while finishing up the Government contracts.

7. This subject is an intricate one, and it is impossible to give all the details in a brief memorandum, but the above covers the subject in a general way. As many of the vehicles under contract were not of a commercial character, it was necessary to allow production over a more extended period on these machines than on vehicles of a strictly commercial type.

By authority of the Director of Sales:

GUY HUTCHINSON,
Assistant Director of Sales.

Gentlemen, I believe that I am almost prophetic when I tell you that I am about to assume that a dramatic and perhaps a tragic effect will be reached when you are told by one of the gentlemen that is to follow me in discussing this subject that since the armistice was signed shipment of vehicles were continued to be made overseas for the use of the American Army. When it first came to my attention that such a procedure had been employed I confess that I was very much in the same mental attitude in which I assume you will be when you will be told with great power of declamation that a number of motor vehicles were shipped overseas since November 11, 1918. I was amazed and appalled to the same degree that one of my colleagues on the subcommittee stated in the framing of a question on this subject in one of the hearings was until I received the knowledge and heard the War Department's explanation. I trust, however, that the gentlemen who are to follow me in addressing themselves to the resolution will not be hypocritical or unfair, but will honestly confess and admit, as I do, my complete confidence in the necessity for the shipments and in indorsement of the policy after I listened to the testimony of Maj. Gen. Burr, of the General Staff, who is now Chief of Purchase, Stor-

age and Traffic, and who succeeded Gen. Goethals, and that these shipments were made by order of his predecessor.

Gen. Burrs testimony is as follows:

Mr. REAVIS. Now, General, information has been brought to you in the last minute which relates to shipments after the dates you have given. From that information, what would be your statement as to any shipments of motor vehicles abroad in addition to those that you have just put into the record?

Gen. BURR. Since July 1, 1919, the records of our overseas transportation service show that no motor vehicles have been shipped.

Mr. REAVIS. Now, General, are you in possession of information as to why these shipments were made abroad after the armistice was signed?

Gen. BURR. As a matter of general knowledge, yes, Mr. Chairman. It was known to all Army officers who were connected with the service that during the last months of the war preceding the armistice there were continued and insistent calls for motor transportation. And I may say that after the armistice, a month or two afterwards, when it was necessary to send the Third Army into Germany, it was practically—in order to outfit it—it was practically necessary to take the motor transportation from the other two armies in France. Gen. Pershing had been insistently demanding in the last few months before the armistice that we get motor equipment over there. Every energy was being exerted to ship it. We practically reached the peak of production on motor equipment when the armistice was signed. We had quantities of material ready for shipment at the dock, and they were still asking for this transportation; and that fact and the shortage of equipment over there will account for the seemingly large shipments in December and January, and possibly in February. At that time, and now, the war was not over, and at that time the military officials deemed it wise to have our troops over there measurably equipped with transportation, because an army that hasn't transportation is immobilized.

Mr. REAVIS. The point that I had in mind, General, was this: Were these very large shipments, running into the tens of thousands of motor vehicles, after the armistice, based upon orders that came before the signing of the armistice or were they on orders subsequent to the armistice?

Gen. BURR. Well, first, Mr. Chairman, I want to say that I have not figured it up, but the total figures that I have given you may run into tens of thousands, but they will not run over two tens of thousands; that is, not over 20,000. So they are a comparatively small number.

Mr. REAVIS. Well, without going into it quite as technically as that—because the addition can be made from your answers as to the number of thousands—what I would like to know is whether the War Department sent these to France on orders made before the signing of the armistice or on orders after the signing of the armistice.

Gen. BURR. I think on both.

On November 15, four days after the signing of the armistice, the department received a cablegram from the headquarters in France, stating the shortages for 30 divisions.

Mr. DONOVAN. Is that a copy of the telegram, General?

Gen. BURR. Yes.

Mr. DONOVAN. Suppose you put it in the record. That will explain it.

Gen. BURR. I have a summary of it here, in which they asked for 6,450 light cars, 919 heavy cars, 1,096 reconnoissance cars, 1,602 staff observation cars, 1,590 machine-gun cars, 27,593 motorcycles with side cars, 573 light delivery trucks, 8,450 1½-ton trucks, 11,547 3-ton trucks, 751 gas trucks, 25,036 ammunition trucks.

Mr. REAVIS. Now, you are reading there from a cable received from whom?

Gen. BURR. This is a cable from the headquarters of the S. O. S. in France.

Mr. REAVIS. Would you be kind enough to let me see the cable, General?

Gen. BURR. This is merely a copy. The cable is S. 456 [handing the paper to Mr. REAVIS].

Mr. DONOVAN. What does "S. O. S." mean?

Gen. BURR. Services of Supply in France. That was Gen. Harbord's headquarters.

Mr. REAVIS. Now, General, how many divisions did we have in France?

Gen. BURR. I think we had 42 in the fighting line—42 fighting divisions—and in addition to that, of course, we had about 40 per cent of the fighting strength of the Army in the Service of Supply—in the S. O. S.—at the rear.

Mr. REAVIS. Now, it may be that I don't understand your system, but this cable, as I read it, doesn't call for the shipment of these to France.

Gen. BURR. It reports the shortages which were to be made up.

Mr. REAVIS. The cable reads, as I understand it:

"Paragraph 6. Motor Transport Corps. Following vehicles are the shortage that now exists in France to take care of 30 divisions. All vehicles floated during the month of October should be deducted from these figures, and the balance procured and floated at once. All orders placed in the United States for vehicles exceeding these requirements should be canceled."

Then, it goes on and gives the numbers you have just read. What cable did you get subsequent to that, if any, calling for motor vehicles—if that be an order for motor vehicles?

Mr. DONOVAN. May I see a copy of that telegram, please?

Gen. BURR. Yes, sir. [Handing the paper to Mr. DONOVAN.]

We had a cable December 7, 1918.

Mr. REAVIS. Before you answer that, General, I would like to have this cable—this is a copy of it, you say?

Gen. BURR. There is no question as to the accuracy of it.

Col. SEAMAN. The copy was made right in the cable office.

Mr. REAVIS. I would like to have that inserted at this point in the record.

(The paper referred to follows:)

"MOTOR VEHICLES SHIPPED TO FRANCE.

"[Extract from cablegram S. 456, Nov. 15, 1918.]

"Par. 6. Motor Transport Corps: Following vehicles are the shortages that now exist in France to take care of 30 divisions. All vehicles floated during the month of October should be deducted from these figures and the balance procured and floated at once. All orders placed in the United States for vehicles exceeding these requirements should be canceled: Ten thousand six hundred and twenty-eight bicycles; 6,450 motor cars, light; 919 motor cars, heavy; 1,096 cars, reconnoissance; 1,602 cars, staff observation; 1,590 cars, machine guns; 27,593 motor cycles with side cars; of 573 trucks, light delivery; 8,450 trucks, cargo 1½ and 2 ton; 11,547 trucks, cargo 3 to 5 ton; 751 trucks, gas tank, 3 tons; 25,036 trucks, ammunition; 24 field-lighting sets; 2,144 trucks, light aviation; 74 trucks, photographic; 52 trucks, balloon winch; 61 trucks, tender for balloon winch; 53 trucks, radio repair, Air Service; 53 trucks, radio operating, Air Service; 779 trucks, self-dump, Engineers; 140 water tanks, 5 to 5 tons; 313 trucks, wrecking, 3 to crane MTC; 868 trailers, 2 wheels, box body, Air Service; 338 trailers, spare parts, Air Service; 1,319 trailers, 21-foot, 2-wheel, platform, Air Service; 58 trailers, water tanks, Air Service; 80 trailers, photographic, Air Service; 2,188 trailers, 3-ton, 4-wheel, cargo; 74 trailers, chart room, Air Service; 877 trailers, 1½ to 2 ton cargo; 1,530 trailers, water cart; 136 trailers, tires press; 78 trailers, 4-wheel, 3-ton, pole; 140 trucks, water tanks, ¾-ton; 58 trucks, degassing outfits; 704 trucks, cargo, 4-wheel drive; 14 trucks, water-purification; 393 trucks, machine-shop; 442 trucks, light repair, MTC; 750 Ford ambulance chassis, "A" "A" "S"; 2,550 ambulances, Ford; 2,400 ambulances, G. M. C. All other motor vehicles not enumerated herein, with the exception of special ordnance vehicles, can be canceled. Ordnance Department will report separately all ordnance items not appearing herein."

Now, what further cable did you receive?

Gen. BURR. We have a cablegram, S. 572, December 7, 1918, of which I have an extract here.

Mr. REAVIS. Will you permit me to look at it, General? Just mark the extract that you think is pertinent to this.

Gen. BURR. I don't think all of it is pertinent, Mr. Chairman, but it is instructions as to the shipment of ordnance motor vehicles [handing paper to Mr. Reavis].

Mr. REAVIS. I notice in the cablegram of December 7 it says:

"Continue shipment of only sufficient ordnance, motor vehicles, load material, to supply adequate replacement and Slater spare parts for all load material and loads already shipped."

Now, at that time the department, so far as ordnance motor vehicles was concerned, was calling only for a supply sufficient to take care of adequate replacements?

Gen. BURR. Yes. Now, to indicate what would be the extent of shipments under that, I would have to have more knowledge of the exact condition of the ordnance equipment in France than I have. They apparently state in that cable that in order to repair tractors already shipped, it has been necessary to take apart complete tractors and use them as spare parts. So they wanted spare parts and also additional machines to replace.

There was great delay during the months of September and October, 1918, in the floating of motor vehicles to France; the American Expeditionary Forces never had more than 40 per cent of motor vehicles for its requirements. Cablegrams dated October 12, 16, 18, and November 14, and even on the day of the signing of the armistice, were received by Gen. Goethals, who was then in command of the Purchase, Storage and Transport division of the Quartermaster Corps earnestly urging the necessity for the early arrival and explaining the injury done the service in France by the delay in their receipt. The War Department in most instances had the vehicles at the docks. The delay was caused by the lack of bottoms in which to ship them. Gen. Goethals, careful of the Government's interests which he had so long and faithfully served, on November 30, 1918, sent a cable after he had been in receipt of one calling for the shipment of motor vehicles to Gen. Pershing, asking to be advised if there was necessity for the shipment of the vehicles required in a cablegram received by him from Pershing on November 15, 1918. Again, on December 11, 1918, Gen. Goethals cabled Gen. Pershing to be advised if the shipments which he had made in November in accordance with the requirements received in the cablegram of November 15, 1918, would make unnecessary the shipping of the December requirements contained in the cablegram dated December 11, 1918. Thus, gentlemen, you will see on two specific occasions Gen. Goethals by cable assured himself by receipt of a return cable of the necessity for these requisitioned motor vehicles referred to.

In December, 1918, Gen. Harbord, chief of the Services of Supply, by the direction of Gen. Pershing, cabled Gen. Goethals in reply to his inquiries of November and December, 1918, asking for advice, as follows:

[Cable to Gen. Harbord #323, November 30, 1918.]

PST Paragraph 1. Reference S 487, paragraph 1, and S 502, paragraph 4 B, extremely important that we receive advice at once as to December priority for motor transportation. Reference X 316, paragraph 7, suggesting shipment of 2,500 trucks and 1,000 cars, do you not think it advisable to eliminate all shipments of motor transportation after December 1st except spare parts and tires? Trucks and cars shipped during December, after allowing time for voyage, unloading, erection, etc., will not be available for use in France until the end of January, at which time there will presumably be a large reduction in force. Advise quickly. GOETHALS.

[Extract of "S" cablegram. No. 629. December 16, 1918.]

Paragraph 5. For purchase and chief Motor Transport Corps. Reference X 343, paragraph 9 F. Need for heavy motors care, especially urgent, due to needs for transportation in connection with peace negotiations; request effort be made to ship as requested in December. Advise. HARBORD.

[Extract—X 348—December 11, 1918.]

S. & P. Paragraph 2. Shipments for the month of November, as follows: Motors and vehicles: Automobiles, heavy, 303 each; light, 767 each; motor cycles and side cars; side cars only, 3,633; each motor cycles, Solo, 2,935 each; bicycles, 3,851 each; trucks, light delivery, 867 each; type A, medium, one and one-half to two ton, 715 each; type B, heavy, three to four ton, 2,652 each; heavy cargo, five-ton, 45 each; dump, 10 each; light aviation, 73 each; ammunition, 2,214 each; chassis; light delivery, 129 each; type A, medium, one and one-half to

two ton, 306 each; type B, heavy, three to four ton, 988 each; heavy cargo, five-ton, 57 each; dump, 20 each; light aviation, 250 each; ammunition, 104 each; ambulances; Ford, complete, 132 each; Ford chassis, 4 each; G. M. C., type AA, complete, 34 each; type AA chassis, G. M. C., 684 each; G. M. C., type AA bodies, 647 each; trailers, 691 each; casing tires and tubes, 6,045 each. Reference S 551, paragraph 4, see X 326, paragraph 18. Advise if this will change December requirements.

GOETHALS.

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[Extract X-644. December 18, 1918.]

Paragraph 4. For purchase, and Chief, Motor Transport Corps. Reference S, 348, paragraph 2. This will not change December requirements.

HARBORD.

Gen. Goethals not only forthwith shipped the November and December motor-vehicle requirements requested by Gen. Pershing, but honored all requisitions for subsequent motor-vehicle requirements thereafter up to and including February and March, 1919.

Gentlemen, I know you will agree with me that with Gen. Pershing requisitioning motor-vehicle requirements and demanding their immediate floating and stating the injury that the nonreceipt of them was occasioning the service, and with Gen. Goethals assuring himself by cablegram from Gen. Pershing for the necessity for the floating of these requisitioned motor-vehicle requirements, it will come with exceeding poor grace for any Member of this House who may follow me here to-day to attempt to lay an indictment of waste or extravagance by the War Department in the shipping of motor vehicles to France since the signing of the armistice, when it was done by the request and under the direction of the two foremost American generals of this generation.

Of all the detestable, cheap demagoguery ever indulged in, in my opinion, was that which was in fashion during the war and extended up to the time when this House had submitted to it for its consideration the sterile, impotent, twin resolution—the one now under consideration and the one relating to the disposal of Army surplus food products—for Members of this great body to recklessly vilify and impugn the motives of the men who have attained great prominence in the business world for their high character and ability, who gave their services to their country in the time of its greatest stress, to be charged in this Chamber with a selfish personal and business interest in the management and disposal of the surplus products and equipment over which in their governmental capacity they have jurisdiction. I trust that those Members of the House who are to follow me in the discussion of this resolution now under consideration will forego the temptation of such an unseemly and unjust practice and will not regard it necessary to assail the character or the intention of any reputable business man such as I have described that may now be connected in a prominent governmental capacity to advance or promote either a partisan or a personal object.

Gentlemen, I urge you to vote for this resolution, for by so doing you are, as I have already stated, indorsing the wise, sound, and economic policy now being employed by the War Department in disposing of its surplus motor vehicles. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DONOVAN. May I ask permission to revise and extend my remarks?

The SPEAKER. The gentleman from New York asks to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Mr. Speaker and gentlemen of the House, I am very reluctant to ask to proceed without interruption, but the facts which I have in mind and which I would like to lay before the membership are so voluminous that I fear it will be impossible for me to call them to your attention within the time allotted to me. I would therefore appreciate it very much if the House would be good enough not to interrupt me unnecessarily in order that I may economize my time.

I desire to discuss this resolution without partisan bias. I have no intention to indulge in unnecessary criticism. I merely want to lay the facts, as developed by the testimony, before the House in order that you may draw your own conclusions. A brief word of explanation of the policy and system adopted by the War Department for the sale of the surplus Army material, and especially for the sale of surplus automobiles, may be helpful in arriving at a correct conclusion regarding the situation.

The General Staff determines how much automobile equipment is required for the Army, and these requirements, so far as motor vehicles are concerned, are turned over to the Motor Transport Corps, of which Brig. Gen. Drake is chief. The Motor Transport Corps then declares a surplus of all motor vehicles in excess of the requirements of the Army, as shown by the order of the General Staff. This declaration of surplus on the part of the Motor Transport Corps is turned over to the sales department, upon receipt of which it becomes the duty of the sales department to make plans for the disposition and sale of such surplus. The Motor Transport Corps can not act with reference to declaring a surplus until the requirements of the Army are made known by the order of the General Staff, and the sales department can not act with reference to the disposition of the surplus until the Motor Transport Corps has made a declaration of surplus. So we have three departments through which the matter must go before the surplus can either be transferred or sold.

The department of sales, whose duty it is to determine the policy of sale, is an organization which came into the War Department during the progress of the Worlds War. I think Gen. Goethals was responsible for the creation of the department of sales. The Secretary of War conceived the idea that the department of sales should be largely controlled by what he is pleased to term experts. I am not prepared to say that the disposition of all the Army surplus is in the hands of these so-called experts, but I do know that the sale of every commodity which Subcommittee No. 4 has investigated is controlled by one of these experts, and that in every instance the expert is connected with some organization in civil life whose commodity will be brought in direct competition with the Army product when it is sold.

Mr. CALDWELL. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. CALDWELL. Would you have the material sold by some one who did not know anything about it?

Mr. REAVIS. In answer to the question, permit me to say that I would be perfectly willing to trust the gentleman from New York, or any other man of honesty and average intelligence, to sell a Cadillac car by auction, as this resolution provides. In fact, I would greatly prefer to trust the gentleman from New York to sell these commodities for the Government if he had no personal interest in the matter than to trust some expert to sell it for the Government when it came into competition with his own product. [Applause.] Bearing in mind the duty of the director of sales and the functions of his department, it may be interesting to know that the first statement of policy of the sales department was issued in January of this year, and is as follows:

It is the policy of the director of sales to dispose of the surplus property of the War Department so as to disturb the industrial conditions of the country as little as possible.

I may say to you, after having spent nearly five months in listening to testimony disclosing the activities of the sales department, that I have become convinced that the policy as originally announced has been religiously adhered to by the sales department ever since.

The first declaration of surplus motor vehicles, as disclosed in the testimony of Brig. Gen. Drake, in serial 5, part 8, of the hearings of Subcommittee No. 4——

Mr. CALDWELL. Will the gentleman yield?

Mr. REAVIS. I mean no discourtesy to the gentleman, but will he kindly permit me to read this testimony?

Mr. CALDWELL. I understand; but I asked for time, and they would not give it to me.

Mr. REAVIS. I am not responsible for that. On the 4th of September Brig. Gen. Drake, under oath, made the following statement:

Mr. REAVIS. And these 500, or approximately 500, pleasure cars which I have personally seen were vehicles that were to be sold to the general public rather than turned over to the departments?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Now, when did you order that survey made?

Brig. Gen. DRAKE. I do not remember the date. It was during a visit with Col. Miller at Camp Holabird. I have here a letter from Col. Chitty of July 19, which states as follows:

"The vehicles here—488—authorized for sale on February 13 last are still being held, pending disposition by the Division of Purchase, Storage, and Traffic."

Col. Chitty was the commanding officer in charge of Camp Holabird, and his letter discloses that these 488 passenger cars had been declared surplus on the 13th of February, which declaration imposed the duty on the sales department to immediately dispose of them, and yet nothing had been done on the 19th of July.

I have seen these vehicles. During all of that time they were standing in the open, with no protection, subjected to the elements, rapidly covering with rust, the tops rotting, the upholstery tearing loose, the paint faded and cracked, and the department of sales doing absolutely nothing with reference to their disposition, though Camp Holabird is only 50 miles from the city of Washington and from the office of the department of sales.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. With pleasure.

Mr. DONOVAN. Was it not true that the inventory or surplus declared, referred to in that statement, had the names of the cars but not their condition and where they were located and what their use had been, and the sales department for that reason in the statement said it would not give sufficient information for the transfer department to sell them?

Mr. REAVIS. No; that is not true.

Mr. DONOVAN. That is true.

Mr. REAVIS. It is not true; and it is no defense if it were true. Your statement would indicate that the chief of the Motor Transport Corps declared a surplus in February of 500 passenger cars within 50 miles of Washington and that they were permitted to stand in the open without action until July because the War Department, through the chief of the Motor Transport Corps, had not given the sales department sufficient information to justify the sale. If the sales department was refusing to act because of any such insufficient information, do you not think that there was time between the 13th of February and the 19th of July to have secured this information? Certainly there was time for these cars to be practically ruined by exposure. [Applause on the Republican side.]

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Not any further at this time. Whoever was at fault, whether it was the sales department or the Motor Transport Corps, it is very certain that the fault of one or the other resulted in 500 passenger cars standing in the open with no protection from the 13th of February to the 19th of July, at the time the letter of Col. Chitty was written; and, as a matter of fact, these cars stood there until the latter part of September following before they were sold.

Mr. DONOVAN. The gentleman does not want to make a misstatement of facts. The gentleman says that was no protection.

Mr. REAVIS. I have not yielded.

The SPEAKER. The gentleman declines to yield.

Mr. REAVIS. It is true that the sales department, through Mr. Hutchinson, offered, not as a reason but as an excuse for its failure to act, their statement that the chief of the Motor Transport Corps in his declaration of surplus was not sufficiently specific. The chief of the Motor Transport Corps, Brig. Gen. Drake, whom I regard as an exceptionally high-class man, a splendid officer, and a very frank and candid witness——

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. I can not yield at this time.

The SPEAKER. The gentleman declines to yield.

Mr. REAVIS. As I was saying, Brig. Gen. Drake testified that his declaration was specific and the responsibility for the delay and the loss to the Government rested entirely with the sales department. The inactivity of the sales department was not confined to these 500 pleasure cars. In fact, the indifference of the sales department with reference to these cars is characteristic of its attitude toward all of the surplus motor vehicles. The testimony of Gen. Drake discloses this beyond question. On page 303 of part 8 will be found additional information regarding the conduct of the sales department:

Brig. Gen. DRAKE. In all, we sent 470 communications to the office of the director of sales regarding touring cars, trucks, and motor cycles.

Mr. REAVIS. Regarding the automobiles there, touring cars, trucks, etc., being unserviceable?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. When you reported to him that they were unserviceable, that they had been surveyed and found unserviceable, under jurisdiction of his office, that gave authority for him to sell from that report, did it not?

Brig. Gen. DRAKE. Yes, sir; absolutely.

Mr. REAVIS. And how many of these reports have you sent him?

Brig. Gen. DRAKE. Four hundred and seventy.

Mr. REAVIS. What reply had you got to them?

Brig. Gen. DRAKE. They were all returned with the letter I just mentioned.

Mr. REAVIS. And not an automobile sold?

Brig. Gen. DRAKE. No, sir.

Mr. REAVIS. And you sent him 470 reports?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. These 470 orders that were sent from the department that declared a surplus to the department whose duty it was to sell as soon as the declaration was made, comprehended the surplus motor equipment in many camps throughout the country?

Brig. Gen. DRAKE. These 470 reports did not all relate to vehicles in Camp Holabird, but to stations throughout the United States.

Mr. REAVIS. That is, at Cleveland, Chicago, Atlanta, Cincinnati, and all other places where motor vehicles were stored?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Why did you only report to him the unserviceable cars?

Brig. Gen. DRAKE. Because we reported the total number of motor vehicles surplus, 36,352.

Mr. REAVIS. Is that the total motor-vehicle surplus in the Army in the United States?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Has that surplus been growing greater, or has it been decreasing?

Brig. Gen. DRAKE. Just recently it was increased by the order of the Secretary of War declaring surplus 3,000 F. W. D. trucks, 279 Dodge cars, and 92 seven-passenger cars.

Mr. REAVIS. The greater proportion of them are serviceable, are they not?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. When were they reported to the director of sales?

Brig. Gen. DRAKE. This was approved by the Acting Secretary of War on April 12 and was immediately transmitted to the director of sales.

Mr. REAVIS. Subtracting 3,000 from the total would leave approximately 37,000 automobiles that had been in his hands as surplus since April?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Well, Gen. Drake, how many have been sold?

Brig. Gen. DRAKE. To my knowledge, very few have been sold.

This testimony was given on the 4th of September. During the interim, from February until September, the director of sales, according to the testimony of Gen. Drake, had received 470 orders granting authority and imposing the duty to sell surplus motor vehicles. Gen. Drake testifies further that no communication was received by his office from the director of sales regarding these declarations of surplus until July, at which time the director of sales returned all of the declarations of surplus and all the orders to the Chief of the Motor Transport Corps, with the statement that he did not care to handle the proposition. From the time of the armistice, on the 11th of November, down until this hour these cars have been standing in the open, exposed to the elements, subjected to the storms of winter and summer, with absolutely no protection. The paint has cracked, the hoods are covered with rust, the upholstering and tops have rotted, and practically no effort has been made on the part of those charged with the duty of selling them to dispose of them.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. With pleasure.

Mr. HUSTED. Will the gentleman tell us how many cars were covered by these 470 orders?

Mr. REAVIS. It is impossible for me to do that. I would have to make a computation which I have not done, but there were several thousands. Brig. Gen. Drake was probably justified in expecting the sales department to dispose of these cars after the declaration of surplus. His duty was really performed when he declared the surplus and sent it to the sales department, but because of the inactivity of the sales department and because of the action of the sales department in sending all of the declaration of orders back during the month of July, Drake tried to get a different system that provided for the elimination of the sales department, that granted him authority to make the sale himself. On pages 301 and 302 of part 8, in the printed record of the testimony, the following is found:

Mr. REAVIS. Now, there is no intention of placing the responsibility where it should not go, but I want to get the facts in the record. The armistice came in November of last year. These automobiles, thousands of them, trucks and pleasure cars, have been standing in open storage, subjected to the snows of winter and the rains of summer, from that day down until this, and the department is just now, on September 1, having a survey made that will permit the sale of these vehicles, s that correct?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Who is responsible for that delay?

Brig. Gen. DRAKE. The idea from the beginning was to transfer all vehicles of whatever class to some one of the other departments. We had no authority to do this, and I had no authority to hold a sale of the vehicles during that time.

Mr. REAVIS. I know that, General. I am not trying to fix any responsibility on you any more than I am on anyone else. I am just trying to find out what has been done. There has been absolute criminal waste with reference to this thing. Both Mr. MACGREGOR and myself have gone personally to Camp Holabird and have seen the condition of these cars. To anyone who realizes the necessity of his Government for money and the burden that taxation is placing upon the citizens of this country, it is appalling. I am not claiming that you had any authority to sell these. I think probably you did not have the authority, but the director of sales did have the power, did he not?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And all the authority necessary for the sale there when you gave him the list last February?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And he did absolutely nothing until July, so far as you know?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And all that he did in July was to notify you that he did not want to act under the authority that you had given him in February?

Brig. Gen. DRAKE. Well, it was my suggestion as to handling this sale, this action of August 1.

Mr. REAVIS. But I say that the first thing that the director of sales did from February to July, notwithstanding the exposed condition of these cars, was to notify you in July that he did not want to act under the authority that you gave him in February?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. And that he did not want to perform the duty that the jurisdiction of his office imposed upon him. That was, in effect, what he said, was it not?

Brig. Gen. DRAKE. That was the effect. I do not know his reasons.

The conduct of the sales department, with reference to these automobiles, is in entire harmony with the avowed policy announced in January, that the surplus war material would be so sold as not to disturb industrial conditions. I know of no better

way to prevent such disturbance than to permit these cars to rot and go to ruin as they were permitted to do.

Mr. DONOVAN. Will the gentleman yield?

Mr. LONGWORTH. Will the gentleman yield?

Mr. REAVIS. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Does the gentleman construe the phrase "not to disturb industrial conditions" to mean not to reduce prices?

Mr. REAVIS. It manifestly can have no other meaning.

Mr. LONGWORTH. Is it not a fact that in the case of another investigation that the gentleman's committee undertook, to wit, the food situation, the War Department declined to sell articles of food on the ground that it would reduce the price of food?

Mr. REAVIS. They not only declined to sell the food but they added the food unnecessarily to the ration of the soldiers, with the intention of compelling the soldiers to eat it so they could not be forced to sell it.

Mr. LONGWORTH. And that is the way they are reducing the high cost of living.

Mr. REAVIS. Yes, sir.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. Wait a moment. Just a word further regarding the sale of this food. I drew and introduced the resolution calling upon the Secretary of War to take this food out of the warehouses, where it was rotting and going to ruin, and to permit the American people, who at great sacrifice bought and paid for it, to consume it; and immediately after the passage of that resolution the President addressed the Congress and took credit to the administration for the fact that they were selling the Army food, but he said nothing about the fact that it had been permitted to lay in the warehouses for nine months and was not sold until, under my resolution, a Republican Congress forced them to sell it.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. I yield to a question.

Mr. DONOVAN. Did not the gentleman ask Mr. Hutchinson this very question, whether or not it was the policy of the War Department to keep automobiles off the market to aid the dealers, and did not he reply, in serial 5, pages 9 and 10, that they had had requisitions for concrete mixers for several other parties for road building and that they were not selling to the States for the very reason that they did not want to be charged with doing what you are now charging them with? That these cars primarily were to go to the Government and to the departments, and then the unserviceable surplus was to be sold. Is not that a fact?

Mr. REAVIS. It is quite possible that he answered that. I do not now recall whether he did or not.

Mr. DONOVAN. He did.

Mr. REAVIS. If he did so answer, his statement is out of harmony with every movement his department has made for 11 months.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. Not any further now, if you please. It is well to bear in mind that during the time the Motor Transport Corps was seeking to have these machines sold that there were 130,000 motor vehicles held by the War Department in the United States. I will not take the time to quote the testimony, but it is disclosed on page 316, part 8. Before this war started the total motor vehicles needed for the Army of the United States was but 4,000. It must have been very apparent to anyone of average intelligence that there was a tremendous surplus of these vehicles. It was known to all bureaus of the War Department that there was no storage sufficient to take care of this tremendous number of machines. No farmer would permit his farm implements to lie out in the open all winter, and yet farm implements, because of the character and material of their construction, would not deteriorate in any degree as an automobile would when so exposed.

Notwithstanding winter was approaching, notwithstanding the tremendous loss that the Government would suffer by permitting these cars to stand in the open, absolutely nothing was done to either sell them or to provide storage. This indifference on the part of the War Department to the rights and the welfare of the American people is beyond understanding, but the testimony is undisputed in this record that this condition continued through all of the winter and practically through all of the past summer. I am criticizing this not as a partisan but as an American. It is my firm belief, after months spent in this investigation, that the sales department should be reorganized. I do not believe that men can serve two masters, and I think the time has come to put men in charge of the sale of Army surplus who are entirely disinterested and who would be actuated by the sole desire to get the largest sum they could for the Government.

Mr. MADDEN. Does not the gentleman think some gentleman higher up should have the responsibility?

Mr. REAVIS. Somebody higher up has been advised all the time of what has been going on. Not a man in the sales department nor in any other bureau of the War Department would remain there overnight if it were not with the consent of somebody higher up.

Mr. KNUTSON. Who created this sales department.

Mr. REAVIS. I really do not know; probably it was Gen. Goethals.

Mr. KNUTSON. Who appointed Gen. Goethals?

Mr. REAVIS. The Secretary of War appointed Gen. Goethals; and there is no man in this sales department who would remain there an hour if the Secretary of War desired his removal.

Mr. BLACK. Will the gentleman yield?

Mr. REAVIS. Certainly; for a question.

Mr. BLACK. Can the gentleman give us any figures as to how much the aggregate of sales has been up to date by the sales department?

Mr. REAVIS. I can put it in the RECORD; I can not give you the figures now. I have not made the computation, though it is all fully disclosed in the printed testimony. It would require several computations to make an intelligent answer.

Mr. KNUTSON. Will the gentleman yield for a further question?

Mr. REAVIS. For a brief question.

Mr. KNUTSON. What is the pay of the director of the sales department?

Mr. REAVIS. I do not know what his salary is. I do know he does not earn it, whatever it is.

Mr. KNUTSON. Has the attention of the Secretary of War been called to the condition that the gentleman has disclosed?

Mr. REAVIS. Not by me.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. REAVIS. Yes.

Mr. MONDELL. Is it not the duty of the Secretary of War to know what is going on in his department, in the sales department as well as elsewhere?

Mr. REAVIS. It is manifestly his duty, and if he is not doing it his failure to perform that duty is costing the American people millions upon millions because he has not performed it. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. REAVIS. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Is it not a fact that the Secretary of War appointed the director of sales at a salary of $25,000, and also appointed the liquidation commission?

Mr. REAVIS. I recall now that the Assistant Secretary of War, without legislative authority, appointed the director of sales at a salary of $25,000, which the Senate reduced to $12,000 a year. That had escaped my memory for a moment.

Let me return to the attitude of the director of sales with reference to the disposal of these machines. Gen. Drake, to be quite fair with him, had done everything in his power to get these cars disposed of. He was very evidently irritated at the long and unnecessary delays. He tried repeatedly to get the War Department to authorize him to sell, but up until the 1st of September all of his requests along this line were summarily refused. On page 312, of part 8 of the testimony, he confessed that he did not know why the sales department had refused or neglected to dispose of the cars.

Mr. REAVIS. You and I have both seen them and both know of the conditions. I want to put into the record just the way they are. The paint in some instances is off, is it not?

Brig. Gen. DRAKE. Yes, sir; in part or——

Mr. REAVIS. In some places the hoods are covered with rust?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. The tops have been rotted, have they not, by being exposed to the elements?

Brig. Gen. DRAKE. They have been bleached; of course, injured to a certain extent.

Mr. REAVIS. Well, I can show you pictures of where they hang down from having rotted. Do you know of any cases of that kind?

Brig. Gen. DRAKE. I know that would happen in the high winds that prevail.

Mr. REAVIS. The upholstery has lost its luster, and in some places destroyed so that the packing is sticking through. General, do you think a car in that condition would be as salable as a car not in that condition?

Brig. Gen. DRAKE. I do not think so.

Mr. REAVIS. If it were your automobile, you would rather have it in a garage, would you not?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. The director of sales has had 17,000 and more of these automobiles exposed to the elements deteriorating, as I have described, and as you have agreed, since April, without a sale being made?

Brig. Gen. DRAKE. Yes, sir.

Mr. REAVIS. Do you know why?

Brig. Gen. DRAKE. No, sir; I do not know their policy in regard to sales.

Sometimes it is possible to determine the reason for conduct on the part of an individual by the surrounding circumstances. It is very difficult for anyone to understand how an official of the Government would willfully permit motor vehicles to be destroyed in this way, if the official had at heart the best interests of the people of this country. The one who had charge of the sale of these automobiles for the sales department was Mr. Guy Hutchinson, who was called before the committee and who was given every opportunity to state fully his side of this disputed question. One of the questions that was asked him was with reference to his former employment before being called to take charge of the sale of Government motor vehicles, and he made this answer:

Mr. REAVIS. Before entering the War Department, what activity were you engaged in?

Mr. HUTCHINSON. I was in the automobile business.

Mr. REAVIS. Where?

Mr. HUTCHINSON. I was general manager for the Willys-Overland Co. in New York

Mr. REAVIS. That is, for the company manufacturing that car?

Mr. HUTCHINSON. The Willys-Overland Co., their home office in New York.

Some time after testifying before the committee Mr. Hutchinson requested the privilege of again testifying, in order to correct certain inaccurate statements that he had made in the first instance. In this correction will be found, on page 403, of part 9, the following:

Mr. HUTCHINSON. All right; I will do it that way. On page 570 of the reporter's transcript of my testimony of September 4 I am quoted as replying to the inquiry as to where I was in the automobile business as follows:

"I was general manager for the Willys-Overland Co. in New York."

The answer shou'd read:

"I was the general manager for the Willys-Overland Co. (Inc.), of New York City."

Mr. REAVIS. At that point let me ask you this question: What is this company of which you were the general manager?

Mr. HUTCHINSON. It is the New York district branch of the Willys-Overland Co.

Mr. REAVIS. Is it an automobile company?

Mr. HUTCHINSON. Yes, sir.

So we have the situation of a man in charge of the sales of the Government surplus automobiles who was the general manager of an automobile company just before he took his present position. Not a passenger car can be sold on behalf of the Government that will not come into competition with the product of the company for which the Government agent was general manager before taking his present position. I do not know of any better way to keep Government automobiles from being sold than to place the sale of them in the hands of men who must necessarily have a personal interest in keeping them off the market. I do not know any better way to keep from disturbing industrial conditions by the sale of Government automobiles than to put the power of the sale in the hands of one who was formerly general manager for an automobile company. These experts in the sales department should be removed and removed at once. Men should be put in that department who have but one allegiance, and that allegiance should be to the Government for which they act. It is impossible to tell how many millions of dollars have been lost by the carelessness and indifference with reference to surplus motor vehicles. After a close investigation and a sincere study of the matter I have but small conception as to what this loss actually is. That it is tremendous will be undisputed, and that it is needless and unnecessary is equally apparent.

For months the Motor Transport Corps has been endeavoring to get some of these cars and trucks transferred to the Agricultural Department to be utilized in the construction of roads that are built in whole or in part by Federal aid. Mr. McDonald, chief of the Highway Commission, has been equally insistent. He testifies that he has had personal interviews with the Secretary of War and with all other departments directly or indirectly connected with this disposition. The allocation of something in excess of 22,000 motor vehicles was made to the Highway Department months ago. Full authority of law was granted by Congress to make such transfer last February, but only about 8,000 of the 22,000 have been transferred up to the 20th of last month, or for 11 months these cars stood exposed to the elements, deteriorating in value, when they should have been of use in the construction of the highways of the Nation.

There has been some disposition on the part of the sales department to blame the Highway Commission for its delay in making this transfer, but Mr. McDonald, when this criticism was called to his attention, testified as follows:

Mr. REAVIS. But you had your allotment in the hands of the War Department long before that?

Mr. MCDONALD. From May 15, I believe. I haven't the exact date here.

Both Mr. McDonald and Brig. Gen. Drake testified that they are in hopes that an immediate transfer of these vehicles can be effected, for the reason that within the past two weeks they have secured authority from the Secretary of War to eliminate the sales department as a clearing house between the Motor Transport Corps and the Highway Commission and to make the transfer directly from the Motor Transport Corps to the Highway Commission. If the Secretary of War will just follow this order up with another order that will eliminate the sales department with reference to the sale of these machines or will so reorganize the sales department that the selling agent of the Government will have no interest of his own to serve, the surplus motor vehicles will be readily disposed of.

I do not intend by what I have said to entirely relieve the Motor Transport Corps of responsibility for some of the losses the Government has suffered. It is within the knowledge of all Members of Congress that millions of dollars have been appropriated and spent for the construction of repair shops, and that we are keeping a very large personnel of experts, many thousands, in fact, to repair motor equipment. Up to this time no serviceable passenger car has been sold. I mean by that, no new passenger car has been sold. Actuated by the desire not to disturb industrial conditions, these cars have been permitted to stand in the open until they are practically wrecks before any effort has been made to sell them. Notwithstanding we have ample facilities in the way of repair shops and skilled mechanics by the thousands, no effort has been made to repair these wrecks before offering them for sale. Brig. Gen. Drake, on page 286 of part 8, testified as follows:

Mr. REAVIS. When you speak of unserviceable, I take it that you mean automobiles or motor vehicles that are not serviceable from the Army viewpoint, and not standard?

Brig. Gen. DRAKE. In this connection they were vehicles that were susceptible—many of them susceptible—of repairs, but we did not deem it proper to repair them, in view of the number of serviceable new vehicles that we had on hand.

I think this answer discloses the viewpoint of the War Department and the viewpoint of the average man who has spent his life in the Army. I am not sure that I understand the psychology of it, but, without attempting to analyze the reason for it, it is nevertheless true that so long as the needs of the Army are provided nothing else is of consequence. These cars could have been repaired with practically no additional expense to the Government, for we have on hand all the spare parts, we have the repair shops and the personnel of skilled mechanics, and when so repaired would have sold for a much larger sum than was secured for them. Yet, notwithstanding the money that the Government would have saved if such action had been had, the Chief of the Motor Transport Corps testifies that, inasmuch as they had so many new cars for Army officers to use, they saw no necessity to repair these old cars.

The resolution which I have introduced, and which is now before the House, calls on the Secretary of War to obey the law. Last January we passed a law authorizing the sale of surplus Army equipment. Last February we enacted a measure authorizing the transfer of motor equipment to the Highway Commission for the construction of roads built in whole or in part by Federal aid. Neither of these things has been done, though nearly a year has elapsed. The passage of this resolution and the publicity of the true condition will result in the sale and transfer of these motor vehicles, as a similar resolution introduced by me resulted in a sale of food. I do not believe that this resolution should be materially amended, though there is one amendment suggested to me by the gentleman from Virginia [Mr. MOORE] that should be adopted. This amendment which he has asked me to introduce provides for the transfer of spare parts which can be used on the vehicles to the Highway Commission. These spare parts are useless in the hands of the Government and would be of great service to the Highway Commission, and I think the amendment of the gentleman from Virginia should be adopted. I do not favor any additional amendments.

War is always waste and extravagance. It is out of harmony with a Christian civilization, and I sincerely trust will never again come to fret and trouble the children of men. War is sacrifice, and the instinct of patriotism impels the people of a nation to offer whatsoever sacrifice this instrument of a dark age may require. Many there are who offer the greatest sacrifice of which life is capable—the sacrifice of life itself—and far on the other side of the sea there are narrow strips of ground that mark the resting place of many American lads who gave to the Nation and to the world the sacrifice supreme. I had hoped against reason that war might not be profitable to anyone, and I should like very much if conditions could be brought about and

perpetuated that would make it impossible for anyone to profit because of war. There are some, however, who have taken advantage of this abnormal condition to better their own material and financial welfare. This is not true of those whom I represent, for the greatest financial sacrifice that this administration has visited upon any class has been visited upon the farmer. His was the only product that was subjected to antagonistic legislation. His wheat was held at $2 a bushel at a time when across the imaginary line which separates America from Canada, and where there was no price fixing, Canadian wheat was selling at $3.60. Notwithstanding this, the American farmer patriotically planted a greater acreage of wheat than was ever planted in the history of the Nation before. His hogs were held at an arbitrary and fixed price, and now that the war is over his products are being hammered down and down until scarcely a thing that he sells is not sold at a loss.

While this condition was going on, and notwithstanding we had thousands of cars for which we had no storage, the War Department permitted the automobile companies to complete their war contracts. It was not said to them that we had no use for the cars, that we had no storage for them, that the people of the country were burdened with tremendous taxation, and for these and other reasons these contracts should be canceled. No; that was not said, but notwithstanding an underproduction of motor vehicles and the impossibility of the general public obtaining prompt delivery of automobiles, the Secretary of War has permitted the automobile companies to continue to deliver automobiles to the Government after the war was over. In the month of November and after the signing of the armistice, the automobile companies delivered to the Government, which we accepted and paid for, 18,928 motor vehicles. In December we received and paid for 11,677 motor vehicles; in January of this year, 16,053; in February, 9,540; in March, 7,452; in April, 3,509; in May, 1,521; in June, 783; and in July, 554. In other words, the War Department has bought and paid for 70,130 motor vehicles since the close of the war, while the total motor equipment of the Army before the war was but about 4,000 of these motor vehicles.

These new motor vehicles so received after the conclusion of the war were piled in the crates in which they were shipped, five high, in such quantities as to cover acres of ground. Over these crates was erected a temporary roof, similar to the protection that the farmer gives a haystack, and there they have stood since their delivery, and there they stand to-day. There are no sides to these buildings, and there is nothing to protect the cars from the elements save the roof which is over them and the crates in which they were shipped.

Mr. GREEN of Iowa. In addition to these cars accepted by the department after the war was over, we were also receiving a large number of machines in perfect condition from the Germans under the terms of the armistice.

Mr. GARRETT. Will the gentleman yield?

Mr. REAVIS. For a question only.

Mr. GARRETT. Were these machines delivered on contracts that had been entered into prior to the armistice?

Mr. REAVIS. These machines were all delivered on prewar contracts.

Mr. DONOVAN. Will the gentleman yield?

Mr. REAVIS. For a very brief question.

Mr. DONOVAN. Was it not true that these cars sent after the armistice was signed were sent under the direction of Gen. Goethals, and was it not also true that during the war we had only 50 per cent of production, as testified to by Gen. Burr in Europe?

Mr. REAVIS. That is not true; but even if it were true, if we had 50 per cent of our needs for war purposes, we certainly had more than our needs for peace purposes.

Mr. MADDEN. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. MADDEN. How many automobiles were delivered to the War Department since the armistice was signed?

Mr. REAVIS. Seventy thousand one hundred and thirty. In this connection I want to call to the attention of the Committee on Military Affairs that the War Department is now holding for the new Army about 53,000 new motor vehicles. They are doing this on the theory that Congress is to authorize an Army of 500,000 men. If such authority were granted, and I hope it will not be, it would mean a motor vehicle for every 10 men in the Army. If the Military Committee materially reduced the Army below this figure it will, of course, vastly increase the number of surplus machines, and this Congress should by legislation not only compel the declaration of surplus for the reduced force, but should compel the immediate sale of the surplus. Otherwise the vehicles will be retained, as they have been retained in the past.

The result is that we are not only refraining from disturbing the industrial conditions by refusing to sell the surplus automobiles, but we are further preventing the disturbance of industrial conditions by continuing to buy motor vehicles running into the hundreds of millions at a time when the people are burdened almost beyond endurance by excessive taxation. When the war ceased somewhat suddenly on the 11th of November last year an armistice was agreed upon between the allied and associated nations on one side and the Central Powers on the other. Under the terms of this armistice a vast quantity of motor equipment was turned over to the United States by Germany. Immediately upon the signing of the armistice we started the demobilization of our Army. So rapidly was this accomplished that 800,000 soldiers were discharged and permanently out of the service 60 days after the signing of the armistice. The demobilization was carried on at the rate of about 80,000 men a week, so that by the 11th of May 2,250,000 soldiers, out of an army of 3,700,000 men, were discharged and out of the service.

It is quite apparent that the more soldiers discharged the greater the surplus of Army material. If you have motor cars on hand sufficient to equip an Army of three and a half million men you will have a very large surplus if the Army is reduced to a million men, so it follows that the rapid demobilization of the Army would immediately increase the surplus of motor vehicles.

Another thing to be taken into consideration is that with our Army coming home from France at the rate of nearly 300,000 a month all war material in France was rapidly becoming surplus because there was no army there to use it. Yet notwithstanding the vast quantity of motor vehicles we had in France, motor vehicles that we had shipped from this country, purchased from foreign countries, and received from Germany, the War Department continued to ship these vehicles to France after the war was over and at a time when our soldiers were being brought home. The very transports that would bring soldiers from France to America would return to France with automobiles for an army that was not there.

In the month of November and after the armistice we shipped 20,607 motor vehicles to France; in December we shipped 15,421; in January, 2,091; in February, 1,315; in March, 431; in April, 42; in May, 81; in June, 5, or a total shipment of new motor vehicles after the war was over of 39,993. This seems to me another most excellent way of keeping from disturbing industrial conditions with reference to the automobile industry in America.

Gen. Burr, under whose charge this was, justified these shipments when he testified before the committee in large measure on a cable order dated November 15, 1918:

[Extract from cablegram S. 456, Nov. 15, 1918.]

Paragraph 6. Motor Transport Corps.—Following vehicles are the shortages that now exist in France to take care of 30 divisions. All vehicles floated during the month of October should be deducted from these figures and the balance procured and floated at once. All orders placed in the United States for vehicles exceeding these requirements should be canceled: 10,628 bicycles; 6,450 motor cars, light; 919 motor cars, heavy; 1,096 cars, reconnaissance; 1,602 cars, staff observation; 1,590 cars, machine guns; 27,593 motorcycles with side cars; 573 trucks, light delivery; 8,450 trucks, cargo, 1½ and 2 tons; 11,547 trucks, cargo, 3 to 5 tons; 751 trucks, gas tank, 3 tons; 25,036 trucks, ammunition; 24 field lighting sets; 2,144 trucks, light aviation; 74 trucks, photographic; 52 trucks, balloon winch; 61 trucks, tender for balloon winch; 53 trucks, radio repair, Air Service; 53 trucks, radio operating, Air Service; 779 trucks, self dump, Engineers; 140 water tanks, 3 to 5 tons; 313 trucks, wrecking, 3 to crane, M. T. C.; 868 trailers, 2 wheels, box body, Air Service; 338 trailers, spare parts, Air Service; 1,319 trailers, 21-foot, 2-wheel platform, Air Service; 58 trailers, water tanks, Air Service; 80 trailers, photographic, Air Service; 2,188 trailers, 3-ton, 4-wheel cargo; 74 trailers, chartroom, Air Service; 877 trailers, 1½ to 2 ton cargo; 1,530 trailers, water carts; 136 trailers, tires press; 78 trailers, 4-wheel, 3-ton pole; 140 trucks, water tanks, ¾ ton; 58 trucks, degassing outfits; 704 trucks, cargo, 4-wheel drive; 14 trucks, water purification; 393 trucks, machine shop; 442 trucks, light repair, M. T. C.; 750 Ford ambulances, chassis "A" "A" "S"; 2,550 ambulances, Ford; 2,400 ambulances, G. N. C. All other motor vehicles not enumerated herein with the exception of special ordnance vehicles can be canceled. Ordnance Department will report separately all ordnance items not appearing herein.

It will be noted that this cable order was sent four days after the signing of the armistice, and at a time when it was impossible for anyone to tell just what the future would develop and just what the needs of our Army in France would be. Several cables were put into the record by Gen. Burr, but his justification for this large shipment is largely on this cable of November 15, and which is known as extract from cablegram S. 456.

At the conclusion of the general's testimony, I asked him to furnish me with a copy of all cablegrams ordering motor equipment or referring to the shipping of motor equipment after the conclusion of the war, and while these cables are very voluminous and require a good deal of time and effort to go over, I did run across a cable dated November 16, 1918, or just one day after the sending of the cablegram which the general uses as his justification for these shipments, and which cablegram the

general did not give me at the time he testified before the committee. The cablegram is as follows:

[Extract from cablegram S. 463, Nov. 16, 1918.]

Paragraph 1. For the Chief of Staff and Embarkation: Disregard entirely paragraph 6 of S. 456. Motor transport requirements will be extensively reduced from figures given.

It will be noted that the order in the cablegram of November 15 remained in force just one day, and on the day following another cable is sent from the same source which says, "Disregard entirely" the cablegram of the day before.

There is another consideration to which I want to call the attention of the House and the country. In the month of August we sold to the French nation all of the motor vehicles we had in France, which were valued at $310,000,000, for 20 cents on the dollar, on 10 years' time. In other words, the motor equipment we had in France was worth approximately as much money as it cost to build the Panama Canal, and in this motor equipment were the 26,000 vehicles that we sent abroad after the war was over, after we had received the motor equipment from Germany, and after our troops were being brought home. It may be in bad taste at this particular time to register a protest against such shameless waste of the people's money. It may be with so many voices in the air appealing to us to be generous to other people that one is not justified in demanding that we be just to our own people. There is no one more sympathetic with the stricken people of the Old World than am I, but I must confess that generosity such as I have just revealed is an unwarranted disregard of the rights of the American people.

I have tried to discuss this measure without partisan feeling and without unnecessary criticism. I have tried to fairly and impartially lay the facts as revealed by the testimony before this House and before the country. Quite recently the gentleman from Mississippi [Mr. COLLIER], in an address of some bitterness, accused me of delivering a partisan speech on the resolution calling for the sale of surplus Army food. I was not then conscious of delivering partisan remarks. I tried then, as I have tried now, to reveal the facts as I knew them; but I was speaking to a legislative measure with a constructive purpose, while the gentleman secured time for the sole purpose of talking politics. I was seeking to accomplish something for the good of the country. The gentleman was seeking to serve the ends of his party. I can not understand, if the gentleman is correct, why partisanship and the delivery of a partisan speech should be a virtue in him and at the same time a vice in me.

The gentleman from Louisiana [Mr. ASWELL] has likewise this afternoon delivered a partisan speech, bitter in its criticism of the Republican Party and of the majority in this House. It may be that I am mistaken and that my remarks have been partisan and that they were partisan on the food resolution. It may be that the gentleman is right and that I am wrong, but I spoke only for the rights of the American people; I spoke that they might be permitted to consume the food which they had at great sacrifice purchased and paid for. It may be that that is a partisan purpose, for in this day and age, under the autocratic régime of the great internationalist, one may not speak for the sovereignty of this Nation and for the rights of its people unless his words constitute an indictment of the purposes and plans of this administration. It may be that the charge of the gentleman from Mississippi is correct, for it seems that neither in this Chamber nor elsewhere in this country may one speak for the citizens of America either to serve the present generation or to safeguard the interests of the generations of the long future, unless some Democrat arises to accuse him of talking politics.

I sincerely trust that never in the history of the Republican Party will it be the advocate of principles which antagonize those who speak for the Republic or the peoples of the Republic. I sincerely hope that in the future, as now, the Republican Party shall stand as the protector of American rights, American independence, and American sovereignty, so that one who raises his voice in defense of any or all of these may justly subject himself to the charge that he delivers a Republican address.

Criticism has been indulged in by these and other gentlemen of the expense of this investigating committee. I do not know what that expense is, but I do know that it is comparatively trivial. I have not the figures at my command, but they will shortly be given to the House, and will disclose that for the few thousand dollars this committee has taken from the Treasury it has put more than a hundred millions back in. As a business proposition, it is scarcely subject to the criticism that certain Members who seek to discredit the committee have indulged in.

But there is a larger aspect than the one of finance, and that is the aspect of beneficial service to the people. The hardships that present conditions impose upon the very poor are as apparent as they are distressing. They are hardships which embitter those who suffer and create rebellion against existing order. Men whose families hunger do not analyze economic conditions in their search for causes. Very few of them acknowledge the abnormal conditions which have so disturbed the equilibrium of the world. They prefer charges against the Government, against men in high places, and their charges fall upon ready, if not eager, ears. It is not pleasant to disclose unworthy acts on the part of anyone, but the offense lies in the commission of the acts and not in the disclosures.

It is worth while to show the people that their interests are near the hearts of those who represent them. It is worth while to show that the Congress is determined they shall not be wronged. It will inspire confidence in government if by its acts the ruling power in the Nation at all times stands guard over the rights of the weak and helpless. Because of the work of this committee the surplus food which would have spoiled in warehouses found its way to the tables of the poor in every village and hamlet of the Nation. A glance at my mail would convince you of the gratitude of those for whom the burden of existence was thereby made a little lighter.

The passage of this resolution will send these vehicles out to the people who in the first instance purchased them, and will bring to the Treasury large sums of money to relieve in some degree the burdens of taxation under which we suffer. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. CALDWELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CALDWELL. To submit a request for unanimous consent. I ask unanimous consent that I be permitted to speak for three minutes.

The SPEAKER. Is there objection?

Mr. GRAHAM of Illinois. Mr Speaker, I object.

The SPEAKER. The gentleman from Illinois objects; and the Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of War be, and is hereby, requested to immediately deliver to the Secretary of Agriculture, for distribution among the highway departments of the several States, for use on roads constructed in whole or in part by Federal aid, the 22,195 motor vehicles for which requisition has heretofore been made by the Secretary of Agriculture; and that all other Army motor vehicles now or hereafter declared surplus be immediately offered for sale at public auction to the American people.

Mr. GOODYKOONTZ. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GOODYKOONTZ: Page 1, line 10, after the word "people," insert: "*Provided*, That in the States where the highway department has no jurisdiction over the roads and highways within the exterior lines of cities and other municipalities of such States the highway department shall, so far as practicable, assign and set over to such cities or other municipalities an equitable proportion of the motor vehicles delivered to such highway department under the authority given hereunder."

Mr. BLACK. Mr. Speaker, I make the point of order that the gentleman's amendment is not in order. It seeks to change the method of distribution, and the purpose of this resolution is not to change the method of distribution as now authorized by law, but to request the Secretary of War to proceed with the distribution. That amendment would not be germane, because it seeks to direct the action of the State highway commissions, and I think that is a subject over which Congress would have no jurisdiction, in the first place, and certainly is not germane to the resolution, in the next place. For that reason I make the point of order.

Mr. GOODYKOONTZ. Mr. Speaker, my only object is to perfect the resolution. The purpose of the amendment is not intended in any way to be antagonistic to the resolution. In certain of the States the highway commissions have no jurisdiction over municipalities. That is so in my State. Were this resolution to be adopted in its present form, the vehicles assigned to that State would go to territory lying without municipalities, and just at the present time they are the most eager in demanding their proportionate share of these vehicles.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. CALDWELL. Does the gentleman understand that this resolution gives anybody any authority to do anything?

Mr. GOODYKOONTZ. Yes; that is the object of it.

Mr. CALDWELL. If the gentleman will read it, he will see that it does not.

Mr. GOODYKOONTZ. The object of the resolution is to vest power in the Government to assign motor vehicles to States for use in highway improvements.

Mr. CALDWELL. If the gentleman will look at the resolution, he will see that it merely declares the sense of the House to be that the Secretary of War should be requested to do something. There is nothing that gives him any authority. The Senate bill (S. 3037) gives him some authority, but the Republican side of the House will not let that come out. The bill is in the Rules Committee, and the Republican Rules Committee is holding it. They are sitting around here talking about doing something——

Mr. GOODYKOONTZ. Mr. Speaker, I yielded for a question, and the gentleman has injected a speech into my remarks. If the resolution grants no authority and merely voices the sentiment of this House, then I wish to supplement the resolution by saying the further sentiment of the House is that the vehicles be distributed in that manner.

The SPEAKER. The Chair is inclined to think that the point of order made by the gentleman from Texas [Mr. BLACK] is well taken, and that this prescribes a duty to the Agriculture Department which is not authorized. The Chair sustains the point of order.

Mr. HARRISON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 1, line 7, after the word "made," insert "or may hereafter be made"; and after the word "Agriculture," in same line, insert "motor equipment and spare parts"; in line 9, after the word "surplus," insert "not needed by Post Office or Public Health Service"; after the period in line 10 as an additional paragraph insert:

"That the Secretary of War is hereby requested to transfer free of charge to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes,' for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes."

Mr. GRAHAM of Illinois. Mr. Speaker, I make the point of order. In my judgment, the amendment is not germane to the objects sought to be attained in the original resolution. The original resolution extends only to motor vehicles, and this includes a lot of other things that are not motor vehicles and that have no reference at all to motor vehicles. I think the amendment is not germane.

Mr. HARRISON. Mr. Speaker, the object of the resolution is simply to request the Secretary of War to make disposition of certain material that he is authorized to do under a previous statute. This simply extends the request, referring to the same statute, to other articles which are embraced in the statute.

The SPEAKER. The Chair thinks the point of order is obviously well taken. The resolution applies simply to motor vehicles and the gentleman's amendment clearly applies to a great many other vehicles. The Chair sustains the point of order.

Mr. BROWNE. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

Mr. HARRISON. Mr. Speaker, before the amendment of the gentleman from Wisconsin is submitted, will the Chair permit me to suggest that certainly a part of my amendment is not subject to the criticism which has been offered.

The SPEAKER. If any part of it is subject to the point of order, the whole amendment is subject to the point of order. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. BROWNE: Page 1, line 8, strike out lines 8, 9, and 10 and insert in lieu thereof the following: "also all war material, equipment, and supplies not needed for the purpose of the War Department but suitable for use in the improvement of highways. That said motor vehicles and road-building equipment be distributed among the highways departments of the several States, as provided by section 7 of the Post Office appropriation act approved February 28, 1919."

Mr. GRAHAM of Illinois. Mr. Speaker, I make the point of order that it is not germane.

The SPEAKER. The Chair thinks that the amendment offered by the gentleman from Wisconsin is subject to the same objection as the amendment offered by the gentleman from Virginia [Mr. HARRISON], and the Chair sustains the point of order.

Mr. MOORE of Virginia. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 1, line 7, after the word "agriculture," strike out the words following to the end of the sentence and insert in lieu thereof the following: "and all additional motor vehicles now or hereafter declared surplus which can be used on said roads."

The SPEAKER. The question is on the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. MOORE of Virginia and Mr. CANDLER. Division, Mr. Speaker.

The House again divided; and there were—ayes 46, noes 78.

Mr. MOORE of Virginia. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present, and it is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 113, nays 157, not voting 162, as follows:

YEAS—113.

Alexander	Connally	Larsen	Robinson, N. C.
Almon	Cramton	Lazaro	Romjue
Aswell	Crisp.	Lea, Calif.	Rubey
Ayres	Cullen	Lee, Ga.	Rucker
Babka	Davis, Tenn.	Linthicum	Small
Bankhead	Dent	Lonergan	Smithwick
Bee	Dickinson, Mo.	McClintic	Steagall
Benson	Dominick	McGlennon	Stedman
Bland, Mo.	Donovan	Mann, S. C.	Steele
Bland, Va.	Dupré	Martin	Stevenson
Blanton	Evans, Mont.	Mays	Sumners, Tex.
Box	Evans, Nev.	Minahan, N. J.	Taylor, Colo.
Brand	Fisher	Moon	Tillman
Briggs	Gallagher	Moore, Va.	Upshaw
Brinson	Gard	Neely	Venable
Browne	Goodwin, Ark.	Nelson, Mo.	Vinson
Brumbaugh	Hardy, Tex.	Newton, Mo.	Watkins
Buchanan	Harrison	O'Connell	Watson, Va.
Byrnes, S. C.	Hastings	Oliver	Weaver
Byrns, Tenn.	Heflin	Overstreet	Welling
Caldwell	Holland	Padgett	Wilson, La.
Candler	Hudspeth	Park	Wilson, Pa.
Caraway	Igoe	Parrish	Wingo
Carss	Jacoway	Pell	Woods, Va.
Clark, Fla.	Johnson, Miss.	Pou	Wright
Clark, Mo.	Jones, Tex.	Quin	Young, Tex.
Cleary	Kitchin	Rainey, Ala.	
Coady	Lanham	Raker	
Collier	Lankford	Ramseyer	

NAYS—157.

Anderson	Focht	Kinkaid	Reber
Andrews, Md.	Foster	Kleczka	Reed, W. Va.
Andrews, Nebr.	Freeman	Knutson	Ricketts
Bacharach	French	Kraus	Rose
Baer	Fuller, Mass.	Kreider	Rowe
Barbour	Garrett	Lampert	Sanford
Begg	Glynn	Layton	Schall
Benham	Goodykoontz	Lehlbach	Scott
Black	Graham, Pa.	Lesher	Sells
Bland, Ind.	Graham, Ill.	Longworth	Shreve
Bowers	Green, Iowa	Luhring	Sinnott
Brooks, Ill.	Greene, Mass.	McArthur	Smith, Idaho
Brooks, Pa.	Greene, Vt.	McFadden	Smith, Ill.
Browning	Hadley	McLaughlin, Mich.	Smith, Mich.
Burdick	Hardy, Colo.	McLaughlin, Nebr.	Steenerson
Burke	Haugen	McPherson	Stephens, Ohio
Burroughs	Hays	MacCrate	Strong, Kans.
Butler	Hernandez	MacGregor	Strong, Pa.
Campbell, Kans.	Hersey	Madden	Summers, Wash.
Cannon	Hickey	Magee	Temple
Chindblom	Hicks	Mapes	Thompson
Christopherson	Hoch	Michener	Tilson
Classon	Houghton	Miller	Timberlake
Cole	Huddleston	Monahan, Wis.	Vaile
Copley	Hulings	Moore, Ohio	Vare
Crago	Hull, Iowa	Morgan	Vestal
Currie, Mich.	Hull, Tenn.	Morin	Volgt
Curry, Calif.	Humphreys	Mott	Walsh
Dale	Husted	Murphy	Walters
Dallinger	James	Newton, Minn.	Ward
Darrow	Jefferis	Nichols, Mich.	Wason
Dickinson, Iowa	Johnson, Wash.	Nolan	White, Kans.
Dunbar	Jones, Pa.	Osborne	Williams
Echols	Juul	Phelan	Wood, Ind.
Edmonds	Kahn	Platt	Yates
Elliott	Kearns	Purnell	Young, N. Dak.
Elston	Keller	Radcliffe	Zihlman
Emerson	Kelly, Pa.	Ramsey	
Evans, Nebr.	Kless	Randall, Wis.	
Fairfield	King	Reavis	

NOT VOTING—162.

Ackerman	Blackmon	Cantrill	Costello
Anthony	Boies	Carew	Crowther
Ashbrook	Booher	Carter	Davey
Barkley	Britten	Casey	Davis, Minn.
Bell	Campbell, Pa.	Cooper	Dempsey

Denison	Hayden	Montague	Siegel
Dewalt	Hersman	Mooney	Sims
Dooling	Hill	Moore, Pa.	Sinclair
Doremus	Howard	Moores, Ind.	Sisson
Doughton	Hutchinson	Mudd	Slemp
Dowell	Ireland	Nelson, Wis.	Smith, N. Y.
Drane	Johnson, Ky.	Nicholls, S. C.	Snell
Dunn	Johnson, S. Dak.	O'Connor	Snyder
Dyer	Johnston, N. Y.	Ogden	Stephens, Miss.
Eagan	Kelley, Mich.	Oldfield	Stiness
Eagle	Kendall	Olney	Stoll
Ellsworth	Kennedy, Iowa	Paige	Sullivan
Esch	Kennedy, R. I.	Parker	Sweet
Ferris	Kettner	Peters	Swope
Fess	Kincheloe	Porter	Tague
Fields	LaGuardia	Rainey, H. T.	Taylor, Ark.
Flood	Langley	Rainey, J. W.	Taylor, Tenn.
Fordney	Little	Randall, Calif.	Thomas
Frear	Luce	Rayburn	Tincher
Fuller, Ill.	Lufkin	Reed, N. Y.	Tinkham
Gallivan	McAndrews	Rhodes	Towner
Gandy	McCulloch	Riddick	Treadway
Ganly	McDuffie	Riordan	Volstead
Garland	McKenzie	Robsion, Ky.	Watson, Pa.
Garner	McKeown	Rodenberg	Webb
Godwin, N. C.	McKinley	Rogers	Webster
Goldfogle	McLane	Rouse	Welty
Good	McLane	Rowan	Whaley
Goodall	Maher	Sabath	Wheeler
Gould	Major	Sanders, Ind.	White, Me.
Griest	Mann, Ill.	Sanders, La.	Wilson, Ill.
Griffin	Mansfield	Sanders, N. Y.	Winslow
Hamill	Mason	Saunders, Va.	Wise
Hamilton	Mead	Scully	Woodyard
Haskell	Merritt	Sears	
Hawley	Mondell	Sherwood	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. COOPER with Mr. WISE.

Mr. CROWTHER with Mr. TAYLOR of Arkansas.

Mr. DENISON with Mr. SULLIVAN.

Mr. ELLSWORTH with Mr. STEPHENS of Mississippi.

Mr. HASKELL with Mr. SHERWOOD.

Mr. HAWLEY with Mr. OLDFIELD.

Mr. HILL with Mr. MOONEY.

Mr. HUTCHINSON with Mr. MEAD.

Mr. KELLEY of Michigan with Mr. HAMILL.

Mr. KENDALL with Mr. EAGLE.

Mr. MCCULLOCH with Mr. BLACKMON.

Mr. MASON with Mr. WHALEY.

Mr. MONDELL with Mr. WEBB.

Mr. MOORE of Pennsylvania with Mr. SIMS.

Mr. PARKER with Mr. OLNEY.

Mr. REED of New York with Mr. MANSFIELD.

Mr. SANDERS of Indiana with Mr. MAJOR.

Mr. SIEGEL with Mr. HOWARD.

Mr. SWEET with Mr. HERSMAN.

Mr. SWOPE with Mr. HAYDEN.

Mr. WATSON of Pennsylvania with Mr. DRANE.

Mr. WEBSTER with Mr. DEWALT.

Mr. WHEELER with Mr. BARKLEY.

Mr. WOODYARD with Mr. O'CONNOR.

The vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

Mr. REAVIS. Mr. Speaker, I offer an amendment to the resolution.

The SPEAKER. The gentleman from Nebraska offers a resolution, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REAVIS: After the word "Agriculture," in line 7, insert: "together with the equipment and spare parts which can properly be used with said motor vehicles."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRIGGS. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Page 1, line 10, after the word "people," strike out the period and add the following: "under such regulations as will offer any citizen the opportunity to purchase one motor vehicle for personal use."

Mr. GRAHAM of Illinois. Mr. Speaker, I make a point of order against the amendment. It does not seem to me to be germane to the resolution. The resolution is simply a request, while this seems to be a mandate, a positive instruction, to the Secretary of War as to how he shall proceed. It does not seem to me it is proper under the circumstances.

Mr. ASWELL. Mr. Speaker, I thought debate had been closed on this subject.

The SPEAKER. The point of order was being stated.

Mr. BRIGGS. Mr. Speaker——

The SPEAKER. The Chair is inclined to think this is in order. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BRIGGS. Division, Mr. Speaker.

The House divided; and there were—ayes 75, noes 87.

So the amendment was rejected.

Mr. HARRISON. Mr. Speaker, I desire to move an amendment. In line 8, after the words "motor vehicles," insert the words "except such as may be necessary for the Post Office Department and the Public Health Service."

The SPEAKER. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 1, line 8, after the word "vehicles," insert: "except such as may be necessary for the Post Office Department and for the Public Health Service."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. FULLER of Massachusetts. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FULLER of Massachusetts: Add at the end of the resolution the following language: "and that not more than one such motor vehicle be sold to any person, firm, or corporation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FULLER of Massachusetts. Division, Mr. Speaker.

The House divided; and there were—ayes 27, noes 101.

So the amendment was rejected.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CALDWELL. Mr. Speaker, I offer a motion to recommit.

Mr. GRAHAM of Illinois. Mr. Speaker, I demand the yeas and nays.

Mr. CALDWELL. Mr. Speaker——

The SPEAKER. The gentleman from New York offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CALDWELL moves to recommit the resolution to the Committee on Expenditures in the War Department with instructions to report forthwith as a substitute therefor, Senate bill 3037, passed by the Senate October 22, 1919, which bill corresponds with H. R. 9412, reported by the Committee on Military Affairs October 14, 1919, as follows:

A bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, in his discretion, to transfer, free of charge, such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes"; *Provided, however*, That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this act, shall be transferred to the Department of Agriculture for the purposes named in section 7 of said act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer; (b) the Post Office Department for use in the transmission of mails; (c) the Navy Department upon the request of the Secretary of the Navy and with the approval of the Secretary of War; and (d) the Treasury Department for the use of the Public Health Service under the provisions of section 3 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines."

SEC. 2. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit: Road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets, road scarifiers; caterpillar and dragline excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters;

fabricated-bridge materials; wagons and similar equipment and supplies such as are used directly for road-building purposes.

SEC. 3. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, for the use of the Forest Service, any telephone supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes.

SEC. 4. That freight charges incurred in the transfer of the property provided for in this act shall not be defrayed by the War Department; and if the War Department shall load any of said property for shipment, the expense of said loading shall be reimbursed the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments: *Provided, however*, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, reimburse the Department of Agriculture for all amounts paid by that department to the War Department in reimbursement of loading charges upon said property.

SEC. 5. That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental, which shall not be less than the cost of maintenance and repair of said vehicles and equipment. The title to said vehicles and equipment shall be and remain vested in the States for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to same transferred to any individual, company, or corporation.

SEC. 6. That the provisions of the act of July 16, 1914 (38 Stats., p. 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles, in the absence of specific statutory authority, shall not apply to vehicles transferred or hereafter to be transferred by the Secretary of War to the Department of Agriculture for the use of the department under the provisions of this act or under the provisions of section 7 of the act of February 28, 1919, referred to in section 1 hereof: *Provided, however*, That nothing in this act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled "Contingencies of the Army," as contained in the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

Mr. ANDERSON. Mr. Speaker, I make the point of order that that motion to recommit by inserting a bill in place of a House resolution would not be in order.

Mr. BLANTON. Mr. Speaker, I make the point of order that the motion to recommit is not germane, either to the legislation under the rule or its subject.

Mr. CALDWELL. Mr. Speaker, I desire to be heard before the Speaker rules.

The SPEAKER. The Chair will hear the gentleman.

Mr. CALDWELL. Mr. Speaker, I have made this motion to recommit in all sincerity. The resolution before the House, as the Speaker will see from the very reading of it, only expresses an opinion. It carries no authority, it gives no power, and if it were passed in the form in which it is before the House to-day we would find ourselves in the very undesirable——

Mr. GRAHAM of Illinois. Mr. Speaker——

Mr. CALDWELL. Mr. Speaker, I am going to discuss this, but I want to lay the predicate.

The SPEAKER. The Chair does not desire the gentleman to discuss the merits of it.

Mr. CALDWELL. I am not going to discuss the merits of it, but the technique of it. I feel I have a right to make a statement of fact.

The SPEAKER. The Chair will say to the gentleman that the gentleman's discussion is entirely in the discretion of the Chair.

Mr. CALDWELL. Yes.

The SPEAKER. It is simply for the purpose of enlightening the Chair as to the point of order, and for no other purpose, and the Chair will be glad to hear the gentleman on that, but will not hear the gentleman on the merits of the proposition.

Mr. CALDWELL. What I wanted to say to the Chair was this, that surely it can not be the idea of the Chair or the Members of this body that we are to devote a whole day to an idle nothing.

The SPEAKER. The Chair refuses to hear the gentleman further.

Mr. ANDERSON. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman from Minnesota.

Mr. ANDERSON. Mr. Speaker, I did not hear the motion to recommit very clearly, but, as I understand it, it proposes to substitute for the proposition suggested by the committee a Senate bill. Now, it clearly can not be germane to a House resolution to propose an amendment inserting the entire text of a Senate bill. I do not even know whether this Senate bill has been reported by the House committee or not. It is clearly not germane to the House proposition.

Mr. MOORE of Virginia. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman from Virginia.

Mr. MOORE of Virginia. Mr. Speaker, as I understand it, the Senate bill, which passed the Senate on the 22d day of October, deals with the subject to which the resolution refers. The resolution makes a request. I have not a copy of the Senate bill before me, but my information is that the Senate bill does not direct, but either requests or perhaps authorizes.

The SPEAKER. Will the gentleman allow the Chair a question?

Mr. MOORE of Virginia. Yes.

The SPEAKER. This is a House resolution. The other is a bill. Does the gentleman think that a House resolution can be amended by substituting a bill?

Mr. MOORE of Virginia. It seems to me, Mr. Speaker, that a bill could be substituted for the House resolution, and it would then have the effect of a House resolution. We might take any statute now on the books and direct that it be substituted for a House resolution, and if it is not broader than the House resolution, then it seems to me it would be competent to substitute that statute for the House resolution.

Mr. ANDERSON. Mr. Speaker, may I make one additional point? A Member of the House has a right to have any proposition upon which he is required to vote read before he votes upon it. This motion to recommit does not set out the Senate bill.

Mr. CALDWELL. Oh, yes, it does. We made the motion before we finished reading.

Mr. CANDLER. It sets out the Senate bill in full.

Mr. REAVIS. Mr. Speaker, I would like to be heard for a moment. I am not entirely familiar with the provisions of the Senate bill, but the purpose underlying that measure was to grant legislation authorizing the Secretary of War to do certain things. The resolution before the House is a resolution requesting him to be obedient to law already enacted. Now, under a resolution asking the Secretary of War to follow the law it certainly is not in order to ask him to do something for which there is no legislative authority. There being no legislative authority, the Senate passed a bill granting the legislative authority. The resolution now before the House is a request to the Secretary of War to do that which the law already authorizes, and in the motion to recommit you have added to that a request to the Secretary of War to do something that the law does not authorize, and it is certainly not in order.

The SPEAKER. The Chair is ready to rule.

Mr. CALDWELL. Mr. Speaker, one moment.

The SPEAKER. The Chair is ready to rule. On the point made by the gentleman from Minnesota [Mr. ANDERSON], that the House resolution, which, of course, has not the force of law, can not be amended by a bill, which has the clause "*Be it enacted, etc.,*" which is a law, the Chair at first blush, although it is an involved point, would be inclined to think that the point would be good; but the Chair is inclined to think that the Senate bill, to which reference is made, refers not only to automobile vehicles but to various other articles, and therefore the Chair thinks that clearly makes it subject to a point of order. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 266, nays 0, answered "present" 3, not voting 163, as follows:

YEAS—266.

Alexander	Box	Chindblom	Dickinson, Mo.
Almon	Brand	Christopherson	Dickinson, Iowa
Anderson	Briggs	Clark, Fla.	Dominick
Andrews, Md.	Brinson	Clark, Mo.	Donovan
Andrews, Nebr.	Brooks, Ill.	Classon	Dowell
Anthony	Brooks, Pa.	Cleary	Dunbar
Aswell	Browne	Coady	Dupré
Ayres	Browning	Cole	Dyer
Babka	Brumbaugh	Collier	Eagle
Bacharach	Buchanan	Connally	Edmonds
Baer	Burdick	Copley	Elliott
Bankhead	Burke	Crago	Elston
Barbour	Burroughs	Cramton	Emerson
Bee	Butler	Crisp	Evans, Mont.
Begg	Byrnes, S. C.	Crowther	Evans, Nebr.
Benson	Byrns, Tenn.	Cullen	Evans, Nev.
Black	Caldwell	Currie, Mich.	Fairfield
Bland, Ind.	Campbell, Kans.	Curry, Calif.	Fisher
Bland, Mo.	Candler	Dale	Focht
Bland, Va.	Cannon	Dallinger	Foster
Blanton	Caraway	Darrow	French
Bowers	Carss	Davis, Tenn.	Fuller, Mass.

Gallagher	Kinkaid	Murphy	Smithwick
Gard	Kitchin	Neely	Steagall
Garrett	Kleczka	Nelson, Mo.	Stedman
Glynn	Knutson	Newton, Minn.	Steenerson
Goodwin, Ark.	Kraus	Newton, Mo.	Stephens, Ohio
Goodykoontz	Lampert	Nichols, Mich.	Stevenson
Graham, Pa.	Lanham	Nolan	Strong, Kans.
Graham, Ill.	Lankford	O'Connell	Strong, Pa.
Green, Iowa	Larsen	O'Connor	Summers, Wash.
Greene, Mass.	Layton	Oldfield	Taylor, Colo.
Greene, Vt.	Lazaro	Oliver	Temple
Hadley	Lea, Calif.	Osborne	Thompson
Hardy, Colo.	Lee, Ga.	Overstreet	Tillman
Hardy, Tex.	Lehlbach	Padgett	Tilson
Hastings	Lesher	Park	Timberlake
Hays	Linthicum	Parrish	Upshaw
Heflin	Lonergan	Pell	Valle
Hernandez	Longworth	Phelan	Vare
Hersey	Luhring	Platt	Venable
Hersman	McClintic	Pou	Vestal
Hickey	McFadden	Purnell	Vinson
Hicks	McGlennon	Quin	Volstead
Hoch	McLaughlin, Mich.	Radcliffe	Walsh
Holland	McPherson	Rainey, Ala.	Walters
Houghton	MacCrate	Raker	Ward
Howard	MacGregor	Ramseyer	Wason
Huddleston	Madden	Randall, Calif.	Watkins
Hudspeth	Magee	Randall, Wis.	Watson, Va.
Hull, Tenn.	Major	Reavis	Weaver
Humphreys	Mann, S. C.	Reed, W. Va.	Welling
Husted	Mansfield	Rhodes	Wheeler
Igoe	Mapes	Ricketts	White, Kans.
Jacoway	Martin	Robinson, N. C.	Williams
James	Mays	Romjue	Wilson, La.
Jefferis	Michener	Rose	Wilson, Pa.
Johnson, Miss.	Miller	Rowe	Wingo
Johnson, Wash.	Minahan, N. J.	Rubey	Wood, Ind.
Jones, Pa.	Monahan, Wis.	Sanford	Woods, Va.
Juul	Mondell	Schall	Wright
Kahn	Moon	Sells	Yates
Kearns	Moore, Ohio	Sinnott	Young, N. Dak.
Keller	Moore, Va.	Small	Young, Tex.
Kelly, Pa.	Morgan	Smith, Idaho	Zihlman
Kiess	Morin	Smith, Ill.	
King	Mott	Smith, Mich.	

ANSWERED "PRESENT"—3.

Dent	Harrison	Sears

NOT VOTING—163.

Ackerman	Garland	McKeown	Saunders, Va.
Ashbrook	Garner	McKinley	Scott
Barkley	Godwin, N. C.	McKinley	Scully
Bell	Goldfogle	McLane	Sherwood
Benham	Good	McLaughlin, Nebr.	Shreve
Blackmon	Goodall	Maher	Siegel
Boies	Gould	Mann, Ill.	Sims
Boober	Griest	Mason	Sinclair
Britten	Griffin	Mead	Sisson
Campbell, Pa.	Hamill	Merritt	Slemp
Cantrill	Hamilton	Montague	Smith, N. Y.
Carew	Haskell	Mooney	Snell
Carter	Haugen	Moore, Pa.	Snyder
Casey	Hawley	Moores, Ind.	Steele
Cooper	Hayden	Mudd	Stephens, Miss.
Costello	Hill	Nelson, Wis.	Stiness
Davey	Hulings	Nicholls, S. C.	Stoll
Davis, Minn.	Hull, Iowa	Ogden	Sullivan
Dempsey	Hutchinson	Olney	Sumners, Tex.
Denison	Ireland	Paige	Sweet
Dewalt	Johnson, Ky.	Parker	Swope
Dooling	Johnson, S. Dak.	Peters	Tague
Doremus	Johnston, N. Y.	Porter	Taylor, Ark.
Doughton	Jones, Tex.	Rainey, H. T.	Taylor, Tenn.
Drane	Kelley, Mich.	Rainey, J. W.	Thomas
Dunn	Kendall	Ramsey	Tincher
Eagan	Kennedy, Iowa	Rayburn	Tinkham
Echols	Kennedy, R. I.	Reber	Towner
Ellsworth	Kettner	Reed, N. Y.	Treadway
Esch	Kincheloe	Riddick	Voigt
Ferris	Kreider	Riordan	Watson, Pa.
Fess	LaGuardia	Robsion, Ky.	Webb
Fields	Langley	Rodenberg	Webster
Flood	Little	Rogers	Welty
Fordney	Luce	Rouse	Whaley
Frear	Lufkin	Rowan	White, Me.
Freeman	McAndrews	Rucker	Wilson, Ill.
Fuller, Ill.	McArthur	Sabath	Winslow
Gallivan	McCulloch	Sanders, Ind.	Wise
Gandy	McDuffie	Sanders, La.	Woodyard
Gauly	McKenzie	Sanders, N. Y.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. STINESS with Mr. STEPHENS of Mississippi.

Mr. MERRITT with Mr. WEBB.

Mr. REED of New York with Mr. BARKLEY.

Mr. WOODYARD with Mr. WISE.

Mr. SHREVE with Mr. SHERWOOD.

Mr. SLEMP with Mr. STEELE.

Mr. HULINGS with Mr. RUCKER.

Mr. HULL of Iowa with Mr. JONES of Texas.

Mr. KREIDER with Mr. DEWALT.

Mr. KENDALL with Mr. HAMILL.

Mr. BENHAM. I would like to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. BENHAM. I was not.

The SPEAKER. The gentleman can not be recorded.

Mr. JONES of Texas. I would like to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. JONES of Texas. I was not listening.

The SPEAKER. The gentleman can not be recorded.

The result of the vote was announced as above recorded.

DEATH OF CAPT. WILLIAM MAX LONG.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Speaker, I am grateful to you and the House because you pause in our proceedings and permit me to announce that on Monday morning, November 3, 1919, at 8 o'clock, Capt. W. Max Long, familiarly called by his many friends "Cap." Long, who was on the old soldiers' roll and was doorkeeper at that door up there in the gallery of the House of Representatives, departed this life, being 75 years of age on October 28, 1919. He came here from Greencastle, Pa., and was with Speaker Samuel J. Randall, of Pennsylvania, while he was Speaker of the House of Representatives, and has been practically continuously in the Government service from that day until the day of his death. Speaker Randall, after his speakership expired, first secured him a place in the Coast and Geodetic Survey, where he remained for several years. After ex-Speaker Randall's death Capt. Long went out of the service of the Geodetic Survey, and Mrs. Randall took such an interest in him that she, through her efforts and influence, secured him a place, as I am informed, in the Supervising Architect's Office in the Treasury Department. He remained there until he obtained a position on the old soldiers' roll a few years ago as a doorkeeper of this House and served here until his death. He never tired talking about Speaker Randall and Mrs. Randall. They had been good to him, and one strong and very commendable characteristic of his nature was "gratitude." If you ever did him a kindness, he never forgot it. My wife and I attended his funeral this morning. He had been kind to us. His comrades on the old soldiers' roll attended the funeral at his residence, 325 First Street SE., in a body and acted as his pallbearers. A large concourse of people were present and offerings of flowers in great abundance were sent by sympathetic and sorrowing friends as an evidence of their high esteem. His casket was wrapped in the beautiful folds of the United States flag—the flag he loved and beneath which he had fought in the sixties.

The funeral services were conducted by Rev. Freely Rohrer, pastor of the Metropolitan Presbyterian Church, Fourth and I Streets SE., which were most beautiful and impressive. It was in this church that Capt. Long was married to Miss Virginia Tibbett, on November 25, 1868. She had gone before him many years ago and was waiting for him on the "other shore." He was laid to rest in beautiful Arlington National Cemetery, and the remains of his wife were removed and reinterred there beside him. He left surviving two sons and two daughters. His oldest daughter, Miss Mattie Long, lived with him and cared for him in life and tenderly nursed him unto death. His last words were spoken to her. He said, "The end is near. I am so happy. I am going to sleep now." And he entered peaceful sleep and without a struggle passed out into the "great beyond."

He possessed many admirable traits of character. He was noble, generous, kind, and big hearted. He was a true friend, devoted, thoughtful, and attentive to those who even in the smallest sense showed him a courtesy or a kindness. A good man, a splendid citizen, an elegant gentleman, and a faithful public servant has gone. In his going away there is a feeling of sadness in many hearts in the great Capital City of Washington among those who knew him and enjoyed his acquaintance and good fellowship. He was my friend, faithful and true, and I, with them, am sad to-day. Peace to his ashes and rest to his soul. May God bless and comfort his loved ones, who will be lonely without father.

BRIDGE ACROSS TENNESSEE RIVER AT DECATUR, ALA.

Mr. ALMON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10208, to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of H. R. 10208, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Limestone-Morgan Bridge Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a highway and interurban railway bridge and approaches thereto across the Tennessee River at or near the city of Decatur, Ala., at a point suitable to the interest of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided, however*, That reasonable rates of toll may be charged and received for passage over said bridge, no rates for the passage of a single passenger on an interurban train to exceed 25 cents.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9 insert the word "interests" in lieu of the word "interest."

In line 12, after the word "That," insert the following words: "subject to the provisions of said act."

In line 13, after the word "bridge" and the comma, insert the word "but."

In line 1, page 2, after the word "no," insert the word "charge," and strike out the word "rates."

In line 2, page 2, after the word "train," insert the word "shall," and strike out the word "to."

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALMON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE COAL MINERS' STRIKE.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. CURRIE of Michigan. Mr. Speaker and gentlemen of the House, a great many coal mines of Michigan are located in the congressional district which I have the honor to represent. On Tuesday of this week, after consultation with the Department of Justice as to the advisability of taking this action, I issued an open letter to the striking coal miners of my congressional district. This letter was given out yesterday for publication. I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD by inserting a copy of that letter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BLANTON. Reserving the right to object, the gentleman from Michigan could not write any letter except one of the right sort, and therefore I will not object. [Laughter and applause.]

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., November 4, 1919.

An open letter to the coal miners of Bay County, Mich.

As your Representative in Congress, prompted by a sense of duty, and after conference with the Department of Justice, I appeal to your patriotism to heed the call of your Government and return to work.

Your controversy is no longer with the mine operators. The President of the United States has declared the coal strike "unjustifiable and unlawful." Congress by a unanimous vote has pledged every resource of the Government to meet the present industrial emergency and to vindicate the majesty and power of the Government. The conspiracy of your leaders will be reviewed and passed upon by the courts. Your conduct will be judged by public opinion everywhere.

Apparently, you have entered upon this strike by reason of your affiliation with the United Mine Workers of America and not because of any serious grievance against your operators. You have had little, if anything, to do with bringing about this strike. The responsibility, nevertheless, now devolves upon you to decide whether you will support the Government which protects you and your families from aggression—or will you follow arrogant, un-American leaders who, in order to enforce their demands, are willing to paralyze transportation and industry and impose cold, hunger, and even death upon countless thousands of innocent people?

Your Government expects, and the public interest demands, that your allegiance and loyalty to the Government be acknowledged as greater than your obligation to the United Mine Workers of America or any other organization. Are you with the Government or against it? The opportunity is yours to win the confidence and respect of your fellow men by returning to duty and disavowing the dangerous leadership of those who have already brought your organization into public contempt. Your duty is clear. Show others the right course. You constitute the vast majority of Michigan coal miners, and I am honored to be your Representative in Congress. I cherish the hope that by your prompt action the Government may be advised of your return to duty and that you will not await the collapse of the strike which must inevitably come if free government is to survive.

GILBERT A. CURRIE,
Member of Congress, Tenth District, Michigan.

SETTING ASIDE PUBLIC LANDS FOR SANITARIUMS, ETC.

Mr. RAKER. Mr. Speaker, by direction of the Committee on the Public Lands I ask unanimous consent to file an amended or supplemental report on the bill H. R. 1125, on the Union Calendar.

The SPEAKER. The gentleman from California asks unanimous consent to file a supplemental report on behalf of the Committee on the Public Lands. Is there objection?

Mr. CRAMTON. Reserving the right to object, will the gentleman indicate something as to the circumstances under which such a request becomes necessary? Has the committee taken further action?

Mr. RAKER. It has, and gone over the matter fully.

Mr. CRAMTON. Is there no limit of time?

Mr. RAKER. I will file it to-morrow?

Mr. WALSH. Reserving the right to object, what is the bill about?

Mr. RAKER. It authorizes the Secretary of the Interior to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations.

Mr. CRAMTON. Reserving the right to object, having studied the bill somewhat, I have had difficulty in determining what it means, and I am glad to know that it has had further consideration from the committee, and I hope it has been improved.

Mr. WALSH. Mr. Speaker, reserving the right to object, in view of the statement of the gentleman from Michigan [Mr. CRAMTON], of course, we will enact the bill and not the report. I understand the gentleman from California [Mr. RAKER] wants to file a supplemental report.

Mr. RAKER. Yes.

Mr. WALSH. The bill has not been amended in any way?

Mr. RAKER. No.

Mr. WALSH. The gentleman is attempting to explain the provisions of the bill?

Mr. RAKER. That will be one of the efforts.

Mr. WALSH. I trust the gentleman may be able to do so.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MACGREGOR. I ask unanimous consent to extend and revise my remarks made this afternoon.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD, made this afternoon. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the conditions of unrest.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, are the remarks of the gentleman from Nebraska his or are they to be interpolations from some one else?

Mr. KINKAID. They will be my own remarks, and I desire to make some quotations.

Mr. BLANTON. May I ask the gentleman what quotations?

Mr. KINKAID. From constituents or a constituent.

Mr. BLANTON. In Nebraska?

Mr. KINKAID. Yes.

Mr. BLANTON. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. I make this request because of the fact that we expect to take up an important bill from the Committee on the Merchant Marine and Fisheries, and I think we should have a good long time in which to discuss it.

Mr. CANDLER. Mr. Speaker, reserving the right to object, to-morrow is claims day, and at the last claims day a bill had reached a point where the previous question had been ordered upon it. Is not that bill in order the first thing to-morrow under the rules of the House?

Mr. WINGO. If my friend will permit me, under the rules under which we are operating the Edge bill is the continuing order of the House.

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I would like to know what the gentleman proposes to do with the Edge bill, which members of the committee convinced me was one of the most important bills ever introduced into the House.

Mr. MONDELL. We expect to pass it before the end of the week. We hope to pass both these bills, and if we can meet a little earlier we can do so.

Mr. KITCHIN. I would remind the gentleman of how hopeful he is. Does the gentleman really believe we can pass the Edge bill to-morrow?

Mr. MONDELL. I think it is highly important that we take up this other bill, and I am in hopes that we can dispose of them both before the end of the week.

Mr. PHELAN. Mr. Speaker, I reserve the right to object.

Mr. KITCHIN. I think it is about time that this House began to do some real work, and if the gentleman is going to meet early for the purpose of doing real work, I would not object to his even meeting at 10 o'clock in the morning.

Mr. PHELAN. Mr. Speaker, reserving the right to object, I would ask the gentleman from Wyoming why so important a bill as the Edge bill should be shunted about as it has been shunted about?

Mr. MONDELL. I do not think it has been shunted about. We are anxious to have the bill pass——

Mr. KING. Or disposed of.

Mr. MONDELL. Or disposed of. I think it is important that we enter upon the debate of this other measure. It is a matter of great national importance. I think we can dispose of both bills in the next two days by meeting at 11 o'clock.

Mr. BLANTON. Mr. Speaker, reserving the right to object, since the intimidation of the gentleman from Ohio [Mr. BEGG] yesterday, I would be afraid to object.

Mr. CANDLER. Could the gentleman from Wyoming not give us a little time in the morning in which to pass these few claims bills that have already passed the Committee of the Whole?

Mr. MONDELL. So far as I am concerned, I am willing to have them passed.

Mr. WALSH. Oh, if we are going to meet at 11 o'clock to pass claims bills, I shall object.

Mr. CANDLER. These have been reported to the House from the committee. I am not going to object to the request of the gentleman from Wyoming.

Mr. HASTINGS. What is the bill the gentleman from Wyoming wants to take up in the morning?

Mr. MONDELL. It is a bill from the Committee on the Merchant Marine and Fisheries to provide for the promotion and maintenance of the American merchant marine.

Mr. GARRETT. Does the gentleman expect that to be taken up in the morning?

Mr. MONDELL. That is the expectation.

Mr. GARRETT. Oh, I do not know about that.

Mr. MONDELL. Of course, if the House does not want to take up that bill in the morning it can take up some other bill.

Mr. GARRETT. The request which came to the Committee on Rules on that matter was that there would be a resolution that would follow the Edge bill, making the bill from the Committee on the Merchant Marine and Fisheries in order and certainly——

Mr. MONDELL. I am anticipating such a rule——

Mr. GARRETT. To follow the Edge bill.

Mr. MONDELL. That was not my thought. I am rather inclined to the opinion that we ought to begin to-morrow on the other bill, and I hope to pass both of them this week.

Mr. KITCHIN. How long does the gentleman really think it will take to pass the bill from the Committee on the Merchant Marine and Fisheries?

Mr. MONDELL. I think we can pass the two bills this week.

Mr. KITCHIN. Is the bill from the Committee on the Merchant Marine and Fisheries a very important bill?

Mr. MONDELL. I think it is. It is unanimously reported by the committee, so it ought not to take a very great length of time.

Mr. KITCHIN. Not to pass an important bill it ought not? I imagine if it is a very important bill it will take more than a day or two days to consider it.

Mr. GREEN of Iowa. The more necessity for meeting earlier.

Mr. CAMPBELL of Kansas. Mr. Speaker, this morning the chairman of the Committee on the Merchant Marine and Fisheries appeared before the Committee on Rules. Also the chairman of the committee investigating expenditures in the War Department. Rules were asked for by both of those chairmen. The announcement was made to the committee that it had been arranged to complete the consideration of the Edge bill, and at the conclusion of that bill a resolution from the Committee on Expenditures in the War Department would be asked for, and at the conclusion of the consideration of that resolution that the bill from the Merchant Marine and Fisheries would be asked to be considered. That statement being made, I ask the members of the Committee on Rules to meet at 11.30 to-morrow for the consideration of the resolution from the Committee on Expenditures in the War Department and for the bill reported by the Committee on the Merchant Marine and Fisheries.

Mr. MONDELL. I do not know who may have given the order in which these measures were to have been taken up. It was our hope that we could get through with the business to-day a little earlier so as to make some progress on the Edge bill to-day. That has not been possible, but the promise has been made to the Committee on the Merchant Marine and Fisheries for a long time, that when they reported this very important measure they would be given an opportunity to get on the floor at once, and I think that if we can meet at 11 o'clock to-morrow morning we can dispose of both of these bills this week.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LONGWORTH. The statement of the chairman of the Committee on Rules would seem to make such a course impossible. The committee is not to meet to consider the resolution until 11.30. Would the gentleman have an earlier date for the meeting?

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. MONDELL. If the Committee on Rules can not meet——

Mr. BLANTON. Mr. Speaker, I withdraw it.

Mr. MONDELL. I made that suggestion because it seemed to be a wise procedure, and, whichever bill we take up to-morrow morning, we ought to meet at 11 o'clock.

Mr. KITCHIN. Mr. Speaker, reserving the right to object again, I think as you gentlemen over there seem to be at cross purposes and confused about this matter and do not know which bill to take up, I suggest—I am not going to object—but I suggest that the majority leader wire to-night to Mr. Will Hays and find out exactly what is the wisest thing to do. [Laughter on the Democratic side.]

Mr. WALSH. Mr. Speaker, reserving the right to object, I desire to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the House meets at 11 o'clock to-morrow morning in the absence of any special rule, what will be in order after the reading of the Journal?

The SPEAKER. There is already a special rule pending. The Chair would recognize to-morrow, if no other rule came in, the gentleman from New York [Mr. PLATT].

Mr. BURKE. Mr. Speaker, reserving the right to object, I ask unanimous consent to address the House for 15 minutes to-morrow after the reading of the Journal.

Mr. BLANTON. I object, Mr. Speaker.

Mr. BURKE. Sure; that is a safe bet.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] objects. Is there objection to the request of the gentleman from Wyoming?

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. WINGO. Mr. Speaker, I think, in view of the statement of the chairman of the Committee on Rules, the program is unsettled. The majority is responsible for it, and I think we ought to give them a chance to get together, and possibly they can do it by noon to-morrow. Therefore I object.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Friday, November 7, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce submitting supplemental estimate of appropriations required by the Lighthouse Service for the fiscal year 1920 (H. Doc. No. 292), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and

use of property acquired thereunder, and for other purposes, reported the same without amendment, accompanied by a report (No. 443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7534) granting an increase of pension to John J. Russell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOWARD: A bill (H. R. 10401) to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906; to the Committee on Indian Affairs.

By Mr. CLASSON: A bill (H. R. 10402) authorizing the Secretary of War to grant permission to the municipal authorities of Little Chute, Wis., to construct, maintain, and operate sewers on certain Government property and under the United States canal at Little Chute, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. McFADDEN: A bill (H. R. 10403) to encourage bank deposits by nonresident foreign corporations and nonresident alien individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 10404) to amend sections 4, 8, and 10 of the act of June 29, 1906, as amended, relating to naturalization, to provide a division of patrol guard in the Bureau of Immigration, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: A bill (H. R. 10405) to authorize the acquisition of a site and the erection of a Federal building at Savannah, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10406) to revive the right of action under the act of March 12, 1863; to the Committee on the Judiciary.

Also, a bill (H. R. 10407) for the erection of a public building at Waynesboro, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 10408) prescribing postage rates on aeroplane mail; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10409) for the enlargement, extension, and improvement of the post-office building at Hattiesburg, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10410) providing for the purchase of a site and the erection of a public building thereon at Pascagoula, Jackson County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. HICKS: A bill (H. R. 10411) authorizing the Secretary of the Navy to loan material to educational institutions; to the Committee on Naval Affairs.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 375) to provide for the immediate consideration of House bill 10378; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 376) to provide for the immediate consideration of Senate bill 2867; to the Committee on Rules.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 377) to provide for the immediate consideration of the report filed by the Select Committee on Expenditures in the War Department; to the Committee on Rules.

By Mr. BURKE: Joint resolution (H. J. Res. 245) authorizing the President to take over and operate the coal mines for one year, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 10412) granting an increase of pension to Clara A. Harlow; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 10413) for the relief of John W. Adair; to the Committee on Claims.

Also, a bill (H. R. 10414) for the relief of Charles E. Hunter; to the Committee on Claims.

Also, a bill (H. R. 10415) granting a pension to Edward C. Wait; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 10416) for the relief of Mrs. Casimira Mendoza; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 10417) for the relief of the widow and minor children of Pvt. Pillow Rich, deceased; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 10418) granting a pension to Angelia Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10419) granting a pension to Louise E. Dodds; to the Committee on Pensions.

By Mr. REED of West Virginia: A bill (H. R. 10420) granting a pension to Joseph D. Blackwell; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 10421) granting an increase of pension to John C. Goodin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10422) granting a pension to Adelia Mae Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10423) granting a pension to Dona Lloyd; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10424) granting a pension to Israel Boyer, alias George Johnson; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 10425) granting a pension to Oscar W. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10426) granting a pension to Amanda E. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10427) granting a pension to Mary Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10428) granting a pension to Hull Itskin; to the Committee on Pensions.

Also, a bill (H. R. 10429) granting a pension to Bert M. Dorton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Rev. Theo Sigman and 400 others of Philadelphia, Pa., urging that the preamble of the National Constitution be amended; to the Committee on the Judiciary.

Also (by request), petition of the National Federation of Construction Industries in relation to the construction industry; to the Committee on Ways and Means.

Also (by request), petition of the National Federation of Construction Industries relative to Senate bill 2094; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of Pere Marquette Council, of South Boston, Mass., opposing the Military Establishment taking over the welfare work in the training camps; to the Committee on Military Affairs.

By Mr. HARRISON: Petition of farmers and business men of Winchester, Va., pledging allegiance and support to the Government; to the Committee on the Judiciary.

By Mr. McGLENNON: Petition of General Custer Council, No. 130, of Newark, N. J., opposing league of nations and urging that Congress set aside the consideration of the same in order to give attention to the more important domestic affairs confronting the country at the present time; to the Committee on Foreign Affairs.

Also, petition of General Putnam Council, No. 137, of Newark, N. J., favoring the setting aside of the consideration of the league of nations until domestic matters of importance are disposed of and favoring ratification of the treaty by a referendum vote of the people; to the Committee on Foreign Affairs.

Also, petition of Lithuanian organization of Newark, N. J., concerning Lithuanian affairs; to the Committee on Foreign Affairs.

By Mr. MONAHAN of Wisconsin: Petition of Harvey Post, No. 45, Department of Wisconsin, Grand Army of the Republic, of Darlington, Wis., requesting immediate passage of the pending Fuller pension bill, House bill 8496; to the Committee on Invalid Pensions.

By Mr. SCHALL: Petition of City Council of Minneapolis, Minn., requesting Congress to fix profits on sugar and effect equitable distribution; to the Committee on Agriculture.

By Mr. VARE: Petition of Philadelphia Board of Trade, asking for the passage of the Edge bill, Senate bill 2472; to the Committee on Banking and Currency.

SENATE.

FRIDAY, *November 7, 1919.*

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Sheppard
Ball	Gronna	McCumber	Simmons
Borah	Hale	McKellar	Smith, Ariz.
Brandegee	Harding	McLean	Smith, Ga.
Calder	Harris	McNary	Smith, Md.
Capper	Harrison	Moses	Smith, S. C.
Chamberlain	Henderson	Nelson	Smoot
Colt	Hitchcock	New	Spencer
Culberson	Johnson, Calif.	Newberry	Sutherland
Cummins	Johnson, S. Dak.	Norris	Thomas
Curtis	Jones, Wash.	Nugent	Townsend
Dial	Kellogg	Overman	Trammell
Dillingham	Kendrick	Owen	Wadsworth
Edge	Keyes	Page	Walsh, Mont.
Elkins	King	Pittman	Warren
Fall	Kirby	Poindexter	Watson
Fletcher	Knox	Pomerene	Williams
France	La Follette	Ransdell	Wolcott
Frelinghuysen	Lenroot	Reed	
Gay	Lodge	Robinson	

Mr. CURTIS. I desire to announce that the Senator from Maine [Mr. FERNALD] is detained on official business.

Mr. GERRY. The senior Senator from Virginia [Mr. MARTIN], the senior Senator from Alabama [Mr. BANKHEAD], and the Senator from Tennessee [Mr. SHIELDS] are detained from the Senate by illness. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business. I wish to announce the absence on official business of the Senator from Montana [Mr. MYERS], the Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], the junior Senator from Virginia [Mr. SWANSON], the junior Senator from Alabama [Mr. UNDERWOOD], and the Senator from California [Mr. PHELAN].

Mr. McKELLAR. I desire to announce the absence of the Senator from Colorado [Mr. PHIPPS], the Senator from South Dakota [Mr. STERLING], the Senator from Massachusetts [Mr. WALSH], and the Senator from Iowa [Mr. KENYON] in attendance at a meeting of the Committee on Education and Labor.

The VICE PRESIDENT. Seventy-eight Senators have answered to the roll call. There is a quorum present.

NATIONAL FOREST RESERVATION COMMISSION.

The VICE PRESIDENT, as in legislative session, laid before the Senate a communication from the Secretary of War, as ex officio president of the National Forest Reservation Commission, transmitting, pursuant to law, the report of the commission for the fiscal year ended June 30, 1919, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 681. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes";

S. 2494. An act to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department;

S. 2495. An act transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department; and

S. 3159. An act to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge.

The message also announced that the House had passed the bill (S. 1373) to amend the Articles of War, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that in accordance with the provision of the resolution (H. Con. Res. 36) for the appointment of a committee on the part of each House to represent the Congress in the ceremonies at the port of New York in commemoration of the return of the first bodies of American soldiers from the fields of the World War, the Speaker had appointed Mr. NICHOLS of Michigan, Mr. MASON, Mr. HULINGS, Mr. DOREMUS, Mr. CRISP, and Mr. SMITH of New York as the committee on the part of the House.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 546. An act to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements;

H. R. 3654. An act to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park;

H. R. 8953. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes;

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.;

H. J. Res. 213. Joint resolution continuing temporarily certain allowances to officers of the Navy; and

H. J. Res. 222. Joint resolution authorizing the Secretary of War to dispose of surplus dental outfits.

PETITIONS AND MEMORIALS.

Mr. GRONNA. As in legislative session I present two brief resolutions from organized railroad workers of Devils Lake, N. Dak., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

DEVILS LAKE LOCAL OF THE
GREAT NORTHERN SHOPS FEDERATED TRADES,
Devils Lake, N. Dak., October 31, 1919.

Senator A. J. GRONNA,
Washington, D. C.

HONORABLE SIR: We, the organized railroad workers and voters of Devils Lake as a body do emphatically protest against the passage of the so-called Cummins bill for the operation of the railroads of this United States, as we believe it to be undemocratic and un-American, as we believe it to be drawn and conceived for the interest of private owners and the moneyed men and without due consideration for the rights of the public and ourselves, the railway workers: And be it further resolved that we earnestly request you to use all your influence and your vote for the defeat of the Cummins bill.

Respectfully,

CHAS. G. HARVEY,
G. W. McDONNELL,
JOHN V. HARRIS,
Resolutions Committee.

DEVILS LAKE LOCAL OF THE
GREAT NORTHERN SHOPS FEDERATED TRADES,
Devils Lake, N. Dak., October 31, 1919.

Senator A. J. GRONNA,
Washington, D. C.

HONORABLE SIR: We, the members of the organized railroad workers and voters of Devils Lake, here assembled, do earnestly request you to use your influence and cast your vote for the passage of the Plumb plan for the management and operation of the railroads of the United States, as we believe this bill safeguards the interests of the owners, the public, and the workers.

Respectfully,

CHAS. G. HARVEY,
G. W. McDONNELL,
JOHN V. HARRIS,
Resolutions Committee.

Mr. DIAL. I ask leave to have printed in the RECORD a telegram embodying resolutions adopted at a meeting of the Upper South Carolina Conference of Churches at Greenwood, S. C.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

GREENWOOD, S. C., *November 6, 1919.*

Hon. NATHANIEL B. DIAL,
United States Senate, Washington, D. C.:

The delegates to the Upper South Carolina Conference, representing nearly 60,000 church members and about 300,000 people, are vitally interested in all that concerns our country, and has made careful study of the treaty with Germany and the league of nations constituting a

part of it. We believe that if all the alleged defects in the treaty and league be admitted, yet this treaty and league are the best in settlements covering many nations and peoples that have been made in centuries; Therefore

Resolved, That without debate but with deliberate consideration, this treaty and league should be ratified without amendment or reservation and that the welfare of our country and of the world call for speediest action;

Resolved, That we respectfully request that the United States Senate ratify this, the said treaty and league;

Resolved, That the president and secretary of the conference telegraph this preamble and these resolutions to the United States Senate.

U. V. DARLINGTON, *President*.
W. J. SNYDER, *Secretary*.

Mr. LODGE presented a petition of the Association of Ministers of Andover, Mass., praying that the United States protect Armenia from the depredations of the Turks and Kurds, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Conference of the Jewish Organizations for the Defense of the Jews in Ukrainia, held at Akron, Ohio, praying that the United States protect the Jews in Ukrainia from the depredations of the Ukrainians, which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Legion of the State of Washington, praying that the United States take the necessary steps to safeguard the lives and property of American citizens in Mexico, which was referred to the Committee on Foreign Relations.

Mr. SWANSON presented a petition of sundry citizens of Hampton, Va., praying for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

FRANCIS M. ATHERTON.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2614) for the relief of Francis M. Atherton, reported it without amendment and submitted a report (No. 288) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3391) to amend an act entitled "An act providing for the sale of coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.," approved February 8, 1918 (40 Stat. L., p. 433); to the Committee on Indian Affairs.

By Mr. WADSWORTH:

A bill (S. 3392) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes," approved July 11, 1919, to place men furloughed to the Regular Army Reserve in the same status as regards preferment in the civil service as honorably discharged soldiers, sailors, and marines; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 3393) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Patents.

By Mr. SHEPPARD:

A bill (S. 3394) for the relief of Mary C. Browne; to the Committee on Claims.

NITROGEN FOR AGRICULTURAL USES.

Mr. WADSWORTH. I introduce a bill which I ask to have referred to the Committee on Agriculture and Forestry.

The bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH. I desire to say, Mr. President, that this bill has been drawn up by the War Department, and I am introducing it at the request of the Secretary of War. It is accompanied by a letter from the Secretary of War, addressed to myself, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
Washington, October 29, 1919.

Hon. JAMES W. WADSWORTH, Jr.,
Chairman Committee on Military Affairs,
United States Senate.

MY DEAR SENATOR WADSWORTH: I inclose a proposed bill providing a method of conducting operations at the United States Nitrate Plant No. 2 at Muscle Shoals, Ala., and authorizing the plant to turn out fixed nitrogen in available form for agricultural uses. I shall be grateful if you will introduce the bill into the Senate, where a discussion can be had upon it from both points of view, namely, first, the importance of maintaining this great enterprise as a military asset for the production of nitrogen for explosives independently of importations; and, second, the contribution which can be made to the farmers of the country by increasing the available supply of nitrogen for fertilizer.

The investment of the Government in this great plant approximates $70,000,000. In addition to that, under authority already granted by the Congress and by direction of the President, a dam is being constructed at Muscle Shoals which will incidentally improve navigation of the Tennessee River, but the primary purpose of which is the development of an immense water power to be used in connection with the fixation of nitrogen should the electrical process remain the most economical for that purpose. This investment can only be salvaged by continuing the operation of the enterprise and by improving the processes with a view to further economies and consequent reduction in price for available nitrogen for agricultural purposes. If we allow the plant to stand idle, it will not only deteriorate, but will become obsolescent, while if it can be continued in operation the forward expenditure of such additional sums as are necessary to equip steps in the development of the process can be currently installed and, should any emergency need arise, the plant will be up to date and ready for immediate use.

Because this property now belongs to the War Department, it seems wise that legislation affecting it should be introduced by the chairman of the Military Affairs Committee; but the major usefulness of the plant—practically its entire usefulness—in peace times will be to the agricultural interests of the Nation, and it is my hope that from both points of view the suggestion can receive sympathetic study.

It will be observed that the bill proposes operation by a corporation in which the Government will be the sole stockholder, rather than through one of the established bureaus of the War Department. The choice of such an instrument is dictated by the greater freedom with which the commercial and scientific undertakings of the plant can be carried on under such circumstances, and the operation of the Panama Canal Railroad is appealed to as illustrating the advantage of that form of operation in a somewhat analogous, though it seems to me more persuasive, instance.

When the bill has been introduced and referred, it will give me great pleasure to lay all the details of the present situation and such accurate forecasts as our engineers have been able to make before the committee for their consideration. The department believes that it will be possible with the outlay suggested in the bill to produce on a commercial basis recognized chemical products of high value and ready sale even prior to the completion of the dam and the installation of hydroelectric power. When that end of the project is completed an even more favorable result will be obtained and the value of the plant, particularly to the farmers, will be great and constantly growing.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

STRIKE OF COAL MINERS.

Mr. ROBINSON. Mr. President, I ask to have printed in the RECORD an editorial published in the Arkansas Methodist on the industrial situation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"SUPPORT THE PRESIDENT.

"Aroused by the conspiracy of the coal miners, who had arranged to stop the production of coal on November 1, President Wilson, although still confined by weakness to his room, gave notice in unmistakable terms that the mines would be operated, if necessary, under military protection, and that those who interfered should suffer for their illegal acts. Our President deserves the full support of all red-blooded Americans in his purpose to prevent the usurpation of power by these revolutionists.

"The editor of The Nation, who is in sympathy with the steel workers, said of the strike in the steel industry: 'Thanks to the war, we stand to-day in the presence of a revolutionary force.' A correspondent of The Nation, writing of the miners' convention at which the strike resolution was passed, said that by a unanimous vote the miners demanded 'the six-hour day, the five-day week, a big increase in wages, the nationalization of the mines, the Plumb plan for the railroads, a dual alliance of mining and transportation unions, and an international alliance of coal miners,' and he further stated that this was a minimum program, and 'the convention received the chiefs of three railroad brotherhoods and cheered their explanation of the Plumb

plan and their request for a politico-economic alliance of railway men and miners.'

"These things clearly reveal the revolutionary spirit of certain leaders of organized labor. They are willing to gain their ends by stopping production and transportation. They have no regard for the rights of the large portion of our people who are unorganized but must pay for all these demands. These men do not know the meaning of liberty. They are willing that farmers and others should suffer in order that they may force upon the whole American people new theories of industry. If these men and their families were starving, we might sympathize with their demands for better pay, but when we know that their pay is better than that of the vast majority who must foot the bills, our sympathy turns to the threatened public.

"It is time to make democracy safe for the world as well as to 'make the world safe for democracy'; and it is our duty loyally to support our great President when he stands for fundamental Americanism."

COLD STORAGE.

Mr. ROBINSON. I also ask to have printed in the RECORD a letter on House bill 9521 respecting cold storage.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FORT SMITH, ARK., *October 31, 1919.*

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

DEAR SENATOR: I desire to call your further attention to the proposed Federal cold-storage act which has passed the House of Representatives and is now pending in the Senate, known as H. R. 9521. You will observe on an examination of the proposed act that section 5 provides as follows:

"That if any article of food is mixed or mingled with any other article of food the dates required by section 3 of this act shall be held to be all the dates of storage of that article of food which has been in storage the longest time, and such resulting mixture or intermingled article of food shall be so marked, together with the name and location of all warehouses in which any portion of such resulting mixture or intermingled article of food is or has been stored."

If this were enacted into law it would lead to absurd results from the point of view of cracker and biscuit manufacturers, of whom I am one, as well as of many other dealers in foodstuffs. For instance, bakery products, such as biscuits and crackers, containing cold-storage lard, butter, fruit, eggs, etc., would be reported as such, although after manufacture they are never placed under refrigeration. Not a single box or package of crackers containing such ingredients could be shipped in interstate commerce unless they were in each case marked with the necessary dates, etc., based on the cold storage of lard or any other cold-storage ingredient. This would put such a burden on the manufacturer as to make it exceedingly difficult for him to do any business, and can not, so far as we can see, be of any benefit whatever to the public. If the section referred to was restricted in operation to cases where the mixture resulting from the mingling of any articles of food is thereafter placed in cold storage, so that then the dates of storage of the article of food which has been in storage the longest time, and the resulting mixture is so marked, the objection from the point of view of practicability as well as burdensomeness might be removed. I do not object to the section if it is so worded, but in its present form, and as passed by the House, it seems to me both burdensome and impracticable.

May I ask you to give the matter your attention and immediate action, as the bill in its present form will undoubtedly diminish the amount of foodstuffs available on the general market.

Yours, truly,

C. H. WORTZ,
President Fort Smith Biscuit Co.

TARIFF ON DYESTUFFS.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a newspaper article bearing on the question of the tariff on dyestuffs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW YORK EXPERT URGES HIGH TARIFF WALL TO PROTECT AMERICAN DYE INDUSTRIES—B. C. HESSE TELLS FRANKLIN INSTITUTE THAT ACHIEVEMENTS OF UNITED STATES MANUFACTURERS AND CHEMISTS SINCE WAR BEGAN WILL COUNT FOR NOTHING UNLESS CONGRESS GUARANTEES ADEQUATE RATES OF IMPORT DUTIES AGAINST FOREIGN COAL-TAR PRODUCTS.

A high tariff was urged for coal-tar dyes and also on the material for their manufacture last night at the Franklin Institute by B. C. Hesse, of New York. He pointed out that industries started since war cut off the European supply needed protection in order to become firmly established and successfully compete with the foreign importations.

"At the end of 1918," said Mr. Hesse, "after about four years of effort, our American dye industry had grown from 6,500,000 pounds of dyes in 1914, made from German intermediates, to 58,000,000 pounds of dyes made from American-made intermediates; about one-half the intermediates and about one-third the dyes required by us in 1913 were made here—an achievement of the first magnitude. Long before the war American dyemakers did make at least one dye cheaper and better than the Germans and sold it to Germans in Germany; domestic competition in one year, 1882, effected a 38 per cent decrease in the sales price of at least one dye. Beyond question, we can have dye independence if we want to pay the price, and the time to decide that is now, because we can not expect ever to have better opportunity to become independent than now.

"Dye makers contend that our dye dependence has solely been because the public refused to create favorable economic conditions. No one seems to be sure what those favorable conditions are; the dye makers are themselves undecided; in 1916 they were sure that they could give us dye independence in five years if they had nothing but 39 per cent protection on intermediates and 55 per cent on dyes. Congress gave them 39 per cent on intermediates, 30 per cent on some dyes, and 55 per cent on the remainder, and the dye makers promptly said they could not make us independent. In 1919 the dye makers twice asked for much higher rates, once without and once with imports exclusion, and finally reduced those rates somewhat and accepted a shorter exclusion period.

OUR EFFICIENCY LOWER.

"The demand for imports exclusion has merit, in so far as it is true as was only very recently confessed on behalf of the dye makers before the Committee on Ways and Means that the manufacturing technique or skill of our dye makers is only a small fraction, say, one-third or one-half of foreign manufacturing efficiency. In that event, even a 200 per cent tariff might not be effective. This was illustrated by a set of tables showing 383 dyes imported in 1913 arranged by tonnage requirements and the number of dyes in each; also the number of each tonnage class made here in 1918, together with an illustration of the protection afforded by the Longworth rates. If all an importer had to consider was the duty, clearly he would bring in those colors which were not made here, and out of this total of 383, 245 were not made here. The foreigner can deliver those 245 in good prewar quality on very short notice and at a price we could not meet.

URGES FAIR EXCLUSION.

"In four years we learned to make but 138 of these 383. With ample quantities of good qualities of those 245 dyes in Europe and just itching to get into this market of no competition and good demand, our domestic makers would be robbed of any opportunity to learn to make those 245 dyes, and before long the foreigner would have his grip on those 245 and could then commence to eat into the other 138. The dye makers say they must be assured of a remunerative market for their output, and in my opinion the only way to do that is to prevent foreign makers of qualities and kinds reaching this country in amounts greater than the difference between corresponding American deliveries and American current manufacturing requirements; price is to have nothing to do with import permission, because the dye users have for over three years taken the stand that so long as they can get quantity and quality price does not interest them seriously.

"The duration of imports exclusion should be no longer than necessary to permit domestic manufacturing skill to reach foreign levels, and this the dye makers now seem to think can be accomplished by about the end of 1921. The Longworth bill now before the Senate makes dye prices a factor in imports permission, and the speaker strongly advocated amendment of that bill eliminating this price feature, and for the reasons just given. The British Empire, France, and Italy are enforcing, or preparing to enforce, such dye and imports exclusion, thus shutting us and other makers off from 25 per cent of the non-German markets, and making our market, which is 19 per cent of the non-German markets, more than ever a target for all. Under these conditions, and in the absence of a flexibly applicable defensive measure, such as imports exclusion, our industry can not hope to survive."

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Pacific Islands and Porto Rico:

H. R. 546. An act to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements; and

H. R. 3654. An act to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park.

H. R. 8953. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala., was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 213. Joint resolution continuing temporarily certain allowances to officers of the Navy was read twice by its title and referred to the Committee on Naval Affairs.

H. J. Res. 222. Joint resolution authorizing the Secretary of War to dispose of surplus dental outfits was read twice by its title and referred to the Committee on Military Affairs.

ELECTIONS IN MASSACHUSETTS AND NEW JERSEY.

Mr. EDGE. Mr. President, I was very much impressed in reading the newspapers the last two or three days in seeing a copy of a telegram from the President of the United States dispatched to Gov. Coolidge, the successful nominee for the governorship of the great State of Massachusetts. I feel that this

evidence of nonpartisanship and broad-minded viewpoint is of sufficient importance that it should be given a place in the RECORD. The telegram reads as follows:

To Gov. COOLIDGE:

I congratulate you upon your election as a victory for law and order. When law is the issue, all Americans stand together.

WOODROW WILSON.

In order that the picture may be complete I think it no more than just that a similar telegram dispatched a day later to the successful Democratic nominee for governor of the State of New Jersey should likewise be inserted in the RECORD. That telegram read:

To Mr. EDWARDS:

Please accept my hearty congratulations upon your election.

WOODROW WILSON.

It has been clearly established, I think, throughout the Nation that the principle involved in the contest in Massachusetts, as the President very properly repeats, was a contest for law and order.

Inasmuch, perhaps, as the principles involved in the contest in New Jersey may not have been as clearly established throughout the country, I desire, by unanimous consent, to insert in the RECORD as a part of my remarks a brief extract from the platform of the Democratic Party in the State of New Jersey, upon which platform Mr. Edwards conducted his campaign:

We believe in the personal liberty of the individual and are opposed to legislative encroachments thereon. We reiterate our declaration of past years, that the question of prohibition has no proper place in the fundamental law of the Nation. We pledge ourselves to oppose, by all lawful means, the ratification or enforcement of the so-called prohibition amendment to the Federal Constitution, and to lead the movement which will eventually result in its repeal.

A resolution adopted at the same convention and acquiesced in by the candidate reads as follows:

That the league of nations covenant should not be approved without giving recognition to the Irish Republic.

I now quote from a declaration which was frequently made by the candidate for governor in speeches throughout the State of New Jersey:

If I am elected governor, I will make New Jersey as wet as the Atlantic Ocean.

I simply wanted to have in the RECORD these two viewpoints. The President has boasted of having a single-track mind. In my opinion, he does himself an injustice. He approves of law and order on the one hand, and contradicts on the other his modest self-description.

Mr. ASHURST. Mr. President, the Senator from New Jersey [Mr. EDGE] has stated that the President has a single-track mind. I would to God the Senate had a single-track mind, so that it could keep on one track long enough to dispose of this treaty one way or the other, instead of playing politics.

Mr. KING. Mr. President, I should like to ask the Senator from New Jersey a question, with his permission. As I recall the plank which the Senator from New Jersey claimed was in the Democratic platform, it was an affirmation of the belief in the rights of individuals, a declaration against the growing usurpations of the Federal Government. I think that was the idea. Does not the Senator from New Jersey sympathize with the time-honored principle accepted by Democrats, and, I think, accepted by many Republicans, that this is a land of liberty, a land in which personal rights should receive recognition? The Senator certainly can not inveigh against that declaration of the platform.

Mr. EDGE. I shall be glad to reply to the query of the Senator from Utah. I do sympathize very emphatically with the idea of personal liberty, but I do not sympathize with—and I will draw attention again to it, for I think it possibly went over the heads of Senators—this specific statement of the platform to which I have referred:

We pledge ourselves to oppose, by all lawful means, the ratification or enforcement—

The enforcement—

of the so-called prohibition amendment.

I do not sympathize with opposition to the enforcement of any part of the Federal Constitution.

Mr. President, I ask unanimous consent to have inserted in the RECORD the telegrams and extracts to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Copies of telegrams.]

To Gov. COOLIDGE:

I congratulate you upon your election as a victory for law and order. When law is the issue, all Americans stand together.

WOODROW WILSON.

—

To Mr. EDWARDS:

Please accept my hearty congratulations upon your election.

WOODROW WILSON.

[Extracts from platform and resolutions adopted by the Democratic State convention in New Jersey, Sept. 30, 1919, upon which platform Mr. Edwards ran for governor.]

We believe in the personal liberty of the individual and are opposed to legislative encroachments thereon. We reiterate our declaration of past years, that the question of prohibition has no proper place in the fundamental law of the Nation. We pledge ourselves to oppose, by all lawful means, the ratification or enforcement of the so-called prohibition amendment to the Federal Constitution, and to lead the movement which will eventually result in its repeal.

* * * * * * *

That the league of nations covenant should not be approved without giving recognition to the Irish Republic.

—

[Quotation from speeches of Democratic candidate for governor of New Jersey.]

If I am elected governor I will make New Jersey as wet as the Atlantic Ocean.

Mr. THOMAS. Mr. President, in view of the reference by the Senator from New Jersey [Mr. EDGE] to the recent election in Massachusetts, I can not permit the opportunity to pass without expressing my deep personal gratification not only with the result but with the overwhelming vote sustaining the policy and indorsing the courageous action of the governor of Massachusetts during the recent strike of the Boston police force. I regarded that campaign from its inception, especially when the issue was made between the two parties involving the fundamental American question, Shall an executive in the fearless discharge of his duty and through the enforcement of the laws which he has sworn to execute be sustained by the popular approval of his countrymen?

Mr. President, that election will have a wholesome and very desirable influence all over the United States, including Members of the Congress, for one of its lessons is that popular approval attends the honest and conscientious discharge of public duty, and that the way to remain in public service is to perform public duties, regardless of consequences.

The labor vote of the United States, like that of other classes, Mr. President, is at heart wholesome, sound, and American. It always so expresses itself when that expression can be had with impunity. The secret ballot supplies that impunity. I therefore emphasize the simple truth that performance of duty is the open sesame to continuance in public favor.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. ROBINSON. Mr. President, the pending question is the amendment of the Senator from North Dakota [Mr. MCCUMBER] to the first reservation, which, in fact, is the preamble of the reservations reported by the Senator from Massachusetts [Mr. LODGE] on behalf of the majority of the Committee on Foreign Relations. The reservation as reported reads as follows:

1. The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

If the amendment of the Senator from North Dakota is adopted, the reservation will then read as follows:

The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification.

In my opinion the amendment of the Senator from North Dakota should be agreed to.

The preamble as proposed not only makes the reservations and understandings a part and a condition of the resolution of ratification, but it provides that the ratification shall not bind the United States until these reservations have been accepted by at least three of the four principal allied and associated powers, namely, Great Britain, France, Italy, and Japan.

If the amendment is agreed to, the preamble will merely make the reservations a part and a condition of the resolution of ratification.

If Senators in ratifying the treaty insist that reservations are necessary in order that the construction placed by this Government upon the treaty may be made clear, and in order that this Government may be relieved from complications which they assert are likely to result without reservations, why should we require the express acceptance of constructions which other nations may regard obnoxious as to themselves, even if they should be willing to acquiesce in such constructions as to this Government? Undoubtedly the requirement that these reservations must be expressly accepted by at least three of the principal allied and associated powers before ratification by the United States shall become effective originates in opposition to the treaty rather than in a desire to improve it.

Singling out the principal allied and associated powers from other nations party to the treaty, the insistence that three of these shall accept the reservations as a part and condition of the instrument of ratification before the ratification shall become effective will probably prove offensive to the remainder of the 32 nations signing the treaty.

What is the purpose of this very peculiar, almost unprecedented provision? Does it mean that we merely desire to form an alliance with three of the principal allied and associated powers by refusing to ratify the treaty except upon conditions that must prove repugnant to many nations, including some of our recent allies?

Is there a purpose to so word the resolution of ratification as to prevent Japan from acceding to it?

Notwithstanding the unusual and, in my opinion, unnecessarily offensive character of this provision as respects our relations with other nations, no explanation or justification of it has been offered to the Senate.

If the amendment of the Senator from North Dakota is not agreed to and the reservation is adopted and is incorporated in the resolution of ratification, what will be the result if three of the principal allied and associated powers accept the reservations as part and condition of the instrument of ratification? What will be our relation to the other allied and associated powers who have not accepted it, and what will be our relation to other nations who have signed the treaty but who decline to recognize the reservations made by this Government? Suppose Brazil, for instance, should take offense at the reservation respecting the Monroe doctrine, which denies to any nation other than the United States any right to interpret the Monroe doctrine and which arrogantly declares in the United States alone the right to interpret that doctrine; suppose that every other nation in the Western Hemisphere should array itself commercially against this Government for thus assuming a position of open and express antagonism toward them in the assertion of the right to safeguard and protect their territory for the preservation of our own safety. Would not such result be the natural or probable consequence of this preamble coupled with the reservation regarding the Monroe doctrine? Do not all Senators know that already a feeling of resentment exists among the peoples of Central and South America toward the United States for what they believe our assumption and assertion of superiority and the right of domination over them? Why stimulate that resentment? In making a treaty of peace we ought not to fan smoldering embers of international prejudice. We ought not deliberately to invite suspicion and unfriendliness from other nations. We ought not to repel or incense our recent allies. We ought not to invite needless antagonism toward the United States. That is exactly what this reservation seems to me to accomplish. It is both unnecessary and injurious. It promises no useful or beneficial result; it will work harm and is a poorly concealed effort indirectly to accomplish what the avowed opponents of the treaty are unable to do, namely, to defeat the treaty.

Mr. President, the amendment of the Senator from North Dakota [Mr. MCCUMBER] will still leave in the reservation all that the reasonable advocates of reservations to this treaty may fairly hope to accomplish. The defeat of the amendment of the Senator from North Dakota will leave this reservation so objectionable to many of the nations signing the treaty that in all probability the ratification may never become effective.

Mr. SMITH of Georgia. Mr. President, I shall support the majority of the reservations that are now submitted to the Senate. A number of them are similar to reservations I submitted several weeks ago. I desire to see the treaty ratified with reservations to clarify the meaning, to supply a mode of action where the treaty is silent, and to modify article 10.

At first I thought it necessary for them to formally accept, but I have reached the conclusion that it is not necessary, and that we will hinder rather than promote the operation of the treaty with proper reservations if we require formal acceptance.

These reservations do not in any way deal with the German treaty. Why should we require three of the principal allies to accept reservations which we make limiting the authority of our representatives in the league, and defining the way in which we will quit the league? Why should we make formal acceptance by three of these nations necessary to complete our acceptance of the treaty with Germany when those reservations only affect our relations to the league?

I do not consider that these reservations affect the treaty with Germany at all. They might not be formally accepted by three of these nations. Then we have not closed our treaty of peace with Germany. If we adopt the amendment of the Senator from North Dakota, the nations associated with us will be notified of our action. They can decline to let us enter the league of nations if they see fit. They can say: "We will not acquiesce in your limited membership. We will not concede to you membership in the league of nations with the reservations you have made." But we will have ratified the treaty with Germany despite that action upon their part.

Now, Mr. President, take the second reservation. I expect to support the second reservation. One of the provisions in that reservation is the statement as to how we will get out of the league. Our associates have nothing to do with our mode of giving the notice of retirement. It provides that the United States may withdraw by a concurrent resolution of Congress. I am cordially in favor of that mode of withdrawal. I believe one of the most valuable things the Senate can do to-day is to help bring the country back to congressional responsibility. During the war many with the best of purposes transferred practically all the responsibility of Congress to the administration. Some of these measures I sought to check. I am very much in favor of the provision that notice can be given by a concurrent resolution of Congress. Our associates, the three nations required to acquiesce, have nothing to do with that. That is an issue, perhaps, between congressional and administrative authority.

I pick a day in the future. Suppose, two years hence, we desire to withdraw. I take a time when we do not know who will be President. What part of the Government is nearest to the people? The House of Representatives and the Senate. How would we determine to withdraw? I am unwilling to leave the withdrawal to the action of the one man in Switzerland. I am unwilling to leave it to him under the suggestion of the Secretary of State at home. I am unwilling to have it stopped. If Congress desires us to withdraw, even because the President did not approve it. If the majority of each branch of Congress favors withdrawal, I desire to see the notice given for the withdrawal.

But what have our associates in the war to do with that? Why should we ask them to accept that plan? They have nothing to do with it. We make it a part of the condition of ratification so as to make it sure that such a notice by Congress would be effective, but they have nothing to do with it. It might embarrass them to be called on expressly to approve such a course.

Now take reservation No. 4. I am very thoroughly in favor of that reservation. Without some such reservation, I would not wish to see the treaty approved:

> No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. KING. Speaking for myself, I should dislike to have the United States accept any mandate without the consent of Congress. Indeed, with my present view, I should dislike to see the United States, at least for the present, accept any mandate. But does the Senator think—and I am asking this question for the purpose of obtaining his view—that a proper construction of the treaty would require the United States to accept a mandate from the council or from any other body except by the consent of the Government itself? When I say "the Government itself," that, of course, would mean the Congress of the United States.

Mr. SMITH of Georgia. I do not know, and I want to know before the treaty is ratified.

Mr. JONES of Washington. Mr. President——

Mr. SMITH of Georgia. I want to know that it can not be done except with the approval of Congress. I think a President ought not to undertake to accept it without the action of Congress; but Presidents do not always respect the authority of Congress. They sometimes assume authority which I consider congressional.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Washington?

Mr. SMITH of Georgia. I yield to the Senator from Washington.

Mr. JONES of Washington. I was just going to ask the Senator if he does not think this treaty is framed on the theory that whenever our member of the council gives his assent to a decision it is the binding act of the representative of this Government, and binds the Government to follow out that decision?

Mr. SMITH of Georgia. I am afraid it does.

Mr. POMERENE. Mr. President, may I ask the Senator what the provision of the treaty is which binds this Nation by the act of our member of the council, if he has not been given any authority by the Congress?

Mr. SMITH of Georgia. There is not anything in it about Congress giving him authority. The whole spirit of the covenant is based upon the idea that the treaty gives him his authority, and that his power comes from ratification of the treaty. I do not mean to say that I would construe it myself as giving him the authority, but I do say it is not clear; and, as the Senator from Washington remarked, the spirit of the covenant is to have the representative of each country in the council speak for the country.

Mr. POMERENE. Mr. President——

Mr. SMITH of Georgia. Just one word more. I realize the fact that the other countries involved are countries in which the legislative branch is not, as a rule, required to act. Take the representative of Great Britain. Parliament is not obliged to act. It can be done through the minister of State for foreign affairs, or the prime minister, and their representatives act under their direction. When we realize that this covenant was drawn primarily by Gen. Smuts, we must take with it the thought that provision has not been made requiring formal approval of the action of the representative of the council from his home.

Mr. POMERENE. Now, Mr. President, if the Senator will permit me, article 22, in referring to the tutelage of these peoples, says:

> That the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it.

I do not understand that a member of the council would have any more authority to accept it than an ambassador would have a right to accept it under the treaty, without some special legal authority given to him.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I yield.

Mr. KELLOGG. I would like to ask the Senator from Ohio who would do it? Would it be the President or the Congress?

Mr. POMERENE. The law-making power would do it.

Mr. KELLOGG. It does not say so.

Mr. POMERENE. I know it does not say so; but there is not anyone else who has the authority to bind the United States.

Mr. REED. Why not, then, write it in and make it perfectly plain?

Mr. SMITH of Georgia. One moment. I have yielded to the Senator from Minnesota.

Mr. KELLOGG. It seems to me if that is true—and it certainly ought to be true—we ought to make it distinct and plain that Congress is the power that must accept such a mandate.

Mr. POMERENE. It is perfectly plain, to my mind, at least, that a member of the council has no authority whatsoever in this behalf. There are certain provisions which are not as clear as they ought to be, and questions will be constantly coming up; but I do not think there is anything needed to add clarity to this particular provision.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. I yield.

Mr. McCUMBER. I have often heard the Senator from Georgia express himself to the effect that the only way the Nation should properly act is through its Congress. I desire to suggest to the Senator, as it is the Nation that is to consent, as it is the Nation that must be willing to do so, it seems to me that we must construe it that the only way the Nation can express its willingness or its consent is by act of its legislative body, by a joint resolution, or an act of that character, signed, of course, by the President.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I yield.

Mr. WALSH of Montana. Reenforcing the suggestions which have been made, I desire to invite attention again to the language of the covenant quoted by the Senator from Ohio:

> The tutelage of such peoples should be intrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it.

That is to say, the Nation is willing to accept it. Mr. President, who can contend that the representative of the Nation on the council is the Nation? That would be absurd. Moreover, Mr. President, the representative upon the council acts in tendering the mandate; but that is not all that is necessary. The Nation must be willing to accept it, because the act must be unanimous, and of course our representative there must acquiesce in the invitation or in the suggestion. Accordingly there would be no significance at all to the language if we would not accept it.

Let me answer the Senator from Missouri [Mr. REED]. Why should we put in the covenant the particular method under which, by our system of government, assent should be given, any more than there should go into the covenant the particular method by which the assent of the nation of Great Britain should be expressed, or the assent of the Republic of France, or the assent of the Kingdom of Italy? Why in the covenant should we go into specific provisions concerning these matters? The Government of the United States, the Nation of the United States, will express its assent pursuant to its peculiar Constitution. The Republic of France——

Mr. SMITH of Georgia. I can answer the Senator, if he is through with the question, and then I wish to proceed a little further without interruption.

The PRESIDENT pro tempore. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. I wish an express declaration, because, taking this covenant as a whole, there seems to be a confused idea on the part of its authors as to who is to act for a nation. I gather from a number of places in the covenant that the representative in the council is to act for his nation. This would no doubt be the case for Great Britain, and he would act under instruction from the home office. I wish no doubt about the limitation of authority of our representative to congressional action. I have, of course, read, and was entirely familiar with, the exact language of article 22, and indeed had underscored the language "who are willing to accept." Who shall act for the Nation? If you will read the interview between the Foreign Relations Committee and the President, you will see that the President suggested that our representative in Switzerland would, of course, be in touch with the administration here, so that it could control his actions. I want something more. Where the vital interests of my country are involved, I do not wish the President to act upon matters of this kind, and I do not wish too much power given to a President, let us say two years hence, in order that it may be in no sense personal. I do not wish too much power given two years hence to a President to dominate our affairs through this council without congressional approval.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I yield.

Mr. WALSH of Montana. We have entered into innumerable treaties with various Governments under which our Government undertook to do certain things. Those treaties never specified how our Government was to do those things, through what agencies it was to do them. For instance, treaties often require the appointment of commissions. They do not specify that those commissioners shall be appointed by the President and confirmed by the Senate. They do not provide that those commissioners shall be appointed by a vote of both Houses in joint session or by the concurrent action of both Houses. In every instance it is left to the machinery of the Government, and it would be recognized as being in the nature of an impertinence upon the part, for instance, of Great Britain——

Mr. SMITH of Georgia. Mr. President, I merely yielded for a question, and I would rather make my own argument and let the Senator make his in his own time. I am opposed to the President sending commissioners to act under this treaty without submitting their nominations to the Senate. I do not wish this treaty ratified without limitations that will preserve the control by Congress. I do not wish to take the chances of any representative in Switzerland, with the approval of the President, putting a mandate on this country. I will not say I would vote against the treaty without this proviso, but I will not say that I will vote for it. I am earnestly for proviso No. 4.

Let us think about that a moment and see what confronts us to-day with reference to mandates. We almost accepted charge of Armenia without waiting for the treaty to be ratified.

Mr. REED. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I yield.

Mr. REED. I want to ask the Senator if it is not the best information he has that a pledge has already been made that we will acept the mandate of Armenia?

Mr. SMITH of Georgia. I do not know. I do not know just what has been going on, and I have not found anybody who could tell me.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I yield.

Mr. WALSH of Montana. What consequences would attach to it if any such pledge had been given, or what significance would it have?

Mr. SMITH of Georgia. This consequence, that it would be an indication of the interpretation of this covenant by those who helped make it and those now in authority that pledges could be made in that way—that action of Congress was not necessary to accept a mandate. If a mandate should be accepted without submitting the question to Congress, it would be most embarrassing. Troops might be sent abroad to execute the mandate even before the public was informed of the action.

Let us go a little further with reference to this mandate that many are insisting we should receive. What is it? No one has been more enlisted in behalf of the Armenians than myself, and I have hoped that it might be practically possible for the United States to reach into Turkey and help save them. But what do we now learn? That they have not a local territory; that they are scattered; and instead of accepting the mandate for the Armenians, we must accept a mandate for the Ottoman Empire. And then what are we frankly told? The most conservative say we must put a hundred thousand men in Asia Minor for the next 10 years to execute the mandate.

Mr. McCORMICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Illinois?

Mr. SMITH of Georgia. I yield.

Mr. McCORMICK. I ask the Senator if he has seen the estimate that it would cost the United States a billion dollars, and that it would involve the use of 50,000 men over a period of 20 years, to consummate the pacification and reorganization of that area of the Turkish Empire which it is proposed shall be given to the United States under a mandate?

Mr. SMITH of Georgia. Yes.

Mr. McCORMICK. Furthermore, it has been suggested that a certain very distinguished member of the banking house of J. Pierpont Morgan should be made viceroy of Constantinople. Furthermore, the Senator doubtless knows that an oil pool——

Mr. SMITH of Georgia. I am willing to yield to the Senator for a question, but I would rather not yield further than that, because I wish to supplement my suggestion just made with another. The most conservative estimate I have seen has been that it would require a hundred thousand men to handle the Turkish Empire, but——

Mr. POMERENE. Mr. President——

Mr. SMITH of Georgia. Let me finish this sentence. But the report as published from our military officers who have been studying the question is it would require that 250,000 men be kept in Turkey.

Mr. POMERENE. I was just wondering who this wonderful seer was who could look 20 years into the future and give us reliable information as to the extent of the Army and the amount of resources it would take to maintain conditions there.

Mr. SMITH of Georgia. I did not myself refer to a seer looking 20 years hence. I am sure no one could insure that so small a number would be sufficient. I referred to the military officers who have represented the Government in the investigation of conditions in Asia Minor, who have reported, so the press dispatches state, that it would take 250,000 men.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Yes; for a question, not for a speech. I am not going to yield to anyone for a speech.

Mr. REED. I simply want to ask a question in this way: If, as the Senator from Ohio intimates, there is no seer who can look into the future and tell how many men it will take, are we not engaged in the very dangerous operation of taking a leap in the dark, when nobody, no prophet, even, can tell where we are going to land?

Mr. SMITH of Georgia. I understand there are probably more than 75,000,000 Mussulmen in the world, and when we take charge of the Turkish Empire in Asia how many of them may come from other sections and rally to the support of their brethren nobody knows.

A week or 10 days ago a distinguished writer, who was warmly in favor of our taking charge of the Turkish Empire, accepting the mandate, estimated that only a hundred thousand men would be necessary. Nobody knows. Our Army officers think it would be safe to undertake it with 250,000 men in Asia Minor. Whether they may be attacked by overwhelming numbers and cut to pieces nobody knows. How many men and how much money would be required is uncertain.

I am not prepared just at the present time to vote to accept a mandate for the Turkish Empire, and while I am in the Senate I do not wish to see a treaty made that will allow anyone to accept it without giving me a chance to vote before the acceptance takes place. I shall support No. 4 of the provisos with the feeling that I am only taking a fair precaution to save my country unspeakable embarrassment and to save the boys whose lives would be lost in Asia if 250,000 were sent there and kept there, perhaps for 10 years, at least for an indefinite time.

Of course, if we get into it, if we put 250,000 boys there and start the job, Uncle Sam will not back out. We might have to cut our way out; but we do not want to send them there to back out. If it took 250,000 more, in event the first 250,000 were put there, we would stand up and carry the job through.

Now, I am unwilling, under the advice of any one man in Switzerland, even though he speak two years hence by the advice of the man who then may be President, to have the first 250,000 sent there and the task begun unless, after the fullest discussion in Congress and the fullest consideration of the subject by the people of our entire country, our people are ready to make the sacrifice.

Whose sacrifice will it be? Perhaps not that of any Senator. We may not have any boys who will be called in the draft and sent to Asia to die by disease or by the scimitar of the Turks. They may be somebody else's boys, not ours, but I am not willing to put that task upon somebody else's boy, or to allow anybody else to put it upon somebody else's boy, or to vote for a treaty that might let somebody else put it upon somebody else's boy, until Congress, in touch with the people, after the fullest consideration and after the wishes of the people of the country are learned, determines that it is a task we must undertake.

I am intensely in favor of the fourth reservation. But that is a matter for our domestic control. Who shall pass upon it is not a question for the governments associated with us in the war, and that is one of the reasons why I am going to support the reservation of the Senator from North Dakota [Mr. McCUMBER]. I do not want to require that other countries shall give their formal approval to the manner in which we will carry our responsibility here at home.

The papers are saying that this is a great struggle between extending power in the administration or in the Congress, that there has been a long struggle for 100 years between the White House and the Congress as to the respective powers of each, and that these provisions of the treaty, these provisions retaining the power in Congress and requiring congressional approval before action, are part of a 100-year struggle between the executive and the legislative.

Mr. President, the legislative, so far as I know, has never encroached upon the executive in the United States; I think I might say during even the last 10 years occasionally the executive has disregarded the constitutional responsibility of the legislative branch of the Government. I put it that far back because it prevents my suggestion from having any personal aspect. I say within the past 10 years the constitutional responsibility of Congress has not always been respected.

I am opposed to encroachment by any Executive upon the power of the legislative branch of the Government. I believe the legislative branch of the Government was meant to speak for the people and the States, and that no part of our constitutional system contemplates imperialism or dictatorship. This is a question that rises far above party. It is our country, our Constitution, I would help save the opportunity for our people to live safeguarded by its provisions.

I shall support the fifth paragraph of the reservations. I am intensely against having any question as to who is to pass upon our domestic problems, and at once I put my finger upon the domestic problem of chief importance—immigration. I believe, as the covenant is written, questions of immigration could be forced into arbitration and consideration by the council.

This is not the first time I have had the opportunity of discussing this question before the Senate. In 1912, just after I reached this body, the treaty with England was before the Senate, and then it was that the other side of the Chamber had the majority and we were in the minority. Some of the leaders on the other side wished to accept that treaty with terms that required arbitration, perhaps, of our domestic problems; but former Senator Bacon, of Georgia, and the Senator from Massachusetts [Mr. LODGE] joined hands in passing reservations to that treaty which made the ratification conditional upon the reservation of our domestic problems, and immigration by name, from arbitration of any kind.

I have not changed my views since then, and I am not desirous of seeing this treaty ratified without a fair and explicit

declaration that we do not intend to submit any of our domestic problems to arbitration. I am glad to have immigration named as one of the domestic problems that no one man, no set of men, no nation, no set of nations shall arbitrate for us.

I am not only opposed to oriental immigration, but I do not care for gentlemen's agreements about it. I believe in saying frankly that we know that two such dissimilar races can not live in equal numbers side by side with equality without conflict; that no such races can intermarry with propriety and raise a homogeneous race that can live side by side in peace on a basis of equality, with substantial numerical equality.

If we have solved the question in my State, it has been with more or less friction, and due to the fact that the great body of our colored race are willing to accept the views of the white race. But that would be impossible in California with the Japanese. I am opposed to any kind of a provision in the treaty which will develop friction between us and the other members of the league, which leaves language uncertain, inviting dispute, inviting disputes that will lead to war and make it not a league for peace but a league with provisions calculated to produce war.

I am unwilling that the United States should go in the league, except with a complete reservation of domestic problems. It is said that is what the covenant means now. Perhaps it does, perhaps it does not. Let us not go into it without expressly declaring our construction of its meaning and without making that the condition of our going into it. But we really do not need any formal agreement from our associates on that subject. If we make that a condition of our ratification, it stands, and unless they agree to it we are not in the league of nations at all. I am willing to carry our part of the burden in the league if we so frame the language that it does not put unnecessary and unwise burdens on us. I am willing to go if we do not go with language so uncertain, so indefinite, so calculated to cause dispute that it is more likely to involve us in war than to aid us in preserving peace.

I passed over one of the reservations. It was the second reservation having reference to article 10. I am in favor of that reservation. I am opposed to placing any moral obligation upon the United States requiring us to enter war. That article 10 plans this obligation and meant to plan the obligation is proven by the language found in the latter half of the article, which declares that the council shall advise each nation as to the number of troops that should be furnished to meet its obligation. Now, just let us see what would be our situation to-day if the league with article 10 had been adopted and were in full force to preserve against external aggression the territory and the government of a threatened nation. Is there a member of the league now already invaded, with its territory in jeopardy, and its Government in a questionable condition on account of the invasion? Undoubtedly there is. One of the members of the league is Hedjaz, in Arabia or Asia Minor, I am not sure which, for I have not been able to find a map with that country marked on it. It is along in the "twilight zone" between the two.

Mr. BRANDEGEE and Mr. SMOOT. It is in Arabia.

Mr. SMITH of Georgia. It surrounds the holy city of Mecca. We are advised by the associated press dispatches that two-thirds of the Arabian tribes have combined, have marched upon Hedjaz, and have captured one-half of the territory of Hedjaz. I do not know how much that is. The telegram did not explain which half it was, but they have captured a part of the territory of Hedjaz; and the telegrams say they are even threatening the holy city of Mecca. There is not any doubt about the duty of the council under the league. With article 10 in full force and the covenant ratified, they must advise at once the number of troops each country must furnish, and we would be pledged in advance to send our soldiers to defend Hedjaz.

I do not know how many of these Arabians there are. We would not know how to declare war against them unless we declared war against bands of Arabians. Indeed, we would not have to declare war against them. Our duty would be, under the advice of the council, to send our part of the troops to Hedjaz to drive off the Arabians and to save our colleague in the league, Hedjaz. Well, those Arabs are a pretty warlike people; there may be several hundred thousand of them, and it might require an army of 200,000 men. The council might say that the United States ought to furnish 50,000 of such an army. I am not sure that it would take an act of Congress, under the league, to send those troops. It would take an act of Congress to declare war, but we would not have to declare war; we would not have to go into war. All we would have to do would be to help drive the Arabs off the soil of Hedjaz. I repeat, it might take 200,000 men to do it, our pro rata might be 50,000, and the President of the United States in performing his duty might send them without waiting for Congress to act. Ordinarily the President would be restrained by the need of an appropriation, but in latter days we merely turn the Treasury over and do not distribute the funds ourselves.

In the debate a few days ago it was suggested that the President did not have the power to use the Army in the United States to preserve peace. I have no doubt about his having that right inside the United States. I think it is the duty of the President to use the troops in the United States to suppress lawlessness, to back up the State authorities whenever troops are required to preserve law and order, and to suppress even the most incipient insurrection. Under the terms of the league would not this invasion of Hedjaz be a piece of lawlessness on the part of the Arabs? Would not our responsibility extend beyond the bounds of the United States, under this covenant, to all the countries of the league, and does not the responsibility attach of preserving order at least against external aggression endangering the preservation of the territorial boundaries of members of the league and could not the President act? May not a President five years from now, when some country like Hedjaz, a member of the league, is endangered, with a lofty spirit of altruism, with a real love for the universe—and the farther it is off from his own country the greater the love—feel called upon to send our boys to drive Arabs away from Hedjaz or some other similar place?

I am opposed to article 10. I am in favor of qualifying it with the express statement that we will accept no responsibility under it, and that each occasion for the use of aid by the United States shall come to the Congress, with no moral obligation created by a prior treaty, but with Congress free to exercise judgment in each instance as it arises, and with no power in a President to send troops abroad until Congress authorizes their being sent.

I am utterly opposed to an indefinite prior obligation applying almost to the universe.

Under article 10 as it is written, if the Chinese should rise in strength sufficient to jeopardize the holding of Shantung by Japan, if I voted for article 10, I would vote, then, in good faith, living up to my pledge, to send American boys to Shantung to help the Japs whip the Chinamen; but I am not going to vote for article 10, so I am not going to be embarrassed by that future obligation; and I have no fear that article 10 will be made a part of this treaty ratified by the Senate of the United States.

Suppose from Siberia, sympathizing with the Koreans, there should be a movement that might jeopardize the holding of Korea by the Japs; if article 10 stays without limitation in this covenant, we must send our boys to help the Japs hold Korea. Again, suppose the Arabian tribes should join their fellow religionists in Egypt and jeopardize the holding of Egypt by Great Britain; under article 10 whatever is necessary of blood from the boys of the United States must be spilled to help Great Britain dominate Egypt.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I yield.

Mr. THOMAS. Mr. President, does not the Senator recognize the element of mutuality or common obligation in article 10? Suppose Mexico should invade the United States for purposes of conquest, does not the Senator perceive that it would be the duty of Japan in that case to send Japanese boys over here in order to defend the United States against such an instance of external aggression?

Mr. SMITH of Georgia. Yes; I thank the Senator for the suggestion; and whenever we get where we need Japan to help defend us against Mexico, then I want to adopt section 10, but not before.

Mr. THOMAS. Of course, the Senator recognizes that what is true of Mexico may be also true of Nicaragua and of Colombia and of Paraguay and of Uruguay and of other countries?

Mr. SMITH of Georgia. Yes; that is a serious problem, and I enjoy with the Senator from Colorado the humor with which he mentions it.

Mr. THOMAS. Oh, Mr. President, I was very serious in making the suggestion.

Mr. SMITH of Georgia. It will be difficult for the Senator ever to persuade anybody that he was serious.

I only wish to call attention to the manner in which we may be embroiled by article 10. I am aware of the fact that the advocates of this article present it as a panacea for all war. The league advocates are of two classes: One class want a superconstitution, a supergovernment, and want it as strong as the Constitution of the United States, and assert with that kind of a government war would be impossible. Why, Senators, even the Constitution of the United States did not make war

among the States impossible. No kind of constitution in the shape of a league of nations can make war between the members of the league impossible. We had the Holy Alliance; we had the league of peace, more powerful relatively to the remainder of the world than this proposed league, composed of England, France, Germany, Austria, and Russia. The difficulty was that they were still all human, and, being human, they could not divide the plunder to suit each other, and they got to fighting over it amongst themselves. I am utterly opposed to any kind of a league of nations that has a constitution with the power of physical force.

I sent the reservations I prepared to a very splendid preacher in Georgia, who wrote back and said, "I object to them; they take the power of force out of the covenant and the league. Point to me where you have left any power of force." I wrote back and said, "Point to me any place where I have not cut it out and I will prepare a new reservation."

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Washington?

Mr. SMITH of Georgia. I do.

Mr. POINDEXTER. If the Senator did that, what would become of the "league to enforce peace"?

Mr. SMITH of Georgia. The league can be, I think, of real value without resorting to physical force.

Mr. POINDEXTER. My question is, How will you have a "league to enforce peace" if you have no force?

Mr. SMITH of Georgia. I am answering the Senator, but I can not answer in just a word. You must let me elaborate. When the President accepted the degree conferred by the University of Paris he discussed the league of nations, and he announced the character of league which he favored, and that is the character of league which I favor now. He said it was a league by moral force, by the discussion of right and wrong, by the presentation of truth that would reach and adjust differences. I am in favor of a league where conferences would be had and disputes adjusted and frequently, I trust, by the use of moral force, a resort to physical force be avoided.

I believe nations are very much like men and almost like boys. We all remember in our younger days how often two boys would be on the point of a personal difficulty and neither knew how to stop. Both wanted to stop, or at least were willing to stop, but unless somebody came in and said, "Hold on, boys; talk it over; let us see if we can not adjust it," they would fight. I believe that an organized association of the nations of the world, the nations to be in this league, without any power of physical force, without any prior obligation to resort to physical force, which I think is a menace to peace, can adjust and stop many of the differences and wars that might otherwise come upon the world.

I have gone farther than I meant to go. I really only intended to say a few words in support of the amendment offered by the Senator from North Dakota [Mr. MCCUMBER] and my desire to see the treaty with Germany a closed incident. My belief that a number of the reservations that I am for concern our domestic policy, and that it might be embarrassing to ask these other nations to approve them, and yet I am intensely in favor of having them in the reservations, leads me to feel that the better way is not to require a formal approval, but if we go on in the league without objections that is an approval that would be binding, and, so far as I am concerned, whenever they do not want us on those terms let the treaty with Germany stand and we will quit the league. If they are not satisfied and question our terms, we will come out of the league, but let the peace with Germany stand under the treaty.

I certainly think that the second reservation ought to be adopted.

When the constitution of the league first got to us there was no way provided for secession, and we were asked, first, to believe that the right of secession existed without any provision at all on the subject. Well, there were several States around where I live that thought so in 1861. I am not prepared to say, passing upon the Constitution as a cold constitutional question, that I would not think so, too, now—I mean, if it had not been settled. There was only one way for us to settle it, and that was done. Now, secession from this league—with no provision given for secession, with the suggestion that, of course, the right existed—was a singular act for a man who had lived in the United States and was familiar with the history of the United States. We had learned that was a condition to cause bloodshed and war; and yet here was a league to spare the world from any war in the future; we were to enter to prevent the possibility of war, left exactly in the condition that our Constitution was left, which brought on a four-year war among the States of the Union.

I am thoroughly in favor of an express declaration that the United States alone will pass upon the question as to whether the United States has performed its obligations under the covenant in case it gives a notice to withdraw. The covenant is silent on that subject. There is no right to insist that one nation, without such a provision, could pass upon the question for itself. Where is the right? Where is a line in the covenant that justifies the opinion that each nation shall itself pass upon the performance of its obligations if it gave a notice to retire? Not a word. The covenant simply says that each nation can withdraw on a two years' notice if it has complied with its obligations. Who determines it? The covenant is absolutely silent, leaving room for dispute, leaving room for a dispute that might bring on war. I think the provision should be that each country—not only ours, but that any country—should have the right to decide for itself. I would go that far; but I want it stated definitely that we can decide for ourselves if we wish to leave the league; and then, furthermore, I heartily approve the provision that the notice can be given by a concurrent resolution of Congress.

Mr. MCCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. I do.

Mr. MCCUMBER. Will the Senator kindly enlighten us as to why he should select the phrase "concurrent resolution" instead of "joint resolution" or "act of Congress"?

Mr. SMITH of Georgia. Why, unquestionably. I do not want a President to have a right to stop it, and compel a two-thirds vote of Congress to put it through. That is why.

Mr. MCCUMBER. Suppose, for instance, that we wished to withdraw. It would not be necessary, unless you should assume that there would be a veto power exercised, to have a two-thirds vote.

Mr. SMITH of Georgia. If you said it should be done by a joint resolution, a joint resolution only becomes effective with the approval of the President.

Mr. MCCUMBER. I appreciate that.

Mr. SMITH of Georgia. And if the President did not approve withdrawal, then it would come back to Congress, and you would have to pass it over his veto, or we could not withdraw. As I said at the outset, I am opposed to letting one man in Switzerland, or one man in the White House, control our action in this matter.

Mr. MCCUMBER. Let me ask the Senator this further question: Then should we not modify our Constitution to correspond with that view, so as to take away from the President the veto power on all matters, and allow them to be determined by the Congress of the United States by a majority vote?

Mr. SMITH of Georgia. I think that is a very different question. Here, we are about to go into a novel project, into an association with nations where we will be represented 3,000 miles away. I believe that Congress should have the right to take us out of it whenever Congress wants to.

Mr. MCCUMBER. In one or two of the following sections there are provisions to the effect that the action to be taken by this country shall be taken by act of Congress. Now, why should it not be a concurrent resolution in those instances just as much as in this instance?

Mr. SMITH of Georgia. The others are in the nature of legislation of a general character, of which the Executive must necessarily be a part; but this is a notice of withdrawal from further responsibility. I wish it were practical that a vote of the people could give us a withdrawal; but that is almost impossible, and the nearest to that would be the concurrent action of Congress.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SMITH of Georgia. I do.

Mr. LENROOT. Is there not this distinction, also, between the other provisions that the Senator from North Dakota refers to and this one: The other provisions really restrain the action of the President, and require the concurrence of Congress, while the provision that the Senator is now discussing relates to action independent of the President?

Mr. SMITH of Georgia. I think the distinction is well taken.

Mr. President, I really only intended to express my support of the amendment of the Senator from North Dakota, upon the theory that there were things that we were going to do in these reservations that pertained to our domestic matters, that pertained to the question of administrative or legislative responsibility, and it seems to me hardly wise to ask these other nations to approve our action on these lines.

There is also the reservation, which I have not reached, in reference to Japan, upon which it might be quite embarrassing

to them to express themselves formally, and yet if the amendment of the Senator from North Dakota is adopted it amply takes care of the United States in the situation. I am afraid that we will hinder approval of the treaty if we do not accept the amendment of the Senator from North Dakota; and with the express declaration that these reservations are a condition of the ratification, they entirely guard the United States and entirely protect us.

I shall vote for the amendment of the Senator from North Dakota.

Mr. WALSH of Montana. Mr. President, the motion of the Senator from North Dakota [Mr. McCUMBER] to amend gives me an opportunity to say something concerning reservations of which I desire to avail myself.

It is not necessary to say anything additional in support of the amendment of the Senator from North Dakota. He has demonstrated, I think completely, that there is no purpose to be subserved by the language which he seeks to strike out, except to embarrass the effective ratification of the treaty by the United States. It is perfectly clear that it is an invitation to some country to nullify the action taken by the Senate in the ratification of the treaty. It provides that the ratification by the Senate shall be ineffective unless the reservations accompanying the resolution of ratification are accepted by three, at least, of the four powers named by the exchange of diplomatic notes. In other words, if they do nothing the ratification does not go into effect. Affirmative action by three of them is necessary. Otherwise the action taken by the Senate is entirely nugatory.

I desire, however, to assume, for the purpose of the present discussion, that three of the four powers have signified their willingness to accept the ratification, qualified as it shall be by the reservations, and that others of the 27 powers uniting in the treaty shall object. Suppose, for instance, that all of the powers named in the preamble shall affirmatively signify their acceptance of the reservations proposed—Great Britain, France, Italy, and Japan—but that Belgium, for instance, signifies affirmatively her dissent or that Greece affirmatively signifies her dissent. Or let us assume that Japan, of the four powers named, signifies her dissent.

Mr. President, some of our friends, who I am very sure are sincerely desirous of seeing the treaty ratified and seeing the league of nations organized and immediately becoming effective and in operation, look with a great deal of equanimity upon reservations, at least those of an interpretive character, that do not materially change the real meaning of the treaty.

My esteemed friend the Senator from Georgia [Mr. SMITH] is in favor of a reservation, for instance, which provides that the United States shall not accept any mandate unless the acceptance is manifested by the action of Congress. I do not think, Mr. President, that any argument which can be addressed to the reason of any Senator would raise a doubt even in the mind of an impartial investigator that the assent of our Government could be indicated in any other way, and he has not even suggested that any action by any other branch of the Government, separate from and independent of action by Congress, would amount to assent by the Government of the United States. Yet even in that situation of affairs the Senator is perfectly willing to clog the acceptance of the treaty and the ratification of it by this reservation, which, of course, will give any signatory to the treaty an opportunity to say, "I decline to accept such a ratification."

Let us suppose that Greece, without assigning any reason at all, declines to accept the qualified ratification. What then? Greece is a member of the league of nations. She is entitled to membership upon the council. Suppose she, for no reason whatever that she cares to assign, simply refuses to accept our qualified ratification? What is the result? No one can contend that it is a ratification that any nation is obliged to accept or to acknowledge it as such. What will she do? Whenever in any way her interests under the treaty become involved, she will, of course, insist that the United States has not ratified the treaty so far as she is concerned. The matter will come up first, in all probability, over the composition of either the assembly or the council of the league of nations, in all probability in the council. Greece is entitled to membership in the council. A representative of the Government of the United States appears, and the representative from Greece challenges his right to sit in the council. He says, "We never assented to the qualified ratification by the Government of the United States. Its action as to us was a rejection of the treaty." Can it be possible that we can be permitted to sit in the council under the protest of the Government of Greece, which has declined to accede to the reservations with which we qualified our ratification?

But let us assume that Greece is not alone. Suppose half a dozen of the nations, whatever may be their reasons, make similar objection to our ratification. Mr. President, a notion seems to prevail that there is some very essential difference between an amendment to the treaty and a reservation; that we can "get by," as it is expressed, with very much greater facility, with a very much higher degree of ease, with a reservation, where serious difficulties would be encountered if there were an amendment. I have been unable, Mr. President, to find any justification whatever for that view. A treaty is a contract between nations, and is in general governed by exactly the same rules as obtain with reference to contracts between individuals, except, as a matter of course, that a plea of duress can not be urged as against the treaty, because treaties of peace between the victor and the vanquished are usually imposed upon the latter by a species of coercion. But otherwise practically the same rules obtain. Now, let me try the question by the test of a contract between individuals. I am contracting to build a house. The contractor presents to me a long contract, to which his signature is attached. It in a general way expresses our agreement theretofore entered into tentatively. I object to article 10 in the contract, draw my pen through the article, sign it that way, and send it back. Although it has already been signed by the contractor, he is released from his obligation. I can not hold him to the contract which he has signed at all. No obligation whatever rests upon him under it. My act is a declination of his proposal with a counter proposition on my part to enter into the contract as modified.

But, Mr. President, if, notwithstanding that, he actually goes into the occupancy of the ground upon which the building is to be constructed, and engages in the work of erecting it, he will be deemed to have accepted the contract in the way I returned it to him, and he would be bound by it.

Suppose that instead of drawing my pen through article 10 of the contract I had signed the contract and said, "I sign this contract, not being bound, however, by article 10 therein." The situation would not be different.

Instead of taking the course indicated he might send it back and say, "It is entirely satisfactory to me. I quite assent to the elimination of article 10." If I qualify my signature in the manner indicated, to wit, by stating that I am not bound by article 10, he could either write back and say that, or he could proceed the other way, namely, by acquiescence, taking possession of the property to be improved and going on with the contract.

So, Mr. President, the nations joining with us in this treaty will be called upon at the very outset to express themselves with respect to any reservations which we may attach. The league of nations is to be organized at once. If they send their delegates and representatives to the meeting of the assembly or to the council and sit by and allow representatives of the United States to be admitted and go on to transact business with them, that will be an unequivocal act which will signify their acceptance of any reservations which we may propose.

But, Mr. President, I put to the Senate again the question, Suppose some nation protests, either protests formally as soon as the ratifications are deposited and refuses to accept the qualified ratification of the United States or when the council assembles it challenges the right of a representative of the United States to sit in that body, what could the council do? Could they say to Greece, "You are obliged, willing or unwilling, to take this treaty with the reservations which the United States has affixed to the resolution of ratification"? Certainly not. There is but one course, Mr. President, for the council to pursue, and that is to sustain the challenge of Greece or Spain or Belgium or Japan to the right of the representative of the Government of the United States to sit in the council.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Montana. Certainly.

Mr. KING. Suppose the reservation which may be made, assuming that one shall be made, to the treaty is merely interpretative and bears the same interpretation which the council without it would place upon the treaty, is the Senator's conclusion as just expressed the same?

Mr. WALSH of Montana. Entirely so. I am very glad the Senator has asked the question, because I desire to express my views with respect to that matter.

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. If the Senator will pardon me, I would like to answer the Senator from Utah.

My conclusion would be the same, Mr. President, and I think that view can be sustained upon legal principles universally admitted.

To illustrate: Instead of striking out article 10 in the contract with the building contractor to which I have adverted for the purpose of illustration, suppose I say, "I sign this contract, provided, however, that it shall be agreed, and I sign it with the understanding, that this particular clause shall have this construction, namely, giving my construction to language which is or may be claimed to bear two constructions, one favorable to me and the other to the other party to the contract; whether the clause is entitled to the construction I give it or not, the other party who signs it is entitled to the benefit of the doubt, whatever doubt there is in it. I can not take that right away. If we attach an interpretative reservation, we signify that in our view the matter concerning which we attach the reservation is a subject of doubt.

Take the reservation concerning the acceptance of a mandate, of which the Senator from Georgia [Mr. SMITH] spoke. I do not think there is any grave doubt to be removed. But whatever doubt about it there is, the nations that have signed that contract are entitled to that doubt.

You can not remove it to their disadvantage. Why, Mr. President, it may be just as harmful to a man who proposes a contract to anticipate a decision in his favor by the court of last resort and take away from him that right as to take away from him a right that is unequivocally granted to him by the contract. In other words, no man signing a contract has a right to attach a reservation which will put his construction upon any language that there is in it. He must accept the language just exactly as it is, with all the infirmities there may be in it, and every burden it imposes upon him or disadvantage to which it subjects him.

I yield now to the Senator from Wisconsin.

Mr. LENROOT. I do not know that I clearly understand the Senator's position; but if I do understand him correctly, he takes the position that there is no difference between a reservation and an amendment, and that an amendment striking out article 10 of the treaty would have exactly the same effect as a reservation withholding our assent from it.

Mr. WALSH of Montana. Oh, by no means.

Mr. LENROOT. That is what I wanted to clear up.

Mr. WALSH of Montana. By no means. If we introduce an amendment to strike out article 10, and that were not protested in any form, article 10 would not be operative as to any members of the league. If we simply attach a reservation that the United States is not bound by article 10, it would still be operative as against all other nations, but would not bind the United States.

But wait a minute; let me propose an amendment. We propose an amendment to article 10 to the effect, as proposed here, that with reference to the United States that article shall not bind any nation except in the particular case it through proper governmental action deems the case one in which it should act. That would be an amendment to article 10, and it would, in effect, be exactly the same as a reservation to the effect that this is signed upon the understanding that article 10 shall be binding upon no nation unless in the particular case the obligation is determined by the appropriate governmental authority of the member affected. In other words, you can accomplish exactly the same result by appropriate language whether you put it on in the shape of an amendment or a reservation.

Let me illustrate further. One of the so-called Fall amendments proposed to strike out the word "associated" in the articles referring to the plebiscite in Upper Silesia. Under those circumstances, if that amendment were adopted, the plebiscite would go on, the commission conducting it being composed of representatives of the other nations. It was also provided that troops should be supplied to preserve order during the taking of the plebiscite in Upper Silesia. Taking out the word "associated" left it, in effect, that troops should be supplied by all the other nations. That was an amendment to the treaty. That was the effect of it. But a reservation will be proposed to the effect that the treaty is ratified upon the understanding and with the express declaration upon the part of the United States that it shall not be obligated, and that it will not either appoint a representative upon the commission or send troops to Silesia. What is the difference between the two?

Mr. LENROOT. There is no difference in that particular case.

Mr. WALSH of Montana. Exactly.

Mr. LENROOT. But does not the Senator concede——

Mr. WALSH of Montana. If the Senator will pardon me, he can not present a case of a reservation to which I can not submit a counter proposition in the nature of an amendment of the text that will accomplish the same purpose.

Mr. LENROOT. That is possibly true; but take this very list of reservations that is before the Senate. There is no one of them that constitutes an amendment as affecting the relations of the other members to each other.

Mr. WALSH of Montana. That is quite true, but the same thing could be accomplished by putting the amendment in the body of the treaty, expressing the idea in the body of the treaty that that particular provision should be applicable to or binding upon the United States.

Mr. GORE. Mr. President——

Mr. WALSH of Montana. In just a moment. The point I am trying to make is that, so far as the acceptance of the qualified resolution of ratification is concerned, it makes no difference whatever whether you put the idea into the resolution of ratification in the nature of a reservation or put it in the body of the treaty. In either case the amendment proposed or the reservation, by whatever name you may term it, may be accepted either by a direct and positive act, by an exchange of notes, or it may be accepted by proceeding as is expressed in its terms.

Mr. LENROOT. There is just this difference, is there not, that there is a settled practice that reservations may be accepted by acquiescence, by silence; but does the Senator know of any case where an amendment in form to a treaty was so accepted and made operative?

Mr. WALSH of Montana. I have not undertaken to inquire, but there is not the slightest reason to doubt that an amendment to a treaty may be accepted by acquiescence, in silence, and that the country may be estopped just as well as otherwise.

To illustrate: Suppose we strike out article 10, and then we send our representatives to the council, and they are admitted there, and all the nations of the earth go on and proceed upon that basis. Who can doubt that they all thus admit that article 10 has ceased to be an active feature of the covenant?

I now yield to the Senator from Oklahoma.

Mr. GORE. I want to get the Senator's judgment on this state of facts: Suppose we should adopt a reservation here that would prove satisfactory to one or more of the high contracting parties. Does the Senator think it would then be incumbent upon that nation or upon those nations, by affirmative action, to signify its or their dissent to the reservation?

Mr. WALSH of Montana. No; the country would not be called upon to signify either its assent or its dissent until it was called upon to act.

Mr. GORE. Then, in what state would that leave us? Would we be in a state of war or a state of peace or of suspended relationship until they did signify their assent or dissent? Of course, if they acquiesced——

Mr. WALSH of Montana. If Germany acquiesced, we would be in a state of peace with Germany. If Greece, for instance, did not acquiesce, we would be in a state of peace with Greece, because the state of peace with Greece never has been disturbed. But there are interdependent undertakings in the treaty. Generally it is a treaty with Germany, but there are provisions which practically amount to a treaty between this country and Greece upon the one side, or Italy upon the one side, or Spain upon the one side.

Mr. GORE. Most of those stipulations, however, impose obligations upon the United States and call for affirmative action on the part of the United States.

Mr. WALSH of Montana. I can not concede that at all. In fact, that is the foundation of the whole thing.

My esteemed friend, the Senator from Georgia [Mr. SMITH], if the Senator from Oklahoma will pardon me for a moment, has been speaking about an obligation to send our boys to China should China make war upon Japan for the purpose of getting back Shantung. I spoke about that matter some time ago. The likelihood of China making war upon Japan to get back Shantung is about equal to the suggestion made by the Senator from Colorado [Mr. THOMAS] that Mexico should invade the United States or Guatemala should invade the United States. But if China should make war upon Japan in order to get back Shantung, not only the boys of this country but the boys of Great Britain, of France, of Italy, of Belgium, of Spain, and of all the world would be called upon just exactly the same as the boys of America to make war upon Japan in order that China might hold Shantung. However, China will not make war upon Japan in order to get back Shantung, and the Senator is talking about a thing that is as impossible as arresting the sun in its passage through the heavens.

I want to say that exactly in the same way there are no more obligations upon the United States under this treaty that

there are upon Greece. The obligations that rest upon us likewise rest upon Greece.

Mr. GORE. There are no obligations on the part of other nations to act affirmatively in our behalf except to come to our rescue in case Mexico should invade the United States and attempt to violate its territorial integrity or political independence. Is not that about the situation?

Mr. WALSH of Montana. Whatever obligations rest upon us rest upon the other party with whom we make the treaty. Of course, in the situation——

Mr. GORE. The point I am trying to make is that we are not the beneficiary under the treaty of any affirmative action on the part of other nations except an obligation on their part to protect our territorial integrity and political independence. Is not that true, or substantially so?

Mr. WALSH of Montana. That is quite true, and that is practically all the obligation we are under to them.

Mr. GORE. Then if we adopt reservations waiving the obligations on the part of other nations to come to our rescue, that certainly would not lead to any objection on their part, would it?

Mr. WALSH of Montana. Certainly not. When we come to that particular provision I am going to have something to say about it. But if I have challenged attention to the danger that inheres in attaching any reservations to this resolution of ratification, I have accomplished all the purpose I had in speaking at this time.

Mr. WILLIAMS. Mr. President——

Mr. WALSH of Montana. If the Senator will pardon me a moment, I will yield.

I have thus far at all times suggested the situation that would arise in case one nation other than Germany should signify her dissent to the ratification or should content herself with making the objection when the occasion arose when she was called upon to speak. But, Mr. President, I can not understand how we shall go on attaching these reservations to the resolution of ratification, relating not only to the league of nations covenant but to other provisions of the treaty of the most vital importance to the Government of Germany, in the expectation that Germany is going to signify her assent without hesitation, either expressly or by acts which amount to an estoppel. It seems to me a perfect fatuity to imagine that she will do anything of the sort.

I yield to the Senator from Mississippi.

Mr. WILLIAMS. I concur with the statement of the Senator from Montana. A great deal has been said about interpretative reservations. Does not the Senator think the distinction between an interpretative reservation and a reservation which shall operate as an amendment, no matter by what name it goes, is that the reservation which will operate by amendment is made a part of the resolution of ratification and a condition of ratification whereupon it operates as an amendment, whereas if the amendment were purely interpretative it would be a resolution passed by the United States Senate independently of the act of ratification and after the ratification?

Mr. WALSH of Montana. Of course, that is quite true. I do not think we have any right to attach any qualifications whatever to the ratification without releasing, as far as we are concerned, every other signatory to the treaty. On the other hand, any resolution that may be passed declaring our view concerning the significance of the treaty after it shall have been ratified would, as a matter of course, require no acceptance upon the part of the other signatories.

Mr. WILLIAMS. It would merely operate as a precedent as to future interpretations by us.

Mr. WALSH of Montana. It seems so.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. KING. I propounded a question to the Senator a moment ago, and I desire to suggest now another thought for his consideration. Suppose a reservation were attached to the resolution of ratification; that that reservation clearly expressed the same view that the treaty itself expressed; and the council, when a controversy arose as to the meaning of the treaty, said "We disregard entirely in our construction of the treaty the reservation and predicate our decision upon the language of the treaty itself." Would the Senator from Montana say that that reservation was an amendment or that it would imperil in any way the treaty or would compel affirmative action or any sort of action upon the part of the signatories to the treaty?

Mr. WALSH of Montana. Mr. President, I supposed I had made myself perfectly clear. If we were to attach an interpretative reservation, and it was either accepted by the other parties to the treaty or they thereafter acted in such a way as to indicate their acceptance of it, it would become an essential part of the treaty, and the council would be bound by it. That is all there is to that. The council would not be at liberty, as a matter of course, to disregard that any more than if it were written into the body of the instrument.

Perhaps I did not make myself entirely clear in answering the first question the Senator addressed to me. By reason of the extensive experience the Senator has had as a lawyer, he recognizes that the most serious controversies will arise concerning almost every contract of any importance that may be drafted. The difficulties that will arise may easily be anticipated; but frequently they are not anticipated, and they give rise to heated controversies involving enormous interests, eventually going clear to the Supreme Court of the United States. That may result from the simple matter of the construction of the contract, one side contending for one construction and the other side contending for another. Let me assume that one of the parties to the contract shrewdly anticipated that just such a question as that might arise, and in order to insure an interpretation such as he desired he signed it qualifiedly to the effect that the particular clause should have the construction for which he contended. Would that be an acceptance, so far as the other man was concerned? He may be wrong about it; the correct construction may be the other way; and the man who drafted the contract and sent it with his signature to the other party is entitled to have it signed just exactly as he signed it, without any qualifications whatever which would in any way affect or imperil his rights. As has been expressed by the Supreme Court of the United States, the man who proposes the contract is himself the judge of the importance of any terms that may be in it, and he is entitled to have it accepted just exactly as he proposes it.

Mr. KING. Mr. President, if the Senator will pardon me one other question, I desire to invite his attention to another matter in view of the statement which he has made. It seems to me that if any of the provisions in the treaty are susceptible of any misconstruction, so far as possible we ought to eliminate the possibility of such misconstruction. It has been contended by the proponents of the treaty and by its advocates that the treaty clearly means that the United States or any signatory may withdraw upon two years' notice and that no one but the withdrawing member will have the right to determine whether it has observed its international or other obligations. If that is clearly the meaning of the treaty and if that is the construction which we place upon it, what objection can there be to annexing a reservation in which it is stated that that is the interpretation and that we ratify it with that reservation? Does not that preclude any controversy and make clear a matter concerning which otherwise there might be some controversy? It seems to me that it would be a misfortune in a contract of such tremendous importance as this to leave it open for, using the language of the Senator, some shrewd contracting party to have in mind some interpretation different from that which at the time was concededly placed upon the contract itself by all of the signatories to it.

Mr. WALSH of Montana. Mr. President, there is not the slightest doubt that wherever any doubt arises about anything it would be advisable to clear up the doubt by an unequivocal declaration with respect to the matter; but the point I am trying to make to the Senator is that whenever we do that we release the other party from the obligation of the contract and they are under no kind of obligation to accept. Whenever you attach a reservation declaring that the meaning of a particular clause is thus and so, you by that very act confess that there is some doubt about it and you want to resolve the doubt in your own favor.

Mr. President, if it were not that by that act we would release Germany beyond question from the obligation of her ratification and possibly imperil the success of the treaty by raising objections from other countries, I should not have the slighest objection in the world to a reservation of that character, but I do not regard the doubt involved of such moment or importance as to justify me in imperiling the acceptance of the treaty by any such reservation or qualification of the resolution of ratification.

Mr. KING. Mr. President, I should like to ask the Senator another question. Does the Senator think that any amendment to the covenant of the league or any reservation affecting it alone would have to be submitted to Germany or require her approval or disapproval? I understand from the reading of the treaty that whenever any three of the associated powers, including Great Britain, France, Italy, Japan, and the United States, ratify the treaty, then amendments may be made to the league covenant in the manner provided; that is, the coun-

cil must be unanimous and a majority of the members of the assembly must concur in the amendment; but the amendment could be made, and Germany would have absolutely nothing to say as to the amendment, whether it took the form of a reservation or whether it took the form of a textual amendment to the league covenant itself.

Mr. WALSH of Montana. Mr. President, I am very sure the Senator from Utah upon reflection will not feel that he can sustain that position. There is not a doubt in the world about the ability of the members of the league after the league is organized to make such amendments as they see fit; and after we become a member of the league we may then, as a matter of course, effect a change in the covenant, if we see fit, as therein provided; but we are entering into a treaty with Germany, the United States upon one side and Germany upon the other; that is the foundation of the whole thing; and we can not introduce anything into that treaty affecting in any way whatever the interests of Germany without Germany's consent. We must take the thing as it stands; we must accept the treaty as Germany has ratified it. Thereafter amendments of any character may be effected as provided in the treaty; but we can not make a condition of our acceptance of the treaty in any way so as to bind Germany, a condition that the covenant is in any respect to be amended except in the manner provided in the covenant itself.

Mr. BRANDEGEE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WALSH of Montana. Certainly.

Mr. BRANDEGEE. When the Senator says we can not modify the treaty so as to affect Germany, of course I assume he means as between us and Germany.

Mr. WALSH of Montana. Undoubtedly.

Mr. BRANDEGEE. The Senator agrees that all of the obligations of the treaty are in effect between Germany and the other European powers whenever they have ratified it, does he not?

Mr. WALSH of Montana. Whenever three of them have ratified it, that is true beyond a doubt.

Now, Mr. President, just one other matter. Speaking about the reservation concerning mandates, referred to by the Senator from Georgia [Mr. SMITH], I think it would be signally unfortunate if we should endeavor to incorporate in this treaty any provision concerning our own governmental organization. That is a matter with which properly the other signatories of the treaty have nothing to do. Why should we undertake to say how the assent of the Government of the United States should be expressed in a provision of the treaty?

There are other provisions of the treaty which require action upon the part of the United States. For instance, one of the original articles provides that the assembly shall consist of one representative of each member of the league. It has been suggested that the covenant ought to have provided how these members are to be appointed. It is a matter of no consequence to France how we appoint our representative, nor to us how France appoints her representative, or at least it ought not to be. When we come to negotiate treaties we do not inquire how a particular ambassador or diplomatic representative was appointed. It is enough for us that he represents the government by which he is accredited. Each government has its own particular method of making such appointments, and when it is provided in the treaty that the assembly shall consist of one representative from each member of the league, why should there be a provision in respect to the manner in which the representative is to be appointed?

Take the matter of amendments to the league covenant. Suggested amendments go into effect when they are ratified by the governments having representatives upon the council and by a majority of the other members of the council, but how the amendment is thereafter to be ratified is, as a matter of course, left to the peculiar institutions of each country. There are a number of reservations which contain similar provisions in relation to how we shall arrange our own affairs in this country, a thing which it seems to me is rather humiliating and an evidence of a want of entire self and national respect upon the part of the Senate and the Congress of the United States.

Mr. KING. Mr. President, I suggest the absence of a quorum.

Mr. LODGE. I was just about to do that.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Smith, Ariz.
Ball	Hale	McCumber	Smith, Md.
Borah	Harding	McKellar	Smith, S. C.
Brandegee	Harris	McNary	Smoot
Calder	Harrison	Moses	Spencer
Capper	Henderson	Newberry	Sterling
Chamberlain	Hitchcock	Norris	Sutherland
Colt	Johnson, Calif.	Nugent	Swanson
Culberson	Johnson, S. Dak.	Overman	Thomas
Curtis	Jones, N. Mex.	Page	Townsend
Dial	Jones Wash.	Phelan	Trammell
Dillingham	Kellogg	Phipps	Underwood
Edge	Kendrick	Pittman	Wadsworth
Elkins	Kenyon	Poindexter	Walsh, Mass.
Fall	Keyes	Pomerene	Walsh, Mont.
Fernald	King	Ransdell	Warren
Fletcher	Kirby	Reed	Watson
France	Knox	Sheppard	Williams
Frelinghuysen	Lenroot	Sherman	Wolcott
Gay	Lodge	Simmons	

Mr. McKELLAR. My colleague, the senior Senator from Tennessee [Mr. SHIELDS], is detained in his room by illness.

Mr. KIRBY. I announce the unavoidable absence on official business of my colleague, the senior Senator from Arkansas [Mr. ROBINSON].

Mr. REED. I desire to announce to the Senate that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of sickness. He is confined to his room and his bed. The Senator asked me this morning, when I called on him, to say that he would be here in the Senate if it was a physical possibility for him to be here, but that his doctor had absolutely commanded him to keep to his room.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is absent on account of illness.

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. There is a quorum present. The pending question is the amendment offered by the Senator from North Dakota [Mr. MCCUMBER].

Mr. McCUMBER. Mr. President, there are in this instrument 15 separate articles of reservation. There have been offered perhaps 15 or 20 other reservations. I am quite certain that additional reservations will be added. It is safe to say that this treaty will go out of the Senate with not less than 20 separate reservations attached. Now, what does that mean? It means that if this preamble, or reservation No. 1, is to go unchallenged every one of three separate countries must pass upon affirmatively and must accept every one of these 20 separate reservations without the crossing of a "t" or the dotting of an "i." If any one of these nations should have the audacity to suggest that there was anything in any one of these reservations that was not clear or definite and that it wanted to modify it by an explanation, such explanation—such qualified assent, even—would have the effect of defeating the ratification of this treaty by the Senate of the United States.

I want to make that just as clear as it is possible to make it. I do not think anyone will for a moment question the assertion. It is necessary, in order that this ratification shall have any effect, that three out of four of these countries shall accept each and every one of these 15 or 20 reservations.

Now, let us take one of the reservations. I want to call your attention to the seventh reservation:

> The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

The treaty, Mr. President, transfers from Germany to Japan all of the German interests. This reservation which we propose to make states that we will not recognize that. In other words, we practically amend the treaty to that extent. Now, we put that back to Japan. Japan, therefore, has to agree that she will accept our reservation, which takes from her that which she has obtained by war. Japan, of course, will not accept it. No one thinks for a single moment that Japan will accept it. Therefore we are brought right back to the three nations—Great Britain, France, and Italy—and each and every one of those nations must accept each and every one of these reservations without the slightest qualification and without any opportunity on their part to say that they are not favorable to this reservation or that they would like a little change in the other reservation. Any action on their part which changes them or any failure to accept them in toto would defeat the ratification by the Senate of the United States.

I want to avoid that, if possible. Many of us have fought here day after day for the purpose of preventing anything that we thought would send this treaty back for further action by any one or all of the other powers. Now we propose not only to send it back for ratification, but we propose to send it back in such form that unless they ratify it in toto, without a suggestion of any change, they have vitiated our ratification of the treaty.

Now, I want to get at the fact as to whether we are certain that all these nations will do that thing with reference to every one of these reservations.

Mr. HITCHCOCK. Mr. President——

Mr. McCUMBER. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I want to inquire of the Senator whether he has considered this fact:

This treaty is one of the comparatively few treaties that have been considered, not by the administrative or executive authorities of the Governments of France and Great Britain, but that have been considered, in the case of Great Britain, by the House of Commons, and in the case of France by the Chamber of Deputies and the Senate.

Mr. McCUMBER. Yes.

Mr. HITCHCOCK. Now, if the treaty has been ratified on the part of Great Britain by authority of the House of Commons, what power is there in the Government of Great Britain to exchange a note acceding to a modification of that? Would it not be necessary to submit the matter to the House of Commons in Great Britain, and would it not be necessary in France to submit it to the Chamber of Deputies?

Mr. McCUMBER. While it might not be absolutely necessary under their form of government, it would seem to me that in Great Britain at least, under their theory of government, they would in all probability refer it back to Parliament.

Mr. LODGE. Will the Senator allow me a moment?

Mr. McCUMBER. Certainly.

Mr. LODGE. The constitution of Denmark requires the submission of any treaty relating to a cession of land to the Rigsdag. In the case of the treaty with Denmark in 1902, as we all remember, the treaty which we had ratified was lost in the upper branch of the Rigsdag by a tie vote. The last one was not only ratified by the Rigsdag, but it was the subject of a plebiscite, and when we put on the condition about requiring a note, there was not the slightest trouble; the notes were exchanged. It did not have to go to the people, the Rigsdag, or anywhere else. These things are always done by notes.

Mr. McCUMBER. Let me call to the attention of the Senator from Massachusetts that, as I now recall it, the failure in the exchange of notes was not to affect the treaty so as to destroy it.

Mr. LODGE. It held it up until it had been done.

Mr. McCUMBER. But it did not destroy it.

Mr. LODGE. The provision here will not destroy it. It will only wait until the reservations are accepted.

Mr. McCUMBER. If it failed to be done, then, of course, our action would be nullified.

Mr. HITCHCOCK. Mr. President, it is more than that. It did not change any of the terms of the treaty. It merely called attention to the constitutional limitations of the ratifying power in the United States. We could not undertake to assume a position toward the church in Denmark, and so stated; and, of course, Denmark had not expected that we would; but out of excess of caution that was called to their attention, and it was a very easy matter for their executive to assent to that matter by note. It made no change.

Mr. LODGE. It is always done by notes. As a matter of fact, it was done in the case of the slave treaty by notes. It is always done by notes.

Mr. McCUMBER. Mr. President, I think we all agree now that by this preamble we necessarily eliminate Japan. Therefore, we fall back upon three other countries, each of which must accept in toto each and every one of these reservations. Now, I want to see whether there is any probability that any one of these nations will refuse to accept them without some modification or some explanation.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I yield.

Mr. JONES of New Mexico. I should like to inquire of the Senator from Massachusetts if it is his contention that the Parliament of Great Britain, for instance, having accepted the treaty, as it has done, would the governmental or administrative authorities of Great Britain have the right by a separate note only to agree to any modification of the treaty?

Mr. LODGE. Great Britain's system is different from that of any other country. It can be accepted by the King alone. The whole treaty can be accepted by the King alone. The reference of it to Parliament is merely a voluntary act of the minister for foreign affairs. In other countries, like France, for instance, ratification is required by the Chamber of Deputies and the Senate. There is no occasion to send this treaty back there. These things are always done by notes.

Mr. JONES of New Mexico. I understand that they are done by notes when the parliamentary body has not directly acted upon them. I can understand how the administrative branch would have the authority in that case.

Mr. LODGE. If the Senator will pardon me, in the case of the reservation to the Danish treaty, the treaty had been ratified not only by us, but by the Danish Rigsdag and a plebiscite of the Danish people.

Mr. JONES of New Mexico. I wanted to get the Senator's point of view. He contends that in those circumstances the head of the Danish Government would have a right by note to change what had been done?

Mr. LODGE. Unquestionably.

Mr. McCUMBER. Mr. President, for years, since I have been in the Senate, I think some 21 years, in all our treaties to effectuate the peaceful settlement of international difficulties, we have been fighting over whether or not questions affecting national honor and vital interests should be submitted to arbitration or inquiry or to any other method of settlement. In our earlier treaties we provided that such questions should never be submitted. That left open to each country the right to determine what affected its national honor and what was of vital interest to it. The result was that nations were disinclined to submit anything that they considered of interest to themselves. Every interest was a vital interest, and everything that affected their vital interests necessarily affected their national honor, and the result followed that we could get nothing submitted in any way for the purpose of a peaceful settlement.

After many years of fighting over this ground, we finally eliminated those provisions, and in our 14 treaties which we have here before the Senate and which have been printed in a pamphlet—I will not say all the treaties, as I think there are some 30 of them—in those that were ratified in 1914, known as the Bryan treaties, we agreed to submit all questions for inquiry, not for arbitration; we agreed to submit all questions that would tend to disturb the peace of the nations to a board that would be selected by the countries concerned.

We entered into such a treaty with Italy, and I want to call attention to article 1. I am about to read from a treaty that was entered into between the United States and the Kingdom of Italy on the 5th of May, 1914. The very first article of that agreement reads as follows:

> The high contracting parties engage to submit for investigation and report to a commission, to be constituted according to the provisions of the following article, all differences of whatever nature they may be which may occur between them and which can not be composed by diplomatic methods or are not submitted to a tribunal of arbitration; they bind themselves not to declare war nor to open hostilities during the examination by the commission and before the commission has presented its report.

That is practically in harmony with the present provision of the treaty constituting the league of nations, and I want to call attention now to article 20 of the league, which reads:

> The members of the league severally agree that this covenant is accepted as abrogating all obligations or understanding inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

Article 1 is not inconsistent with the terms thereof, but there is a solemn agreement upon the part of Italy that she will not enter into any agreement which does contravene the terms of this instrument and this feature of the instrument.

Now, let us see whether this is contravened in any way. The fifteenth, the very last of these reservations, is a reservation that was attempted to be put into these other thirty-odd treaties, and it was defeated by the Senate, because the Senate in its progress toward attempts to secure the settlement by peaceful methods of any international difficulties, had found that that was an obstacle in the way. Now, it is expected—that is, the committee proposes at least—that we shall adopt this fifteenth proposition, which reads:

> 15. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

We will suppose, Mr. President, that that fifteenth subdivision passes the Senate. Italy turns to her old treaty with us, which declares that we will submit all such questions to investigation. We ask her here not only to annul that treaty, the solemn obligation which we made with her, but we ask her to annul the solemn obligation that she made when she signed this later treaty.

Suppose Italy says, "I can not afford to do that, and I do not wish to annul the obligation of the treaty which I entered into with the United States, whereby we agreed to submit all of these

questions, not to arbitration but at least to investigation and a report." What would be the result? The result is that you have defeated the ratification; that is all. You would compel Italy, as you compel France, as you compel Great Britain, in order to secure our assent, to agree that positively and openly they will allow the United States to so change their former treaties that the United States will not be bound to submit for investigation any question which the United States considers to be of vital interest, or any question which the United States thinks affects her national honor. It is tantamount to saying that the United States will not submit anything for investigation under any circumstances, because if it is not a matter of interest we will not quarrel about it; if it is a matter of interest, it has some degree of vitality; it is to some extent of vital interest to us; and therefore we are excused from submittting anything under the terms of our previous treaty.

Of course, if Italy accepts this, and she accepts it only so far as the United States is concerned, she does not abrogate thereby the treaty between the United States and France, or between the United States and Great Britain, but she does consent practically to an abrogation of the principle of the agreement between the United States and herself.

Mr. STERLING. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. STERLING. I should like to ask the Senator if reservation 15 does not by its very terms relate to this treaty and does it at all interfere with an existing treaty with Italy? So far as this treaty is concerned we reserve the right to decide what questions affect our honor or our vital interests. The reservation, if the Senator will pardon me, goes on and expressly declares that—

Such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

It seems to me that does not at all interfere with our present status in regard to arbitration with Italy.

Mr. McCUMBER. This, the Senator will admit, becomes a part of the treaty so far as we are concerned. Does it not? If we adopt it, it will become a part of the treaty?

Mr. STERLING. It will be a part of the treaty if we adopt it. I agree with the Senator in that.

Mr. McCUMBER. If it becomes a part of the treaty and is inconsistent with the provisions of any other treaty, then, according to another article in this treaty, it takes the place of that with which it is inconsistent. And if it does take the place of the other treaty with which it is inconsistent it becomes the controlling treaty between the parties.

Mr. STERLING. I can not agree with the Senator from North Dakota in that he assumes that it is inconsistent with the other treaty. That is just the point in contention, my contention being that it is not inconsistent with the terms of our treaty with Italy.

Mr. McCUMBER. If a treaty declares that all questions shall be submitted by the parties to the treaty to investigation and report, and if in another treaty between the same parties one of them declares that it will not submit any question for report or investigation in which the vital interest or honor of the country is at stake, I say those treaties are absolutely inconsistent with each other, and both of them can not stand.

The only basis on which the Senator could claim that they were not inconsistent would be that under the old treaty they would submit their claims to a board for investigation, even though they affected the vital interest and national honor, while under this they could not submit any claim that would affect the vital interest and the honor of the country. The one or the other must govern, and the two are absolutely inconsistent.

Suppose that Italy should say, "That ought to be cleared up. I want the right to submit questions involving even what I might consider and what the United States might consider as of vital interest for, at least, investigation. I want to preserve that. The United States declares that that will not be preserved, and I have got to accept the dictum of the United States on that. If I refuse to do so, I destroy the treaty of peace with Germany, and the United States at least has no treaty of peace with Germany."

I simply call attention to that as one of the reasons why we should not attempt to compel these other countries to enter into a subsequent and a different agreement with us than they have made before, and that by silent acquiescence.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll; but the Chair is going to begin pretty soon to enforce the rule that argument is not the transaction of business.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	McLean	Simmons
Borah	Harris	McNary	Smith, Ariz.
Brandegee	Harrison	Moses	Smith, Ga.
Calder	Henderson	Myers	Smith, Md.
Capper	Hitchcock	Nelson	Smith, S. C.
Chamberlain	Johnson, Calif.	New	Smoot
Colt	Johnson, S. Dak.	Newberry	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Jones, Wash.	Nugent	Sutherland
Curtis	Kellogg	Overman	Swanson
Dial	Kendrick	Owen	Thomas
Edge	Kenyon	Page	Townsend
Elkins	Keyes	Phelan	Trammell
Fall	King	Phipps	Underwood
Fernald	Kirby	Pittman	Wadsworth
Fletcher	Knox	Poindexter	Walsh, Mass.
France	La Follette	Pomerene	Walsh, Mont.
Frelinghuysen	Lenroot	Ransdell	Warren
Gay	Lodge	Reed	Watson
Gerry	McCormick	Robinson	Williams
Gronna	McCumber	Sheppard	Wolcott
Hale	McKellar	Sherman	

The VICE PRESIDENT. Eighty-seven Senators have answered to the roll call. There is a quorum present. The pending amendment is that offered by the Senator from North Dakota [Mr. McCUMBER].

Mr. LODGE. On that I ask for the yeas and nays.

Mr. HITCHCOCK. I should like to have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed, in what is known as reservation No. 1, in line 3, after the word "ratification," to strike out the remainder of the reservation in the following words:

Which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

Mr. BRANDEGEE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. REED (when Mr. SHIELDS's name was called). The senior Senator from Tennessee [Mr. SHIELDS] is confined at home by illness. I am authorized to state that if he were present, he would vote "nay" upon this motion. He is paired.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He is absent, and I am therefore obliged to withhold my vote. If permitted to vote, I would vote "nay."

Mr. WARREN (when his name was called). I am paired for the afternoon with the senior Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

The roll call having been concluded, the result was announced—yeas 40, nays 48, as follows:

YEAS—40.

Ashurst	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Owen	Smith, Md.
Culberson	Jones, N. Mex.	Phelan	Smith, S. C.
Dial	Kendrick	Pittman	Swanson
Fletcher	King	Pomerene	Thomas
Gay	Kirby	Ransdell	Trammell
Gerry	McCumber	Robinson	Underwood
Harris	McKellar	Sheppard	Walsh, Mont.
Harrison	Myers	Simmons	Williams
Henderson	Nugent	Smith, Ariz.	Wolcott

NAYS—48.

Ball	Fernald	Knox	Page
Borah	France	La Follette	Phipps
Brandegee	Frelinghuysen	Lenroot	Poindexter
Calder	Gore	Lodge	Reed
Capper	Gronna	McCormick	Sherman
Colt	Hale	McLean	Smoot
Cummins	Harding	McNary	Spencer
Curtis	Johnson, Calif.	Moses	Sterling
Dillingham	Jones, Wash.	Nelson	Townsend
Edge	Kellogg	New	Wadsworth
Elkins	Kenyon	Newberry	Walsh, Mass.
Fall	Keyes	Norris	Watson

NOT VOTING—8.

Bankhead	Martin	Shields	Sutherland
Beckham	Penrose	Stanley	Warren

So Mr. McCUMBER's amendment to the reservation No. 1, proposed by Mr. LODGE, was rejected.

Mr. McCUMBER. Mr. President, in the first reservation I move to strike out all after the word "ratification," where it first occurs, in line 3, down to the end of the reservation, and to insert in lieu of the words stricken out the following:

The acceptance of such reservations and understandings by any party to said treaty may be effected by an exchange of notes.

I will say very briefly that the only purpose of the proposed amendment is, if possible, to avoid delay in effectuating a treaty of peace with Germany, and that the entire treaty shall be disposed of by the United States when the Senate shall have acted. Under this reservation as now proposed to be amended the President would submit to the several nations our reservations and request their acceptance of them; but the failure of any nation, a party to the agreement, to assent to all of the reservations would not destroy our ratification under this proposed provision.

Mr. LODGE. Mr. President, I do not care to discuss the amendment. Of course, it is obvious to all Senators that it would bring about practically the same effect as the amendment the Senate has just voted down.

Mr. BRANDEGEE and Mr. SMOOT called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. UNDERWOOD (when Mr. BANKHEAD's name was called). I desire to announce that my colleague, the senior Senator from Alabama [Mr. BANKHEAD], is absent, because he is confined to his bed on account of illness, and that he is paired on these votes. I wish that announcement to stand for the day.

Mr. JOHNSON of California (when his name was called). Making the same announcement as upon the last vote, I vote "nay."

Mr. WARREN (when his name was called). As previously stated, I stand paired with the senior Senator from Alabama [Mr. BANKHEAD].

The roll call was concluded.

Mr. REED. I renew the announcement I made on the previous vote as to the illness of the senior Senator from Tennessee [Mr. SHIELDS], and now state that if he were present the senior Senator from Tennessee would vote "nay," and that he is paired upon this vote.

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. SUTHERLAND. Making the same announcement as before as to the absence of my pair, I withhold my vote. If permitted to vote, I should vote "nay."

The result was announced—yeas 40, nays 48, as follows:

YEAS—40.

Ashurst	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Owen	Smith, Md.
Culberson	Jones, N. Mex.	Phelan	Smith, S. C.
Dial	Kendrick	Pittman	Swanson
Fletcher	King	Pomerene	Thomas
Gay	Kirby	Ransdell	Trammell
Gerry	McCumber	Robinson	Underwood
Harris	McKellar	Sheppard	Walsh, Mont.
Harrison	Myers	Simmons	Williams
Henderson	Nugent	Smith, Ariz.	Wolcott

NAYS—48.

Ball	Fernald	Knox	Page
Borah	France	La Follette	Phipps
Brandegee	Frelinghuysen	Lenroot	Poindexter
Calder	Gore	Lodge	Reed
Capper	Gronna	McCormick	Sherman
Colt	Hale	McLean	Smoot
Cummins	Harding	McNary	Spencer
Curtis	Johnson, Calif.	Moses	Sterling
Dillingham	Jones, Wash.	Nelson	Townsend
Edge	Kellogg	New	Wadsworth
Elkins	Kenyon	Newberry	Walsh, Mass.
Fall	Keyes	Norris	Watson

NOT VOTING—8.

Bankhead	Martin	Shields	Sutherland
Beckham	Penrose	Stanley	Warren

So Mr. McCUMBER's amendment to the reservation No. 1, proposed by Mr. LODGE, was rejected.

Mr. McCUMBER. Mr. President, I ask unanimous consent at this time to introduce and have printed an additional reservation, which I shall ask to have inserted in the list of reservations. I ask that it may be read, printed, and lie on the table.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

The United States refrains from entering into any agreement concerning the matters contained in Part XIII (articles 387 to 427, inclusive) of said treaty unless Congress by act or joint resolution shall hereafter provide therefor.

Mr. BORAH. Mr. President, I offer an amendment—and I am referring to the copy of the reservation as printed in Senate Document No. 150, placed on the desks to-day—to the reservation on which we have been voting.

On line 7 I move to strike out the words "three of," so that the reservation will read that the reservations and understandings adopted by the Senate must be accepted "by at least the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan."

I do not care to discuss the amendment, Mr. President. Everyone will see at once precisely the effect of it, and that is to require action upon the part of four instead of three of the principal allied and associated powers.

Unless some other Senator desires to debate the amendment, I ask for the yeas and nays upon it.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote. If at liberty to vote I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). Making the same announcement that I made upon the last roll call concerning my pair and its transfer, I vote "nay."

The roll call having been concluded, the result was announced—yeas 25, nays 63, as follows:

YEAS—25.

Borah	Fernald	La Follette	Reed
Brandegee	France	Lodge	Sherman
Calder	Frelinghuysen	McCormick	Wadsworth
Cummins	Gronna	Moses	Watson
Dillingham	Harding	New	
Elkins	Johnson, Calif.	Norris	
Fall	Knox	Poindexter	

NAYS—63.

Ashurst	Henderson	Myers	Smith, Ga.
Ball	Hitchcock	Nelson	Smith, Md.
Capper	Johnson, S. Dak.	Newberry	Smith, S. C.
Chamberlain	Jones, N. Mex.	Nugent	Smoot
Colt	Jones, Wash.	Overman	Spencer
Culberson	Kellogg	Owen	Sterling
Curtis	Kendrick	Page	Swanson
Dial	Kenyon	Phelan	Thomas
Edge	Keyes	Phipps	Townsend
Fletcher	King	Pittman	Trammell
Gay	Kirby	Pomerene	Underwood
Gerry	Lenroot	Ransdell	Walsh, Mass.
Gore	McCumber	Robinson	Walsh, Mont.
Hale	McKellar	Sheppard	Williams
Harris	McLean	Simmons	Wolcott
Harrison	McNary	Smith, Ariz.	

NOT VOTING—8.

Bankhead	Martin	Shields	Sutherland
Beckham	Penrose	Stanley	Warren

So Mr. BORAH's amendment to reservation No. 1, proposed by Mr. LODGE, was rejected.

Mr. KING. Mr. President, I offer the following amendment to the paragraph under consideration: Insert, after the word "ratification," on line 7, the following words:

Or by participating in any of the proceedings authorized by said treaty.

So that it will read:

The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification or by participating in any of the proceedings authorized by said treaty—

And so forth.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

Mr. TRAMMELL. I suggest that the amendment be stated at the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the word "ratification," on line 7, it is proposed to insert:

Or by participating in any of the proceedings authorized by said treaty.

Mr. HITCHCOCK. Mr. President, I should like to inquire of the author of this amendment whether he intends in this way to make an acquiescence in the treaty the equivalent of a formal acceptance?

Mr. KING. Mr. President, in response to the inquiry of the Senator I will say that that is the object of the amendment, so that the ratification may be effectuated in two methods—

either by a formal acceptance in writing, or by acting under the treaty and by acquiescence in its provisions.

Mr. HITCHCOCK. Mere silence would not have that effect; but any act of the nations referred to, recognizing us as parties to the treaty, would, in effect, be an acceptance of our reservations?

Mr. KING. Unquestionably.

Mr. REED. Mr. President, if the Senator from Utah had prepared an amendment expressing the idea that the treaty could be ratified either by an exchange of notes or by any other means of formal ratification, so that it could be ratified, for instance, by the peace delegates now in session, it might have added to the text of the preamble, because it would have afforded another means of direct ratification than by the mere exchange of notes. As the preamble is now drawn, however, the only method of ratification provided is by an exchange of notes. That is, of course, effective; but it might have also provided, if its author had seen fit, that the ratification could have been taken by the peace congress now in session by the same forces that drew the original treaty. But, Mr. President, if I understand the purport and intent of the Senator's amendment, it is that if we ratify this treaty with reservations, and the assembly of the league of nations is brought together, the moment any proceedings are taken the Senator's amendment would, in his opinion, effectuate a ratification by assent.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. REED. In just a moment; after I finish the sentence. That is to say, as soon as they proceed to act under this treaty, ratified with these reservations, that shall be taken as an estoppel against any of the other nations ever claiming that our ratification is not binding upon them. That is really the purport and intent of the Senator's amendment. Am I correct?

Mr. KING. I was diverted for the moment; but, if I apprehend correctly the position of the Senator, that is my position. In other words, it is quite unusual to require the other signatories to a treaty of this character to signify their approval in the manner indicated by the reservation as it stands. The usual method is to permit them to proceed and they may accept the reservations or the amendments by acting under the treaty, in which event they are estopped thereafter from denying it.

Mr. REED. That is to say, if they do any act under the treaty, the moment they do that act they admit and consent to, by the doing of the act, the reservations we have made. That is the theory of the Senator?

Mr. KING. That is the equivalent of an express, formal ratification.

Mr. McCORMICK. Mr. President, will the Senator yield?

Mr. REED. I think I ought to yield to the Senator from Wisconsin. He rose first.

Mr. LENROOT. I think the Senator from Utah will see that his amendment is very much broader than that. Immediately upon the treaty of peace coming into effect as to the three powers, under the Senator's amendment anything they may have done, even prior to our ratification, would prevent the doing away with the obligation of any acceptance on their part to the qualified ratification of this treaty by us.

Mr. KING. If the Senator will permit me, I do not think that would be a rational or a proper interpretation of it.

Mr. LENROOT. That is the wording of the Senator's amendment.

Mr. KING. I do not think it is retrospective at all, but it would act in futuro.

Mr. LENROOT. Will the Senator from Missouri yield for one other question?

Mr. REED. Perhaps it would elucidate matters if I should read the text as amended:

> The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification, *or by participating in any of the proceedings authorized by said treaty*, by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan.

I yield now to the Senator from Wisconsin.

Mr. LENROOT. I merely want to call attention to the fact that the ordinary practice is to accept reservations before the deposit of the instrument of ratification. So that under the amendment, in the language in which it is now framed, anything they did under the treaty would comply with the condition or would mate with the Senator's amendment.

Mr. REED. Mr. President, if I may ask the kindly indulgence of the Senate for a moment, I want to call attention to the fact that the analogy between this and any other treaty is one that ought to be indulged with considerable care. In every other treaty that the United States has ever made we have been dealing with one or possibly two Governments—I think in every instance with a single Government. We have been dealing, generally speaking, with a single question or class of questions.

We agree to do some specific thing in some particular way. The proposition is simple. The countries are dealing with some plain proposition then before them, then clearly outlined. I except from that, of course, what are called the Bryan treaties. The Bryan peace treaties embraced nothing but an agreement to set up a tribunal of inquiry, and the Bryan peace treaties left us free to pick our two representatives and the other nation free to pick its two representatives, the four to pick the deciding or fifth vote. So that under those treaties, when we were confronted with a situation, we were in a position to protect ourselves by then and there selecting two men who would properly protect the interests of the United States; and if we could not select such men, of course we would not agree to the arbitration or settlement until the time arrived when we could select a proper tribunal.

Let me pause now to point to the difference between that kind of a tribunal and the one we are setting up. The one we are setting up is a permanent tribunal. It is not selected for the purpose of settling any particular controversy in which we are interested; neither is it judicial in its character or nature. It is a political tribunal, pure and simple. It is permanently constituted; and when we propose to set it up and to agree to submit our controversies to it, we are in a very different situation from what we are in under the Bryan treaties, when we submit any controversies to a tribunal to be selected at the immediate time and with reference to the immediate subject in controversy.

Second, when we submit a matter under the Bryan treaties we have two-fifths of the deciding board composed of our nationals, of our people, and that two-fifths helps to select the deciding vote, the fifth member. The opposing country has its right to have two of its nationals—two of its friends, if you please—and they, together with the two representing our Government, must agree upon some disinterested person, the five to decide that particular controversy.

So, Senators, I wish I could bear this in upon your minds, on any tribunal that is set up under the Bryan treaties America has two-fifths of the representation to start on. But under the arrangement we are proposing to make, in every controversy where the United States is a party she is barred from a vote, she does not sit in joint session, and the question is decided by a fixed political tribunal, selected in advance, and upon that political tribunal there sits no one except aliens to the United States, and perhaps her enemies. That is the difference between the tribunal we are setting up and the tribunals that have hitherto been set up for the decision of particular questions.

To this political tribunal, which will be composed conclusively of aliens to us in any controversy where we are a party, it is proposed to submit the vital interests of the United States, it is proposed to submit every international question to which we may be a direct party, and if we are a direct party in controversy we do not sit. Yet the character of the tribunal being political, the questions to be decided being political, it is as impossible to obtain a fair and impartial decision as it would have been impossible to obtain an impartial decision in a trial for witchcraft at Salem in the days when they were burning old women for the imaginary crime of dealing with imaginary spirits.

Mr. President, if you will bear these facts in mind you will observe the reason why it is necessary to proceed with caution. This tribunal is to be constituted of what? Of the representatives of various nations. How are these representatives to be selected? It is not written in the covenant. Are they to be selected under the laws of the countries, to be passed by the legislative bodies of the countries, or is it to be composed of those who have been appointed by the executive branch of the Government?

It has been said here that it is perfectly plain that we must in every instance enact laws authorizing the appointment of a delegate, giving him power to act. Does that follow? I think not, sir. It could well be argued, if this treaty is passed in the manner and form submitted, if we place no limitations upon it, that it deals only with matters concerning our foreign relations; that as it deals only with matters concerning our foreign relations, and as foreign relations have been put, in so far as treaty making is concerned, in the hands of the President, subject to the right of the Senate to advise and consent, as in general the Executive head of the Government has always had charge of the carrying out of our foreign relations by negotiation, by the appointment of commissions, it therefore follows that the President of the United States has the right and has the power to represent the Government either by himself or by an agent.

Let us see if we can not find a parallel. It is provided in the Constitution that the President shall have power to negotiate treaties. It is not said in the Constitution how he shall negotiate them. There are no limitations placed upon him. The power is vested in him. So it is said in this that each nation shall be entitled to one representative, but it is not said how that representative shall be selected.

I do not present this as a conclusive argument, but as an argument which might well be weighed and might well be considered, that if we enact this treaty in the form in which it is now submitted to us the President of the United States could go to Europe, just as he went to negotiate this treaty—contrary to the custom, contrary to the usages; still he went and did negotiate this treaty. We have no answer to make as to his authority.

Mr. President, bear in mind now that we have something to consider here besides ourselves. This is the view I would like to get into the minds of Senators if I possibly can. We are engaging with the rest of the world to set up a tribunal possessed of legislative and executive powers.

It has legislative powers of a high character, because it is expressly provided that the regulations which it may make with reference to international matters shall, in certain instances, become binding upon all members of the organization.

It has judicial powers, because it is expressly provided that this organization which we set up, through one or both of its branches, can decide questions of the greatest import to the world. It is to become a body vested with judicial powers greater than have ever been conferred upon any court of the world, whether that court be an international court created for the settlement of an international dispute or whether it be the court of a great country.

What are these disputes that are thus to be submitted to this tribunal to be settled through some one of its branches? Any question involving the peace of the world, both as to the law and as to the facts, is submitted. It makes no difference what that question may be if, in the opinion of this tribunal, it involves the peace of the world, they try the question of law and they settle the question of fact. It may be the seizure or condemnation of millions of dollars of our goods that are being carried across the ocean. The question to be determined may be whether they are contraband or noncontraband, whether they will be condemned or will not be condemned, and that question will come before this body, either before the council or before the assembly, for judicial determination, judicial in the sense that the questions considered are judicial in their nature, but political in the sense that the court or tribunal is political in every part of it.

Again, the question may arise whether the United States has violated its treaty with any other country, and so the United States may be actually brought to the bar of this tribunal the same as a prisoner is brought to the bar of a criminal court, and its right there determined in a proceeding which is in every essential respect judicial, except that the will of the court is the law of the court, and the court itself is a political tribunal.

Again, it is proposed under this treaty to set up a tribunal to compose and settle all labor differences of the world, and it is proposed that the tribunal shall initiate the laws and regulations and rules that are to control the various countries; and that as soon as any country shall have acquiesced in that decree or ruling, thereupon this labor tribunal or labor branch becomes in itself a court authorized again to try sovereign nations for their very lives, and, in the event they do not obey the decree, to sentence them to industrial and commercial death. To do that they can boycott by denying to their nationals the right to communicate with the nationals of the other by excommunicating them from the society of nations, drawing around them a cordon of ships and of armies, and starving them into submission.

Finally, the right of execution is further given the executive power to confer, and these two tribunals combined are given the power and the right to call for armies and to call for navies to enforce their mandates.

Under these circumstances, when we are about to set up a tribunal of this kind, we must bear in mind that a new principle enters. This tribunal when it sits has a limitation, and the only limitation there can be upon the authority of the members and upon the right of members to bind a nation so far as it is concerned must be found in the instrument of its creation, and it can be found nowhere else. We are very much in the situation that we would have been in if we had established a Federal Government without writing a Constitution. If we were to have set up a Federal Government without expressly reserving to the States all powers not expressly granted, long ere this the Central Government would have absorbed to itself every power and gathered to itself every conceivable attribute of government. Can anyone doubt that?

We took over to the Federal Government the power of regulating interstate commerce. No man dreamed at the time the Constitution was written that the taking over of that power by the Federal Government meant any more than the regulation of commerce so that it could proceed uninterruptedly from one State to the other and to foreign parts. That power to regulate commerce has been so construed and so extended that to-day we find that the very wages of the men employed upon the railroads and other carriers engaged in interstate commerce can be regulated by act of Congress. We find that instrumentalities can be specified and that there may be any kind of reasonable dictation by the Government to those who are engaged in interstate commerce as to wages to be paid, the character of their organization, and the methods employed in carrying and distributing goods. Every effort has been made, even in this country, to stretch that power until we in this body have violated the Constitution of the United States ourselves, although I hope no one intended to do it, but so said the Supreme Court.

It must be perfectly clear, therefore, to Members that when we set up a government or an organization, I do not care by what name you call it, and that government is composed of the representatives of the other nations of the world, and when we confer upon that government or that organization by express terms the right to take jurisdiction of any controversy threatening the peace of the world, we have turned over to it every international question, and it proceeds, not limited by our Constitution, not limited by the constitution of Great Britain; not limited by the constitution of Canada, if it has one; not limited by the constitution of France, if it has one; not limited by the constitution of Haiti, if it has one, but limited only by those rights and those limitations that are to be found in the instrument of its creation to which we assent and to which we become a party. From the moment we sign this document, unless we write our limitations into the document itself in express terms, we will have signed away our day of grace and forfeited our opportunity to protect the United States.

Sir, we may treat this question as a trifling matter if we want to. Either this proposition now before us involves a radical change in the management of the world's affairs or it is a sounding brass and a tinkling cymbal. If it means what it professes to mean, then we are setting up a power to control the world, and into that power the United States is entering as a part and to it it is conceding jurisdiction over every question that may affect the peace of the world. That means that it is conceding to the jurisdiction of this power every right of this Government, every right of this people, that, in the opinion of that tribunal, affects the peace of the world.

And, sir, it will not do for us to fall back upon the miserable doctrine that our representative has undertaken to do something that under our Constitution or our laws he is not authorized to do. I abominate and I repudiate the doctrine that other nations must take notice of our laws and that they must take notice of our Constitution. If that is true, then we must take notice of their laws and of their constitutions, and instead of this covenant meaning what it appears to mean upon its face, it means what it appears to have on its face plus or minus the laws or constitution of every country that becomes a member of the league. So that instead of having a document before us that expresses the intendment of the contract, we have merely a document which ought to be made to read, "This document shall be binding upon the various nations of the world in so far as their constitutions and their laws say it shall be binding." Then, instead of having a covenant to be written and signed and meaning what it purports to mean, we would have a document to be supplemented by all the codes of law of all the nations of the world.

There is not an international lawyer nor any other kind of a lawyer who would pretend to say that under such circumstances as that we would be safe to enter this covenant. We are safe to make this covenant only if, looking at the document, we can determine what are the obligations of other nations, and other nations are safe in entering into this compact only if they in turn by looking at the document can determine what are the obligations of the United States.

So, sir, if we were to accept the amendment of my distinguished friend the Senator from Utah [Mr. KING] we would be left in the situation that every nation would be asked to bind itself by any act under this treaty, any act whatsoever, without any notice as to what the actual limitations are which the United States specified.

Good faith requires us to notify the other nations of the world. We ought to expect it of them that they would write into the face of the instrument every exception that they would expect to make. There is another thing that is required, and

that is that we in writing this contract shall take no chances as to the protection of the United States.

I am going to put it to my distinguished friend the Senator from Utah [Mr. KING], with whom I dislike to disagree, whether if he were an attorney representing clients in a great transaction where there were 40 parties to the contract, and all of the 40 parties had signed, sealed, and delivered the contract to him, he would be willing to have his clients sign that contract and pass it back to the other parties with some reservation as to its meaning and with nothing else to protect his clients except that if the other parties did any act under it they would thereby be held to have accepted the reservation? It may be, if he could show notice to them and actual knowledge, he might make it go at the end of a lawsuit; but as a prudent lawyer—and he is a great lawyer—seeking to guard the interests of his clients, would he not say, "Let us send that back to be recognized by an express act"? I am sure he would.

Mr. KING. Mr. President, will the Senator from Missouri yield?

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. KING. I think that the question of the Senator from Missouri ordinarily would call for an affirmative reply; but I can distinguish a difference between legal documents imposing contractual obligations upon individuals and a treaty between a number of nations. While a treaty, of course, is a contract, yet the method of dealing with an international contract, if I may so denominate a treaty, is somewhat different from the very prudent and careful way that a lawyer would deal with a contract between his clients and other persons. The usual way of dealing with a treaty between nations is to transmit it with amendments or with reservations or with interpretations, if such there be, and if the other nations who are parties to the contract accept the interpretation or reservation, unquestionably they would be bound by it just as much as though there were an affirmative acceptance under the seal of the State.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield.

Mr. BORAH. The difficulty, it seems to me, with the ratification in the form suggested by the Senator from Utah arises from the fact that there are 32 different nations, and, as I understand, the Senator proposes to have a ratification by some act which will be construed into acceptance. Is that correct?

Mr. KING. Mr. President, if the Senator from Missouri [Mr. REED] will indulge me further, I desire to say that I am opposed to the amendment which has been reported by the committee and which thus far has been affirmatively supported; but I thought that the addition of the words which I have submitted would improve the reservation which has been reported by the committee, so that three of the four powers named could signify their approval of the reservations in the usual form of acquiescence or in the manner suggested by the committee; in other words, not limiting it to formal acceptance by written document but by acquiescence in the reservation by participating in the proceedings under the treaty as the treaty provides.

Mr. BORAH. That brings me to the point which I wanted to suggest to the Senator. Suppose that Great Britain, for illustration, did not accept it by an interchange of notes, but chose to pursue the course which has been pointed out by the able Senator from Utah; and suppose some question with reference to the reservation relating to the Monroe doctrine did not arise for the next 10 or 15 years; they could not be said to have accepted the reservation until something arose which would necessitate their action, could they?

Mr. KING. I differ from the Senator from Idaho there. It seems to me they could not accept in part; that there must be either an acceptance of the entire instrument or a repudiation of the entire instrument. When we transmit the treaty with the reservations and they proceed under the treaty, I submit that that would be an acceptance of all of the reservations that have been attached, the same as if we should amend it in several particulars, even textually, and the occasion did not arise for many years calling for action under some particular textual amendment. They could not say, "It is true that years ago when the treaty was first submitted we accepted it, but the particular part involving the question which has now arisen was not then acute, and we reserve the right to pass upon that, though it is a hundred years afterwards before any such controversy or crisis has arisen."

Mr. REED. Mr. President, without going into that distinction, I still call the Senator's attention to the fact that we know one course is safe and that the other is doubtful. The course that is safe is to bring this question squarely to the attention of the nations concerned and give them an opportunity for affirmative or negative action. If they affirm, well and good; they are bound. If they return a negative answer now, they certainly would return it in the future if they had some quibble to stand upon—if it is a quibble; I do not think it is. So the road of safety, the road of honor, is in submitting this proposition absolutely to them so that they must accept or must reject. That is the first observation I make.

Mr. KING rose.

Mr. REED. Does the Senator from Utah desire to interrupt me?

Mr. KING. Yes.

Mr. REED. I yield to the Senator.

Mr. KING. Mr. President, if it is the road of honor to pursue the course just indicated by the Senator from Missouri—and I express no opinion, one way or the other, with respect to that—would we not be living up to that standard of honor to a higher degree if we required a written acceptance of the reservations by all of the signatories to the treaty instead of requiring it of only four of them?

Mr. REED. I agree with the Senator that it ought to be so submitted; but the reason that only three are named is because there are a number of Senators here who seem to be frightened to death at the idea that if Uncle Sam makes this bargain and insists upon having something to say about it, somebody along the line will not sign and we shall lose the blessed and glorious fruits of this arrangement. That is the only excuse; and if I were to characterize it as I feel toward it, I would again be called to order even by the genial present occupant of the chair. But the practical reason of making the acceptance depend upon three of the four great nations is because those four great nations are going to run the league; the remainder of the league is a joke, just the same kind of a joke exactly as was the participation in this war of most of the members of the league.

Mr. BORAH. Ought not the Senator to say a tragedy?

Mr. REED. No; it did not rise to the dignity of a tragedy; they did not even let a drop of blood, and you always think there is going to be a little blood shed in a tragedy. Let us see what Liberia's part was. This is leading me from the discussion, but I will follow it for a moment.

Liberia declared war and then borrowed four or five million dollars from the United States. That was their contribution to the war. Liberia is in the league of nations in just the same way that she was in the war. Of course she can be voted, and that will be a very convenient vote when the market is troublesome. Haiti I believe also declared war. What she got out of it I do not know. A number of the other nations declared war, but their participation in the war consisted in passing a resolution declaring war; it began with a resolution and it ended when the reverberations of the vote had died away. So that it probably may be immaterial whether this proposition is submitted to some of these other nations. I do not include them all, for some of them are big enough to be consulted; but as to a number of them they are joke nations and they have been joke nations always, or else they have been tragedies in the course of time as has been suggested.

Now let us see the difference between the Senator's proposition and the one I am trying to present. I think we can get at it best by an illustration. I should like to have the Senator's attention, if I may, because I am really making this speech to him, and I expect to convert him, although I do not expect him to admit it.

Mr. KING. If I am converted, I will admit it.

Mr. REED. Suppose we were making a simple treaty with Great Britain relating to the appointment of a commission to determine a question regarding fisheries—a simple dispute—and suppose we were to write into the treaty as a reservation the proposition that there should be seven commissioners instead of five. Then if we were to carry that back to Great Britain and Great Britain appointed her three commissioners and we appointed our three and they together appointed a seventh, we could, of course, say that Great Britain had acquiesced, and by acquiescence had bound herself, for she would have taken the affirmative act specified by the change in the treaty to be taken. But suppose, upon the other hand, instead of that sort of an arrangement we were simply providing for a tribunal to be set up at Geneva to which were to go delegates from all the nations of the world. When it sits down there to act it is not acting under our treaty; it is not acting under our instrument; it is acting under general powers conferred by the nations of the world, and it proceeds to its work of legislation, and our delegate sits there and votes and his vote is recorded and counted. Can we not, to use an old expression, go back of the returns, back

of the face of his authority, and say, "There is something written in this instrument to the effect that if anything is done under this treaty it shall mean something other and different from what you said it should mean when you wrote it; we made a change, and we have said any act done under the treaty validates that change, although you may never have seen it, and even if you have seen it, you have not recognized it"?

With this I drop the question, because it is desired by some that we shall do some more voting; but I submit to the Senator, as a lawyer, whether the safe thing to do is not to require these nations to give an absolute assent? What is to be lost by it? How long will it take? If these nations are so reluctant to enter into this treaty to-day that they will back out because the United States proposes, in order to protect itself under its Constitution, to reserve rights that have been reserved under that instrument, then we ought not to be going into the agreement at all, for, mark you, this is to be a brotherhood, a family, where love is to reign, where the differences of the earth are to be composed; and if we are so far apart now that we have to fudge our way in and get a ratification of our changes by them by inference instead of by direct act, it is a good time to stay out.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Lodge	Sheppard
Ball	Gronna	McCormick	Sherman
Borah	Hale	McCumber	Simmons
Brandegee	Harding	McKellar	Smith, Ariz.
Calder	Harris	McLean	Smith, Ga.
Capper	Harrison	McNary	Smith, Md.
Chamberlain	Henderson	Moses	Smith, S. C.
Colt	Hitchcock	Nelson	Smoot
Culberson	Johnson, Calif.	New	Spencer
Cummins	Johnson, S. Dak.	Newberry	Sterling
Curtis	Jones, N. Mex.	Norris	Sutherland
Dial	Jones, Wash.	Nugent	Swanson
Dillingham	Kellogg	Overman	Thomas
Edge	Kendrick	Page	Trammell
Elkins	Kenyon	Phelan	Underwood
Fall	Keyes	Phipps	Wadsworth
Fernald	King	Pittman	Walsh, Mass.
Fletcher	Kirby	Pomerene	Walsh, Mont.
France	Knox	Ransdell	Watson
Gay	La Follette	Reed	Williams
Gerry	Lenroot	Robinson	Wolcott

Mr. CURTIS. I announce the absence of the Senator from Montana [Mr. MYERS], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Michigan [Mr. TOWNSEND], on official business.

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

Mr. KING. Mr. President, upon further consideration of the amendment submitted a few moments ago, I am inclined to think the suggestion made by the distinguished Senator from Wisconsin [Mr. LENROOT] indicates that there was quite a serious imperfection in that amendment. I offer this as a substitute for it:

Or by recognizing the United States as a party to the treaty.

So that it will read:

Which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification, or by recognizing the United States as a party to the treaty, by at least three of the four principal allied and associated powers, to wit—

And so forth.

Mr. LODGE. Mr. President, I merely desire to state that I hope we can take a vote on this substitute. Of course, I need hardly say that every Senator realizes that it is entirely destructive of the conditions reported by the committee.

Mr. KNOX. Mr. President, I only desire to add a word along that line.

I think the amendment tends to make uncertain a very certain and a very correct diplomatic practice. Senators all know that in the process of making a treaty the negotiators first reduce the agreement to writing; and it is always the practice, if the negotiators have any doubt after the document has been once reduced to writing and signed, and it becomes inconvenient to redraft it, to exchange notes to indicate the meaning and the understanding that is to be attached to particular clauses.

Our function is somewhat similar to that of a negotiator. When the treaty comes into the Senate we have the power to make reservations or amendments or modifications, as our judgment may dictate; and it seems to me that the same practice that is followed by the negotiators, and which is almost universal, is the practice that should be followed by the Senate; namely, that notes should be exchanged in order to indicate what modifications the Government of the United States desires.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. KNOX. I yield.

Mr. HITCHCOCK. Is it not a fact that when the distinguished Senator from Pennsylvania was Secretary of State, and the United States and other nations entered into the radiographic convention, the United States Senate attached reservations to the resolution of ratification, and that in that case only one nation specifically accepted; and is it not a fact that the practice in that case was acquiescence, and no notes were exchanged, and no specific acceptance required?

Mr. KNOX. I do not mean to indicate at all that the practice has been absolutely universal, but the general practice and the correct practice has been to exchange notes. The Senator from Nebraska will recall, because he was a member of the Committee on Foreign Relations at the time, that when the existing treaty with Japan was made, one of the most essential features of that treaty was indicated only by an exchange of notes after the treaty had been negotiated and signed. As I say, not the universal, but the almost universal practice is to exchange notes explaining the meaning, and it is a practice that stands upon good reason.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. KNOX. I yield.

Mr. KING. If it is important, as the Senator contends, in the interest of certitude, that there should be notes exchanged, why should there be any discrimination? Why should we not require all of the signatories to the treaty to indicate in a certain manner, by an exchange of ratifications, their approval of the reservations which we make?

Under the tendered amendment the limitation is to three out of the four powers. If it is so important that there should be certainty, why does not the Senator suggest an amendment requiring all the signatory powers to accept, by formal ratification, the reservations which we make?

Mr. KNOX. I think no better answer could be made to that question than the answer that was made by the Senator from Missouri [Mr. REED] when it was propounded to him a few moments ago. Personally, I voted for the amendment proposed by the Senator from Idaho [Mr. BORAH], that all of the principal allied powers should be included, and I think that would be all sufficient. That was contained in a reservation that I offered yesterday, that all of the allied powers should be required affirmatively to notify us that they had accepted the reservations; and the reason why, in my judgment, it should be limited to the allied powers is that the allied and associated powers have been conducting this transaction from the first. The allied and associated powers compose the council of the league of nations, with such other four powers as they may select and such others as they may afterwards admit into the covenant of the league; and that was an absolute assurance that if this question ever was raised in the council of the league of nations it would be decided exactly as we hope and expect it would be decided.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Utah [Mr. KING].

Mr. ASHURST. I call for the yeas and nays.

Mr. LENROOT. Mr. President, I merely desire to ask the Senator from Utah if this amendment is not the exact equivalent of the amendment of the Senator from North Dakota [Mr. MCCUMBER], which was voted down?

Mr. KING. Mr. President, I shall leave to the acute mind of the distinguished Senator from Wisconsin to point out if there is any distinction between this amendment and that. I think there is some little difference.

Mr. LENROOT. I am satisfied it is the exact equivalent, and I am satisfied also that the distinguished Senator from Utah can not point out any difference. I merely want to emphasize that fact. The Senate has already voted upon this exact proposition in a different form.

Mr. HITCHCOCK. Mr. President, there is a marked distinction between the amendment referred to, offered by the Senator from North Dakota, and the pending amendment, offered by the Senator from Utah. In this case a recognition of the United States as a party to the treaty by the nations named must occur before the ratification takes effect. It is not mere silence, it is not mere acquiescence, but an act of recognition of the United States as a party to the treaty.

Mr. BRANDEGEE. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). Making the same announcement as before in respect to my pair and its transfer, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement of my pair as before, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. WILLIAMS (when his name was called). Making the same explanation concerning my pair and its transfer which I made on the last vote, I vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce the absence of the senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] on account of important business. I ask that this announcement may stand for all votes to-day.

Mr. REED. I make the same announcement as before in regard to the Senator from Tennessee [Mr. SHIELDS], and I desire to state that if he were present, he would vote "nay." He is paired.

The result was announced—yeas 42, nays 46, as follows:

YEAS—42.

Ashurst	Hitchcock	Owen	Smith, S. C.
Chamberlain	Johnson, S. Dak.	Phelan	Swanson
Culberson	Jones, N. Mex.	Pittman	Thomas
Dial	Kendrick	Pomerene	Trammell
Fletcher	King	Ransdell	Underwood
Gay	Kirby	Robinson	Walsh, Mass.
Gerry	McCumber	Sheppard	Walsh, Mont.
Gore	McKellar	Simmons	Williams
Harris	Myers	Smith, Ariz.	Wolcott
Harrison	Nugent	Smith, Ga.	
Henderson	Overman	Smith, Md.	

NAYS—46.

Ball	Fernald	La Follette	Phipps
Borah	France	Lenroot	Poindexter
Brandegee	Frelinghuysen	Lodge	Reed
Calder	Gronna	McCormick	Sherman
Capper	Hale	McLean	Smoot
Colt	Harding	McNary	Spencer
Cummins	Johnson, Calif.	Moses	Sterling
Curtis	Jones, Wash.	Nelson	Townsend
Dillingham	Kellogg	New	Wadsworth
Edge	Kenyon	Newberry	Watson
Elkins	Keyes	Norris	
Fall	Knox	Page	

NOT VOTING—8.

Bankhead	Martin	Shields	Sutherland
Beckham	Penrose	Stanley	Warren

So Mr. KING'S amendment to reservation No. 1, proposed by Mr. LODGE, was rejected.

The PRESIDING OFFICER. The question now is on reservation No. 1 offered by the Senator from Massachusetts [Mr. LODGE] on behalf of the committee.

Mr. ASHURST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). Making the same announcement as before in respect to my pair, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before, with reference to my pair, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the former explanation which I made, I vote "nay."

The roll call was concluded.

Mr. REED. I make the same announcement as heretofore with reference to the absence of the Senator from Tennessee [Mr. SHIELDS]. I am authorized to state that he is paired, and that if he had been present he would have voted "yea."

The result was announced—yeas 48, nays 40, as follows:

YEAS—48.

Ball	Fernald	Knox	Page.
Borah	France	La Follette	Phipps
Brandegee	Frelinghuysen	Lenroot	Poindexter
Calder	Gore	Lodge	Reed
Capper	Gronna	McCormick	Sherman
Colt	Hale	McLean	Smoot
Cummins	Harding	McNary	Spencer
Curtis	Johnson, Calif.	Moses	Sterling
Dillingham	Jones, Wash.	Nelson	Townsend
Edge	Kellogg	New	Wadsworth
Elkins	Kenyon	Newberry	Walsh, Mass.
Fall	Keyes	Norris	Watson

NAYS—40.

Ashurst	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Owen	Smith, Md.
Culberson	Jones, N. Mex.	Phelan	Smith, S. C.
Dial	Kendrick	Pittman	Swanson
Fletcher	King	Pomerene	Thomas
Gay	Kirby	Ransdell	Trammell
Gerry	McCumber	Robinson	Underwood
Harris	McKellar	Sheppard	Walsh, Mont.
Harrison	Myers	Simmons	Williams
Henderson	Nugent	Smith, Ariz.	Wolcott

NOT VOTING—8.

Bankhead	Martin	Shields	Sutherland
Beckham	Penrose	Stanley	Warren

Mr. CURTIS. The Senator from Wyoming [Mr. WARREN] is paired with the Senator from Alabama [Mr. BANKHEAD].

So Mr. LODGE'S reservation No. 1 was agreed to.

The PRESIDING OFFICER. The question now is on reservation No. 2, offered by the Senator from Massachusetts on behalf of the committee. It will be read.

The Secretary read as follows:

2. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

Mr. THOMAS. Mr. President, I move to strike out from reservation No. 2 all after the word "fulfilled," on page 2, line 1, the words to be stricken out by the motion being:

and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

I make this motion, Mr. President, because I regard the notice of withdrawal to be an executive and not a legislative function. I am in sympathy with all the reservation proposed, with the exception of the part which I seek to strike out.

Mr. ASHURST. I call for the yeas and nays.

Mr. NORRIS. I ask that the amendment may be read.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 2, in line 1, after the word "fulfilled," strike out the remainder of the proposed reservation, as follows:

And notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

Mr. WALSH of Montana. Mr. President, there is a very good reason why this motion of the Senator from Colorado should prevail, and that is that it would be entirely nugatory if it were left in the reservation or became a portion of the resolution of ratification.

A concurrent resolution as distinguished from a joint resolution is one which does not require the signature of the President of the United States. I read from the definition of "concurrent" in the Century Dictionary, as follows:

Concurrent resolution, in the parliamentary law of Congress, a resolution adopted by both House and Senate, which, unlike a joint resolution, does not require the signature of the President.

That, I take it, is the purpose of this reservation, namely, to exclude the President of the United States from any participation in the effective expression of the purpose on the part of the Government of the United States to withdraw from the league.

It is, as a matter of course, of no consequence to the other nations of the earth, members of the league, how the United States expresses its desire to withdraw or through what agency it gives notice of its determination to withdraw. That is purely a matter of right.

This treaty can confer no power upon the Congress of the United States. Whatever powers the Congress of the United States has it derives from the Constitution of the United States. Likewise, whatever powers the President of the United States has he derives from the Constitution of the United States.

The Government of the United States may enter into a treaty. Just exactly what will be done under that treaty, whether it is to be done by the Congress or by the President or by the joint action of Congress and the President, is to be determined by the Constitution of the United States. Nothing that is put in the treaty can affect the situation either one way or the other.

The trouble about this matter is that it is counter to a very plain provision of the Constitution of the United States. I read clause 3 of section 7 of Article I of the Constitution, as follows:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Here is a resolution which by its very terms provides that it must be approved by the Senate and House of Representatives, and the Constitution provides that the resolution shall be utterly without effect unless it is presented to the President of the United States and approved by him. That is the principle upon which our Constitution is founded, namely, that wherever under our system, under our Constitution, action by both Houses is all sufficient, the matter does not go to the President, but the matter is reached by a concurrent resolution. Thus a motion of both Houses to adjourn does not require the assent of the President, and it may be accomplished by a concurrent resolution.

So the two Houses may concurrently express their views concerning some public question by a concurrent resolution. The thanks of Congress may be expressed or extended to one who distinguishes himself in the public service or in some other way, or at its own sweet pleasure it may extend the thanks of Congress. A resolution of that character does not require the sanction of the President of the United States. But when you go beyond that to anything that is to have the character of law, it is perfectly plain that the founders of our Constitution intended to express themselves in perfectly unequivocal language that it would have no effect at all unless signed by the President of the United States.

I read from section 799 of Cushing on the Law of Legislative Assemblies:

> When the House expresses any opinion with reference to any subject before it, either public or private, or its will to do something at a given time (not incidental to the ordinary course of business), or declares its adoption of general orders relative to its proceedings—in all these cases it expresses itself in the form of resolutions; thus it resolves upon the sessional and standing orders; that a standing committee be appointed; that the explanation given by a Member is satisfactory; that private petitions be not received after a certain time; that it entertains certain opinions; that the thanks of the House be given to certain persons. (Cushing's Law of Legislative Assemblies, p. 314.)

This subject received the very earnest consideration of the Judiciary Committee of the Senate under a resolution introduced by former Senator David B. Hill in the year 1887. The committee made an elaborate report to the Senate, which I have before me at this time. It was clearly pointed out in the report that there is this vital difference between a concurrent resolution and a joint resolution: That a concurrent resolution not requiring the signature of the President is entirely ineffective except with respect to those matters in relation to which the Constitution expresses the view that the two Houses may act concurrently without participation by the President, or other matters not legislative in their character.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. Accepting the position of the Senator from Montana as correct as to any legal and constitutional proposition which is presented, the insertion of these words would simply be a nullity.

Mr. WALSH of Montana. A nullity.

Mr. BORAH. It would not in any way embarrass or impede us in getting out.

Mr. WALSH of Montana. No; it would not embarrass or impede anybody about getting out. It would simply be this way: If it went through, and the Government of the United States desired to get out, and a concurrent resolution of the two Houses was passed to that effect, it would go to the President of the United States. The President possibly might beforehand call attention to the fact that a concurrent resolution, which did not require his signature, was not the appropriate way to reach it, and that it should be done either by a bill or a joint resolution, which would go to him for his signature. If that were disregarded and it was sent to him in that way, and if he dissented, if he did not desire to join in giving the notice, he would simply refuse to approve it.

Mr. BORAH. Precisely. In other words, if this language should be inserted in the reservation, and we should conclude after the treaty was ratified that the proper way to get out was by joint resolution, there would be no inhibition against our passing a joint resolution instead of a concurrent resolution?

Mr. WALSH of Montana. None whatever.

Mr. BORAH. So this simply amounts to a nullity?

Mr. WALSH of Montana. Exactly.

Mr. BORAH. My only interest is that I do not want any obstacle in the way of getting out.

Mr. WALSH of Montana. I understand.

Mr. HITCHCOCK. Mr. President, I want to suggest that there has been a very strong appeal here by the advocates of reservations for definiteness and certainty. If we introduce language in this reservation which obviously involves a power which may likely in the future raise a dispute and a difference, we are violating that very sacred principle which Senators are so strong for having definite and certain. If we agree that it requires a joint resolution to give the notice, why should we not put in the words "joint resolution"?

Mr. WALSH of Montana. Why should we make the declaration at all?

Mr. NELSON. Mr. President, will the Senator allow me to make a suggestion?

Mr. WALSH of Montana. I am glad to hear from the Senator.

Mr. NELSON. We have in legislative and parliamentary practice two classes of resolutions, one of which is a concurrent resolution, which is not of the character of a legislative act and requires no approval by the President. I take it that it is the purpose of all in this matter that it should be done through a legislative act. If we want to make the question clear and avoid all confusion, I suggest that we substitute the word "joint" for "concurrent," and then there can be no dispute about it.

I would suggest to the Senator from Colorado that instead of the amendment which he has offered he move to strike out the word "concurrent" and insert the word "joint," for I believe Congress ought to have that power. It should be a power exercised by legislative action and not by mere concurrent resolution.

Mr. THOMAS. If the Senator from Montana will permit me, I will state that it is my intention, if the Senate shall reject the motion before the Senate, to follow it by such a motion as that suggested by the Senator from Minnesota.

Mr. NELSON. I simply want to say that the amendment in the form suggested by the Senator from Colorado would take the power away from Congress, and I believe Congress ought to have the power by legislative action at the proper time to act in this matter, but I believe it ought to act by joint resolution, about the effect of which there can be no doubt. I shall therefore have to vote against the amendment proposed by the Senator from Colorado for the reason stated, but I shall insist on changing the word "concurrent" to "joint."

Mr. WALSH of Montana. If I entertained the slightest doubt that the only way in which effective notice signifying the purpose of the United States to get out of the league can be given is by a legislative act, the joint action of the Congress of the United States and the President as provided by the Constitution, I should have no objection at all to disposing of the whole matter by the amendment suggested by my much-esteemed friend, the Senator from Minnesota [Mr. NELSON].

Mr. LENROOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. If the Senator will permit me to finish, I desire to say it is the proper way to do it, if you refer to it at all. If you say anything about it, of course, the Senator from Minnesota [Mr. NELSON] is right; the word "concurrent" should be stricken out and the word "joint" should be inserted in its stead. But, Mr. President, why should any declaration at all about the matter be made by this country? Why should there be placed in this treaty a specific provision concerning the particular method by which the United States should express its desire to get out of the league, without any expression as to how France should express its purpose to get out of the league or Italy express its purpose as to how to get out of the league? When we say the United States may give notice, why, of course, the notice will be given in accordance with the peculiar institutions, in accordance with the peculiar Constitution of the United States; the notice by Great Britain will be given in pursuance of the peculiar constitution and laws of Great Britain; and so with every other country. Why should we specify the particular method by which the United States is going to withdraw? Now I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator from Montana if the treaty had provided in express terms that the notice shall be given by the President of the United States whether he thinks it would have been valid if ratified by the Senate?

Mr. WALSH of Montana. I daresay it would.

Mr. LENROOT. Very well. Then if it would have been valid if the treaty had contained that provision, why is it not equally valid if the treaty contains a provision for the giving of the notice by concurrent resolution of Congress?

Mr. WALSH of Montana. Because, Mr. President, the Constitution expressly provides that that kind of a resolution is ineffective. It would have no effect whatever without the approval of the President.

Mr. LENROOT. But it is not a matter arising out of the Constitution; it is a matter as to how notice shall be given under a treaty.

Mr. WALSH of Montana. I merely desire to add a word, Mr. President. I quote from Hinds' Precedents, at page 330, referring to the report of the Senate committee referred to:

> The committee found that the passage of concurrent resolutions began immediately upon the organization of the Government, but their use has been not for the purpose of enacting legislation, but to express the sense of Congress upon a given subject—to adjourn longer than three days, to make, amend, or suspend joint rules, and to accomplish similar purposes, in which both Houses have a common interest but with which the President has no concern.

I quote the following from the concluding portion of the report of the committee:

We conclude this branch of the subject by deciding the general question submitted to us, to wit, "Whether concurrent resolutions are required to be submitted to the President of the United States," must depend, not upon their mere form, but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval, otherwise they need not be. In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President, to "which the concurrence of the Senate and House of Representatives may be necessary," refers to the necessity occasioned by the requirement of the other provisions of the Constitution, whereby every exercise of "legislative powers" involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, to wit, not involving the exercise of legislative powers, need not be presented to the President. In brief, the nature or substance of the resolution, and not its form, controls the question of its disposition.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield to the Senator.

Mr. JONES of Washington. I should like to ask the Senator from Montana whether or not, in his opinion, the President could give notice of withdrawal under the covenant as it is now framed?

Mr. WALSH of Montana. Of course, as I have said to the Senator from Wisconsin [Mr. LENROOT], the notice would be given by the President. The President is the agency through which communications are made from this Government to foreign Governments.

Mr. JONES of Washington. I wanted to ask the Senator's opinion as to whether or not the President could give such notice without authorization from Congress?

Mr. WALSH of Montana. I think not; clearly not. I can not believe that anybody could entertain any serious doubt as to that. In other words, if we said nothing at all about it, the effect would be obviously just exactly what the Senator from Minnesota desires to accomplish by changing the word "concurrent" to the word "joint."

Mr. SMITH of Georgia. Mr. President, of course we are all familiar with the provision of the Constitution of the United States which reads:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary * * * shall be presented to the President of the United States,

And so forth.

This clearly has reference to action by Congress which has the character of legislation and of law. It refers to the legislative power of Congress. The question who shall decide whether we shall withdraw from the league of nations is not a matter of legislation; it does not involve the exercise of the legislative power of Congress. This treaty may have effect as a law, but the determination to withdraw is in no sense a law. We might put in this treaty a provision that the President shall determine upon withdrawal for the United States, and that he shall give the notice. The treaty would be the law-fixing authority to determine on withdrawal. Indeed, it was suggested, as I understood him, by the Senator from Colorado [Mr. THOMAS] that it was an Executive function, and that the President ought to give the notice. Unquestionably it is not a legislative function.

This is a new thing. We simply have authority under the terms of the covenant to withdraw. But who shall determine whether we at any given time shall give notice of a purpose to withdraw—who shall exercise that judgment—is not suggested in the covenant. What we can do is to say, if we wish, that the President shall exercise it. I understood the Senator from Colorado—I may not have caught exactly what he said—to state that it was an Executive function.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. What I said was that it was a part of the President's duty, in the exercise of Executive authority, to give notice of a withdrawal in the event that the United States determined to exercise its right of withdrawal; but the authority to withdraw is another thing. That might depend—and, perhaps, must depend—upon the joint action of the legislative and Executive authorities.

Mr. SMITH of Georgia. If it is an action in the nature of legislation, under the Constitution the President would have to approve it, whether we call it a joint or a concurrent resolution. I do not think it would be legislation.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I yield.

Mr. KING. Under the Constitution treaties become the supreme law of the land. It occurs to me that it would require legislative action in order to abrogate a treaty to the same extent that is required——

Mr. SMITH of Georgia. If the Senator wants to ask me a question, very well; but if he does not, I should prefer that he would not interrupt me.

Mr. KING. I was going to ask the Senator if he does not think that the abrogation of a treaty stands upon the same plane as legislation and requires the signature of the President?

Mr. SMITH of Georgia. Undoubtedly abrogation must be by congressional enactment and must be submitted to the President for approval. But notice of withdrawal from the league is not abrogating the treaty; it is exercising a right authorized by the provisions of the treaty. It recognizes the continuing validity of the treaty; it uses a provision of the treaty to relieve the United States from certain responsibilities, but the treaty will not be abrogated. Many of its provisions continue of force as to our country. We may now determine who shall exercise the right for our country. Are we willing to agree to go into this league of nations? If so, upon what conditions? I, for one, would vastly prefer to give my consent if the House and the Senate, without the President, could take us out. It is a matter of our option as to whether we go in; it is a matter of our discretion as to who shall take us out. I wish to try the experiment, and I wish that governmental agency which is closest to the people vested with authority to determine when we should exercise the treaty authority to withdraw. So I cordially support the second reservation as the committee has presented it, with the provision that a concurrent resolution can take us out. That will permit us to withdraw, if the House and the Senate wish us to withdraw, and whenever both of those bodies vote for us to withdraw I am convinced withdrawal will be advisable.

Mr. THOMAS. Mr. President, when this treaty is ratified and the exchanges are made, it becomes under the Constitution the supreme law of the land, and it will continue to be so until we cease to be a party to it. The purpose of the reservation is to amplify that article which in the treaty as negotiated reserves the right of withdrawal under certain conditions. The exercise of that right, when it is consummated, makes the treaty inoperative as to the United States; in other words, it is abrogated. The treaty contains no provision of reentry after the right of withdrawal has been exercised; it is abrogated.

It is true, as the Senator from Georgia has said, that we are acting under a condition in a treaty, but that condition is vastly different from one which limits its life to a certain period of years, in which event it automatically terminates when the time limit expires. My contention is that when the right of withdrawal is exercised the treaty is abrogated; and if I am right in that contention, then the supreme law of the land can not be abrogated by a concurrent resolution; it requires an act of Congress, either in the usual form or by a joint resolution approved by the President of the United States.

Mr. WILLIAMS. Or, if the Senator will pardon me, by a new treaty duly entered into.

Mr. THOMAS. Yes; or by the negotiation of a new treaty to take the place of and supersede the old treaty.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SMITH of Georgia. If the action were that of abrogating the treaty, no withdrawal would be required and no two years' notice would have to be given; we would just abrogate it.

Mr. THOMAS. Oh, Mr. President, we can, of course, abrogate this treaty, as we have the right to abrogate any other treaty, by the usual processes; but here is a right of withdrawal which when exercised constitutes an abrogation, and therefore in the exercise of that right we proceed as the Constitution of the United States requires us to proceed; and to my mind it is unthinkable that we can virtually abrogate a treaty beween this and other countries by a concurrent resolution of the House and Senate.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. LENROOT. Does not the Senator concede that it would be perfectly competent to provide in any treaty that it should cease to be operative upon the happening of any certain event?

Mr. THOMAS. I think so.

Mr. LENROOT. And could not that event be a concurrent resolution of Congress?

Mr. THOMAS. Well, I doubt it.

Mr. LENROOT. Why not?

Mr. THOMAS. The President is a part of the treaty-making power, and I think, in consequence, he should be a part of the treaty-abrogating power.

Mr. LENROOT. But that is consented to, and it is the supreme law of the land, and it is the happening of a contingency that makes the treaty no longer operative; and it might be any kind of a contingency.

Mr. THOMAS. The Senator may be correct. I will not at present, and without further examination, undertake directly to challenge the soundness of his position; but I am giving to the Senate the basis of my motion to strike out this part of the reservation, and it is upon that theory.

I quite agree with the Senator from Montana [Mr. WALSH] that while the suggestion of the Senator from Minnesota [Mr. NELSON] is a perfectly proper one, our action, if taken upon that line of suggestion, would be merely the insertion in the treaty of a right which we possess notwithstanding that insertion. The power to withdraw from this treaty is not at all dependent upon any process which we may incorporate in any one of these reservations. It exists by joint resolution or by act of Congress approved by the President of the United States. There is no necessity of reciting the powers there. Hence, my motion is intended to exclude that part of the reservation now under consideration which seems to me to be mere surplusage.

Mr. McCUMBER. Mr. President, I regret somewhat that the Senator from Colorado [Mr. THOMAS] did not accept the suggestion of the Senator from Minnesota [Mr. NELSON], and so modify his amendment as to meet the views of those who agree with him that we ought not to use the words "concurrent resolution" in the place of "act or joint resolution."

I think I would be entirely satsfied with the amendment suggested by the Senator, to strike out all after the first words that the Senator has mentioned, because in the case suggested by the Senator it is still left for Congress to determine in the ordinary way. In other words, it must be by the action of the United States; and the only way in which the United States can act, unless the authority is given by an act itself, is by a joint resolution or by a regular legislative act. In this instance, it seems to me that the Nation always ought to act on a great matter of that character by the joint action of the two Houses and the President of the United States.

Mr. President, let us get out from behind this screen and meet the issue just exactly as it is. Why is it that in this article it is provided that the withdrawal can be made by a concurrent resolution, while in all of the other articles, where any action is to be consummated by the United States, it is to be done by an act or by a joint resolution? If we, by a joint resolution, may morally bind ourselves to everything contained in article 10, as we have provided in these reservations, then I want to know what good reason there is that in a matter that is far greater than that—the entire withdrawal of the United States from the treaty and from the league of nations—we must do that simply by a concurrent resolution?

Mr. President, I for one have done everything in my power to keep this question out of the mire of politics and partisanship. I think the question is too big to be made a partisan question. I do not care what my animosity toward the President of the United States may be because of any subject or because of any action on his part; I do not want that to influence me in entering into an agreement with the great nations of the world—an agreement intended to preserve the peace of the world. I am satisfied that if we had a Republican President to-day we would not be insisting that he should be eliminated from any voice in the matter of any future action that we might take in respect to either staying in or getting out of this league of nations.

Mr. President, the wisdom of our fathers was that all matters of legislation for the United States and all matters governing the action of the country should be determined by the joint action of the House of Representatives, the Senate of the United States, and the President of the United States; and the President of the United States to that extent was made a party in securing all legislation. The only instance in which his voice could be eliminated would be where both Houses, by a two-thirds vote, declared in favor of any proposition.

In every political campaign we require the candidates for President of the United States to go upon record as to what their policies shall be and what legislation they believe in, and the people vote for them with those policies before them, and when one of the candidates is elected he is elected because of his declarations and the declarations of his party platform, and his election is a mandate to carry that platform into effect. Now, I do not want to eliminate any President from his proper function in the matter of withdrawing from this league of nations. I do not believe that we will be able to put a withdrawal through before President Wilson will cease to be President of the United States; so I do not think we ought to allow the question of who is the present President of the United States to influence our action and make it a basis for declaring that we can get out of this league without any action on the part of the President in approving the bill or the joint resolution which we ought to introduce.

Mr. President, I can not agree with the Senator from Colorado [Mr. THOMAS] that we can not by a treaty provide that we can withdraw by a concurrent resolution. I think we can. The case mentioned by the Senator from Montana [Mr. WALSH] is correct. We can not do anything except by law, and we can not pass a law by a concurrent resolution, but we can pass a treaty without the action of the lower House, and the treaty becomes the law of the land, and I am not at all in doubt but that we could provide by the treaty that it should last for five years, and we could declare that it could continue for another five years by a mere declaration of the President if we saw fit to give him that power. That would simply be extending it. We have given the power by the action of the lawmaking power, and, that being the case, it may be exercised in the way we have enacted. But, Mr. President, I want to avoid that.

The matter may come up when we have a different President, and he may be a Republican President; and I would not want to deprive him of the right to veto, if he saw fit, a bill or a joint resolution. The Constitution intended that he should be a part of the lawmaking power of the United State; and, as a part of the lawmaking power of the United States, we ought not surreptitiously to attempt to deprive him of the rights given and intended by the Constitution.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I do.

Mr. SMITH of Georgia. I only wish to say that I have no idea such a resolution will come up in the next two years, and there is perhaps an even chance as to whether there will be a Republican or a Democratic President then, so it is not a party question.

Mr. McCUMBER. It will come up within three days after this treaty is ratified, if we ratify it, and we are in session. Now, just take that prophecy from me. There are those who are so bitterly opposed to this treaty and our participation in it that without question they will take the very first opportunity to get us out of it, and if I had their views I would do exactly as I think they will do; but it is one thing to introduce a concurrent resolution or a joint resolution, and another thing to put it through both branches of Congress.

The objection I have to it is not that I think both branches of Congress should not act upon it, but I do not want to adopt any policy, present or prospective, which will say that the President shall not exercise his constitutional function in all matters of legislation, and I do not want the Nation itself to act except through proper legislation. I would be just as bitterly opposed as any Senator here to allowing the President to determine whether we should stay in or whether we should go out, or to giving the President any authority independent of Congress in the matter; but I do want to preserve the rights of every branch of this great Government, and to preserve them in the matter of treaties, the same as in the matter of any ordinary legislation.

For that reason, Mr. President, I shall be compelled to vote against the amendment of the Senator from Colorado [Mr. THOMAS], not because I do not believe it would still require the action of both branches of Congress if it were left in the way he desires to have it left, but because there seems to be an uncertainty, and I have some fear that the President himself would think that he had that power, and I want to make it dead certain that he has not the power to act independently; but I do want to preserve to him his right under the Constitution to be a party in all legislative matters.

Mr. BRANDEGEE. Mr. President, the Senator has answered himself in attributing to anybody a motive to embarrass the President by stating that the notice can not be finally effective until after the expiration of the term of the present President, which is equivalent to saying that it can not possibly be any reflection upon the present President.

The last paragraph of article 1 of the treaty provides as follows:

> Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Mr. McCUMBER. May I ask the Senator, so that I may understand his position, if he construes that to mean that we would have to wait two years before we could give the notice?

Mr. BRANDEGEE. I have just completed one sentence, Mr. President, and have read the provision of the treaty to which the pending reservation is applicable, and I am about to explain my views, both of the treaty and of the reservation, if the Senator will permit me.

Mr. McCUMBER. The Senator, then, would prefer not to answer that question now?

Mr. BRANDEGEE. Not at this minute. I expect to answer it before I finish.

The reservation reported by the committee provides that—

The United States so understands and construes article 1—

Which I have just read—

that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

It is perfectly manifest, at least to my mind, that the committee, inasmuch as the treaty omitted entirely to provide how a member of the league might give notice of its intention to withdraw, intended to provide for our country one of the methods by which we might give notice that it was our intention to withdraw after the expiration of two years from the time we gave notice of our intention to withdraw. So, in order to provide some method of giving notice, we put in that notice may be given by concurrent resolution of the Congress.

It was not my intention in voting for it in the committee to say that some other form of notice might not be given. It is very likely that the council, or whoever represents the league, might consider many other forms of action upon the part of this Government as to its intention to withdraw from the league of nations which would not at all affect the treaty. The treaty would stand, as among all the European powers, and in most of its provisions would have been executed by that time. It would simply mean that this Government thought that at the end of two years it would want to withdraw from the league, and by putting in the reservation that provision, in case we did want to give the notice required by the treaty, then one method by which we might give such notice would be by a concurrent resolution of the Congress.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Will the Senator from Connecticut yield to the Senator from Arizona?

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Arizona. Suppose the treaty said nothing about it?

Mr. BRANDEGEE. Which it does not.

Mr. SMITH of Arizona. Supposing there were no provision made for notice by a joint resolution or otherwise that the United States wished to withdraw on two years' notice. Will the Senator, for my information, tell me how the United States could act, through whom?

Mr. BRANDEGEE. Mr. President, that is just the inquiry that has suggested itself to my mind, and I am endeavoring to state that as the treaty left the whole matter in exactly the undetermined position recited by the Senator from Arizona, saying that we had a right to withdraw upon two years' notice, but not providing how the notice was to be given, the committee attempted to provide some method by which this Government could give a notice that would be effective.

Mr. SMITH of Arizona. If the Senator will pardon me again; does he know of any way by which the United States, as such, could give notice except through the legislative and executive branches of the Government combined, if nothing else were said about it?

Mr. BRANDEGEE. Mr. President, I was more or less bewildered by the question, not being an expert in diplomacy, and I did not know, inasmuch as the treaty was absolutely silent upon the subject, whether a notice could be given by the President of the United States, for instance, that at the end of two years this Government would withdraw from the league. Other Governments have different notions from ours about Governments and governmental powers. I do not know whether the council of the league of nations, receiving a notice from the President of the United States that at the end of two years this Nation would withdraw from the league, would consider that, in view of our Constitution and our law; or whether the council itself might adopt some regulation by which it would consider that its members might withdraw from the league. As I said, I can not answer the question of the Senator by authority, because I do not consider myself an authority upon such questions, and I do not know.

But it seems to me that this is the situation: If we adopt this reservation as reported by the committee, so far as this Government is concerned we shall withdraw at the end of two years upon giving notice by a concurrent resolution of Congress, and if three of the principal allied and associated powers, according to the requirements of the preamble to our resolution, accept that reservation of ours there will be no question but that so far as notice of the intention to withdraw is concerned it will be sufficient.

It is suggested by the Senator from Montana [Mr. WALSH] that under our Constitution no order, resolution, and so forth, which requires the concurrence of both Houses of Congress can be valid unless it has obtained the signature of the President. Mr. President, to my mind that provision of our Constitution does not apply. I do not think that because the provision cited by the Senator from Montana is in our Constitution it prevents a treaty between 40 different governments from containing a provision as to the kind of notice that the other nations will require of us as a condition precedent upon which to base a right to withdraw.

I think it would be perfectly constitutional if the treaty said that notice given by the President of the United States two years in advance of the attempt to exercise the right to withdraw would be sufficient notice. I do not think that is a matter which involves any constitutional question in this country. It is the mere establishment of a rule by the league as to how to give the notice which the treaty provides is a necessary condition precedent to the exercise of the right of withdrawal two years after the notice has been given.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. HITCHCOCK. Admitting that it is perfectly competent for the treaty to state how the notice shall be given, does not the Senator think that it would be far better to provide that the notice should be given by the President on authority of a joint resolution? That combines the legislative and executive branches of the Government, and it enables the branch of the Government that has means of communicating with foreign nations to communicate. The Senate and the House have no method of communication except by postal card or letter, and is it not a great deal better to have it done by authority of a joint resolution and by the President?

Mr. BRANDEGEE. I do not think so. If I had, I would not have voted for this reservation in the committee.

Mr. NELSON. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. NELSON. Is it the purpose by that phraseology to deprive the President of all power in connection with it and have the two Houses of Congress, without any regard to the President, give the notice? Is that the object and purpose? I gather from the statements of the Senator from Georgia [Mr. SMITH] and the Senator from Wisconsin [Mr. LENROOT] that it is designed to have that effect. Now, I ask the Senator from Connecticut, as a member of the Committee on Foreign Relations, if it is the purpose of that phraseology to leave it exclusively to the two Houses of Congress and divest the President of any share in it?

Mr. BRANDEGEE. Mr. President, I am unable to answer the Senator as to what the purpose of the committee is. The reservation speaks for itself. It is my purpose to provide one method which may be taken advantage of. It is merely optional. If there are other methods they may be employed. There is nothing here that prevents the Senator from Minnesota or anybody else who may want to give notice that this Nation intends to withdraw from the league in two years after the notice from attempting to do it by a joint resolution or any other method that he sees fit to use. If under the treaty and the law the notice can be given by the executive branch of the Government without consulting the Congress at all this reservation does not prevent that. It simply provides a means by which the Congress can give that notice.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield further to the Senator from Minnesota?

Mr. BRANDEGEE. I yield for a question.

Mr. NELSON. I am opposed to giving the President himself alone the power in this case, and I am opposed to giving it separately to the two Houses of Congress. I want the concurrent action of both the President and the two Houses of Congress, as

we have in all other legislative action. It is an act of the highest character——

Mr. BRANDEGEE. Mr. President, when I yield for a question, I beg the Senator not to proceed to make a speech.

Mr. NELSON. All right.

Mr. SMITH of Arizona. Mr. President, will the Senator yield simply for a question?

Mr. BRANDEGEE. I yield for a question.

Mr. SMITH of Arizona. If we say in this resolution——

Mr. BRANDEGEE. Which resolution?

Mr. SMITH of Arizona. The reservation now before the Senate. The Senator understands me?

Mr. BRANDEGEE. I did not.

Mr. SMITH of Arizona. I hope he does.

Mr. BRANDEGEE. If the Senator means the reservation——

Mr. SMITH of Arizona. If the Senator will hand it to me, I will read it to him, so that I can make it perfectly clear. I am talking about what the Senator is occupying the floor about, and I will not call it anything if it confuses or interrupts the Senator in the least. I wish to ask a question.

Mr. BRANDEGEE. The Senator will proceed.

Mr. SMITH of Arizona. If you mention a specific way of giving notice, does not the simple old maxim of the law apply; that is, to the exclusion of every other means?

Mr. BRANDEGEE. No; it does not.

Mr. SMITH of Arizona. How will you do it in any other way after you have said that that shall be the way? Where does the power rest for it to be done in any other way with the interpretation of what the resolution means as the Senator has already expressed it?

Mr. BRANDEGEE. It does in this way because it does not say it shall be in that way.

Mr. SMITH of Arizona. How will it be except the way the Senator stated?

Mr. BRANDEGEE. The way I stated is that it may be given in a certain way which does not exclude any other way.

Mr. SMITH of Arizona. I am trying to get a statement of any other way it could possibly be done under the language used.

Mr. BRANDEGEE. The Senator can not get it from me, because I do not know the different methods the Government may adopt to give the notice.

Mr. SMITH of Arizona. And I doubt if anyone else knows.

Mr. BRANDEGEE. All I know is that the treaty did not provide the means.

Mr. SMITH of Arizona. Then it would have to be given through the President and the Congress of the United States.

Mr. BRANDEGEE. That is the Senator's statement.

Mr. SMITH of Arizona. Does the Senator doubt it?

Mr. BRANDEGEE. Yes. Mr. President, having given notice of our intention to withdraw, whether that notice had been given by concurrent resolution of both branches of Congress or by a joint resolution or in any other method that anybody may think is the proper method—and I do not assert it with positiveness, because we are all feeling our way in an uncharted domain; but it seems to me that after the treaty has been ratified, if it shall be, if we give notice that it is our intention at the end of two years to withdraw from the league, and after one year had expired we thought on the whole we did not want to withdraw, we could countermand the notice and withdraw the notice.

I mean to distinguish this provision as between being a withdrawal and a simple notice of withdrawal. My own personal view is that if both branches of the Congress of the United States want to withdraw from the league and give notice to that effect, we ought to be allowed to withdraw from the league. That is my personal opinion. I do not think that one man ought to keep this Nation in a league of nations if the Congress of the United States is opposed to its being in, and I do not believe it could be effectively kept in, either.

Congress holds the pursestrings. Congress would have to approve every delegate and every representative appointed by the President upon all the different commissions and councils and assemblies of the league. If Congress is opposed to our staying in the league, if we enter it, the President could not keep us in if he wanted to do so. I think a fair notice of our intention to withdraw ought to be sufficient if given by both branches of the Congress acting concurrently.

Mr. WILLIAMS. Mr. President, of course the treaty did not prescribe any method by which any party to the treaty should give notice of its desire to withdraw from it, because it was taken for granted in making the treaty that everybody had sense enough to know that each country would pursue the method fixed by its own institutions for giving notice of withdrawal. They took for granted that Great Britain would give notice through the King by virtue of the action of the ministry. They took for granted that the United States would give notice in the way in which she always has given notice of withdrawal from or abrogation of a treaty.

Now, Mr. President, the sole actual channel of communication between the United States and any other country is the Executive. How could the House, how could the Senate, how could the two together, give actual notice to a foreign power of their desire to withdraw from the treaty? Through whom would they give it? The Speaker of the House? The Presiding Officer of the Senate? By resolution transmitted through the Clerk of the House or the Secretary of the Senate? Does anybody imagine that, or that either of those legislative officials could be a channel of international communication between the United States and any other country?

Suppose that the House and Senate by concurrent resolution said that they directed the President of the United States to give notice of their withdrawal—and they can have actual notice given, can make the actual communication, in no other way than through the Executive—suppose they thus expressed their will, and suppose there happened to be in the White House a President who did not agree with them and he failed or refused to give the actual notice——

Mr. FALL. Will the Senator yield a moment?

Mr. WILLIAMS. Then there would be no notice given and there would be but one remedy under the sun, and that would be to impeach the Executive.

I yield to the Senator from New Mexico.

Mr. FALL. I may premise by saying that I concur with what the Senator has stated as a general proposition, but under the peculiar circumstances here and under the constitution of the league I have not the remotest doubt that a concurrent resolution could be directed to be filed with the permanent secretary of the council of the league of nations—Sir Eric Drummond, as he is now—because it is provided distinctly that he shall make up the matter to be presented to the council at its meetings.

Mr. WILLIAMS. I do not know of any country under the sun that communicates with a foreign country through the servants of its legislative branch, and if it can not communicate with one foreign country in that way it can not communicate with a commission representing nine foreign countries, such as is the council of the league. The actual communication, however it may originate, whatever may be its initiation in the country of its origin, must be made through the constitutionally accredited executive power which deals with foreign countries, and under our Constitution that is our Executive—the President.

Suppose that by a bare majority the two Houses were to pass the concurrent resolution herein prescribed directed to the President of the United States—and it makes no difference what party he belongs to unless you merely want to rebuke a Democratic President or to slur him—suppose they gave this notice, and suppose the President just said, "You have sent me a concurrent resolution." Then he would have to determine how he was going to deal with it. He might say, notwithstanding the form of the resolution, "It is really an act of legislation, because it affects the highest law of the land, to wit, a treaty, and being an act of legislation, whatever you may call it, it is really a joint resolution and I have signed it." Or he might say, "Being really a joint resolution, I hereby return it without my signature." Then you would have to pass it by a two-thirds majority. Or he might take another course; he might simply say, "You have no right to pass a concurrent resolution; I owe my authority to the Constitution, which you can not amend, and it does not meet with my approval, and I, being the constitutional channel of communication with foreign powers, decline to transmit it." Then your only recourse would be to impeach him, and you would have no other course; and even that would not constitute giving an actual internationally recognized notice, but would constitute purely a domestic row.

Mr. FRANCE. Mr. President, I desire to offer an amendment to reservation numbered 2, which I ask may be printed in the RECORD.

The proposed amendment is as follows:

At the close of reservation 2 add the following proviso:

"*Provided*, That the United States shall have the privilege of nominating at any time any nonmember nation of the world for membership in the league of nations and the privilege of offering at any time any amendment to the league covenant and in case unfavorable action shall be taken by the league resulting in a failure to elect to membership the nation so nominated or a rejection of the proposed amendment the United States reserves the right to withdraw immediately without condition or notice."

Mr. PHELAN. I offer two reservations proposed as a part of the resolution of ratification, which I ask to have printed and lie on the table.

The reservations are as follows:

Reservation intended to be proposed by Mr. PHELAN to the reservations proposed as a part of the resolution of ratification of the treaty of peace with Germany:

"The United States so understands and construes Article XXII as to guarantee under all forms of mandatories equal opportunity for trade and commerce for all members of the league; and that the council, when organized and after the United States shall have assumed its membership, shall have the power to explicitly define and control mandatory authority from time to time.

Reservation intended to be proposed by Mr. PHELAN to the reservations proposed as a part of the resolution of ratification of the treaty of peace with Germany:

"The United States reserves to itself full and exclusive jurisdiction, free from interference by any action of the league of nations, arbitrations, courts, or otherwise, over all domestic questions, such as immigration, naturalization, citizenship, the elective franchise, education, marriage, and land ownership or control; the tariff, coastwise traffic, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Saturday, November 8, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *November 7, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our Heavenly Father, that the Constitution of the United States of America lives in the heart of every true American; that Old Glory, a thing of beauty, floats in triumph o'er land and sea; that order versus chaos, law versus anarchy, liberty versus license, truth versus iniquity, faith versus doubt, hope versus despair, love versus hate, reign supreme; and we most fervently pray that the days which make for unrest among our people may speedily pass away; that the high cost of living may be swallowed up in honesty, justice, fair dealing; that the humblest home throughout the land as well as the most palatial may be illumined by the star of hope; under the leadership of Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an article that recently appeared in Science, the journal of the American Association for the Advancement of Science, by Dr. William Benjamin Smith, professor of mathematics in the Tulane University of Louisiana, entitled "Not ten but twelve," in which Dr. Smith discusses certain reforms in the coinage systems of this country and other countries.

The SPEAKER. Without objection, consent will be granted.

There was no objection.

AMERICAN RED CROSS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to speak for three minutes on a subject of interest to the Members of the House.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, may I ask the gentleman from New York on what subject?

Mr. HICKS. The Red Cross.

Mr. WINGO. Reserving the right to object, Mr. Speaker, does the Chair hold that to be in order under the special rule?

The SPEAKER. Unanimous consent is in order.

Mr. WINGO. I have no objection, but is it understood that by unanimous consent we can set aside a special rule?

The SPEAKER. The rule, as the Chair recalls, simply made the matter privileged.

Mr. WINGO. It made it a continuing order.

The SPEAKER. No; it made the matter privileged. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, I have asked for this time in order to set before the Members of Congress the purposes of the Red Cross drive now going forward in this country.

I have here a statement from Mr. Henry P. Davison, formerly the head of the war council of the Red Cross, in which he gives his views of the matter for the American people, and I will ask to have this statement read from the desk in my time. I think it is of great importance to have this presented to our people, for there is evidently some misunderstanding in regard to the purposes of this Red Cross drive.

The Clerk read as follows:

STATEMENT FROM RED CROSS.

OCTOBER 30, 1919.

As former chairman of the war council of the American Red Cross and now as a member of its executive committee I address this statement to the American people concerning the financial basis of the appeal of the Red Cross during the next week for members and for a new fund of $15,000,000.

When the war council, on February 28 last, turned over the management of the Red Cross to the permanent executive committee, the records showed a book balance of $127,000,000 still remaining out of the two war-fund drives. Of this amount $33,000,000 was in the hands of the four thousand and odd chapters for their local work and $53,000,000 was represented by goods for relief abroad, either already in Europe or in process of shipment. Some $41,000,000 remained available for new purposes.

On February 28 the expenses of the Red Cross were at their peak, this peak continuing for some 90 days subsequently. During that period practically our whole Army was under arms or in process of demobilization, and relatively few men had been discharged from our hospitals. The work for families of soldiers did not attain its peak until the 1st of April. These situations entailed very great expense to the Red Cross.

Abroad the coming of peace opened up areas unbelievably devastated, particularly in the countries in eastern Europe. Such was the magnitude of the task of administering relief that for a while the Red Cross feared that the funds on hand would be insufficient to last until this November. The effective work of those directly in charge of the activities enabled the Red Cross to wind up more rapidly than had been anticipated that portion of the work which was susceptible of being terminated, and for which appropriations had been made on a war-time scale. As a result there were many savings from appropriations made, and the reports for the month of September show that for the coming year approximately $14,500,000 will remain and be available out of the $41,000,000 turned over by the war council on February 28. This sum of $14,500,000 will be added to the proceeds of the campaign which begins next week.

The Red Cross must now complete its work for our soldiers and their families and round out its war-time program. The needs for aid in Europe are simply without limit. The larger needs can only be met by the governments, but there is an imperative call for emergency relief where the processes of government are too slow to aid those suffering acute affliction. The sum now asked for by the Red Cross will enable this great organization to do a well-proportioned piece of relief work abroad, carry out at home its activities planned for the new year, and furnish proper reserve to provide for emergencies or disasters.

The American people, who have responded so whole-heartedly and upon such a magnificent scale to past appeals of the Red Cross, will, I am sure, be eager again to avail themselves during the coming week of the opportunity to enlist themselves on the rolls of the Red Cross and thereby rededicate the efforts of this great organization to the service of humanity.

HENRY P. DAVISON.

Mr. HICKS. Mr. Speaker, I ask unanimous consent for one minute more.

The SPEAKER. The Chair will recognize the gentleman to ask unanimous consent to extend his remarks in the RECORD.

Mr. HICKS. I will do that, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

DELLA JAMES.

The SPEAKER. The Chair lays before the House the following House bill with Senate amendment, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3844) for the relief of Della James.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. VINSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Georgia moves that the House concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

THE SUGAR SITUATION.

Mr. HULINGS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a letter from the Elk Candy Co., which I think is very informatory as to the sugar situation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to insert in the RECORD the letter indicated. Is there objection?

There was no objection.

Following is the letter referred to:

ST. MARYS, PA., *October 28, 1919.*

Hon. W. J. HULINGS,
House of Representatives, Washington, D. C.

DEAR SIR: As you will observe, we are in the candy-manufacturing business here and have been for 22 years. For more than 15 years we have been buying sugar in carload lots.

Last year we were perfectly content to get our allotments on the certificate basis, as we knew this arrangement was absolutely fair to all. Since the month of May of this year we have had no end of trouble trying to get even as much sugar as our scant allowances for the year 1918, and in spite of producing only 50 per cent of our capacity we have been obliged to shut down a number of times for want of sugar, and at this time we are again shut down for the same reason.

While you may not be able to help us just at this time, we think it well to tell you that the writer went to Philadelphia last week and saw George H. Earle, jr., of the Pennsylvania Sugar Refining Co., without satisfactory results, and was requested to see Mr. McCarthy, who is at the head of the sugar distribution for the State of Pennsylvania. All of our sugar for the month of October, 1918, came from the Pennsylvania Sugar Refining Co., of Philadelphia, and we have a clear case by which we are entitled to some sugar from this refiner; but Mr. McCarthy told me this refinery had no sugar to give, and requested that I go to New York to see a certain party of the B. H. Howell & Sons Co. refinery. They referred to their records and found that we got no sugar from them in October, 1918, and for this reason they could not give us any for October of this year, and requested that I go back to Philadelphia to see Mr. McCarthy again. But instead of going to see Mr. McCarthy I went to the Sugar Equalization Board in New York City and presented our case. They stated the matter would have attention as soon as possible, but up to this time nothing further has been done. Our factory is shut down, and when we can not get any satisfaction from the highest authority of the land and also of the State of Pennsylvania we know of none other to appeal to except our Representatives in Congress and Senate.

Our principal object in writing you at this time is to urge you to support proper legislation that will cause the United States Government to buy sufficient raw sugar in Cuba and elsewhere, and to regulate the proper distribution and price of the 1919 crop, which would care for the needs of the country for the entire year of 1920. There is now before Congress the McNary bill (S. 3230), which seems very good; but there is a question in my mind whether this would remedy properly and take care of the just distribution. In part this bill reads: "Securing a sugar supply for the people of the United States and an equitable distribution thereof as are now in force." We feel that the last five words are dangerous. If the present law reads that there is now an equitable method of distribution in force, we are certainly not getting the benefit, and we know that many others are not. The new bill should compel the enforcement of this clause to give an equitable distribution. Unless this bill is gotten through in proper manner there will, without a doubt, be an endless amount of trouble during the year 1920, as this year's method of the sugar refiners will again be duplicated, which leaves many loopholes for profiteering on this necessary article of food which goes in every home of the land.

For some reason the sugar refiners during the month of May of this year accepted orders for their entire output for four months in advance. Only a limited number were close enough to the sugar situation to protect themselves for their future wants, and when the smaller manufacturer and dealer requested his broker to place an order for a car of sugar the way was closed, and closed tight, as we have done everything possible since June 20 to get some refiner to accept an order from us for a carload of sugar, and in a letter issued on October 18, 1919, by our sugar broker he states the refiners would, during the week of October 18, ship orders accepted by them under date of June 23. As stated before, we have tried since June 20 to place an order, and if such an order was accepted by the refiners to-day it would not come due for shipment until about February 23, 1920. In the meantime our factory would be closed tight. Of course you will agree with us that this is not an equitable distribution of this most necessary commodity.

I will state further for your benefit that while at New York last week I called on a number of the manufacturers, and was told by several of them that in order to continue manufacturing the high-grade goods which are greatly in demand for the holiday season they were obliged to go into Canada to buy sugar at the cost of 15 cents per pound and pay a duty of 1½ cents per pound to get the sugar back into this country, together with the freight and cost of sending a man into Canada to pick up these lots of sugar, the net cost was brought up to approximately 18 cents per pound. I was also told that many lots of second-hand sugar was picked up in New York City and turned over to manufacturers at from 15 to 16 cents per pound. This would mean a premium of about $2,400 on a single carload of sugar to the holders of same.

Thanking you kindly for your attention in the matter, we beg to remain,

Very truly, yours,

ELK CANDY CO.,
By J. F. VOLLMER.

P. S.—If you have the time to read all of this, it will bear out our statement that this year there was no equitable distribution of sugar, but that those close to the sugar situation, which may have been the chosen few, could get full and plenty on which to profiteer, while other factories are closed down with a heavy overhead expense accumulating until there is justice:

To the trade:

We are inclosing herewith a price list, effective October 14. In view of the fact that a great many candy jobbers have already criticized existing prices and have used as the basis of their criticism the fact that the price established for sugar by the Equalization Board is 9 cents, we want to tell you specifically the position in which we find ourselves to-day.

To run this factory to capacity we require about 125 barrels of sugar per day. We have received from refiners to date this month a total of 55 barrels, which cost us 9 cents per pound; the balance of our sugar has cost us from 12 cents for Porto Rican washed sugars (which are not suitable for use in white cream work) to 14½ cents for standard granulated, bought at second hand in small lots.

We understand that it is the intention of the refiners to allot candy manufacturers the same amount of sugar during the last three months of this year as they received during the last three months of 1918, and if deliveries are made on that basis, of course, the 9-cent price will continue.

We are assuming (in spite of the fact that stocks of raw sugar are so small that it does not appear possible to us that refiners will be able to carry out this program) that we will get enough sugar from refiners for the balance of the year to average up our prices on a basis of not more than 12½-cent sugar. If we find the refiners can not make delivery and we are compelled to buy second-hand sugars at any prices offered us, then a further advance will be necessary or we will have to close this factory.

For the last month we have not accepted any new business, except under very special conditions, and can not accept any further business under any condition, nor can we ship such items as French creams, lozenges, etc. (except a very small allotment against orders now on file), which represent a very high sugar content, since to keep this factory in operation at all we have to concentrate on items requiring a minimum amount of sugar. Some items on the list, as, for instance, our penny goods have not been changed in price. The changes, of course, will be reduction in size.

The writer has personally spent the last two weeks in an endeavor to secure sugar in sufficient quantity to enable us to run the factory at something like capacity, and we have had a half a dozen men scouting the country from Canada to New Orleans, but apparently the sugar is not to be had except in small second-hand lots in New York, and on such small lots the price of 16 to 18 cents being asked to-day is prohibitive.

We are advising you in detail regarding conditions because we know that some of our people have no conception of what the conditions are at this time, and we trust you will accept our assurance that these prices are made necessary by the cost of sugar and are not put into effect because we have any desire to take advantage of the existing conditions.

Yours, very truly,

ELK CANDY CO.
J. F. V.

THE COAL SITUATION.

Mr. ECHOLS. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a telegram from the secretary of the West Virginia Coal Association relating to the coal situation in West Virginia; also a statement showing the earnings of miners in that State.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to insert a telegram from the West Virginia Coal Association and a statement illustrating the same. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I did not understand who signed this telegram.

Mr. ECHOLS. The secretary of the West Virginia Coal Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. ECHOLS. Mr. Speaker, I have before me the following telegram, dated November 6, 1919, signed by W. H. Cunningham, secretary of the West Virginia Coal Association, Huntington, W. Va.:

Pocahontas, Tug River, Williamson, Logan, Winding Gulf, and Southend Coal & Coke Co. running full to-day with normal tonnage; three mines Kanawha running same as yesterday. Ten mines in New River running to-day, a gain of seven mines over yesterday. Wheeling district, eight mines running, a gain of one. Eighteen mines, all working union labor, northern Virginia district, running to-day, an increase of two mines over yesterday. Mines running to-day will produce at rate of 50,000,000 tons annually.

There have been a number of statements made here in the House respecting the earnings of miners throughout the coal fields. I have before me a statement for the month of September, 1919, showing earnings of 50 employees of the Winding Gulf Colliery Co., a West Virginia nonunion operation. The figures are taken at random from the pay roll. This statement shows that the lowest wage for the month earned by any miner who worked 15 days or more of 8 hours each is that of James Lanier, who earned $142.26; and that of the two men J. B. Johnson and Tony Passalaqua, who worked a full month of 26 days of 8 hours each, the former earned $436.13 and the latter $203.09. It is also observed that the average number of days worked by the miners is only 18.4. Many of them worked only 15, 16, or 17 days. Only two of the entire number of miners earned less than $150. Of the laborers other than miners, it is shown that the lowest wage paid was that of a common laborer, who worked 24 days and earned $120.

The statement does not only show the total earnings of the employees, but also shows the total net earnings; that is, the actual cash paid a miner after he has paid his rent, his doctor bill, his coal bill, if any is required, his blacksmithing, his powder account, his light bill, and whatever other supplies in the way of groceries, clothing, and so forth, he has purchased from the commissary. The lowest amount in cash received by any employee was $34, and only three of the entire number received less than $50.

The failure to work full time was due to two reasons only—first, car shortage, and second, the failure of the miner to work for some reason of his own. About 50 per cent of the idle time was caused by car shortage.

I desire to have printed in the RECORD the full statement, without reading the same.

Following is the statement referred to:

Name.	Occupation.	Number of shifts, 8 hours.	Total earned.	Total net.
Felix Taylor	Miner	16	$290.35	$189.60
James Lanier	do	18	142.26	65.01
S. B. Clark	do	20	249.57	137.12
Chas. Davenport	do	22	179.40	104.40
Jas Haskins	do	21	195.53	121.18
J. C. Griffis	do	23	285.06	98.30
Joe Ellis	do	23	196.24	134.24
Heck Blair	do	4	39.80	35.80
Tony Passalaqua	do	29	203.09	163.84
J. L. Wood	do	18	147.70	125.60
Frank Gross	do	22	174.40	94.15

Name.	Occupation.	Number of shifts, 8 hours.	Total earned.	Total net.
John Morasky	Miner	24	$259.68	$192.48
J. B. Johnson	do	26	436.13	208.04
Clem Vasselovski	do	14	162.47	114.97
John Black	do	16	165.25	102.63
E. P. Cole	do	16	207.49	125.41
August Cuculic	do	16	166.85	86.60
Walter Chessman	do	15	156.66	147.16
Sam Treola	do	15	158.80	47.85
M. D. Lacy	do	18	263.82	213.77
Mike Macres	do	15	164.92	94.17
P. H. St. Clair	do	17	222.07	89.73
Steve Konos	do	17	189.60	138.60
Mike Petros	do	16	197.49	151.24
John Kosko	do	16	203.16	153.41
Mike Seranks	do	17	206.63	142.13
Tom Muneada	do	20	197.85	147.60
Rolly Cox	do	17	164.55	80.30
G. W. Raby	Machine runner	18	161.00	139.75
Wm. Kuprik	Miner	20	194.15	132.65
Alfred Means	do	24	269.15	196.10
Chas. Denoff	do	16	155.90	100.20
Geo. Golden	Machine runner	26	165.37	98.62
Sam Taylor	Laborer	24	120.00	38.07
John Guerrant	Machine runner	18	108.00	34.00
Will Taylor	do	31	203.96	103.62
Chas. Craig	Laborer	29	179.24	95.84
Taylor Blankenship	Track layer	34	197.20	97.25
J. R. Ballew	Ventilation	23	132.66	51.05
L. M. Lilly	Pumper	25	126.48	121.13
M. T. Tinsley	Laborer	30	154.56	106.81
H. J. Lilly	Cager	28	151.15	117.89
A. J. Epperson	Mechanic	28	170.24	33.25
W. J. Trail	Laborer	23	135.11	96.36
Chas. Saultz	Wire man	27	165.62	159.63
Lacy Thompson	Machine runner	20	144.38	57.86
F. F. Martin	Mechanic	35	216.60	140.35
T. E. Holmes	do	30	186.96	113.71
H. L. Danburry	do	32	169.62	69.67

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. PLATT. Mr. Speaker, I move that the House do resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2472.

Mr. CANDLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER. This being claims day, and on last claims day a bill having been reported from the Committee of the Whole House on the state of the Union to the House, and on that day the previous question having been ordered, is not that bill preferential to-day, it being a claims bill?

The SPEAKER. It has not that preference of unfinished business. The Chair thinks the rule is of equal privilege with that.

Mr. CANDLER. The special rule did not displace it, did it?

The SPEAKER. It displaces it if the House wishes.

Mr. CANDLER. It gives the House that opportunity?

The SPEAKER. Yes. The question is on the motion of the gentleman from New York [Mr. PLATT], that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2472.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 82, noes 16.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, with Mr. LONGWORTH in the chair.

Mr. PLATT. Mr. Chairman, may I ask how much time is remaining for general debate?

The CHAIRMAN. The gentleman from New York [Mr. PLATT] has 5 minutes, the gentleman from Illinois [Mr. KING] 1 minute, and the gentleman from Arkansas [Mr. WINGO] 19 minutes. There are 25 minutes altogether.

Mr. PHELAN. Mr. Chairman, I think the time on this side was given to me.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 19 minutes.

Mr. PHELAN. Mr. Chairman, I am very glad that the objection raised on our side of the House last night to the attempt to sidetrack this bill was heeded, and that the suggestion coming from the Democratic side of the House was followed in order to expedite business.

The bill before us is an amendment to the Federal reserve act. In section 25 of the Federal reserve act provision was made for the first time in the history of our banking and currency legislation for foreign banking. Before the passage of that act nothing had ever been done to provide facilities for American banks in foreign countries. As a result, we found that the great nations of continental Europe had gone all over the world and had got trade in many countries where the United States was justly entitled to that trade. Into South America in particular England and Germany had gone, and right at our very doors had taken away from our producers trade which rightfully belonged to us and which naturally would go to us.

The Federal reserve act, among its many other great accomplishments, made provision whereby banks could be established and banking facilities obtained in those countries for the benefit of our manufacturers and producers, and, in fact, for the benefit of the people of the whole country.

This bill before us to-day is nothing more than an amendment to that act, an amendment to be sure of very great importance, but an amendment which seeks to enlarge and develop what was intended by section 25 of the Federal reserve act. Its purpose is to provide adequate accommodations for our export trade and for our international financial operations.

The method by which it seeks to do this is by making provision for organizations to be incorporated under national law and by national charter to engage in foreign and international banking or other international and foreign financial operations.

The need for some provision for our foreign and international banking is too apparent perhaps to need very much elaborate comment, but I may perhaps take a minute or two in explaining the present situation. To-day the countries of Europe are in great financial distress. It has been stated that they are almost facing bankruptcy. The war has been such a drain upon their financial resources that they are left without money or credit, and, moreover, goods, commodities, machinery, and countless other things in anything like the amount necessary to carry on their business. These conditions do not prevail to the same degree perhaps in South America, but the countries of South America before the war started had need, as they have need at the present time, of funds or credit necessary to carry on their business properly.

We are doing a large export business at the present time. We will continue to do it, because we have the supplies, and many foreign countries have not those supplies. We must continue to do it in normal times if we hope to continue to be one of the leading countries of the world. We produce more than we can consume in this country, particularly in some lines of agriculture and industry. We must find a market for our goods if our farmers are to continue prosperous and if our manufacturers are to continue their prosperity. This country can not absorb all we produce or all we manufacture, and it is absolutely essential for the continuation of prosperity in this country that we maintain our present foreign markets and enlarge them.

We face a very serious proposition. The European countries, and in some degree the countries of South America and other places, which are now and are going to continue to be large customers for what we produce are without the means of payment. They must get the goods, raw material, machinery, for instance, if they are going to continue to build up their own organizations. They must get some help from us if they are going to be able to pay us what they already owe us. If we keep shipping goods over there, the time will finally come when they will have to stop buying from us unless they find funds or credit from some source, because they will have nothing with which to pay us. The only country in the world which can give them the proper credit is the United States of America. Now, this bill is not intended primarily to help those foreign countries. It might very well be a commendable purpose for this country to endeavor to help those other countries in their distress, and incidentally I hope that we will help them in a perfectly proper and businesslike way, that we will continue to help all countries who seek to do business with us, but that is not the main purpose of this bill. The main purpose of this bill is to take care of our own people on this side of the water, and the way in which it attempts to do it is this: It provides the machinery, it provides an organization, whereby credit can be extended to those in foreign countries who desire to buy American goods or American produce. If we ship wheat to Poland men in Poland must have some way of paying us or else we will stop shipping wheat to them. An organization of this kind provides the way in which that wheat can be paid for by them. Briefly it will be done in this way: A corporation organized under this bill will extend credit to those who desire to buy American wheat in Poland. They will

get for that credit some kind of security. Naturally they will endeavor to get the very best security possible. In some cases they may get Government bonds. They may get municipal bonds, but at all events they will get the very best security they can for the credit they extend to those in Poland who desire to buy American wheat. When those men in Poland get the credit, they will, through the agency of some financial institution, pay the farmer or the exporter who sends wheat to them. If they do not get something of this kind, they will not be able to buy our wheat, because they will not have the funds with which to pay for it.

That briefly illustrates one purpose of the bill. I want to emphasize the fact that the purpose of the bill is not primarily to help the people of foreign countries, laudable as that might be. We are engaged in a strictly business proposition to take care of ourselves. Time will not permit me to elaborate, but I wanted to show what is the general purpose of the bill, and that is it.

Mr. DUNBAR. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. DUNBAR. On page 14 it provides for the taxation of these corporations and that they shall be taxed in the same manner as our present financial corporations.

Mr. PHELAN. What does the gentleman mean by "present financial corporations"?

Mr. DUNBAR. National banks. The stockholders are taxed in the same way that a stockholder shall be taxed for the stock he owns in these proposed new Federal financial corporations and be taxed in the city in which the financial corporation is located. Now, suppose one of these corporations is started at New Orleans and has its home in that State. A man in Indiana owns stock in this corporation. Under the laws of the State of Indiana he would have to pay taxes on that stock in the State of Indiana. Can this bill constitutionally exempt him from taxation on that stock in the State of Indiana?

Mr. PHELAN. It will; and Congress has full power to do that. That has been decided by the Supreme Court, and the purpose is this: In line with a great deal of other legislation that has come from the Banking and Currency Committee we want to place corporations organized under the national banking law on the same footing as corporations organized under the State laws. But we will take that up under the five-minute rule. This section was intended to prevent discrimination by the States in the taxation of a corporation organized under this law. As I say, we will take that up under the five-minute rule, and I will be glad to answer any questions.

The bill provides for a national corporation or organization to do this foreign trade. These organizations are formed in the ordinary way, following the stereotyped method of getting a charter with the consent of the Federal Reserve Board. One important feature relative to the concerns or organizations is that all the directors must be citizens of the United States. That was put in so that the foreigners would not come over here and incorporate under our laws and control these banks.

Mr. BLANTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, the four gentlemen from Kentucky—Mr. OGDEN, Mr. LANGLEY, Mr. ROBSION, and Mr. SWOPE—having just marched on the floor in a body, amid such tremendous applause from the Republican side, may I ask the Chair who staged this proceeding on the other side at this time?

Mr. CAMPBELL of Kansas. It was staged on Tuesday last down in Kentucky. [Laughter.]

Mr. BLANTON. I thought it was staged out in the majority leader's room.

Mr. PHELAN. I thought that the interruption was caused by the gentleman from Kentucky entering the room with a public-building bill in his hand. [Laughter.]

These corporations are authorized to do the things that are necessary to carry out the purpose of this act. They are authorized to sell, discount, negotiate notes, drafts, bills of exchange, authorized to deal in coin, bullion, and foreign exchange, make acceptances and to issue bonds, debentures, and promissory notes whereby to get the funds to carry out the provisions of the act, and to do those things naturally coming within the scope of foreign banking. They have in general two powers; one is to do the ordinary banking business as far as it refers to foreign banking, and the other is to do an investment business. They can not do a domestic business, except so far as the domestic business is incidental to the foreign business. In other words, they are not going to be competitors of the national banks. There may be along some lines some competition, but the bill has been very careful to discriminate between the powers given them and the powers given the national banks so that there shall be no unfair competition between them, and no competition at all except that which is incidental to foreign business.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. SMITH of Michigan. Is it permissible for foreigners, citizens of another country, to organize a banking institution, and set up business in this country under our banking system?

Mr. PHELAN. It is my understanding that there is no such authority.

Mr. SMITH of Michigan. If we organize a corporation for the purpose of doing a foreign business and it establishes a branch bank in Germany, or Paris, or London, would not that branch bank be under supervision of that foreign country and have to carry out the provisions of the law in that foreign country?

Mr. PHELAN. They will be subject to the laws of that country without question, and have to do business in a way acceptable to the country.

Mr. SMITH of Michigan. And there is no prohibition against citizens of this country going there and organizing a bank if they see fit?

Mr. PHELAN. Not so far as this country is concerned. The trouble is that they could not do business there unless they did business here, so far as our trade is concerned.

Mr. SMITH of Michigan. I am friendly to the bill but I wanted to see what advantage was to be given by this organization, and that would be it, to give them a national status and standing here.

Mr. PHELAN. The powers that are granted to these corporations are all exercised by existing corporations incorporated under the laws of the States. The question has been pertinently asked why under these conditions it should be necessary to provide for a national incorporation of similar organizations.

There are several reasons. Perhaps the most important are these: They will get a very much better standing abroad, in all probability, if they can represent that they are organized by authority of the United States of America. People abroad do not understand our Federal Constitution; they do not understand our Federal form of government; and the fact that they have a charter from the United States means a great deal more to them, in some foreign countries at least, than if they came with simply the incorporation under a State law.

In the second place, it is well to have, so far as possible, a uniform system. It is well to have some national supervision by the Federal Reserve Board, such as is provided in this bill. National banks have been empowered to subscribe within certain limits to organizations of this kind. It will be very much better and very much less complicated if all the organizations to which they subscribe are incorporated under a national law. They have already contributed to some of the State organizations, and we will have to let that go along, although all those State organizations have to submit to the supervision of the Federal reserve act. We provided that in a recent act, but it would avoid a great deal of trouble and a great deal of embarrassment and dual authority if we permit organizations of this kind, organizations that are badly needed, to be incorporated under the national law, where there is only one control, and where that control is an excellent control.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. FAIRFIELD. What liability will the Government assume for the wise conduct of these institutions?

Mr. PHELAN. The Government assumes absolutely no liability. These corporations are just as independent of the Government as the national banks are to-day. In fact, they are not quite so close, because with the national banks the Government does pay out of its Treasury money that the national banks contribute to a redemption fund to redeem notes. The Government is absolutely free of liability.

Mr. FAIRFIELD. The loans made will ultimately have to be paid, of course.

Mr. PHELAN. The loans made by these organizations?

Mr. FAIRFIELD. Yes.

Mr. PHELAN. They will have to be paid or the corporations will go into insolvency.

Mr. FAIRFIELD. What responsibility will the Government have in the enforcement of the payment of the loans should the foreign agents fail?

Mr. PHELAN. There is no provision in the bill at all for the Government assuming any liability of that kind or agreeing

to enforce the payment of any loans made by these corporations. Whatever responsibility the Government has is its general responsibility which it has toward all its citizens doing business in foreign countries.

Mr. FAIRFIELD. A moral responsibility.

Mr. PHELAN. That is entirely outside of this bill. It is the same responsibility the Government would have as to its citizens doing business in Germany or Mexico or Austria. That is a matter entirely outside of the scope of our committee and of this bill. The bill provides nothing of that kind.

Mr. FAIRFIELD. The obligation would not be any greater with this bill enforced and banks distributed throughout the world than it ought to be now where there is American capital already doing business in foreign countries.

Mr. PHELAN. No greater at all.

No organization can be organized with a capital of less than $2,000,000. There will be many with a much larger capitalization, because from the nature of the business a large capital is required.

Ample provisions are made in the bill for taking care of any situation arising when any of these organizations may become insolvent, and, in addition, without going any further into the organization of these corporations or the method or kind of business they do, I want to point out what I think is extremely important, namely, that considerable care has been taken to throw safeguards and limitations of the proper kind around these corporations and the way in which they do business. When the bill first came from the Senate to the House Banking and Currency Committee there were few limitations and few restrictions, and, in my opinion, and in the opinion of my colleagues on the committee, there were altogether too few safeguards. The main reliance to safeguard the system, which I may point out we have left in the bill, was the provision that these corporations shall be at all times and practically in every respect under the supervision and to a certain degree control of the Federal Reserve Board. A great deal of danger was averted by that provision giving the Federal Reserve Board certain powers as to rules, regulations, limitations, and restrictions upon these corporations and their method of doing business. In spite of that the House committee felt that there ought to be certain definite legislative restrictions, and we have put those in the bill. I think the Members of the House will see that every single limitation we put in is a good one and ought to be in the bill. I want the Members of the House to know that the Banking and Currency Committee gave weeks of time and study to this bill. They put their best efforts into the bill, and they believe they have brought into this House a bill that is good in every respect, although some of us may differ in certain details.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

By unanimous consent, Mr. PHELAN was granted leave to extend his remarks.

Mr. PLATT. Mr. Chairman, I do not know that I need to say much in summing up the various arguments that have been made with regard to this bill. As has been ably said by my colleague on the committee, the gentleman from Massachusetts [Mr. PHELAN], the bill has had very careful consideration. We took it up in subcommittee and thrashed out all of the matter section by section and amended it, and the subcommittee reported to the full committee, and the full committee went through it again section by section and put in more amendments. It is a bill that requires careful study, and every amendment was discussed with members of the Federal Reserve Board or with the general counsel of the Federal Reserve Board to make sure that we were not putting something in that was harmful. In fact, in a bill of this kind broad powers are necessary, and there was actually more danger that we would put in a restriction that would do harm than there was that we would place one in that would be beneficial.

As gentlemen know, our national banking system is made up of nearly 8,000 separate banks, some of them in small towns, not very strong, and it is necessary in the national banking act to have many restrictions, because banks are often in the hands of men who do not know very much about banking, and in order to safeguard depositors who trust their money to such banks many restrictions are necessary in the national-bank act which would not be necessary if the banks were all larger institutions. Some of these restrictions we thought wise to put in this bill, which in a sense is another national banking act for another class of institutions. Now, I think the gentleman from Massachusetts [Mr. PHELAN] called attention to the reason why there should be a national act on this subject, and I just want to say that on page 18, part 1, of the hearings, will be found the reasons given by Gov. Harding, of the Federal Reserve Board, why this institution should be given Federal incorporation:

> The time will probably come when the conflict of the dual control exercised by the Federal Reserve Board and by the banking department of a State may be a matter of embarrassment or operate to restrict the activities of a banking corporation.

Then, again—

> Such a banking corporation being essentially a national enterprise, whose stock ownership by national banks was authorized by an act of Congress, would appear to be entitled to the benefits and protection of a Federal charter, which would be of great value in competing for business in foreign countries.

In conclusion, I want to say that the Committee on Banking and Currency is a nonpartisan committee. I want to acknowledge the active and very effective cooperation of all the members of the committee, and especially the Democratic members, who have worked just as hard on this bill as Republican members in seeking to perfect it. [Applause.] Before I conclude I will take one minute more to say I hope the bill will not be obstructed in its reading, and I hope it will be passed practically in the form in which it was reported. We have spread all of our cards on the table. We have not stricken out the Senate bill and put in an entire bill as an amendment. We have shown everything in the way of an amendment in italics, and the reasons will appear on their face. I therefore hope we can read the bill rapidly and pass it within a short time.

Mr. HUDSPETH. Will the gentleman yield?

Mr. PLATT. I will.

Mr. HUDSPETH. I want to state to the gentleman I am sure the committee have gone into this matter thoroughly and have good reasons for everything they did, but I would like to get the reason for limiting the amount of corporate stock to $2,000,000. I understand the minimum is $2,000,000, and I would like to get an explanation from the gentleman.

Mr. PLATT. The gentleman knows that under the amendment of September 7, 1916, only banks of $1,000,000 capital were allowed to subscribe, and this foreign business involves risks that a very small bank probably ought not to take. We felt it was something that required a large capital, and possibly $2,000,000 is too small a minimum.

Mr. HUDSPETH. If the gentleman will yield further, you do not limit the capital stock of any bank subscribing. You do not specify any limit.

Mr. PLATT. Not in this bill, which gives full Federal control.

Mr. HUDSPETH. In fact, any national bank with the capital stock permitted under the national-bank law can subscribe to this stock?

Mr. PLATT. Yes.

The CHAIRMAN. The gentleman from Illinois [Mr. KING] has a minute. Does he wish to be recognized?

Mr. KING. I do for a minute. I just want to call the attention of the committee to one proposition, and I wish the gentlemen would keep that in their minds during the discussion which will follow, for the purpose of illustrating the point that the opponent, if there is one any more, is trying to make on this matter, and it is this: The purpose of this bill is to create an institution that will be the instrumentality through which we will receive foreign securities as pay for the goods we export. Regardless of the various things this proposed institution may do, the fact is that the urgent thing intended to be done is this thing of marketing foreign securities here in America.

Ex-Secretary Redfield, in explaining this to the American Manufacturers' Export Association, said that this new international bank would take these foreign securities and on them as a basis issue debentures which the American public would buy, thus securing the money with which to pay for goods bought in this country. The Secretary's words were:

> Thus we would pay ourselves for the goods we export, and so the good work would go on.

Let us not forget this language in the discussion.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

BANKING CORPORATIONS AUTHORIZED TO DO FOREIGN BANKING BUSINESS.

SEC. 25 (a) Corporations to be organized for the purpose of engaging principally in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 9, after the word "engaging," insert the word "principally"; line 10, after the word "other," insert "international or foreign"; page 2, line 6, after the word "required," insert "by the Secretary of the Treasury."

Mr. KING. Are all these amendments to be put at the same time? Is it the purpose of the chairman to have them voted on at the same time?

Mr. PLATT. If anyone wants a separate vote, they could have it, but these are merely formal amendments.

The CHAIRMAN. Under the rule a separate vote can be demanded on any amendment.

Mr. KING. I do not know I shall do that.

The CHAIRMAN. The question is on the committee amendments as reported.

The question was taken, and the amendments were agreed to.

Mr. KING. Mr. Chairman, I move to strike out the last word. As I was saying when the gavel dropped, the Secretary's words were these, "Thus we would pay ourselves for the goods we export, and so the good work would go on."

Now, I ask the committee not to forget that during the discussion. We are creating one great national merry-go-round for buying our own goods with our own money. That is the result of this proposition.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. KING. I would be glad to yield.

Mr. FAIRFIELD. I want to ask the gentleman, if the criticism made upon Secretary Redfield is valid, whether it would be possible for this country to do business at all with the other countries of the world unless it do so by taking their obligations? In other words, if we are to be a creditor country, how in the world will it ever be possible to do business with the world if we do not give them credit?

Mr. PHELAN. Mr. Chairman, the statement of the gentleman corresponds to this: If a farmer wanted to do farming and I lend him money on a mortgage and take the mortgage, it will be a somewhat similar proposition to what is provided for under this bill. The gentleman could just as well say about that that I was paying a man so that he might pay me back my own money.

It is almost a similar case. Whatever credit is extended to those countries and is given back to us is not under the term of banking, because for the credit we give we get full value. The corporation will get stocks and bonds and other securities that will pay them for what credit they give.

Mr. KING. The gentleman suggested that in his general statement. He said the Poles will pay the farmer in securities. Now, what is the proposition involved in this bill? An illustration was given by the gentleman from Pennsylvania the other day, who said there would be a large hopper and that into this hopper would be gathered these securities, and that in turning the crank they would turn out the debentures.

Mr. PHELAN. I do not agree to that.

Mr. KING. That was the illustration that was given here on the floor of the House. Somebody has got to pay those debentures. Who is going to furnish the money? Why, the American people, and no one else. There will be a stock sale in this country. It has already begun this morning. In the Post there is a $100 advertisement right now for the sale of these stocks. When are you going to pay the debentures? Who is going to pay for them? How are the foreigners going to pay for them? Have they any products, have they any money to pay for them? If any man can answer it I would be glad to hear from him.

Mr. PLATT. Will the gentleman yield?

Mr. KING. I will.

Mr. PLATT. Was England ruined when she owned stocks and bonds in our manufacturing and railroad enterprises for many years?

Mr. KING. They can not do it only by shipment of the goods. England had the goods.

Mr. WINGO. Mr. Chairman, if the gentleman has concluded, I should like to oppose his amendment. Let me suggest to the gentleman that he overlooks the whole philosophy of the act. He says we are going to loan to ourselves our own money, and he asks how they are going to pay. Now, we are not loaning to ourselves our own money. Here is the practical situation. This bill is designed to meet that practical situation, which is this: By reason of the war and the devastation that has taken place, and the great waste of property and of life and fixed investment in Europe, they find themselves without any current liquid credit that ordinarily they use in paying for imports into those countries, which are our exports. But they have long-term credits which come within the general classification of investment credits. But the wheat grower of the West, the corn grower of the Middle West, the cotton grower of the South, the small manufacturer of the United States who exports his goods to Europe, can not accept this long-term investment credit for corn and wheat and cotton and manufactured articles. So it will be possible by this machinery to turn those long-term investment credits into cash or liquid commercial credits. The process is this: We propose to create this machinery which will take these long-term investment credits and furnish liquid credits, current commercial credits, that will furnish the exchange facilities for financing our export business.

Now, the gentleman asks how they are going to pay us back. I will tell you. Take, for illustration, the wasted territory in northern France that is going to call for a great deal of structural steel and for cement and lumber. In the meantime it is going to call for corn and wheat, and such as that, with which to feed the people. They have got to rebuild their homes and put themselves on their feet. It will take two or three years before they can begin to pay back. How are they going to do it? By producing some wealth by labor and toil. It is going to take time to do that. It takes the farmer in France and the manufacturer in France 12 months or more to turn out products to sell to Norway and Sweden and the Balkans and to other countries. Then, when they have once gotten back to their normal conditions, they can pay us back and they can do it by this two or three or five years' credit which this corporation has mobilized and for which, by selling their debentures, they produce the ready cash, and they take that ready cash, which will not be really cash but exchanges available in this country, and pay the wheat grower of Illinois and the corn grower of Illinois, the cotton grower of the South, and the manufacturers of Pennsylvania, who furnish them the structural steel, copper, corn, wheat, and cotton. It is a method of turning investment credits into current exchange to meet the current business, which is our export and their import. It is not a question of lifting ourselves by our own bootstraps. It is a conversion of long-term credit into a credit that is immediately available, so that they can pay their own hands and living expenses and meet their own pay rolls. That is all there is to it, in a nutshell.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

Mr. HULINGS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. In this bill, if an American corporation is authorized to do business in France, will not France require us to give them permission to organize similar institutions of that kind in this country in order to do banking business?

Mr. PLATT. I think not. I am not altogether sure but that they have some institutions of that kind here already.

Mr. HULINGS. Not under our law.

Mr. PLATT. Well, private banks, then.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

First. The name assumed by such corporation, which shall be subject to the approval of the Federal Reserve Board.

With a committee amendment, as follows:

On page 2, after the word "Board," on line 23, insert the following: "but shall include the word 'Federal,' and no other financial corporation hereafter organized under any law other than an act of Congress shall use such word in its name under a penalty of $10 for each day that such word is used in violation of this provision."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. KITCHIN. Mr. Chairman, I would like to ask the chairman of the committee why is the word "Federal" to be used? What is its import? Do you want the public to believe that the Federal Government is behind it in any way, to give it greater credit among the people?

Mr. PLATT. I will say that we tried hard to find some specific name like "National" or "Federal" which could be worked into the titles of these corporations that would not be too long. The title "Federal Financial Corporation" was suggested, but it did not seem to fit in with the titles already authorized. "National" is authorized to be used in national-bank charters, and it seemed to us "Federal" should be used in these. We found that certain institutions were already using the word "Federal" with the apparent intention of creating the impression that they were either incorporated under Federal act or had some connection with the Federal Government. Our attention was called to the fact that there was an insurance company calling itself the "Federal Reserve Insurance Co."

Mr. KITCHIN. Perhaps it would be a proper thing to prevent a private corporation from using the word "Federal" or the word "National"; but why should it be compulsory that this particular corporation should use the word "Federal"?

Mr. PLATT. We would like to give those who take advantage of this act and incorporate under it some little advantage over those who possibly may decide to retain their State charters.

Mr. KITCHIN. It seems to me the only good it would have would be to leave the impression that the Federal Government is behind this institution, and, as I understand it, the Federal Government is in no way liable for any of the obligations of this corporation.

Mr. PLATT. The Federal Government is not liable in any way. I do not think there would be any more impression to that effect than there is that the Federal Government is behind the national banks.

Mr. KITCHIN. In a way the Federal Government is behind these reserves and the Federal reserve banks, as we call them.

Mr. PLATT. Of course, the Federal Reserve Board is going to supervise these institutions very fully. On almost every page and in almost every paragraph of the bill something is tied up with the approval of the Federal Reserve Board, so that if the impression did prevail, it would not be altogether wrong. The Federal Government is not obligated in any way except to give them proper supervision.

Mr. KITCHIN. Is there any provision here to give notice, as we did in the case of the Finance Corporation, that the Government of the United States is not responsible, directly or indirectly, for any liabilities or obligations of the corporation?

Mr. PLATT. This is hardly necessary. This is simply a general incorporating act.

Mr. KITCHIN. I think the gentleman himself was very critical when we had the Finance Corporation bill before us and desired that very provision to go into the bill, and we put it into the bill, to the effect that the United States Government should not be responsible for any obligations and liabilities of that corporation or any of its bonds.

Mr. PLATT. The Federal Government was a stockholder, and the only stockholder. I think that is a different proposition.

Mr. KITCHIN. Why make it compulsory that this corporation should use the word "Federal" as part of its name? Why not leave it with the Federal board, without making it compulsory to take any name they want, providing they have the approval of the Federal Reserve Board?

Mr. KING. Mr. Chairman, I rise in opposition to this amendment. I think the gentleman from North Carolina [Mr. KITCHIN] is entirely right in the suggestion he makes.

Mr. PLATT. The only amendment pending is the committee amendment.

Mr. KING. Yes. I think the gentleman from North Carolina is entirely right in his suggestions as to the purposes of this amendment. I hope I will not be accused of arraigning the committee, for whom I have the very highest respect; but those interested in this bill undoubtedly desired the word "Federal" to be put in there to help them out in the campaign they expect to make for the sale of these stocks all over the United States. They desired a Federal corporation—I may be wrong—for no other purpose. This work is going on now under State corporations and under the branch banks under the Federal system. In my judgment, there was no other reason on earth except to lead the people to believe—many innocent people—that the Government was back of this proposition. A million words might have been chosen more appropriately than the word "Federal." It will give the proposition that much more strength when you come to fill up whole-page advertisements of this stock. It seems to me the amendment ought to be voted down.

Mr. SUMNERS of Texas. Mr. Chairman, it seems to me that the word "Federal" or some word indicating this organization is to be under Federal control not only properly belongs here but it is rather essential that it should be retained.

I remember discussing our trade difficulties——

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. In a moment I will. I remember discussing our trade difficulties with a gentleman who had had long experience in the Orient, and he told me that European competitors of ours had a definite advantage by reason of the fact that they had financial institutions that were operating in the Orient under charter from their respective Governments, and that they were able to utilize much money deposited by the natives of those sections of the country; that the natives knew about the Federal Government of the United States and of the national Governments of our several competitors, and that they would have confidence in the efficiency of our National Government's supervision.

This is merely indicative, of course, of the probable advantage of the "national" feature.

With regard to this bill, I want to congratulate the committee for having proposed such legislation to the Congress of the United States at this particular time. The financial relationships of the world are so interdependent that no great country can prosper with a large section of the world not prospering. If we are to sell our wares to other countries, they must be able to purchase ours in exchange. That is fundamental. This is not a theory; this is a condition which confronts us. We know that Europe is exhausted in so far as ready credit is concerned. In order for us to prosper in the United States we must put into operation the stagnant commercial and industrial possibilities of Europe. That is all there is to it. There is but one way to do this, and that is to extend to them that sort of credit which will enable them to put their productive machinery into operation. This sort of bill tends in that direction.

Now, those of us who have been watching the conditions in this country know what effect it has had upon our internal affairs when there has been a blockade, when our ships could not move from our ports. But unless some such legislation as this is passed in which the people have confidence, so that they will supply the money, our ships can not leave our ports with cargoes, because nobody on the other side can give us anything in exchange. If this bill is a good bill, then we ought to put into it not only those regulations which are necessary to justify public confidence, but the bill ought to be so worded that the people who have money to invest in these debentures will have the highest degree of confidence in their investment. We are not charged here merely with the obligation of protecting the individual investor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. We are dealing with an economic situation which affects every man engaged in any productive activity in the United States. It is not only desirable but highly important that the investors shall know, and that it shall be a fact, that there will be that degree of Federal supervision and control of these institutions which will justify this confidence.

Mr. KING. Does the gentleman know that there are no provisions in the bill for the protection of the public in reference to investment bankers?

Mr. SUMNERS of Texas. I do not agree with the gentleman in regard to his conclusion as to the effect of the bill.

Mr. KING. I should like to have him point out where there is any protection against the investment banker.

Mr. SUMNERS of Texas. In the fraction of a minute which I have remaining I can not take up that question but before the bill is concluded I shall be very glad to speak on that point.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McFADDEN. Mr. Chairman, I move to strike out the last two words.

In addition to the arguments that have been presented in regard to the retention of this word "Federal," which is something to identify it with the Government of the United States, I want to point out the fact that besides the business that is being done in the United States by these corporations, they are in all probability going to do business in all countries of the world, and in those other countries they will come in direct competition with institutions organized in many instances by the Governments of the countries in which these banks will compete, and because of that fact the keenest competition undoubtedly will arise. Therefore I think it is little enough to do for these institutions that are to be controlled and operated by private capital, that we say to the countries of the world that they are under the supervision of the Federal Government. For that reason, in addition to the other reasons advocated, I say we should retain the word "Federal."

Mr. EMERSON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. EMERSON. This amendment says:

And no other financial corporation hereafter organized under any law other than an act of Congress—

shall do thus and so. Does that mean that no corporation could be organized under a State law which used the word "Federal" in its title?

Mr. McFADDEN. That is what it means.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last three words. I should like to ask the chairman of the committee a question with reference to the fine proposed by this amendment. Ten dollars a day, if the word "Federal"

has any value at all, is almost a foolishly small penalty to impose on a man who is seeking to wrong somebody.

Mr. PLATT. If the gentleman wants to make it $25 a day, I will accept the amendment.

Mr. EVANS of Nebraska. Why not make it $100 a day?

Mr. PLATT. Because I do not think it is necessary to make it so high.

Mr. EVANS of Nebraska. Why not make it $50?

Mr. PLATT. Why not make it a million dollars?

Mr. EVANS of Nebraska. That would be foolish.

Mr. PLATT. Somebody might inadvertently violate the law, and this would restrain them. I do not think it is necessary to make a high fine. Why not make it what the gentleman first suggested—$25 a day?

Mr. EVANS of Nebraska. Why not make it "not less than"?

Mr. PLATT. No; if the gentleman will offer an amendment to make it $25, I will accept it.

Mr. EVANS of Nebraska. Mr. Chairman, I move to amend the amendment proposed by the committee by striking out the figures "$10," in line 2, on page 3, and inserting in lieu thereof "$25."

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. EVANS of Nebraska to the committee amendment: Page 3, line 2, strike out "$10" and insert in lieu thereof "$25."

Mr. PLATT. The committee will accept that amendment.

Mr. LINTHICUM. Mr. Chairman, I want to speak particularly in reference to the committee amendment inserting the word "Federal." I quite agree with the committee as to the advantage of requiring this designation in the name of all these banks. I think we ought to have something throughout the world to show that these institutions have been authorized by the Government of the United States. We ought not only to do that, but we should let the public throughout the world know that while we do not guarantee these institutions we surround them with every precaution through inspection and other safeguards, so that people will not lose any money. Why should Congress authorize the establishment of these institutions if the Government is not to stand back of them in some way to protect depositors? If we oppose putting the word "Federal" in because it might be construed to be a Government institution, then we had better not authorize their organization. The only thing done is that it designates that the United States Government has authorized the establishment of these banks.

Mr. KITCHIN. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KITCHIN. We have under the authorization of Congress established branch banks throughout the world; have they been failures because they did not have the word "Federal"?

Mr. LINTHICUM. No.

Mr. KITCHIN. Does the gentleman think they would have been more successful if they had had the word "Federal"?

Mr. LINTHICUM. I think they would. I do not think any bank has taken advantage of that except the National City Bank of New York. But what we want to do is to make it easier to do business throughout the world. In the Philippines we authorized the issue of bonds, and when it came up we said that we were not back of the bonds and Congress largely turned down the provision in the bill regarding the independence of the Philippines because people who purchased the bonds thought the United States Government was back of those bonds because it had authorized their issuance by the Philippines, and the people opposed the full independence owing to these bonds. Now, the United States is authorizing the establishment of these banks, and certainly the people of the world will think the United States is back of them. If we are to be in that position, we ought to get the advantage of it by giving them some designation which will show that the United States, the richest country in the world, means to back up these institutions, just as she does her national banks, by every necessary regulation for their soundness and success.

Mr. KITCHIN. Does the gentleman think that the United States ought to be back of the institutions and ought to be liable?

Mr. LINTHICUM. No; it ought not to be liable; but they ought to have such oversight and inspection as will say to the people that they will not lose any money.

Mr. KITCHIN. If the gentleman will permit me, the gentleman's argument is that we should put the word "Federal" into these charter names in order to make the people think that the Government is behind them?

Mr. LINTHICUM. No; but I say that Congress ought not to authorize them if it is ashamed to put its name into the organization.

Mr. KITCHIN. Of the hundred or more business organizations that Congress has issued or granted charters to that does not put the Government behind them.

Mr. LINTHICUM. Let me give you a concrete example. Maryland authorized the establishment of a bank at Camp Meade. They did not have capital enough to carry it on. The soldiers put their money in that bank; the bank could not meet its obligations and had to close its doors. The financial people of Maryland came forward and subscribed enough money to lend to that bank so that every soldier and every depositor got every dollar that he had put into it, and got it promptly. Maryland had not guaranteed the money, but it was authorized as a State bank and Maryland did not want that blot on its fair name. So, individually, they put enough money in the bank to pay every soldier and to pay every creditor. I say that if the United States Government is ashamed of these institutions, then they ought not to authorize them; and if you are not ashamed of them, do not be afraid to put your name in, saying to the people that this Government is exercising supervision, and with its vast resources will see that no money is lost by any failure of our officials doing their duty.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I ask that the gentleman's time be extended for one minute in order to ask him a question.

Mr. LINTHICUM. Mr. Chairman, I ask that my time be extended three minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SUMNERS of Texas. I want to ask the gentleman if it is not a fact that when we charter a State bank we call it a State bank, and when we charter a national bank we call it a national bank; and does the gentleman know of any reason why if the Federal Government charters a bank it should not be called a Federal bank? Is it not the custom to have some word to indicate the source of its origin and control?

Mr. LINTHICUM. The gentleman is correct. I will further answer the gentleman as I answered the gentleman from North Carolina. If we are ashamed to put our name in the corporations we ought not to establish them, and no State ought to authorize the establishment of a bank unless it is given a supervision and inspection. It ought not to establish a bank if it does not look out for the people who do business with it.

Mr. KING. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KING. The gentleman from Maryland stated in the forepart of his remarks something about safeguards thrown about the bill. Does the gentleman know that there are two provisions, one pertaining to banking and the other pertaining to the sale of stock, and that there is no safeguards thrown around the operations in the investment part of the bill?

Mr. LINTHICUM. There ought to be; it is not fair to the public or fair to the world for us to authorize the establishment of banks unless we give them every safeguard by proper legislation.

Mr. EMERSON. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. EMERSON. There are a good many corporations now incorporated by the States who use the word "Federal." They would continue to use that designation, would they not?

Mr. LINTHICUM. Yes; unless they were prohibited.

Mr. EMERSON. How can you prohibit anything that is already authorized?

Mr. LINTHICUM. The gentleman can answer that question as well as I can.

Mr. EMERSON. This bill says "hereafter organized." Now, many other institutions are using the word "Federal," and it seems to me that the word "international" would be better.

Mr. LINTHICUM. Oh, I think that word is too long; I think the word "Federal" is a good deal better.

Mr. Chairman, I am particularly anxious to see a strong, virile American banking system established throughout the world. I do not want any system, however, established in which we have not every confidence and are willing to give it the same degree of support and assistance which we now give to our national banking institutions in the way of inspecting and other safeguards which are thrown around their operations.

I should like to see such a system, carrying the word "Federal" as a part of its charter name, and that this name might bespeak to the peoples of the world wherever the banks are

established not alone its business efficiency but likewise its financial soundness.

This Government has no right and Congress has no justification in organizing anything in the way of a financial system to which it is not willing to give not alone its name but likewise its unqualified supervision.

Our fair Government would be sacrificing a great deal if it should allow a system faulty and unsafe to do business with the general public of other lands. One of the great drawbacks to the commercial interests of our country doing business in foreign lands has been the want of American banking facilities.

When we realize that other nations have had their financial institutions established in all the great centers of the globe, and that we have had but few if any, except within the last few years, we can naturally see why our business men have been largely hampered. The present system, where Americans are compelled to transact their affairs in foreign cities, is slow and tortuous in the extreme. I have seen long lines of Americans trying to arrange some financial matters, both in London and in Paris, where every facility for quick dispatch of business should be provided.

I want to see the prowess of America established in financial matters in all the great centers of the globe. Her banking institutions and her business facilities should be as well known as the great feats performed by our soldiers and sailors in the late war. The people expect much of this country, rich in natural resources and vast wealth, rich in energy and perseverance, a people who do things and do them quickly. I am glad to see that at last we are providing some financial system by which our people may transact financial matters with American institutions in foreign lands.

I want at the same time to see this system so established just as sound as congressional provision and department regulations can possibly make it. This kind and no other should be established by a nation of our magnitude and importance.

Mr. CANNON. Mr. Chairman, I wish to offer a pro forma amendment, to see if I understand the bill at this point. This authorizes the formation of these corporations. We have also authorized by law the formation of the Federal reserve bank and all of the national banks. But we police them. You can not organize a national bank unless the capital is paid in. We restrict their discounts. You send around to examine every one of them. There is a small army of national-bank examiners, and we have had some experience with the present comptroller. There is a responsibility that lies with every stockholder of a national bank, in the event that the bank goes to the wall, in that he shall contribute the equivalent of his stock. That means something. I am glad that we have the national-banking system, although I am somewhat sorry that the Federal reserve bank has, in a measure, disabled all of the country banks. The great city banks make large dividends, but the country national bank is very fortunate if it can bear its burdens and get 7 or 8 per cent—some of them not so well as that. There is responsible supervision of the national banks, and there are not many failures because they are policed.

Oh, my friend said, "Do you want the Government to be behind these banks created under this bill if it becomes law?" The Government is not behind them unless it is a moral obligation, and that I apprehend would not be respected. The name "Federal" means what? That we will examine these banks? Is there anything in this bill—and I ask for information—that these banks are to be examined?

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. PLATT. There is a provision for examination.

Mr. CANNON. I am very glad of it. Are they to be examined monthly or yearly or how?

Mr. PLATT. Not less than once a year.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. KING. It may be well to inquire what kind of an examination it is, whether the examination goes to these stocks or bonds or simply to an examination of their accounts?

Mr. CANNON. Precisely—as to their assets, and all that kind of thing, and as to whether they are straining their credit unduly.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes. I want to ask a few questions for information.

Mr. STEVENSON. The provision on page 13 of the bill is that——

> Every such corporation shall make reports to the Federal Reserve Board at such times and in such form as it may require, and shall be subject to examination once a year and at such other times as may be deemed necessary by the Federal Reserve Board by examiners appointed by the Federal Reserve Board—

That is exactly the provision made as to national banks. Suppose the Federal Reserve Board finds that the same ought to be wound up. Is there any provision to wind it up?

Mr. PHELAN. Yes; in the event of insolvency.

Mr. CANNON. In the event of insolvency, yes. Of course if they are insolvent a receiver should be appointed.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. WINGO. The provision with reference to examination and the provision with reference to the appointment of a receiver winding up the affairs of the bank are identical with the provisions of that kind in respect to national banks.

Mr. PHELAN. If the gentleman will yield for just a moment, there is a very broad power given in this bill, just as a similar power is given in the national banking act. On page 12, at line 4, the bill provides that should any corporation organized under the act violate or fail to comply with any of the provisions of the section all of its rights, privileges, and franchises derived therefrom shall be forfeited. If the examiner finds a bad condition, the Federal Reserve Board, through that power alone, has the right to say to the banks, "You do so and so, get your bank into right condition or we will see that your franchise is forfeited." That is the control they have.

Mr. CANNON. Very good so far.

Mr. KING. And would the gentleman permit me to inject a suggestion before he resumes?

Mr. CANNON. Yes; although I expect I shall have to ask for some more time, but I am seeking information.

Mr. KING. To the effect that these securities issued by these banks may go under their name or without any liability on their part.

Mr. PLATT. This is tied up all the way through with approval by the Federal Reserve Board. There is a provision for examination and for every sort of safeguard there possibly could be. In fact, the only question is whether we have not placed so many in that it will hamper the banks.

Mr. CANNON. Very well. I notice in the newspapers that the Morgans have negotiated a loan of $250,000,000 to Poland. I suppose they have the power to do that under the law as it now is. I do not object to Poland, but that means that $250,000,000, I presume, without any personal responsibility of the Morgans, will be put upon our market. We have the Monroe doctrine. We are not going to let anybody interfere in the New World with force. They can not come in and take possession. England tried it, you know, and she was checked by Cleveland, and very properly so. Then Roosevelt had something to do with Germany. They frankly said, "These revolutionary governments are overthrown, and they have issued their bonds and our citizens hold them," and they insisted on their rights. What was the alternative? They said to us then, "You take possession," and we got possession of Haiti, and we have possession of one or two of the Central American States—doing what? Keeping law and order and collecting the revenues, and in Haiti running the Government and paying a part of the funds to the creditors. Is there anything in this bill that touches a situation of that kind either morally or legally?

I do not know, if one of these banks were to break and millions of securities were worthless, the query is, Would you not have a little hell raised over here? Would not the various representatives in Congress, the constituencies that send them here, say, "Oh, they were authorized under a Federal law." Morally we are bound. You know we are going a great way "morally" now. We are regulating the world. Well, it is a pretty big job, and I do not know when it touches us in this country, why, then, we can get at Congress. Now I do not know, I am not prepared to say this bill should not pass, but just as a poor fellow, substantially poor, I was just wondering what might happen.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PLATT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be closed.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Nebraska to the committee amendment.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. PLATT. Division, Mr. Chairman.

Mr. BRIGGS. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The question was taken; and there were—ayes 38, noes 2.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The Clerk read as follows:

Fourth. The amount of its capital stock and the number of shares into which the same shall be divided.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

Mr. PLATT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PLATT. These are all parts of one paragraph. Should they not all be read?

The CHAIRMAN. The Chair thinks each constitutes a paragraph and should be so considered.

Mr. WINGO. Mr. Chairman, if I may have the attention of the gentleman from Illinois [Mr. CANNON], I will direct his attention to paragraph (a), page 5, and paragraph (c), on page 6, which will give him the authority that these corporations have in reference to securities that they may purchase and hold, and then he can answer his own question with reference to the class of securities that can be held by the corporations. Now, Mr. Chairman, I will suggest this: I did not intend to discuss that question, but I simply wanted to call the attention of the gentleman to those provisions of the bill. Still I will say this in passing about that question before I pass from it: That there is not any more danger from this law than under the present existing law of hell being raised if somebody in this country has a financial interest in China or anywhere else. In China hell has been raised before because our commercial interests were affected over there, and I anticipate hell will always be raised when our citizens are interested in any country, whether that interest is controlled by a banking corporation, a manufacturing concern, or an individual citizen. I have always frankly said that a country that will not protect its citizenship and their property rights where they are lawfully engaged in business is not worthy of existence, and I for one believe in this Government protecting the lawful interests of its citizens wherever they are. [Applause.] I want to say about this bill, which I intended to say when debate was cut off, that I am frank to say that the use of the word "Federal" is not advisable. It is difficult for the committee to select a word, but I think we ought to have some definite word, and my preference would be "foreign finance corporation." If I had my way about it, I would vote for a general statute that would prohibit the words "United States," "National," "Federal," or any other such words being used by any private corporation that may mislead the unwary to believe that the United States Government has something to do with it other than control by way of supervision and investigation.

Now, these corporations can advertise in foreign countries. They are organized under the laws of the Congress. If an amendment is offered on this floor to put in this bill the same provision we put in the War Finance Corporation bill that the United States Government shall not be liable for any obligation of any of these corporations, and, furthermore, make it a penal offense for any agent of one of these corporations in the sale of its stock or in any transaction to hold out that the United States Government is back of it, I am in favor of voting for such a provision, and I think it will be wise to do it. We are simply establishing machinery and we are recognizing that it may carry great control over the finance and trade of the United States, and we subject it to Federal control and Federal inspection like we do the national banks, but beyond that I would not like the United States to be held liable in any way.

Mr. MADDEN. Will the gentleman yield?

Mr. WINGO. I will.

Mr. MADDEN. Of course, there is no such statement in the law that authorizes the organization of national banks, and why should there be in the other?

Mr. WINGO. There is this difference, if the gentleman will permit, which I think he will recognize. When we originally organized the national banks—the gentleman, of course, knows the purpose for which they were really organized; that they were for governmental purposes—they issued notes and the National Government undertook to redeeem them. We now have those notes outstanding and will have for at least 25 years, unless we change the law, and the United States Government has got an interest in them, and the word "national" should be protected there, so far as banking corporations are concerned. But these are going to be private corporations. We are going to undertake only to supervise and control so that the public will not be injured, and I do not believe that we should hold out to the unwary here or abroad that the United States Government is responsible for any of their transactions. It is not necessary in order to do what we want to do here, and I hope the conferees, when they come to pass upon this provision between the House and the Senate, will get some other word that will not hold out the idea to anyone that the United States Government is responsible for the debts of this corporation. I withdraw the pro forma amendment.

The Clerk read as follows:

Sixth. The fact that the certificate is made to enable the persons subscribing the same, and all other persons, firms, companies, and corporations, who or which may thereafter subscribe to or purchase shares of the capital stock of such corporation, to avail themselves of the advantages of this section.

Mr. KING. Mr. Chairman, I move to strike out the last word. I am very anxious to answer certain arguments made by the gentleman from Arkansas [Mr. WINGO] and the gentleman from South Carolina [Mr. STEVENSON], and I desire to make a connected statement and not make it under the five-minute rule to paragraphs. Therefore, I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. PLATT. Mr. Chairman——

Mr. WINGO. I hope the gentleman from New York will not object. I think it is better that he proceed now.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, in further answer to the suggestion pointed out by the gentleman from Arkansas [Mr. WINGO] at the beginning of this debate and certain references made by the gentleman from South Carolina [Mr. STEVENSON], I wish to say:

Take the £10,000 illustration several times repeated by the gentleman from South Carolina [Mr. STEVENSON].

Briefly it is this: A Manchester spinner needs cotton. On good English securities he borrows in England £10,000 and asks that the bank give him a draft on New York. It is done, and the proceeds of the draft in New York are $41,500. If we had this international bank that is proposed by the Edge bill this buyer would take his securities to it and get $48,600, and thus be enabled to pay 6 cents per pound more for cotton. Now, the pith of the matter is, Who is going to hold the securities? That is, who is going to furnish the money that pays for the cotton? The cotton farmer is pleased at the prospect; but will he take these securities in payment? The wheat farmer looks favorably on the proposition; but will he take these debentures based on foreign securities as pay for his wheat?

Will you cotton Members and wheat Members propose to your people that they sell their products for foreign securities?

This plan of payment, to succeed, must sell these foreign securities in America. As Mr. Redfield said, the debentures must be made in denominations small enough to reach all classes, and a gigantic campaign must be launched to sell them. That is, this international bank would be conducting a selling campaign similar to a Liberty bond campaign, for it is estimated that these debentures will run into the billions of dollars.

If it is now clear just what is intended and just how a few $2,000,000 corporations expect to enable Americans to pay themselves for the goods they ship to Europe, let us in a few paragraphs place another indisputable proposition within easy reach.

A fair business transaction is an exchange of equal values. Of course, each party to the trade prefers the value that he is getting; but when the parties are satisfied, we conclude that the trade was fair and the monetary value of what each gave equals what he got. It may be that the exchange is not completed in a short time. Thus one party may deliver goods and take a promissory note of the other, which note merely evidences the fact that the exchange will be completed at a time set. The exchange may be of commodities for money, commodities for commodities, service for service, and so forth; but the point is, the sum of what a man gives in trade must equal what he gets. I knew a southern cotton planter who rented 15 acres of land to a tenant. The planter was to advance feed, food, and clothing to the tenant while the crop was being made, and the tenant was to pay rent for the land, as well as for goods advanced when the crop was gathered. At the end of the year the tenant had made four bales of cotton, which at 8 cents per pound, the price then, amounted to $160. His bill amounted to $200, or $40 more than his crop. The planter took his note for the balance and they planned to make an extra good crop the next year. The season was bad,

however, and a new note for $125 was given. Finally the debt became so large that it could not be paid. This merely represents a kind of business transaction that is not a fair exchange. The two parties did not give and exchange equally.

This, then, is the second proposition: In fair, satisfactory business between nations, the exports of any nation plus all services of all kinds which it renders to other nations equals the sum of its imports and the services it receives at the hands of other nations.

For seven years before the war, 1907–1913, inclusive, we exported an average of $2,000,000,000 worth of goods annually, and we imported one and one-half billions annually, leaving an annual balance in our favor of $500,000,000. This $500,000,000 we received in services, the main items of which were ocean freights, premiums on insurance in foreign countries, bills by American tourists abroad, interest on foreign-owned American securities, and foreign labor in our industries.

Thus the proposition is illustrated in a plain, concrete way right in our own national experience.

One more phase of the matter needs a clear statement before the main issue becomes clear. We have just illustrated the working of the rule that the services rendered in commercial transactions must equal the services received. Let us now apply the proposed international banking procedure to the situation in which we find ourselves.

What exports are we making annually? More than five billions average annually from the beginning of 1914 to the end of 1919, estimating the last half of 1919 as equal to the first six months. The exports for the first six months of 1919 were nearly four and three-fourths billions. What services do we render that we must be paid for annually? That is, what do foreign nations owe us for things other than goods shipped them? First, they owe us annually 5 per cent on $10,000,000,000 loaned them through our Government. That is one-half of a billion dollars annually in interest. Second, they owe us at least 5 per cent on $6,000,000,000 of private debt. This means that the foreign nations owe us annually five billions for goods, one-half billion for interest on the governmental debt of ten billions, three-tenths billion for interest on the private debt of six billions, or an annual sum of five and eight-tenths billions. Now, what do they pay us annually? First, we have imported an annual average of less than two and one-half billions for the six years 1914 to 1919, inclusive, estimating for last half of 1919. The imports for the first half of 1919 were less than one and three-fourths billions, or three billions less than the exports for the six months.

What will we owe these foreign nations now as interest on American investments which they hold? Certainly much less than we paid annually before the war, for they traded back many of those securities during the war. What will we owe them for ocean tonnage, for insurance, for foreign labor? Certainly much less than before the war, even allowing for increased fees on tonnage. On foreign travel alone we expect a substantial increase. On all these items we owed foreigners before the war annually about one-half billion dollars. For our present purpose we will certainly be fair to our opponents if we say that foreign nations may be owed by us annually three-fourths billion dollars to cover these items. Thus what we owe others annually would seem to amount to two and one-half billions for imports and three-fourths billion for sundry services mentioned, or three and one-fourth billions total.

As already figured, they owe us on this six-year average five and eight-tenths billions. We owe them three and one-fourth billions. Strike a balance and you have slightly over two billions of an unpaid annual balance. This two billions annually is what is to be paid by the sale of foreign securities in America. Thus each year the unpaid balance mounts by two billions, until at the end of five years foreign nations would owe us not less than $30,000,000,000. (The two billions would compound.)

My first question is, How do the proponents of this scheme expect these debentures to be paid? One of the arguments put forth is that this plan makes possible the achievement of our ambitions in foreign trade; but that only means that we shall continue to export more than we import, which does not permit payment of the debentures. In some reasonable time these nations must pay the securities in services. How do you expect it to be done? Name the service; name the goods. It can not be done except by the foreign trade of the United States sinking to the point where the sum of our imports and services received is greater than the sum of the exports and services rendered, and all our plans are laid to prevent this thing.

Mr. WINGO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I have listened to the gentleman's statement with a good deal of interest, and I think it is the clearest recital of facts to show the necessity for this bill that I have heard. Now, let us get down to earth and see what it is here that is presented by the gentleman, and meet it. He calls attention to the fact, which all of us know, that prior to the war Europe could settle her balances that she owed us by the interest that we owed her on American securities that she held, by the foreign trade, tourists going over there, and other items that he mentioned. But whereas they could do that before the war, where do we stand now? Instead of Europe holding our securities by the billions and taking the interest upon those securities and meeting the trade balance due us each year, we find that just the contrary is true. We find that all these Governments owe us billions. Why is it that England and France and the other allies can not pay this Government now? For the same reason that the cotton tenant that he referred to could not pay, because he did not have any money. Now, let us take the illustration the gentleman from Illinois and the farmers in his district would appreciate. Suppose there is a tenant of a corn planter out there, and that the man has been sick or he has had a fire that has wiped out all of his assets. That would be similar to the European situation. He goes to this man and says, "I owe you, but I have not anything with which to pay you." The man says, "Here is a piece of land over here; you go to work and pay me." "But," he replies, "I can not live; I have not any tools. I can not keep my family while making the crop. I can give you a note or give you a mortgage, and if I have any stock, I will give it on the stock." The man says, "The bank will not take it, but I can give you the liquid credits that are necessary to buy the feed and buy the tools and buy the food for your family. Then, when you produce the wealth out of the soil, you can pay me." And that is the way Europe has got to pay us. If I had my way to-day, I would make England pay us to-morrow, and make all the rest of them do it, but we are face to face with the cold-blooded business proposition that they have not the money with which to pay us nor any short-time credits with which to buy the raw material that is necessary for them to resume work so as to make the money to pay us. What do they want from us? They want copper, they want steel, they want corn, they want cotton, they want wheat, they want the raw materials necessary to build up their country and the food with which to feed their families while they are producing some wealth to pay what they owe us already, and also to make us richer in the future by expanding our great commerce and international trade.

The cotton farmer alone is not interested. His interest is fixed because his acreage is fixed on which it is possible to grow his cotton. But, answer me: Where is the man within the sound of my voice that can point to the limit of the American manufacturer if we have the markets of the world? Instead of deploring the condition, we ought to stand erect and proud because the unfortunate circumstances of this World War have made us absolute financial and commercial masters of the nations of the world. They have got to come to us for raw materials and on our own terms. What do we propose? Not out of any altruism to them, but in order to enable the man that owes us to make the crop and build business in the future, we say, "We will set up the machinery that will turn your long-term credit, the only one you have, into current credit and cash."

The gentleman from Illinois asks if the cotton grower or the wheat grower is going to take these long-term credits. Oh, no; they are not going to take them. How is the corn grower of Illinois going to sell the corn to Europe? They can not take the bonds of those Governments or their long-term credits. Do we propose to go into a paternalistic scheme? To undertake to handle this business the United States Government, while exercising a supervision over it, lets these private institutions of the country do it, and the duty that we owe to the corn farmer of Illinois is to let them set up the machinery that will convert these long-term credits into immediate cash in order to maintain the prosperity of the corn farmer of Illinois. [Applause.]

Mr. KING. Mr. Chairman, I believe I had a few minutes left.

The CHAIRMAN. The gentleman had five minutes. He reserved it, though.

Mr. KING. Yes; I reserved it for myself, Mr. Chairman, mentally. [Laughter.]

Mr. McFADDEN. Will the gentleman yield?

Mr. KING. I will.

Mr. McFADDEN. I would like to ask the gentleman whether he is in favor of selling the products of the farms and the factories of the United States to the world?

Mr. KING. I certainly am in favor of export trade.

Mr. McFADDEN. Will the gentleman——

Mr. KING. But I am not in favor of certain individuals in this country operating a scheme whereby the farmers, mechanics, and everybody else throughout the Middle West, who produce the stock and produce farm products, must buy all these securities in order to pay for their own stuff. That is what they will have to do.

Mr. McFADDEN. Will the gentleman outline something definite?

Mr. KING. Where will the income come from if it does not come out of the pockets of the American people?

Mr. McFADDEN. Has the gentleman any plan to finance these exports?

Mr. KING. Well, I am an humble member of the Committee on Banking and Currency, perhaps the only layman on the committee, speaking, as I am trying to speak, from the layman's standpoint. Therefore I feel the difficulty of contesting with the committee. There is a fetich in this House to the effect that you must not attack the report of a committee. All that I am trying to do is to suggest these matters to the Members of the House and try to get them to consider the provisions of this bill.

Further answering the position of the gentleman from Arkansas [Mr. WINGO], it is important to understand that England's position is not ours.

It is well at that point to note this: England's position regarding foreign trade is not ours. We are the only Nation that is really great in exports of raw materials and in manufactured articles. England bought our railroad and other securities, and we annually sent her cotton and wheat to pay the interest. What are you needing from England that will pay the interest on the money that she owes us? Nothing. All we buy from England will not balance what we sell her, and thus the interest item is unsettled. Germany created credits and aided her merchants and manufacturers on the same principle that England does. When she invested money in foreign lands it was calculated to bring her raw materials. Thus she was paid the interest on the investment in raw materials from the undeveloped country where the investment was made. But this proposition is mainly to make investments in countries where raw materials are scarce and where industry is highly developed, which manifestly means the breaking down of your own industries. You pay yourselves for your own cotton and send it to them in order that they may manufacture and sell it in competition with your own mills.

But when 10 years have rolled around and these foreign securities in private hands have sunk to the same plane that foreign exchange has now sunk with our great banking institutions it will begin to occur to people in America that it would be a good thing to buy up these securities and move to some European country where the goods of the issuing country can be had for the securities. That is the way we can get service and goods for these securities. Using Mr. STEVENSON's illustration right now, $41,500 in America equals $48,600, or £10,000 in England. Therefore any American who contemplates transferring his citizenship to England can now transfer his investments at a nice profit.

That is the only way the debentures, based on foreign securities, will be paid in the next hundred years. It is really marvelous how the proponents of this bill have accepted the miraculous powers this international bank is supposed to have. It seems perfectly natural to them that the thing which is now worth $41,500 in this country would immediately be worth $48,600 under the magic of this bill, and the cotton planter and the wheat farmer would get it all. This is not irony. This is not sarcasm. Far be it from an attempt at wit or humor. Irony, sarcasm, and wit are all right in their place, but they prove nothing, and they have no place in such a serious discussion. The gentleman from South Carolina [Mr. STEVENSON] says "if we have these institutions so that he could come here and get his money by putting up the same securities he puts up in England he could pay 6 cents per pound more for his cotton than he can under the present arrangement, and on 11,000,000 bales of cotton in the United States that would mean $330,000,000 to the people of America who market the cotton."

Now, if you will remember that this $330,000,000 was borrowed from American fellow citizens whose security is foreign stock and bonds (stocks in iron furnaces that are running in competition with our own; bonds on cotton mills that are running in competition with those of the Piedmont Plateau and the cotton regions, as well as the mills of New England), the payment for which will not be made in two generations except the holders expatriate themselves, you will agree that there was not much ground for applause on the $330,000,000 argument. But that is only a small part. Mr. STEVENSON figures the cotton crop in terms of his new plan, failing, as all have failed, to examine into the mystery of just how this bank would make the money come—that is, the sale of foreign securities to Americans. This I will now do. First, note that Mr. STEVENSON figures on the whole crop—11,000,000 bales, as if the English bought it all. Since, as a fact, the English do not buy it all, but about half of it is used at home. Mr. STEVENSON's plan is to have the American people buy foreign securities so as to raise the price of cotton 6 cents, thus paying the cotton farmers 41 cents per pound for their cotton and raising the price of cotton goods to our own 100,000,000 people accordingly. But for half of the cotton crop how many billions of dollars worth of foreign securities must our Americans buy? A bale of cotton at 41 cents per pound amounts to $205. The entire crop of 11,000,000 is worth $2,255,000,000. Half of this is one billion and, say, one hundred and twenty-five millions. That is, according to Mr. STEVENSON's method, which was applauded, the investing American public would have to buy foreign securities to the amount of more than $1,000,000,000 annually in order to finance the cotton crop alone. Think it over.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

The persons signing the organization certificate shall duly acknowledge the execution thereof before a judge of some court of record or notary public, who shall certify thereto under the seal of such court or notary, and thereafter the certificate shall be forwarded to the Federal Reserve Board to be filed and preserved in its office. Upon duly making and filing articles of association and an organization certificate the association shall become and be a body corporate, and as such and in the name designated therein shall have power under such conditions and regulations as the Federal Reserve Board may prescribe to adopt and use a corporate seal, which may be changed at the pleasure of its board of directors; to have succession for a period of 20 years unless sooner dissolved by an act of Congress or unless its franchises become forfeited by some violation of law; to make contracts; to sue and be sued, complain, and defend in any court of law or equity; to elect or appoint directors, all of whom shall be citizens of the United States; and, by its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, require bonds of them, and fix the penalty thereof; dismiss such officers or employees, or any thereof, at pleasure and appoint others to fill their places; to prescribe, by its board of directors, by-laws not inconsistent with law or with the regulations of the Federal Reserve Board regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed.

With a committee amendment, as follows:

Page 4, line 1, after the word "certificate," insert "and after the Federal Reserve Board has approved the same and issued a permit to begin business."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Line 5, page 4, after the word "power," strike out "under such conditions and regulations as the Federal Reserve Board may prescribe."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 4, line 9, after the word "dissolved," insert "by the act of the shareholders owning two-thirds of the stock or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. NELSON of Wisconsin. Mr. Chairman, I desire to offer the following committee amendment on page 4, line 18: Strike out the semicolon and insert a comma, so as to make the reading comport with the text.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 4, line 18, strike out the semicolon and insert a comma.

Mr. WINGO. Mr. Chairman, what does the gentleman think about the word "and" between "them" and "fix"? Should not that go out also? What does the gentleman from New York think about that?

Mr. PLATT. We have discussed that. I do not think it is necessary to take that out.

Mr. WINGO. Very well.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. KING. Mr. Chairman, I move to strike out the last word, if it is not too late.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. KING. Not having had time to finish my answer to the suggestions of the gentleman from Arkansas [Mr. WINGO], I desire to proceed for five minutes.

These calculations take into account all crops, all commodities, all services, going and coming, and show the net result that would have to be settled by this credit system.

A superficial understanding of the bill will not do. If these facts could be brought home to Congress, I believe it would at least delay the matter until it had been examined more exhaustively. My examination has concerned itself with the inevitable mathematics of the situation. Suppose you figure on the effect produced on our Americans by having $15,000,000,000 of foreign securities distributed throughout our land. You would not have many 100 per cent Americans. I read in a book called the Bible, "Where a man's treasure is, there will his heart be also." This book has impressed me very much, and I believe this saying. This point alone is infinite in its possibilities.

Again we have started a "buy-a-home" campaign. It is grand. It will absorb the savings and small investments of the mass of our people for years. It means 100 per cent Americanism. Do not forget that this bank is going after the small-moneyed man—the many of them. The big ones have all they want now. They will give only $4.15 for a pound sterling. Therefore the present proposition is, "Do not invest your money in a home, invest it in a good debenture founded on English bonds, French stocks," and so forth. Think of the substitution for foreign securities for "own your own home." Again this is merely a test. There is enough in it for a book each page of which is a ringing plea for Americanism.

How to take care of our industry and promote happy, wholesome, prosperous living among our people is not along these lines. This line means work and slave for foreigners. Work hard! Produce more! See how much you can ship across the seas! See what fun it is to pay yourselves for the goods you give to others!

In the readjustment I would direct the attention of our people to the problem of what to produce for ourselves and how to promote life among Americans. We have stinted ourselves for years and worked hard that others might not starve. It is now time for us to direct our attention to what shall be done for ourselves.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Each corporation so organized shall have power, under such rules and regulations as the Federal Reserve Board may prescribe:

(a) To purchase, sell, discount, and negotiate, notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell securities including the obligations of the United States or of any State thereof; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell, exchange, coin and bullion; to borrow and to lend money on real or personal security; and generally to exercise such powers as are incidental to the powers conferred by this act or as may be usual, in the determination of the Federal Reserve Board, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the powers specifically granted herein.

With committee amendments, as follows:

Page 5, line 5, after the word "negotiate," on line 4, insert "with or without its indorsement or guaranty."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 5, line 8, after the word "sell," insert the words "with or without its indorsement or guaranty."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 5, line 10, after the words "thereof," insert "but not including shares of stock in any corporation except as herein provided."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 14, after the word "sell," strike out the words "exchange, coin and bullion" and insert "coin, bullion, and exchange."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The next amendment will be reported.

The Clerk read as follows:

Page 5, line 16, after the word "money," strike out the words "on real or personal security" and insert "to issue debentures, bonds, and promissory notes under such limitations as the Federal Reserve Board may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding ten times its capital stock and surplus."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MORGAN. Mr. Chairman, I rise to oppose the amendment. The committee amendment authorizes the corporation to issue debentures, bonds, and promissory notes under such limitations as the Federal Reserve Board may prescribe, and so on.

As I understand, it was the purpose of the Committee on Banking and Currency to throw such safeguards around this bill and to make such amendments to it as would protect the country in every way possible. Yet the committee have introduced an amendment here which very greatly enlarges the power of this corporation. Under the Senate bill the corporation had no power to issue bonds or debentures.

Mr. WINGO. Will the gentleman yield right there?

Mr. MORGAN. I have but little time.

Mr. WINGO. The gentleman can get additional time.

Mr. MORGAN. I will yield.

Mr. WINGO. There is nothing strange in this. Does not this authorize the corporation to do what ordinary business and banking corporations do? Suppose they got the securities of some concern in Belgium. The public in the United States would not know anything about that institution. Now, they put those securities in trust and issue their own debentures against them, and the people of the United States can understand them and appraise their value. Is there anything wrong with that?

Mr. MORGAN. I understand the proposition. Now, a national bank has no right to issue debentures and bonds.

Mr. PHELAN. That is a question, whether they have or have not; but if we had not put this provision in the bill, the probabilities are that they would have the right to do this anyway, and eminent counsel are of that opinion. For my own part, I would have preferred to leave this section out of the bill.

Mr. MORGAN. I have not said I was opposed to the bill.

Mr. WINGO. Let me suggest to the gentleman along the line of what the gentleman from Massachusetts [Mr. PHELAN] has stated, that as a matter of fact the best legal opinion is that if we do not specifically make this authorization, the corporation would by necessary implication have the right to issue debentures and to issue their promissory notes. So, we have undertaken to limit their right by specifying what they can do, so that under the rule of interpretation established by the courts, where we give them the right to do a certain thing and specify it, then they are limited to that. So it is a limitation and a safeguard.

Mr. STEAGALL. There is this further limitation: Whereas in the original bill the Federal Reserve Board was the only restraining authority with reference to the obligations to be incurred, under this amendment they are specifically limited to ten times the amount of their capital stock.

Mr. DUNBAR. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. I ask unanimous consent to proceed for 10 minutes. This is a very important subject and I have been very liberal in allowing interruptions.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DUNBAR. I want to ask the gentleman if he will yield so that I may submit an amendment to the committee amendment.

Mr. MORGAN. I can not yield just now, but I will be glad to yield later if I have the time.

I want to say this, that generally an institution can not issue bonds or debentures without authority; and if there is any question as to whether these corporations could issue debentures without authority, then the Congress should make a specific declaration prohibiting them from issuing bonds and debentures unless expressly authorized so to do. Now, this amendment uses both words, "bonds" and "debentures." I have no doubt the committee has taken some pains to distinguish between those two terms, yet I do not know just why they should use both words, "bonds" and "debentures." Sometimes

those words are used interchangeably and are synonymous in that way.

Mr. PLATT. The committee discussed that very point which the gentleman is discussing, and we put in those words simply in order to be specific. Probably the word "debenture" would cover "bond," and probably "bond" would cover "debenture."

Mr. KING. If the gentleman will yield, I will give him Webster's definition.

Mr. MORGAN. I must go ahead, because I do not know that I can get any more time. In some of the French institutions a debenture has no limit as to the time when it is to be paid, and generally debentures are long-time bonds running 40 or 50 years. I should like to ask the chairman of the committee how long is it expected that these bonds or debentures will run?

Mr. PLATT. I do not know how fully that has been discussed. Of course, the board has not taken that up very much, but I think they are to be for only 3 or 4 or 5 years, and that 10 years would be the extreme limit. It is like the life of the average mortgage, I should say.

Mr. MORGAN. Ordinarily in European institutions bonds and debentures run for a long term of years, 40 or 50 or 60 years. I think there ought to be a limitation as to the time these bonds shall run.

I say another thing, that it would be a rare exception for any institution in European countries or in this country to issue bonds or debentures without their being based upon some specific, definite security. It is true that debentures are sometimes issued and their security is the entire assets of the institution, but those institutions are prohibited generally from incumbering their assets.

Mr. JUUL. Will the gentleman yield for a brief question?

Mr. MORGAN. I will.

Mr. JUUL. I want to ask the gentleman if he knows the reason of the committee for striking out in line 16, on page 5, the words—

on real or personal security.

That is right in line with what the gentleman is now discussing.

Mr. MORGAN. I do not know. You will notice it says there—

to borrow and to lend money.

Under that provision these corporations can borrow any amount of money. Now, if we allow debentures and bonds to be issued, we ought to require them to be based upon such security and issued under such rules and regulations and safeguards as will protect the public.

Under this bill one of these corporations, with a capital of $2,000,000, could issue $20,000,000 of bonds not based on a single security. The gentleman says the idea is that all the debentures will be based on securities, but there is nothing in this bill that requires these banks to put up anything.

There are many reasons for this; debentures will be sold to the public generally. They will go into the hands of everybody; they will go into the general collection of securities in banks everywhere. They ought to go out standardized in some way so that when the public buys them they will know that they are securities under some form of inspection. They will be payable to bearer, and it is a form of circulating medium, a form of inflation. If they go into general circulation and become a circulating medium in the hands of private individuals where any banking institution may own them, they ought to be issued under such terms, limitations, and safeguards as will make them absolutely safe for the protection of individuals and for the protection of the credit of our country, because the failure of one of these institutions is liable to start a panic and bring bankruptcy all over the country. [Applause.] We ought not to allow these organizations to issue bonds and debentures under the limitations which you have prescribed. It is not definite and not comprehensive. Here you allow these corporations to issue bonds and debentures to the amount of ten times the capital and surplus. When we authorized the war finance corporations to issue bonds and debentures, we allowed them to issue to only six times the amount of the capital, specifically and definitely confined, and required them to underlay them with ample security to make the bonds and debentures absolutely safe.

Mr. PHELAN. Mr. Chairman, I do not disagree with the purpose of the gentleman from Oklahoma [Mr. MORGAN] in putting in certain restrictions. In fact, no other member of the committee was more insistent than I in putting certain restrictions in the bill.

But to come to the point of the provision mentioned by the gentleman from Oklahoma as to the issuance of bonds, let me point out that when we got the bill from the Senate it had the general power to borrow and lend money. In the opinion of eminent counsel, and incidentally in the opinion of the lawyers on our committee, the word "borrow" was a very broad word, broad enough to carry with it the power to issue bonds. I think, without any doubt, the power to borrow carries with it the power to issue any kind of obligation whereby they could make the borrowing worth while. How are they going to borrow? Suppose we give them the power to borrow. How is the corporation going to borrow unless it gives the party from whom it borrows evidence of the debt? It can not borrow without giving some writing or paper or certificate of some description, and naturally the way for a corporation to borrow is on a note or a debenture or bond. So if we had nothing here but the power to borrow, I think there is not the slightest doubt that the corporation, with the simple authority and power to borrow, could issue notes, debentures, and bonds. Without the power to issue notes, debentures, and bonds they are almost without the power to borrow, and so it is plain that the power to borrow includes the other powers.

Some members of the committee wanted to put it in to make sure that such power was granted, and, more than that, other members of the committee, and I think the entire membership of the committee, wanted to put in "debenture bonds and promissory notes," not for the purpose of enlarging the powers of the Senate bill, but to put certain limitations on the issue of bonds, debentures, and promissory notes. You will find in the language in italics that we limit the extent to which they can borrow. It is not simply limited to ten times the amount of the capital and surplus, but under such limitations as the Federal Reserve Board may prescribe, but in no event to exceed ten times the amount of the capital and surplus. In other words, if the Federal Reserve Board so decides under the limitations, then they can make it five or four or two times the amount of the capital and surplus.

Mr. JUUL. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. JUUL. I want to ask the gentleman why the bill was amended in lines 15 and 16 granting the power to borrow money on real and personal security, which, I take it, means you can not borrow over 75 per cent on real or personal property? Then you turn around and say that they can issue bonds, debentures, and promissory notes under such liabilities as may be prescribed and give them the power to borrow ten times the security that they may be able to show up.

Mr. PHELAN. Not ten times the amount of security they show up.

Mr. JUUL. Ten times the amount of capital stock and surplus if the Federal authorities will permit. What was the committee's reason for striking out real and personal security, which among laymen is considered the best security possible?

Mr. PHELAN. I have not the slightest objection to their going out or staying in. I do not think it makes the slightest difference. You have the power to borrow and lend money, and that carries with it the power to take real and personal security. It is one of the implied powers. As long as those broad words are used you must give the corporation all the incidental powers that come under the scope of the words used.

Mr. JUUL. I thought the gentleman, being on the committee, knew the reason.

Mr. PHELAN. I think the reason was to eliminate unnecessary words.

Mr. DUNBAR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 20, after the word "exceeding," strike out the word "ten" and insert in lieu thereof the word "six."

Mr. DUNBAR. Mr. Chairman and gentlemen of the committee, the United States is destined and entitled to become the producer, the manufacturer, and the banker of the world. But under the present existing conditions it can not become so unless the provisions of this act become the law of the land. I do believe, however, that it is necessary for the protection of the investor that this bill be amended, and particularly in reference to this paragraph to which I have just offered an amendment. I do not believe that the Federal financial corporations about to be organized should be permitted, though they have the authority and the approval of the Federal board, to borrow ten times the amount of their capital stock and their surplus.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. DUNBAR. Yes.

Mr. PLATT. The gentleman knows that the national banks are allowed to borrow very much more than ten times their capital.

Mr. DUNBAR. National banks are, perhaps, allowed to borrow much more than ten times their capital and surplus, but the stockholders of national banks are liable for twice the amount of the stock.

Mr. PLATT. There is no limit at all on the amount of deposits, for instance, that may be placed in a national bank.

Mr. DUNBAR. National banks are home institutions. With respect to them we are dealing with home indebtedness, home enterprises. We are dealing with institutions with which we are able to become acquainted, and with whose business we become familiar. For that reason it is necessary that in this act these Federal financial institutions be restricted.

Stockholders in national banks, in the event of failure, are liable to depositors for double the amount of their holdings. In the proposed legislation stockholders are to be made responsible for the amount of their unpaid subscriptions. This is intended to make one security for creditors as against two in the former case. In the act under consideration it is proposed that financial corporations be permitted, under direction of the Federal Reserve Board, to issue debentures, borrow money, and to sell bonds for an amount not to exceed ten times the capital stock and surplus. Borrowed money is to be used to enable capitalists to finance European institutions. Aside from interest paid for borrowed money, profits realized over and above interest paid will be divided among the stockholders. Losses, if they occur, in excess of capital stock and surpluses, must be borne by those who have loaned their money to the corporations, and for this reason, among others, I favor the proposition of permitting corporations under this act to borrow six times the amount of their capital and surplus instead of ten times the amount.

This is a period of unrest. Doing business on credit and making money on borrowed capital is the scheme of the day. Experiences in all times have been that there must be an accounting day, and when this day arrives our house should be in order. Under the proposed legislation a banking house with a capital and surplus amounting to $10,000,000 will have a right under supervision of the Federal Reserve Board to borrow $1,000,000,000 to invest in securities of foreign corporations, most of which to-day admittedly can not otherwise be realized upon and whose solvency is problematic and dependent upon the future. In these days of turmoil and agitation no man can tell what the day may bring forth. The governments of Europe owe more money than they will probably ever be able to pay. Before the World War Great Britain was unable to raise taxes sufficient to pay the expenses of government and the interest on her public debt. It was admitted she never expected to be able to pay the principal, and Englishmen were then the bankers of the world.

There is considerable hazard attending the European and world loans to be made by financial corporations, and those who wish to invest or speculate in European, Asiatic, or African securities should largely do so with their own money and not with other people's money. Under the proposed act these financial corporations are to have exclusive right to use of the word "Federal," which in the minds of the people is synonymous with governmental power, authority, and supervision. For this reason men who wish to engage in adventurous foreign speculation under the sanction and power of our Government may organize a so-called Federal financial corporation, borrow money with consent of the Federal board of directors, hazard all, perhaps make a fortune, which then is their own; but if they lose all in the venture their personal loss would be but one-tenth of the amount speculated, and because of the high esteem in which the Federal reserve bank directors are held, speculators in the name of the Government, patriotism, and humanity would find ready sale for bonds among the people, which bonds might be in denominations of $50 up, and thus by the sanction of the Government innocent holders of small savings as well as trusting people possessing means might lose all. If men are to make or lose money in speculation, let them at least invest one-seventh of the money; six-sevenths is enough for a trusting public to furnish, especially when the men who furnish one-seventh receive all the profits and who if the venture is a failure suffer but one-seventh of all the losses. [Applause.]

Mr. HUSTED. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of obtaining some information from the committee. This bill provides for the incorporation of a bank, and it is to carry the word "federal" as a part of its corporate name. It can only be organized with a capital of at least $2,000,000, so that it is going to be a very large, powerful, influential institution. These banks are authorized to issue promissory notes, to issue bank notes, up to ten times the amount of their capital and surplus. Assuming that the capital is $2,000,000, the bank would be authorized to issue bank notes for $20,000,000.

Mr. PLATT. Oh, that is not so.

Mr. PHELAN. Oh, the gentleman is mistaken.

Mr. HUSTED. They are promissory notes, and a bank note is nothing but a promissory note. These institutions are banks, and being banks, their bank notes are promissory notes. I fail to see how any member of the committee can properly say that notes issued under the provisions of this act would not be bank notes. That is exactly what they would be. No other financial institution in this country is permitted to issue bank notes without security. Assume one of these big, powerful institutions should fail, and that it should have outstanding $20,000,000 worth of bank notes which were not secured in any manner whatsoever. What effect would such a failure have upon the credit of this country? What effect would it have upon the other financial institutions of this country? The bill as originally passed by the Senate carried a provision that they could not issue these securities except upon real or personal security. Oh, the bill does provide that they can not issue these notes except under such limitations as the Federal Reserve Board may prescribe, but I do not think that is sufficient. I think we should prescribe in this act beyond peradventure of a doubt, beyond any exercise of discretion by the Federal Reserve Board, that no bank can issue bank notes to the amount of $20,000,000 without any security whatever.

Mr. HICKS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. DUNBAR]. It seems to me that the institutions proposed to be incorporated under this act are somewhat similar to some of the large mortgage guaranty companies, and having had some experience with several of those companies, I take the liberty of explaining in a general way the operation of them, because I think their case fits rather closely the position of the institutions to be organized. These proposed financial institutions, as I understand it, will merely discount the paper of buyers of export material, and will have in their vaults mortgages or some form of security to secure those notes given by the foreign buyers. The concerns will then issue their own evidence of indebtedness to investors; this indebtedness, bear in mind, will be safeguarded by, first, the stability of the issuing institution; second, by the note, backed by some form of property pledge of the foreign merchant or manufacturer. That is exactly how these mortgage companies operate. For instance, here is the Bond & Mortgage Guarantee Co. of New York City, one of the largest mortgage companies in the United States. For example, a man wants to borrow some money on his real estate. The appraiser of the company decides after investigation that the loan is a good one, and the loan is negotiated. The man issues his bond and mortgage and gives it to the mortgage company, who advances the money, and the loan is completed on that side of the transaction. Then the mortgage company sells to an investor in the form of a certificate their guaranty of the mortgage. The investor, when he buys that, buys the guaranty of the mortgage company that they will pay the principal and interest of the mortgage when due. They also give to the investor the assigned mortgage of the man who has made the loan on his property, so that the investor who buys the security has the assigned mortgage plus the guaranty of the mortgage company. The mortgage company charges a fee for guaranteeing the mortgage and guaranteeing the interest, and in addition they look after insurance, taxes, and so forth.

To accommodate small investors, certain mortgages are trusted in some trust company, and against them certificates are issued, each certificate being secured, in addition to the company's guarantee, by its pro rata interest in the mortgages held by the trust company. As I understand this bill, this is largely the plan which will be followed, and the investors will be protected by an assignment of a portion of the securities which will be held against the certificates of indebtedness or bonds issued.

The question arises, and very properly, as to the amount which a company should be allowed to guarantee. Comparison has been made here with national banks, but it does not seem to me that that is a fair comparison. The fair analogy is to compare these corporations with insurance companies, because then they come pretty much under the same provisions. Take these mortgage companies to which I refer. I have just received a telegram from one of them in New York. I asked them for the amount of guarantees they had outstanding in proportion to their capital and surplus. Here is one reply: "We guarantee twenty-three times our capital and surplus outstanding."

Here is another mortgage company on Long Island, of which I happen to be a director, doing the kind of business I have attempted to describe. They limit their guarantees to twenty times their capital and surplus. There is no law in the State

of New York as to the amount which an insurance company or a mortgage company can guarantee mortgages or write policies. The mortgage companies have merely adopted 23 per cent in one case and 20 per cent in another as a practical business proposition. It seems to me that these corporations provided for in this bill, when they are allowed to guarantee ten times or sell forms of secured indebtedness ten times their capital and surplus, would be acting conservatively, and that sound business warrants them to do so. Of course in this, as in all business transactions, honesty of purpose and integrity of dealing are the basis of stability.

Mr. DUNBAR. Will the gentleman yield?

Mr. HICKS. I will.

Mr. DUNBAR. These financial corporations who sell twenty-three times the amount of their assets are corporations organized admittedly for the purpose of personal enterprise and speculation serving under a corporation. That is the universal opinion admitted, but in the proposed bill we clothe the financial institutions——

Mr. HICKS. I would like to answer a question, but I would hardly like the gentleman to make a speech in my time, as I have something more to say.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNBAR. Pardon me.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to proceed for five minutes, if I may. I have not spoken on this bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Let me say to my friend from Indiana that business concerns are usually operated for profit, and in this respect these concerns differ from no others.

Mr. Chairman, the necessity of institutions like this seems to me can hardly be questioned. In order to fortify the argument I am going to ask the liberty of reading from a statement made by Mr. Herbert Hoover, who probably is as well versed from personal contact with conditions abroad as any living man, and he stated the matter in an extremely short and very much to the point article. He said:

> Unless something is done to reestablish the credits of the foreign countries in the United States and bring the rate of exchange to somewhere near the normal level, the American manufacturer and farmer will experience the greatest business reversal that the history of the United States has ever known. With the French franc, which previously has been worth about 20 cents, bringing 11 cents, and the English pound greatly depreciated, it is impossible for them to buy. The same thing is true of Italy and other stable Governments. Newly organized Governments can not purchase, because they have no credit. Practically all of the money of the world is centered in the United States. It is here because it was forced to come in order to secure that which was necessary for the war. Unless some of that capital is returned in the form of credits, goods can not follow in the line they have previously taken. We must either say, with equanimity, that we will lose much of the billions of dollars that we have loaned to Europe or must make further extension of credit so that Europe can produce the goods to provide the money to repay us.

Let us remember that not since the Roman Empire has the situation presented itself such as is offered to-day by America. We have concentrated within our Nation both wealth and raw materials. We are the creditor Nation of the world as well as the producer of the world's largest supply of raw materials. If we are to do business with other nations, other nations must do business with us, and by extending credits we will stimulate this international trade.

These institutions to be formed are not only for the purpose of rehabilitating France and Belgium, they are formed not for one nation or one time, but they are formed for all time and for the trade of all nations, South America and Asia as well as for Europe; and it seems to me that unless this country is willing to establish some kind of an institution or institutions which will give credits to countries that need them, we can not expect Europe, for instance, to pay back the debt she owes us; and therefore I am strongly in favor of this provision in the bill and of the bill itself.

Mr. KING. Will the gentleman yield?

Mr. HICKS. Yes; gladly.

Mr. KING. Will the gentleman point out, for the benefit of the Committee of the Whole, in what manner this bill will stabilize exchange?

Mr. HICKS. My impression is it stabilizes the exchange in this way, that unless you have France, Belgium, and England—especially France and Belgium, where the depreciated currency is at the lowest ebb—able to sell to the rest of the world, we can not expect exchange to go up, for unless they sell goods the balance of trade will always run against them; and this bill is going to enable France and Belgium to buy the raw material and the machinery and start their manufacturing plants going, so that they can produce stuff which they can sell to South America, China, and other parts of the world and get the money to pay us for loans advanced.

Mr. KING. If they are owing us now a number of billions of dollars, on which the interest charges are $50,000,000 a year, and we continue to send exports and give credit, when will they commence to pay us back so the situation can be turned around?

Mr. HICKS. I will say I talked this morning with one of the French mission, and, in answer to some questions I made along this line—I have not the figures with me—he said that there are 327 factories, as I recall, in France completely or nearly completely reestablished, ready to do business, and now they are seeking raw materials with which to manufacture. By establishing credits, they can begin to turn out goods.

Mr. KING. Are they going to send their goods to us?

Mr. HICKS. They expect to send their goods wherever they can sell them. We do not care where the goods are sent. Our protective tariff, with Republicans in power, will protect us from dumping. What we want is the money that France, Belgium, and England owes us. If they can sell their goods in South America or China and get money and send it to us, that is all we want.

Mr. KING. How long will it take to accomplish this?

Mr. HICKS. It may and probably will take years.

Before taking my seat permit me to quote some exchange rates as of November 3:

Pound sterling, $4.16.
Franc (France), $0.11⅜.
Franc (Belgium), $0.11⅛.
Lire (Italy), $0.09⅜.
Mark (Germany), $0.03¾.
Krone (Austria), $0.01.
Guilder (Holland), $0.38.

Let me also give a few figures as to the war damage in Belgium and France.

BELGIUM.

While the question of material damage is a difficult one to determine, it is estimated roughly that the material damage alone amounts to more than $4,000,000,000. Practically all the important factories, except those owned by German interests, have been robbed of their machinery and materials. In many of these factories—in the textile industry, for instance—the Germans stole the boilers, the engines, and even the belting. From others they took lathes. From still others they took yard locomotives. Frequently they demolished factories after stripping them, and in some cases actually blew to pieces the very foundations of factories and homes. They demolished more than 50,000 homes completely. They took altogether more than 2,400 locomotives and more than 90,000 cars. They lifted out, in some cases, whole interurban lines, tearing down the trolleys and moving them, tearing up the rails, and taking away the rolling stock, some of which they sent to Russia. Thousands of cattle, horses, and hogs were shipped into Germany, while wide stretches of agricultural lands were desolated. The heaviest losses were the destruction of iron foundries to the extent of $213,000,000, of steel and manufacturing plants exceeding $314,000,000, and of textile factories valued at over $424,000,000. Until these plants are rebuilt, Belgian mechanics will be out of employment and we must wait for the payment of our debt.

FRANCE.

The material losses are appalling. Two thousand five hundred towns and villages and 450,000 buildings completely destroyed, with 50,000 more badly damaged, costing to replace them all over $6,000,000,000. Eight million acres of land were devastated, of which 4,450,000 were farm lands under cultivation. The agricultural and forestry losses are estimated to be $3,000,000,000. In addition to these losses must be added the value of thousands of head of horses and cattle stolen.

Even the clearing away of the wreckage will involve enormous expense. When the Germans retreated from northern France they blew up every railroad bridge and wrecked every station. The lines themselves have either been torn up for replacement in Germany or have been shelled out of existence. The locomotives and cars which escaped capture have been worn out during the war, and there is no new equipment to be had. The losses in transportation are estimated at $1,000,000,000. Seven million spindles and $5,000,000,000 worth of industrial machinery and plants were totally destroyed. Before the war France produced 41,000,000 tons of coal annually, 70 per cent of which came from the invaded regions, now a wilderness. The total estimated damage to French property as the result of war is estimated at over $15,000,000,000.

My interest to-day is with the American farmer and the American manufacturer and with the Nation in collecting her just debts. [Applause.]

Mr. JUUL. Will the gentleman yield for a question?

Mr. HICKS. Yes; for a question.

Mr. JUUL. I would like to ask the gentleman, if it is a fair question, What is the origin of this bill; who came before the Congress and asked for the enactment of this legislation?

Mr. HICKS. I can say to the gentleman that I am not a member of the Committee on Banking and Currency and will refer him to the chairman.

Mr. PHELAN. I can answer the question. The Federal Reserve Board has recommended legislation of this kind more than once, at least three of four times to my knowledge.

Mr. JUUL. Who brought the skeleton or the frame of it into the House?

Mr. PHELAN. Senator EDGE, of New Jersey, introduced the bill in the Senate and Representative ACKERMAN, of New Jersey, introduced the bill in the House, but it originated, so far as I know, with the Federal Reserve Board. They recommended it at two or three different times. Once we had it before us during the last Congress, and the only reason we did not act on it was that they presented a mere skeleton and we were so busy with other things we did not take it up.

Mr. JUUL. That class of men came before the Congress of the United States and asked for the passage of this bill and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. JUUL, Mr. PHELAN, and Mr. STEVENSON rose.

Mr. PLATT. Mr. Chairman, we do not want a general discussion of the bill on this amendment.

Mr. PHELAN. Mr. Chairman, will the gentleman give me three minutes? I want to clear up this matter as to the origin of this bill.

Mr. JUUL. If it is necessary to get time, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. TILSON. Mr. Chairman, I raise the point of order that that is not in order at this time. There is an amendment and an amendment to the amendment pending, and the gentleman can not amend it further without it being an amendment in the third degree.

Mr. JUUL. I hope a proper amendment will be presented for the purpose of getting information.

Mr. KING. Mr. Chairman, I ask unanimous consent to proceed for two minutes as to the origin of this bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. The first proponents were members of the Federal Reserve Board. There has never been a mechanic or a farmer or a business man that has ever appeared before the committee; in fact, nobody except members connected with the Federal Reserve Board. Where did they get it? The Senator's name has been mentioned on the floor here. Where did he get it? New York; from Harris, the banker. Where did he get it? From the Foreign Trade Council. Where did they get it? From the city of London, England; and it was prepared in Europe for the purpose of selling their securities, which is the purpose of the bill.

Mr. STRONG of Kansas. Why did the gentleman not give that information to the committee?

Mr. KING. I did. You know I was opposed to this in the committee. Does the gentleman want to go into what happened in the committee?

Mr. STRONG of Kansas. I would be delighted to do so, because the only opportunity you took was to vote "No" when we were through.

Mr. KING. I will not violate the rules of this House by answering the gentleman, but he is in error.

Mr. McFADDEN. I will say in regard to the statement that I was chairman of the subcommitee that had under consideration this bill. I personally sent invitations to all classes of people who might be interested in it. They were given every opportunity to be heard and a number of them were heard.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. DUNBAR] to the committee amendment.

Mr. CANNON. What is the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNBAR: Page 5, line 20, after the word "exceeding," strike out the word "ten" and insert in lieu thereof the word "six."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PLATT. Mr. Chairman, I think I would like to say a word in opposition to that.

The CHAIRMAN. The Chair will state that debate is closed on this proposition. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JUUL. I ask for a division.

Mr. CANNON. Mr. Chairman, I want to see about this amendment. Have we passed the amendments above that?

The CHAIRMAN. All amendments down to this committee amendment have been adopted.

Mr. JUUL. Will the gentleman permit a question? That was the amendment in line 16?

Mr. BANKHEAD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is that a division has been demanded on the amendment of the gentleman from Indiana [Mr. DUNBAR].

The committee divided; and there were—ayes 23, noes 28.

Mr. DUNBAR. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman demands tellers. Those in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Eleven gentlemen have arisen, not a sufficient number, and tellers are refused.

Mr. MORGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. DUNBAR. Mr. Chairman, a point of order. The Chair announced that there were not a sufficient number in favor of tellers.

The CHAIRMAN. Not a sufficient number.

Mr. DUNBAR. What percentage is necessary?

The CHAIRMAN. Twenty are necessary in the Committee of the Whole House on the state of the Union.

The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 5, line 17, after the word "limitations," insert a comma and the following: "at such rate or rates of interest, payable at such time, based upon such securities and under such safeguards."

Mr. CANNON. Where is that amendment?

Mr. MORGAN. Line 17, on page 5.

Mr. CANNON. Well, all of these amendments——

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized.

Mr. CANNON. I ask a parliamentary question. There are several amendments prior to that. Would that exclude amendments prior to that, from line 4 to line 17?

The CHAIRMAN. The Chair will say that those committee amendments have been agreed to by the committee, down to and including line 16.

Mr. CANNON. I did not so understand, and I intended to offer an amendment.

The CHAIRMAN. The gentleman would not be prevented from offering an amendment to the text of the bill, but the committee amendments have been adopted. The gentleman from Oklahoma [Mr. MORGAN] is now recognized on the amendment just reported.

Mr. MORGAN. Mr. Chairman, if my amendment were adopted, in line 16, beginning with the word "to," it would read this way:

To issue debentures, bonds, and promissory notes under such limitations, at such rate or rates of interest, payable at such time, based upon such securities and under such safeguards as the Federal Reserve Board may prescribe.

I have tried to insert here these various phrases so as to extend by specific direction the power of the Federal Reserve Board to limit the issue of these bonds and debentures.

Mr. PHELAN. Will the gentleman yield for just one second? If he will look at the top of page 5 he will see that every one of these powers is limited——

Mr. MORGAN. I noticed that.

Mr. PHELAN (continuing). To such rules and regulations as the Federal Reserve Board may prescribe, which covers the exact case the gentleman has mentioned.

Mr. MORGAN. Yes; but we are going to permit these corporations—and they may grow to very large corporations—to issue debentures and bonds. Now, those are sold to the general public.

We ought not to permit the issue of those bonds and debentures in an unlimited way unless they are based upon some

specific and definite security. That is in the interest of the corporation and in the interest of good business as well as to the interest of the public, and inasmuch as the committee claims that the general power put in lines 1, 2, and 3, and the other power down here, is really in the control of the Federal Reserve Board, it seems to me the committee ought not to object to my amendment. In other words, if the Federal Reserve Board does have this power, then an addition to these words does not take from or add to it. If the Federal Reserve Board, under the amendment proposed by the committee, does not have the power to fix the security, to fix the time that these bonds and debentures are to run, and to throw around them the proper safeguards, then we ought to put it in here specifically and definitely.

I do not pretend to know very much about these matters, but I have given some study to these propositions, and the insertion of these words could not hinder the corporation from doing any legitimate business. Indeed, my friends, if under the law these bonds and debentures are issued under these safeguards it would be a help and an assistance to the corporation, because they will want to sell these bonds and debentures at the lowest rate of interest possible and on the best terms possible, and at the least expense and in the largest quantity, and the more they are safeguarded the better it would be for the corporation and for the investing public. And in addition to that the public is entitled to be protected, and there ought not to be an issue of bonds and debentures extending for 4 or 5 or 10 years, or perhaps longer, unless we draw around them such restrictions as will make them absolutely secure and safe. I hope that the committee will consent to the insertion of these words.

Mr. STEVENSON. Mr. Chairman, I think that a casual reading of this bill will show the want of necessity for the amendment, which would make a double statement of the same thing. At the top of page 5 it says, "Each corporation so organized shall have power under such rules and regulations as the Federal Reserve Board may prescribe" to issue debentures, promissory notes, and so forth.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Just one word. I have not interrupted the gentleman. That certainly gives them the right to regulate the terms for which debentures shall be made; that is, the terms which they shall not exceed.

Now, that being so, there is no necessity for writing it down here. If we did so we would just have a double statement of the same thing. The gentleman would attempt to put in here what would be misconstrued to mean that you must go to the Federal Reserve Board every time you start to issue one set of debentures and be required to get its imprimatur on the time, rate of interest, and all the conditions under each set of debentures, whereas they ought to make regulations that are general in their nature and prescribe for all these debentures at one time, so that there will be a set of rules and record and regulation which everybody understands, and they will not be required to pass upon each specific set of debentures.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. PLATT. I thoroughly agree with what the gentleman says. Furthermore, if the language that the gentleman from Oklahoma [Mr. MORGAN] proposes to put in here is inserted, the last part of the sentence will not apply at all. We put in a limit of ten times the capital stock, and to put all that he suggests in between will mean something that does not relate to the last part at all.

Mr. STEVENSON. Yes. That limitation provided there does not refer to the character of the debenture. That will all be regulated by the regulations. But that refers to the number and amount of them in comparison with the capital stock that can be issued, and the gentleman from Oklahoma is mixing up limitations on the amount with the terms and conditions of the issue.

Now, Mr. Chairman, while I am on that subject let me add that the gentleman from Oklahoma made a labored argument that we ought to have some provision for the security of the debentures, and asserts that that is wide open. The term "debenture" is defined by the dictionary by which we go as "a bond given in acknowledgment of a debt and providing for repayment out of some specified fund or source of income." In other words, a debenture is an obligation issued which specifies a certain source, and pledges the sum coming from that source, and is in all essentials a secured paper.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MORGAN. That definition does not apply to bonds.

Mr. STEVENSON. Bonds is not what the gentleman is arguing about. The gentleman made his argument about debentures.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr STEVENSON. Yes.

Mr. JUUL. While it is true that on lines 1, 2, and 3 of page 5 the Federal Reserve Board is given power to prescribe rules and regulations, why is it that the bill provides "ten times its capital stock" instead of six times?

Mr. STEVENSON. Because the Committee of the Whole a while ago said it would not change it. And another reason is this, that the limitation of this might be a great deal more extended, and possibly ought to be, as the gentleman from New York [Mr. HICKS] said a few moments ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STEVENSON. The gentleman from New York [Mr. HUSTED] a few minutes ago stated that these promissory notes were bank notes; in other words, notes of circulation. Now, I think the gentleman on reconsideration will see that that is entirely untenable. They are promissory notes, which have a legal definition. The bank notes that circulate are national bank notes, and these are not national bank notes. This is expressly excluded from the provisions of the Federal reserve act, and any other kind of a bank note that circulates, except a national bank note, is subject to a 10 per cent tax, and therefore these notes are not designed for circulation, as the gentleman suggested a while ago, and that is an entirely untenable position.

The gentleman from Illinois [Mr. KING] has delivered his speeches on the "installment plan" to-day. In his last one he referred to the fact that I said that cotton would bring 6 cents a pound more if the exchange situation was such that the Englishman could pay the full price. He says I made an absurd argument, and that in order to make that so the English would have to buy all the cotton. Why, the gentleman does not know the first law of economics. If the Englishman was here with his exchange, prepared to pay 6 cents a pound more for cotton than it is now bringing in the market, the American who sought to buy cotton would have to go up 6 cents, and all of it would bring the additional 6 cents. My argument is entirely sound.

Not only that, but the gentleman refers to the cotton mills of the Piedmont, South Carolina. I will say that the cotton mills of the Piedmont say to the people of the United States and the Congress of the United States that they want to be placed on an equal footing with the cotton mills in Manchester, with the cotton mills in Germany, and with the cotton mills in France. They want to be placed so that they can sell their goods directly to South America and to the other great nations of the world as well. They want to be on an equal basis with the manufacturers of England, France, and Germany, and they do not care if it does make some little difference in the price of cotton if they can go to South America and sell their cotton goods on equal terms. They think they can compete with any nation under the sun, and they can pay the American farmer what his product is worth and sell their goods at a profit.

Now, Mr. Chairman, there are several things that the gentleman has said, but that is the one that I desired to refer to particularly, because he referred to the situation down with us.

And there is this about it: The whole situation here is being hampered by the proposition that this is merely to finance the present condition of the world. It is not that at all. The idea of this bill is to place this country and the merchants and manufacturers and farmers of this country on an equality with the merchants and manufacturers and farmers of every other country in the world when it comes to going into the world markets and to provide cargoes for the great American fleet which we are building up and to put the American flag and the American trade on every sea, in every part of the world. It is not any temporary measure merely to finance the broken-down countries of Europe. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 10, noes 44.

Accordingly the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer the following amendment.

Mr. PLATT. Mr. Chairman, I want to see if we can not agree upon limiting debate on this paragraph and all amendments thereto.

Mr. CANNON. I have an amendment which I desire to offer, and I do not want to lose my right to offer it. I want to move to strike out from line 17 the words "promissory notes."

Mr. PLATT. I think 25 minutes would cover it.

Mr. CANNON. I do not know whether it would or not. I think the gentleman had better let it run.

Mr. KING. I will object to it.

Mr. PLATT. Very well.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Page 5, line 19, after the word "outstanding," strike out the word "thereon."

Mr. MORGAN. Mr. Chairman, in line 15 the corporation is authorized to borrow and lend money without limit. The authority to borrow money and give credit is absolutely unlimited. The clause, "under the limitation of the Federal Reserve Board," does not apply to the power to borrow money. The next clause says, "to issue debentures, bonds, and promissory notes, with such limitations as the Federal Reserve Board may prescribe," but the word "thereon" refers back to only debentures, bonds, and promissory notes. So the only limitation on the corporation is that it can not issue bonds and debentures to exceed ten times the capital stock and surplus. But they can have unlimited outstanding liabilities. In other words, they can borrow ten or twenty times the amount of the capital stock and still issue bonds and debentures and promissory notes up to ten times the capital stock and surplus.

The argument has been made that national banks make loans up to ten times the amount of the capital stock, but that represents practically all of their liabilities. So I move to strike out the word "thereon," and this would limit the outstanding debts and liabilities of the corporations to ten times the capital stock and surplus. But to give them authority to borrow money unlimitedly and then, in addition, issue debentures and bonds up to ten times their capital stock and surplus is giving them too much power of expansion in credit. I think perhaps it was the intention of the committee that the word "thereon" should refer back to all indebtedness. Is it not a sufficient power of credit to allow a corporation to go in debt and borrow money up to ten times its capital stock and surplus?

Mr. PLATT. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. PLATT. The gentleman has touched another point on which the committee had considerable discussion. These institutions are to be owned largely by national banks.

Mr. MORGAN. The gentleman does not know that.

Mr. PLATT. They are not to be managed by babes in arms; they are going to be managed by men who know their business and not by a lot of kids.

Mr. MORGAN. Some farmers may want to organize one of these corporations.

Mr. PLATT. That is true; and it may be that the gentleman's amendment might not do any harm, and yet it might. The experience with which these institutions are going to be built up is largely to be acquired, and the Federal Reserve Board has to make limitations under the provision of ten times the capital stock and surplus. That would give them leeway. If this was a national bank financed by a lot of farmers in Oklahoma that did not know anything about banking, the gentleman's amendment might be all right; but these institutions are going to be managed by bankers.

Mr. MORGAN. I hope the gentleman does not make a little circle around New York and assume only citizens of New York will organize these corporations. I understand that the farmers of Oklahoma will have a perfect right to organize one of these corporations, and the gentleman is not going to exclude them, and perhaps they might show that they understand finance about as well as they do in New York. I am sure they know how to go in debt, and this bill gives unlimited authority to go in debt.

Mr. PLATT. The gentleman knows the farmers of Oklahoma better than I do, and it is, of course, true that they will not be excluded from forming one or more of these corporations. But this is, after all, a big proposition. A large part of this foreign business is now done by the great private banking houses like J. P. Morgan & Co. and we want to get it out of their control and break up the monopoly, but we do not want to tie the people up so that they can not compete with private bankers who have no limitations put on them.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks for one minute more. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Chairman, it seems to me that this amendment is a proper safeguard. We ought not to allow this corporation to have outstanding liabilities to exceed ten times the capital stock. We ought not to leave unlimited power to borrow and then in addition issue bonds and debentures up to ten times the capital stock, and I hope the amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 5, line 20, after the word "surplus," insert "and the United States shall in no case be liable for the payment of the principal or interest on any bonds or debentures issued by any corporation organized under this act."

Mr. MORGAN. Mr. Chairman, the members of the committee will recall the fact that we authorized the organization of the Federal land banks. There was nothing in that act which made the United States liable for the Federal land bank bonds. I understand that some of the most eminent lawyers in the United States have given an opinion that the United States is morally bound to pay the bonds issued by the Federal land banks.

Mr. STEVENSON. Will the gentleman yield?

Mr. MORGAN. In just a moment. When we authorized the War Finance Corporation to issue bonds section 17 of that act contained a provision that the United States shall not be liable for the payment of any bonds or other obligations or interest thereon issued or incurred by the corporation, nor shall it incur any liability because or by reason of any liability of the corporation.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. McFADDEN. The gentleman is aware of the fact that the United States is a subscriber to the stock of the War Finance Corporation.

Mr. MORGAN. Yes; but notwithstanding that the provision was specifically placed in the act creating it that the United States would not be responsible for its bonds, we give these corporations the name "Federal." That carries the idea that these are institutions of the Federal Government of the United States of America.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. And if we do not specifically declare that the Federal Government is not responsible for these bonds, the great lawyers of the country will come up and say that the United States is morally bound to pay these bonds and debentures, and under the ideals of this Government the United States is supposed to make good not only its obligations which are legal but its obligations which are moral. I yield to the gentleman from North Dakota.

Mr. YOUNG of North Dakota. The Government of the United States has no stock in the joint-stock land banks.

Mr. MORGAN. No.

Mr. YOUNG of North Dakota. Yet they have been carrying advertisements at times in the papers saying that their bonds are instrumentalities of the United States Government, carrying the inference that they are United States bonds, although they do not specifically say so.

Mr. MORGAN. All I ask the committee to do is to follow the act that Congress passed creating the War Finance Corporation. This can do no harm, and while I have not had very good success with my other amendments, as this is the last that I shall offer, at least on this section, I hope that Members will agree to it.

Mr. STEVENSON. If we establish the precedent of prescribing in a statute that merely provides for incorporation that the United States shall not be responsible for the obligations of the corporation created, will we not carry the implication that wherever the United States organizes a corporation without that prescription it will be liable?

Mr. MORGAN. Why give these corporations exclusive right to the use of the word "Federal"?

Mr. STEVENSON. The gentleman has not answered my question.

Mr. MORGAN. Let the gentleman answer my question.

Mr. STEVENSON. I want to know what eminent lawyer has given the opinion, after due consideration, that the Government of the United States is chargeable for Federal farm-load bonds?

Mr. MORGAN. I have heard it stated on this floor, and I understand that it is a recognized fact, that the Hon. Charles E. Hughes did, and I think he will be recognized as an eminent lawyer.

Mr. PHELAN. We gave the national banks the exclusive right to the use of the word "national," and no question has ever been raised that the United States Government is responsible for any of their bonds.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MORGAN) there were—ayes 15, noes 38.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 5, line 17, after the word "bonds," strike out the words "and promissory notes."

Mr. CANNON. Mr. Chairman, when we come to read subdivision (b) of this section, which provides for the establishment and maintenance for the transaction of its business of agencies in the United States and branches or agencies in foreign countries, in connection with the words which I seek to strike out, it seems to me that promissory notes could be issued by the millions. That is right, is it not?

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. STEVENSON. If they undertook to circulate them as money, would they not be taxable under the Federal statute at 10 per cent?

Mr. CANNON. In one respect I would just as soon have a good promissory note as a bank note, but they can gather up any amount of money and issue promissory notes all the way from ten to a million dollars. Would they not have the power to go out into the market and establish branch banks and issue promissory notes?

Mr. STEVENSON. They are prohibited from taking deposits, and therefore they could not become competitors with the country banks.

Mr. CANNON. They could advertise and say that they wanted to borrow so much money, and that they would give their note at 5 or 6 per cent, or any other rate, in any amount desired.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. PHELAN. The last statement should be limited, because there is a provision in the bill that the banks can not borrow over ten times their capital stock and surplus, so they can not issue promissory notes to any extent they may desire.

More than that, the Federal Reserve Board can limit them still further if they so desire.

Mr. CANNON. But you can not organize one of these concerns with less than $2,000,000.

Mr. PHELAN. That is true.

A MEMBER. Vote!

Mr. CANNON. Oh, well, the gentleman says "vote," and, of course, I may be "looney"——

Mr. KING. Oh, I think the gentleman is right.

Mr. CANNON. I think I am right—promissory notes! Later on we will see where the kick comes in when we come to consider subdivision (b). Making a rough guess, without being a member of this committee and without having studied this bill, I think we are creating corporations or allowing them to be created, with the establishment of agencies anywhere in the country, in Oklahoma or elsewhere, that can transact business and issue promissory notes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PHELAN. Mr. Chairman, for the sake of the RECORD I want to quote the national-bank act, first, in reply to what the gentleman from New York [Mr. HUSTED] said. Without going into the question of whether or not the promissory notes of these banks could be interpreted to mean circulating notes, and in order to save time, I simply want to read from the national-bank act.

Mr. CANNON. I do not claim those are bank notes.

Mr. PHELAN. I am answering the gentleman from New York [Mr. HUSTED]. The provision as it exists to-day and as it will exist, even though we pass this bill and make it a law, provides—

That every person, firm, association, other than national-bank associations, and every corporation, State bank or State banking association, shall pay a tax of 10 per cent on the amount of their own notes used for circulation and paid out by them.

Therefore, whatever else you may say, under this particular provision there is no danger in the world that these notes ever can be used as circulating notes. That, I think, definitely disposes of the objections made by the gentleman from New York [Mr. HUSTED]. Now, to come to the objection raised by the gentleman from Illinois [Mr. CANNON]. He raised a very pertinent point. But if these corporations are going to do business we must give them permission to issue their promissory notes. For instance, you pick up a paper and you read that the American Telephone Co. is issuing its notes.

You read that the Pennsylvania Railroad issues its promissory notes, and so every very large corporation that comes to my mind at the present moment does the same thing. If the corporation organized under this act wants cash for a short time, if the present situation confronted them where they feel they would have to pay too high a rate of interest for a long-time obligation, it may be to their advantage and to the advantage of everybody else that they borrow the money upon a short-time promissory note.

Mr. LAYTON. Will the gentleman yield?

Mr. PHELAN. In just a minute. I say we ought to give them the power to make a short-time obligation or a promissory note whereby they can borrow the money. That is the first part. We ought to give the power. Next I believe we ought to limit that. I will state to the gentleman from Illinois [Mr. CANNON] that there was no limitation at all at first in the bill, and I in the committee first made that proposition. It was pretty difficult to know just what limit to put. This is a new kind of business. We did not want to restrict these corporations so they can not carry out the very purpose of the act, yet we ought to put in a restriction to protect the public. The way we finally did it is this: We put an outside limit of ten to one on the capital and surplus, and, in addition, we stated very plainly in the bill that the Federal Reserve Board could limit the amount of the obligations of this kind put out still further, and by putting such provision into the act we put the Federal Reserve Board upon its guard to see that there should not be any abuses of the privileges which were granted. In other words, we grant privileges which are necessary, we believe, for these corporations to have, and it seems to me under the restrictions we impose there will not be any abuse of the privilege. I now yield to the gentleman from New Jersey.

Mr. LAYTON. The gentleman has spoken about the right of the Pennsylvania Railroad Co. and other corporations, railroads and otherwise, to issue notes. I want to know if there were a show-down to-day in the United States, how many of them are not bankrupt that have had that power?

Mr. PHELAN. I will say in reply to the gentlemen that is one very good reason why we ought to have this bill passed, because corporations in many of our States have not been subject to a proper supervision, and in this bill we have seen to it very carefully that they shall be subject to the most rigid examination and regulation by the Federal Reserve Board, a body excellently qualified for the purpose.

Mr. LAYTON. As a matter of fact——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. Just one minute.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. YOUNG of North Dakota offers the following amendment: Page 5, lines 21, 22, 23, 24, and 25, after the words "United States," strike out "and to receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States."

Mr. YOUNG of North Dakota. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] has called attention to certain language on page 6, lines 12, 13, and 14, in which it is proposed to give authority to these banks to establish and maintain for the transaction of their business agencies in the United States and branches or agencies in various countries, and so forth. Now, that, taken in connection with the provisions on page 5, points very strongly in the direction of branch banks in the United States.

Mr. PLATT. Will the gentleman yield?

Mr. YOUNG of North Dakota. Not just now. It seems to me that we want to go pretty slow on any proposition of that kind. This word "incidental," line 23, where it appears in the language "may receive deposits in the United States and money incidental to carry out transactions in foreign countries," and so forth, is a pretty broad word. Nearly any kind of a deposit made in a bank may be incidental to such purpose. You may come into a bank and say in a general way, "I am going to do some business in a foreign country, and I want to open a checking account in your bank." It may be incidental in a general way

to your foreign business. It looks to me that this bill leaves it wide open for deposits in this country.

Mr. PLATT. If the gentleman will yield, there are eight foreign banking corporations already in existence, and some of them pretty large organizations, one of them——

Mr. YOUNG of North Dakota. I am talking about business here——

Mr. PLATT. One employing 2,000 people. They are doing business in the United States. They are, of course, under State charter and allowed to receive deposits and have branches, if they want to, and they are owned in part by the national banks. But surely they are not going to compete with their own owners. Why should they? We have put in here exactly the restriction which the Federal Reserve Board prescribes to them about receiving deposits.

Mr. YOUNG of North Dakota. This bill authorizes branches.

Mr. PLATT. Now, if we had cut this out and had not put it in at all, most Members of the House never would have known anything about it. We put the restriction in which the Federal Reserve Board applies to banks already in existence. Otherwise they could receive any kind of deposits, so far as the act itself is concerned. But they are owned by national banks, largely, and are not going to compete with themselves.

Mr. YOUNG of North Dakota. You think they are not. What are they authorized to do by this bill?

Mr. PLATT. There never has been any complaint of competition of the institutions already in business with the national banks. The national banks own stock in them and do that partly for the purpose of getting business from them.

Mr. YOUNG of North Dakota. The gentleman knows there have been various attempts to establish branch banking institutions throughout the Nation, and I do not propose to sit here and let a bill be passed to let them do it. We know how it works in other countries.

Mr. PLATT. A lot of confusion comes from our using the word "banks." These are not banks in the ordinary sense. They are financial corporations.

Mr. YOUNG of North Dakota. They are banks. You are giving them such authority here.

Mr. PLATT. We have got to give some latitude, because we do not know in which direction they will grow. There are two classes of institutions provided for here.

Mr. YOUNG of North Dakota. We do not want them to grow in the direction of branches throughout the United States.

Mr. PLATT. The deposits they can take are only incidental to their foreign business, and their owners—and they are owned largely by national banks—will see that they do not.

Mr. YOUNG of North Dakota. Many national banks have been ambitious to have branches throughout the United States—and under this bill they can do that very thing. You say the banks are going to own them. How do you know they are not going to be ambitious to have branches throughout the United States?

Mr. PLATT. Let us take another point of view. The head officers of these concerns will probably be in the seaport cities.

Mr. CANNON. Mr. Chairman, I rise to oppose the amendment for the purpose of asking a question. The gentleman says the national banks are stockholders, or would be, in these proposed corporations?

Mr. PLATT. Yes.

Mr. CANNON. I think the national banks have got to have a capital of $2,000,000 before they would be allowed to do it.

Mr. PLATT. No. One million dollars. It is true that for national banks to subscribe to the corporations already in existence they must have a capital of $1,000,000. But we have not put that limit on in this bill.

Mr. CANNON. You put no limitation on.

Mr. PLATT. Any national bank, not to exceed 10 per cent of its capital stock.

Mr. CANNON. In the national banks you preserve all the organizations that are made. And capitalists in New York—and I speak of them with respect, the Morgans and the Guaranty Trust Co., and others that I do not know—and in Chicago, you preserve their organizations. Do you say the national banks have stock in the other corporations?

Mr. PLATT. They have stock in the eight foreign financial corporations already organized and doing business.

Mr. CANNON. Very well. If the gentleman will allow me, and then I will sit down and quit kicking. My objection is this, that the great city banks, making large dividends—and I have no objection to their making good earnings—pile up all kinds of deposits, in the hundreds—in the aggregate—and thousands of millions of dollars. That is all right. But I feared that this bill would enable them to do it in a larger degree at the expense of the country national banks. I know two or three little national banks that are compelled to leave from $50,000 to $150,000 and $200,000 without interest with the Federal reserve. They do not care to borrow money in the Federal reserve bank. They will be glad to have the privilege of loaning what little money they have at a low rate of interest. And there is the kick. I will say to the gentleman that I do not know how it is in New York, but there is a kick in Illinois and Indiana, which is pretty severe, against the present system of the Federal reserve bank. And this, I fear, will extend it.

Mr. PLATT. The big national banks already have the right to establish foreign branches, and the largest bank in the country already has some 70 foreign branches. This would give the smaller banks a chance to cooperate and join together. Any big bank can go into business itself.

Mr. CANNON. The $50,000 banks or the $100,000 banks, with $150,000 or $200,000 deposit, are not going to take any stock in this, and yet in the aggregate their capital is large in the United States.

Mr. PLATT. We hope they will.

Mr. CANNON. They will not, because they can not make any money by doing it.

Mr. PLATT. Then these corporations will not be profitable. But we think they will be.

Mr. CANNON. It seems to me that this bill in its operation, if it is enacted into law—and I fear it—will further extend the power of the great institutions in New York, Chicago, and other large centers at the expense of the banks that now make, instead of 10 and 12 and 15 per cent, 7 or 8 per cent, and are very fortunate if they can make it.

Mr. PLATT. It is designed to do exactly the opposite. It is designed to give the little banks a chance to cooperate.

Mr. CANNON. They do not want to do it.

Mr. PLATT. If they do not want to do it, let them keep out.

Mr. CANNON. The bill enables them to establish branches.

Mr. PLATT. It does not do anything of the kind, except in foreign countries. We have already authorized that.

Mr. CANNON. Oh, no; under this bill further on it is so provided.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Mr. Chairman, a point of order. Was there a time fixed?

The CHAIRMAN. The time is limited—five minutes on each side of the amendment.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. JUUL. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. There is an amendment pending. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFADDEN. Mr. Chairman and gentlemen of the committee, I am just a little bit embarrassed, being a member of the committee, but I want to make an explanation. When this bill came from the Senate it provided that these institutions could receive deposits generally. It was at my suggestion in the committee that any restriction was placed in the bill, such as confining deposits entirely to deposits that are incident to foreign trade. I told the committee, and I still insist, that this is too broad a latitude for these institutions, and I will try to explain to you in this brief time the reasons why.

These institutions are largely investment institutions, and they are going to issue longer time credits than our banks are able to issue. Therefore I do not believe that it is proper to let these institutions receive any demand deposits. We confine the deposits to such deposits as are incidental to the foreign trade. Let me point out to you that under the Webb-Pomerene law, recently passed, we are creating in this country a great many large export institutions which will have at their command deposits which are incident to this foreign trade. I can see where there is going to be a good many millions of dollars of deposits under the terms of this act, and I should dislike very much in that event to see these institutions permitted to receive demand deposits and issue long-time securities thereon. I do not see the danger that the gentleman from North Dakota [Mr. YOUNG] points out; that is to say, that this bill will permit branch banking in the United States. I am absolutely opposed to branch banking so long as we are operating under the Federal reserve act, and I can see nothing here to permit that. Neither can I see the danger pointed out by the gentleman from Illinois [Mr. CANNON]. But I have tried to make it clear to you that these institutions, in my judgment, should not be permitted to receive deposits and issue long-time obligations. The working

capital which these banks will require should come from their capital stock and the sale of their securities, and they should not be permitted to use deposits as capital, because the time might come when for some reason the demand deposits might be called, and if the deposits had been loaned out on long time these banks would have to borrow in the open market to meet this demand. I want to now explain more fully my position in regard to this bill, and especially this particular part of it. A word of explanation as regards the bill of exchange which is in such general use in Great Britain will not be out of place now.

A bill of exchange is the currency in the commerce of Great Britain. It is strictly a commercial credit instrument. No historian seems to know its exact origin, though we are told in Gibbins's History of the Commerce of Europe it was in use among the Greek traders 300 B. C. It was the creature of the law merchant, invented by traders to meet the credit needs of traders, and for many centuries none but merchants could draw or accept a bill of exchange. Such is now and always has been the law in France and such was the law in England for generations after the introduction of that credit instrument into English commerce. Later, however, it became permissible for any person in England to draw or accept a bill of exchange.

A bill of exchange under the present law of England would mean no more than a promissory note were it not for the influence exercised by the Bank of England in rendering that law nugatory. For it is not the name of the former that makes it a safer credit instrument than the latter, but the fact that it represents a real commercial transaction and is drawn by a guarantor and seller of commercial credit that is the producer or distributer of commerce. If the retail merchant were permitted to draw bills of exchange on his customers they would represent consumption and not production. If a banker were permitted to draw or accept a bill of exchange it may represent a finance or speculative transaction. But where both drawers and acceptors are confined to the producers and distributers of commerce and the head of the credit system of the country in control of the great distributers of commerce and guarantors of commercial credit frowning on all bills which are not drawn and accepted by that class, such a general law as now exists in England on that subject does little harm.

I do not know of a single English bank which accepts a time bill of exchange, and I am quite sure that not one of them would dare place one of its time acceptances on the open market, for by such act it would lose its position at the Bank of England, the head of the British commercial credit system. A bank has too many demand-payable obligations to accept a time bill of exchange. An English merchant of second-rate credit must pay a merchant or "acceptance house" of first-rate credit to become the acceptor of the bills of exchange drawn on him for his purchases of merchandise. Hence it is that British merchants obtain credit at from 33⅓ to 50 per cent less rate than our own merchants, notwithstanding the fact that within the past five years we have loaned their country nearly ten billions of capital, simply because of the superiority of the British credit system over our own.

I believe the present bill affords the Congress an opportunity to give to our foreign traders a credit institution conforming to the British "acceptance house." As to the origin and purpose of that distinctive British credit institution, I beg to quote from The Meaning of Money, by Hartley Withers, editor London Economist since 1916, a scholar of high standing and man of an actual experience in a London bank and stock-exchange house, and author of the following books: Stocks and Shares, 1910; Money Changing, 1913; Poverty and Waste, 1914; War and Lombard Street, 1915; International Finance, 1916; Our Money and the State, 1917; and The Business of Finance, 1918. On page 160, The Meaning of Money (1909), Mr. Withers says:

> It is easy to understand how this distinct class of accepting houses grew out of the importing merchants who originally accepted bills in the course of their importing business; that is, accepted orders on themselves to pay for goods which were in the process of being forwarded to them. The readiness with which the acceptances of the different merchants would be discounted and turned into cash would vary considerably with the difference in their reputations and standing, and the caution with which they were credited in the matter of conducting their business. And the varying readiness with which certain acceptances were discounted would inevitably express itself in the varying rates at which their bills could be placed. It would thus naturally follow that it would profit merchants of second-rate standing to give a commission to those whose reputations were more exalted in order to secure a more attractive signature than their own, and so get back the commission and a little more by being able to finance their operations more cheaply than by the means of their own signatures.
>
> The merchants of first-rate credit would thus find that they could let out the use of their reputations on profitable terms and proceed to specialize in this branch of business, which consisted in examining the bill put before them for acceptance, keeping themselves well acquainted with the means and standing of the drawers of them, and giving their acceptances for a commission to such people as fulfilled the requirements of their discrimination.

In pointing out the danger of the deposit banker becoming the acceptor of time bills of exchange the same author, on page 164, says:

> It is also very essential that the banks should remember that the least irregularity or carelessness on their part in the selection of the paper that they hall-mark with their acceptance might have very far-reaching effects if it came to light and were the subject of city comment, because the general body of their customers and depositors would be extremely likely to misunderstand it, and that what would be a mere indiscretion in an acceptance house, which does not depend for its existence on the confidence of the uninstructed multitude, might mean disaster to a bank which does.

If we clothe these foreign banks with the power to do this strictly commercial act of accepting time bills of exchange, then such banks will deny banking privileges to such traders as engage in that commercial business or exact a toll on them for doing the same. Furthermore, it will mean that the big banks of our financial centers will dominate all our foreign commerce, just as the big German banks dominated the foreign commerce of Germany, except a few who were fortunate enough to be able to use the English credit machinery. This is the time for us to establish the freedom of all our credit and commercial institutions.

Mr. KING. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KING. Mr. Chairman, I am very glad to find the gentleman from Pennsylvania [Mr. McFADDEN] and myself in accord on this proposition. As I tried to point out the other day, there will be organized in this country great export propositions covering two or three counties or half a State. They will have a right, under this bill as now drawn, to put their deposits in one of these banks, and it seems to me it will be the means of draining the deposits in all the banks of this country, especially where export associations under the Webb law are created and organized. For that reason I shall support the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

Mr. EVANS of Nebraska. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. YOUNG of North Dakota: Page 5, lines 21, 22, 23, 24, and 25, after the words "United States," strike out "and to receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States."

Mr. PLATT. Mr. Chairman, I ask unanimous consent to speak for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I think it is rather important that this language should not be stricken out, and for this reason: There are a number of these corporations already in existence, operating under State charters, and it is not at all certain that they will come in and take Federal charters. They have broader powers than we have given here. Some of them have told me that they see no reason why they should take out Federal charters. But we want them to come in, because in that case we can give them closer supervision.

This is the restriction that the Federal Reserve Board puts on the banking corporation already operating under the amendment of September 7, 1916, and there has been no complaint from any national bank of any competition with them under this restriction. A man sends in some money to buy foreign exchange. Why should they not take it as a deposit? Why should not the money remain incidentally in that bank for a very short time? The Federal Reserve Board makes this same restriction, and, as I say, no national bank has complained of it.

Mr. YOUNG of North Dakota. There is nothing in this bill to prevent a man from sending in this money.

Mr. PLATT. I suppose if we struck out this provision they could perhaps go on and receive deposits.

Mr. YOUNG of North Dakota. They can send money in for any foreign purpose.

Mr. PLATT. I want to be fair with the gentleman, and——

Mr. WINGO. The gentleman from North Dakota by his last statement says they can do just what this provides.

Mr. PLATT. That is what I say.

Mr. YOUNG of North Dakota. They can act as the agent for the disposal of any money that is put in their hands.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 17, noes 42.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

On page 6, line 7, after the word "herein," insert "whenever a corporation organized under this section receives deposits in the United States it shall carry reserves in such amounts as the Federal Reserve Board may prescribe, but in no event less than 5 per cent of its deposits."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

(b) To establish and maintain for the transaction of its business branches or agencies in foreign countries, their dependencies or colonies, and in the dependencies or insular possessions of the United States, at such places as may be approved by the Federal Reserve Board and under such rules and regulations as it may prescribe; and to establish and maintain such additional branches or agencies as the Federal Reserve Board may from time to time authorize even in counties or dependencies not specified in the original organization certificate.

With the following committee amendments:

Page 6, line 13, after the word "business," insert the words "agencies in the United States and."

Page 6, line 18, after the word "prescribe," strike out the words "and to establish and maintain such additional branches or agencies as the Federal Reserve Board may from time to time authorize even in," and insert in lieu thereof the word "including."

The CHAIRMAN. The question is on the committee amendments.

Mr. CANNON. Mr. Chairman, in lines 12 and 13, on page 6, after the word "agencies," I move to insert the words "but not branches."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CANNON to the committee amendment: Page 6, line 13, after the word "agencies," insert the words "but not branches."

Mr. CANNON. Mr. Chairman, in view of the amendments which have been adopted and which have been somewhat discussed, I fear that "agencies" could in substance amount to branches. I do not know how it is in New York, but in some of the large cities of the West they want to establish branches that will run out from Chicago. I use Chicago as an illustration. It might be Indianapolis, if you choose, or one on the Wabash, or a dozen branches. It is very seriously discussed that the national banks can establish branches. Is that prohibited by law?

Mr. PLATT. It is; but I want to say to the gentleman that I am willing to accept his amendment.

Mr. CANNON. My compliments to the gentleman.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The question is on the next committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

(c) With the consent of the Federal Reserve Board to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this section, or under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency or insular possession of the United States not transacting business in the United States, except such as in the judgment of the Federal Reserve Board may be incidental to its international or foreign business: *Provided, however*, That no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per cent of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per cent of its capital and surplus may be so invested.

With the following committee amendments:

Page 7, line 3, after the word "States," insert the words "engaged principally in the business of banking or in any other financial operation of the kinds authorized by this section, but."

Page 7, line 9, after the word "that," insert the words "except with the approval of the Federal Reserve Board."

Page 7, line 12, after the word "surplus," strike out the comma and the words "except in a corporation engaged in the business of banking, when 15 per cent of its capital and surplus may be so invested" and insert in lief thereof the following: "*Provided further*, That no corporation organized hereunder shall purchase, own, or hold stock or certificates of ownership in any other corporation organized hereunder or under the laws of any State which is in substantial competition therewith, or which holds stock or certificates or ownership in corporations which are in substantial competition with the purchasing corporation.

"Nothing contained herein shall prevent corporations organized hereunder from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations organized under this section shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the Federal Reserve Board."

Mr. WINGO. I suggest to the gentleman from New York that in line 19, page 7, after the word "certificates," the word "or" should be "of."

Mr. PLATT. That is right. That is a typographical error.

Mr. WINGO. I move to strike out the word "or" after the word "certificates," in line 19, page 7, and insert in lieu thereof the word "of."

The CHAIRMAN. The gentleman from Arkansas offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO to the committee amendment: On page 7, line 19, after the word "certificates," strike out the word "or" and insert in lieu thereof the word "of."

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendments as amended.

The committee amendments as amended were agreed to.

The Clerk read as follows:

No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business: *And provided further*, That except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this section until it has been duly authorized by the Federal Reserve Board to commence business as a corporation organized under the provisions of this section. No corporation organized under this act shall engage in commerce and trade, or deal in commodities or foodstuff, or as a condition of extending credit dictate or attempt to control the buyer or seller in the disposition of commodities, or interfere with the freedom of competition in the sale of commodities.

With the following committee amendment:

Page 8, line 14, after the word "section," strike out the remainder of the paragraph down to and including line 19, and insert the following:

"No corporation organized under this section shall engage in commerce or trade in commodities except as specifically provided in this section, nor shall they control or fix or attempt to control or fix the price of any such commodities. The charter of any corporation violating this provision shall be subject to forfeiture in the manner hereinafter provided in this section. It shall be unlawful for any director, officer, agent, or employee of any such corporation to use or to conspire to use the credit, the funds, or the power of the corporation to fix or control the price of any such commodities, and any such person violating this provision shall be liable to a fine not exceeding $5,000 or imprisonment not exceeding one year, or both, in the discretion of the court."

The CHAIRMAN. The question is on the committee amendment.

Mr. DOWELL. Mr. Chairman, I desire to offer an amendment, on page 9, line 6, to strike out the word "or" and insert the word "and," and in line 7, strike out the words "or both, in the discretion of the court," and insert a period after the word "year," in line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DOWELL to the committee amendment: Page 9, line 6, after the figures "$5,000," strike out the word "or" and insert in lieu thereof the word "and," and in line 7, strike out "or both, in the discretion of the court," and insert a period after the word "year."

Mr. PHELAN. Will the gentleman yield just one minute? I will suggest to the chairman that he accept that amendment. We may save some time. It is agreeable on this side to accept the amendment, and we may save a little time by it.

Mr. DOWELL. I think it is a good amendment.

Mr. PLATT. It seems to me that it ought not to be adopted; it might result in placing some employee in the position where he would be the goat.

Mr. DOWELL. He could not be made the goat unless he uses the funds for that purpose. If he is guilty of using the funds of the corporation for that purpose he should be punished.

Mr. PLATT. The trouble is in putting in too drastic penalties the jury would not enforce them, and very likely the person would get off scot free. I think the penalty is sufficient. I do not think it is necessary to make imprisonment necessary, even though it might be for only a day. Why try to make the law so that it will not be enforced?

Mr. DOWELL. Mr. Chairman, is this to be taken out of my time?

The CHAIRMAN. The gentleman yielded to the gentleman from New York.

Mr. DOWELL. I yielded to the gentleman from Massachusetts, but the gentleman from New York took up the time. I

want to suggest that a penalty of $5,000 against a corporation of this character and magnitude for conspiring to control prices is no penalty at all.

Mr. STEVENSON. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. STEVENSON. Does the gentleman notice that this is a penalty on the officers and not on the corporation?

Mr. DOWELL. I understand it is the officer, but it is the officer who controls the funds of this vast corporation.

Mr. PLATT. Not necessarily; he may be the agent or employee.

Mr. DOWELL. It is the officer or agent of this company who has control of the funds for the purpose of fixing prices. I submit that if you merely place a penalty of $5,000 for an offense of this character, where the officer has this immense fund which he may use for the purpose of fixing prices, we are opening wide the door and permitting these officers and agents with impunity to use this vast fund for that purpose. I think we should place a penalty on the offense that will deter officers from attempting to use funds for the purpose of fixing prices. Remember, this bill authorizes a vast corporation, with not less than $2,000,000 of funds—no doubt it will be many millions—and it should be made plain that the officers of this company are not permitted to use that fund for the purpose of fixing prices. We ought to put upon it a penalty commensurate with the offense if that fund is so used.

Mr. PLATT. Does the gentleman think that an organization could fix prices with $2,000,000?

Mr. DOWELL. I think if this clause is to prevent officers from using the funds of the corporation to fix prices, if that is the purpose, there should be put in here a penalty that will prevent the use of funds for that purpose. It seems to me that $5,000 is so small an amount that an officer could with impunity proceed to violate the law. My experience is that when you have a small fine of this character and an officer is convicted of an offense, and he is a man of high standing, he will secure that nominal fine of $5,000 and there will be no further penalty attached. If you want to stop this and prevent the fixing of prices by these companies, adopt this amendment and make it certain that the court will send the offender at least for a time to the penitentiary, and that will have some effect.

Mr. KING. Mr. Chairman, I hope the committee will adopt this amendment. It is only a slight, flimsy protection against the organization of a large trust which will undoubtedly control prices in this country. I think I pointed this out to the committee, and the committee understands my position. If you do not do something toward putting some one in jail, they can afford to pay $5,000 a day out of a combination and let some officer or employee be the goat. There is absolutely no protection against fixing prices by these organizations, as heretofore pointed out, and this would not have been in the bill if the committee of the House had not put it in. That great institution called the Federal Reserve Board brought the bill in without any such protection. It was necessary to put it in by the committee of the House. The provision in the bill would have no effect on an organization taking in millions of dollars; and I hope this amendment offered by the gentleman from Iowa will be adopted.

Mr. PLATT. Mr. Chairman, I merely want to say, in reply, that with any such violation of the law as referred to by the gentleman from Illinois the charter of the corporation could be forfeited and the Federal Reserve Board has all sorts of control. It is not wise to fix penalties that may be too severe to be enforced. There is no danger of this being attempted except perhaps with some small commodity produced in some country where there was not much of a market for it. Some innocent employee might be charged with the offense, or there might be a charge where there was no merit or a technical charge where there might be some merit when they would not want to impose an imprisonment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. DOWELL) there were 22 ayes and 26 noes.

Mr. DOWELL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Iowa asks for tellers. All those in favor of ordering tellers will rise and stand until counted. [After counting.] Nine Members have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I have an amendment which I desire to offer, on page 9, line 6, after the word "fine," to insert the words "not less than $1,000, and," and on line 7, to strike out the word "exceeding" and substitute the words "less than," and in the same line, after the word "year," to insert the words "and not exceeding five years."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment: Page 9, line 6, after the word "fine," insert the words "not less than $1,000, and," and on page 9, line 7, strike out the word "exceeding" and insert in lieu thereof the words "less than," and after the word "year" insert the words "and not exceeding five years."

Mr. WINGO. Mr. Chairman, I reserved the right in the committee to offer amendments as I saw fit. So that the Committee of the Whole may understand why I offer this amendment, I call attention to the language that we strike out on page 8.

Mr. PLATT. I will be very glad to accept the first part of the gentleman's amendment, but I think the last part is too severe.

Mr. WINGO. I think that when I get through the gentleman will be willing to accept my amendment. On page 8 the lines stricken out were put in in the Senate and were known as the Gronna amendment. The Gronna amendment does not serve the purpose. What was the purpose? The purpose can be more readily grasped by reading the new language that the House committee inserts, commencing with line 20. We want to confine these institutions to purely financial transactions. We do not want them to use the great power of these corporations to undertake to control the price of these commodities, because the moment they are organized and they enter the field they will have a practical monopoly of foreign financial exchange transactions. If they have a monopoly of foreign financial exchange transactions, then they can come near controlling the price of wheat, corn, cotton, and the surplus manufactured articles we want to ship to Europe. That is the reason why Senator GRONNA offered the Senate amendment, but it had no penalty as it came from the Senate, and all we could do would be to dissolve the corporation. In other words, after these corporations have used the power that they have by controlling the credits to buy up the surplus wheat crop of the United States at a price which they fix, being the only purchaser, they could say to the European customers, "You keep out of the market," like the allied purchasing board said, "You keep out of the market and we will buy your surplus wheat, and we will sell it to you at a certain price." They would be the only ones who would be in the market for the surplus wheat. Therefore the House committee put in this provision that would restrict them, not only forfeiting their charter, but making it a criminal offense for any officer of the corporation to use their funds or their powers in that way. What did the committee do? They put in a provision by which a man might be fined $1, where they could afford to control the surplus wheat of the United States or the surplus cotton of the South. I say, let us impose a fine so that the court could send the offenders to jail for not less than a year and fine them certainly some amount that would be a check upon them.

Mr. PLATT. Mr. Chairman, I accept the gentleman's amendment.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

The committee amendment was agreed to.

The Clerk read as follows:

No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per cent on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its banking operations, until the whole of the capital stock shall be paid in. The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote, and may be reduced in like manner, provided that in no event shall it be less than $2,000,000.

With the following committee amendments:

Page 9, line 16, strike out the word "banking" and insert the word "business."

Page 9, line 22, after the word "vote" insert the words "but any such increase of capital shall be fully paid within 90 days after such approval."

Page 10, line 1, after the figures "$2,000,000" add the following: "No corporation, except as herein provided, shall during the time it shall continue its operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. Any national banking association may invest in the stock of any corporation organized under the provisions of this section, but the aggre-

gate amount of stock held in all corporations engaged in business of the kind described in this section and in section 25 of the Federal reserve act as amended shall not exceed 10 per cent of the subscribing bank's capital and surplus."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MORGAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 9, at the end of the line insert the words "nor for more than $50,000,000."

Mr. MORGAN. Mr. Chairman, I call the attention of the committee to the fact that there is no limitation here upon the amount of capital stock one of these corporations may have. My amendment would limit it to $50,000,000.

Mr. PLATT. If we put it at as low a limit as that, these corporations will not be able to buck the Money Trust at all. The National City Bank has a capital and surplus of more than $80,000,000.

Mr. MORGAN. The National City Bank has a capital of only $25,000,000.

Mr. PLATT. But it has $55,000,000 of surplus. These institutions should be large enough to do business against the competition of the biggest banks.

Mr. MORGAN. What limit would the gentleman place?

Mr. PLATT. None whatever.

Mr. MORGAN. On that issue I stand on the other side.

I do not believe that this Congress should authorize banking corporations with a capital unlimited in amount. I do not stand for that proposition. There is such a thing as monopolizing the credit power of this country. I do not believe that one corporation ought to get so large that it can dominate the credit necessary for the export business of this country, and if you leave these corporations without limit as to capital, one corporation might be organized which would dominate all others. This country does not stand for monopoly in credit nor in anything else. Does the chairman of the Banking and Currency Committee stand for that kind of a proposition?

Mr. PLATT. There is one big corporation now——

Mr. MORGAN. If the gentleman does, he is out of harmony with the spirit of the times.

Mr. PLATT. There is one big corporation now, with branches all over the world, and you ought to give these corporations at least a chance to compete with them and not make them so puny that they can not.

Mr. MORGAN. If you have one big corporation now, it will expand to a larger corporation, and there is no limit to its expansion. It may absorb all others. I believe there ought to be a limit put on the amount of capital these corporations may have. If the gentleman thinks $50,000,000 is too small, make it something else. I understand they are preparing to organize a corporation with a billion dollars capital. I am opposed to this. I believe that my amendment to limit the capital to $50,000,000 is fair, just, safe, and wise. Whoever holds the credit power of this country holds a monopoly upon the business interests of this country, and that is the great danger we have to-day. The credit of our country is in the hands of a few great institutions. And so they hold great power over the agricultural interests, the manufacturing interests, and all the other industrial interests of the country. The credit power of the country is now too much centered in the great banks located in our great cities. We should guard against the monopolization of credit. One way to do this is to limit the capitalization of these institutions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

A majority of the shares of the capital stock of any such corporation shall be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States. The provisions of section 8 of the act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," as amended, shall be construed to apply to the directors, other officers, agents, or employees of corporations organized under the provisions of this section.

The committee amendments were read as follows:

Page 10, line 13, after the word "shall," insert the words "at all times."

Page 10, line 23, after the word "amended," insert the words "by the acts of May 15, 1916, and September 7, 1916."

Page 10, after the word "section," insert the following: "*Provided, however,* That nothing herein contained shall (1) prohibit any director or other officer, agent, or employee of any member bank, who has procured the approval of the Federal Reserve Board from serving at the same time as a director or other officer, agent, or employee of any corporation organized under the provisions of this section in whose capital stock such member bank shall have invested; or (2) prohibit any director or other officer, agent, or employee of any corporation organized under the provisions of this section who has procured the approval of the Federal Reserve Board from serving at the same time as a director or other officer, agent, or employee of any other corporation in whose capital stock such first-mentioned corporation shall have invested under the provisions of this section.

No member of the Federal Reserve Board shall be an officer or director of any corporation organized under the provisions of this section, or of any corporation engaged in similar business organized under the laws of any State, nor hold stock in any such corporation, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement."

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman a question or so. I notice that the provisions of the paragraph just read require the capital stock to be owned by citizens of the United States. What provisions are there in the bill, in case the stock should subsequently come into the hands of an alien, to cure the situation?

Mr. PLATT. It simply says a majority of the stock.

Mr. EVANS of Nebraska. Suppose a majority of the stock should subsequently come into the hands of an alien.

Mr. PLATT. Well, the Federal Reserve Board could find that out and forfeit the charter if they had to do so.

Mr. EVANS of Nebraska. Can the charter be forfeited for an act for which the corporation itself is in no way responsible?

Mr. PLATT. Well, I do not know exactly what would happen in that case, but the directors, at least, have to be all citizens of the United States. If aliens were to own a corporation, the Federal Reserve Board could certainly make them sell the stock or——

Mr. EVANS of Nebraska. But so far as the act is concerned there is no provision in it which touches that question.

Mr. PLATT. The gentleman from Kansas [Mr. STRONG] suggests the corporation can refuse to transfer the stock.

Mr. STEVENSON. Will the gentleman yield for one moment?

Mr. EVANS of Nebraska. Certainly.

Mr. STEVENSON. As I understand the gentleman asks if there is any remedy if an alien owns stock of the corporation?

Mr. EVANS of Nebraska. I asked if there was any remedy to correct the evil which would occur under the provisions of the act in case a majority of the stock should be held by an alien.

Mr. STEVENSON. Yes, sir. If the gentleman will look at the top of page 12, he will see that—

Should any corporation organized hereunder violate or fail to comply with any of the provisions of this section, all of its rights, privileges, and franchises derived herefrom may thereby be forfeited.

And they would proceed to take away their right to do business.

Mr. EVANS of Nebraska. But the gentleman fails to take into consideration that that is not a violation——

Mr. STEVENSON. But it is a failure to comply with the provisions of the section.

Mr. EVANS of Nebraska. What section is violated if a majority of the stock comes into the hands of an alien?

Mr. WINGO. Let me offer this suggestion: Before the transfer becomes final and complete it would have to be made upon the books of the corporation. Say I, as an American citizen, offered to sell to you, an alien, shares of stock which have to be transferred upon the books of the corporation——

Mr. EVANS of Nebraska. Well, now let me say——

Mr. WINGO. Let me give the gentleman a complete illustration and I think it will answer him. If the transfer from the American citizen to the alien would cause the ownership of the stock to fall below a majority in American citizens, it would be the duty of the corporation to refuse to complete the transfer and issue the stock to the transferee who had presented it. There is where in a practical manner that provision would be enforced. It would be a violation of the law for the corporation to permit that transfer, and it would lose its charter if it permitted the transfer.

Mr. EVANS of Nebraska. Mr. Chairman, the gentleman has not answered the question. Suppose aliens held 49 per cent of the stock for which the transfer is made on the books of the corporation. A, who is a citizen of the United States, dies and leaves heirs in England, and A owns 10 per cent of the stock. Nobody has violated any law, and yet the stock is virtually owned, more than 51 per cent, by alien hands, and you can not, under anything that I have discovered in this act, correct that situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nebraska. Mr. Chairman, I ask unanimous consent for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PHELAN. Mr. Chairman, I would be glad to explain the provision and my understanding of it. I understand the gentleman wants to know about the transfer of stock, or relative to that part of it which provides that so much shall always be held by American citizens. Is that what he wishes?

Mr. EVANS of Nebraska. I want the gentleman to understand that I am in favor of the provision, but it is its enforcement that I have reference to.

Mr. PHELAN. I know what the gentleman means. I asked the same question in the committee, and suggested it might be well to have a provision in the act which would provide that stock could not be transferred in excess of the amount laid down in the bill to a foreigner, and I also suggested some other provisions that might pertain.

But it is rather a difficult thing to handle by rigid legislative enforcement, and we finally decided to put the prohibition just as it is there, and the whole thing can be taken care of by regulation of the Federal Reserve Board, to the effect that not more than so much stock can be transferred to persons of foreign birth; and they can also make the regulation providing that if men of foreign birth get stock by inheritance in a way to violate the spirit of this statute that it must be divested and sold. And another way that it can be done is that the whole thing can be provided for in the bill itself. We had our doubts whether to attempt to do it by rigid provision of law or let the Federal Reserve Board take care of it by rigid regulations.

Mr. EVANS of Nebraska. Another question: What is the criticism against providing for that just as the gentleman has suggested—by a provision which would at once transfer the stock when it fell into the hands of an alien?

Mr. PHELAN. Personally I do not know that there is any important objection. I raised the point, and the committee did not see fit to act upon it. But I do not believe there is going to be any harm in leaving it as it is or I would have pressed it.

Mr. STEVENSON. The gentleman supposes that when a man dies his stock would go to the alien, whereas when a man dies, who is a resident of this country, the stock does not go to a foreign country, but it is administered by an executor or an administrator and does not pass to any heirs at law at all. It will be held by the estate and held by the administrator, and can not be passed unless by the usual method of procedure on the books of a corporation.

Mr. EVANS of Nebraska. The gentleman is in error as I understand the law of many States. You only have to sell property to pay debts, and the balance of the property can pass to an heir without being sold.

Mr. STEVENSON. Stocks can.

Mr. SUMNERS of Texas. The suggestion is that inheritance by an alien is through the comity of nations. The right to inherit is mostly a statutory right.

Mr. EVANS of Nebraska. That is mostly covered by treaties, and that would prevent your doing away with treaties.

Mr. SUMNERS of Texas. I would suggest to the gentleman, in view of that fact, it would seem to me rather clear that the alien would not inherit the stock; but if the alien inherited at all, he inherited the right to dispose of the stock under the laws of the State chartering the corporation.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The question is on the committee amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

Shareholders in any corporation organized under the provisions of this section shall be liable for the contracts, debts, and engagements of such corporations to the extent of double the amount of their stock holdings. No such corporation shall become a member of any Federal reserve bank.

Also the following committee amendment was read:

Line 24, page 11, after the word "the" strike out "contracts, debts, and engagements of such corporations to the extent of double the amount of their stockholdings," and insert "amount of their unpaid stock subscriptions."

Mr. KING. Mr. Chairman, I rise to oppose the amendment of the committee. Everybody has mentioned the Senate to-day, and I do likewise. The Senate put in this provision, and the same provision that is in the national bank act, in regard to the double liability of stockholders.

Somewhat of an extended argument was had, and after a full debate it was decided that the bill which was presented by the Federal Reserve Board—which always looks so carefully after the interests of the people—should be amended by inserting a double liability on the part of the stockholders. The committee now is offering an amendment to strike out that double liability and give these banks a great preference over the national banks and over the State banks of the United States. Now, the question is up to this committee whether it wishes to sweep that aside and go on and grant these national banking concerns that right and that power with single liability only.

Mr. STEAGALL. Mr. Chairman, the gentleman confuses the purposes of this act with the purposes underlying the general banking institutions of the country. The act now under consideration is designed to afford the means of handling long-time credits and securities incident to foreign trade. The corporations to be established are not to engage in the regular business of receiving deposits. They are not to be permitted to accept any deposits whatsoever, except such as may be necessary or incident to the conduct of the general business for which they are created. It is on account of the purpose to protect depositors that the law requires subscribers to the capital stock of banking institutions to assume liability in double the amount of the stock subscribed. No such reason applies in the case of corporations that are not allowed to receive deposits.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. Not for a moment. The minimum capital stock of the corporations to be established is fixed at $2,000,000. The act provides that the capital stock shall not be impaired, either by the payment of dividends or in any other manner. The capital stock will furnish ample protection to people with whom they deal. They are not to receive general deposits from the public at large. They are to go out and conduct ordinary business transactions—to bargain, sell, and trade—and people who deal with them will have ample opportunity to know and understand the conditions of the corporations with which they deal, to investigate and find out what they are getting and to know what they are trading for. This is very different from banking institutions holding themselves out to the public as such under the sanction and regulations of law and inviting the public to deposit funds with them. In the case of regular banks the public is entitled to rely upon the regulations of law and the system of examination and inspection, as well as the double liability of stockholders, for protection.

Again, in this bill we specifically authorize all national banks to subscribe to the capital stock of the corporations to be established. It is not practicable to impose double liability upon banks who are allowed to become subscribers to the capital stock of other corporations. It is unlike such a provision when applied to individuals. It is not desirable that the element of uncertainty and indefinite risk shall be carried into the operation of the banks of the country by placing upon them a contingent liability beyond the amount of stock to be subscribed by them. It would be better to raise the minimum of the capital stock with which the institutions to be established shall be permitted to operate than to undertake to afford larger protection by means of double liability imposed upon the regular banks.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. STEAGALL. I yield.

Mr. DOWELL. Why is such a provision put in the national bank act?

Mr. STEAGALL. I have just been undertaking to show why the provision has been placed in the national bank act and to point out wherein this system is contradistinguished from the regular banking system which is engaged in the business of receiving deposits.

Mr. DOWELL. Does the gentleman believe——

Mr. STEAGALL. The deposits in banks are frequently fifty times the amount of their capital stock and they are held out to the public as safe institutions where deposits may be made under the protection of Government supervision and safeguards. The individual who deposits his money in a regular banking institution has no opportunity to examine into the nature of the security and protection back of his deposit. But when a man trades with the institutions to be established under this act he has every opportunity to make thorough investigation, to have all the cards on the table, and know what he is doing. [Applause.]

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. PLATT. Mr. Chairman, I do not know that it is necessary to add anything to what my colleague from Alabama [Mr. STEAGALL] has said. The national banks are authorized to subscribe not to exceed 10 per cent of their capital to these institutions. Now, if you double the liability you will make them subscribe 20 per cent. No bank would be willing to go into an institution of this kind and have a double liability upon it, and

there is no necessity for having a double liability upon it, because there is no business sale of deposit credit over the counter, as in the case with national banks. Every debenture they get out will doubtless have a list of the securities that stand back of it, so that the people will know what is back of them. The double liability does not apply to the savings banks or to cooperative investment institutions. It applies only to the national banks that take deposits from people who can not know what is the nature of the business the banks are doing.

Mr. BENSON. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. BENSON. If you remove this provision you would put an extra liability on the national banks. It would injure the depositors of the national banks if anything hurt this bank.

Mr. PLATT. Yes. That is true; and I thank the gentleman for calling attention to that fact.

Mr. KING. Mr. Chairman, I want to call attention to the fact that there is a provision in the act that permits national and State banks to convert themselves into international banks under the provisions of this act. If they do so, I ask the membership of this House what becomes of the double liability? Will there be any more national banks organized? Why not organize under this act under the provisions made for it?

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee whether or not the committee has considered the possible danger of great favoritism being shown in international commerce by these institutions to a concern which is more or less associated with them or in which the institution has an especial interest? I do not profess to have analyzed this bill very closely, but this I have in mind: If this sort of an institution and its activities are necessary for the proper conduct of international business, then any concern on this side against which the management has some grudge, or if the concern has a competitor in which the management of the institution is specially interested, by extending favors to the one in whom they are specially interested and denying accommodation to the other concern, they could destroy a concern undertaking to engage in foreign business? I propound that question. I apologize to the gentleman for having asked a question without careful analysis of the bill, but it occurs to me that there is such a danger involved in the situation.

Mr. PLATT. I think there is no such danger. Of course, institutions could favor a national bank as a stockholder by keeping the deposits in that bank, and I think they naturally would.

Mr. SUMNERS of Texas. The gentleman does not understand my question. I think it is important enough to draw attention to——

Mr. PLATT. There will be plenty of large competitors in these institutions, national and State banks and other great national corporations.

Mr. SUMNERS of Texas. The chairman, I think, does not quite understand me. Suppose, for instance, there are operating in a given community two steel mills. One of these steel mills is tied up rather intimately with an institution of this sort, serving this territory. Could not this institution serving that territory, by extending its facilities to one and denying them to the other, put the discriminated against mill out of business?

Mr. PLATT. I will say in answer to that that the gentleman is talking about ordinary deposit banks. These institutions would not be discounting paper for anybody to any extent.

Mr. SUMNERS of Texas. I think I am unfortunate this afternoon, and I will speak to the chairman privately. [Laughter.]

Mr. PLATT. I see what the gentleman is trying to get at.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Should any corporation organized hereunder fail to comply with any of the provisions of the laws of the United States, all of its rights, privileges, and franchises derived herefrom may thereby be forfeited. Before any such corporation shall be declared dissolved, or its rights, privileges, and franchises forfeited, any noncompliance with or violation of such laws shall, however, be determined and adjudged by a court of the United States of competent jurisdiction in a suit brought for that purpose in the district or territory in which the home office of such corporation is located, which suit shall be brought by the United States at the instance of the Federal Reserve Board or the Attorney General. Upon adjudication of such noncompliance or violation each director and officer who participated in or assented to the illegal act or acts shall be liable in his personal or individual capacity for all damages which the said corporation shall have sustained in consequence thereof. No dissolution shall take away or impair any remedy against the corporation, its stockholders, or officers for any liability or penalty previously incurred.

The following committee amendments were read:

Page 12, line 4, insert after the word "hereunder" the words "violate or."

Page 12, line 6, strike out the words "the laws of the United States" and insert in lieu thereof the words "this section."

The committee amendments were agreed to.

The Clerk read as follows:

Whenever the Federal Reserve Board shall become satisfied of the insolvency of any such corporation it may appoint a receiver, who shall take possession of all of the property and assets of the corporation and exercise the same rights, privileges, powers, and authority with respect thereto as are now exercised by receivers of national banks appointed by the Comptroller of the Currency of the United States: *Provided, however,* That the assets of the corporation subject to the laws of other countries or jurisdictions shall be dealt with in accordance with the terms of such laws.

Every corporation organized under the provisions of this section shall hold a meeting of its stockholders annually upon a date fixed in its by-laws, such meeting to be held at its home office in the United States. Every such corporation shall keep at its home office books containing the names of all stockholders thereof and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the Federal Reserve Board. Every such corporation shall make reports to the Federal Reserve Board at such times and in such form as it may require; and shall be subject to examinations whenever deemed necessary by the Federal Reserve Board by examiners appointed by the Federal Reserve Board, the cost of such examinations, including the compensation of the examiners, to be fixed by the Federal Reserve Board and to be paid by the corporation examined.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. It is provided that the Federal Reserve Board shall appoint receivers when satisfied of the insolvency of any corporation created under the provisions of this law. Have they any right under existing law to appoint receivers for Federal reserve banks?

Mr. PLATT. I think so, but not for any other banks. These things come under the Comptroller of the Currency.

Mr. WALSH. Why did the committee put this provision in the bill?

Mr. PLATT. It has not brought the comptroller's office into this law at all; it is wholly under the Federal Reserve Board.

Mr. WALSH. Does the gentleman think the financial functions which these institutions will perform are of such a character as to require strict supervision of the Federal Reserve Board, so that it will be in a position to pass upon questions of insolvency of property without long examinations?

Mr. PLATT. I think so. This act is tied up with the Federal Reserve Board all through—perhaps too much so—and as some of these institutions are to be built up without great American experience it is impossible to prescribe just what should be done, and so we have given the board pretty broad powers. I think they would know almost immediately if an institution was in a shaky condition.

Mr. WALSH. I withdraw the pro forma amendment.

The Clerk read the following committee amendment:

Page 13, line 21, after the word "to," strike out "examinations whenever" and insert in lieu thereof "examinations once a year and at such other times as may be prescribed."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 14, line 3, insert:

"The directors of any corporation organized under the provisions of this section may, semiannually, declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry one-tenth of its net profits of the preceding half year to its surplus fund until the same shall amount to 20 per cent of its capital stock."

Mr. MORGAN. Mr. Chairman, I move to strike out the last word. I understand that under the Federal reserve act the expenses of the Federal Reserve Board are apportioned to the member banks outside. Would these corporations pay any part of the expense of the Federal Reserve Board in Washington?

Mr. PLATT. We have provided that the expenses of examination, and so forth, shall be assessed on the banks or institutions examined.

Mr. MORGAN. The Federal reserve banks pay all the expenses and salaries of the Federal Reserve Board under the Federal reserve act. Now, would these corporations pay a part of that expense?

Mr. PLATT. These corporations are not a part of the Federal Reserve System. They are simply supervised by the Federal Reserve Board. They are not allowed to rediscount by the Federal reserve banks.

Mr. MORGAN. I understand that. Then your idea would be that they would not pay any portion of the salaries or expenses of the Federal Reserve Board?

Mr. PLATT. Except as they might contribute to the prosperity of the national banks.

Mr. MORGAN. I think they should be made to contribute toward paying the expense of the Federal Reserve Board.

Mr. WALSH. Mr. Chairman, is this conversation going into the RECORD?

The CHAIRMAN. The Chair thinks it is.

Mr. WALSH. If it is going into the RECORD, we can read it in the morning. Otherwise gentlemen ought to speak loudly enough so that they can be heard.

Mr. MORGAN. We have finished what we were saying. [Laughter.]

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Every banking corporation authorized to do foreign banking business under the provisions of this section shall, for the purpose of taxation, make reports to the Federal Reserve Board and the Commissioner of Internal Revenue at such times and in such form as they may require, including a true report of the names of the actual stockholders of such corporations; and the amount of stock held by each and all such corporations organized and transacting business under the provisions of this section shall be taxed the same as member banks of the Federal Reserve System.

With the following committee amendment:

On page 14, strike out all of lines 10 to 19, inclusive, and insert the following:

"Any corporation organized under the provisions of this section shall be subject to tax by the State within which its home office is located in the same manner and to the same extent as other corporations organized under the laws of that State which are transacting a similar character of business. The shares of stock in such corporation shall also be subject to tax as the personal property of the owners or holders thereof in the same manner and to the same extent as the shares of stock in similar State corporations: *Provided, however*, That such shares owned by nonresidents of any State shall be taxed only in the city or town in which the corporation's home office is located, and not elsewhere.

"Any corporation organized under the provisions of this section may at any time within the two years next previous to the date of the expiration of its corporate existence, by a vote of the shareholders owning two-thirds of its stock, apply to the Federal Reserve Board for its approval to extend the period of its corporate existence for a term of not more than 20 years, and upon certified approval of the Federal Reserve Board such corporation shall have its corporate existence for such extended period unless sooner dissolved by the act of the shareholders owning two-thirds of its stock, or by an act of Congress or unless its franchise becomes forfeited by some violation of law.

"Any bank or banking institution incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States, and having an unimpaired capital sufficient to entitle it to become a corporation under the provisions of this section, may, by the vote of the shareholders owning not less than two-thirds of the capital stock of such bank or banking association, with the approval of the Federal Reserve Board, be converted into a Federal corporation of the kind authorized by this section with any name approved by the Federal Reserve Board: *Provided, however*, That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of at least two-thirds of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a Federal corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a Federal corporation. The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed in accordance with the provisions of this section. When the Federal Reserve Board has given to such corporation a certificate that the provisions of this section have been complied with, such corporation and all its stockholders, officers, and employees shall have the same powers and privileges and shall be subject to the same duties, liabilities, and regulations in all respects as shall have been prescribed by this section for corporations originally organized hereunder.

"Every officer, director, clerk, employee, or agent of any corporation organized under this section who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, evidences of indebtedness, or assets of any character of such corporation; or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of such corporation with intent in either case to injure or defraud such corporation, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such corporation, the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any such corporation, and every clerk or employee of such receiver who shall embezzle, abstract, or willfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his possession or under his control in the execution of his trust or the performance of the duties of his employment; and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver; and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation organized under this section, or receiver or clerk or employee of such receiver as aforesaid, in any violation of this section, shall upon conviction thereof be imprisoned for not less than 2 years nor more than 10 years, and may also be fined not more than $5,000, in the discretion of the court."

The CHAIRMAN. The question is on the committee amendment.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment to the committee amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY to the committee amendment: On page 15, line 4, after the word "*however*," strike out all down to and including line 6, and insert in lieu thereof the following:

"That such shares owned by shareholders or corporations who are nonresidents of the State in which the home office of such corporation is located shall be taxed only in the State or States in which such stockholders respectively reside, or in which such shareholding corporations respectively have their principal places of business, and not elsewhere."

Mr. CONNALLY. Mr. Chairman, the committee amendment would make both the corporation as well as the shares of stock taxable, but it would make the shares of stock taxable only in the State in which the corporation had its home office. Now, if you are to tax both the corporation and its shares of stock, and I agree to that view, it seems to me it is but fair and just that the shareholders be required to pay the taxes on their individual certificates of stock in the States in which those stockholders respectively reside. In the case of a corporation which owns stock in this corporation, the shares of stock which are the property of the shareholding corporation should be taxed in the State in which the subsidiary or shareholding corporation has its office or principal place of business. Shares of stock, as I understand it, under all of the States are construed to be, of course, personal property. The situs of personal property is supposed to follow its owner. In other words, the situs of that property is the domicile or residence of the owner, just as in the case of notes and bonds and mortgages and other personal property. So, if you are to tax the individual shares of stock, each State in which shareholders reside ought to have the right to impose upon its citizens taxes on those shares of stock. If you do not do that, you will permit the great centers in which these international banking corporations are located to tax the property of citizens of your State who may hold shares of stock in those concerns and deny to your State the right to tax them. New York, Boston, Baltimore, Galveston, New Orleans, and the ports of the country at which are located these international corporations organized to do a foreign business will be permitted to tax the individual and private property of the citizens throughout the United States who happen to reside within the respective States. It seems to me it is fair and just to the several States to permit them to tax the property of their citizens or corporations residing in the respective States; and the purpose of this amendment——

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. STEVENSON. Suppose a national bank in Charleston, S. C., takes stock in one of these corporations. It holds that stock as an investment. It is taxed merely on its capital stock. South Carolina does not tax it on the sum of its investments, but on its capital stock. That stock which the national bank holds in Charleston would be classed as choses in action and would not be taxed at all.

Mr. CONNALLY. I am not an expert on banking like the members of this committee and do not pretend to be, but I can read the English language, and if this committee amendment means anything it means that you are going to allow the States in which the home offices of these corporations are located not only to tax the corporation itself but to tax the individual property, the personal property, of the stockholders of these corporations, no matter whether they reside in South Carolina, in Indiana, in Illinois, or anywhere else, and I am trying to draft some amendment that will remedy that evil and secure to the States their right to tax the property of their own citizens whose legal status is within such States.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. EVANS of Nebraska. What is the effect when measured by constitutional provision of the right of Congress to transfer the taxable property of the gentleman to the State of Louisiana, as this would do?

Mr. CONNALLY. I am not prepared to answer that in the light of judicial decisions, but it seems to me——

Mr. PHELAN. Mr. Chairman, if the gentleman will permit, I will answer. They will do just as they do with national banks. They assess it against the banks, and the banks get it from the stockholders.

Mr. CONNALLY. I want to say to the gentleman from Massachusetts [Mr. PHELAN] that this is not a parallel case to national banks. Most of the national banks are organized for the purpose of doing a more or less local business within their

respective communities, and there is not as much injustice in those cases of permitting the State or the county in which the bank happens to be located to assess it exclusively, but in this case the corporations are supposed to be doing business for the whole United States, and I do not think it fair to permit the city and State in which they are domiciled to levy taxes on all the personal property, consisting of shares of stock, and deny such right to the States in which the owners reside.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WINGO. Mr. Chairman, possibly the older Members of Congress remember that this question of taxing shares of banks has been considered by Congress before. I suggest to my friend from Texas [Mr. CONNALLY] that if he will examine the decisions he will find that the Supreme Court of the United States has decided that the shares of stock constitute a separate piece of property subject to taxation, and that an individual who holds shares of stock in a bank is properly required to list those shares of stock as a part of his personal estate, even though the bank may be taxed on its assets.

I have always thought, and I thought so in the committee, that this provision on page 15, that they should be taxed in the State or county in which the corporation's home office is located is not right; but here is what the committee did in writing the taxing feature of this bill: The Supreme Court of the United States and the different courts have interpreted this language. It is copied verbatim from the national banking act. In other words, we are going to make these corporations and their stock to be taxed exactly in the same manner as national banks and their stock are taxed. We thought that would save a great deal of controversy. That provision of law has been thrashed out in the courts of the country. It is well understood by lawyers and by the public who render their statements for the purposes of taxation. I have never yet found any answer, I may say, to the argument that the shares of stock should be taxed and assessed at the domicile of the person owning them, but Congress has thrashed that matter out several times and has insisted, and the law is now as we have brought it forward in this amendment.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. WHITE of Kansas. What objection would the gentleman have to applying the same rule that applies to all corporate stocks, the stock of State banks, of oil corporations, promissory notes, and everything else

Mr. WINGO. That is exactly what Congress has done. We have copied the existing law.

Mr. WHITE of Kansas. Is it not a fact that in most of the States the stock in State banks and in corporations is required to be listed by the owner nonresident?

Mr. WINGO. If the gentleman will go into that he will find it one of the most interesting investigations he ever undertook. He will find that in some places lawyers make the contention, and get away with it, and the States do not tax the shares of stock separately, notwithstanding the fact that the Supreme Court of the United States has said they are subject to taxation; but it is a lamentable fact that very few shares of stock are taxed in the States because they run a bluff on the tax assessor and say, "The national bank renders our stock for taxation."

The bank deducts in some States, because they say the provision requires them to collect the taxes on your shares of stock, and the stockholders are paying the taxes where they collect from the stockholders, whereas in other States it requires them to assess on the capital stock and not the assets, and you will find there is a conflict both of practice and decision in the different courts with reference to it, but the decision of the Supreme Court is uniformly plain on this subject.

Mr. CANNON. Will the gentleman yield?

Mr. WINGO. I will.

Mr. CANNON. In Illinois and Indiana, especially in Illinois, while the real estate is taxed one-third of its value, and most all other property, the banks are taxed at par on their stock, capital, and surplus.

Mr. WINGO. Most of the States do this, I imagine, I will say this to the gentleman from Illinois. They have a 50 per cent assessment in my State. They permit the banks to take the value of their capital stock that is invested in real estate, and they will divide that, cut it in two, for the purpose of assessing their real estate, because they have the 50 per cent rule and are entitled to that reduction. Is not that the rule in Illinois?

Mr. CANNON. Not at all. You pay on the real estate, the banking house—that is, the real estate—you pay as all other real estate is taxed.

Mr. WINGO. Yes.

Mr. CANNON. It is taxed about one-third of the value of the bank stock and all other property, and it is assessed on the capital, surplus, and undivided profit at par.

Mr. WINGO. Well, I will suggest to the gentleman from Illinois if he will observe the statutes, he will find they are permitted to deduct from the capital stock and accumulated surplus the value of the real estate and assess separately the real estate.

Mr. CANNON. They tax it separately, just as you do a farm——

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired. The motion is not in order. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. CONNALLY) there were—ayes 16, noes 51.

So the amendment was rejected.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, on what subject?

Mr. DOWELL. On this bill.

Mr. BLANTON. I have no objection.

The CHAIRMAN. The Chair hears no objection.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 11, after the word "not," strike out the words "less than two years nor."

Mr. BARBOUR. Mr. Chairman, the purpose of this amendment is this: On page 9 it is provided that if the officers or directors of these corporations combine for the purpose of fixing prices and increasing prices the maximum jail sentence shall be one year, and this provision is to the effect that if a clerk embezzles $100 the minimum jail sentence—if the language of the committee amendment is used—is two years, or twice the maximum that would be imposed upon an officer of a corporation for the offense of raising prices. The purpose of my amendment is to make the penalty a little more consistent than it would be if this provision were adopted.

Mr. DOWELL. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. DOWELL. Would it not have been more consistent if the gentleman had voted for the amendment I offered awhile ago to increase the penalty for the other offense?

Mr. BARBOUR. Possibly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. BARBOUR) there were—ayes 26, noes 36.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

Mr. EVANS of Nebraska. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Nebraska: Page 15, lines 4 and 5, strike out "any State" and insert in lieu thereof "the United States."

Mr. EVANS of Nebraska. Mr. Chairman and gentlemen of the committee, if I have understood the excuse that has been made for this proviso on page 15, it is that States do not by their laws collect taxes on stocks, and therefore the committee felt justified in this bill to, in effect, provide that by selling the stock in the State of Iowa or the State of Texas, and taking the money to New York and using it, they acquired the right to not only have the use of the money there but to tax it in New York and deprive the States of Iowa and Texas of that money, and their right to tax it. The excuse for doing that is that some of the States do not collect taxes on stocks. As I understand it, that is no reason why New York should have the right to tax that money, and if another State does have a proper law, and if Texas can collect the taxes on that stock, she has the right to collect them. Now, the purpose of the amendment I have submitted is only this: Simply to permit the collection of taxes on

stock owned by nonresidents of the United States in the place or domicile of the corporation, but to permit each State of the United States in its individual capacity to collect the tax on the stocks owned in the respective States. I think that is only fair, and it is not an excuse to say that some of the States will not take advantage of the privilege which they have, and so lose their taxes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. EVANS].

The question was taken, and the amendment was rejected.

Mr. KING. Mr. Chairman, if all the amendments are in, I desire to offer an amendment in the way of a new section.

Mr. BLACK. Mr. Chairman, I have an amendment.

The CHAIRMAN. The question is on the committee amendment.

Mr. BLACK. Mr. Chairman, I have an amendment.

The CHAIRMAN. To the committee amendment?

Mr. BLACK. Yes.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 15, line 3, after the colon, strike out the word "*Provided*," and all of lines 4, 5, and 6.

Mr. BLACK. Mr. Chairman, if my amendment should be adopted, the following language would be stricken out of the bill:

Provided, however, That such shares owned by nonresidents of any State shall be taxed only in the city or town in which the corporation's home office is located, and not elsewhere.

This bill provides that the assets of the corporations which are to be organized hereunder shall be taxable in the State where they are domiciled, just as assets of any other corporation are taxable. And it goes further and provides that their shares of stock, as distinguished from the general assets, shall be deemed personal property and shall be subject to tax as personal property. Now, that is the rule in many States, and there is no objection to it when properly applied, but if we retain the language of the committee amendment, what situation do we have? We have a declaration in the law that the certificate of stock is personal property, but that it shall be taxed, not where the owner resides, if he is a nonresident of the State, but where the domicile of the bank is situated. Thus, you would have a law which permits a State like New York to tax personal property in the State of Texas, because if I owned stock in one of these banks, that stock is my personal property, and the situs of that stock is where I live. Of course, it is within the power of Congress to give these shares of stock a special situs, but I doubt the wisdom of doing so. It does not seem proper to me for the Congress of the United States to authorize the municipality of New York City to tax personal property which a citizen owns and has in the State of Texas. I submit that as far as we ought to go is to say that all the assets of these corporations shall be taxable in the city and State of their domicile, just the same as any other corporation, and also to permit the State or municipality to tax the shares of stock of citizens residing within its own borders but not the shares of stock which belong to nonresidents of the State.

Mr. WINGO. Mr. Chairman, I understand the gentleman's amendment is to strike out the proviso?

Mr. BLACK. Absolutely. That is the purpose of the amendment, to strike out the language which I read a moment ago.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLACK. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 27, noes 46.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. KING rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. KING. To offer an amendment in the way of a new section.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KING: Page 18, at the end of line 13, add a new section, as follows:

Mr. WINGO. The gentleman means a new paragraph, does he not?

Mr. KING. A new section.

Mr. WINGO. This is all one section.

The Clerk read as follows:

SEC. 26. The right to modify, amend, or repeal this act is expressly reserved.

Mr. KING. Mr. Chairman, I submit that in the form of a paragraph.

I have no doubt, as this is the only amendment I have offered to-day, that it will be adopted. Of course, the House understands, if it is not adopted, these charters have the same status as Dartmouth College had and are virtually perpetual, and the control will be taken entirely out of Congress.

Mr. WINGO. If the gentleman reflects a moment he will realize that this whole act amends section 25 of the Federal reserve act, and in that Federal reserve act the right is expressly reserved to modify, amend, or repeal. It is all there.

Mr. KING. They are to issue charters to corporations under this section. That has not been done before. This is virtually a separate act. The reason for bringing it in here in this form was to make it a part of the national banking act. These charters ought not to be endowed with immortality. You have given them everything else.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. KING. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 19, noes 46.

So the amendment was rejected.

Mr. PHELAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 18, line 13, after the period insert: "Whoever, being connected in any capacity with any corporation organized under this section, represents in any way that the United States is liable for the payment of any bond or other obligation or the interest thereon issued or incurred by any corporation organized hereunder, or that the United States incurs any liability in respect of any act or omission of the corporation, shall be punished by a fine of not more than $10,000 and by imprisonment of not more than five years."

Mr. PHELAN. Mr. Chairman, the purpose is apparent. I shall not take any time for discussion

Mr. PLATT. Mr. Chairman, I do not think that is necessary, but I will accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. PHELAN].

The amendment was agreed to.

Mr. PLATT. Mr. Chairman, I ask unanimous consent that the Clerk may correct the bill by putting quotation marks in several places where they have been omitted.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. PLATT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. By the rule the previous question is already ordered on the bill and amendments to final passage. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays. Pending that, I suggest to the gentleman from Wyoming [Mr. MONDELL] and the gentleman from New York [Mr. PLATT] that inasmuch as the previous question is ordered, they will get a vote to-morrow morning. Perhaps the gentleman from Wyoming would want to move that the House should meet at 11 o'clock.

Mr. KING. Mr. Speaker, I raise the point of no quorum.

Mr. WINGO. I am perfectly willing to have the vote to-night.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present.

Mr. KING. I withdraw the point for a moment.

Mr. WINGO. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 21, answered "present" 4, not voting 207, as follows:

YEAS—200.

Alexander	Dupré	Lazaro	Robinson, N. C.
Almon	Dyer	Lea, Calif.	Robsion, Ky.
Andrews, Md.	Eagan	Lee, Ga.	Romjue
Andrews, Nebr.	Edmonds	Lehlbach	Rose
Aswell	Elston	Lesher	Rouse
Ayres	Emerson	Lonergan	Rowe
Babka	Evans, Nebr.	Longworth	Rubey
Barbour	Fairfield	Luhring	Sells
Bee	Fisher	McArthur	Shreve
Benham	Foster	McClintic	Siegel
Benson	French	McFadden	Sinnott
Black	Gallagher	McGlennon	Small
Blanton	Garrett	McLane	Smith, Idaho
Box	Goodall	McLaughlin, Mich.	Smith, Ill.
Brand	Goodwin, Ark.	MacGregor	Smith, Mich.
Briggs	Graham, Ill.	Madden	Smithwick
Brinson	Green, Iowa	Magee	Snell
Brooks, Ill.	Greene, Mass.	Mann, S. C.	Steagall
Browne	Greene, Vt.	Mansfield	Stedman
Browning	Griest	Mapes	Steenerson
Burdick	Hadley	Martin	Stephens, Ohio
Burke	Hardy, Colo.	Michener	Stevenson
Burroughs	Harrison	Miller	Strong, Kans.
Byrns, Tenn.	Hastings	Minahan, N. J.	Strong, Pa.
Caldwell	Hayden	Mondell	Summers, Wash.
Candler	Heflin	Moon	Summers, Tex.
Chindblom	Hernandez	Mooney	Taylor, Colo.
Christopherson	Hickey	Morgan	Taylor, Tenn.
Clark, Mo.	Hicks	Morin	Temple
Classon	Hogh	Neely	Tillman
Cleary	Howard	Nelson, Wis.	Tilson
Coady	Hudspeth	Newton, Mo.	Timberlake
Cole	Hull, Iowa	O'Connell	Upshaw
Collier	Hull, Tenn.	Ogden	Vaile
Connally	Humphreys	Oldfield	Venable
Copley	Husted	Oliver	Vestal
Cramton	Igoe	Osborne	Walsh
Crisp	Jacoway	Overstreet	Wason
Cullen	Jefferis	Padgett	Watkins
Currie, Mich.	Johnson, Miss.	Parrish	Watson, Va.
Dale	Johnson, Wash.	Phelan	Weaver
Dallinger	Jones, Pa.	Platt	Welling
Darrow	Jones, Tex.	Purnell	Wheeler
Davis, Tenn.	Juul	Quin	White, Kans.
Dickinson, Mo.	Kahn	Radcliffe	Wilson, La.
Dickinson, Iowa	Kendall	Rainey, Ala.	Wingo
Dominick	Kinkaid	Raker	Woods, Va.
Donovan	Kleczka	Ramseyer	Wright
Doughton	Lanham	Randall, Wis.	Young, Tex.
Dunbar	Lankford	Reed, N. Y.	Zihlman

NAYS—21.

Baer	Dowell	Kraus	Ricketts
Begg	Huddleston	Lampert	Schall
Bland, Ind.	James	Monahan, Wis.	Volstead
Cannon	Kearns	Moore, Ohio	
Carss	Keller	Murphy	
Curry, Calif.	King	Nolan	

ANSWERED "PRESENT"—4.

Haugen	Knutson	Layton	Sears

NOT VOTING—207.

Ackerman	Doremus	Hays	Major
Anderson	Drane	Hersey	Mann, Ill.
Anthony	Dunn	Hersman	Mason
Ashbrook	Eagle	Hill	Mays
Bacharach	Echols	Holland	Mead
Bankhead	Elliott	Houghton	Merritt
Barkley	Ellsworth	Hulings	Montague
Bell	Esch	Hutchinson	Moore, Pa.
Blackmon	Evans, Mont.	Ireland	Moore, Va.
Bland, Mo.	Evans, Nev.	Johnson, Ky.	Moores, Ind.
Bland, Va.	Ferris	Johnson, S. Dak.	Mott
Boies	Fess	Johnston, N. Y.	Mudd
Booher	Fields	Kelley, Mich.	Nelson, Mo.
Bowers	Flood	Kelly, Pa.	Newton, Minn.
Britten	Focht	Kennedy, Iowa	Nichols, S. C.
Brooks, Pa.	Fordney	Kennedy, R. I.	Nichols, Mich.
Brumbaugh	Frear	Kettner	O'Connor
Buchanan	Freeman	Kiess	Olney
Butler	Fuller, Ill.	Kincheloe	Paige
Byrnes, S. C.	Fuller, Mass.	Kitchin	Park
Campbell, Kans.	Gallivan	Kreider	Parker
Campbell, Pa.	Gandy	LaGuardia	Pell
Cantrill	Ganly	Langley	Peters
Caraway	Gard	Larsen	Porter
Carew	Garland	Linthicum	Pou
Carter	Garner	Little	Rainey, H. T.
Casey	Glynn	Luce	Rainey, J. W.
Clark, Fla.	Godwin, N. C.	Lufkin	Ramsey
Cooper	Goldfogle	McAndrews	Randall, Calif.
Costello	Good	McCulloch	Rayburn
Crago	Goodykoontz	McDuffie	Reavis
Crowther	Gould	McKenzie	Reber
Davey	Graham, Pa.	McKeown	Reed, W. Va.
Davis, Minn.	Griffin	McKiniry	Rhodes
Dempsey	Hamill	McKinley	Riddick
Denison	Hamilton	McLaughlin, Nebr.	Riordan
Dent	Hardy, Tex.	McPherson	Rodenberg
Dewalt	Haskell	MacCrate	Rogers
Dooling	Hawley	Maher	Rowan
Rucker	Slemp	Thompson	Welty
Sabath	Smith, N. Y.	Tincher	Whaley
Sanders, Ind.	Snyder	Tinkham	White, Me.
Sanders, La.	Steele	Towner	Williams
Sanders, N. Y.	Stephens, Miss.	Treadway	Wilson, Ill.
Sanford	Stiness	Vare	Wilson, Pa.
Saunders, Va.	Stoll	Vinson	Winslow
Scott	Sullivan	Voigt	Wise
Scully	Sweet	Walters	Wood, Ind.
Sherwood	Swope	Ward	Woodyard
Sims	Tague	Watson, Pa.	Yates
Sinclair	Taylor, Ark.	Webb	Young, N. Dak.
Sisson	Thomas	Webster	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BROOKS of Pennsylvania with Mr. BANKHEAD.

Mr. RHODES with Mr. MAJOR.

Mr. HAUGEN with Mr. MCCLINTIC.

Mr. WHITE of Maine with Mr. GARNER.

Mr. BOIES with Mr. SEARS.

Mr. REBER with Mr. HOLLAND.

Mr. GOODYKOONTZ with Mr. GALLIVAN.

Mr. TINCHER with Mr. THOMAS.

Mr. THOMPSON with Mr. HENRY T. RAINEY.

Mr. TREADWAY with Mr. BOOHER.

Mr. BUTLER with Mr. STEELE.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. VOIGT with Mr. HARDY of Texas.

Mr. LANGLEY with Mr. FIELDS.

Mr. SLEMP with Mr. DAVEY.

Mr. SNYDER with Mr. CLARK of Florida.

Mr. NICHOLS of Michigan with Mr. GODWIN of North Carolina.

Mr. PAIGE with Mr. GARD.

Mr. ACKERMAN with Mr. WISE.

Mr. ANTHONY with Mr. WILSON of Pennsylvania.

Mr. STINESS with Mr. CASEY.

Mr. GARLAND with Mr. SABATH.

Mr. GOOD with Mr. RUCKER.

Mr. GOULD with Mr. ROWAN.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. HAMILTON with Mr. RAYBURN.

Mr. HASKELL with Mr. JOHN W. RAINEY.

Mr. SWEET with Mr. CARTER.

Mr. PETERS with Mr. GANLEY.

Mr. BOWERS with Mr. WHALEY.

Mr. PARKER with Mr. GANDY.

Mr. BRITTEN with Mr. WELTY.

Mr. COOPER with Mr. VINSON.

Mr. COSTELLO with Mr. TAYLOR of Arkansas.

Mr. DAVIS of Minnesota with Mr. TAGUE.

Mr. DEMPSEY with Mr. SULLIVAN.

Mr. RAMSEY with Mr. FERRIS.

Mr. REAVIS with Mr. EVANS of Nevada.

Mr. RIDDICK with Mr. EVANS of Montana.

Mr. HAWLEY with Mr. POU.

Mr. TINKHAM with Mr. CAREW.

Mr. RODENBERG with Mr. EAGLE.

Mr. HOUGHTON with Mr. PELL.

Mr. HUTCHINSON with Mr. OLNEY.

Mr. IRELAND with Mr. O'CONNOR.

Mr. SANDERS of Indiana with Mr. DRANE.

Mr. KELLEY of Michigan with Mr. NICHOLLS of South Carolina.

Mr. KELLY of Pennsylvania with Mr. NELSON of Missouri.

Mr. KENNEDY of Iowa with Mr. MOORE of Virginia.

Mr. TOWNER with Mr. CARAWAY.

Mr. VARE with Mr. CANTRILL.

Mr. WALTERS with Mr. CAMPBELL of Pennsylvania.

Mr. SANDERS of New York with Mr. DOREMUS.

Mr. KENNEDY of Rhode Island with Mr. MONTAGUE.

Mr. KIESS with Mr. MEAD.

Mr. DENISON with Mr. STOLL.

Mr. KREIDER with Mr. MAYS.

Mr. LAGUARDIA with Mr. WEBER.

Mr. ECHOLS with Mr. STEPHENS of Mississippi.

Mr. WARD with Mr. BYRNES of South Carolina.

Mr. ESCH with Mr. SMITH of New York.

Mr. WILLIAMS with Mr. BUCHANAN.

Mr. WILSON of Illinois with Mr. BRUMBAUGH.

Mr. WINSLOW with Mr. BLAND of Virginia.

Mr. WOOD of Indiana with Mr. BLAND of Missouri.

Mr. LITTLE with Mr. MCKINIRY.

Mr. LUCE with Mr. MCKEOWN.

Mr. SANFORD with Mr. DOOLING.

Mr. SINCLAIR with Mr. DEWALT.

Mr. FESS with Mr. SIMS.

Mr. FOCHT with Mr. SISSON.
Mr. FORDNEY with Mr. SHERWOOD.
Mr. LUFKIN with Mr. McDUFFIE.
Mr. McCULLOCH with Mr. McANDREWS.
Mr. McKINLEY with Mr. KITCHIN.
Mr. WOODYARD with Mr. BLACKMON.
Mr. McLAUGHLIN of Michigan with Mr. KETTNER.
Mr. McPHERSON with Mr. JOHNSTON of New York.
Mr. FREAR with Mr. SCULLY.
Mr. FULLER of Illinois with Mr. SAUNDERS of Virginia.
Mr. FULLER of Massachusetts with Mr. SANDERS of Louisiana.
Mr. MacCRATE with Mr. JOHNSON of Kentucky.
Mr. YATES with Mr. BARKLEY.
Mr. WATSON of Pennsylvania with Mr. ASHBROOK.
Mr. MANN of Illinois with Mr. HERSMAN.
Mr. MASON with Mr. HAMILL.
Mr. MOORE of Pennsylvania with Mr. GRIFFIN.
Mr. MOORES of Iowa with Mr. GOLDFOGLE.

On this vote:

Mr. BACHARACH (for) with Mr. CRAGO (against).

Mr. NEWTON of Minnesota. Mr. Speaker, I would like to answer "present." I was not here when my name was called.

The SPEAKER. The Chair regrets to say that the gentleman can not be recorded.

Mr. HULINGS. Mr. Speaker, I wish to vote "no." I was not here when my name was called.

The SPEAKER. This is not a roll call with the point of no quorum, and under the rules the gentleman can not vote.

The result of the vote was announced as above recorded.

On motion of Mr. PLATT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that all who have spoken on the bill may have leave to extend remarks in the RECORD. Is there objection?

Mr. WALSH. Reserving the right to object, if the gentleman will fix a time, say, three legislative days——

Mr. PLATT. I will make it three legislative days.

Mr. BLANTON. Reserving the right to object further, will the gentleman require it to be confined to the subject matter of the bill?

Mr. PLATT. Yes; that is understood.

Mr. WINGO. Reserving the right to object, I would like to have the gentleman make it three legislative days confined to the subject matter of the bill, and that no newspaper clippings or other matters be included.

Mr. PLATT. I am willing to adopt that.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 241. Joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1919.

ELECTION IN THE FIFTH CONGRESSIONAL DISTRICT OF MISSOURI.

Mr. DALLINGER, by direction of Election Committee No. 1, submitted a report on the memorial of Albert L. Reeves, praying for an investigation into the conduct of the election for Congress in the fifth congressional district of Missouri, which was ordered printed.

LEAVE TO ADDRESS THE HOUSE.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I may address the House for 15 minutes.

Mr. CALDWELL. On what subject?

Mr. BLANTON. I object.

EXTENSION OF REMARKS.

Mr. WASON. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill pending before the Interstate and Foreign Commerce Committee providing for the improvement of the facilities of the service of the War Risk Bureau, a bill that I introduced.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

Mr. WINGO. Reserving the right to object, the gentleman intends to use his own remarks, with no newspaper clippings?

Mr. WASON. None whatever.

The SPEAKER. Is there objection?

There was no objection.

Mr. CALDWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. I would like to know when the report of Committee on Elections No. 1 on the Berger case will be in order before the House.

The SPEAKER. The Chair understands that it can not be taken up before November 10. It will be in order any time after to-morrow.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. WINGO. Reserving the right to object, what is it that the House will take up to-morrow?

Mr. MONDELL. To consider House bill 10374, the merchant-marine bill.

Mr. WINGO. And the gentleman wants to meet at 11 o'clock for the purpose of expediting that bill?

Mr. MONDELL. Yes.

Mr. CALDWELL. Reserving the right to object, when may we expect to take up the Berger case?

Mr. MONDELL. I think that can not be definitely determined now. It depends on when the railroad bill comes in. If the railroad bill is delayed, I think that bill might come in before the railroad bill. We hope, however, that the railroad bill will be reported.

Mr. CALDWELL. Does the gentleman think it possible that the railroad proposition will go over to December?

Mr. MONDELL. That will depend on the action of the House. My own thought was that it would be disposed of.

Mr. CALDWELL. The gentleman will remember that before the committees were appointed the majority appointed a committee to look into this matter, and it has been given all this time, and I think it ought to be disposed of.

Mr. MONDELL. I agree with the gentleman.

Mr. CALDWELL. Why not dispose of it to-morrow?

Mr. MONDELL. Because we hope to take up other matters.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

ADJOURNMENT.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was lost.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, November 8, 1919, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DALLINGER, from the Committee on Elections No. 1, to which was referred the investigation of the election in the fifth Missouri district, submitted a report thereon (No. 449), which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RHODES, from the Committee on Indian Affairs, to which was referred the bill (S. 2709) authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each town site on said reservation for school purposes, reported the same without amendment, accompanied by a report (No. 445), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 2257) for the relief of George B. Hughes, reported the same without amendment, accompanied by a report (No. 446), which said bill and report were referred to the Private Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 10317) for the relief of Blanche Utley, reported the same without amendment, accompanied by a re-

port (No. 447), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8647) for the relief of the owners of the American schooner *William H. Sumner*, reported the same without amendment, accompanied by a report (No. 448), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULINGS: A bill (H. R. 10430) authorizing the Secretary of War to donate to the borough of Sharpsville, county of Mercer, State of Pennsylvania, one German cannon or field-piece, to be placed in public park at Sharpsville, Pa.; to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 10431) to provide old-age pensions; to the Committee on Labor.

By Mr. KAHN: A bill (H. R. 10432) to provide for the exchange of Government lands for private-owned lands in the Territory of Hawaii; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 10433) to provide for the disposal of public lands in Arizona, New Mexico, Nevada, and Utah, containing deposits of copper at depth; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 10434) to add certain lands to the Targhee National Forest; to the Committee on the Public Lands.

By Mr. ANTHONY: A bill (H. R. 10435) relating to the naturalization of married women; to the Committee on Immigration and Naturalization.

By Mr. TINKHAM: A bill (H. R. 10436) providing for the construction of a recreation building at the Boston Navy Yard; to the Committee on Naval Affairs.

By Mr. DALLINGER: A bill (H. R. 10437) to give preference to the members of the reserve force of the Navy, to the wives of such, etc.; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 10438) granting an increase of pension to Richard Williams; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 10439) granting a pension to Adah F. Brooks; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 10440) granting an increase of pension to George M. Rathbun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10441) granting a pension to Lillie H. Schaefer; to the Committee on Pensions.

By Mr. CURRIE of Michigan: A bill (H. R. 10442) granting an increase of pension to Frank Haight; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 10443) granting an increase of pension to Lucy L. Lee; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 10444) granting a pension to Maria Gaines; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 10445) granting a pension to Hans R. Jacobson; to the Committee on Pensions.

Also, a bill (H. R. 10446) authorizing the issuance of a patent to Portland Railway, Light & Power Co. to 52.72 acres of land in Clackamas County, Oreg.; to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 10447) granting an increase of pension to Edgar Ladd; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10448) granting an increase of pension to Tilman W. Edmonds; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of San Francisco Labor Council, of October 31, 1919, appealing to the Federal Government to restore at once the constitutional and civic rights of the mine workers; to the Committee on the Judiciary.

Also (by request), petition of San Francisco Labor Council, of October 31, 1919, favoring the payment to all soldiers, sailors, and marines who served in the Great War the sum of $30 additional for each month of service; to the Committee on Military Affairs.

By Mr. CAREW: Petition of American Fur Dealers' Association, of New York, supporting Senate bill 3710 and House bill 9778; to the Committee on Ways and Means.

By Mr. EDMONDS: Petition of Philadelphia Board of Trade, requesting careful consideration of Senate bill 2472; to the Committee on Banking and Currency.

By Mr. KAHN: Petition of delegates of the State of Washington to the national convention of the American Legion, that a law providing for compulsory military training or legislation involving the same principles be enacted; to the Committee on Military Affairs.

Also, petition of California Club and Corona Club, both of San Francisco, Calif., urging the purchase of a certain tract of land for the preservation of the redwoods of the United States; to the Committee on Agriculture.

By Mr. KENNEDY of Rhode Island: Petition of Woonsocket, Council, No. 113, Knights of Columbus, Woonsocket, R. I., opposing the Military Establishment taking over the welfare work in the training camps; to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: Petition of Iowa Section, American Water Works Association, on the creation of a corps in the Army for nonmedical scientists; to the Committee on Military Affairs.

Also, petition of Cedar Rapids and Cresco Division of the Mississippi Valley Highway Association, approving the Townsend bill; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of National Federation of Construction Industries, favoring passage of Senate bill 2094; to the Committee on Banking and Currency.

Also, petition of National Federation of Construction Industries, urging that conditions with respect to the needs of the construction industry be investigated; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Petition of California Civic League, San Francisco, Calif., favoring passage of House bill 2492; to the Committee on Military Affairs.

Also, petition of Gantner & Mattern Co. and four other firms of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of Montana State Press Association, opposing repeal of the postage law and urging its continuance as it now stands; to the Committee on the Post Office and Post Roads.

Also, petition of Division No. 426, International Brotherhood of Locomotive Engineers, opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Lithuanian origin, of Newburgh, N. Y., favoring Lithuanian freedom and independence; to the Committee on Foreign Affairs.

Also, petition of Ninetieth Division Association, favoring universal military training; to the Committee on Military Affairs.

Also, petition of Associated Rifle Clubs of New York and New Jersey, favoring House bill 7708; to the Committee on Military Affairs.

Also, petition of R. W. Dunn, of New York, supporting Senate bill 3002; to the Committee on Military Affairs.

Also, petition of central executive committee storm-stricken area, Corpus Christi, Tex., favoring harbor survey and sea wall and causeway relief for storm-stricken area in Texas; to the Committee on Rivers and Harbors.

Also, petition of the Wholesale Coal Trade Association of New York, presenting facts in connection with the present coal crisis; to the Committee on the Judiciary.

By Mr. SINCLAIR: Petition of Devils Lake Local of the Great Northern Shops Federated Trades, Devils Lake, N. Dak., emphatically protesting against the passage of the Cummins bill for operation of the railroads, on the ground that petitioners believe it undemocratic and un-American and drawn and conceived in the interest of private owners and moneyed men and without due consideration to the rights of the public and of the railway workers; to the Committee on Interstate and Foreign Commerce.

Also, petition of Devils Lake (N. Dak.) Local of the Great Northern Shops Federated Trades, indorsing the Plumb plan for management and operation of the railroads, and asking its adoption by Congress to safeguard the interests of the owners, the public, and the workers; to the Committee on Interstate and Foreign Commerce.

Also, petition of International Boiler Makers and Helpers' Local Union, No. 613, of Marmarth, N. Dak., urging two years' extension of the period of Government control of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: Petition of Chicago Sand and Gravel Producers' Association, favoring House bill 7014; to the Committee on Public Buildings and Grounds.

Also, petition of Civic League of Newport, favoring House bill 7014; to the Committee on Public Buildings and Grounds.

SENATE.

SATURDAY, *November 8, 1919.*

(*Legislative day of Monday, November 3, 1919.*)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Lenroot	Ransdell
Ball	Gore	Lodge	Reed
Borah	Gronna	McCormick	Robinson
Brandegee	Hale	McCumber	Sheppard
Calder	Harding	McKellar	Sherman
Capper	Harris	McLean	Smith, Ariz.
Chamberlain	Harrison	McNary	Smith, Ga.
Colt	Henderson	Moses	Smith, S. C.
Culberson	Hitchcock	Nelson	Smoot
Cummins	Johnson, Calif.	New	Spencer
Curtis	Johnson, S. Dak.	Newberry	Sterling
Dial	Jones, N. Mex.	Norris	Sutherland
Dillingham	Jones, Wash.	Nugent	Thomas
Edge	Kellogg	Overman	Townsend
Elkins	Kendrick	Owen	Trammell
Fall	Kenyon	Page	Wadsworth
Fernald	Keyes	Penrose	Walsh, Mass.
Fletcher	King	Phipps	Walsh, Mont.
France	Kirby	Pittman	Watson
Frelinghuysen	Knox	Poindexter	Williams
Gay	La Follette	Pomerene	Wolcott

Mr. REED. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is detained at his home by illness. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are necessarily absent from the Senate. The senior Senator from Alabama [Mr. BANKHEAD] is detained by illness. The Senator from Montana [Mr. MYERS] and the junior Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3844) for the relief of Della James.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919, and it was thereupon signed by the Vice President.

WOMAN SUFFRAGE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a certified copy of the resolution of the Legislature of the State of California ratifying the woman suffrage amendment, which will be filed.

PETITIONS AND MEMORIALS.

Mr. FERNALD. I have received a communication from T. F. Spear, of the Oxford Paper Co., of Rumford, Me., inclosing a copy of a resolution adopted by the Technical Association of the Pulp and Paper Industry at its meeting held in Chicago September 24–27, 1919. I ask that the communication and accompanying resolution be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the communication and accompanying resolution were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

RUMFORD, ME., *November 6, 1919.*

Senator BERT FERNALD,
Washington, D. C.

DEAR SIR: I am inclosing a copy of the resolution adopted by the Technical Association of the Pulp and Paper Industry at its fall meeting in Chicago September 24 to 27, 1919.

Members of the association have been urged to bring this resolution to the attention of the Senators and Representatives from their respective districts.

The resolution explains itself quite well. In representing, as you do, a section of the country in which manufacturing of paper and the use of wood are so important, I have no doubt that you will see the advisability of supplying this appropriation asked for, when it will be of such value to our manufacturing interest.

Yours, very truly,

OXFORD PAPER CO.,
By T. F. SPEAR.

Resolution adopted by the Technical Association of the Pulp and Paper Industry at the fall meeting held in Chicago September 24–27, 1919.

Whereas, due to the decay of pulp wood and wood pulp, the paper industry is suffering an annual loss of $5,000,000; and

Whereas, in order to reduce this loss to a minimum, a scientific investigation of the cause and possible control of such infection is essential; and

Whereas the Forest Products Laboratory, United States Department of Agriculture, Madison, Wis., is in an exceptional position to undertake this special investigation: Therefore be it

Resolved, That this association use every means within its power to secure a specific appropriation of $50,000 for this special investigation, to be conducted by the Forest Products Laboratory, United States Department of Agriculture, Madison, Wis.

Members of the association are urged to write to Senators and Representatives from their districts urging the immediate need of the proposed investigation and asking favorable consideration for a bill to provide money for the purpose.

THOMAS J. KEENAN, *Secretary.*

Mr. TOWNSEND presented a memorial of sundry citizens of Bay City, Mich., remonstrating against the attitude taken by the labor unions in the matter of strikes and the observance of law and order and praying for Federal action to remedy existing conditions, which was referred to the Committee on Education and Labor.

He also presented a petition of S. D. Haight Post, No. 348, Grand Army of the Republic, Department of Michigan, of Scottville, Mich., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Jackson, Mich., praying for universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of the Upper Peninsula Educational Association of Michigan, praying for the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Gregory, Mich., praying that the United States protect the Armenians from the depredations of the Turks and Kurds and render assistance to them in their efforts to establish an independent government, which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of the Chamber of Commerce of Bangor, Me., praying for the enactment of legislation to end the strike of coal miners and approving the action of the administration in relation thereto, which was referred to the Committee on Education and Labor.

STRIKE OF WORKERS IN STEEL.

Mr. KENYON. Mr. President, I ask unanimous consent to present the report of the committee which has been engaged in the investigation of the steel strike. I wish to say in presenting it that the report is signed by the members of the subcommittee. The balance of the committee did not have the time to go over the testimony or to go over the report. They neither acquiesce in the report presented nor dissent from it, but authorize its presentation.

The VICE PRESIDENT. The report (No. 289) will be printed under the rule.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3245) to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes (Rept. No. 295); and

A bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion (Rept. No. 296).

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3384) to provide for burial and expenses of transportation of remains of certain officers and enlisted men of the reserve forces of the United States (Rept. No. 290);

A bill (S. 3385) to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condition prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor (Rept. No. 291);

A bill (S. 3386) to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts (Rept. No. 292);

A bill (S. 3387) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French Military Mission to the United States (Rept. No. 293); and

A bill (H. R. 7752) relating to detached service of officers of the Regular Army (Rept. No. 294).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 2980) to increase the efficiency of the Military Establishment of the United States, reported it without amendment and submitted a report (No. 297) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3270) authorizing the Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine claims for damages occasioned by acts for which said survey is responsible in certain cases (Rept. No. 298); and

A bill (H. R. 3620) to authorize the Commissioner of Navigation to change the names of vessels (Rept. No. 299).

Mr. KIRBY, from the Committee on Military Affairs, to which was referred the bill (H. R. 1216) to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889, reported it without amendment and submitted a report (No. 300) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 3395) to discontinue the improvement to provide a channel extending from the sea to the Charleston Navy Yard; to the Committee on Naval Affairs.

By Mr. CALDER:

A bill (S. 3396) to discontinue the construction of a dry dock at the navy yard, Charleston, S. C.; to the Committee on Naval Affairs.

By Mr. PHIPPS:

A bill (S. 3397) authorizing the President of the United States to appoint certain persons in the Regular Army and place them upon the retired list (with accompanying papers); to the Committee on Military Affairs.

By Mr. KEYES:

A bill (S. 3398) making an appropriation to be expended under the provisions of the act of March 1, 1911 (36 Stats., 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 3399) authorizing the use of radio stations under the control of the Navy Department for commercial purposes, and for other purposes; to the Committee on Commerce.

By Mr. HITCHCOCK:

A bill (S. 3400) to amend section 12 of the act approved July 17, 1916, known as the Federal farm-loan act; and

A bill (S. 3401) to amend sections 12 and 16 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. KING:

A bill (S. 3402) granting a pension to Ellen Burdick; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3403) to advance certain officers on the retired list of the Army; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3404) granting an increase of pension to Joel M. Thomson; and

A bill (S. 3405) granting an increase of pension to Edward H. Bennett; to the Committee on Pensions.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 124) granting a bonus to enlisted men of the Philippine Scouts who have accepted or may accept their discharge in order to reenlist in said Philippine Scouts; to the Committee on Military Affairs.

WILLIAM O. JENKINS.

Mr. KING submitted the following resolution (S. Res. 224), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be, and hereby is, requested, if not incompatible with the pubic interest, to report to the Senate all information in his possession with respect to the recent forcible abduction of William O. Jenkins, consular agent of the United States at Puebla, Mexico, the indignities suffered by him during such abduction at the hands of Mexican nationals, and the means employed by said Jenkins to effectuate his liberation, together with the representations that have been made to the Mexican Government for the purposes of obtaining indemnification and reparation in the premises and to secure that degree of protection for official representatives of the United States in Mexico that is accorded by civilized States to the diplomatic representatives of other powers, according to the usages and customs of international law and practice.

DISTRIBUTION OF WAR DEPARTMENT SUPPLIES—CONFERENCE REPORT.

Mr. WADSWORTH. I ask unanimous consent as in legislative session to submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities and other recognized educational institutions, and for other purposes.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities and other recognized educational institutions, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at 15 per cent of their cost to trade, technical, and public schools and universities and other recognized educational institutions, upon application in writing, such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses, except cost of transportation, incident to distribution of the tools, and the balance shall be turned into the Treasury of the United States as miscellaneous receipts: *Provided*, That in the event any such material is offered for sale by said institutions without the consent in writing of the Secretary of War, title thereto shall revert to the United States."

And the Senate agree to the same.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
MORRIS SHEPPARD,
Managers on the part of the Senate.
JULIUS KAHN,
CHAS. POPE CALDWELL,
Managers on the part of the House.

Mr. WADSWORTH. May I say in presenting the report that the bill has to do with the sale of machine tools to educational institutions? The House passed a bill for that purpose and the Senate amended it. The views of the two Houses were very much alike, and the conference report merely adjusts two or three little matters in the legislation in a manner satisfactory to both Houses. There is no substantial change in the measure as now agreed to in conference compared with the measure originally passed by the Senate.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on October 22, approved and signed the following acts:

S. 9. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; and

S. 253. An act for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

BILLS BECOME LAWS.

Bills and joint resolution of the following numbers and titles, having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

Presented to the President October 1, 1919:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916.

Presented to the President October 10, 1919:

S. 2100. An act authorizing the Union Pacific Railroad Co., or its successors, to convey for public-road purposes certain parts of its right of way.

Presented to the President October 14, 1919:

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States; and

S. 633. An act extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes.

Presented to the President October 20, 1919:

S. 55. An act to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other arising from faulty surveys in townships 29 south, range 28 east; also in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes; and

S. 794. An act granting lands for school purposes in Government town sites on reclamation projects.

INTERNATIONAL EXCHANGE.

Mr. OWEN. I ask unanimous consent to have printed in the RECORD a letter from Brussels, Belgium, in regard to international exchange and comments thereon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRUSSELS, *October 9, 1919.*

Honorable Senator OWEN,
Washington, D. C.

HONORABLE SIR: Knowing you to be one of the few representatives of the American Nation who are taking the trouble to carefully study the question of foreign exchange, its evils and remedies, I am taking the liberty to communicate with you in the interests of justice, fairness, the rehabilitation of Belgium, and of American export trade.

I had the honor and pleasure of meeting you in New York during the year 1915, through my friend Mr. Kidder.

Every principle which first led Belgium to resist the aggression of Germany and afterwards led the United States into the conflict and for which the Allies fought and the great mass of our own people made sacrifices and gave liberally of their wealth, strength, and the blood of their kindred on the battle fields, and every effort up to the final victory and the peace and birth of the league of nations are each, all, and every one of them being set at naught and their value and fruits nullified by the action of the ghouls of finance who are manipulating foreign exchange in such a way as to strangle the rehabilitation of Belgium, impose hardships greater than during the Hun occupation, killing the American export trade, and turning our faithful ally away from us to force her back into the arms of the Huns who despoiled and outraged her, and are exacting a more outrageous and high-handed tribute, without producing or giving anything in return, than has ever been exacted by the most notorious and infamous Corsair that ever sailed the seas as a pirate.

The ghouls who prowl among the ruins of a fire or earthquake stricken city are of a lower strata of society, who take their lives in their hands and risk being shot by soldiers or police to gain what they can slink away with in their pockets or on their backs.

The ghouls who are now preying on stricken nations and the vampires who are sucking the blood remaining after nearly five years of war and horror, and every drop of which is needed to restore the nations and get the world moving right again, run no risk, carry on their nefarious work unmolested under the full protection of the law, transport their loot through the agencies of government postal service, the strong boxes of the transatlantic ships and railways, and store it in treasure vaults protected by the forces of law and order of the nations.

The wealth, credit, and solvency of any nation or people are based on their agricultural, natural, industrial, and productive resources, their railways, canals, highways, and constructed values and utilities.

What is happening in Belgium and France to-day as a result of foreign-exchange manipulation?

They are borrowing dollars from the United States which only have a purchasing value of 40 cents when they undertake to purchase machinery, materials, or food from the United States.

The American machinery builder, manufacturer, or food producer does not profit to the fraction of a penny out of the 60 per cent excess dollar value the Belgian buyer has to pay.

Who does get it?

If the Belgian wishes to export his goods or products to the United States he finds that his 1 franc value of material or labor is worth only 40 centimes.

Does the American consumer of those goods profit by that 60 per cent reduction of material and labor values?

Who does?

By reducing by 60 per cent the purchasing value of the dollar borrowed by the Belgian and by diminishing by 60 per cent his franc purchasing value and his franc value of material and labor, the American machinery builder, manufacturer, and food producer is losing over 80 per cent of the volume of trade, profit, and employment of American labor that Belgium or France could otherwise give.

Let us suppose that an American manufacturer has goods to sell, the fixed selling price of which is $1,000, and that Belgian exchange is at its normal rate of francs 5.20 to the dollar.

In that case the Belgian customer pays francs 5.20 for the goods.

Let us suppose that the American manufacturer still has the fixed selling price of $1,000, but that Belgian exchange is francs 8.50 to the dollar.

In this case the Belgian customer has to pay 8,500 francs for goods worth 5,200 francs, an increase of 3,300 francs, or over 63 per cent, but which 63 per cent increase in cost to the Belgian customer does not add one penny to the selling price in dollars or to the profits of the American manufacturer.

INTO WHOSE POCKET DOES IT GO?

It is really only giving the Belgian customer 37 cents value for a dollar, and for which the American manufacturer can only get 37 cents' worth of trade, and only paying the Belgian manufacturer or laborer 37 centimes for his franc value of production and labor.

How are these stricken and exhausted and blood-drained countries ever to rehabilitate themselves under such a load and such iniquitous exploitation, and what do the good will and sacrifices of the mass of our people count for toward Belgium if we stand quietly by and see her robbed by the ghouls and vampires who manipulate foreign exchange of sums far greater than all our masses have or can give in their generosity and good will, and what little is left to them besides?

What becomes of the security or guaranty for our loans if they are to have their remaining strength to recover crushed out and wrested from them in that way?

What becomes of the efforts to get the world back into an orderly and prosperous condition if this chaos and distrust-breeding thing is allowed to live and thrive?

What becomes of the American investments in producing and transporting capacities that look for their outlet in export trade and the labor depending on it if these conditions are allowed to continue?

How can a league of nations hope to become a real thing and of benefit to the world when chaos, uncertainty, extra burdens, want, and other anarchy and Bolshevist-breeding conditions are thus being forced on countries and people who have already suffered to the limit of human endurance and reason?

To what has it counted to have put down the Hohenzollern Kaiser of Germany if the Hohenzollern kaisers of foreign exchange are going to put a worse domination on the world, and drive American trade back into Germany's hands again to recreate a new commercial supremacy that will enable them to start another World War within a decade?

I have lived in Europe from January, 1898, to the outbreak of the war, one year during the war, and have been back here since early last May.

I have been engaged in the import and export trade and engineering contracting lines, and during that time have made extensive business trips and prolonged stays in England, Holland, France, Germany, Russia, and Italy, and always in touch with the very heart and pulse of international trade and economic and political conditions.

I knew this country as well before the war as I knew our own country and people, and could see and judge from both sides.

Right after the armistice was declared the spirit of reconstruction and rehabilitation was strong in the hearts of every Belgian, when with their wonderful energy, thrift, and cour-

age they started with full hopes and confidence to meet the tremendous task, with blessings on their lips for the help their big and powerful and generous ally across the seas had brought them, under the glorious Stars and Stripes, and the hope and confidence that they would give to that ally and friend the trade they had formerly given to the hated devastator Germany.

The four and one-half years of tears and anguish, suffering, and death gave place to smiles on the wan faces, strength to the weakened bodies, and almost miraculous changes were taking place.

Plans were made for a rapid reconstruction and rebuilding of the nation's resources and production, industrial and national life, in all of which the big brother and loyal ally over the seas was to be their mentor and friend and to whom they would look for materials and machinery and food.

But the dark cloud of foreign exchange appeared on the horizon and grew at such a rate and to such proportions that to-day all is changed to a feeling of depression; reconstruction plans are being abandoned or modified to meet a long-time basis; those who yesterday looked upon us as friends to-day look upon us with cold suspicion of attempting to rob them and take undue advantage of their suffering and weakness, and the energy that expected to rush ahead hand in hand with us has given place to indifferently and stoically awaiting the time when Germany can again be ready to take her former place and the place reserved for us.

The question is very often heard here as to why the American people, if they are really the friends they have appeared to be, and wish to help Belgium and get her trade, do no take measures to stop this high-handed robbery through the manipulation by a comparatively small number of men of the foreign exchange, and fix a basis of comparative monetary and exchange values between the different countries that will keep it steady under Government control and take it out of the hands of manipulators and speculators who gain an illegitimate power on and profit from the world's destinies and commerce to the advantage of none but themselves, and disadvantage of everyone else, and without producing anything nor giving a counter value of any kind to anyone.

It is nothing more than an overgrown abuse of outgrown world conditions and the manipulation of a modest and reasonable commission for a regular financial service into a high-handed system of outrageous brigandage that levies toll on all passers in all directions without giving any service in return.

It is gambling with loaded dice against the life and blood of nations who have no more show to defend themselves than the rabbit in the coils of a python and is just as grave a menace to the peace of the world and law and order as was the Kaiser of Germany or the Bolshevist leaders.

The franc value of a dollar does not shift from 5.20 francs up to 9 francs and dodge up and down between those points without some individual or group of individuals fixing the time and variations of the exchange and for the benefit and profit of no one but those of their own circle or line of business and to the detriment and loss of everyone else.

I will cite one particular case of one of the best-known Belgian manufacturers of international reputation, who before the war was a friend and admirer of Americans and things American and said with pride that no German machinery nor material had ever entered his plants.

From the beginning of the war up to last June he was among the most ardent haters of Germans and things German.

But he finally became so exasperated at conditions imposed by American exporters and the outrageous robbery and injustice of the present manipulated rates of exchange and the hopelessness of reequipping and restarting his plants and business under such conditions that two weeks ago he went to Germany with rage and bitterness in his heart to order for $170,000 of machinery and materials.

He can not be blamed, as you or I would have done the same under similar circumstances.

I trust, Senator, that you will not find this letter presumptuous nor tiresome, as I have felt it my duty toward our own manufacturers and workers and every one of our national interests connected with export trade, the good will and sacrifices of our Nation, our standing before the world, the interests of Belgium and France, and the peace, order, prosperity, and good will of the world at large called for an expression of this kind from some one familiar with conditions here to some one in the United States who had the same interests at heart and the intelligence to deal with the matter and the power to make his voice heard.

I have been asked by scores of manufacturers and business men here if there was not some way to reach the American people, to put the situation clearly before them, and persuade them to act; and I know of no better way nor of no more competent person than your honorable self as the means of such communication.

Yours, respectfully, E. B. HOTCHKISS.

Mr. OWEN. Mr. President, this letter states with great force what is taking place to the ruin of American commerce and to the destruction of American exporters. I call the attention of the country to the fact that usury in foreign commerce is not covered by any law, and that international exchange is now being subjected to usury of the most extreme type the world has ever seen.

I refuse to denounce the bankers, because they are only human beings after all. They regard themselves as merchants dealing in credits, and if they can sell their credits for a hundred per cent profit, some of them do not hesitate to do so. But usually they take a commission and pass the sale on to a customer.

I do not blame the citizens who buy French and Italian credits in exchange for dollars in this country at the price offered, because they are unconscious of wrong, and they do not know that this matter is undergoing wholesale manipulation, dangerous to international commerce and mischievous to the stability of society itself. If European credits are not solvent and sound, it would be better not to extend the credit at all. If the credit is sound, it ought to be extended at a fair rate of interest, which means a fair rate of exchange. The argument of the letter is substantially sound and paints the picture impressively.

To take grossly unfair advantage of the immediate necessity of these European people, who are perfectly solvent and can repay in full, is absolutely base and immoral and will bring upon America the contempt and hate of the European people. The moral aspect is precisely the same as charging a starving man twice as much as a fair price, because you were taking advantage of his immediate necessity, although you knew he could repay you in full a little later on. Such conduct is despicable beyond words.

With a view to correcting this condition, I took the liberty of writing a letter to the President in the hope of getting some international action that would put an end to this international scandal and disgrace, which I herewith submit:

NOVEMBER 6, 1919.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Will you not permit me again to call your attention to the importance of stabilizing international exchange? Our excess commodity shipments over imports have fallen from 600,000,000 in June to 158,000,000 in September. Our export houses are in distress and the exchange rates are going down to the lowest recorded point—francs, 9.05; lire, 11.07; sterling, 4.15.

The British sterling was sustained by a recent loan of 250,000,000 placed in the United States.

British currency, French currency, Italian currency have gone through a serious inflation, and their paper money is not on a gold par basis. The Italians buying American goods must pay the present high prices plus very high transportation charges; for example, $28 a ton on coal plus twice the total in lire. It is obvious that this is ruinous to our foreign commerce with Italy, and is making it impossible for our allies to get back to normal production as promptly as we had hoped.

The Europeans can not sell credits in the terms of their currency to advantage because they are not only not on a gold basis, but there is reason to fear further inflation in the absence of a declared policy to the contrary.

The gold standard is temporarily broken down, and ought to be promptly restored. It can be done.

The investing public of the United States is able and would be willing to extend the credits necessary to finance our foreign exports, provided the mechanism were available and sound economic policies were declared by the Governments whose trade is involved.

The problem is well understood by many men, but apparently is not well understood by the men and officials responsible for Government.

I regard this question as of the first magnitude, and I respectfully request you to invite an international exchange conference to be held in Washington City with representatives of the leading nations of Europe present to meet with your representatives here.

I request that this suggestion be submitted to the Secretary of the Treasury, the governor of the Federal Reserve Board, and the Secretary of Commerce for an immediate report to you.

Yours, very respectfully,

ROBERT L. OWEN.

Mr. President, international exchange is absolutely at the mercy of houses doing an international banking business. These houses buy and sell international credits as merchandise or commodity, and with a comparatively narrow market they can and do fix the prices at which credits abroad, in terms of pounds sterling, francs, and lire, may be disposed of. A great speculation is going on in this field in New York and London and Paris, without any governmental supervision.

They can subject international commerce to the charge of a hundred per cent usury, and the public, representing the productive elements at home and abroad, are without any protection from this gross abuse.

There is needed an international mechanism adequate to protect international commerce.

If an international conference were called of sufficient dignity and character, it could advise as to what is required to stabilize international exchange and protect international commerce.

It would seem desirable to confine advances to Europe to cover fuel, food, machinery, raw material, and to see that such commodities are confined to productive purposes.

Foreign countries should underwrite these exports in order to get the lowest possible prices.

Such a conference could solve every difficulty by wisely advising governments what to do in the premises.

STRIKE OF COAL MINERS.

Mr. DIAL. I ask to have printed in the RECORD a telegram from the president of the American Cotton Association in regard to the coal strike, and suggesting a remedy therefor.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ST. MATTHEWS, S. C., *November 7, 1919.*

Hon. N. B. DIAL,
United States Senate, Washington, D. C.:

In order to prevent suffering and impending calamity now facing our whole people, we would urge that you take all necessary steps, in cooperation with Congress, to have the Government take charge of the mines, and have a call issued for 500,000 men from the South, North, East, and West to come to the rescue of our country in this great hour of need, for the purpose of mining coal, and thus relieve the situation, prevent suffering, and preserve our cherished American ideals. Loyal Americans have never failed to respond to calls from their country in a time of need. They realize that it is more noble to prevent suffering than to treat it after it has befallen us, and that it is our duty to preserve our Americanism. We firmly believe that the full quota of 125,000 from each section will loyally respond. The South, if necessary, I feel sure, will double its quota. With winter approaching, our people facing the certainty of intense suffering, and with the foundation stone of our dearly bought liberties and democracy threatened, unless relief is speedily furnished and immediate action taken, we will face a terrible calamity, and under this head an immediate response will result and relief will be furnished.

J. SKOTTOWE WANNAMAKER,
President American Cotton Association.

AMENDMENT OF ARTICLES OF WAR.

The VICE PRESIDENT, as in legislative session, laid before the Senate the amendment of the House of Representatives to the bill (S. 1373) to amend the Articles of War, which was, on page 1, line 3, to strike out "342" and insert "1342."

Mr. WADSWORTH. Mr. President, the amendment was put on by the House merely for the purpose of correcting an error in the printing. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NATIONAL ASSOCIATION OF COMMISSIONERS OF AGRICULTURE.

Mr. FLETCHER. As in legislative session, I present a report of the fourth annual meeting of the National Association of Commissioners of Agriculture, containing some very valuable addresses and proceedings. I ask that it be referred to the Committee on Printing with a view to having it published as a public document.

The VICE PRESIDENT. It goes to the Committee on Printing.

LOAD LINES FOR VESSELS.

Mr. FLETCHER. Mr. President, there are many persons interested in what is known as the load-line bill who desire to be heard upon the measure. We had hearings on it before the Committee on Commerce, but I think it is fair that there should be some further consideration given to the bill. I therefore move that the bill (H. R. 3621) to establish load lines for certain vessels be taken from the calendar and recommitted to the Committee on Commerce.

The motion was agreed to.

ADDRESS BY SENATOR RANSDELL.

Mr. SHEPPARD. Mr. President, I ask that the very able address recently delivered by the senior Senator from Louisiana [Mr. RANSDELL] before the American Cotton Association at New Orleans, La., on the cotton situation be incorporated in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE BENEFITS OF A NATIONAL COTTON ASSOCIATION.

[Address of United States Senator JOSEPH E. RANSDELL before the American Cotton Association at New Orleans, La., Sept. 8, 1919.]

"Mr. Chairman, ladies, and gentlemen, I am delighted to have the opportunity to address such a splendid audience as this gathered together from the entire cotton section of the South.

"You are assembled here for the purpose of discussing the great crop of the South—cotton—and cotton needs discussion at this time, for it is in a very serious situation, a situation which but for the troubles of the world resulting from the war it would not be in.

"It is so evident, my friends, that the American Cotton Association can be of immense benefit to all of us who produce cotton that I scarcely know what to say on the subject assigned to me. This is a day of organization. Practically every business in the world is organized. Labor is organized, and every business with which I am familiar, except farming, is organized. Capital is organized, the people who manufacture cotton products are organized, and most of the people who consume cotton are organized in one form or another. The only people, so far as I know, in this great country of ours who are not organized are the farmers.

"It seems to me it is time for the cotton growers of the South to get on the band wagon of progress as it travels around the world and establish ourselves so thoroughly that we can attain that position which comes from union. 'In union there is strength' is an old and very trite adage, but nevertheless a true one.

"The American Cotton Association has made a fine start to get our cotton growers together in an association that will enable us to unite our forces and work as one man for the common good. I bid it Godspeed, and bespeak for it the cordial support of everyone in the South who is interested in cotton.

"It has been my good fortune to represent, in part, the State of Louisiana in the Capitol at Washington for the past 20 years—14 in the House of Representatives and 6 in the Senate. During that time I have come in contact with a great many national organizations and am in a position to speak from personal experience of the very great value to the interests represented of many of the national organizations in that city. Cotton has been represented there to some extent, but the South as a whole, through an organization such as this, composed of cotton growers of every State and every section of the South, has not been represented systematically in a businesslike way in the Nation's Capital.

"I understand, my friends, that you already have an excellent working organization, but I wish to suggest that you are not going to reach the desired efficiency until you make headquarters in the city of Washington, the Capital of this Republic, the mecca of all good Americans, and the place where all truly beneficial and successful national organizations have their headquarters. [Applause.]

"Perhaps it is inappropriate for me as a Senator from the State of Louisiana to make this suggestion, because I have heard that this beautiful and magnificent Crescent City, the pride of my State and of the South, would probably be selected as the domicile of the organization. I do not know that this is true, but I do know this: If you wish to bring together the people of the entire South—and unless we do bring them all together we can not win—you can not do it successfully in any southern city, even in the great city of New Orleans. You must come to the Nation's Capital. If you will do that, if you will establish the headquarters of your association there, with strong, forceful State organizations in every one of the 11 cotton States working in conjunction with the national association, you will secure the most helpful results, provided, of course, it is a business institution, one that will gather information on every branch of the cotton industry and everything connected with it; not such information, for instance, as might be furnished by some exchange which was perhaps a little prejudiced one way or the other, or by the manufacturers alone, who are interested in getting cotton as cheaply as possible, or by exchanges not particularly interested in giving us good prices for our product, but information derived by our agents and the most intelligent men we can engage at good salaries to represent us and work for us and give us first-hand information, as I have stated, on everything connected with cotton and its kindred industries. If we

do not have this kind of information we can not make the success we are entitled to.

"I hope, President Wannamaker, that you are going to attempt something of that kind. I hope, sir, that in my capacity as a Senator from Louisiana, as one Senator from a State which raises several hundred thousand bales of cotton yearly, and which boasts of having the greatest cotton port in the Union, I will know where to go in the city of Washington to get authentic information; that I will know where to go to get authentic statistics; that I will know there is a sentinel on the watch-tower of the great cotton industry, watching all the time, serving faithfully, and keeping every friend of the cotton growers thoroughly posted. [Applause.]

"There are so many branches of this subject that I shall attempt to cover only two or three of them.

"We have heard a great deal of late about the high cost of living, about profiteering, about reducing production. My friends, I am not of those who believe it wise to reduce the cotton acreage of our country in order that we may reduce production and thereby get a better price for the limited number of bales that we do produce. Perhaps that is not a popular statement, but I am in the habit of saying what I believe to be true and wise, whether it is popular or not. I would dislike very much to see the slur of profiteering flung at any portion of the South. I would dislike to face the charge that we are neglecting that great talent given us by the Almighty, the best soil and climate on earth for producing cotton—that we are failing to take proper care of that talent; failing to make it produce, increase, and multiply in a reasonable and proper way.

"Do not misunderstand me. I do not advocate too large a production of cotton. I know that the world needs a considerable quantity of cotton. I know that it depends upon the South to produce two-thirds of all the cotton that is needed, and I believe firmly that the God of the universe expects us to produce that two-thirds of the cotton needed by mankind. At the same time I believe we are expected to receive fair returns for our labor. The man who produces cotton by the work of his hands is just as much entitled to remunerative wages for his labor as any other laborer, and the great trouble with us in the South has been that the producers of cotton have not received fair wages. They have been the poorest paid laborers in our country. They have lived in poor houses, under the most unfavorable conditions. They have been the most illiterate laborers in the Union. Thank God, that condition has changed, at least to some extent, during the last few years. It is the duty of this great association to make it a complete and perfect change in the years to come, and I believe you are going to do it. [Applause.]

"My friends, the South has been raising a great many crops besides cotton. Do you realize that the cotton crop of last year, including the seed, was valued at $1,972,000,000—let me repeat it, $1,972,000,000—while the other crops of the South, the crops separate and distinct from cotton, were valued at $2,373,000,000, these other crops exceeding cotton in value by about $400,000,000. That is a very gratifying thought to me. (I am speaking of the crops of 1918.) We could not have said that a few years ago. We would have been obliged to say that cotton was absolutely the king of southern agriculture; that we were dependent upon cotton to buy everything else that we needed. Now we can say that the other crops of the southern farms exceed cotton in value $400,000,000. That is a very important thing; and what does it mean? It means that we of the South have been raising on the farms the things needed for home consumption. It means that we have become very prosperous. It means that the farmers of the South, should they decide to hold their cotton because they can not get a satisfactory price for it, are able to hold it without asking any favors from Wall Street or anybody else. [Applause.] It means, my friends, that the capital and surplus in the banks of the South at the close of 1918 aggregated $500,000,000. It means that the capital and surplus and undivided profits and deposits of the southern banks at the end of 1918 equaled $2,700,000,000. It means that an era of unexampled prosperity and great wealth has come to the Southland. We have enormous power. We scarcely realize how rich we are, and that our wealth is not mainly represented by cotton, because the other crops of the South exceed cotton in value by $400,000,000. Of course, that takes no account of our vast timber and mineral and manufacturing wealth of all kinds and sorts.

"My friends, one of the things this great association can and should do is to advocate in the strongest manner better homes for the agriculturist. We should provide more conveniences for the housewife; better roads in every agricultural community. We should persuade the toilers in the country that they must have automobiles and auto trucks; that they must depend no longer solely upon the mule and the horse. They must have rapid means of transportation over good roads. They must have community centers and first-rate schools; in short, they must have just as many of the conveniences, the comforts, and the luxuries of life as any other class of our citizens. [Applause.] Place the agriculturist in that position, and we will no longer be confronted by one of the greatest present menaces of civilization, namely, the fact that at the present moment only about 47 per cent of the people of America live in the country, 53 per cent of them living in the cities or in centers of more than 2,500 people. This is a serious menace. You can not travel through any portion of the cultivated lands of America without seeing many abandoned farms. You can see abandoned farms, and plenty of them, within 25 miles of the city of Washington. You can find them in every State of this Union; houses going to wreck, fences falling down, ditches filling up, and weeds growing on land that ought to be covered with crops. And why? Because life is so much more attractive in the cities. Because the luxuries, the conveniences, the comforts, and the privileges of the dwellers in the cities are so much greater than those enjoyed by the people who live in the country. Because, as a rule, the toiler in the city gets more returns for his labor. He gets more money for his labor than the countryman gets—at least the countryman of the South. It has not been so in the grain regions of the West. The great wheat sections are wonderfully prosperous. There is more aggregate wealth per capita in the State of Iowa than in any other State in the Union. There is not a single city of large size in the State of Iowa. Its people have been raising wheat and foodstuffs of all kinds, and they have been practicing such intelligence, such diversified agriculture, that farming lands in Iowa today are selling at as high a figure as $500 per acre. That is true agriculture; that is a system that we can emulate, and your great organization must try to teach the people of the cotton States to emulate those farmers of Iowa. They must be taught to live on highly cultivated lands, to occupy good houses with modern improvements. The barns for live stock in Iowa are better than most of the farm dwellings in the South where our people have not adopted the most improved methods of agriculture. If we will act along that line, we will be in fine shape and will be able—much better able than we are to-day, if that can be—to hold what cotton we do not wish to sell.

"Now, let me repeat for a moment: If we find we are not satisfied with the price offered for our cotton—and I am not going to say what that price ought to be; we can simply figure it out for ourselves; but I say this, if we do not get a price that will yield us a fair return for our labor, a price which will enable us to put our houses in order and which will enable our tenants to earn just as much proportionately as people engaged in other kinds of labor—I do not care what kind of labor it is—unless we can get that price for our cotton, then, say I, let us hold it. Let us hold it, and with the splendid banking institutions which I have described to you, with their two and three-quarter billions of dollars of resources, you will not have to beg anybody to help you hold it. They will be falling over each other to lend you money on warehouse certificates secured by cotton, because there is no better security in the world. Place your cotton in any of the splendid warehouses all over the South, get your warehouse certificates on it, and go to your nearest banker, and you will have no trouble in getting money on that cotton, and at a fair rate of interest. But, supposing we try to hold all this cotton, what is going to happen? We will have, perhaps, out of this crop of 11,000,000 bales the Agricultural Department speaks of, some to carry over. I am not going to discuss that carry over with you. It is too technical for me, and I do not believe anybody understands it. I am satisfied the figures were not gotten up by the cotton producer, but I think it is fair to say there will probably be about 3,000,000 bales of pretty good cotton carried over. That is about right, isn't it, Mr. Wannamaker?

"Mr. WANNAMAKER. Yes, sir.

"Senator RANSDELL. Then we will have a lot of bobtail linters and this rotten stuff that they pick out of our cotton. They picked some out of mine and allowed me 5 cents a pound for it when I was holding out for 32 or 33 cents. There is a great deal of that kind of cotton on hand. Let us assume 3,000,000 bales of good cotton carried over and a growing crop of 11,000,000 bales; that gives us 14,000,000 bales. Now, let us consider the very extreme that it is said this country can consume. I think your association says we can probably handle 7,000,000 bales in America. That is more than we ever did manufacture; but I am willing to take the extreme figures and agree that this country will consume 7,000,000 bales. That leaves 7,000,000 bales still, doesn't it? And what are you going to do with that? It is a pretty serious proposition. There is a surplus of 7,000,000 bales over and above what we can consume at home. England is going to buy some of that from us, but if she buys to-day it will be at a pretty heavy rate of adverse

exchange. France is going to buy some of it, but will have to pay something like $1.35 for $1 of our money. Italy is going to buy some; but to convert their lire into American money will cost $1.45 for every dollar of our money. Now, suppose we are getting 33 cents a pound for our cotton; then the Frenchman will have to meet the rate of exchange—35 cents. That is the last rate of exchange I saw quoted. I do not know what it is to-day, but the Frenchman would have to pay about one-third of the 33 cents in meeting the rate of exchange; so that, in round numbers, 44 cents is what he would have to pay for a pound of our cotton. Of course, he will have to pay the ocean freight rates and other expense, and that is a terrible handicap on our brothers in France. This means also a great handicap to our Italian friends who wish to buy our cotton, as they would have to pay 45 cents additional on every dollar. They would have to pay considerably more than the French. It would amount to about 48 cents a pound for the cotton, besides the heavy ocean freight rates. They can not stand that.

"Most of our European friends are bankrupt, or practically so.

"They have gone through the greatest war in the history of all the world. There never was such a war—never such an exhaustive war. The wars of all the world from 1793, when the great Napoleonic War began, to August 1, 1914, cost, in round figures, $20,000,000,000. Remember, that was the cost of warfare in all the world during a period of 121 years, while the Great War which has just ended and which lasted only 4 years cost upward of $100,000,000,000, much more than four times as much as all the wars of all the world for the preceding 121 years. I ask you, How in the name of common sense can these countries that have gone through this war have any money left? They are in a terrible financial condition. They have their people and their institutions left, but they have no money left and they can not buy those 7,000,000 bales of cotton, my friends, unless we help them to do it, just as we helped them to crush out German autocracy. [Applause.] We had to send 2,000,000 men and a great many billions of dollars to the Old World to help put a stop to the German invasion. But for us those Germans would have swept over Europe and then over America, and no one can tell what the result would have been. There is no doubt about that, and we have got to help those people financially, just as we helped them physically. How are we going to do it? What can this great organization do? Why, ladies and gentlemen, you can do the very thing necessary to win the fight. It is up to you to say, as the representatives of these 11 cotton States, these great States with all their vast population and incalculable wealth, whether you will form such a financial institution as will permit you to give credit to the people of Europe for the next two, three, or four years and put them on their feet by selling them our cotton on credit, on long credit and at low rates of interest, until the normal status is resumed, until a fair rate of exchange is resumed, until they are able to pay us back our loans out of the manufacture of cotton goods. How can those people pay back any of the $10,000,000,000 we have loaned them already unless we help them to get on their feet? How can they buy these 7,000,000 bales of cotton unless we help them? And, viewed even from a financial standpoint, it is a selfish advantage to us to help them.

"In my opinion the American Cotton Association, your great and powerful organization here assembled in convention, should, at this very meeting, determine to create at once the big cotton export corporation which was recently discussed so forcibly by members of this association, and especially by Gov. Harding, of the Federal Reserve Board. [Applause.] Gov. Harding proposed an export corporation with a capital of $100,000,000, formed for the purpose of selling cotton on terms of credit to Europe. One hundred millions would not give the Europeans enough cotton, but would buy a great many bales, and when we sell them this cotton and get their securities for it we can dispose of those securities and sell them another lot of cotton.

"The question comes up as to how you will get that $100,000,000. A bill is pending in Congress now to authorize the national banks of the country to invest 5 per cent of their capital in the stock of such an organization as this export corporation. I am sure that the laws of a number of the Southern States permit the State banks and loan and trust companies to subscribe whatever amount their directors see fit to the capital stock of such a corporation. If these banks were to put up 5 per cent of their surplus and capital, it would amount to about $25,000,000, and it seems to me, my friends, that every man who raises a bale of cotton could well afford to take stock in that corporation to the extent of $5 a bale, based upon the crop of 1918. He could do it even as a selfish proposition. Right here and now I pledge myself to subscribe $5 for every bale I raised last year, in order to help this plan along. [Applause.] While I believe it is patriotic to do it, I know also that it is selfish to do it, because I know that if we get such an organization started we are going to see an advance in the price of cotton before the next day's sun sets. Just as sure as we determine to put it under way, under the leadership of such men as President Wannamaker, it is going to meet success everywhere; and if we can convince the world that we mean business, that we are going to raise that $100,000,000 and start shipping cotton abroad to be sold in the markets of Europe which need it so badly, the price will go up and all cotton growers will get a great deal more than the $5 a bale that they have contributed by way of advance in price. [Applause.]

"There are very shrewd men on the other side of this game. They are not going to pay much attention to talk, but they will heed action. There is a homely old fable which describes this situation somewhat: An old farmer was out in the field one day and a little lark heard him say, 'This wheat is about ready to cut. I will call in my neighbors and friends and we will cut the grain; it must not remain longer.' When the mother lark got home the little ones told her, with great trepidation, 'We have got to move. We can't stay in this field any longer.' She said, 'My children, don't be uneasy. We won't have to move.' A couple of days later when the mother lark returned the little ones said to her in great distress, 'Mother, while you were away the farmer came to this field and said, "I am tired of waiting for my neighbors and friends to come in and help me cut this wheat; it's suffering; it's beginning to waste; I will go home, sharpen my scythe and mowing machine, and to-morrow morning as soon as the sun rises my boys and I will come out here and we will harvest this grain."' Then said the mother lark, 'My children, it's time for us to move.'

"Let us apply that to our situation. If we expect New York to help us finance this cotton, we are not going to be helped. If we expect great financial institutions and trusts to market this cotton for us, it will not be marketed, except on terms suitable to Mr. George McFadden and his friends. [Great applause.] But if we show that we are going to market it ourselves, that we are going to raise the money, that we are going to organize an export corporation and ship this cotton ourselves as Southerners, as cotton producers, then we will get results. Then we will get a good and satisfactory price, and under no circumstances should we have more than a reasonable and proper price.

"Before closing, I wish to say just one other word. I do not want to bring any politics into this meeting, and the great question I propose to discuss for a moment is not political. I simply want to say that I do not believe it humanly possible for this world to get on a sound, normal business basis until we have a declaration of peace, and we can not have peace until the covenant of the league of nations is ratified by the American people. [Great applause.] It is one of the greatest documents ever penned for the benefit of the human race. It may contain some provisions that should be changed, but so did the Constitution of the United States when first adopted, and we know that 10 amendments were added to that immortal document shortly after its adoption. We know that since then eight others have been adopted, and those of us who believe, as I do, in woman suffrage believe we will have another before very long. [Applause.] It is on the way—it is coming—and that will make the nineteenth addition or change in the greatest Constitution that a free people ever devised. The covenant of the league of nations will, in my judgment, do for mankind what the Constitution of the United States has done for America, and I say to you representatives of every Southern cotton State, if you desire quick results, if you desire to secure beneficial results for cotton, in Heaven's name persuade your Senators to vote for the immediate ratification of the league. [Applause.]

"Before closing my remarks, and to carry out in a practical way that which I have outlined in this desultory manner, I wish to propose the following resolution and ask that it be referred to the resolution committee of this organization:

"Whereas the only immediate relief possible for the cotton famine now threatening Europe as the result of a lack of financial credit is to furnish such credit; and

"Whereas the only relief to the serious situation now facing the cotton industry of the South is to open up European markets which are in pressing need of raw cotton; and

"Whereas Europe is not only in desperate need of cotton but in special need of low-grade cotton, for which there is no American market resulting in the absolute nonsale of low grades, except at enormous sacrifice; and

"Whereas certain leading bankers and financiers, who have given the most careful consideration to this question, think that the only possible relief is to furnish Europe with credits and to organize an export corporation similar to the one recommended by Gov. W. P. G. Harding, of the Federal Reserve Board, who is a Southerner of Southerners from the cotton State of Alabama. [Applause.]: Therefore be it

"*Resolved*, That this association appoint a special committee of nine to confer with Gov. Harding at once, for the purpose of cooperating with him and with full power to take all necessary steps to complete the organization of an export corporation as outlined above.

"Ladies and gentlemen, I thank you for your attention. [Applause.]"

INTERNATIONAL LABOR CONFERENCE.

Mr. THOMAS. Mr. President, on the 31st of last month I addressed the Senate upon Part XIII of the treaty, and took occasion to comment upon the admission into the International Labor Conference now in session in Washington of representatives from Germany and Austria, with whom the United States is still technically at war. My attention has since been directed to the November number of the American Federationist, containing a series of cablegrams passed between the Government of the United States, acting for Mr. Gompers, and certain officials in Europe concerning that subject. They recite the preliminary negotiations resulting in the grant of passports to the German and Austrian delegates to this conference. They are illuminating and extraordinary. I therefore ask unanimous consent to insert in the RECORD the contents of pages 1055 and 1056 of the American Federationist for November and ask that they be read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

"GERMANY AND AUSTRIA IN INTERNATIONAL LABOR CONFERENCE.

"Cablegrams giving the details of the invitations to Germany and Austria to be represented in the International Labor Conference held in Washington beginning October 29 are herewith submitted:

"DEPARTMENT OF STATE,
"*Washington, September 2, 1919.*

"Mr. SAMUEL GOMPERS,
"*President American Federation of Labor,*
"*Washington, D. C.*

"SIR: The department encloses herewith, for your information, a copy of a telegram dated September 1, 1919, received from the American ambassador at London.

"I am, sir, your obedient servant,

"For the Secretary of State:

"ALVEY A. ADEE,
"*Second Assistant Secretary.*

"Enclosure: From London, September 1, 1919, telegram:

"LONDON.

"Dated Sept. 1, 1919.
"Recd. September 1st, 6.05 p. m.

"SECRETARY OF STATE,
"*Washington, D. C.*

"Urgent. 2946, September 1st, 8 p. m.

"For Samuel Gompers, from G. N. Barnes.

"'Admission Germany to Washington conference recommended by Paris, and similar treatment for Austria suggested. Proposed decision be taken either by Governments or by labor commission now or by Washington conference. Consider last alternative impossible, as case prejudiced moment ex-enemies invited to attend. Available members labor commission summoned to meet Paris Friday. Glad know your views beforehand.' Reply desired as soon as possible.

"DAVIS."

"A. F. OF L. BUILDING,
"*Washington, D. C., September 3, 1919.*

"Hon. ALVEY A. ADEE,
"*Second Assistant Secretary of State,*
"*Washington, D. C.*

"DEAR SIR: Your letter of the 2d instant, enclosing copy of cablegram to me from G. N. Barnes, London, was duly received.

"I am enclosing herewith a reply to said cablegram, with the request that you kindly cause same to be forwarded with the least possible delay.

"Very truly, yours,

"SAMUEL GOMPERS,
"*President American Federation of Labor.*

"A. F. OF L. BUILDING,
"*Washington, D. C., September 2, 1919.*

"Cablegram.

"Right Honorable GEO. N. BARNES,
"*British War Cabinet, Montague House,*
"*Whitehall, London, England.*

"Cablegram received. My judgment is representatives Germany and Austria should be invited to Washington conference. Without such invitation the conference will be prejudiced and injured in advance.

"SAMUEL GOMPERS."

"THE ASSISTANT SECRETARY OF STATE,
"*Washington, September 6, 1919.*

"MY DEAR MR. GOMPERS: I beg to enclose herewith a copy of a telegram received for you from Mr. Barnes in London through the American Embassy.

"Very sincerely, yours, "WILLIAM PHILLIPS.

"The Hon. SAMUEL GOMPERS,
"*American Federation of Labor, Washington, D. C.*

"LONDON.

"Dated September 4, 1919.
"Recd. 4.06 p. m.

"SECRETARY OF STATE, *Washington.*

"Urgent. 2967, September 4, 4 p. m.

"My 2946, September 1, 8 p. m., for Gompers from Barnes. 'Parliamentary committee trades-union congress emphatically favor full admission Germans and Austrians when conference opens. Otherwise not disposed to participate. This changes situation materially. Please cable your views.'

"DAVIS."

"WASHINGTON, D. C., *September 8, 1919.*

"Mr. WILLIAM PHILLIPS,
"*Assistant Secretary of State,*
"*State Department, Washington, D. C.*

"DEAR SIR: I have the honor to acknowledge receipt of your favor of September 6th conveying to me a message from Mr. Barnes, of the British War Cabinet, through the American ambassador at London, Mr. Davis.

"Will you please cause to be transmitted the following reply:

"'BARNES,
"'*British War Cabinet, London:*

"'Cablegram received. I felt quite sure that parliamentary committee would take the action you state they have taken, and this is true of France, Italy, the Scandinavian, and other countries. Have urged upon American Government the issuance of invitations to Germany and Austria.

"'GOMPERS.'

"Very respectfully, yours,

"SAMUEL GOMPERS,
"*President American Federation of Labor.*"

"THE ASSISTANT SECRETARY OF STATE,
"*Washington, September 9, 1919.*

"MY DEAR MR. GOMPERS: I acknowledge the receipt of your letter of September 8, 1919, quoting a cable which you wish this department to send through our embassy at London to Mr. Barnes, of the British War Cabinet.

"In reply I beg to inform you that the above-mentioned cable was sent to-day to the American Embassy at London for transmission to Mr. Barnes.

"Yours, very truly,

"WILLIAM PHILLIPS.

"SAMUEL GOMPERS, *Esquire,*
"*American Federation of Labor, Washington, D. C.*"

"Western Union cablegram.

"Recd. Sept. 10, 1919.
"London 79.

"SAMUEL GOMPERS,
"*Afel, Washington:*

"Mr. Polk asks me to cable you decision reached here by heads of delegation, including America. Ex-enemy delegates will be asked to come to Washington conference and there decide question of their admission. Mr. Polk agrees to visé passports. He wishes you to advise United States Government accordingly. Very desirable that meeting of full labor commission should be held here between twenty-fifth September and fifth October. Will you cable Fontaine authorizing this meeting?

"BARNES, *Paris.*"

"WASHINGTON, D. C., *Sept. 22, 1919.*

"SIR: Will you please send through the State Department the following cablegrams:

"'FONTAINE,
"'*General Secretary*
"'*International Labor Commission, Paris.*

"'Will you please convoke meeting full labor commission which prepared labor draft convention to meet as soon as possible, and not later than September 29th? I suggest you consult with Barnes as to whether meeting should be in Paris or London.

"'GOMPERS.'

"'Right Honorable GEORGE M. BARNES,
"'*Member War Cabinet, England:*

"'Your cablegram September 10th was incorrectly reported and only just received correction. Have replied to Fontaine, Paris, to convoke meeting full labor commission which prepared labor draft convention to meet as soon as possible, and not later than September 29th, and to consult with you as to its being held at London or Paris.

"'GOMPERS.'

"Thanking you, I am,
"Respectfully, yours,

"SAMUEL GOMPERS.
"*President American Federation of Labor.*

"Hon. ROBERT LANSING,
"*Secretary of State,*
"*Department of State, Washington, D. C.*"

"WASHINGTON, D. C., *September 23, 1919.*

"SIR: Will you please cause the following cablegram to be forwarded through the State Department:

"'Prof. J. T. SHOTWELL,
"'*Care of P. W. Martin, 8 Richmond Terrace,*
"'*London, S. W. 1, England.*

"'At the suggestion of Mr. Barnes, of England, I, as president of the commission on international labor legislation, have cabled Fontaine to call a special meeting of the commission at Paris or London not later than September 29th. Inasmuch as I can not be present, I ask you to represent me at the meeting of the commission.

"'SAMUEL GOMPERS.'

"Thanking you, I am,
"Respectfully, yours,

"SAMUEL GOMPERS,
"*President American Federation of Labor.*

"Honorable ROBERT LANSING,
"*Secretary of State, Washington, D. C.*"

"WASHINGTON, D. C., *Sept. 29, 1919.*

"SIR: Will you kindly cause the following cablegram to be sent through the State Department:

"'Fontaine or any other member of the international labor commission now meeting in Paris:

"'I am strongly of the opinion that Germany and Austria ought to be invited to send delegates as provided by labor draft convention, Versailles treaty, and, after being invited, ought to be admitted to full representation at International Labor Conference, Washington. If common sense prevails, there would be no difficulty in making arrangements to overcome technical and legal conditions. Accept kindliest greetings.

"'GOMPERS.'

"Very truly, yours,

"SAMUEL GOMPERS,
"*President American Federation of Labor.*

"Honorable ROBERT LANSING,
"*Secretary of State, Washington, D. C.*"

Mr. THOMAS. Mr. President, the only comment I care at present to make upon this series of cablegrams is that the Department of State occupies the position of messenger boy in the transmission of messages between the American plenipotentiary, Mr. Gompers, and the British plenipotentiary, Mr. Barnes.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. SPENCER. Mr. President, there are two things in connection with the amendment of the senior Senator from Colorado [Mr. THOMAS] which it seems to me ought to be borne in mind by the Senate in determining that proposed amendment.

The Senator from Colorado proposes that out of the second reservation there shall be taken these words:

> And notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

The first thing that it seems to me we ought to bear in mind is that the reservation without the amendment does not deprive the President of the United States of his right to give notice of withdrawal at any time when he so elects to do, because the treaty expressly provides that "any member of the league" may give notice of withdrawal. The United States is a member of the league. The one officer to represent the United States in international relations is the President. He alone speaks to other nations in the name of the country, and therefore notice of withdrawal by the United States can be given only by the Chief Executive, and he can give that notice any time he may think best and his right is unimpaired by the reservation as it now reads.

What does the reservation do? The reservation, in addition to, and not in deprivation of, the power of the President to give the notice of withdrawal, adds to the President's power to give notice of withdrawal the additional power, by a concurrent resolution of Congress, to give that same notice. So that if the reservation is adopted without the change suggested by the Senator from Colorado, it follows that either the President of the United States may give notice of withdrawal, or, if for any reason he does not care to give that notice, Congress, independently of the President, may by concurrent resolution give that notice of withdrawal.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. SPENCER. I yield, with pleasure.

Mr. BORAH. Does the Senator take the position that the President does not have to sign a concurrent resolution?

Mr. SPENCER. I was about to discuss that at once, if it is agreeable to the Senator from Idaho.

The second proposition which it seems to me we ought to bear in mind is that there are, in our Government, two supreme laws of the land. One of them is the Constitution and the other is the treaties of the United States. The supreme law of the United States is a two-armed law, one constitutional and one treaty.

It is quite true, as the junior Senator from Montana [Mr. WALSH] so clearly said yesterday, that the Constitution provides that "every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary shall be presented to the President of the United States," except on a question of adjournment; but that constitutional provision is in the legislative article of the Constitution (Art. I, sec. 7), and has to do with legislative enactments, and has only to do with legislative enactments; and therefore when in the legislative function of the Government any concurrent resolution or order or vote is passed by both branches of Congress it needs the consent of the President to make it effective. But that is not true with regard to treaties, which are also, like the Constitution, the supreme law of the land. [illegible] Constitution is the supreme law of the land with regard to legislation, so are treaties made or which shall be made under the authority of the Constitution the supreme law of the land. Therefore when this treaty provides as one method of giving notice of withdrawal that a concurrent resolution of Congress can give that notice, it follows that this concurrent resolution itself is just as effective without the signature of the President as the power of the President is unquestioned to himself give a notice of withdrawal.

Mr. BRANDEGEE and Mr. THOMAS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. SPENCER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The treaty is only the supreme law of the land when it is made in pursuance of the Constitution. Is not that true?

Mr. SPENCER. It is undoubtedly true, and the Constitution is supreme when any of its provisions come in conflict with treaty provisions.

Mr. BRANDEGEE. The point that the Senator from Montana made, as I understood, was that this provision was not in accordance with the Constitution, and it seemed to me that the Senator begged the question.

Mr. SPENCER. It was there that I tried to make the distinction between the constitutional provision requiring that resolutions which have to do with legislation must be presented to the President; and treaties, which, like the Constitution, are equally the supreme law of the land, and can make their own provisions for their termination, and if they require simply a concurrent resolution of Congress, without Executive approval, it is entirely within the treaty-making power to so provide. Undoubtedly, may I add, if there came a clear difference between the provisions of the Constitution and of a treaty, the constitutional provisions would be supreme. My point is that there is no variance between them.

Mr. THOMAS obtained the floor.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from Missouri a question, if it will not interfere with the Senator from Colorado.

Mr. THOMAS. I yield for that purpose.

Mr. BRANDEGEE. I am not sure that I understood the Senator from Missouri correctly, and I want to make sure. Does the

Senator claim that the President of the United States alone may withdraw this country from the league?

Mr. SPENCER. Without any doubt, the President of the United States may give notice of the withdrawal by his own authority and in his own right, as the Chief Executive of this Nation, and after that notice of withdrawal is given automatically the expiration of two years of time ends the treaty.

Mr. REED. Where does he get that power?

Mr. SPENCER. From the people, when they elected him President.

Mr. ROBINSON. Mr. President——

Mr. BRANDEGEE. I understand that the Senator from Colorado has yielded to me.

Mr. THOMAS. I yielded to the Senator from Connecticut.

The VICE PRESIDENT. The Senator from Colorado yielded to the Senator from Connecticut, and not to a chorus.

Mr. THOMAS. Yes, sir.

Mr. BRANDEGEE. Does the Senator mean that if the Congress of the United States wanted this country to stay in the league, the President could take the country out of the league in spite of the wish of Congress?

Mr. SPENCER. I mean to say, Mr. President, that if the President of the United States saw fit to give notice of withdrawal, that notice of withdrawal would be effective. If it was in violation of or in contradiction to the wishes of the Congress at the time, there would be certain restrictive action, like a joint resolution of Congress, which would be persuasive upon the President, but it would not deprive him of his power.

Why, Mr. President, the case is precisely similar to that which confronts us now. If the Senate, by unanimous vote, should approve this treaty, that does not make the treaty. The President alone can send that treaty to the other signatory powers. His is the only voice which speaks for the United States in international relations; and if he pigeonholes the treaty, though every Senator was in favor of ratification, the treaty would never come into effect. Such is the power of the Chief Executive of the Nation, and it illustrates the power of the President with regard to withdrawal.

Mr. BRANDEGEE. That, of course, is because the President is part of the treaty-making power. In my opinion that is not at all germane to the question of whether, after this country has once joined the league by the treaty-making power, consisting of both the President and the Senate, the President may take us out of the league without the consent of either branch of Congress. I wanted to ask the Senator, in pursuance of that thought, to make sure that I understand him, whether his claim is that the President may only give the notice required as a condition precedent, or that he may actually withdraw us after the notice has been given.

Mr. SPENCER. Mr. President, if there is inserted in this treaty no qualifying clause, as to any different methods of withdrawal, the President alone may give that notice, and on the termination of two years we are out of the treaty.

Mr. BRANDEGEE. It seems to me that that would be claiming that the President himself could denounce the treaty and undo the action of the Senate.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Senator from Colorado has the floor.

Mr. SPENCER. May I, in further answer to the Senator from Connecticut, state that the remedy is simple, if the difficulty seems great, because the treaty provides that a nation, on giving two years' notice, may withdraw. Who represents the nation for the purpose of withdrawal? Nobody but the chief executive of that nation. Neither the senate nor the house of representatives. The President alone represents this Nation in its international relationships, and if it is not desired that the President alone should give notice of withdrawal, then it is entirely within the treaty-making power to create an additional method of termination, and this is precisely what the reservation does by providing that notice of withdrawal may be given by a concurrent resolution of Congress.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. For what purpose?

Mr. POINDEXTER. I was going to ask a question of the Senator from Missouri [Mr. SPENCER].

Mr. THOMAS. I will yield for a question.

Mr. POINDEXTER. The Senator from Missouri has just made the statement, which is, of course, accurate, that treaties made on our part, in pursuance of the Constitution, are the supreme law of the land. A treaty providing for membership in the league of nations, if you regard this as an ordinary treaty, constitutes a part of the supreme law of the land. Does the Senator from Missouri claim that the President, by his sole act, can repeal the supreme law of the land?

Mr. SPENCER. Unless there is some qualifying clause in the treaty itself, he is the only power who can act for this Nation in the notice of withdrawal, exactly as he is the only power that can forward to the other nations the present treaty after we ratify it.

He is, by virtue of his office, the representative of the United States in dealing with other nations.

Mr. THOMAS. Mr. President, the argument of the Senator from Missouri [Mr. SPENCER], as I apprehend it, supports my contention of yesterday. He bases his objection to the pending motion to amend, first, upon the theory that the President of the United States eo ipso possesses the power of giving the notice now provided for in the proposed treaty, and, secondly, that the proposed concurrent resolution, not being legislative in its character but arising under the treaty-making power, is within the competence of the Senate to enact. If these assertions can be sustained, the argument is sound; but if the premises are untenable, then the logic of the Senator must lead him astray.

Mr. McCUMBER. Mr. President, I know that the Senator is making a splendid argument, but I can not hear him.

The VICE PRESIDENT rapped for order.

Mr. THOMAS. I am not sure that I am making any argument; if so, Senators would probably listen to me.

I can not consent to the broad proposition that the President of the United States, by virtue of his office, has the power to give notice of the termination of that treaty under a clause like that contained in the proposed treaty. I concede, of course, that whenever any notice is given, it must be through the agency of the Executive office.

Unless the word "member" in the article to which this reservation is aimed and the word "President," as we understand it, are equivalents, it might follow that by the enactment of this treaty, we endow the Executive with authority in his own discretion and in his own judgment to give the notice which will terminate it. We might have the authority so to determine by giving him that power expressly. But if this treaty shall become the supreme law of the land when it is ratified and the ratifications exchanged, it would be surprising if the Executive could terminate that supreme law of his own volition under a provision whereby notice to that effect could, after a given time thereafter, so operate. If the President has such power of termination, then he possesses an authority which goes very far indeed.

The member is the Nation, and the Nation speaks in all matters of legislation by Congress and the President, and in all matters of treaty by the President and the Senate. If, therefore, the amendment now under consideration shall be carried, it leaves the method of giving notice precisely as the original draft of the treaty leaves it, and in the absence of any express method of termination, in my judgment, it can only be done by a joint resolution or by a legislative enactment requiring the approval of the Executive.

If that conclusion is correct, and I am constrained to think it is, then it must follow that neither branch representing the Nation should give the notice on its own volition. In other words, if it is incompetent for the Executive authority, without action by Congress, to give the notice, we can not endow the Congress with separate authority to do it upon the theory that we can provide that the treaty shall terminate upon the happening of any contingency.

The Senator from Wisconsin [Mr. LENROOT] propounded a question to me yesterday upon that subject which was a very important one, which I will read:

> Does not the Senator concede that it would be perfectly competent to provide in any treaty that it should cease to be operative upon the happening of any certain event?

I answered that I thought so. The Senator then propounded this query:

> And could not that event be a concurrent resolution of Congress?
> Mr. THOMAS. Well, I doubt it.

Upon reflection, Mr. President, I am satisfied that the answer is no. We have the legislative and a part of the treaty-making power, in each of which the President must cooperate. I do not believe Congress has power to enact a statute and provide that it shall cease to be operative one year after Congress shall, by a concurrent resolution, so determine, because that would be legislation terminating the act by a contingency which can occur only by the exercise of one part of the lawmaking power.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. THOMAS. In just a moment. It would be quite as possible and quite as logical for Congress to enact a law providing

that it shall terminate at the end of six years if the President shall at that time determine to veto it, as to provide that such a statute shall terminate by the action of the Senate and the House expressed in a concurrent resolution. Now I yield to the Senator from New Mexico.

Mr. FALL. I would like to ask the Senator this question: If the Congress of the United States should pass an act with a proviso that said act may be suspended or terminated at any time by a concurrent resolution of the Congress of the United States, would not that act be legal, would it not be constitutional, and could not the method of putting an end to it or suspending it be carried out as provided in the act?

Mr. THOMAS. Mr. President, that depends entirely upon the construction to be given to that clause of the Constitution to which the Senator from Missouri [Mr. SPENCER] referred and which reads:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.

Mr. FALL. Mr. President, will the Senator yield further?

Mr. THOMAS. I merely wish to add that, in my judgment, that settles the proposition and makes it no longer academic. The concurrent resolution which the Senator supposes could only become effective by the signature of the President of the United States. I now yield.

Mr. FALL. The point which I desire to make is the distinction that has already been made, and which was passed upon, of course, by the Senate of the United States. In the time of John C. Calhoun the very article which the Senator has referred to was passed upon. I read from Gilfry's Precedents:

> The Vice President (John C. Calhoun) stated to the Senate that he entertained doubts whether the last clause of the seventh section of the first article of the Constitution of the United States and the twenty-fifth rule for conducting business in the Senate do not require that this resolution should be treated, in all respects, as a subject to be laid before the President of the United States for his approval; and that, with a view to a more correct decision, he would call for the sense of the Senate on the question, "Does this resolution require three readings?" which was accordingly put and determined in the negative.

Mr. THOMAS. From what page is the Senator reading?

Mr. FALL. I read from page 473 of the Precedents. The Senator will find in a note under that decision a reference to a report of the Judiciary Committee in the Fifty-fourth Congress, second session, made by Senator Hill, of New York, with reference to a concurrent resolution, in which the Judiciary Committee made the distinction referred to by the Senator from Missouri as to a purely legislative act and one not purely legislative in its nature. Of course, I do not agree with the Senator from Colorado that a notice of this kind, provided by the terms of a treaty itself, can not be given in any way under heaven that the treaty-making power provides that it may be made, and when it provides that it may be made by a concurrent resolution, simply giving notice of a withdrawal from the treaty, it is in no sense at all a legislative act.

Mr. THOMAS. Mr. President, the logical deduction from that position is that we have power, if we see fit to exercise it, to provide that this treaty shall cease to be operative when the Empire of Japan so determines, or when some other act or policy of a power other than our own shall find expression.

Mr. FALL. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. THOMAS. I yield.

Mr. FALL. I unhesitatingly accept that as the true construction, that the Senate of the United States now, in making this treaty, can provide any method of terminating any portion of it which it pleases.

Mr. THOMAS. Mr. President, one of the bases of my regard for and admiration of my friend the Senator from New Mexico is that he has the courage of his convictions and is prepared to accept any or all their logical consequences.

Mr. FALL. Yes; I will even accept any consequence that Japan might visit upon us.

Mr. THOMAS. That is true. That is a virtue, Mr. President, the general prevalence of which I would welcome with great joy, particularly now, when confronted by many crises.

Mr. GORE. Mr. President——

Mr. THOMAS. Just a moment, and I will yield. But I think, notwithstanding my respect and regard for the legal ability and the experience of the Senator from New Mexico, the conclusion so unhesitatingly accepted by him is a demonstration of our inability to impose such a condition as I am seeking to exclude from this particular reservation.

I now yield to the Senator from Oklahoma.

Mr. GORE. I wish to ask the Senator's opinion on the question whether, in our code of war legislation, practically every measure contains a provision that when the President ascertains and proclaims the fact that peace has been restored, the law shall lapse and become noneffective. That is contained in a number of the statutes.

Mr. THOMAS. That is true.

Mr. GORE. It is a part of the law. Those statutes are the supreme law of the land, just as this treaty will be. Does not the Senator think if we could authorize the President to terminate a supreme law of the land by proclamation, could not Congress provide for the termination of a supreme law of the land upon the happening of an event defined in the law itself?

Mr. THOMAS. The legislation to which the Senator refers is extraordinary legislation. It depends for its efficacy upon the extraordinary conditions which made it essential and it is terminable not by but because of the President's official announcement that the war has ended. I do not think we can or should gauge the status of any constitutional proposition by that which is done in periods of national exigency. I believe that we can, however, enact legislation temporarily and that we can make it terminable on the happening of a future, albeit a remote, certainty.

But to provide that a treaty may be disposed of by such a method as is here attempted is to insert in treaty legislation a condition that is not only unprecedented, I will not say wholly so, but one which seems to interfere with and impinge upon that element of the treaty-making power which is peculiarly an Executive function. The authority which we possess, the share which we have in the making of treaties, comes to us by special provision of the Constitution. Without it, we would have none. It is the power of the Executive. It belongs to the administrative——

Mr. McCUMBER. Mr. President——

Mr. GORE. Mr. President——

Mr. THOMAS. It is part of the Executive authority. It is the Executive authority, except as modified by the provisions of our own Constitution.

I will yield first to the Senator from Oklahoma.

Mr. GORE. Does not the Senator make a distinction between Executive power to negotiate a treaty and the power to terminate a treaty?

Mr. THOMAS. I certainly do.

Mr. GORE. The Senator is undoubtedly correct so far as negotiating a treaty is concerned, that that is exclusively and solely an Executive function; but the termination of a treaty, which is a termination of the supreme law of the land, is not exclusively an Executive function. The Senator just emphasized that a moment ago.

Mr. THOMAS. It would be an Executive function exclusively in the absence of constitutional provisions which give the Senate a share in its exercise.

Mr. GORE. The Senator just commented a moment ago on the fact that it would be an anomalous situation if the Executive should on his own motion terminate the supreme law of the land.

Mr. THOMAS. Yes; because we, under the Constitution, share that authority with him.

I yield to the Senator from North Dakota. I was about to yield the floor.

Mr. McCUMBER. The question which I wish to ask the Senator is to get a clear idea of his view. Does he concede that the Senate may add a provision or by amendment provide in the treaty that it may be terminated by the President giving notice of termination? Can we provide that the President can terminate a treaty?

Mr. THOMAS. At first blush I would answer that in the affirmative.

Mr. McCUMBER. I understood the Senator conceded that yesterday, and if he does concede it, he concedes the right to have a treaty terminated by a power other than a power of legislation, and if it may be terminated by an authority that is not a legislative authority, then, admitting what the Senator claims that a concurrent resolution is not effective as legislation unless it is signed by the President, may we not also provide that it may be done by an act of the two branches of Congress which will not amount to legislation, the same as we may provide that it may be done by the President, which act would not amount to legislation?

Mr. THOMAS. I think it is difficult to admit the power of Congress to provide in the one direction without admitting the power to provide in the other. What I said yesterday upon the subject was this:

> It was a part of the President's duty, in the exercise of Executive authority, to give notice of a withdrawal in the event that the United States determined to exercise its right of withdrawal; but the authority to withdraw is another thing. That might depend—and, perhaps, must depend—upon the joint action of the legislative and executive authorities.

And that is the position which I still occupy upon the subject.

Mr. ROBINSON and Mr. HITCHCOCK addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas.

Mr. HITCHCOCK. Will the Senator permit me to interject a statement?

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, the expression has been used rather loosely that this involves the termination of a treaty. I want to call the Senator's attention to the fact that the treaty of peace with Germany still remains, and that all the withdrawal amounts to is a withdrawal of the United States from membership in an organization created under the treaty. It is not the ending of the treaty at all; it is simply the withdrawal from an organization created by the treaty. The treaty still remains.

Mr. THOMAS. That is true, but I do not think that affects the question. If we can withdraw from the treaty by a concurrent resolution provided for in the treaty, I suppose we can abrogate any part of it in similar fashion.

Mr. ROBINSON. Mr. President, whether withdrawal from the league of nations constitutes an exercise of the treaty-making power, and whether such withdrawal is analogous in a legal sense to the abrogation of the treaty, is a question that may require very serious consideration. Beyond doubt withdrawal from the league of nations would very materially affect our relations with other nations. It would very materially modify our treaty obligations. The act of withdrawal should not, therefore, be dependent upon the pleasure of the majority of the two Houses in Congress. If it is to be defined at all, it should be provided for by joint resolution rather than by concurrent resolution.

I take issue with the statement made by the Senator from Missouri [Mr. SPENCER] that if no provision relative to withdrawal be incorporated in the treaty, the President, on his own motion and without the concurrence of either or both branches of Congress, could give notice of withdrawal. While the authorities on the subject are somewhat confusing, and while the Senate precedents, as in almost every disputed case, are somewhat conflicting, I believe that I can successfully maintain that the proper, the constitutional, the customary method of giving such notice as is contemplated in the reservation is through some action which contemplates the concurrence of the Executive and the two Houses of Congress.

In making that statement I admit that the precedents are not entirely uniform upon the point, but I do believe the position is sustained by the weight of authority.

I call attention to Crandall on Treaties—Their Making and Enforcement, page 458, where this precise subject is discussed. Under the head of "Termination by notice in the United States," I find these citations and authorities:

> In the United States some doubt has existed as to what body is to give notice. On the recommendation of President Polk Congress passed a joint resolution approved April 27, 1846, to authorize the President, at his discretion, to give the required notice for the termination of the treaty with Great Britain of August 6, 1827, relative to the joint occupation of the Northwest Territory. * * * Although notice was duly given, the treaty was, as a matter of fact, superseded before the expiration of the time required by the treaty as sufficient notice by a new treaty signed June 15, 1846.

Here let me observe that under the treaty-making power, the President, by and with the consent and advice of the Senate, two-thirds of the Senators present concurring, can unquestionably make a new treaty which would have the effect of superseding or abrogating any former treaty in so far as the latter might be in conflict with the new treaty, and it is undoubtedly true that Congress by act can abrogate any existing treaty, and it can render inoperative any treaty that requires legislation to carry it into effect by failing or refusing to legislate.

It is observable that the great majority of treaties into which the United States has entered contemplate legislation to make them effective. No one here will contend that a treaty of that character can be abrogated or repealed by the Executive alone. No one will contend that the President of the United States has the power to repeal an act of Congress without the concurrence of the two Houses of Congress. So that, as to the great body of treaties into which the United States has entered and which have required legislation to make them effective, undoubtedly the weight of authority is that before they can be abrogated there must be some action, either a joint resolution or an act passed by the Congress and approved by the President, or passed over his veto, before that end can be accomplished. There are instances in which the treaty-making power, the President with the concurrence of two-thirds of the Senators present, has assumed to terminate a treaty. There is no case where the two Houses of Congress without the concurrence of the Executive have been sustained in the exercise of such a power.

Now, I think, Mr. President, notwithstanding there is some conflict in authorities and that there has been much discussion of the subject in the Senate, that the following conclusions are sustained by the cases cited in the volume to which I have already referred:

First. Notice of withdrawal undoubtedly can be given by joint resolution or act of Congress. Any treaty can be terminated in that way.

Second. It is doubtful whether the Executive alone and independent of Congress can terminate a treaty or give notice of withdrawal, save perhaps when the treaty relates to acts or functions which are exclusively within his power. Cases are conceivable in which the Executive might terminate a treaty in spite of Congress, but they have rarely arisen.

Third. There is no power in either or both Houses of Congress to terminate a treaty without the approval of the President or by overriding his veto.

Mr. KING. Will the Senator permit an inquiry?

Mr. ROBINSON. Certainly.

Mr. KING. The Senator has invited attention to the treaty which existed between the United States and Great Britain with respect to the Northwest Territory. My recollection of that treaty is that it merely prescribed that either of the signatory powers, upon notice, might denounce the treaty.

Mr. ROBINSON. Yes.

Mr. KING. Does the Senator recall whether there was any further provision as to the method of notice, by whom it should be given, or was it just general language?

Mr. ROBINSON. It was a general provision. I have that case on the desk here and am going to refer to it in just a moment.

In connection with the treaty mentioned by the Senator from Utah, the Senate Committee on Foreign Relations made a very elaborate report. That occurred in 1856, and I am going to put that in the RECORD, because it is an interesting, though not in all respects in my opinion illuminating, discussion of the subject.

Let me go back now to what I was discussing when the Senator from Utah made his inquiry:

> Although notice was duly given, the treaty was, as a matter of fact, superseded before the expiration of the time required by the treaty as sufficient notice by a new treaty signed June 15, 1846. Ten years later the question was discussed at some length in the Senate with reference to the proposed termination of the treaty of commerce and navigation with Denmark of April 26, 1826. President Pierce, in his annual message to Congress, December 4, 1854, declared it expedient that the required notice for its termination should be given. The Senate in executive session, March 3, 1855, unanimously passed such a resolution. Acting under the authority of this resolution, the Executive caused the notice to be given to the Government of Denmark April 14, 1855. Subsequently the authority of the resolution was questioned by Mr. Sumner in the Senate, avowedly on the ground that it would be equivalent to a repeal of a law of the land by the action of the Senate alone. The Senate Committee on Foreign Relations, to which the matter was referred, made a full report April 7, 1856, in which the right of the Senate to authorize notice to be given was maintained.

I want to allude briefly to that report and to ask, in connection with the remarks which I am making, that the report be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. ROBINSON. I will read a few paragraphs from the report to disclose the conclusions which the committee reached:

> The resolution of the Senate directing the committee to consider "the expediency of some act of legislation" by which the convention with Denmark may be "effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of the 'supreme law of the land,'" would seem to direct this inquiry as interesting only to this Government or to its citizens; that is to say, the resolution is construed to assume that the notice which has been given is effectual to terminate the convention as between the two Governments when the period limited for such termination shall expire, and requires the committee to consider as a domestic question whether this convention, although abrogated so far as Denmark is concerned by the notice which has been given, yet being "the supreme law of the land" some act of legislation by Congress may not be necessary to repeal or to annul it as such law. At least such is the construction placed by the committee on the resolution—that whether such legislation be necessary or no, as to Denmark the treaty is at an end when the time limited by the notice shall expire.
>
> But as to this convention, and all others of like character, the committee are clear in the opinion that it is competent for the President and Senate, acting together, to terminate it in the manner prescribed by the eleventh article without the aid or intervention of legislation by Congress, and that when so terminated it is at an end to every intent, both as a contract between the Governments and as a law of the land.

That conclusion was based on the theory that the treaty-making power is vested exclusively in the President and in the Senate. I read again:

> By the Constitution of the United States the whole power to make treaties is vested in the President and Senate. In Article II, section 2, granting power to the President, it provides that—
>
> "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The question then presented by the resolution is, after a treaty is so made, where power is reserved by it to either party to terminate it on notice, Can the treaty-making power give such notice, or is it such an exercise of political power as to require the concurrence of the House of Representatives through the forms of legislation?

A treaty between nations has its sanction, by international law, in the good faith of the contracting parties, added to which, in this country, it becomes "the supreme law of the land," and thus, to our own citizens, it is further clothed with the obligations of domestic law.

To violate a treaty, it is agreed among civilized nations, is the highest breach of national faith—which is national honor—and is justly declared to be sufficient cause of war; or if a treaty be violated or disregarded by one of the parties, the other may hold itself released from its obligation and act accordingly.

There is, of course, no provision to be found in the Constitution assigning power to any department of the Government to abrogate or annul existing treaties; and yet occasions may arise where the national honor as well as safety may require the Government to hold itself and its citizens released from treaty obligations by declaring such treaties null. Such an occasion was presented in our relations with France in 1798, and it was then determined that Congress, by law, could, for the reasons assigned in the preamble to this act, declare the treaties with that power at an end.

It was a hostile act, as the preamble shows, and was looked upon at the time as the precursor of war, if not an act of war itself. There was no provision in the treaties with France to terminate them at the will of the contracting parties, and hence, as well to preserve the honor of the country as to resent the injurious conduct of France, there was no alternative but to declare war or to declare the treaties null.

I now omit a portion of the text of the report—

And whether it be competent or not to the President and Senate, as the treaty-making power, to abrogate treaties where no such right is reserved (a question not necessary to be brought into discussion here) the committee entertain no doubt that where the right to terminate a treaty at discretion is reserved in the treaty itself such discretion resides in the President and Senate.

I omit another portion of the text.

Mr. SWANSON. Has the Senator before him article 11 of that treaty, which provided for its repeal? If so, will the Senator read that provision?

Mr. ROBINSON. It did not provide for its repeal but for its termination by notice from either party. It did not determine the character of the notice; there was no effort made in the treaty to determine the character of the notice.

Mr. SWANSON. Has the Senator the article before him?

Mr. ROBINSON. I have not the language before me, but I am sure that what I have stated is a correct summary of its intention and purpose.

"The President and Senate could certainly terminate this treaty or any other, with the consent of the opposite contracting party, by the negotiation of a new treaty in terms annulling it. And what is the present case but such consent, providing in advance for its termination on a contingency and without new negotiations."

The committee thus held the opinion that in the particular case before it, taking into consideration the language of the treaty itself and the character of the provision in the treaty, the treaty-making power, the President and the Senate, alone could give the notice.

The weight of authority, in my opinion, is that certainly as to all treaties which require laws to make them effective, and probably as to all other treaties, the best, if not the only proper, means of terminating them is by an act of Congress or a joint resolution, unless another method is authorized by law already existing.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. ROBINSON. Certainly.

Mr. KING. Would not the Senator's broad statement just made be subject to the qualification that if there was nothing said in the treaty itself as to the manner of its termination, then it would require legislation by the legislative branch of the Government?

Mr. ROBINSON. I have not stated, and I hope the Senator has not understood me to state, that under no circumstances could the Executive alone, by an exchange of notes, terminate a treaty. I have not taken that position; I have merely said that the weight of authority is that the best, if not the only, means of terminating a treaty which has required the enactment of legislation to make it effective is by the concurrence of the Executive and the legislative departments. There may be cases where the treaty-making power, there may be other cases where the Executive alone, has the authority to terminate a treaty, but these cases are exceptional. There are exceptional cases, some of which, I think, I could mention, as, for instance, where the treaty itself provides the manner and agency of termination, and where that manner and agency of termination are prescribed by law, and perhaps where the obligation under the treaty is a function vested by our Constitution solely in the President he may give the notice. I wish to return now to the point at issue.

I read again from Crandall, at page 459:

The treaty was considered by the Executive as terminated on April 15, 1856, pursuant to the notice; but by article 5 of the treaty of April 11, 1857, it was, with the exception of the fifth article, renewed. The following treaties have subsequently been terminated, pursuant to notice given by the Government of the United States in each instance on the authority of a joint resolution of Congress: Convention with Great Britain of June 5, 1854; treaty with Belgium of July 17, 1858; and articles 18–25, inclusive, and article 30 of the treaty with Great Britain of May 8, 1871. It should, however, be noted that in case of the convention of 1854 and the articles of the treaty of 1871 treaty provisions were terminated which had, in accordance with an express reservation in the treaty itself, been carried into effect by congressional legislation.

That is a distinction which I regard as important. It seems to me that if a treaty incorporates a provision requiring notice, and Congress by legislative act approves it, that becomes effective beyond any question or doubt, no matter what manner of termination may be provided in the treaty and in the legislation. I think perhaps it is competent in a treaty to say that it may be terminated by concurrent resolution, provided Congress, with the approval of the President, by some act or joint resolution, gives vitality to that provision; but if that is not done I maintain that the position taken by the Senator from Montana yesterday is correct, that, since this notice on its face requires the concurrence of the House of Representatives and of the Senate, in order for it to become effective it must be signed by the President; and if not signed by him it must be passed over his veto; otherwise the provision of the Constitution referred to by the Senator from Montana would be meaningless. Its language is plain; there is no ambiguity in it. If this resolution, in order to become effective, requires the concurrence of both Houses of Congress, then the Constitution of the United States, which can not be repealed or modified by this treaty, becomes effective and the limitations upon the procedure under the treaty imposed by the Constitution must be complied with.

Congress can not enlarge or increase its own powers. The powers of Congress are defined by the Constitution. By that instrument any order, measure, or vote which requires the concurrence of both Houses must be signed by the President or passed over his veto. Since the proposed reservation requires the concurrence of both Houses in a resolution of withdrawal, that resolution can have no legal effect unless approved by the President or passed over his veto.

Mr. KING. Would it interrupt the Senator if I should ask him another question?

Mr. ROBINSON. Certainly not.

Mr. KING. Supposing that the resolution were modified so as to read that the notice may be given by the Senate alone or by a resolution of the Senate, and the House were not mentioned, would the Senator take the same position that he has just now announced?

Mr. ROBINSON. Mr. President, I would. I think it would not only be of very doubtful validity but I think it would be a procedure which would not be justified in sound public policy.

Now, I wish to read just a little more from this authority, and then I am going to hasten to the conclusion of my remarks on this subject:

A notice of the intention of the United States to terminate the agreement with Great Britain of 1817, relative to vessels of war on the Great Lakes, was given, pursuant to the reservation of that right, by the Executive on November 25, 1864. A resolution with a view to such termination had during the preceding session of Congress passed the House, but had failed of consideration in the Senate. After the notice had been communicated to the British Government a joint resolution was passed by Congress, approved February 9, 1865, which "adopted and ratified" the notice "as if the same had been authorized by Congress." Notwithstanding this legislative sanction, the notice was, before the expiration of the required six months, withdrawn by the Executive; and the arrangement has subsequently been recognized by both Governments as subsisting. Notice of the intention of the United States to terminate the treaty with Russia of December 18, 1832, was communicated, by direction of the President, to the Russian Government on December 17, 1911.

Mr. ASHURST. Mr. President, before the Senator passes from the convention with Great Britain, the Rush-Bagot treaty, I should like to suggest, because the action on that convention reinforces the distinction drawn by the Senator between various kinds of treaties, that the convention with Great Britain required nothing whatever on the part of Congress; it did not require a dollar of appropriation nor any act by Congress; it was simply one of negation, to wit, that we would not put certain ships on the Great Lakes; and, I presume, acting on that theory, the President, notwithstanding the joint resolution giving notice of abrogation, himself said that it was going to be continued, and it has been continued.

Mr. ROBINSON. I thank the Senator from Arizona for his suggestion.

A notice of the intention of the United States to terminate the treaty with Russia of December 18, 1832, was communicated, by direction of the President, to the Russian Government on December 17, 1911. A joint resolution for the abrogation of the treaty, but in terms unacceptable to the President, had already been passed by the House of Representatives. In a message of December 18, 1911, the President advised the Senate, "as a part of the treaty-making power," of his action in giving the notice "with a view to its ratification and approval" by that body. A joint resolution was thereafter passed by both Houses, and approved December 21, 1911, which adopted and ratified the notice thus given.

The notice given March 23, 1899, to the Swiss Government by the Secretary of State of the intention of this Government to terminate articles 8–12 of the treaty of November 25, 1850, does not appear to have had any other than Executive authority.

Mr. President, in view of these authorities, let me inquire why it is insisted here that this unusual and very exceptional provision should be incorporated in a reservation to this treaty? It is elementary law that the Executive is the sole agency through whom this Government may communicate with foreign nations. Suppose that a concurrent resolution should pass both Houses of Congress? That is not legislation. That is a mere expression of opinion. Before any measure can become effective and binding as law it must either receive the signature of the President or be passed by a two-thirds majority over his veto. Suppose that the Senate should pass this reservation as proposed by the majority of the committee, and that the Congress in the next session should, by a bare majority, give the notice contemplated by the reservation, and the Executive should refuse to communicate it because under the Constitution it was not a valid act of the Congress of the United States. What would then be the position of the United States? Would we be in or out of the league? I should like to have some Senator who is supporting this committee provision answer me, what is the purpose of it? Why adopt a procedure of doubtful validity?

According to all of the precedents the action of Congress affecting foreign nations must be communicated through the Executive. Senators who are friendly to the league of nations, Senators who do not wish to approve an anomaly in our legislative proceedings, should favor the striking out of this provision, or the substitution of the word "joint" for the word "concurrent." We ought not to put a premium on disintegrating the only organization seriously advanced for the purpose of preventing or minimizing the evils of future wars.

Those who are not satisfied with the provision in the treaty and who insist that withdrawal should be made easier, it would seem, should be content that notice of withdrawal should be made in the ordinary legislative process, particularly in view of the fact that the President, under our system of government, is the sole agency for communicating with foreign powers.

Under the reservation as proposed by the majority Congress would assume, contrary to all precedents, the right to deal directly with foreign nations. Congress is without the means and agency of officially familiarizing itself with the proceedings of other Governments and of their intentions and purposes; this aside from any question of constitutional power, which I think is a grave one. This information, under existing methods, can only be obtained through the Executive. Is it not desirable to give the President the power of veto, and thus bring to the attention of Congress reasons that may very powerfully influence his consideration of the subject and which may have their basis in a knowledge of affairs derived from sources of information not open to Congress? Will not the denial of the right of veto or approval by the Executive, under the circumstances, constitute a reflection on the present Executive? Is that the primary purpose of the provision?

Surely no Senator would be prompted by such an influence or consideration. Does any Senator believe that a question of this character should be determined by petulance or personal prejudice? If that is not the purpose of the provision, answer me, somebody who stands sponsor for it, what can be its purpose? Why should Congress, the two Houses of Congress, in an unofficial capacity—for, under the Constitution, if they act in an official capacity they must act either by bill or by joint resolution, which contemplates the signature of the Executive—why should the House of Representatives and the Senate of the United States, in violation of every precedent of our diplomatic history, assert the right to act unofficially in terminating our relations with foreign Governments under the so-called league of nations?

In dealing with national affairs, in considering and determining any question which may come before the Congress, considerations of personal envy, malice, spite, and prejudice are always disregarded by Senators. Spite and malice toward an individual who by the chances of politics may occupy the position of Chief Magistrate can not justify broad-minded and patriotic Senators, such as we all are, in seeking to discredit or impair the legitimate powers of the Executive or to usurp the powers of the Executive.

I am not asserting that any Senator is consciously or unconsciously moved to support the measure by a purpose to humiliate the present Chief Executive. I merely declare that such motives are unworthy of Senators, and that the subject must be decided on a higher plane; and I inquire what is the motive behind the provision? No Senator has risen to justify it. No explanation is offered to the Senate and to the country and to the world why this extraordinary provision, in striking contrast with other terms of the resolution of ratification contemplating action by joint resolution, is inserted.

In fairness to those who hope that the league of nations may prove beneficial to this Government, in fairness to other nations which enter the league, let us not for any reason make withdrawal so easy that it may be accomplished under impulses inspired by misinformation or under influences which are unfriendly to a fair international establishment for the promotion of cooperation and for the preservation of peace among the nations.

Friends of this treaty, whether for or against reservations, those Senators who desire to see the treaty ratified with or without reasonable reservations ought not to permit this provision to stand unchanged in the reservation. We ought either to carry the pending amendment of the Senator from Colorado or to strike out the word "concurrent" and insert the word "joint," so that before the United States may withdraw from the league of nations the concurrence of the Executive and the two Houses of Congress will be required.

In passing the most trivial legislation within our authority concurrence by the two Houses of Congress and the Executive is required. This league of nations has been assailed from the beginning of the debates in the Senate. Senators, whatever may be your view of its importance or of its probable benefits to mankind, let those who profess themselves in sympathy with its chief principles and purposes take no action such as that which is contemplated in reservation No. 2. Let us at least give to this treaty and to our participation in the league of nations as much sanctity, solemnity, and permanence as we give to legislation enacted by the Congress.

APPENDIX.

[Senate Report No. 97, Thirty-fourth Congress, first session, Apr. 7, 1856.]

The Committee on Foreign Relations, to whom was referred the resolution of the Senate which is annexed, have had the same under consideration and now report:

The resolution is as follows:

"*Resolved*, That the Committee on Foreign Relations be directed to consider the expediency of some act of legislation, having the concurrence of both Houses of Congress, by which the treaty with Denmark regulating the payment of Sound dues may be effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of 'the supreme law of the land,' and in conformity with the practice of the Government in such cases, and especially to consider whether there be any defect in the notice which has been given which such legislation may be necessary to remedy."

The Senate, in executive session, on the 31 day of March last, adopted the following resolution, as to which the injunction of secrecy has been removed, viz:

"Whereas by the fifth article of the general convention of friendship, commerce, and navigation between the United States of America and His Majesty the King of Denmark, concluded at Washington on the 26th day of April, 1826, it is provided that—

"'Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nations.'"

Which article has been construed into a concession on the part of the United States of the right on the part of the Government of Denmark to levy duties or tolls on such ships and cargoes burdensome and oppressive to the commerce of the United States in the Baltic Sea and in derogation of common right to the free navigation of open seas.

And it being provided by the eleventh article of the said convention that after 10 years from the date thereof either of the contracting parties should be at liberty to give notice to the other of its intention to terminate the same in the manner therein provided.

With a view, therefore, to relieve the commerce of the United States in the Baltic Sea from the duties or tolls aforesaid:

"*Resolved*, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Denmark the notice required by the eleventh article of said general convention of the 26th day of April, 1826, for the termination of the same."

And the President, in his annual message at the commencement of the present session, informed Congress that—

"In pursuance of the authority conferred by a resolution of the Senate of the United States passed on the 3d of March last, notice was given to Denmark on the 14th of April of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation between that Kingdom and the United States, whereby either party might, after 10 years, terminate the same at the expiration of one year from the date of notice for that purpose."

The convention spoken of in the message of the President and referred to in the resolution of the Senate is the "general convention of friendship, commerce, and navigation between the United States and His Majesty the King of Denmark," concluded at Washington on the 26th day of April, 1826, and promulgated by proclamation of the President on the 14th of October following. It is, as its title imports,

a convention affecting commerce and navigation only between the two countries. No legislation was necessary to carry it into effect, nor has any been had.

The eleventh article of the convention is in the following words:

"The present convention shall be in force for 10 years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of 10 years; and it is hereby agreed between them that on the expiration of one year after such notice shall have been received by either from the other party this convention and all the provisions thereof shall altogether cease and determine."

The resolution of the Senate directing the committee to consider "the expediency of some act of legislation" by which the convention with Denmark may be "effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of the 'supreme law of the land,'" would seem to direct this inquiry as interesting only to this Government or to its citizens—that is to say, the resolution is construed to assume that the notice which has been given is effectual to terminate the convention as between the two Governments when the period limited for such termination shall expire, and requires the committee to consider, as a domestic question, whether this convention, although abrogated so far as Denmark is concerned by the notice which has been given, yet, being "the supreme law of the land," some act of legislation by Congress may not be necessary to repeal or to annul it as such law. At least such is the construction placed by the committee on the resolution—that whether such legislation be necessary or no, as to Denmark the treaty is at an end when the time limited by the notice shall expire.

But as to this convention, and all others of like character, the committee are clear in the opinion that it is competent for the President and Senate, acting together, to terminate it in the manner prescribed by the eleventh article without the aid or intervention of legislation by Congress, and that when so terminated it is at an end to every intent, both as a contract between the Governments and as a law of the land.

By the Constitution of the United States the whole power to make treaties is vested in the President and Senate. In Article II, section 2, granting power to the President, it provides that—

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The question then presented by the resolution is, after a treaty is so made, where power is reserved by it to either party to terminate it on notice, can the treaty-making power give such notice, or is it such an exercise of political power as to require the concurrence of the House of Representatives through the forms of legislation?

A treaty between nations has its sanction, by international law, in the good faith of the contracting parties, added to which, in this country, it becomes "the supreme law of the land," and thus, to our own citizens, it is further clothed with the obligations of domestic law.

To violate a treaty, it is agreed among civilized nations, is the highest breach of national faith—which is national honor—and is justly declared to be sufficient cause of war; or if a treaty be violated or disregarded by one of the parties, the other may hold itself released from its obligation and act accordingly.

There is, of course, no provision to be found in the Constitution assigning power to any department of the Government to abrogate or annul existing treaties; and yet occasions may arise where the national honor as well as safety may require the Government to hold itself and its citizens released from treaty obligations by declaring such treaties null. Such an occasion was presented in our relations with France in 1798, and it was then determined that Congress, by law, could, for the reasons assigned in the preamble to this act, declare the treaties with that power at an end.

It was a hostile act, as the preamble shows, and was looked upon at the time as the precursor of war, if not an act of war itself. There was no provision in the treaties with France to terminate them at the will of the contracting parties, and hence, as well to preserve the honor of the country as to resent the injurious conduct of France, there was no alternative but to declare war or to declare the treaties null.

So far as "the practice of the Government in such cases"—in the language of the resolution—is concerned, the committee can find but two instances in which treaties have been annulled or abrogated.

The first is the case referred to, of the treaties with France annulled in 1798.

The second is the case of the convention with England of August, 1827, annulled by notice provided for in the convention itself, similar to that in the treaty with Denmark now under consideration.

The mode in which the Government acted would, in both cases, seem to have been the same, inasmuch as both have the sanction of law—that is to say, in the case with France the treaties were, by law, declared no longer "legally obligatory on the Government or citizens of the United States"; and in the case with England, Congress, by law, authorized the President to give the notice for the termination of the convention—yet the committee see the most clear and palpable distinction in the character of the two acts, though both are in the forms of legislation.

The treaties with France contained no reservation of right, to either party, to terminate them at their discretion. The convention with England did contain such reservation.

And whether it be competent or not to the President and Senate, as the treaty-making power, to abrogate treaties where no such right is reserved—a question not necessary to be brought into discussion here—the committee entertain no doubt that where the right to terminate a treaty at discretion is reserved in the treaty itself such discretion resides in the President and Senate.

The distinction in the character of the acts, in the one class of treaties and in the other, consists in this, that in the first class, as in the treaties with France in 1798, they were annulled as to the other contracting party, se invito.

In the second, the case with England, they became null with the assent of that power previously given.

The committee do not consider it necessary to review "the practice of the Government," so far as it was evinced in the case of the French treaties, further than to show that it can not be invoked as a precedent in the matter now before them.

The relations between France and the United States were at the time of the most unfriendly character, as both the contemporaneous legislation and history show; the act annulling the treaties was one of a series of laws, passed at the same session, of hostile import. It was made to rest on the principle of universal law, that where a contract is violated by one party the other is at liberty to regard it at an end as to both.

That act, with its preamble, is as follows:

"Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and whereas under authority of the French Government there is yet pursued against the United States a system of predatory violence infracting said treaties and hostile to the rights of a free and independent nation:

"*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That the United States are of right freed and exonerated from the stipulations of the treaties and the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

It is thus manifested that the power here exercised was outside of any treaty stipulation, and while the committee are not called on to decide whether the President and the Senate might not, by their independent action, have annulled these treaties, yet, as a power inherent in all Governments to protect themselves from aggression and wrong, or as one of a series of measures projected and carried into execution to disable an adversary and place him in the wrong in anticipation of war, the committee can well justify the action of the Government, in the case cited, as a rightful exercise of the war power, without viewing it in any manner as a precedent establishing in Congress alone, and under any circumstances, the power to annul a treaty.

But, however this may be where the power annulling a treaty is exercised violentur or against a contracting party se invito, the case is very different where by original stipulation the treaty is to terminate by consent.

To avoid occasions of rupture it has been prudently stipulated, in most of our later treaties, that after a certain period fixed by the treaty either party should have power to terminate them on reasonable notice to the other.

Such were the provisions in the convention with England in 1827 providing for the joint occupation of Oregon by the subjects and citizens of the two powers and in the treaty with Denmark now under consideration.

In the case with England the notice to terminate the treaty was given by President Polk, pursuant to the provisions of a law passed at his recommendation, and it remains to be considered whether this is to be taken as evidence of a practice in the Government inconsistent with the power assumed by the President and the Senate in the case with Denmark.

The third article of the convention with England and the eleventh article of that with Denmark—which has been cited above—are substantially the same, and what is affirmed of the one may be affirmed of the other.

The committee consider that the legal effect of the eleventh article of the treaty with Denmark is that it remains a treaty of perfect obligation for a period of 10 years; after that it becomes a treaty at will, subject to the condition only of 12 months' notice to terminate it. Who is to exercise this will on the part of the United States?

The Constitution determines this. The whole power to bind the Government by treaty is vested in the President and Senate, two-thirds of the Senators present concurring. The treaty in question was created by the will of the treaty-making power, and it contained a reservation by which that will should be revoked or its exercise cease on a stipulated notice. It is thus the will of the treaty-making power which is the subject of revocation, and it follows that the revocation is incident to the will.

The President and Senate could certainly terminate this treaty, or any other, with the consent of the opposite contracting party, by the negotiation of a new treaty in terms annulling it. And what is the present case but such consent, providing in advance for its termination on a contingency and without new negotiations?

The committee are thus satisfied that the notice authorized by the Senate, and given by the President to Denmark, was a proper exercise of the right reserved in the treaty, and that its effect will be to annul the treaty at the expiration of the time limited, both as regards the two Governments and the citizens and subjects of either.

Nor do the committee see that there is anything inconsistent with this in the exercise of a like power in the case of the convention with England concerning the joint occupation of Oregon pursuant to the authority of a law having the concurrence of the House of Representatives instead of an authority derived from the President and Senate alone. Although it be true, as an exercise of constitutional power, that the advice of the Senate alone is sufficient to enable the President to give the notice, it does not follow that the joint assent of the Senate and House of Representatives involves a denial of the separate power of the Senate.

In the case of the Oregon treaty President Polk recommended that both Houses should unite in authorizing the notice. It had become imperiously necessary to prevent collisions between the citizens and subjects of the two powers who were settled in that country, and which might involve their respective Governments, that the boundary should be determined. All efforts to adjust this by negotiation had failed whilst the joint occupation endured. And, in wise diplomacy, the President thought the minds of the two Governments would be more earnestly directed to this end if such joint occupation were terminated. To do this with the assent of both Houses of Congress was certainly calculated to make the act more impressive upon England than if authorized by the Senate alone, and especially as it was known that on the policy of giving the notice at all the Senate was by no means united. The result showed the wisdom of the course pursued by the President.

Instructions modifying the pretensions of the British Government and acceptable to ours, as the basis of a new treaty, were dispatched from England to the British minister at Washington after the notice was received in England, but before it had been delivered to that Government. (The joint resolution authorizing the notice to be given was passed on the 27th of April, 1846. It was received by Mr. McLane, our minister at London, on the 15th of May, with instructions to deliver the notice. On the 19th the new instructions left England for the British minister at Washington, whilst the notice was not delivered until the 21st. The new treaty settling the boundary was signed at Washington on the 15th of June.)

Whilst, therefore, the committee are clear in the opinion that the right to give the notice in question pertains to the treaty-making power, they see nothing in the fact that, in the case with England, the House of Representatives acted with it, from which it is necessarily to be inferred that such union was then considered necessary to perfect the authority. But if it were so intended the committee would not yield to the precedent. They consider the reasoning irrefragable

which establishes the right to give this notice in the treaty-making power, and in their judgment it should ever be so maintained.

Then as to the inquiry whether, conceding the notice effectual to terminate the treaty, so far as our relations with Denmark are concerned, legislation is not necessary to repeal or annul it as a part of the "law of the land."

By the sixth article of the Constitution it is declared that—

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

The latter clause of this article is the key to the meaning of its antecedent. Treaties are laws to the nations contracting them. Nor was it intended by this provision to ascribe to them on the part of this Government any greater or higher obligation as between the contracting parties than they imported under the law of nations.

From the peculiar structure of the Federal Government, however, in its relations to the State governments, it was deemed proper and necessary to declare the paramount authority of a treaty if at any time in conflict with a State constitution or laws, a necessity that extended equally to the Federal Constitution and the Federal laws; and accordingly having classed them together, the latter clause of the article declared them also "supreme," and bound the State judges so to administer them, "anything in the constitution or laws of any State to the contrary nothwithstanding."

It may also have been considered as more conducive to the peace of the country by placing them, for domestic purposes, on the general footing of "laws," to make them as such obligatory on the citizen. They are thus brought practically, for domestic purposes, immediately within reach of judicial exposition and to be enforced directly as other laws against the citizen. But it were a capital error to suppose that it is under this provision of the Constitution that a treaty can be abrogated or annulled by law of Congress.

Treaties are contracts resulting from the faith which all civilized nations must, for the peace of the world, repose in each other. To violate them, except on grave and proper consideration and for adequate cause, is not only utterly dishonoring to the offending party but may be taken as cause of war. No statesman would venture to justify before a foreign power the abrogation of a treaty by quoting a supposed right to do so reserved in this article of the Constitution.

In the instance cited, that of the act of 1798, declaring the treaties with France no longer obligatory on the United States, no reference was had to this article of the Constitution. But, on the contrary, those treaties were so declared null exclusively on the ground that they had "been repeatedly violated on the part of the French Government," and that "the French Government yet pursued against the United States a system of predatory violence infracting the said treaties."

The committee, on the whole, conclude that so far as the "practice of the Government" is concerned there is nothing to question the sufficiency of the notice that has been given to Denmark to terminate the treaty, and they recommend the adoption of the following resolution:

"*Resolved*, That the notice which has been given by the President to Denmark, pursuant to the resolution of the Senate of March 3, 1855, to terminate the treaty with that power of the 26th of April, in the year 1826, is sufficient to cause such treaty to terminate and be annulled, to all intents whatsoever, pursuant to the eleventh article thereof, and that no other or further act of legislation is necessary to put an end to said treaty as part of the law of the land."

Mr. FALL. Mr. President, one remarkable phase of this discussion develops from time to time. I am glad to hear, even casually, the Constitution of the United States mentioned by some of my colleagues, even if it is only to appeal to the form of that formerly venerated document; even if it is only to appeal to it as one of the great autocrats of recent years, the president of a so-called republic upon this hemisphere appealed to his constitution. He reelected himself despite the terms of the constitution. He had the constitution changed whenever he pleased. He had no regard for the substance or the meaning or the spirit of the constitution, but I do not know of any case in his long career in which he did not appeal to the form of the constitution in some way, even if he had to change the form to meet his then needs or necessities.

Mr. President, some of our colleagues apparently proceed upon the theory that the presidential office is not only a great office, in some respects the greatest in the world, but that the occupant of that office, immediately upon lifting his hand and taking the oath of office, becomes imbued with powers almost omniscient. A lawyer who could not command a $100 fee when elected to the Presidency at once, to the minds of many of our fellow citizens, acquires by the oath of office more legal knowledge than was ever combined in Blackstone, John Marshall, and all of the prominent law writers and law practitioners and law expounders and lawgivers of the world.

I have as much respect for the presidential office as I have for the senatorial office. They are both constitutional offices. They are representative of two equal branches of the Government. Neither is superior to the other. I have no more respect for the presidential office than I have for the senatorial office.

The Senator who just concluded his most eloquent appeal or speech desired to know what was behind this proposition, and stated that no Senator dared to rise here and explain what was behind it. My explanation may not be satisfactory, Mr. President. The explanation that I make may not appeal to the judgment of the Senator who has just spoken, but I shall give it without any hesitation whatever. I shall say very frankly, the President of the United States being represented upon the council of the league of nations, the President of the United States being represented by his appointee upon the league itself or in the assembly, we having entered a common council where he is represented, becoming members nationally of a league through the representative to be appointed by him, the coordinate branch of this Government has exactly the same constitutional right and power and authority to say when they shall get out of it as it has to say when and how they shall get into it.

The Senate of the United States is now making or unmaking the treaty under their constitutional authority. If, as they shall send it to him, the President of the United States does not see fit to ratify it, he can take the responsibility. If we fail to put into it what we think should be in it, because of some idea that the present or some future occupant of the White House may not like it, then we are shirking our duty and failing to perform our duty under the oaths which we have taken.

We propose to provide, if we can, that he shall not appoint a member of the council or of the league until Congress shall have made provision for them. I shall vote for that provision.

Then he has a member of the league and a member of the council representing him, and now we are told that the Congress of the United States, coming from the people of the United States, should not have the right, by a concurrent resolution, to provide how we should get out of it, but, as was said by the Senator from Mississippi [Mr. WILLIAMS], we must avail ourselves of the article of the Constitution providing for the impeachment of the President of the United States if he does not get out when the Congress thinks he should.

The proposition to me, Mr. President, is one that is just as plain upon my side of it as it is to the Senator from Arkansas [Mr. ROBINSON] or any other Senator from his standpoint. I want to say—and I am accustomed to speaking out in meeting—this part of the proposed reservation was written by a Democrat, one of the prominent Democratic Senators, and was brought to the Committee on Foreign Relations and adopted by Democratic and Republican votes, and so reported out. We have been denounced for being partisan in this matter, but, as I said, the author of this particular provision was a prominent Democratic Senator, and he will vote for it, as will other Democrats, I think. He is one of those who believe, as I do, that the Congress of the United States, supreme in its sphere, and the Senate, supreme in this particular matter in its sphere, have the right to demand and receive the respect for their orders and directions as the President of the United States or any other living human being or any other branch of a Government has a right to demand respect in the performance of his duties.

I shall vote for this reservation because I believe that the President of the United States has nothing to do with it. I shall vote for it because I believe that the Congress of the United States, by a concurrent resolution, if necessary, over the protest and contrary to the judgment of the representatives of the executive department upon the council and the league, shall have a right to get the United States out of the league. It is not necessary that the President should join in the adoption of a notice to get out of something which we get into by action of the Senate of the United States.

Mr. President, so far as the personality of the President of the United States is concerned, I can say, sir, that it does not enter into my consideration of this matter nor influence my vote in any manner whatsoever, except to this point. I say very frankly that the present occupant of the White House entertains such ideas of Government that I have not the confidence in him that would justify me in leaving the fate of the United States in his hands alone. I believe that this is a government of laws, and he believes, as he believed in 1878 and said, that it is a government of men. This is the distinction.

But Senators upon the other side or Senators upon this side opposing this reservation seem to think it necessary that those supporting such a reservation must have some political animus. I want to fix this matter now for the present President and any President who may succeed him. Because of the experience which we have had with this President I fear the Presidents who may come after him. That is possibly frank enough. The whole fate of this great country of ours rests upon what we are doing now, in my judgment, and I propose, in so far as I can, to see that the people's direct representatives in the Congress of the United States shall have the right to say when we shall get out of this iniquitous, nefarious scheme, as the Senate has the power to say when and how we shall get into it.

Mr. WALSH of Montana. Mr. President, as the discussion was in a way precipitated by myself, I desire to say a few words in relation to some of the suggestions that have been made in opposition to the motion of the Senator from Colorado [Mr. THOMAS].

The Senator from Georgia [Mr. SMITH] apparently put his opposition to the motion to strike out this provision in reservation No. 2 upon the ground that it was not legislative in character, but executive. I regret very much that the Senator from Georgia is not here.

All governmental authority, Mr. President, is divided into three classes—legislative, executive, and judicial. Obviously the matter of getting out of the league does not fall within the domain of the judicial.

The Executive enforces the law. The President of the United States is sworn to see that the laws are faithfully executed. What law is the President executing in determining that the United States shall no longer be a member of the league, and giving notice accordingly? Finally, Mr. President, let us test it upon the question as to what is legislative authority. Is it legislative in character?

Mr. President, a treaty is a law. In making treaties we are making laws. In changing those treaties, we are making laws. We decide, however it is done, to get out of the league, and we give a notice accordingly. Evidently to-day the law is, as provided in article 10 of the covenant, that we go to the aid of any member of the league against which any acts of external aggression are directed threatening its territorial integrity or political independence. To-morrow, after the notice has been appropriately given, the law is entirely different. We are under no obligation then to go to their aid.

Under article 15, should any member engage in war contrary to the covenant of the league, all relations between the nationals of the covenant-breaking State and the other members of the league are interdicted, and they become illegal. If Greece should go to war contrary to the provisions of the league, as said some time ago by the Senator from New York [Mr. WADSWORTH], every American citizen would be denied an opportunity to carry on any business transactions of any character with a Greek national. We are in the league to-day, and it is perfectly legal to do business with a Greek citizen. We are out of the league to-morrow, and it is entirely unlawful to do business with him. Accordingly, who can doubt that the determination to withdraw from the league and the giving of notice in accordance with that determination is in its nature legislative?

But, Mr. President, as I have indicated, this does not contemplate the mere physical operation of giving the notice. By no means. It involves the transcendentally important question of determining whether we shall remain in the league or not, a matter obviously affecting in the most serious way the future of our country as well as the future of the world. It is not so much a question as to who shall do the physical act; the question is, In whom shall we repose this awful charge of determining whether we shall remain a member of the league, with all its obligations and whatever benefits may accrue by reason of membership, or free ourselves entirely from those obligations and surrender whatever benefits there may be? I do not believe that it can be seriously doubted that this contemplates legislative action.

I now desire to address myself to the inquiry propounded by the Senator from Wisconsin [Mr. LENROOT] to myself or to the Senator from Colorado on yesterday, and again this morning introduced into the discussion by a question from the Senator from Oklahoma [Mr. GORE] as to whether an act could not be passed which would cease to take effect and have force upon the occurrence of some future contingency.

Mr. President, this reservation does not contemplate our withdrawal from the league, a severance of our relation as a member of the league, upon the occurrence of some fortuitous event in the future. I do not undertake to say that that would not be possible. Moreover, it does not even depend upon the question or determination or the existence of a certain fact or certain condition, upon the determination of which we are to withdraw from the league.

The Senator from Oklahoma referred to numerous acts of Congress passed during the war period which were to cease to have effect whenever the President of the United States should determine and make proclamation that the war had ceased or that demobilization had been completed. That likewise can be done. A law may be enacted, of course, to take effect and remain in force and effect until some official shall determine as a matter of fact that a certain fact or condition exists.

The subject was very carefully considered by the Supreme Court in the case of Field against Clark, which will be in the minds of most Senators. They will recall that that court considered a reciprocity provision of a tariff act under which the President was authorized to make proclamation that some other country had so reduced its rates of duty concerning the admission of our products into that country as to fall within the provisions of the statute, and then that lower rates would go into effect. After considering many statutes of like character, the Supreme Court said:

> But when he ascertained the fact that duties and exactions, reciprocally unequal and unreasonable, were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides, it became his duty to issue a proclamation declaring the suspension as to that country which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of a policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact it can not be said that in ascertaining that fact and in issuing his proclamation in obedience to the legislative will he exercised the function of making laws.

So if this provision were to the effect that whenever the President determined a certain fact or certain condition existed he was then authorized to give notice, it would not be unexceptional. But that is not the case. The question of giving notice involves the very highest degree of discretion and the exercise of the most profound judgment and all relating to the question of the good or the ill of our country as it shall remain in or sever its connection with the league.

When it becomes a matter addressed to the discretion, to the judgment, to the wisdom, of doing or not doing the act, then as a matter of course it becomes a question of legislation and not a mere determination of the existence of a fact or condition, upon which the act is to go into effect or is to cease to have any effect.

Mr. FLETCHER. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Florida.

Mr. FLETCHER. May I inquire if that is not true with reference to all our treaties, which provide that they may be terminated after a given time upon notice by either party? It is not a question for the Executive solely to give notice, but it requires legislative action on the part of Congress. For instance, permit me to call the Senator's attention, just as an illustration, to our treaty with Cuba, which provides that "it shall continue in force for the term of five years from the date of going into effect, and from year to year thereafter until the expiration of one year from the date when either of the contracting parties shall give notice to the other of its intention to terminate the same." Under that provision, is it not the Senator's view that an act of Congress is required before notice shall be authorized or given so as to terminate the treaty?

Mr. WALSH of Montana. I have not any doubt at all; I do not believe anybody here, who thinks about the matter at all, can consider that that contemplated anything else or that any other method would be a valid method, except that it would be a further exercise of the treaty-making power. In other words, it takes a law to repeal a law. There is no doubt about that proposition, and so far as a treaty is concerned it may be repealed, so far as we are concerned, by an act of Congress or it may be repealed by another act of the treaty-making power.

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator makes that statement so confidently that I wish to ask him whether he has examined the textbook writers and writers on international law upon the subject?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. Does he find any such doctrine in any of them?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. Will he cite them?

Mr. WALSH of Montana. Of course, the Senator does not expect me to cite them offhand.

Mr. LENROOT. I have some directly to the contrary, and that is why I asked the question.

Mr. WALSH of Montana. I have very carefully studied the matter of negotiating treaties.

Mr. LENROOT. Will the Senator yield to me while I read just a paragraph from Willoughby?

Mr. WALSH of Montana. I have no objection to the Senator reading it.

Mr. LENROOT. I am reading from Willoughby on Treaties:

> Though the Senate participates in the ratification of treaties, the President has the authority, without asking for senatorial advice and consent, to denounce an existing treaty and to declare it no longer binding upon the United States. In important cases, however, he would undoubtedly seek senatorial approval before taking action. But whether or not this approval be sought, the courts hold themselves bound by the denunciation, the existence or nonexistence of a treaty being a political question the decision upon which by the political departments of the Government is binding upon the judicial departments.

Mr. WALSH of Montana. Yes; I remember that very well, and that brings me to a discussion now of that question. I do not undertake to say at this time whether the actual concurrence of the two bodies, the two branches of the Government, the executive and the legislative, in denouncing or abrogating a treaty, is essential, but I do undertake to say that the action of the Executive in the matter is indispensable.

The Senator from Missouri [Mr. SPENCER] this morning laid down the doctrine that it is within the power of the Executive of his own motion and upon his own judgment, uninfluenced and unguided by any action of Congress, to terminate a treaty whenever he sees fit. If the President of the United States has any such power, he has it by virtue of the Constitution of the United States. If he has the power by virtue of the Constitution of the United States, how can the Congress take it away from him, or how can the President and the Senate to-day take it away from the President who may be President 5 or 10 years from now, and lodge the power in the two Houses of Congress?

If the Senator from Missouri is correct, this provision in the reservation is obnoxious not only upon the ground to which I have referred, but it is obnoxious upon another ground, that the sole power is reposed by the Constitution in the President of the United States, and this is an effort to rob him of his constitutional power. Reference has been made, and eloquently made, to the wisdom of the fathers who provided that in reference to all matters of legislation the concurrence of the Congress and of the President was requisite, or in the event that the President did not concur that the matter should have the approval of two-thirds of both Houses.

The opponents of the treaty have repeatedly on this floor extolled the wisdom of the founders of our Government and the framers of our Constitution, and very justly, for it has been rightly said that it is the greatest instrument every struck off at one time by the heart or the hand of man. They provided that in every trivial matter of legislation the concurrence of the Congress and the President was requisite. We are not able to give force or effect to our views that a bridge ought to be built across the Missouri River without submitting the matter to the President for his approbation or disapprobation.

But here is a question affecting vitally, as I have indicated, the future not only of our country but of all the world, and it is proposed with respect to that to reverse the teachings of the founders of the Government and repose the power in the Congress alone.

The framers of the Constitution were profound students of history. They knew, from the experience of other nations, of the peril that lay in reposing these weighty matters in the legislative body without any kind of check whatever from the Executive. They were guided by their own experience under the Articles of Confederation, where they tried the system of legislating and entering into treaties without any check whatever from the Executive. They found it had not worked very successfully, and they believed they had devised the system, and they declared their purpose in most unequivocal language in the section of Article I, to which I invited the attention of the Senate on yesterday, that it was unwise to allow any action involving the exercise of judgment as to what course the country ought to take, what laws ought to govern it, without the concurrence of the Executive in any conclusion that might be arrived at either by both Houses in legislative matters or by the Senate in relation to treaties.

But here is a subject that lies peculiarly within the domain in which the Executive may be deemed to have peculiar knowledge, superior as a rule to that which the Members of both Houses may have. The President under our system is the agency through which all foreign communications and negotiations are carried on. He is charged by his office to keep informed concerning foreign matters and our relations to foreign countries. He is provided by the law with numerous agencies through which he is kept advised concerning those matters. And yet, as I said, although we can not pass even a trivial bridge bill without his approbation, it is proposed to submit this important matter to him without getting the benefit of such information as he may have under the advantages which surround him concerning our foreign relations.

To illustrate, it will be recalled that when the Fiume controversy was at its most critical point, and the conditions were exceedingly tense, the senior Senator from Massachusetts [Mr. LODGE] in a published interview declared his opposition to the attitude of the President upon that question and asserted that Italy was entitled to Fiume. Now, the Senator from Massachusets has had a very wide experience in public affairs, he has long been a member of the Committee on Foreign Relations, he has been a profound student of European politics, and he may be right about that.

But, Mr. President, I have no information as to what peculiar opportunities he has had to acquaint himself with the indirect conditions that surround the question of the disposition of Fiume. I know that the President of the United States was in constant communication upon that subject with Admiral Niblack, who commanded the allied fleets in the Adriatic; I know that he had the benefit of intimate communication with our ambassador at Rome; and I know that he could command secret and confidential reports from all of our consular officers in every city in Italy. I have no doubt that he had experts at his command, who studied the subject on the ground; and whatever may be the extent of the information which the Senator from Massachusetts [Mr. LODGE] may have upon the subject—and I have no doubt in the world that it is exceedingly ample—I am myself disposed to believe that the President knew a great deal more about the matter than I did or than many other Senators did, and, I might easily say, very much more than the majority of the Members of either branch of Congress happened to know about it. Accordingly, Mr. President, it seems to me, considering all things, and the likelihood that there will be a change some time or other in the Presidency of the United States, that we ought not upon such a grave matter as this to exclude the President from the consideration as to whether this far-reaching and radical change in our relations with the other nations of the earth should go into effect.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH of Montana. I yeld.

Mr. CUMMINS. Without any suggestion in regard to the wisdom or unwisdom of excluding the President from participation in the conclusion with respect to withdrawing from the treaty, does the Senator from Montana concede that we can exclude him?

Mr. WALSH of Montana. I do not.

Mr. CUMMINS. That is a point on which I should like to have some light from the Senator from Montana.

Mr. WALSH of Montana. I shall be very glad to shed any light I can on the subject.

Mr. CUMMINS. The Senator from Montana has very often, and generally with my entire concurrence, analyzed the pending treaty with respect to amendments and reservations and the necessity of securing the assent of those who have already sanctioned it. The Senator has no doubt, I assume, that in case of an agreement between individuals, for instance, in the case of an agreement of partnership between individuals—and this treaty creates a partnership of nations—the parties to such partnership could provide that it should terminate upon notice given by a third party having no interest whatever in the partnership. That would be entirely within the competence of the parties to the agreement, would it not?

Mr. WALSH of Montana. I have no doubt of that.

Mr. CUMMINS. Is it not entirely within the competence of the United States, in entering this partnership of nations, to stipulate that it shall be dissolved upon or through the will of some other party than the United States?

Mr. WALSH of Montana. I should say not.

Mr. CUMMINS. Why have we not the constitutional power to agree with the other nations of the world that if the treaty becomes distasteful, say, to the State of New York, upon the passage of a resolution declaring that opinion, the partnership shall cease?

Mr. WALSH of Montana. Mr. President, I am glad to say to the Senator what I think about that. I do not think it would be possible at all to do that, and for the very plain reason that the President of the United States and the Congress of the United States are the mere agents of the Government of the United States. The President of the United States and the Congress of the United States have been intrusted with these grave duties. The man who is now President and the Congress which now sits are intrusted with the grave duty at this time. The President who will sit 10 years from now and the Congress that will be in existence at that time will be intrusted with the grave duty as it shall arise at that time. We can not throw those responsibilities upon anybody else; they are reposed by the people in us. We can not delegate them. The people having said, "We rely upon you to exercise your judgment, to reach a determination upon your information and upon your wisdom," we can not put it off and say, "Although it rests with us by appointment of the people to put an end to this treaty by an act of Congress any time we see fit, we turn that over to the Legislature of New York and let them exercise the judgment for us."

Before the Senator from Iowa came in, if he will pardon me, I was calling attention to the fact that a statute or a treaty might end upon the occurrence of a fortuitous event or upon the determination of a certain fact or of a certain condition

by a certain officer, he having no discretion on the subject at all; but when it becomes a question of the exercise of his judgment or his discretion about whether the law should remain in force or whether it should be repealed, considering the good of the country, that would be an unlawful delegation of legislative power. The Senator's question is whether we could delegate power to the Legislature of the State of New York.

Mr. CUMMINS. But the President and the Senate alone are concerned in the contract which we make.

Mr. WALSH of Montana. Undoubtedly so.

Mr. CUMMINS. Congress has nothing whatever to do with it; and the position of the Senator from Montana, therefore, is that while it does not require the concurrence of Congress and the President to create the obligation, it does require the concurrence of Congress and the President to put an end to the obligation.

Mr. WALSH of Montana. No; by no means, Mr. President. The treaty can be ended just exactly as it is created. Undoubtedly we could negotiate another treaty by which we would withdraw from the league, and I do not undertake to say that the treaty originally could not repose in the President and two-thirds of the Senate the opportunity and right to withdraw; but there is another way by which we can get rid of the treaty so far as we are concerned. We can get rid of the treaty at any time by act of Congress. The Senator will realize, of course, that that has been determined over and over again.

Now, the other countries parties to this treaty have consented that it shall be abrogated pro tanto in any way that the Government of the United States sees fit to abrogate it.

Mr. CUMMINS. The Senator's position, then, is that once the abrogation is created, nothing less or other than the Government of the United States, composed of Congress and the President, can end it?

Mr. WALSH of Montana. The Senator from Wisconsin has called attention to a statement in Willoughby which seems to indicate that the President of the United States alone can abrogate a treaty; but I should want to examine the question with very great care before I could accept any such doctrine. Other than that the Senator has stated it correctly.

Now, just a word more, Mr. President. This provision inserted here—and we might as well be frank about the matter—is simply an indication of a want of confidence in the man who at the present time happens to be Chief Executive of the United States; at least, as said by the Senator from New Mexico [Mr. FALL], the experience had with the present Executive of the United States has filled Senators with apprehension about the acts of future Presidents.

Mr. President, I undertake to say that nine out of ten letters I get in protest against this treaty breathe a spirit of intense hatred of Woodrow Wilson, President of the United States, and I am led to believe that that feeling forms a very large element in the opposition to this treaty; but I am astounded that Senators of the United States should allow considerations of that character to influence their judgment. Mr. Wilson has been President of the United States now for almost seven years. Our history extends back for 125 years and more, and we hope that it will extend for many hundreds of years into the future. Apparently nothing in our past history prior to the time that he became Chief Executive has prompted any statesman to attempt to take this power out of the hands of the President of the United States, and I think that it is stretching the point to the limit of attenuation to take the position that our experience with the present administration has been such as to admonish us that it is unwise to permit the President of the United States to participate with Congress in the all-important duty the nature of which we are now considering.

Mr. LENROOT. Mr. President, I first wish to call attention to a portion of the remarks made yesterday by the Senator from North Dakota [Mr. MCCUMBER], in which he used this language:

> Mr. President, I for one have done everything in my power to keep this question out of the mire of politics and partisanship. I think the question is too big to be made a partisan question. I do not care what my animosity toward the President of the United States may be because of any subject or because of any action on his part; I do not want that to influence me in entering into an agreement with the great nations of the world—an agreement intended to preserve the peace of the world. I am satisfied that if we had a Republican President to-day we would not be insisting that he should be eliminated from any voice in the matter of any future action that we might take in respect to either staying in or getting out of this league of nations.

Mr. President, it is very unfortunate that there are some Senators who attribute motives of partisanship to those who happen to differ with them upon any question, and sometimes seem to arrogate to themselves all of the patriotism with reference to the consideration of this important question. We all know that the Senator from North Dakota is patriotic, is devoted to the interests of his country; and yet, if some of us should be as ungenerous as he, one might point to the fact that in reading some of the Senator's speeches, if they did not know his patriotism as we do, they might conclude that he sometimes seemed to be a little more concerned for the interests of the British Empire than he was for those of the United States. We know that that is not so; but I do say that no Senator ought upon this floor to attribute unworthy motives to another Senator, especially when the Senator from North Dakota, being a member of the Foreign Relations Committee, knows that the proposition now before the Senate did not originate with any Republican. It originated with a Democrat. It was suggested to the Committee on Foreign Relations by a Democrat who has always been one of the stanchest supporters of President Wilson, but who has fulfilled his obligations as a Senator of the United States to think independently and act independently upon questions that come before the Senate.

The Senator from North Dakota asks, Why is there a different procedure proposed in this reservation for a concurrent resolution than with reference to other reservations, such as the reservation in regard to article 10, where we propose that a joint resolution or an act of Congress shall be the procedure?

The answer is very plain, Mr. President. In every other case in these proposed reservations where an act of Congress or a joint resolution is required it is the only method in which the Government could obligate itself. In every other case it is assuming obligations upon the part of the Government of the United States. In most of the other cases where we ask for the joint action of the Congress and the President of the United States it means the lives of American boys; it means appropriations, perhaps, of billions of dollars of money; and there is the best of reasons, wherever an obligation is to be assumed by the United States, that there should be joint action.

But what is the situation with reference to this reservation? Here it is proposed only that the United States should relieve itself of obligations that are imposed by this treaty; in other words, that it may get out of this league of nations. No new obligations are imposed upon the United States by this action. It merely relieves the United States from obligations.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. Yes.

Mr. WALSH of Montana. The Senator, of course, is one of the supporters of this treaty and a supporter of the league of nations. Are we to understand that it is his view that no benefits whatever are conferred upon the United States by this treaty; that it imposes obligations only, without any reciprocal advantages?

Mr. LENROOT. No; I do not so contend. I thought I made myself clear.

Mr. WALSH of Montana. I tried to follow the Senator.

Mr. LENROOT. If the United States ever withdraws from this treaty, it does not by the act of withdrawal assume any new obligations imposed upon the people of the United States; while, with reference to the other reservations, where an act or joint resolution is required, it will impose new obligations upon the United States. I thought I made the distinction clear.

Mr. WALSH of Montana. Yes; the Senator did, perfectly; but we also surrender whatever advantages we have by membership, do we not?

Mr. LENROOT. Yes; but that has nothing to do with the distinction I make, where in one case we are assuming obligations and in the other we are relieving ourselves from obligations.

Mr. WALSH of Montana. Let me inquire of the Senator again, Is it not just as important that we should not incautiously surrender advantages as that we should escape obligations?

Mr. LENROOT. Oh, I think there is a very great difference, both as to our constitutional power and as to the policy to be invoked. We might well be willing with less caution to surrender certain benefits growing out of a given situation, and it would be a very different situation than to impose upon ourselves new obligations arising out of a certain situation.

That brings us to the proposition, Is this a legislative act? I contend that it is not, both under the precedents read by the Senator from Arkansas [Mr. ROBINSON] this afternoon and the admission of the distinguished Senator from Montana [Mr. WALSH] made yesterday; and if it is not a legislative act, it is perfectly competent for us to insert in the treaty a provision that this notice may be given by concurrent resolution.

Now, is it a legislative act under the Constitution that requires the signature of the President?

I read, in an interruption with the Senator from Montana a little while ago, a paragraph from Willoughby on the Constitution, and because of its very great importance I want to read it again:

> Though the Senate participates in the ratification of treaties, the President has the authority, without asking for senatorial advice and consent, to denounce an existing treaty and to declare it no longer binding upon the United States. In important cases, however, he would undoubtedly seek senatorial approval before taking action. But whether or not this approval be sought, the courts hold themselves bound by the denunciaton, the existence or nonexistence of a treaty being a political question the decision upon which by the political departments of the Government is binding upon the judicial departments.

That is the opinion of one of the authorities of this country upon the Constitution of the United States; and if he is correct in this, it is an Executive power and not a legislative one; and that is corroborated by the precedents and reports read by the Senator from Arkansas, every one of which sustained the position that the committee has taken with reference to this matter. Every precedent read by the Senator from Arkansas was to the effect that while it was questionable whether the President alone had the power to give the notice of the denunciation of a treaty, unquestionably when the Senate concurred in that notice it was a valid notice. If that be true, Mr. President, is it not equally clear that this is not an exercise of a legislative power, but, if it be anything more than an Executive act, it is an exercise of the treaty-making power, and Congress, as such, has nothing whatever to do with it?

Mr. KING. Mr. President, will the Senator permit a question?

Mr. LENROOT. Yes.

Mr. KING. I have not had the pleasure of listening to all that the Senator has said. Has the Senator indicated upon what part of the Constitution that power rests? And if I may submit another interrogation I should be very glad to do so.

Suppose we should enter into a treaty with some power which involved continuing obligations, and there were mutual obligations, but certainly material obligations upon the part of the United States. Does the Senator think that the President of the United States, of his own volition, could terminate that treaty, which called for continuing obligations for an indefinite period, and not subject himself to some punishment or impeachment? In other words, is there no way by which the Government might protect itself and its honor and carry out the contract which it had entered into?

Mr. LENROOT. If the Senate of the United States concluded at any time that the President had no such power and was a usurper, of course impeachment could be resorted to. There is no question about that; but I know of no way in which the action of the Executive could be controlled otherwise than by impeachment. The decisions are clear that the courts will not take jurisdiction of such a question, because the courts invariably say that this is a political question and not a judicial one. But while Willoughby does not attempt in his work to go into the reasons for his conclusion, I think it is very apparent upon what it must rest, and that is this: That while the Executive has the power to make treaties with the advice and consent of the Senate, after all the President is the final treaty-making power. He negotiates the treaty; the Senate advises and consents; and, nevertheless, although we consent, either conditionally or otherwise, it is at the option of the Executive whether that treaty ever has breathed into it the breath of life, because he may, following the action of the Senate, refuse to deposit the ratifications, may refuse to complete the treaty; and the President, being the final treaty-making power, the theory must be that he, having the power alone to complete the treaty, he alone has the power, unless controlled in some way by the treaty itself or by action of Congress abrogating the treaty, to denounce it. I am speaking now only of treaties that have in them provisions for their termination.

Mr. KING. Mr. President, will the Senator permit a further inquiry?

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Utah?

Mr. LENROOT. I yield.

Mr. KING. Does the Senator think that the insertion of a provision in the treaty limiting the President's power so that he could not denounce the treaty without the consent of the Senate or of the Congress would be an infringement of his constitutional right?

Mr. LENROOT. I do not, because if such a provision is inserted in a treaty the President himself then joins in carrying on the treaty to completion with that mode of termination; and he, together with the Senate, being the whole treaty-making power, they may make any provisions that they see fit to make with reference to the terms and conditions under which a treaty may be terminated, and those terms and conditions, being embodied in the treaty itself, will be valid.

Mr. KING. One other question, if the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Utah?

Mr. LENROOT. I yield.

Mr. KING. If the Senator's contention is right that the Executive has the power to denounce a treaty whenever he pleases—if there is no limitation upon that authority in the Constitution, but, upon the contrary, that is his right—does not the Senator think that it would be an infringement upon the right of the Executive for us to impose obligations in a treaty that would extend beyond the term of the President who negotiated the treaty, so as to bind the hands of his successor?

Mr. LENROOT. No; not any more than I think the Senator would deny that it would be perfectly competent to provide in the treaty that it should be terminated at some future time upon the occurrence of some event. The situation is exactly the same.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. LENROOT. I yield.

Mr. BRANDEGEE. Of course, this is not inserting anything in the treaty. It is putting into the resolution of ratification a reservation that notice of withdrawal by the United States shall be valid if given by concurrent resolution. Has the Senator any doubt that it would be perfectly competent for us to insert as a reservation in the resolution of ratification, to be accepted by at least three of the other powers, a provision that notice, so far as this country was concerned, of its intention to withdraw, should be sufficient if there were filed by the Secretary of the Senate in the office of the secretariat of the league a certified copy of a resolution of the Senate desiring to withdraw?

Mr. LENROOT. There can not be the slightest doubt upon that.

Mr. KNOX. Mr. President, it seems to me, if we want to write such a provision into the treaty, that the ultimate act which gives the treaty validity is the exchange of ratifications by the President, whereby he approves and ratifies and binds himself by that act.

Mr. LENROOT. Exactly.

Mr. KNOX. While I am on my feet, I want to call the attention of the Senator from Wisconsin to the question in the Russian case. In 1911 there was an agitation for the abrogation of the Russian treaty on the ground that American passports had been dishonored in Russia, and the House passed a resolution, I think, by a vote with only one in the negative to denounce that treaty. It came over to the Senate, I remember distinctly, on a Thursday, and the Senate was disposed to pass a resolution at once, without referring it to the Committee on Foreign Relations. We managed, through the then chairman of the Committee on Foreign Relations, the late Senator Cullom, to get the Senate to postpone consideration of it from Thursday until the following Monday. Meanwhile, on the 17th day of December, the President himself, without Congress having acted at all, denounced the treaty in accordance with its terms, gave notice, as provided by the treaty, that the treaty should terminate; and while it is true that five or six days later the Congress, by joint resolution, ratified and confirmed the act of the President, they recognized the validity of the act of the President in denouncing the treaty in accordance with its terms.

Mr. LENROOT. That is my understanding, that in that very case notice was given by the President without any authority from Congress, and he proceeded upon the assumption that, as the Executive, there being nothing to the contrary in the treaty itself, he had the right to give the notice of the denunciation of the treaty.

However, Mr. President, the material proposition now, so far as we are concerned, is not whether the President has that power independently of any provision in the treaty, but whether the passing of this concurrent resolution is a legislative act which would require the signature of the President.

Yesterday I asked the distinguished Senator from Montana [Mr. WALSH] this question:

> I should like to ask the Senator from Montana if the treaty had provided in express terms that the notice shall be given by the President of the United States whether he thinks it would have been valid if ratified by the Senate?
>
> Mr. WALSH of Montana. I dare say it would.

In other words, Mr. President, the Senator from Montana admits that it would be perfectly competent for us to provide in this treaty that notice of withdrawal may be given by the President of the United States.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. The Senator from Wisconsin must not understand that in answering the question as I did I gave any virtue whatever to the declaration in the treaty. That power would be properly exercised in that way, in my judgment, without any reference to the provision in the treaty.

Mr. LENROOT. Very well. Then I want to ask the Senator from Montana which position he now takes. Is this an Executive power or a legislative function?

Mr. WALSH of Montana. Mr. President, I have not the slightest doubt about it being a legislative power.

Mr. LENROOT. If it is a legislative power, how, then, could it be exercised by the President without express authority?

Mr. WALSH of Montana. Because the President is participant in the exercise of the legislative powers of the Government.

Mr. LENROOT. Does the Senator contend that the President may, by himself, exercise any legislative authority?

Mr. WALSH of Montana. In so far as he can abrogate a treaty he can exercise legislative authority.

Mr. LENROOT. Where does he get it?

Mr. WALSH of Montana. He gets it from the Constitution. He can not get it from anywhere else.

Mr. LENROOT. As a part of the legislative power, does the Senator contend?

Mr. WALSH of Montana. As a part of the treaty-making power.

Mr. LENROOT. I asked the Senator a fair question.

Mr. WALSH of Montana. The Senator answers the question fairly. The treaty-making power is a legislative power; that is to say, treaties are laws; and, of course, those who make laws exercise legislative power.

Mr. LENROOT. Very well. I am very glad, then, that we have the Senator's position; and it seems to me very clear that he has now admitted himself entirely out of court upon that proposition, because if that is an exercise of power, whatever he may term it, under the treaty-making power, then the Senate and the President acting together may make any sort of provision for the giving of this notice that we choose, call it legislative power if you will. But a concurrent resolution carrying out the terms of a treaty, relating to termination, is not the exercise of legislative power under the Constitution that requires the signature of the President, if the President and the Senate declare that the notice may be given by a concurrent resolution.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator further yield?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. Of course, the Senator may draw his own conclusion as to whether I have admitted myself out of court or not. I thought I made it perfectly clear that we can not now, by anything we do, take away any power from future Presidents or from future Congresses.

Mr. LENROOT. That may be.

Mr. WALSH of Montana. The power to dispose of the treaty is reposed either in the President or in the President in conjunction with the Senate or in the President in conjunction with the Congress. We can not make any provision whatever that will derogate from those powers in future Presidents and future Congresses.

Mr. LENROOT. I readily admit that. With this concurrent resolution phrased "adopted as a part of this resolution," it may well be that the President will have independent power to give the notice. It certainly would be in Congress, as Congress could by legislative act abrogate the entire treaty. But that would not be at all in conflict with a provision for its abrogation in some other way in addition. I contend that we might insert in this treaty a provision for the giving of the notice of withdrawal by a member of the council, or whoever might happen to be the representative of the United States in this league, because so doing the Senate and the President would have consented to that as one of the conditions under which this treaty might be terminated.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. LENROOT. Yes.

Mr. WALSH of Montana. I should like to ask the Senator from Wisconsin if he concurs in the opinion stated by the Senator from New Mexico [Mr. FALL], to the effect that Congress could pass an act in which it was provided that it shall remain in force and effect until the two Houses, by concurrent resolution, provide otherwise?

Mr. LENROOT. I very much doubt that.

Mr. WALSH of Montana. I am very glad to hear the Senator so express himself.

Mr. LENROOT. Mr. President, what is proposed here? It is proposed to provide one method of giving notice of withdrawal; that is all. If we have the power in the treaty to say that the President of the United States may give the notice, if he does not otherwise have it, we certainly have the power to say that Congress, by a concurrent resolution, may give the notice. I think we would have the power to say that the representative of the United States in the league of nations may at any time give the notice, because the President and the Senate would then have agreed, when the ratification of this treaty is deposited, that this would be one of the methods of the termination of the treaty, or that part of it relating to the league of nations, so that, Mr. President, I feel entirely clear that this is a perfectly valid exercise of power for the termination of the treaty.

Now, as to the policy of it. So far as I am concerned, Mr. President, I have not entertained one thought of partisanship with reference to my view upon this question. I have no idea that if this treaty is ratified, and we go into this league of nations, we will withdraw, or there will be an attempt to withdraw, during the existing term of the present President of the United States. In addition to that, Mr. President, I have every reason to believe that if the time shall come when we desire to withdraw from this league we will have a Republican President of the United States. So there can not be any thought of partisanship in connection with this question.

Nevertheless, Mr. President, I think that it ought not to depend upon the will of one man as to whether the United States should withdraw from the league of nations or not. In spite of all that is said, you leave it for the joint action of Congress, or, practically speaking, in all probability it will be left to one single individual, regardless of the will of the people of this country, whether the United States remains in this league of nations or goes out.

Let me give an illustration, Mr. President. Some one yesterday spoke of the President of the United States being elected with a mandate from the people. President Wilson was elected. But a year ago the people of this country did not agree with the policies of President Wilson, and they elected in both Houses of Congress a majority of the opposing party. Mr. President, it might well be that at some time in the future the paramount issue before the people of this country would be whether the United States should longer remain in the league of nations or get out. The President may have been elected, and this issue comes up two years later, and if the people, at the off-year congressional elections, upon that issue express their will to get out of this league of nations, but the President is of a contrary opinion, if we do not provide for concurrent action, one man, the President of the United States, may defeat the will of the people. Upon a proposition of this character I believe the will of the people of the United States should control, and whenever the time may come when a majority of the House of Representatives and a majority of the Senate of the United States, by concurrent resolution, declare that they believe the United States ought to get out of the league of nations, it ought not to be within the power of a single man, through the exercise of the veto power, to keep this country in against its will.

Ah, but, it is said, if he does veto it, it can be passed by a two-thirds majority. That is true. And yet we know, Mr. President, in a matter of that kind, in all probability if it is a political issue before the country, how practically impossible that would be. At this very moment we have the spectacle, boasted of openly by some, that there are 40 faithful Democrats here who are willing to surrender their own convictions and their own judgment, who are waiting to find out what the President of the United States wants done about the reservations in this treaty, and are then willing to vote however he asks them to vote. Then talk about passing a withdrawal resolution over the veto of the President! Mr. President, if there should be a Republican President who should want to keep us in the league against the will of the people, I do not want the time to come when the power of the Executive, exercised upon the legislative branch of the Government, with 40 "faithful Republicans" can defeat the will of the people of this country.

Therefore, Mr. President, I think that this amendment ought not to be adopted, but that this right of withdrawal, or the giving of the notice of withdrawal, ought to be by a concurrent resolution.

Mr. HITCHCOCK. Mr. President, I do not know upon what authority the Senator from Wisconsin [Mr. LENROOT] makes such a reckless and utterly unfounded statement as that 40 Democrats are waiting upon the will of the President in the

casting of their votes. It would be just as much justified if I should say that 49 Republicans on the other side are taking the will of the Republican leader on that side. I have made no statement of that sort and no one here has done so. We allow a reasonable suspicion that Senators on the other side are standing by their own opinions and their own will, and I think the Senator from Wisconsin ought to be fair enough and generous enough to Senators upon this side of the aisle to assume that if Senators upon the other side of the aisle can combine to stand for a certain principle, Senators upon this side of the aisle can do it without doing it at the dictation of any man, either the President or anyone else.

Mr. LENROOT. Does the Senator from Nebraska say that there is not a very large percentage of Senators—I only took the number of 40 roughly—upon the other side of the aisle who are ready to combine with him in doing whatever the President of the United States asks them to do in reference to the treaty?

Mr. HITCHCOCK. I deny it.

Mr. LENROOT. I am very glad to hear it.

Mr. HITCHCOCK. That issue was not raised, and it will not be raised.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The question is on the amendment of the Senator from Colorado [Mr. THOMAS].

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Simmons
Ball	Harding	McLean	Smith, Ariz.
Borah	Harris	McNary	Smith, Ga.
Brandegee	Harrison	Moses	Smith, Md.
Calder	Henderson	Nelson	Smith, S. C.
Capper	Hitchcock	New	Smoot
Chamberlain	Johnson, Calif.	Newberry	Spencer
Colt	Johnson, S. Dak.	Norris	Sterling
Culberson	Jones, N. Mex.	Nugent	Sutherland
Cummins	Jones, Wash.	Overman	Swanson
Curtis	Kellogg	Page	Thomas
Dial	Kendrick	Penrose	Townsend
Dillingham	Kenyon	Phelan	Trammell
Edge	Keyes	Phipps	Underwood
Fall	King	Pittman	Wadsworth
Fletcher	Kirby	Poindexter	Walsh, Mass.
France	Knox	Pomerene	Walsh, Mont.
Frelinghuysen	La Follette	Ransdell	Warren
Gay	Lenroot	Reed	Watson
Gerry	Lodge	Robinson	Williams
Gore	McCormick	Sheppard	Wolcott
Gronna	McCumber	Sherman	

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

The PRESIDING OFFICER. Eighty-seven Senators have answered to the roll call. There is a quorum present.

Mr. GORE. Mr. President, the clause in the reservation which the Senator from Colorado [Mr. THOMAS] has moved to strike out provides that the Congress may, by concurrent resolution, give notice of the intended withdrawal. There are some Senators who apprehend that that clause trenches upon the authority of the executive department in general and trenches upon the authority of the present occupant of the executive chair in particular.

I do not imagine that such a purpose was in the minds of the members of the Committee on Foreign Relations when they drafted this particular clause. It is not in the minds of certain Senators who are supporting this clause of the reservation. Speaking for myself alone, such a purpose is certainly not in my own mind. I have no disposition to trench upon the authority of the executive department, either in general or in particular. We could not do so if we would, and for my part I would not do so if I could. I would safeguard the powers of the executive department quite as jealously as I would guard the powers of the legislative department.

If this league should prove to be an unmixed blessing, as we all sincerely hope that it may, then the United States will remain in the league, no matter how many ways there are leading out of the league. If, on the other hand, the league should prove to be undesirable, it seems to me that the more fire escapes we have the better it will be for all concerned to meet that situation.

In order to allay any suspicion that there is any purpose entertained here to disparage the Executive authority, I move to insert in the clause, in line 2, on page 2, after the words "may be given by," the words "the President or by," so that it will read:

And notice of withdrawal by the United States may be given by the President or by a concurrent resolution of the Congress of the United States.

Mr. THOMAS. Is that moved as an amendment to the amendment?

Mr. GORE. No; it is perfecting the clause before the motion of the Senator from Colorado to strike out is put.

Mr. THOMAS. It is in the form of an amendment, and relates to the same part of the reservation?

Mr. GORE. It does. I am seeking to perfect the clause before the motion to strike out is put, which I understand is the proper procedure.

The PRESIDING OFFICER. The Chair understands the amendment offered by the Senator from Oklahoma is in order.

Mr. BRANDEGEE. I call for the yeas and nays on the amendment.

Mr. NELSON. I move as a substitute for the amendment proposed by the Senator from Colorado to strike out the word "concurrent," before the word "resolution," in line 2 on page 2, and to insert in lieu thereof the word "joint."

Mr. KING. Mr. President, a parliamentary inquiry. Is the substitute offered by the Senator from Minnesota in order now, in view of the fact——

The PRESIDING OFFICER. The Chair thinks not until the vote is taken on the amendment of the Senator from Oklahoma.

Mr. NELSON. I am offering it as a substitute.

Mr. KING. The Senator from Minnesota will remember that the Senator from Oklahoma has tendered an amendment and, as I understand, the Senator from Colorado [Mr. THOMAS] has withdrawn his amendment or is holding his motion to amend in abeyance until the amendment of the Senator from Oklahoma is disposed of.

Mr. THOMAS. No; I have not withdrawn it, but I want to say I am satisfied——

Mr. NELSON. I want to say to the Senator, if he will allow me, that the original proposition is the second reservation. To a part of that the Senator from Colorado has offered an amendment, and I am now offering an amendment to his amendment, which is in order.

Mr. THOMAS. I am satisfied from the discussion on the amendment which I offered yesterday that it will not receive a majority vote of the Senate. Entirely because of that conviction I therefore reluctantly withdraw, if I may be permitted to do so, my proposed amendment and ask to have substituted for it the amendment proposed by the Senator from Minnesota [Mr. NELSON]; or if it can be treated as a substitute for my proposed amendment I will consent that that may be done, so far as I have any authority to do so.

The PRESIDING OFFICER. Is there objection to the withdrawal of the amendment proposed by the Senator from Colorado? The Chair hears none, and the amendment is withdrawn. Does the Senator from Oklahoma offer his amendment now?

Mr. GORE. I desire to submit my amendment. I am not certain whether it has precedence over the amendment submitted by the Senator from Minnesota or not. It seems to me it probably would have precedence.

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut will state his parliamentary inquiry.

Mr. BRANDEGEE. What was the motion of the Senator from Oklahoma?

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Oklahoma.

The SECRETARY. On page 2, line 2, after the word "given," it is proposed to insert the words "by the President, or," so as to read:

and notice of withdrawal by the United States may be given by the President or by a concurrent resolution of the Congress of the United States.

Mr. BRANDEGEE. That motion is nothing else than a proposed amendment, I presume?

The PRESIDING OFFICER. That is all.

Mr. THOMAS. Mr. President, of course, my consent to withdraw my amendment is conditioned entirely upon the action by the Senate upon the proposed amendment of the Senator from Minnesota; and I shall renew it if that amendment is not agreed to.

The PRESIDING OFFICER. The Senator from Colorado will have the right to renew his motion. The question now is on the amendment proposed by the Senator from Oklahoma [Mr. GORE].

Mr. BRANDEGEE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. STANLEY] and, therefore, withhold my vote. If permitted to vote, I should vote "nay."

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He is absent; I am, therefore, obliged to withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. REED. Mr. President, the Senator from Tennessee [Mr. SHIELDS] is confined to his room this afternoon on account of illness, and therefore can not be here to vote. He is paired on this and other votes to-day. I make this announcement in regard to the Senator from Tennessee to stand for the day.

Mr. UNDERWOOD. I desire to announce that my colleague, the senior Senator from Alabama [Mr. BANKHEAD] is absent from the Senate on account of illness, being confined to his room. He is paired on all votes to-day with the Senator from West Virginia [Mr. ELKINS]. I desire that this announcement shall stand for the day.

The result was announced—yeas 18, nays 68, as follows.

YEAS—18.

Borah	Henderson	Kirby	Reed
Calder	Jones, Wash.	La Follette	Thomas
Chamberlain	Kendrick	Lenroot	Walsh, Mass.
France	Keyes	McKellar	
Gore	King	Moses	

NAYS—68.

Ashurst	Harding	New	Simmons
Ball	Harris	Newberry	Smith, Ariz.
Brandegee	Harrison	Norris	Smith, Ga.
Capper	Hitchcock	Nugent	Smith, Md.
Colt	Johnson, Calif.	Overman	Smith, S. C.
Culberson	Johnson, S. Dak.	Owen	Smoot
Cummins	Jones, N. Mex.	Page	Spencer
Curtis	Kellogg	Penrose	Sterling
Dial	Kenyon	Phelan	Swanson
Dillingham	Knox	Phipps	Townsend
Edge	Lodge	Pittman	Trammell
Fernald	McCormick	Poindexter	Underwood
Fletcher	McCumber	Pomerene	Wadsworth
Gay	McLean	Ransdell	Walsh, Mont.
Gerry	McNary	Robinson	Watson
Gronna	Myers	Sheppard	Williams
Hale	Nelson	Sherman	Wolcott

NOT VOTING—10.

Bankhead	Fall	Shields	Warren
Beckham	Frelinghuysen	Stanley	
Elkins	Martin	Sutherland	

So Mr. GORE's amendment to reservation No. 2, proposed by Mr. LODGE, was rejected.

Mr. GORE. I wish to give notice that I reserve the right to offer the amendment in the Senate. I may not do so, but I give the notice.

Mr. NELSON. Mr. President, I now offer the amendment which I suggested a short time ago, to strike out the word "concurrent," on page 2, in line 2, before the word "resolution," and to insert the word "joint."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 2, it is proposed to strike out the word "concurrent" and to insert the word "joint," so as to read "may be given by a joint resolution."

Mr. NELSON. Mr. President, before proceeding to vote on the pending question, I ask indulgence of the Senate for a few moments. As Senators know, I have occupied but little time in discussing the treaty; but as I have sat here listening to the debate and reading much of the debate my mind has been impressed by the utter lack of elasticity in our system of government as compared with the parliamentary system of Great Britain. The spectacle we have witnessed of a branch of the Congress of the United States—the Senate—being in apparent hostility to executive head of this Government would never have been presented under a parliamentary system of government. It shows, I repeat, the utter lack of elasticity in our system, and indicates that we have much to learn in that respect from Governments where a real parliamentary system is established.

There is another thing that has occurred to me: We have heard much in this debate about open diplomacy; but does anybody imagine that the Constitution of the United States could ever have been framed and made as perfect an instrument as it is if the framers of that document had been compelled to sit in open session and had been badgered by the newspapers and other outside influences from day to day? Would any sane man contend that a Constitution such as we have could have been framed under such conditions? It was fortunate, Mr. President, that the convention which shaped that document sat in secret session. In that way only were they able to produce such a wonderful instrument.

Mr. President, the campaign that has been waged against the league of nations reminds me very much of the campaign that was waged against the adoption of the Constitution of the United States. Those who are familiar with the history of those days will remember that as soon as that instrument was made public and offered to the American people there was immediately a campaign of vituperation started against it; all kinds of evils were predicted. A bitter fight was made against it in Massachusetts; a bitter fight was made against it in Pennsylvania; a bitter fight was made against it in Virginia. In those Commonwealths and elsewhere it was predicted that the most dire results would follow if the Constitution were ratified; it was alleged that the States would lose their rights and that the people of the United States would lose their rights; but, Mr. President, by very close margins in some of the States the Constitution was finally ratified and adopted. Lo and behold, it has turned out that instead of bringing in its train the evil results which its enemies predicted, it has, from first to last, proved a blessing to the American people.

And so whatever we may do, the treaty having been ratified by four of the great powers, the league of nations will go into operation, and I predict that the same thing will happen in respect to the operations of that league as happened in the case of the Constitution of the United States.

But, Mr. President, these are mere general observations. I desire just for a moment to bring the Senate down to the particular question involved. Here is the provision:

> Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Evidently this paragraph needs amendment, and a reservation to correct the evil is fully warranted. The first question is, Who is to determine when the United States has complied with its obligations? The treaty left that a blank. It might be said, indeed it has been argued by a good many, that the United States itself would be the sole judge, but that is a debatable question, and we have attempted to solve it in this reservation.

The next question is, Who is to give notice of withdrawal? That is likewise a blank in the treaty. It is not indicated whether notice shall be given by the President or by an act of Congress.

Mr. President, we have two theories presented here. The theory announced by the Senator from Missouri [Mr. SPENCER] is that if we adopt this reservation as it is worded there are two authorities that may withdraw the United States from the league of nations—one is the President of the United States and the other is Congress, through the medium of a concurrent resolution.

It is useless to argue the constitutional question as to the effect of a concurrent resolution, for the reason that the proponents of that method of procedure are perfectly candid and admit—the Senator from Georgia, the Senator from Wisconsin, the Senator from Missouri, and others admit—that the purpose is to have this action taken by a concurrent resolution without any action of the President; in other words, to accomplish it without a legislative act. Then, as I intimated a moment ago, there is a dispute as to whether the President has the power of denouncing the treaty. The authorities cited by the Senator from Wisconsin only go to the extent—and they could not well go any further—that the question of denouncing a treaty is a political question in which the courts will not interfere.

I recall cases where, by legislative action, we have directed the President to denounce treaties. One noted instance was in the case of the so-called sailors' act. There was a great conflict in the provisions of that law with many of the treaties we had with foreign countries, so in that act we required the administration, within a certain time, to denounce conflicting treaties.

The question that occurs to me is this: Do we want in this case to have two distinct tribunals to pass upon the question whether or not we shall continue in the league; or, had we not better repose the power in one tribunal? Would it not be wiser and more legitimate and more consonant with principles of justice and fair play to require the withdrawal to be brought about by an act of Congress, and deprive the President of the power?

If I had my way—and I believe that is the honest and aboveboard way—I would say that withdrawal from the league of nations should be accomplished only by an act of Congress. That would eliminate from consideration both the President and the concurrent-resolution proposition now before us.

Mr. President, I am not a lover of the President, any more than many others. He has made grave mistakes, and he has made far more grave mistakes in his administration than he has with respect to this treaty or the league of nations. The greatest mistake, and one from which we have been suffering ever since, was the mistake he made when he acquiesced in the demands of the railroad men two years ago, when they threatened to hold up the whole transportation system of the country. When he lay down on that occasion, and submitted to that threat, and induced Congress to submit to it, he sowed the wind from which we have been reaping all this whirlwind of strikes that we have had in recent times.

While I hold no brief for the President, we must all concede that over there in Europe he had hard work to perform. The radical mistake he made—and who is there, even among the statesmen on this side of the Chamber, that is free from mistakes?—and a mistake that ran during the whole war period, was that he would not intrust anybody but Democrats with the consideration of public affairs. [Laughter.] If he had taken over to Paris two prominent Republicans of national character and reputation to cooperate with him, and had not isolated himself as he did, much of the trouble that has occurred would have been avoided; and if he had done as they did in other countries—as they did in England, as they did in France, as they did in Canada—if he had had a cabinet composed of members of the two great parties, and had asked the cooperation of the Republicans, which he ought to have done, together with the Democrats, he would have had much smoother sailing.

I make these remarks incidentally, but I want to say that, with all his mistakes, the President from his standpoint has worked hard, and has exerted himself to the utmost. He may be mistaken; I think he is, in many particulars; but the President is now lying on a sick bed, and we are asked here in the Senate to put a slight upon him by putting in this provision in regard to a concurrent resolution, in order to cut him off, as it is viewed here in the Senate. That goes against my grain, Mr. President. I am a Republican, and have been all my days, since I came home from the Civil War—then I was not old enough to vote—and I have always adhered to my party; but I do not approve of the intense partisanship that at this moment would put a slight upon the President of the United States, and would say to him, "We do not trust you to have anything to do with denouncing this treaty. We want to provide for denouncing it by a concurrent resolution, as to which you will have nothing to say."

Mr. President, I submit that such an amendment as I have suggested, providing that this treaty may be denounced only by an act of Congress, thus cutting off both the President himself and also cutting off this concurrent-resolution proposition, would be the best system; but if you do not do that, for God's sake, put in the word "joint" here instead of "concurrent," so that the denouncement or the withdrawal from the league will have to be done by an act of Congress.

Mr. President, let us on this side not be carried away by hostility to the President. Let us keep our heads on, and let us pass just such legislation as we would if we had to-day a Republican President. If our withdrawal from this league should take place by a power independent of the President alone, let it be done by an act of Congress, and not by a mere concurrent resolution; for there is no doubt at all, from what Senators have said, that the object in making this a concurrent resolution is simply to cut off the President from having a hand in the matter.

For these reasons I sincerely trust that the Senate will adopt the amendment, putting in the word "joint" instead of the word "concurrent." There is more that I could say, but I forbear at this time prolonging the debate unless somebody assails me. [Laughter on the floor and in the galleries.]

The VICE PRESIDENT. What are the doorkeepers doing about enforcing the rules of the Senate?

Mr. CUMMINS. Mr. President, I am very reluctant to consume any time in this discussion; but I have so high a regard for my friend the Senator from Minnesota [Mr. NELSON] that I feel it is due to him that he should know why I can not support the amendment which he has proposed.

I will not enter upon the inquiry that has been pursued here respecting the constitutionality of the reservation as it has been offered by the committee. There is a reason which moves me to exclude the President of the United States from any participation in the determination of this question, entirely apart from the legal aspect of the matter.

The Senator from Minnesota says, and he says very truly, that we have an inelastic Government. I am quite in sympathy with his inferential disparagement of our system. We have an independent Executive, and supposedly an independent legislative branch of the Government.

The whole history of the United States is one continual encroachment of the executive branch of the Government upon the legislative branch. This encroachment is not confined to Presidents of any particular party. It has been in progress from the beginning, and all that can be said of it is that recent years have accelerated progress in that direction.

It might be said, I think it will be admitted, that the composition of our Government makes that encroachment or invasion inevitable. The very moment that the Constitution of the United States gave to the President the appointment of all the officers of the Government save those of a legislative character, that moment it conferred upon him a power and an influence which can not be successfully resisted.

This treaty, if we enter into it, will immensely, tremendously increase the power and the influence of the President of the United States, because it will confer upon him the authority to compose, so far as we are concerned, a government of the world, and involve the selection of a vast number of representatives who, in their turn, will exercise the influence which belongs to their offices.

It would be impossible for me to conceive a President, Democrat or Republican, who would be willing to destroy, for his office, the influence and the power which this treaty will confer upon it. No President will be capable of exercising a fair and impartial judgment with respect to the operation of this treaty, its advantages, or its disadvantages.

Long ago I made one resolution. I declared it before President Wilson came into office, for I held these views, and I expressed them with all the energy of which I was capable in a time in which there was a Republican President, and I have criticized a Republican President for the assumption of powers which belonged to the legislative branch of our Government far more severely than I ever criticized a Democratic President.

I at least have been consistent with respect to the opinions I hold upon this subject. I am not willing to advance in this way the influence of the Executive, and I must advance it if I concur in the creation of this new relation to the world. I am not willing to do it and at the same time give to the Executive the power to veto our withdrawal from the partnership into which we are about to enter; for that is substantially what we give him.

These are my reasons for believing that in some way or other the Executive, not President Wilson, for I am sure that he will long have passed out of office when the occasion comes for this determination, but any Executive, any President, the right to interpose an obstacle which is practically insurmountable, against the withdrawal of the United States from the relation into which we now propose to enter.

For these reasons I can not support the amendment proposed by the Senator from Minnesota. If our Government were organized so that there would always be harmony between the executive and the legislative branches of the Government, of course, I would support his amendment with entire confidence in the outcome.

Mr. LODGE. Mr. President, I have not discussed the question now before the Senate, and I did not intend to do so, but I wish to call attention to one fact. The motive of hostility to the present occupant of the Presidency has nothing whatever to do with the framing of this reservation, and anyone who will stop to think about it for a moment will see that it can not have. In all human probability the present President will not be President after the 4th of March, 1921. This, if it limits the power of the President, is much more likely to apply to Presidents of my own party than to Presidents of the Democratic faith.

This clause was put in, Mr. President, and I support it, because I agree with the Senator from Iowa [Mr. CUMMINS] that it involves a great advance of Executive power, which advances too fast and too far in any event. I do not want to see us left where the President, as the Senator from Iowa said, can practically veto our retirement from the league.

That there is nothing personal in it, I think is demonstrated by the fact that nearly every member of the President's own party has just voted against inserting the word "President" in the reservation. Among others who voted against it was the Senator from Minnesota [Mr. NELSON]. I do not think that they reflected upon the President by doing it, and there is no such intent at all in this language.

Mr. THOMAS. Do I understand the Senator to say that all the Senators on this side voted against that amendment?

Mr. LODGE. I did not say "all." I said nearly all.

Mr. THOMAS. I misunderstood the Senator.

Mr. LODGE. And I think I am correct. Mr. President, I have nothing further to say. I merely wished to make that explanation. I hope we can now get a vote.

Mr. McCUMBER. Mr. President, I was very much interested in the remarks of the Senator from Iowa [Mr. CUMMINS] and the Senator from Wisconsin [Mr. LENROOT], especially in reference to the veto power of the President of the United States. I will assume that they are perfectly disinterested, and that they really believe, what I do not believe for a single moment, that there will be no joint or concurrent resolution introduced here and voted upon before March 4, 1921, to take us out of the league of nations. But whether that be true or not, I know one provision that was made in the Constitution which I believe to have been a wise one, and that was the provision conferring the veto power on the President of the United States upon all legislation unless it was of sufficient importance to command a majority of two-thirds as against that veto power.

If it were in my power to change the Constitution to-day whereby we would destroy the right of the President to veto a bill, I would not do it. I believe it is conducive to safe legislation. I believe it is a preventive of dangerous and radical legislation. I would retain it in the Constitution. If I understand those Senators, they would modify the Constitution so as to deprive the President of any authority over legislation because of the mighty power that is conferred upon him through the appointive system.

There is just as much reason for depriving a President of the United States of his veto power on questions of important legislation as there is for depriving a President of his veto power in the matter of withdrawing from this league of nations, and I can not agree with those who can see a distinction between the two cases.

Therefore, Mr. President, I shall heartily support the amendment of the Senator from Minnesota which preserves the only known method of national action. I would not put it in the power of the President alone to withdraw this country from the league; I would not put it in the power of Congress by a resolution to withdraw this country from the league; but I would put it within the power of the Nation, acting under the usual constitutional method, to withdraw this country from the league of nations, and that would be by a legislative act, the only way in which a Government can properly act in all great matters.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota [Mr. NELSON].

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement of my pair that I made before, I withhold my vote.

Mr. JOHNSON of California (when his name was called). Making the same announcement as before with respect to my pair, I vote "nay."

Mr. KELLOGG (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent, and I withhold my vote.

Mr. REED (when Mr. SHIELDS's name was called). I desire to announce that the Senator from Tennessee [Mr. SHIELDS] is confined to his room by illness. He is paired on this vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote.

The roll call was concluded.

Mr. PENROSE (after having voted in the negative). I observe that the senior Senator from Mississippi [Mr. WILLIAMS] has not voted. As I have a general pair with that Senator, I withdraw my vote.

Mr. CURTIS. I have been requested to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Alabama [Mr. BANKHEAD.]

The result was announced—yeas 39, nays 45, as follows:

YEAS—39.

Ashurst	Hitchcock	Nugent	Smith, Md.
Chamberlain	Johnson, S. Dak.	Overman	Smith, S. C.
Culberson	Jones, N. Mex.	Owen	Swanson
Dial	Kendrick	Phelan	Thomas
Fletcher	King	Pittman	Trammell
Gay	Kirby	Pomerene	Underwood
Gerry	McCumber	Ransdell	Walsh, Mass.
Harris	McKellar	Robinson	Walsh, Mont.
Harrison	Myers	Sheppard	Wolcott
Henderson	Nelson	Smith, Ariz.	

NAYS—45.

Ball	Capper	Dillingham	France
Borah	Colt	Edge	Gore
Brandegee	Cummins	Fall	Gronna
Calder	Curtis	Fernald	Hale
Harding	Lodge	Page	Sterling
Johnson, Calif.	McCormick	Phipps	Townsend
Jones, Wash.	McLean	Poindexter	Wadsworth
Kenyon	McNary	Reed	Warren
Keyes	Moses	Sherman	Watson
Knox	New	Smith, Ga.	
La Follette	Newberry	Smoot	
Lenroot	Norris	Spencer	

NOT VOTING—12.

Bankhead	Frelinghuysen	Penrose	Stanley
Beckham	Kellogg	Shields	Sutherland
Elkins	Martin	Simmons	Williams

So Mr. NELSON's amendment to reservation No. 2, proposed by Mr. LODGE, was rejected.

The VICE PRESIDENT. The question now recurs on the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. THOMAS. That amendment was withdrawn in favor of the amendment of the Senator from Minnesota.

While I have the floor I desire to say that I am entirely in sympathy with and expected to vote for the proposition embodied in reservation 2; and in order that I might cast a vote for the reservation, I desired to secure, if possible, the excision of the last clause of the reservation. Inasmuch as the Senate has voted to retain it, I shall be obliged to vote against reservation numbered 2.

Mr. WALSH of Montana. Mr. President, by the provision of the covenant to which this reservation is directed the Government of the United States is permitted by appropriate notice to withdraw. Inasmuch as I regard it as entirely undignified to ask either the consent or the concurrence of a foreign nation as to how we are to express our desire to withdraw, I renew the motion of the Senator from Colorado [Mr. THOMAS] and move to strike out all of subdivision 2, after the word "fulfilled," in line 1, on page 2.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. I should like to have the amendment stated.

The VICE PRESIDENT. It is to strike out all after the word "fulfilled," on page 2, in line 1, down to and including the words "United States," on line 3. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). Making the same announcement as before with reference to the transfer of my pair, I vote "nay."

Mr. KELLOGG (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote. If permitted to vote I would vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. Making the same announcement as before with reference to my pair, I withhold my vote. If permitted to vote I would vote "nay."

Mr. REED. I desire to announce that the Senator from Tennessee [Mr. SHIELDS] is paired on this vote. If present and not paired he would vote "nay."

The result was announced—yeas 37, nays 49, as follows:

YEAS—37.

Ashurst	Hitchcock	Owen	Swanson
Chamberlain	Johnson, S. Dak.	Phelan	Thomas
Culberson	Jones, N. Mex.	Pittman	Trammell
Dial	Kendrick	Pomerene	Underwood
Fletcher	King	Ransdell	Walsh, Mont.
Gay	Kirby	Robinson	Williams
Gerry	McKellar	Sheppard	Wolcott
Harris	Myers	Smith, Ariz.	
Harrison	Nugent	Smith, Md.	
Henderson	Overman	Smith, S. C.	

NAYS—49.

Ball	Gore	McCumber	Sherman
Borah	Gronna	McLean	Smith, Ga.
Brandegee	Hale	McNary	Smoot
Calder	Harding	Moses	Spencer
Capper	Johnson, Calif.	Nelson	Sterling
Colt	Jones, Wash.	New	Townsend
Cummins	Kenyon	Newberry	Wadsworth
Curtis	Keyes	Norris	Walsh, Mass.
Dillingham	Knox	Page	Warren
Edge	La Follette	Penrose	Watson
Fall	Lenroot	Phipps	
Fernald	Lodge	Poindexter	
France	McCormick	Reed	

NOT VOTING—10.

Bankhead	Frelinghuysen	Shields	Sutherland
Beckham	Kellogg	Simmons	
Elkins	Martin	Stanley	

So the amendment of Mr. WALSH of Montana to reservation No. 2 was rejected.

Mr. KING. I move to amend the second reservation now under consideration by striking out, on page 1, in lines 12 and 13, the words "the United States" and inserting in lieu thereof the words "any nation so withdrawing," so that if the proposed amendment be adopted it will read:

2. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, any nation so withdrawing shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled.

Mr. LODGE. Mr. President, I trust this amendment will not be adopted. It is an attempt to regulate in the reservations the affairs of other nations. The reservations are intended to protect and guard the United States.

Mr. KING. Mr. President, just a word by way of reply to the Senator from Massachusetts. The amendment offered does not contemplate that the United States will regulate or attempt to regulate the affairs of other nations; nor does it seek to effect in any manner their relations to the league. It has been asserted by many that, under the terms of the covenant of the league, as well as under general principles of international law, any signatory to the treaty would have the right to withdraw whenever it pleased, and that it was the sole judge as to whether it had discharged its obligations under the provisions of the covenant.

So far as I know, that interpretation is the one desired by all to be placed upon the terms of the treaty relating to withdrawal. If so, and it is thought that the covenant is so uncertain upon this point that a reservation is necessary, what objection can there be to a clear declaration upon that point? As I understand, it is the contention of those who have supported this reservation that the provisions of the covenant leave the matter in doubt as to who shall determine whether a nation has discharged its obligations so as to be permitted to withdraw from the league; hence the reservation. If the United States is to be given the right to be the "sole judge" upon this question, why should we decline to yield a similar right to other nations? However, the amendment does not go that far. It only goes to the extent of saying that the United States construes article 1 of the treaty to confer upon it the right to be the sole judge as to whether its international obligations have been fulfilled, and that if any other nation seeks to withdraw, the United States will, as to its conduct in reference to such act of withdrawal, construe the covenant to confer upon it the same right to judge the question of the fulfillment of international obligations. The proposed amendment does not compel or require any member of the league to adopt this construction or prevent any member from leaving the question to the league or any created tribunal to determine whether the right to withdraw exists.

If we assert for the United States the right to be the sole judge, manifestly it would be unfair and discriminatory if we denied the same right to other nations and we insisted that the league or a tribunal to be created should pass upon the question of the right of a member to withdraw from the league.

The amendment should commend itself to all who seek fair play and equal opportunities for all.

Mr. SMOOT. I call for the yeas and nays, Mr. President.

Mr. HITCHCOCK. Mr. President, in supporting the amendment offered by the junior Senator from Utah [Mr. KING], I wish to say that it interprets the actual meaning of the article relating to withdrawal as every friend of the treaty understands it. Every friend of the treaty understands that every nation is the judge of whether the conditions have arisen under which it has the right to withdraw; and it is a presumption on our part to set up a right different from that enjoyed by other nations.

In reply to what the Senator from Massachusetts has said, I desire to call his attention to the fact that in other reservations which the committee has reported they do not confine the interpretation of the covenant to the United States, but they assume that the same interpretation which applies to the United States applies to other nations; and they do assume in other reservations to control the action of other countries.

Mr. LODGE. Mr. President, I am not now discussing other reservations, though I do not think they do make the assumption asserted by the Senator from Nebraska. However, we shall discuss that later. But this——

Mr. HITCHCOCK. Now, Mr. President——

Mr. LODGE. One moment. I think I have the floor now.

Mr. HITCHCOCK. I have not yielded the floor.

Mr. LODGE. I did not know the Senator had not yielded the floor. I do not mean to interrupt him. I shall take the floor in my own right.

Mr. HITCHCOCK. Mr. President, the Senator from Massachusetts disputes the fact that other reservations have presumed to dictate to other nations what is the meaning of the language as it relates to them. Let me read to the Senator reservation No. 9:

9. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

There is an attempt to say to the other nations that the United States understands that they will not undertake through their members upon the reparation commission to control the commerce of Germany—the imports into and exports from Germany.

Mr. SMOOT. As affecting the commerce between Germany and the United States.

Mr. HITCHCOCK. It assumes that their representatives on the reparation commission and the reparation commission as controlled by them will not undertake to affect American commerce. So this reservation evidently assumes to speak for and arrange for what other nations shall do upon the reparation commission.

Mr. LODGE. Mr. President, have I now the floor?

The VICE PRESIDENT. The Senator will have it as soon as the Chair recognizes him,

Mr. LODGE. Does the Chair recognize me?

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. Mr. President, the reservation which the Senator from Nebraska has read is an admirable example of the truth of what I was saying. That reservation relates to our understanding as to a particular subject, and covers only the commerce of the United States. We have not attempted to meddle with other nations. I do not believe in meddling with other nations or entangling ourselves with them. I repeat, I hope this amendment will be voted down.

SEVERAL SENATORS. Vote!

Mr. HITCHCOCK and Mr. LODGE called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). Making the same announcement as on the previous roll call in respect to my pair, I vote "nay."

Mr. KELLOGG (when his name was called). Making the same announcement as before as to my pair, I withhold my vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement as previously with reference to my pair, I withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. Making the same announcement that I made before, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CURTIS. I have been requested to announce the pair of the Senator from West Virginia [Mr. ELKINS] with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 32, nays 52, as follows:

YEAS—32.

Ashurst	Henderson	Myers	Sheppard
Chamberlain	Hitchcock	Nugent	Smith, Md.
Culberson	Johnson, S. Dak.	Overman	Smith, S. C.
Dial	Jones, N. Mex.	Phelan	Swanson
Fletcher	Kendrick	Pittman	Thomas
Gay	King	Pomerene	Trammell
Gerry	Kirby	Ransdell	Walsh, Mont.
Harris	McKellar	Robinson	Wolcott

NAYS—52.

Ball	Gore	McCumber	Reed
Borah	Gronna	McLean	Sherman
Brandegee	Hale	McNary	Smith, Ga.
Calder	Harding	Moses	Smoot
Capper	Johnson, Calif.	Nelson	Spencer
Colt	Jones, Wash.	New	Sterling
Cummins	Kenyon	Newberry	Townsend
Curtis	Keyes	Norris	Underwood
Dillingham	Knox	Owen	Wadsworth
Edge	La Follette	Page	Walsh, Mass.
Fall	Lenroot	Penrose	Warren
Fernald	Lodge	Phipps	Watson
France	McCormick	Poindexter	Williams

NOT VOTING—12.

Bankhead	Frelinghuysen	Martin	Smith, Ariz.
Beckham	Harrison	Shields	Stanley
Elkins	Kellogg	Simmons	Sutherland

So Mr. KING's amendment to reservation No. 2, proposed by Mr. LODGE, was rejected.

Mr. FRANCE. Mr. President, I offer the amendment which I send to the desk to the second reservation.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the close of proposed reservation No. 2 add the following:

Provided, That the United States shall have the privilege of nominating at any time any nonmember nation of the world for membership in the league of nations, and the privilege of offering at any time any amendment to the league covenant; and in case unfavorable action shall be taken by the league, resulting in a failure to elect to membership the nation so nominated, or a rejection of the proposed amendment, the United States reserves the right to withdraw immediately without condition or notice.

Mr. LODGE. Mr. President, I will say to the Senator from Maryland that I wish he could offer that amendment at some other point. It does not properly belong on this reservation. It refers to the admission of members, which I think is already covered by the treaty, and to the matter of amendment, which is the last article of the treaty.

Mr. FRANCE. I thank the Senator from Massachusetts for the suggestion, though I think a further consideration of the amendment will make it clear to him that it relates to the conditions of withdrawal, and the conditions of withdrawal are covered in this particular reservation.

Mr. LODGE. I perhaps did not understand it completely. I thought it referred to the proposal to admit new members to the league and to the right of amendment. The clause of the treaty in regard to amendment is very loosely drawn, and as the treaty now stands anybody can offer an amendment. The matter of nominating and electing new members, I think, is covered in an earlier article of the treaty, if I am not mistaken. It seemed to me, therefore, that the Senator from Maryland could offer the amendment at a more appropriate place than on this particular reservation. I do not want to interfere with his offering it, of course.

Mr. FRANCE. It had occurred to me that inasmuch as it states the conditions under which there may be an immediate withdrawal from the league, without notice, this was the appropriate place for it.

Mr. LODGE. The last two lines, of course, apply to this reservation. If the Senator desires to offer those two lines, of course they would fit in at this point; but the other parts do not seem to me to belong in this reservation—the parts covering the election of members and the offering of amendments. The last two lines, of course, are applicable to this reservation.

Mr. TOWNSEND. Mr. President, if I understand the amendment correctly, if they refuse to admit to the league the nominee of the United States, or fail to accept an amendment which the United States may propose, then the United States may withdraw without notice.

Mr. LODGE. I misunderstood, then. It is my fault. I never happened to examine the amendment before this moment. It does not seem to me to apply here. Of course, if the Senator——

Mr. FRANCE. The reservation which we are about to adopt, as I understand, when read in connection with the articles to which it refers, deals with the question of withdrawal, and provides that under certain conditions we can withdraw after two years' notice. My amendment states the conditions under which we may withdraw without any notice whatsoever, and this seems to me to be the proper place to offer it.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FRANCE. I yield.

Mr. LENROOT. Is not the substantive part of the Senator's amendment the right to nominate members and the right to offer amendments, and then, in case of unfavorable action, we have the right of withdrawal without notice?

Mr. LODGE. That is the way it seemed to me, without having an opportunity to examine it further.

Mr. FRANCE. Mr. President, inasmuch as the amendment seems likely to provoke discussion, and may result in a prolonged debate, I shall withdraw it at this time. I had thought that it might be disposed of in a very few minutes; but since it may lead to prolonged discussion, I shall withdraw it now and offer it at a later time as a reservation.

Mr. LODGE. I am very much obliged to the Senator, for I should like to get a vote on this reservation now.

The VICE PRESIDENT. Are there any further amendments to be proposed to this reservation?

Mr. LODGE. On the adoption of the reservation I ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the second reservation offered by the Senator from Massachusetts, on which the yeas and nays are requested.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JOHNSON of California (when his name was called). Making the same announcement as before with respect to my pair, I vote "yea."

Mr. KELLOGG (when his name was called). Making the same announcement as before in regard to my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. REED. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS], if present, would have voted "yea." He is paired on this question.

Mr. CURTIS. I have been requested to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 50, nays 35, as follows:

YEAS—50.

Ball	France	McCormick	Reed
Borah	Gore	McCumber	Sherman
Brandegee	Gronna	McLean	Smith, Ga.
Calder	Hale	McNary	Smoot
Capper	Harding	Moses	Spencer
Chamberlain	Johnson, Calif.	Nelson	Sterling
Colt	Jones, Wash.	New	Townsend
Cummins	Kenyon	Newberry	Wadsworth
Curtis	Keyes	Norris	Walsh, Mass.
Dillingham	Knox	Page	Warren
Edge	La Follette	Penrose	Watson
Fall	Lenroot	Phipps	
Fernald	Lodge	Poindexter	

NAYS—35.

Ashurst	Hitchcock	Overman	Smith, S. C.
Culberson	Johnson, S. Dak.	Owen	Swanson
Dial	Jones, N. Mex.	Phelan	Thomas
Fletcher	Kendrick	Pittman	Trammell
Gay	King	Pomerene	Underwood
Gerry	Kirby	Robinson	Walsh, Mont.
Harris	McKellar	Sheppard	Williams
Harrison	Myers	Smith, Ariz.	Wolcott
Henderson	Nugent	Smith, Md.	

NOT VOTING—11.

Bankhead	Frelinghuysen	Ransdell	Stanley
Beckham	Kellogg	Shields	Sutherland
Elkins	Martin	Simmons	

So reservation No. 2, proposed by Mr. LODGE, was agreed to.

Mr. KING. I offer two reservations, and ask that they be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

The reservations are as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace signed at Versailles on the 28th day of June, 1919, by the plenipotentiaries of the United States and the other belligerent powers, with this reservation: That

Whereas the Government of the United States takes the view that it is entirely competent, through the legislative power delegated to Congress by the Constitution and the inherent legislative powers of the several States of the Union, to deal with all questions of domestic policy and economy and especially with all questions concerning the status and relations of labor and the welfare of the people of the United States, without the maintenance of any international organization for such purposes; and

Whereas article 23 of said treaty of peace provides that members of the league of nations agree to endeavor to secure fair and humane conditions of labor for men, women, and children and for that purpose will establish and maintain the necessary international organizations, the effect of which will be to require the United States to participate in and contribute the expenditure of an international labor office;

Therefore the United States of America withholds its assent to section A of article 23 of the said treaty of peace and excepts and reserves the same from this act of ratification, and the United States of America declines to participate in any way in or to contribute or be bound to contribute to the expenditures of any international organization which may be set up in accordance with section A of article 23 of said treaty of peace.

—

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace signed at Versailles on the 28th day of June, 1919, by the plenipotentiaries of the United States and the other belligerent powers, with this reservation: That

Whereas article 23 of the convention of the league of nations, incorporated in the said treaty of peace, provides that the members of the league of nations, in accordance with international convention to be hereafter agreed upon, will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children; will undertake to secure the just treatment of native inhabitants under their control; will intrust the league with general supervision of agreements with regard to the traffic in women and children, in opium and dangerous drugs; will intrust to the league general supervision of the trade in arms and ammunition; will make provision to secure and maintain freedom of communications and of transit for the commerce of members of the league; and will endeavor to take steps in matters of international concern for the prevention and control of disease; and

Whereas none of the aforesaid objects may be effectuated without the negotiation and ratification of international conventions which shall formulate the particular measures to be employed for such purposes; and

Whereas article 24 of the convention of the league of nations provides that all international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the league; and

Whereas the Government of the United States considers that it is desirable and necessary that the United States shall have and preserve liberty of negotiation and action with respect to the formulation of international conventions, relating to the aforesaid subjects; and

Whereas the United States agrees that the international bureaus and commissions which may be constituted by such conventions for the regulation of matters of international interest are to be properly placed within the supervision and control of the league of nations, in conformity to article 24, aforesaid:

Therefore the United States withholds its assent to article 23 of the convention of the league of nations incorporated in said treaty of peace, and excepts and reserves the same from this act of ratification.

Mr. FRANCE. Mr. President, I desire to offer for printing in the RECORD the following reservation.

The reservation was ordered to be printed in the RECORD, as follows:

Reservation intended to be proposed by Mr. FRANCE to the reservations proposed as a part of the resolution of ratification of the treaty of peace with Germany.

At the close of reservation 14 add the following:

"Except that, in accordance with the principles declared in article 22, that the tutelage of the peoples which are no longer under the sovereignty of the States which formerly governed them and which are not yet able to stand by themselves should be intrusted to the advanced nations, who can best undertake this responsibility, the principal allied and associated powers shall renounce in favor of the United States all their rights and titles to the colonies and territories in Africa formerly held by Germany and transferred by Germany to said principal allied and associated powers under articles 119 to 127, inclusive, and the United States shall act as mandatory of such territories, to the end that the inhabitants of these colonies and territories may be civilized, educated, and fitted for self-determination, and to the further end that the United States shall closely cooperate with Great Britain, France, and Belgium, and with such other powers as have interests in Africa in a permanent, progressive, and upbuilding policy for the development of all of the peoples and resources of Africa, and further that the ratification of this treaty by the United States shall be only on condition that the principal allied and associated powers take such action as is herein provided by the renunciation of such rights and titles to the United States."

Mr. FRANCE. I also desire to offer a series of reservations which have been prepared by Mr. Henry W. Williams, a member of a distinguished Maryland family, and one of the leaders in the legal profession of Baltimore. Mr. Williams is chairman of the executive committee of the Maryland branch of the League to Enforce Peace, and has urged favorable action on the part of the Senate upon the treaty. However, after making a most careful analysis and study of the covenant, he reached the conclusion that the reservations which I submit herewith are proper for the safeguarding of American rights and for the prevention of any international misunderstandings which might follow differing and conflicting interpretations. I consider these reservations as important, since they are the result of the work of a man of high legal attainment who has been and is a most earnest advocate of the league of nations.

The reservations were ordered to be printed in the RECORD, as follows:

Reservations intended to be proposed by Mr. FRANCE to the pending treaty of peace with Germany, viz:

Add at the proper place the following:

"1. The United States understands that any member of the league of nations having given the two years' notice of its intention to withdraw, as provided in article 1 of Part I of said treaty of peace with Germany, is the sole judge as to whether or not all its international obligations and all its obligations under the covenant of the league of nations shall have been fulfilled at the time of its withdrawal.

"2. The United States understands that the suggestions of the council of the league of nations as to the means of carrying the obligations of article 10 into effect are only advisory, and therefore, inasmuch as the United States is governed by a written Constitution wherein it is expressly provided that the power to declare war is vested exclusively in Congress, a suggestion of the council which would require the United States to make war is a matter which the Congress, under the provision of the Constitution, is and must be entirely free to determine by what, in its judgment, is at the time consistent with the honor and duty of the American people.

"3. The United States understands that under article 15 of the covenant of the league of nations such questions as immigration, coastwise traffic, the tariff, commerce, and all other purely domestic questions are solely within the jurisdiction of the individual member of the league, and are not by this covenant submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations for the decision or recommendation of any other power.

"4. The United States understands that it is not obligated by the covenant of the league of nations to submit for arbitration or inquiry by the assembly or the council any question which depends upon or involves its long-established policy commonly known as the Monroe doctrine, and that the Monroe doctrine is preserved unaffected by any provision in the said treaty contained."

SECRET EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in secret session.

The motion was agreed to, and the doors were closed. After 10 minutes in secret executive session, the doors were reopened.

ADJOURNMENT.

Mr. LODGE. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate, as in legislative session, adjourned until Monday, November 10, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate November 8 (legislative day of November 3), 1919.

REGISTER OF THE TREASURY.

William S. Elliott, of Georgia, to be Register of the Treasury, in place of Houston B. Teehee, resigned.

COLLECTOR OF INTERNAL REVENUE.

Rufus W. Fontenot, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, in place of John Y. Fauntleroy, resigned.

CIRCUIT JUDGE, TERRITORY OF HAWAII.

William C. Achi, jr., of Honolulu, Hawaii, to be circuit judge, fifth circuit, Territory of Hawaii, vice Lyle A. Dickey, whose term has expired.

UNITED STATES ATTORNEY.

June P. Wooten, of Little Rock, Ark., to be United States attorney, eastern district of Arkansas, vice W. H. Martin, whose term has expired.

UNITED STATES MARSHALS.

Andrew Jackson Walls, of Little Rock, Ark., to be United States marshal, eastern district of Arkansas. A reappointment, his term having expired.

John H. Parker, of Fort Smith, Ark., to be United States marshal, western district of Arkansas. A reappointment, his term having expired.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy for temporary service from the 1st day of July, 1919:

Arthur S. Walton,
Henry A. Seiller,
Arthur W. Dunn, jr., and,
Ligon B. Ard.

The following-named ensigns to be lieutenants (junior grade) in the Navy for temporary service from the 1st day of July, 1919:

Richard N. Wilder,
Edward J. Spuhler, and
Edmong G. J. Dale.

The following-named warrant officers to be ensigns in the Navy for temporary service from the 1st day of September, 1919:

Emmett C. Thurman,
Frank A. Davis,
Walter J. Daly,
James D. Meyers,
Joseph H. Gowan,
Mark A. Savelle,
Chase E. Sebold,
Mark R. Cook,
Ory H. Young,
Obed E. Williams,
John H. Hykes,
Walter C. Fitzpatrick,
Paul Riechel,
Herbert George,
Samuel Butrick,
Axel E. Tangren,
Claude Tucker,
James H. Earle,
George F. Kahle,
Lester E. Shealy, and
Martin G. Catron.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 1st day of September, 1919:

Leonard Frisco,
Turner A. Glascock, and
Glen Holmes.

Lieut. Thomas O. Cole, United States Naval Reserve Force, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of August, 1919, to correct the date as previously confirmed.

Pay Clerk (temporary) Russell H. Sullivan to be an assistant paymaster in the Navy, with the rank of ensign, for temporary service, from the 1st day of August, 1919, to correct the rank as previously confirmed.

The following-named acting pay clerks to be assistant paymasters in the Navy, with the rank of ensign, for temporary service, from the 1st day of September, 1919:

William E. Tripp and
Lawrence J. Webb.

The following-named officers of the United States Naval Reserve Force to be assistant paymasters in the Navy, with the rank of ensign, for temporary service, from the 1st day of September, 1919:

Meyer Mordell and
Henry H. Karp.

The following-named boatswains to be chief boatswains in the Navy for temporary service from the 1st day of September, 1919:

Harry J. Devoto,
Gustave B. Martinson,
Isaac L. Williams,
Thomas L. Langseth,
James Salsman,
Benjamin B. Johnson, and
Alfred W. Marchant.

The following-named gunners to be chief gunners in the Navy, for temporary service, from the 1st day of September, 1919:

Bernhardt E. Blossei,
James G. Bennett,
Paul J. Evans,
Harry T. Dodd,
Carl W. Reimann,
Edgar W. Mallory,
Alvin W. McCoy,
Francis J. Byrne,
Elmer R. Caldwell,
Roger J. Swint,
Frederick C. Nantz,
Arthur F. Murphy,
Henry J. Schafer,
Biven M. Prewett, and
Harry C. Woodward.

Chief Gunner Arthur F. Wallis, United States Naval Reserve, to be a chief gunner in the Navy, for temporary service, from the 1st day of September, 1919.

The following-named machinists to be chief machinists in the Navy, for temporary service, from the 1st day of September, 1919:

John A. Peckham,
Rasmus Christensen,
Louis J. Miller,
Alfred Hayes, and
Charles H. Cope.

The following-named carpenters to be chief carpenters in the Navy, for temporary service, from the 1st day of September, 1919:

Helmar Schmidt,
Jack P. Barnes,
Garrett P. Fitzmaurice,
John A. Nicol,
Jeremiah A. Kennedy, and
John P. Myers,

The following-named pharmacists to be chief pharmacists in the Navy, for temporary service, from the 1st day of September, 1919:

Charles C. Thome,
Leo. Martinelli,
John A. McCormack,
Charles F. Whitmore,
Daniel J. O'Brien,
Ernest E. Brooks, and
Virgule M. Coulter.

Chief Pharmacist Harry H. Williamson, United States Naval Reserve Force, to be a chief pharmacist in the Navy, for temporary service, from the 1st day of September, 1919.

The following-named acting pay clerks to be chief pay clerks in the Navy, for temporary service, from the 1st day of September, 1919:

Samuel Rosenberg,
Otho C. Kennedy,
William G. Nicol, and
Elmer S. Gilbert.

Ensign Isidor Steger to be a lieutenant (junior grade) in the Navy for temporary service, from the 1st day of July, 1919.

First Sergt. Edgar Hayes, United States Marine Corps, to be a first lieutenant in the United States Marine Corps from the 24th day of October, 1919.

Second Lieut. William C. Byrd to be a first lieutenant in the Marine Corps from the 29th day of September, 1918.

First Lieut. William C. Byrd to be a captain in the Marine Corps from the 30th day of September, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate November 8 (legislative day, November 3), 1919.

PUBLIC HEALTH SERVICE.

William M. Bryan to be surgeon.
James R. Hurley to be surgeon.
Warren F. Fox to be passed assistant surgeon.
Louis L. Williams, jr., to be passed assistant surgeon.
David J. Prather to be passed assistant surgeon.

POSTMASTERS.

ALABAMA.

Elizabeth Simpson, Hartsell.

OKLAHOMA.

Bernard H. Buchanan, Collinsville.
Edgar R. Christopher, Lone Wolf.
Luther E. Brown, Tuttle.
Charles D. Snider, Waurika.

HOUSE OF REPRESENTATIVES.

SATURDAY, *November 8, 1919.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, author and finisher of our faith, let Thy blessing descend in full measure upon these Legislators, the Representatives of a great people, that the remaining hours of the week passing into history may crown their efforts with success and reflect credit upon themselves, the Nation, and honor and glory upon Thee.

We thank Thee that the Government is busy rounding up the radicals, the disloyal to a Government which has given them succor. May they be summarily dealt with, driven from our Republic, in the name of law and order, peace and prosperity, love and good-will. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROMOTION OF AMERICAN MERCHANT MARINE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 375.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10378, "A bill for the promotion of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," and, after general debate, which shall continue not over four hours, one-half to be controlled by the gentleman from Massachusetts [Mr. GREENE] and one-half by the gentleman from Missouri [Mr. ALEXANDER], said debate to be confined to the bill, the bill shall be read for amendment under the five-minute rule. Thereupon the committee shall rise and report the bill to the House, with such amendments as may have been agreed to, and the previous question shall be considered as ordered on all amendments and on the bill to its passage or rejection without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, I understand that an agreement has been reached between the gentleman from Massachusetts [Mr. GREENE] and the gentleman from Missouri [Judge ALEXANDER] that three hours of debate be had instead of four, as provided in the rule. If that is agreeable, I ask unanimous consent to modify the rule in that respect.

The SPEAKER. The gentleman from Kansas asks unanimous consent to modify the rule by substituting three hours instead of four hours for the time to be consumed in general debate. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I am informed by the gentleman from Missouri [Mr. ALEXANDER] that the matter has been discussed and that that is satisfactory. So far as I know, there is no objection on this side of the House.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Kansas whether or not debate is limited to the subject matter under consideration?

Mr. CAMPBELL of Kansas. It is.

Mr. WALSH. Mr. Speaker, reserving the right to object, I assume that with this cutting down of general debate, for legitimate purposes there will be liberal debate under the five-minute rule.

Mr. GARRETT. Of course, it is under the general rules of the House.

Mr. WALSH. I mean that there will be opportunity for liberal debate on legitimate amendments.

Mr. GREENE of Massachusetts. Certainly.

The SPEAKER. Is there objection to the modification of the rule?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule is simply to provide for the consideration of the bill reported by the Committee on Merchant Marine and Fisheries. I see no reason for discussion, and unless there is desire for discussion on the other side——

Mr. GARRETT. I have had no request for time on this side.

Mr. CAMPBELL of Kansas. Then I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON), there were—yeas 34, noes 0.

So the resolution was agreed to.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10378, with Mr. MADDEN in the chair.

The Clerk reported the title of the bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, the Committee on the Merchant Marine and Fisheries present this bill, H. R. 10378, under very happy circumstances. There is no opposition in the committee of any nature, nor has there been any movement of any kind, except for the betterment of the bill, during its consideration. The meetings of the committee have all been open, and discussion of this bill has been full and ample. There was no reference of the bill to any subcommittee, nor have there been any private conferences to serve any particular interests. It has been considered jointly by both political sides represented on this floor, and the committee come here to-day with a full report and agreement upon the bill.

I wish to speak particularly of the work on the bill for the reason that I have had, as chairman of the committee, assistance from every member of the committee. I wish to make special reference to the gentleman from Pennsylvania [Mr. EDMONDS]. By unanimous vote of the committee and at its request Representative EDMONDS prepared the report upon the bill, which required considerable time and attention, and I am under great obligations to him, as is the committee, for the excellent work he has done and for the time that he has devoted to every feature of the bill.

With respect to the former chairman of the committee, Judge ALEXANDER, and his associates on the committee, I can only speak in the highest terms. The word "politics" or the thought of politics has not entered into any part of the discussion of the bill. We were united for the purpose of bringing in a bill for the promotion and maintenance of the American merchant marine, and we have presented a bill which I think will meet the situation as it confronts the United States at this period of our national life.

If anything should develop hereafter that would require amendments to the law which I hope may grow out of the presentation and passage of this bill by the House of Representatives, if any feature of the merchant marine business should require amendments to the proposed law, I think there will be no serious trouble in coming to an agreement upon whatever amendment may be necessary in the dim and distant future.

I believe the question of the American merchant marine is the most important question that has been brought to the attention of this House. When we consider that there were but seven American vessels in the overseas trade before the late war in 1914, and now I request you to carefully consider the vast number of vessels for the overseas trade which have been constructed since and are now in process of construction, you must realize, as I certainly do, that there has been great advance in the promotion and maintenance of the American merchant marine, representing this important branch of the service of the United States.

There is another feature to which I desire to direct your attention. We had very little to build on—had to lay out a foundation. We have been governed entirely by rules and orders of the special shipping act, and in every other feature we have been ruled in a manner that limited our powers, but as a committee we have harmonized all of these difficulties and have begun the work which I hope will find hearty cooperation at the northerly end of this Capitol and also among those of our fellow citizens, in business and commercial life, who have been anxiously awaiting a movement on the part of this legislative body in the right direction.

The Shipping Board are agreeable to the bill which is presented here, so that there is no disturbance there, and I hope that when this bill reaches the other body we may be able to come to an agreement at an early day, and they may be able to come to an agreement on this bill without any material change. While it is true that bills have been introduced of rather a different nature, still this committee did not feel that these bills meet the situation as this bill does, and I think when you look at the fact that there are 21 members of this committee, and there are likely to be among those 21 members differences of opinion arising that it would be hard work to harmonize. I realize and every member knows that there never has been any differences of a serious nature in the committee during the consideration of this bill. So that I feel very much gratified, after a long service on the Committee on the Merchant Marine and Fisheries, more than any other Member of the House, for I am the only Member who has remained on the committee from the beginning of my service, and the only Member on the Republican side of the House who returned to the chairmanship of the committee of which I was chairman when I retired from that position when the gentlemen on the other side of the House controlled the election and controlled the committee, and during all the intervening time I have had great respect for the gentlemen on the other side of the House, as I have for the gentlemen on this side, and knowing as you all do the radical feeling of myself in politics, it would be rather rare to find many persons who would so successfully harmonize with all his associates that nothing should arise which would cause any ill feeling in the committee. I am very glad to present this matter in this way, and I ask permission to make such extension of my remarks as I may find necessary in reference to this bill.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks on this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. I now yield 15 minutes to my loyal friend, the gentleman from Pennsylvania [Mr. EDMONDS]. [Applause.]

Mr. EDMONDS. Mr. Chairman, I am not going to take much time to talk about the bill except to explain it. My time is too limited to go into any long discussion in regard to the merits of the bill. The other gentlemen who will follow me will probably take that up. In the first place, the committee spent three or four months off and on in investigating the division of operation of the Shipping Board. We found that originally the operation of the vessels by the Shipping Board was done by a control committee in New York. With the numerous demands of the war very little attention has been paid to the detail of making the operation of those vessels a money-making proposition. After the armistice had been declared, or a short time before the armistice had been declared, Mr. Rosseter was brought from the Pacific coast to take charge of the operation. Mr. Rosseter is an expert steamship man and has been in the business all of his life. He is now, and has been for some time, the vice president of the Pacific Mail Steamship Co., and connected with the Grace Co. and a number of other shipping institutions. Mr. Rosseter took active charge of the operations, I think, about January, and he has infused into the situation a very accurate and able operating force. Now, the situation with the board to-day is this: During the war we passed a number of appropriation bills containing legislation in connection with shipping. The operation, expenditure, and the ships naturally followed the appropriations which had been made to the President of the United States and delegated by him to the Emergency Fleet Corporation. There was also a revolving fund in the Fleet Corporation of $50,000,000 which they were supposed to draw on from the Treasury any time they needed it and under certain restrictions use it. It made two different lines of work being performed by the Emergency Fleet Corporation, one by authority given to them through the appropriation bills and through the President of the United States, and the other one through the shipping bill. After thoroughly going over the matter, it was the conclusion of the committee that the only thing that could be done would be to repeal all of these acts except the original shipping bill, and then endeavor to concentrate the work of operating these ships and

also the expenditures of money in the Shipping Board itself, the proper place for it. Otherwise it would be impossible for the Appropriations Committee when they came to make their appropriations next year to tell exactly how to work the thing out. Now, in doing this we have given the Appropriations Committee an opportunity to place the Shipping Board and its different expenditures upon the same basis exactly as they would any other department of the Government. So you will find in the first section of this bill that all the acts connected with the activity of the Emergency Fleet Corporation are repealed. Section 2 provides for the turning over of everything controlled and owned by the different activities, whether through the President or whether in the Shipping Board, to the Shipping Board. In other words, it confirms their authority in taking care of and closing up all contracts or the continuing of contracts and of operating the property owned.

Mr. HULINGS. Will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. HULINGS. Is it the purpose of this bill to give the Shipping Board control of all these boats that have been built by the Government?

Mr. EDMONDS. They have control to-day under authority from the President. It takes that authority away and gives that control back to the Congress.

Mr. HULINGS. The gentleman says that Mr. Rosseter is connected with the Grace Co.?

Mr. EDMONDS. Mr. Rosseter is connected with the Grace Co.

Mr. HULINGS. That is one reason the Grace Co. is enabled to get such large numbers of these boats to run?

Mr. EDMONDS. Oh, I do not think the Grace Co. has any more boats than——

Mr. HULINGS. It has.

Mr. EDMONDS. Is the gentleman posted on the matter? Does the gentleman know how many vessels the Grace Co. have?

Mr. HULINGS. Yes, sir.

Mr. EDMONDS. How many have they?

Mr. HULINGS. I think 12 or 15.

Mr. EDMONDS. I think I can answer the gentleman's question if he desires me to do so.

Mr. HULINGS. Can the gentleman tell me how many they have?

Mr. EDMONDS. Yes; I can tell the gentleman how many they had on August 6. On August 6 the Grace Co. had 30 boats.

Mr. HULINGS. Thirty boats; does that include their own?

Mr. EDMONDS. The American-Hawaiian Co. had the same number. No; that did not include their own. That was the ships allocated to them.

Mr. HULINGS. Will Mr. Rosseter, at the head of that board, have control of the allocation of all these ships?

Mr. EDMONDS. Mr. Rosseter has never touched the allocation of ships. It came under his department, but he kept away from it severely.

Mr. HULINGS. I happen to know that that was not so.

Mr. EDMONDS. That may be, but Mr. Rosseter makes that statement.

Mr. HULINGS. How much does this Mr. Rosseter get for salary?

Mr. EDMONDS. I have not any idea.

Mr. HULINGS. Is he a dollar-a-year man?

Mr. EDMONDS. I can not tell you, but I think not.

Mr. HULINGS. Is this Shipping Board to have control of the finishing of all these boats?

Mr. EDMONDS. Let me say something to the gentleman. Mr. Rosseter has resigned. He is not there any more. He left on the 1st of November, after performing a very meritorious service for the Government.

Mr. HULINGS. I do not think he did.

Mr. EDMONDS. I differ with the gentleman, because I have gone into it. I think he performed a very meritorious service to the Government.

Now, section 2 of the bill, gentlemen, turns all of this property except that which is still needed for the military and naval service over to the Shipping Board. Section 3, which is probably the most interesting section of the bill, provides that the Shipping Board shall sell these ships except as provided in section 4, which allows the sale of the undesirable ships to aliens. Now, that probably, as I said, was the most interesting question to the House. The committee went into this question thoroughly. I do not want to answer for the members of the committee that were not present, but we who were present united and made a unanimous report, and there was more than a quorum present when we made this report, and direct the Shipping Board to, as fast as they could consistently with the interest of the Government, sell the ships to private parties. It means that, as near as I can see, and according to my own personal feelings in the matter, we are announcing a policy to the shipowners of the country that it is not the intention of the Government to continue in the shipping business. The situation is very well described in a question asked by Mr. CHINDBLOM, of the House, of Mr. Rosseter in the hearings. Mr. CHINDBLOM asked Mr. Rosseter, on page 71 of the typewritten hearings:

Mr. CHINDBLOM. Is it not a fact that as long as the Government continues to build and announces no policy with reference to the continuation of that program that private capital shrinks from investing its funds in shipbuilding and simply holds back to find what the ultimate purpose and policy of the Government is going to be? Is not that the actual situation?

That question was answered "yes" by Mr. Rosseter.

Now, shipbuilders are no doubt looking for contracts, and I understand there is a considerable sum of money held in reserve by the large shipping companies to either build or buy ships. As long as the Government continued the policy of trying to get the war price for these ships they would not buy the ships, because they could get the ships allocated from the Shipping Board to themselves to carry on their trade, while they could go out and contract for $150 to $170 a ton in the shipyards and get their ships built probably in six months.

As near as I can find out, we are fast approaching the time when the world will be overbuilt with ships and the Government of the United States, if it does not intend to embark on a Government-ownership program, is certainly going to act like a dog in the manger in holding the ships and preventing our capital from going into the shipping business, allowing other countries to build shipping to take care of their trade and eventually to find ourselves either in such an expensive competitive market on account of the overbuilding of shipping in the world or the ships will be tied up at the wharves and not able to run. I believe, and I think most of the members of the committee believe, probably all of them, that it is just as well for us at the present day to take our war losses on these ships and sell them at the market, and we have expressed ourselves in this bill in that way.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. SMITH of Michigan. The sale is to be confined to American citizens?

Mr. EDMONDS. To American citizens, except those undesirable sizes of ships; and I will say more about that when I come to section 4.

Now, I think that is a very sensible view to take of the situation. On the 1st of July of this year the world was building 8,000,000 tons of ships. There were 49,000,000 tons of ocean-going shipping built. In 1914 we had about 50,000,000 tons of ocean-going shipping and about 4,000,000 tons of it was lying idle. There was only work for 45,000,000 or 46,000,000 tons. Now, with 58,000,000 tons in sight the next few months, and the world's trade disorganized like it is, certainly there is going to be an overbuilding. It is a question whether the Government wants to run these ships as a Government-ownership proposition and have the loss, which will be enormous when the combetition becomes very strong, or get rid of the ships now when the going is good.

Mr. LONGWORTH. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. LONGWORTH. Is the Hog Island yard running at full time?

Mr. EDMONDS. The Hog Island yard has had a number of ships canceled. I have not the data right here. They are building 12 or 14 ships for the Army Transport Service, on account of the contract that was originally made with them. That was a part of the contract, and the balance had to be finished on account of the material on hand.

Mr. LONGWORTH. Will the gentleman state what the price is per ton now on the ships that are being sold?

Mr. EDMONDS. By the Government?

Mr. LONGWORTH. Yes.

Mr. EDMONDS. The Government is trying to get from $200 to $225 per ton for the good steel ships. For the wooden ships they are willing to take almost any price.

Mr. LONGWORTH. I was speaking of the steel ships.

Mr. EDMONDS. Two hundred dollars to $225.

Mr. LONGWORTH. Will the gentleman state how that compares with the British price?

Mr. EDMONDS. Yes; I can do so. The Nauticus for October has an account of two new ships, 8,110 tons dead-weight, which were sold for £240,000 each.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. EDMONDS. Can I have 10 minutes more?

Mr. GREENE of Massachusetts. I yield 10 minutes more to the gentleman.

Mr. EDMONDS. That is about £30 a ton cost. That would be between $120 and $130 a ton.

Mr. LONGWORTH. The price we are receiving is nearly $100 a ton more?

Mr. EDMONDS. Yes; and if you expect them to stay in business, you will probably find that the price will be a little high.

Mr. LONGWORTH. Is the gentleman advised as to the cost of ships to-day at Hog Island?

Mr. EDMONDS. No; I am not.

Mr. LONGWORTH. I say Hog Island because I assume that is the cheapest place.

Mr. EDMONDS. I do not think that is true. I think there are a number of other yards that have made commendable records in the building of ships and building them more cheaply than at Hog Island.

Mr. LONGWORTH. I was speaking of the Hog Island of to-day.

Mr. EDMONDS. I would not want to answer positively as to that. That would come more under Mr. Walsh's investigating committee. I have an idea that the price has been considerably reduced at Hog Island, but I do not know how much.

Mr. LONGWORTH. That was my idea.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. SHREVE. Will the Shipping Board have any ships suitable for service upon the Great Lakes?

Mr. EDMONDS. Well, they had some ships that were taken through the Welland Canal, and I have no doubt they would be suitable for service on the Great Lakes. But as a rule I do not think they would be suitable for the freight trade. I think they could use mostly passenger ships.

Mr. SHREVE. I mean combined passenger and freight ships.

Mr. EDMONDS. I think they probably will have some.

Mr. SHREVE. We have need along the southern shore of Lake Erie for some ships of that kind to take the place of those of the Anchor Line stopping at Cleveland and all along there. That service was interrupted at the time the freight and passenger services were separated. We have not had any ships to take their place. What I am anxious to know is whether from the Shipping Board ships could be gotten to take the place of those of the Anchor Line.

Mr. EDMONDS. I do not think there could be. The ship has to be of a size that would go through the canal connecting the lakes. I do not know that they have ships that would suit you. You have to get an ocean ship around Lake Erie, and the canal is not large enough to take a ship over 3,500 tons. In some cases the Government cut the ships in two to take them through.

Mr. SHREVE. Are they not building such ships now?

Mr. EDMONDS. Freight ships, as I understand.

Mr. SHREVE. Are they not suitable for service on the Great Lakes?

Mr. EDMONDS. I doubt it, because the hatches are constructed differently.

Mr. SHREVE. Where are these ships being built on the Great Lakes?

Mr. EDMONDS. At Detroit and Manitowoc, and, I think, some at Erie, Buffalo, Cleveland, and other points.

Mr. SHREVE. They are the small type of ships?

Mr. EDMONDS. Yes. They are small, but on account of the demand for shipping we built every kind we could in order to supply our need.

Mr. CRAMTON. Mr. Chairman, there are many of us who want to hear the gentleman analyze the bill. We are becoming worried lest he may not have time in which to do it.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CLEARY. I used to be somewhat familiar with the shipping service on the Great Lakes. I was connected with the transportation service. The vessels built for the Great Lakes service are built with a flatter bottom. They have only about 20 feet of water in Lake Erie. The ocean vessel, in order to stand great storms, is built narrow, and in order to get them up there they have to cut the vessels of any size in two in order to get them through the Welland Canal.

Mr. EDMONDS. Yes.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. WALSH. I wanted to ask the gentleman if it was the intention or if the effect of this bill was to validate all contracts and agreements and undertakings that the Shipping Board or the Fleet Corporation had heretofore entered into?

Mr. EDMONDS. No; it is not. The intention is to continue the contracts under the Shipping Board that have been promulgated under the order of the President. That is all. If the wording indicates that we are going to validate the contracts made by the Shipping Board we would like to change it.

Mr. WALSH. I will wait for the five-minute rule. I do not want to interrupt the gentleman further.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for one question for information?

Mr. EDMONDS. Yes.

Mr. BLANTON. Does the gentleman think his citation of two British ships at £30 a ton would be a fair estimate of what British ships are being sold for now?

Mr. EDMONDS. Yes. The Munson Steamship Line, of New York, had a contract for a steamship in England, requisitioned by the British Government, and the British Government is turning it over to them for $103 a ton—a newly built ship.

Mr. LAZARO. Mr. Chairman, will the gentleman yield for one moment?

Mr. EDMONDS. Yes.

Mr. LAZARO. The gentleman from Ohio [Mr. LONGWORTH] asked this question a while ago, if ships built at Hog Island did not cost more than ships built in other yards? Is that the question?

Mr. EDMONDS. Yes.

Mr. LAZARO. Is it not a fact that we ought to take into consideration that when this shipyard was built we did not know how long the war would last, and if the war had lasted, say, a year longer maybe ships could be built there cheaper than elsewhere, with the preparations that they had.

Mr. EDMONDS. Perhaps so. I know the cost has diminished very rapidly since they got rid of the Sunday work and overtime.

Now, section 4 allows the board to sell to aliens such ships as they find undesirable. I think that is a very good suggestion, because if we did not do that we would have no use for some of these ships in the ocean-going trade. For many of the routes they are too small, but they could be used in the Baltic Sea and in the Black Sea and in the Mediterranean. There is a great demand in France and Norway for such ships, and it is a good thing to get rid of them at a proper price and proper time. I do not think we can go out and compete simply by holding the ships back.

Section 5 requires the ships to be insured in proper proportion, where the Government retains an ownership in the ship or has a mortgage on a ship. Section 6 establishes an insurance fund. They may find it necessary. But I do not believe it will be. But they should have the authority in case it is necessary.

As to the operation of ships in section 7 we will offer a committee amendment to this section which will allow the Shipping Board full latitude in operating the ships that are not sold.

The board is allowed to sell certain property. You realize that the Shipping Board entered into a lot of activities. They own transportation bonds; they run passenger and freight lines; they built shipyards and factories for material needed in the construction of the ships; and these things have to be transferred and taken care of with the rest of the property.

Now, section 9 takes up the appropriation bills. It arranges for the continuing of the appropriation bill until July 1, 1920, and after July 1, 1920, it stops all use of revolving funds excepting such as the Committee on Appropriations give to the board as an operating fund or an insurance fund if they find it necessary.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. EDMONDS. Mr. Chairman, may I have five minutes more?

Mr. GREENE of Massachusetts. I will grant the gentleman five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. EDMONDS. Section 10 is simply a continuance of a provision made in the appropriation bill, which we thought would be necessary as long as the transfer was being made.

Section 11 stops all new construction in the way of housing, and provides that they shall as rapidly as possible dispose of these houses to private parties.

Section 12 allows the delegation of powers.

Section 13 contains the title of the bill.

Now, gentlemen, that is the bill as brought out by the committee. It is simply a plain, business proposition. We have taken up all these different activities and united them all under one body, so we can in the future know exactly where to go and know that there the authority rests for appropriation or for information. We have tied down all of these different activities to one place, not leaving any delegated powers in the President. It will all be in the Shipping Board, and that Shipping Board, while appointed by the President, is a body like the Interstate

Commerce Commission, under Congress. I think this will give us a start for our legislation that we are going to bring out in the future, and will place it in a businesslike form, so that we can continue the activities in a proper manner instead of the loose manner in which it has been done in the past.

Mr. TILSON. Will the gentleman yield?

Mr. EDMONDS. I yield to the gentleman from Connecticut.

Mr. TILSON. The bill provides for the sale of these vessels. Does the gentleman think the provisions of this bill are such as to encourage and eventually to force the sale of these ships? My idea is this: Suppose the Shipping Board, or whatever Government officials are conducting this business, should decide that they would like to continue it indefinitely, and that they would not like to sell these vessels, even though they were being run at a loss to the Government.

Mr. EDMONDS. Section 7 limits their activity to five years.

Mr. TILSON. In any event, they must cease at the end of five years?

Mr. EDMONDS. Unless Congress gives them further extension. That is taken care of in the original shipping act, and will be in the amendments to section 7 which will be offered by the committee. We concluded that at the end of five years we would make a survey of the situation to see how they stand in the matter.

Mr. MACGREGOR. I want to inquire whether there has been any estimate as to the amount of money turned into the Treasury.

Mr. EDMONDS. I could not tell the gentleman that, because the Committee on Appropriations has turned all the money into a revolving fund that keeps moving all the time, and it will not be turned into the Treasury until July 1, 1920. Then the Appropriations Committee will take care of it, I have no doubt. We can not tell that now, because if they sell a ship to-day they turn the money into a revolving fund and use it for building a ship to-morrow.

Mr. MACGREGOR. Are we going to build more ships?

Mr. EDMONDS. We are building more ships to-day. You will notice in the back of the report a statement of the ships that are now under contract. They are under contract because the material has been furnished, and it is cheaper to finish the ships than it is to cancel the order, even if you take a loss of $50 or $75 a ton. It will be better to do that than to turn the material loose as junk.

Mr. DICKINSON of Iowa. I should like to ask the gentleman a question.

Mr. EDMONDS. I yield to the gentleman from Iowa.

Mr. DICKINSON of Iowa. In section 4 you say:

That the board is hereby authorized and empowered to sell to aliens, at such prices and on such terms and conditions as it may determine, subject to the same limitation as to completion of time of payments as provided in section 3, such vessels as it shall deem unnecessary to the promotion and maintenance of an efficient marine.

In that section you limit the sale to aliens only. Why would it not be better simply to leave that open and let them be sold to anyone who wanted to buy?

Mr. EDMONDS. Section 3 allows them to be sold to anyone, but the shipping bill limits the sale to American citizens. In section 4 we say they can sell to aliens such ships as they find undesirable. For instance, there may be 50 ships of 2,500 tons, 25 of which it would be desirable to sell to Americans, and the other 25 it would not be desirable, and they may be sold to the Norwegians or the French or to anyone. That is fully covered. I do not think there is any trouble on that score. The Shipping Board understand that situation, and the original shipping act covers it, and also this act which is reported to-day.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. EDMONDS. With pleasure.

Mr. BLANTON. This being a shipping bill, intimately connected with ships, and inasmuch as sailors are more or less superstitious, may I ask the gentleman why the committee in framing this bill brought in 13 sections only.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDS. The majority of the mayor of Philadelphia on his nomination was 1313.

Mr. GREENE of Massachusetts. Will the gentleman from Missouri use some of his time?

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] is recognized for 1 hour and 30 minutes.

Mr. ALEXANDER. Will the Chair please notify me at the end of 25 minutes?

Mr. Chairman and gentlemen of the committee, it will not be possible for me to go through this bill and discuss it in detail at this time. When the bill is taken up under the five-minute rule, I think the committee will be able to give the House the desired information on any point not made perfectly clear in the general debate. The title of the bill is as follows:

A bill to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

Section 1 of the bill repeals all the legislation enacted during the war and vesting in the President very large powers with reference to the building of ships, the commandeering of shipyards and plants and the materials entering into the construction of ships, the commandeering and taking over of transportation facilities at shipyards and for housing workers in shipyards, and regulating ocean freight rates. These are some of the great powers vested in the President in the war emergency legislation repealed by section 1 of the bill. All these acts which are repealed by section 1 would expire by limitation as soon as the peace treaty with Germany has been agreed to, except the first act mentioned in section 1, which would expire in six months after peace with Germany has been declared. Hence it is important at this time that we should have some legislation under which some agency of the Government should take over and exercise the powers conferred on the President under those several acts.

The President has delegated to the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation the powers vested in him under those acts; but, as I said, in one instance the power would end six months after the proclamation of peace and in the other instances immediately upon the declaration of peace. Hence it is important that this bill should be passed as speedily as possible.

The bill does not delegate to the Shipping Board any new powers. It does, however, give the board full power to adjust, settle, and liquidate all matters arising out of or incident to the administration of those emergency laws and to wind up the business and dispose of the property and settle the claims which have grown out of the administration of the law by the Shipping Board and the Emergency Fleet Corporation under powers delegated to them by the President of the United States under the acts repealed by section 1 of the bill. The repeal of such acts or parts of acts is subject to the following limitations:

(1) All contracts or agreements entered into before the passage of this act under any such act or part of act shall be assumed and carried out by the United States Shipping Board, hereinafter called "the board."

(2) All rights, interests, or remedies accruing or to accrue as a result of any such contract or agreement or of any action taken in pursuance of any such act or part of act shall be in all respects as valid, and may be exercised and enforced in like manner, subject to the provisions of subdivision (c) of this section, as if this act had not been passed.

(3) The repeal shall not have the effect of extinguishing any penalty incurred under such act or part of act, which shall remain in force for the purpose of sustaining a prosecution for the enforcement of such penalty.

(c) As soon as practicable after the passage of this act the board shall adjust, settle, and liquidate all matters arising out of or incident to the exercise by or through the President of any of the powers or duties conferred or imposed upon the President by any such act or part of act; and for this purpose the board, instead of the President, shall have and exercise any of such powers and duties relating to the determination and payment of just compensation.

Section 2 transfers to the board all merchant vessels and other property or interests of whatever kind, including vessels or property in course of construction or contracted for, acquired by the President through any and all agencies whatsoever in pursuance of authority conferred upon him by the acts and parts of acts repealed by section 1 or in pursuance of the joint resolution approved May 12, 1917, authorizing the President to seize the German vessels.

Section 3 undertakes to declare the policy which should govern in the disposition of the fleet of merchant vessels now constructed or being constructed and belonging to the United States.

Section 3 is for that reason the most important section in the bill. It is as follows:

SEC. 3. That in order that the merchant vessels now owned or controlled by the United States may be returned to or placed under private ownership and operation, and to the end that an efficient merchant marine, adequate to meet the requirements of our ocean-borne commerce and to serve as a naval auxiliary in time of war or national emergency, may be established and operated by citizens of the United States, the board is hereby authorized and directed to sell, as soon as practicable, to citizens of the United States (as defined in sec. 2 of the shipping act, 1916, as amended) except as provided in section 4, all of the vessels referred to in section 2 or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price shall not be more than 10 years after the making of the contract of sale. The board is authorized to take into consideration in fixing the sale price of such vessels the prevailing domestic and foreign market price of and demand for vessels, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold.

The first question the committee was called upon to determine was whether the present and future policy of the United States with reference to this vast fleet should be permanent

ownership and operation by the Government or whether it should go into private ownership and operation? The committee in section 3 undertakes to indicate to the Shipping Board the policy of Congress with regard to this great fleet of merchant vessels, and if it is agreed to to declare that these vessels shall go into private ownership and operation as soon as practicable. In other words, that we shall develop the American merchant marine under private ownership as a permanent policy of the Government.

We also indicate to the board that they shall not consider the war cost of these vessels as the price at which they shall be sold into private ownership. They were constructed under war conditions and at a very high cost. The vessels must be operated in competition with the merchant marine of the world, whether under Government or private ownership. If we hope to win our share of the world trade it is manifest that the successful operation of an American merchant marine should, as far as possible, be on an even keel. But I will discuss that matter later.

Section 4 authorizes the board to sell to aliens undesirable types of vessels and prescribes the terms of sale.

There are many vessels belonging to the Government of less than 6,000 tons dead-weight that will be undesirable in a well-balanced fleet. This section gives the board the power to sell vessels of certain types—for instance, wooden vessels, composite vessels, concrete vessels, and steel vessels of undesirable types—for use in our overseas trade either to American citizens or aliens. Many of them are very desirable and will be readily purchased by American citizens for certain trades. I do not agree with the opinion expressed by some who appeared before the committee that vessels of less than 6,000 tons will not be valuable for the development of the American merchant marine fleet. This gives the board discretion in the matter, and we have reason to believe they will exercise that discretion soundly and in the public interest.

Section 5 provides that if vessels are sold in part on time the board shall protect the Government from loss or damage by fire and against all marine risks and disasters, and so forth, with insurance companies or underwriters and under forms of policies and to amounts approved by the board.

The policy agreed on and so far followed by the board is, as I understand it, that the vessels shall be sold 25 per cent of the sale price payable in cash and the balance of the purchase money to be extended over a term of not more than 10 years. The committee will suggest an amendment extending the time to not more than 15 years. It is good policy that the Government should be assured against loss by a policy of insurance on the vessel, which in the event of loss will be paid to the Government as its interest may appear.

Section 6 provides against unreasonable rates that insurance companies or underwriters may propose to exact or charge; hence it provides that the board may create a fund in which it may insure any vessels or plants or material acquired by the board.

In other words, if they can not get the marine underwriters to write policies on these vessels at reasonable rates it gives the board the power to create an insurance fund and insure the vessels sold, at least to the extent of the Government's interest. I introduced the act creating the War Risk Insurance Bureau. As originally enacted the power was vested in that bureau as an agency of the Government to insure vessels of the United States, their cargoes and freight money, against war risks. That policy was followed during the period of the war, and the bureau insured all ships entering the danger zones against war risks and at a rate ranging from one-half of 1 per cent up to 5 per cent, the latter rate being the maximum when the hazards were the greatest. The insurance companies would have charged from 5 per cent up if they would have carried the risk at all. At the end of the war the premiums charged and received by the bureau exceeded the losses from $10,000,000 to $15,000,000. A very great service was thereby rendered to our shipping.

Section 7 gives the board the power to operate vessels enumerated in section 2 and not sold pursuant to sections 3 and 4 in such manner and through the agencies created by sections 9 and 11 of the shipping act of 1916, the time to be limited as prescribed in section 11.

As the gentleman from Pennsylvania [Mr. EDMONDS] suggests, a committee amendment will be offered striking out section 7 and substituting therefor a new section providing that the board may operate, charter, or lease the unsold vessels, the time to be limited to five years unless it is hereafter extended by Congress.

It is well to keep in mind that the board will have a fleet of more than 2,000 vessels to dispose of and that the public interest is paramount, and that while it is desirable to dispose of the vessels as soon as practicable they should be kept in service not only to serve established trade routes but to open up and establish new trade routes for the development and expansion of our foreign commerce.

Section 8 gives the board power to sell any property other than vessels transferred to it under section 2. This is a part of the policy of liquidation provided for in section 1.

Section 9 authorizes the board to withhold funds derived from activities of the board named therein as operating capital, or for the insurance fund, to meet the requirements of sections 6 and 7, and provides that the net proceeds of all activities of the board, except for the purposes named, shall be covered into the Treasury as miscellaneous receipts.

The section also directs the board, as rapidly as in its discretion is warranted, to withdraw investment of Government funds made during the emergency under authority conferred under the acts or parts of acts repealed by section 1 and cover net proceeds into the Treasury as miscellaneous receipts.

Section 10 reenacts section 3 of the emergency shipping fund provisions of the deficiencies appropriation act of November 4, 1918, repealed by section 1 of this act.

In other words, it provides that the Shipping Board shall not require payment from the War Department for the charter hire of vessels taken over by the War Department for military purposes during the period named, and belonging to the United States. It would be interesting for the Congress to know how many vessels were taken over and the value of the service rendered, and that service should be charged off against the cost of the ships. It would make a very creditable showing for the Shipping Board.

Section 11 authorizes the board to complete houses or buildings heretofore contracted for and under construction under the housing act of March 1, 1918.

If my memory serves me right, there are 17 of these projects. These buildings have all been erected, except in a few instances. Some are nearly completed. The testimony before the committee was to the effect that some of the houses needed papering, and some additional improvements to the premises were necessary; but we undertook to limit the expenditures to the sums necessary to the completion of the buildings and to such necessary repairs, and we were told that this would involve an expenditure of not over fifty or sixty thousand dollars.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. LAYTON. In some of these instances the land upon which the Emergency Fleet Corporation constructed houses was purchased by outside parties. Is there any provision in this bill for the purchase of that land from those people so that these buildings can be sold?

Mr. ALEXANDER. We do not confer additional power on the Shipping Board at all. They can only exercise such powers as are necessary to carry out existing contracts and liquidate these projects. The Government has an option to purchase the land on which the Hog Island Shipyard is located, I believe, at $1,750,000, but before that purchase can be made authority must be granted and the money appropriated by Congress, and we do not undertake to determine that question in this bill. Speaking for myself only, I think that should be done.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I can not just at this moment. Section 12 authorizes the board to exercise the power vested either directly or indirectly in it under the act through the United States Emergency Fleet Corporation or other agencies created by law.

With reference to what our policy shall be in the sale of the ships, it seems to me, is a vital question and has much to do with the upbuilding of our merchant marine. I would be delighted to know that the board could sell them for what they cost, but, to my mind, that is not possible, nor is it desirable if we would promote and maintain a great American merchant marine to compete with the merchant fleets of other nations. We may sell some of the vessels at the war cost, but we must face world conditions in undertaking to solve this grave problem.

The world's merchant gross tonnage now afloat is greater than it ever was, according to Lloyd's figures.

	June, 1914.	June, 1919.
Steam	45,403,877	47,897,407
Sail	3,685,675	3,021,866
Total	49,089,552	50,919,273

Much more merchant gross tonnage is now under construction than ever before. Lloyd's returns of greatest prewar merchant tonnage under construction was June 30, 1913—3,445,000 gross tons. Lloyd's return for June 30, 1919—8,017,707 gross tons. The Shipping Board alone now has more tonnage under construction or contract than all the world had in prewar years, and it is costing much more. Congress has voted or authorized more money for shipbuilding than the book value of all the world's merchant tonnage in 1914 before the war.

It is true that the world's merchant tonnage, while greater than ever, is not so efficient as before the war.

(a) Two-thirds of the tonnage under foreign flags was built before 1914. It is now not only five years older, but in the five years has had the roughest treatment—inadequate repairs, and so forth.

(b) Two-thirds of the American tonnage on June 30 was built since 1914, but much of it was built under war conditions, when the aim was to build the most tonnage in the shortest time; it was hurried work, done by partly trained or raw workmen, and needs more repairs, and so forth. Only a few types were built, and of course we have more of some types than we can use, less of others. Only five or six passenger ships were built here after we went to war. In peace times no one would have built about 1,000,000 gross tons of wooden ocean steamers.

I quote from Report of the Commissioner of Navigation:

The losses of merchant steamers of the principal maritime nations from August, 1914, to the armistice of November, 1918, according to Lloyd's Register, were as follows:

Country.	War losses.	Marine losses.	Total.
	Gross tons.	*Gross tons.*	*Gross tons.*
United Kingdom	7,753,311	1,032,779	8,786,090
British Dominion	169,712	99,866	269,578
American	343,090	187,948	531,038
Belgian	85,842	19,239	105,081
Brazilian	20,328	10,951	31,279
Danish	210,880	34,422	245,302
Dutch	201,797	27,244	229,041
French	722,939	84,138	807,077
Greek	349,661	65,014	414,675
Italian	745,766	115,669	861,435
Japanese	119,764	150,269	270,033
Norwegian	976,516	195,244	1,171,760
Spanish	157,527	80,335	237,862
Swedish	180,415	83,586	264,001
Total	12,037,548	2,186,704	14,224,252

The marine casualties of steamers were only a trifle above the average, as for the five years from 1909 to 1913, inclusive, they aggregated 2,160,346 gross tons. When it is recalled that for nearly five years in European waters ships ran at night much of the time without lights, and that for part of this period they ran across the Atlantic and along our own coasts without these precautionary signals, the comparative results are a high tribute to the vigilance and skill of the masters and deck officers of the ships. That the losses from both causes were not greater is also due, first, to naval convoys, and, second, to the courage and endurance of officers and men who brought many stricken ships to port which under ordinary conditions would have been justifiably abandoned at sea, and did, doubtless, appear in German statements of submarine ruthlessness. During the four years and four months of war the total losses were 14,224,252 gross tons of steamers. During the five calendar years covering that period the world's output of ships was 14,127,701 gross tons, of which less than 3 per cent were sailing vessels.

The effect of the war, however, went beyond the mortality among ships, for many vessels which under ordinary conditions would have been broken up and sold as junk were patched up and are included in the world's outstanding tonnage. The world's merchant tonnage afloat to-day, as already shown, is greater than ever before and undoubtedly would more than suffice to conduct the world's diminished foreign commerce consequent upon diminished production and vast national debts, if it were as efficient as the tonnage of 1914. Allowances for the customary growth of merchant shipping in ordinary times are quite out of place under present conditions, for such growth is based on increased ocean trade and increased international exchanges of products by sea. There has been no such increase, and there can not be until production has become at least normal abroad as well as at home. Freights must be higher than usual, because under present conditions the European countries with which we fought side by side have not yet been able, through death and devastation, to supply the usual return cargoes of their own production with which to pay for the products of countries remote from the scene of conflict.

It is also true that the volume of the world's sea-borne commerce is less than in 1914, requiring less shipping space. The biggest article of ocean commerce was coal. In the seven months from January 1 to August 1, 1919, Great Britain exported only 24,000,000 tons of coal against 43,000,000 tons for the corresponding period in 1914, and in other articles of British export there is a big decline.

Industrially devastated northern France has not yet begun to export. Belgium is not recovered from the ravages of the Huns, and Russia is still in industrial and commercial chaos. Shifting from war industry back to peace industry is not anywhere complete. Industrial unrest, strikes, and other well-known causes the world over are keeping output below prewar production.

Freight rates are high, not because there is not enough tonnage, but because Europe's production and export is much below normal (see rates of foreign exchange) and the outward cargo, exempli gratia, from America, has to pay for the expenses of the round voyage; temporarily America has to supply Europe with grain and oil, which Russia—Black Sea ports shorter voyage—formerly supplied; with coal—shorter voyage—which Great Britain formerly supplied; also with many manufactures with which European countries supplied one another. This longer haul from America temporarily makes a heavier demand on our ships than usual. Unless Europe has "gone to smash," all this can not continue. Even this longer haul would present no serious difficulty if the ships already built were running normally. Liverpool was tied up by strikes on ships and docks for weeks early in the summer, New York has been tied up two or three times since June, also other ports here and abroad. Docks and warehouses are congested because the railroads can not move goods.

The British railroad strike contributed in a large degree to this condition, and the strike in the steel industry and in the coal industry, if continued, will paralyze American industry and tie up our transportation facilities by land and sea.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Just for a very brief question.

Mr. HICKS. The gentleman made reference to the fact that owing to the war conditions the forced construction of ships made them more inefficient than formerly. Have any steps been taken to make these ships now of the same standard as those made before the war?

Mr. ALEXANDER. I think every ship under construction now is being well built and at less cost than during the war.

Mr. HICKS. I mean the ships that have been constructed. Is it possible to bring them up to standard?

Mr. ALEXANDER. I understand that some of them will have to be repaired, no doubt. In my opinion, the number has been grossly exaggerated.

Mr. HICKS. Is it a physical possibility?

Mr. ALEXANDER. It can be done. Riveting may have been bad in some cases and in some yards, and there may be other defects in construction that can be repaired, but the materials used were good.

It should not be overlooked that we had to create the facilities to build ships and train the labor employed. It was a herculean task, and all credit is due the United States Shipping Board for overcoming the innumerable obstacles that confronted them on every hand. And what has been accomplished?

But to continue. It may be there is enough tonnage already and soon there will be too much; that with the completion of our building program there will be too many vessels of the types we have built, unless we assume that present turmoil the world round is to continue indefinitely and that Russia will not grow wheat, England will not dig coal, France and Belgium will not manufacture commodities for export.

Just about 100 years ago, after the Napoleonic wars, we went through an experience much like the present. In Adam Seybert's Statistical Annals (Philadelphia, 1818) you will find the following:

The most memorable of revolutions was commenced in France in 1789; the wars consequent to that event created a demand for our exports and invited our shipping for the carrying trade of a very considerable portion of Europe. * * * A new era was established in our commercial history; the individuals who partook of these advantages were numerous; our catalogue of merchants was swelled beyond what it was entitled to be from the state of our population. Many persons who had secured moderate capital from mechanical pursuits soon became the most adventurous. * * * Temporary benefits were mistaken for permanent advantages; so certain were the profits on the foreign voyages that commerce was only pursued as an art; all the knowledge which former experience has considered as essentially necessary was now unattended to; the philosophy of commerce, if I am allowed the expression, was totally neglected; the nature of foreign production was but little investigated by the shippers in the United States; the demand in Europe for foreign merchandise, especially for that of the West Indies and South America, secured to all these cargoes a ready sale with a great profit. The most adventurous became the most wealthy, and that without the knowledge of any of the principles which govern commerce under ordinary circumstances. * * * Our tonnage increased in a ratio with the extended catalogue of the exports; we seemed to have arrived at the maximum of human prosperity. * * *

Mr. Paul Warburg, who was the first governor of the Federal Reserve Board, the other day was quoted in the press as saying that we are living in a fool's paradise. He had spent three months in Europe studying financial and industrial conditions there, and he said that we did not appreciate the problems with which we will be confronted in the postwar period, and especially in the extension of our foreign commerce; and, I take it, he had in mind, among other problems, the upbuilding of our

merchant marine. We have individuals and corporations who are anxious to take over ships because ocean freight rates are now so high and profits so alluring. Temporarily they can make great profits, but we will not build up the American merchant marine if we look alone to the present.

President Monroe's annual message of November 14, 1820, should have our thoughtful consideration. He described conditions not unlike those existing to-day. He states, referring to conditions then:

In forming a just estimate of our present situation it is proper to look at the whole in the outline as well as in the detail. A free, virtuous, and enlightened people know well the great principles and causes on which their happiness depends, and even those who suffer most occasionally in their transitory concerns find great relief under their sufferings from the blessings which they otherwise enjoy and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a government which is founded by, administered for, and supported by the people. We trace them to the peculiar character of the epoch in which we live and to the extraordinary occurrences which have signalized it. The convulsions with which several of the powers of Europe have been shaken and the long and destructive wars in which all were engaged with their sudden transition to a state of peace, presenting in the first instance unusual encouragement to our commerce and withdrawing it in the second even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we have had to support through this long conflict, compelled, as we were, finally to become a party to it with a principal power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs by augmenting to a vast amount the circulating medium, and thereby elevating at one time the price of every article above a just standard and depressing it at another below it, had likewise its due effect.

I think Members will agree that these statements are almost prophetic, and we might well take note of them in determining our policy in this postwar period, not only with reference to the development of our merchant marine and foreign trade but in the readjustment of business in all lines. There never was a time that called for a higher type of statesmanship than now. There never was a time when the great commercial interests in this country should devote more thought to the solution of the difficult problems growing out of the war than now. We have come out of the great World War victorious over our enemies, but we are facing a great world contest for the supremacy in the ocean-carrying trade of the world. Great Britain has had that monopoly in the past, and while she lost a great many ships during the war, she still has a great merchant marine, and will continue to be a prime factor in the water-borne commerce of the world. But it should be our fixed purpose and determination to build up and maintain a merchant marine that will be adequate to carry at least 50 per cent of our commerce in the foreign trade. [Applause.]

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. HADLEY. I have not had an opportunity to read the bill, but from the gentleman's statement I infer that the general policy of the committee, if the bill is enacted as reported or as proposed to be amended, is to pass title to the shipping properties into private ownership and effectuate their private operation within a period of five years, unless subsequent legislation should be enacted. Is that substantially correct?

Mr. ALEXANDER. Yes.

Mr. HADLEY. Pending that period, I would like to ascertain what is the policy of the bill first with respect to the status of the Shipping Board and the Fleet Corporation. The gentleman will recall, if I remember correctly, that in the shipping act of 1916 we provided for the creation of a corporation and authorized the expenditure of a $50,000,000 appropriation for the construction of ships. Does this bill authorize the continuing of the expenditures of existing appropriations by the Emergency Fleet Corporation or by the Shipping Board?

Mr. ALEXANDER. The appropriation of $50,000,000 made in the shipping act of 1916 represents the capital of the United States Shipping Board Emergency Fleet Corporation. Through the Shipping Board and such agencies, including the United States Shipping Board Emergency Fleet Corporation, as the Shipping Board may select, the vessels may be operated, but this bill does not carry any additional appropriation to build ships.

Mr. HADLEY. There will be no material change of plan, then, under the operation of this bill if enacted?

Mr. ALEXANDER. No. I assume that the ships operated by the Government will be operated through the Emergency Fleet Corporation unless chartered or leased to private companies.

Mr. HADLEY. They would be constructed through the Fleet Corporation?

Mr. ALEXANDER. This bill does not give the Shipping Board power to build any more ships. Of course, they will have the power under existing law to complete the ships now being constructed. If any other ships are to be constructed than those already contracted for, they must come to Congress and get their appropriation for that through the Committee on Appropriations.

Mr. HADLEY. It does not give them power to purchase more ships?

Mr. ALEXANDER. No.

Mr. HADLEY. Will the operation of Government ships proceed under the authority of the Shipping Board direct, or does it delegate that to the Fleet Corporation?

Mr. ALEXANDER. The Shipping Board; but section 12 of the bill provides for the exercise of that power through the Emergency Fleet Corporation. That is the agency through which the power is exercised now and where it will continue to be exercised.

Mr. HADLEY. Is it the opinion of the committee that five years will be a reasonable time within which to expect to complete the demobilization of this industry into private hands?

Mr. ALEXANDER. I very much question if it will; but we thought this: If it developed that five years is not enough time in which to complete the process of demobilization, Congress will extend the time.

Mr. HADLEY. The spirit of the bill, I take it, is to enjoin upon the Shipping Board, so far as we can express it in an advisory way under the bill, the policy of proceeding toward private ownership of the property and its operation as rapidly as consistent with circumstances and a due regard for the interests of the Government?

Mr. ALEXANDER. Yes. We recognized this is a great and valuable property, and we do not want it to be wasted or squandered by any agency of the Government by haste in disposing of it.

Mr. RAINEY of Alabama. Will the gentleman yield for a question?

Mr. ALEXANDER. I have occupied all the time I feel warranted in taking at this time.

Mr. Chairman, we should not overlook the fact that the act creating the United States Shipping Board was approved September 7, 1916; that the five commissioners composing the board were appointed in February, 1917, and that the organization of the board was not completed until after the declaration of war.

From the first the board was charged with tremendous responsibilities.

The vast powers vested in the President by the war emergency legislation was delegated to the board and the Fleet Corporation to execute.

How well these agencies have met and discharged this sacred trust is visualized and given eloquent expression in the following exhibit submitted by Judge Payne, chairman of the board, at the hearings on this bill:

SHIPPING FACTS.

SALIENT FEATURES IN ACTIVITIES OF THE UNITED STATES SHIPPING BOARD FROM SEPTEMBER, 1918, TO SEPTEMBER, 1919.

[Second edition.]

On August 29, 1919, the total seagoing ship tonnage under control of the United States Shipping Board was as follows:

Built by the United States Shipping Board.

	Number of vessels.	Tonnage.	
		Gross.	Dead-weight.
Steel	777	3,511,918	5,267,987
Wood	315	728,079	1,109,218
Composite	15	35,003	52,339
Seized from—			
Germany	94	567,490	691,905
Austria	1	5,312	6,500
Purchased from—			
Japan	15	85,880	128,820
Austria	5	30,521	39,506
Requisitioned from private owners	58	346,583	510,870
Total	1,280	5,313,780	7,806,445

The foregoing tabulation does not include 122 steel ships of 465,745 (dead-weight) tons and 63 wood ships of 246,982 (dead-weight) tons sold recently to private owners by the United States Shipping Board nor seized foreign vessels that had been sunk.

America's rapid advance from an inconsequential place among the maritime nations to the post of leadership in shipbuilding was not only phenomenal but is a fair augury for the permanence of its new merchant marine built under the stress of war. At the outbreak of the world struggle merchant-marine construction had almost become a lost art in this country. (To-day this Nation has more ship workers, more ship-

yards, more shipways, more vessels under construction, and is turning them out more rapidly and in greater numbers than now issue from all the other shipyards of all the world.)

As the premier shipbuilding nation of the world America attained her place in one giant stride. Up to the outbreak of the war we had only 15 vessels of 1,000 tons and over engaged in over-sea trade. To-day the American flag floats from 1,280 ocean-going steamships, 1,107 of which had been built by the United States Shipping Board within the last two years.

In June, 1914, the total gross tonnage under the American flag, including coastwise shipping and the fleet operating on the Great Lakes, was 4,287,000 tons.

In June, 1919, its gross tonnage was 11,983,000, an increase of 278 per cent, chiefly in ocean-going steamships.

The steam tonnage under the American flag is now 24.8 per cent of the steam tonnage of the world. The figures are shown in the following tables.

The world steam tonnage of 100 gross tons and over on June 30, 1919, as reported by Lloyds, was:

Number of vessels	24,386
Tonnage:	
Gross	47,897,000
Dead-weight	71,845,500

American steam tonnage of 100 gross tons and over on June 30, 1919, including tonnage on Great Lakes, was:

Number of vessels	3,687
Tonnage:	
Gross	11,983,000
Dead-weight	17,974,500

Per cent of world steam tonnage of 100 gross tons and over under United States flag June 30, 1919:

Per cent of number	15.1
Per cent of tonnage	24.8

The above percentage figures include tonnage on the Great Lakes.

In the four years preceding the war the shipyards of this country turned out a total of 107 seagoing vessels (of 1,500 tons and over, chiefly coastwise). This construction represented 805,037 dead-weight tons.

During 1918, a period when the Shipping Board was getting into its stride, there were launched from the yards under its control a total of 4,216,656 dead-weight tons, five times more than had been built in the four prewar years. During the year 1918 shipyards under control of the Shipping Board delivered 3,107,095 dead-weight tons of completed ships.

From January 1 to August 29, 1919, 3,983,135 dead-weight tons of shipping have been launched and 3,845,140 dead-weight tons delivered, a total for the 20 months (since the beginning of 1918) of 8,199,791 tons launched and 6,952,233 delivered.

The original construction program contemplated the building in this country of 17,807,071 dead-weight tons of shipping—2,105 steel steamships of 14,351,971 dead-weight tons, 1,017 wood steamships of 2,978,100 dead-weight tons, 50 composite ships of 175,000 dead-weight tons, and 43 concrete ships of 302,000 dead-weight tons, a total of 3,215 ships.

Of this program there have been—

Delivered (inclusive of 1917, 1918, 1919).

	Number.	Tonnage.	
		Gross.	Dead-weight.
Steel steamships	899	3,822,415	5,733,622
Wood steamships	378	892,735	1,339,103
Composite	15	35,000	52,500
Total	1,292	4,750,150	7,125,225
Fitting out in wet basins:			
Steamships	408	1,280,483	1,920,724
On the ways:			
Steel steamships	589	2,010,403	3,015,605
Wood steamships	99	138,000	207,000
Concrete steamships	9	42,333	63,500
Total	497	2,190,736	3,286,105
Under contract, work not begun:			
Steel steamships	227	984,407	1,476,610
Contracts canceled and suspended:			
Steel steamships	421	2,051,956	3,077,935
Wood steamships	404	741,233	1,111,850
Composite steamships	32	74,667	112,000
Concrete steamships	29	142,333	213,500
Total	886	3,010,189	4,515,285

After subtracting 3,010,189 gross tons (4,515,285 dead-weight) of cancellations and suspensions, in order to complete the original program, this work yet remains to be done:

	Tonnage.	
	Gross.	Dead-weight.
Completion of vessels launched but not delivered	1,280,483	1,920,724
Completion of vessels whose keels have been laid	2,190,736	3,286,105
Completion of vessels under contract	984,407	1,476,610
Total	4,455,626	6,683,439

Monthly deliveries since Aug. 31, 1918.

	Steel.		Wood.		Composite.		Total.		
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1918.									
September	46	178,430	25	59,334	1	2,333	72	240,097	360,145
October	47	200,739	29	69,467	1	2,333	77	272,539	408,805
November	54	215,121	10	22,667			64	237,788	356,682
December	30	156,260	15	36,467	1	2,333	46	195,060	292,591
1919.									
January	17	88,070	7	16,667	1	2,333	25	107,070	160,604
February	27	129,933	8	16,900	2	4,667	37	151,500	227,250
March	31	136,017	11	26,700			42	162,717	244,075
April	78	290,580	36	86,800	1	2,333	115	379,713	569,570
May	89	407,733	53	129,500	2	4,667	144	541,900	812,850
June	71	279,572	51	118,767	1	2,333	123	400,672	601,008
July	72	327,005	63	145,933	1	2,333	136	475,271	712,908
August (29)	56	255,050	37	84,867	2	4,667	95	344,584	516,875
Total	618	2,664,510	345	814,069	13	30,332	976	3,508,911	5,263,366

Up to and including Aug. 31, 1918, delivered to the United States Shipping Board.

Number.	Steel.		Wood.		Composite.		Totals.	
	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
296	1,243,784	33	78,666	2	4,668	331	1,327,118	1,990,676

Total deliveries since Shipping Board was organized.

Number.	Steel.		Wood.		Composite.		Totals.	
	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
914	3,908,294	378	892,735	15	35,000	1,307	4,835,029	7,254,042

This table includes 15 steel steamships of 85,880 gross tons delivered from Japanese shipyards.

LAUNCHINGS.

In shipbuilding annals the month of July, 1918, was made notable by the record established that month in the launching of 124 steamships representing 635,800 tons (dead-weight). That record was exceeded in May of this year, when 141 steamships, aggregating 723,958 tons (dead-weight), were launched.

Table showing the launchings by months from Aug. 31, 1918.

	Steel.		Wood.		Composite.		Total.		
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1918.									
September	59	241,100	31	73,934	3	7,000	93	322,034	483,051
October	47	199,183	33	70,534			80	269,717	404,575
November	49	210,067	32	73,967	3	7,000	84	291,034	436,550
December	59	258,233	29	54,400	[1] 1	2,000	89	314,633	471,950
1919.									
January	36	143,150	27	59,667			63	202,817	304,225
February	52	213,797	15	30,300	2	4,667	69	248,764	373,145
March	68	280,238	22	42,800			90	323,038	484,558
April	73	299,277	42	88,767	2	4,667	117	392,711	589,033
May	87	375,905	51	97,067	[2] 3	9,666	141	482,638	723,958
June	65	280,267	33	52,966	[1] 1	5,000	99	338,233	507,350
July	83	365,372	29	46,833	[1] 1	2,333	113	414,538	621,808
August (29)	52	219,450	20	28,233	1	5,000	73	252,683	379,025
Total	739	3,086,039	354	719,468	17	47,333	1,111	3,852,840	5,779,260

[1] Concrete. [2] Two concrete.

Launched up to and including Aug. 31, 1918, for the United States Shipping Board.

Steel:	
Number	390
Gross tons	1,654,624
Wood:	
Number	176
Gross tons	414,934
Composite:	
Number	7
Gross tons	16,333
Total:	
Number	573
Gross tons	2,085,891
Dead-weight tons	3,128,836

Total launching since Shipping Board was organized.

Steel:		
Number		1,120
Gross tons		4,740,663
Wood:		
Number		549
Gross tons		1,134,402
Composite:		
Number		24
Gross tons		63,666
Total:		
Number		1,684
Gross tons		5,938,731
Dead-weight tons		8,908,096

The rate of progress, showing when million-point marks were reached.

Keel laying:		
July, 1917 (the first million)	dead-weight tons	1,038,206
November, 1917	do	2,259,201
February, 1918	do	3,294,881
April, 1918	do	4,288,761
June, 1918	do	5,223,706
August, 1918	do	6,498,889
September, 1918	do	7,010,439
November, 1918	do	8,129,628
February, 1919	do	9,230,154
April, 1919	do	10,235,248
June, 1919	do	11,361,426
Aug. 26, 1919, reached	do	12,000,000
Launchings:		
March, 1918 (the first million)	do	1,251,471
June, 1918	do	2,075,506
August, 1918	do	3,128,836
October, 1918		
January, 1919	do	5,229,186
March, 1919	do	6,086,889
May, 1919	do	7,399,913
July, 1919	do	8,529,071
Aug. 30, 1919, rounded	do	9,000,000
Deliveries:		
May, 1918 (the first million)	do	1,101,846
September, 1918	do	2,277,831
November, 1918	do	3,005,706
April, 1919	do	4,481,581
May, 1919	do	5,294,331
July, 1919	do	6,608,347
Aug. 25, 1919, passed	do	7,000,000

Seagoing personnel, United States Shipping Board.

Deck officers	4,592		
Engineer officers	4,592		
			9,184
Deck force	15,720		
Engine and fire room	18,720		
			34,440
Steward's department			7,936
Total			51,560

Organization of Shipping Board: John Barton Payne, chairman; Raymond B. Stevens, vice chairman; John A. Donald, commissioner; Henry M. Robinson, commissioner; Thomas A. Scott, commissioner.

Mr. Chairman, I would like leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Chairman, the United States finds itself in a fortunate position upon the close of this war so far as tonnage is concerned. When the war broke out in Europe the entire overseas tonnage was less than 2,000,000 dead-weight tons under the United States flag. It is now something over 8,000,000 dead-weight tons under the United States flag. Most of these ships are still in the possession and under the direction of the Shipping Board. The United States secured these ships in many different ways. First, because of the necessity for tonnage they requisitioned ships wherever they could find them belonging to Americans, either coastwise or overseas. Then we bought some foreign ships. Then we seized and operated ships belonging to others that were in our ports. Then under a special act we seized German ships which were in our ports, taking possession of them and operating them. In these different ways we secured ships which helped us to carry on the war with Germany and Austria. Now, the ships we built were not built because we were thinking of the needs of the country in the future. We built everywhere and in any shipyard that would build a ship. We would give them a contract and we would do all we could to hasten the work, so the consequence is that we have wooden ships, we have concrete ships, but a great majority of the ships are steel. The wooden ships will have to be sold for what we can get for them. Some are good. A very few will make valuable ships for commerce. The concrete ships we ought to sell at any price we can get for them. All the steel ships are valuable property. Not all can be used under the United States flag, for we built very extensively on the Great Lakes, and those ships, while good, seaworthy merchant vessels, are nearly all small vessels, running from 3,000 to 4,000 tons. A part of these ships can be used in our commerce and under the United States flag. The balance of them should be disposed of as soon as possible to any one in the world who will buy and pay for them. Now, as to this bill, it is a very simple bill. Mr. ALEXANDER, former chairman of our committee, has explained it with a great deal of detail, and I shall not go further into details. Suffice to say that we first repeal the acts which were passed during the war to enable us to establish a merchant marine. Second, we transfer all the ships, all the shipyards, all the parts of ships lying around, and all the houses—for we have a vast number of houses in many different ports—and the docks and all other property to the Shipping Board. Then we direct the sale of ships, the sale of houses, the sale of building plants, docks, and parts of ships. We direct the Shipping Board to dispose of them as soon as possible. We fix the terms next. That is, we say that all ships that are valuable under the United States flag shall be sold only to American citizens and shall be operated under the flag of the United States, unless the owners obtain the consent of the Shipping Board to transfer those ships.

Mr. SMITH of Michigan. Will the gentleman yield there for a question?

Mr. ROWE. I will.

Mr. SMITH of Michigan. It says:

That the board is hereby authorized and empowered to sell to aliens.

Mr. ROWE. I will get to that in just one minute. Going on with terms, the bill says that ships which are not suitable and which are not required for use in the American merchant marine may be sold to anyone who wishes to purchase.

Mr. HICKS. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. HICKS. Have we not sold a good many of these ships to foreign shipowners?

Mr. ROWE. We have sold some; not many. I will come to that in just a moment and state just how many we have sold.

Now, we go further than that. As I say, we fix it that the ships that are desirable, that can be used in the United States merchant marine, shall be sold only to Americans, and the ships which can not be used in our service can be sold to other purchasers regardless of the flag under which they are to operate.

Mr. SNELL. Will the gentleman yield?

Mr. ROWE. I will.

Mr. SNELL. In which section does it provide that they shall only be sold to Americans?

Mr. ROWE. In section 3—that I am talking about now. I will come to that in just a moment. Now, it goes on——

Mr. BRIGGS. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. BRIGGS. That is the policy that is now being pursued by the Shipping Board?

Mr. ROWE. That is the policy, quite largely. Now, we go further than that as to terms. We say that the Shipping Board can use their discretion in selling these ships as to whether they get all cash, or part cash and part mortgage. We authorize them to sell these ships and take 25 per cent or more in cash, and the balance in secured payments. We authorize the Shipping Board in this bill to allow 10 years for the payment of the balance. But I think an amendment will be offered here by the committee to make that term 15 years in semiannual installments. I want to say this about the Shipping Board, that of the ships recently sold, practically all purchasers pay 25 per cent cash down, 12½ per cent at the end of six months, and 12½ per cent at the end of one year. That is a good policy, because the ship will earn more this year than it probably ever can hereafter, and we ought to get large payments while they are having large earnings. You will see that 50 per cent will be paid at the end of one year.

Mr. HADLEY. The gentleman has referred to terms on which ships are now being sold as distinguished from the proposal in the bill. What are the terms further than as stated by the gentleman—the terms of present sales? You require so much cash?

Mr. ROWE. Yes.

Mr. HADLEY. Do you make it on a contract of sale?

Mr. ROWE. No; they pass the title and take a mortgage for the balance.

Mr. HADLEY. Do they have sufficient insurance?

Mr. ROWE. Yes.

Now, the real meat of this bill is in section 3, which states that in order that an efficient merchant marine may be established the ships should be sold and transferred as soon as possible to private ownership. I hope you will all listen to that. The first part of section 3 says it should be the policy in order that we may establish now and for all time a merchant marine that this committee unanimously agrees the ships should be sold as soon as possible to American citizens for operation. It

goes on further, and in the last part of that paragraph you will see that we have made a statement, because the Shipping Board feel that they are entitled to a statement of Congress as to what they mean by sale, what the terms are to be, and also what they think of the sale price. Listen, please, to the language in the bill.

Mr. RAINEY of Alabama. Will the gentleman yield for a question there?

Mr. ROWE. Certainly.

Mr. RAINEY of Alabama. May aliens purchase property under section 8 other than that property named in section 4?

Mr. ROWE. May they purchase property?

Mr. RAINEY of Alabama. Yes.

Mr. ROWE. Yes. They may purchase any kind of property; but as to the ships, in section 4 it provides that they can sell ships to aliens not desired in the American merchant marine.

Mr. RAINEY of Alabama. They can purchase other property?

Mr. ROWE. They can purchase parts. There are no restrictions as to that.

Mr. RAINEY of Alabama. Thank you.

Mr. ROWE. Let me read the last paragraph of section 3, on page 5, as follows:

The board is authorized to take into consideration in fixing the sale price of such vessels the prevailing domestic and foreign market price and demand for vessels, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold.

Mr. WALSH. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. WALSH. Of course, they could do that without any language in there, could they not?

Mr. ROWE. Yes.

Mr. WALSH. Why do you not direct them to do it?

Mr. ROWE. We do. If you read the first part of that paragraph, it says they are authorized and directed to sell these vessels.

Mr. WALSH. You say they are simply authorized to take this into consideration. Does not the gentleman think it better to incorporate it into the law that it should be taken into consideration, that they must take it into consideration, and not simply give them authority to do it, which in certain cases they might not care to authorize?

Mr. ROWE. No. My own feeling is that the Shipping Board are honest in their desire to sell ships, but they do want an expression from Congress as to the price. I feel confident they will sell them if we say——

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. ROWE. Yes.

Mr. HULINGS. During the process of selling these ships as soon as practicable, while that process is going on is the Emergency Fleet Corporation to operate the ships?

Mr. ROWE. Such as they have on hand; yes, sir.

Mr. HULINGS. Well, they have them all on hand now, have they not?

Mr. ROWE. Yes.

Mr. HULINGS. Are they to employ the crews and operate the ships as a Government-ownership concern?

Mr. ROWE. They operate all the ships they can.

Mr. HULINGS. They allocate the ships. They hired these ships out where they give $5 a month and from one-fourth to 2½ per cent of the freight charges. Are they supposed to carry on these ships in that same way?

The CHAIRMAN. The time of the gentelman from New York has expired.

Mr. ROWE. May I have 10 minutes more?

Mr. GREENE of Massachusetts. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman is recognized for 10 minutes more.

Mr. HULINGS. I would like to have an answer to that question.

Mr. ROWE. We have not directed them as to just what they shall do. We have said they shall operate the ships not sold.

Mr. HULINGS. And hire their own crews?

Mr. ROWE. No; they will not hire their own crews. They will either allocate or charter the ships.

Mr. WALSH. Mr. Chairman, will the gentleman yield there?

Mr. ROWE. Yes.

Mr. WALSH. Is that intended to cover ships now in process of construction? Do you do anything with respect to them to authorize the sale of those ships before they are completed?

Mr. ROWE. In some cases they have, but not very many.

Mr. WALSH. This bill does not cover that?

Mr. ROWE. It is intended to cover all the ships now in course of construction. Now, I would like to hasten along. I think I have explained the real meat of this bill.

Now, as to the policy as to what has happened, we have been selling ships, but we have sold very few ships, comparatively. We have sold some ships, but we have sold so few that I ought to call your attention to that. We have sold, for instance—we have turned back—48 ships. These are among the best ships that we were building; among the very best that we built during this war. Those 48 ships were requisitioned on the ways. Contracts for these ships had already been let when the war broke out in Europe, and the 48 ships were in course of construction and at various stages, some with the keel just laid, some two-thirds completed, and some three-fourths completed. Forty-eight of these ships have been returned to the people that were building them when we entered the war. Seventy-six ships, or, rather, as the Shipping Board calls it in their statement, 176 ships have been sold. I prefer to call it 76, because I want to be quite accurate. Of those 176 ships 100 were sold to an individual who had not the money to pay for them. He is trying to resell. We do not call that a "sale" in the part of the country that I come from. We call it "an option."

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield there?

Mr. ROWE. Yes.

Mr. HARDY of Texas. As I remember, in reference to the 48 ships turned back, that was under an agreement by which the Government was relieved of all the expenditures it had made?

Mr. ROWE. Yes; and the Government got back the money it laid out, I think, with interest.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. ROWE. Yes.

Mr. HICKS. I understood there were a number of shipowners who had ships on our ways at the time we entered the war. We commandeered those ships and used them under the flag. I know of a number of cases where those owners are now endeavoring to get those ships back or get an adjustment of their claims as to those ships. What is the progress of those transactions?

Mr. ROWE. The Shipping Board is doing all it can to adjust those cases.

Mr. HICKS. There are a number of them.

Mr. ROWE. Considerably more than half have already been turned back.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. ROWE. Yes.

Mr. ALEXANDER. The International Merchant Marine Co. had contracted for a tank, which was in process of construction, and the Government took over that ship in process of construction and completed it; and just a few days ago the company took over the ship from the Shipping Board and paid for it, including the increased cost of construction incident to the war, and relieved the Government from any liability whatever on account of the construction of that ship.

Mr. HICKS. The point I had in mind was where a French concern had a contract with an American shipyard for the building of a ship. We commandeered that ship during the war, completed it, and placed it in commission. Now, the French concern wants to get that ship back and obtain an adjustment of the money lost by reason of our taking it, and also adjusting the matter due to our having completed it.

Mr. ROWE. I think the board is adjusting all those claims, and it has adjusted considerably more than half of them at the present time.

Now, I would like to finish my talk if I have time. We have now in the possession of the Shipping Board, completed and in operation, 1,216 vessels. We have taken, because of the war, from those that we were opposed to, 63 vessels. We have 27 others which the Shipping Board purchased. We have now in the storage yards floating 103, or really 143, making 1,448 vessels either finished or nearing completion. We have launched 299, and we have keels laid for 439, and they are in course of construction, and the Shipping Board have contracted for, but not yet started, 174; so that we will have about July 1 next 2,361 vessels, all under the control of the Shipping Board, so that you will see that the sales that we have made, with the return of the requisitioned vessels, 48, the actual bona fide sales, 76, making 124 in all, amounting in the total to 183,000 dead-weight tons, are almost negligible when you think of the 2,361 vessels of 13,445,000 tons which we still have.

It was because of these facts that your Merchant Marine Committee came in with a bill not only authorizing but directing the Shipping Board to dispose of these ships.

There is another very great thing. You all know that this is the golden opportunity for the United States to get into the merchant marine of the world. The world trade, in which Germany and Austria played a very large part, has been destroyed so far as Germany and Austria are concerned. It is now being taken up by the other nations of the world. Is

America to have its part of the merchant marine of all the world? We want her to. Every man before me to-day wants us to have a real part in the sea commerce of all the nations. I for one would like to turn these ships back sooner even than we are planning to do, but we must give the Shipping Board an opportunity. We had before us all classes of men, with various ideas. Some would not sell a ship, but want the Nation to operate the last one. Some thought we ought to dispose of every ship within a year. We can not take either extreme. We must give to somebody a chance to sell and dispose of these ships, and nobody is better qualified than the Shipping Board to do this, and to work them into the commerce of the Nation under the American flag. [Applause.]

Mr. SNELL. Will the gentleman yield for a question?

Mr. ROWE. Certainly.

Mr. SNELL. In the last part of section 4 it says they are to sell or lease such ships as they shall deem unnecessary for the promotion and maintenance of an efficient merchant marine. What class of ships do they consider unnecessary for ourselves?

Mr. ROWE. First, the wooden ships, most of them; second, the concrete ships; and third, small ships of from 1,000 to 5,000 tons, mostly 3,000 and 4,000 tons.

Mr. SNELL. Are those the ones they intend to sell?

Mr. ROWE. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I will ask the gentleman from Missouri [Mr. ALEXANDER] if he will use some of his time?

Mr. ALEXANDER. I yield 10 minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, our Committee on the Merchant Marine, to which was referred House bill 10378, to provide for the promotion and maintenance of the American merchant marine, have given careful consideration to the bill and unanimously recommend the passage of it. This is the outcome of a number of exhaustive investigations by the committee, covering the past four months. The report accompanying the bill explains every section of the bill, and the chairman of the committee, Mr. GREENE of Massachusetts, ex-chairman, Mr. ALEXANDER, and others have already explained every detail to the Members of the House. I merely want to say a few words on the importance of having an American merchant marine.

Mr. Chairman, when the World War was declared we had 1,076,152 gross tons of shipping out of about 50,000,000 tons of the world's tonnage. In other words, we carried about 10 per cent of our foreign commerce. Suddenly, like a clap of thunder from a clear sky, there was brought home to this great Nation the imperative need for a merchant marine of its own. Our products could not be sent abroad because we had no ships. Rates became excessive, and many of our industries were paralyzed, and we were face to face with ruin. Take, for example, our cotton industry. As you know, we were depending on the foreign nations to buy about two-thirds of our cotton crop, but because we had no ships to carry this cotton to their markets and because their ships were engaged in warfare on the other side, our surplus cotton could not leave the seaboard. The result was that the price of cotton dropped suddenly from 14 cents a pound to 6 cents a pound—much less than the cost to produce it. The result was that it nearly ruined the South and, of course, every section of the United States felt the effects of it. You of the North and East and West felt the effects of it, because we of the South had no money to purchase your products. Yet we could not complain, because it was our mistake to depend on foreign ships to carry our products to foreign markets. In peace time they did it well and cheerfully, because it paid them to do so, but in war time they were compelled to look after their own business in order to save themselves. Mr. Chairman, it is just as foolish for a nation to depend on foreign ships to carry on its foreign business as it would be for a department store to depend on its competitors to deliver its goods to its customers.

When we entered the war in 1917 our foreign tonnage had increased to 2,191,715 tons under the spur of war needs. As it was, our power was very much impaired by the scarcity of ships. Men and everything they needed had to be carried over water 3,000 miles from home. Ships had to be built quickly, at a high cost, because there was danger of our allies losing out before we could get there and of the United States having to fight Germany alone at our own seaboard and on our own soil. No living being knew how long the war would last. A shipbuilding program was begun and carried on until victory was won. By the coming year we will have a merchant fleet of about 18,000,000 gross tons, including, of course, our coastwise shipping—about equal to that of the British Empire. Mr. Chairman, we now have these ships and the yards to build more ships, and it is up to us to decide upon a sound policy and to enact necessary laws, not only to save what we already have but to maintain it in the future. Not only that we must have our own merchant marine if we expect our commerce to have a fair chance in the markets of the world in peace time, but it is necessary that we do so in case of emergency. The war demonstrated absolutely that an adequate Navy must have something more than battleships, cruisers, and destroyers. There must be colliers, tankers, and supply ships, a merchant marine as well.

It was fortunate for us in the last war that one of our allies owned so large a supply of merchant ships. It was really the merchant ships that kept the enemy submarines from starving not only the allied armies over there but their civilian populations as well. In other words, the war has proved that a great and rich nation must have not only an efficient navy but its own merchant marine.

Mr. Chairman, in my judgment, the American people, regardless of parties, want an American merchant marine. Pause and think. We are the greatest exporting nation in the world, and the second, if not the first, importing nation. We have struggled hard to get this foreign business, and it is our duty as progressive Americans to develop and take care of it if we want our people at home to have employment in our different industries and to prosper and be happy.

The ancients believed that the seas were created to separate nations. Men of genius and ability who invented steamships, flying machines, and cables have demonstrated to us that seas were made to unite nations and to facilitate trade. Other powerful nations have built and are building their merchant marines, and we must do likewise if we are to get our share of the world's commerce. The day has come when we should be no more dependent upon foreign ships to carry our products to market than should any other nation. We all agree that we are to have intensive competition following the World War and that we need a sound policy and sane laws to keep up our position. I am happy to say that this is the third important bill that our Committee on Merchant Marine has recommended to you this session with a unanimous report, all three having in view the building of an American merchant marine, and other bills will be presented to you later having the same object in view.

Mr. Chairman, I have been a member of the Committee on the Merchant Marine ever since I have been a Member of Congress, and it has always been my hope that the time would come when we would get together, Democrats and Republicans, and say to the world: "We are Americans first, and we shall build an American merchant marine in American shipyards, by American labor, manned by American seamen, under the American flag, to carry the products of American factories, mines, forests, and farms to the markets of the world." [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. ALEXANDER. I yield 10 minutes to the gentleman from Georgia [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman and gentlemen, as has been stated, this bill has been reported to the House by the Committee on the Merchant Marine and Fisheries unanimously and favorably, and I hope I am justified in making the statement that when the Committee on the Merchant Marine and Fisheries took into consideration the preparation and study of this bill each member of the committee, both on the Democratic and on the Republican side, displayed absolutely no partisanship or sectionalism, but for once they came together it seems with but one single and common purpose, which was to report to this House for enactment legislation which would at least aid in building up a great and efficient and powerful American merchant marine. [Applause.] As I see it the brightest opportunity in the history of this great country is before us to promote an efficient and a great American merchant marine, and thereby to extend and promote our foreign commerce and trade.

In order to accomplish this much-desired result it is necessary to utilize the ships which, as a result of the war and under the program inaugurated by the Government, have been built and are to be built. Surely every American wishes to see these ships ply the high seas under the American flag and enter every port of the world to transport our commerce and products to the markets of the world.

There is one section of this bill about which I am especially enthusiastic and which I unqualifiedly approve, and that is section 3. It not only authorizes and directs the Shipping Board to dispose of the ships now on hand and which may hereafter be built or acquired by the Government, but it directs the terms upon which they shall be sold, leaving a large discretion in the Shipping Board. These ships can not all be sold in a month or a year or perhaps a term of years, and I believe I am safe in

asserting that it is the policy of this committee that these ships shall be disposed of by the Shipping Board at fair prices and as the market will absorb them, and such as can not be thus sold should be operated by the Government.

But there is another feature of section 3 which I most heartily and cheerfully approve. It contains a provision which fixes the policy of this Government in reference to the ownership and operation of the merchant marine. It speaks squarely against Government ownership and operation and transfers it to private ownership and operation. I may be a member of the old school, but, gentlemen, I believe that the primary and paramount object of government is to govern and protect the citizen, and that the Government should never enter business in competition with its citizens. [Applause.] Therefore I stand against the Government ownership and operation of the merchant marine as well as against Government ownership and operation of the railroads of this country. [Applause.]

We feel that we have presented a good bill, and we trust that it will meet with no serious opposition. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back six minutes.

Mr. GREENE of Massachusetts. Will the gentleman from Missouri use some more of his time?

Mr. ALEXANDER. I yield to the gentleman from Washington [Mr. JOHNSON] one-half minute.

Mr. JOHNSON of Washington. I desire to ask unanimous consent, out of conformity with the rule adopted to-day, that I may insert remarks in the RECORD with regard to the progress of proposed immigration and naturalization legislation, and the nature of the same. The necessity for making this request is the demand from writers of letters all over the country for information.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ALEXANDER. I should like to inquire how much time there is remaining.

Mr. GREENE of Massachusetts. I have 27 minutes remaining.

Mr. ALEXANDER. How much more time have we on this side?

The CHAIRMAN. The gentleman has 44½ minutes.

Mr. ALEXANDER. I yield to the gentleman from Alabama [Mr. BANKHEAD] 30 minutes.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, the general purpose and the things to be accomplished under the various provisions of the pending bill have in a large measure been fully and amply explained by the gentlemen who have preceded me in the discussion. It shall be my purpose in using the time that has been kindly placed at my disposal to undertake to bring to the consideration of the committee the tremendous problem that your Committee on the Merchant Marine and Fisheries in its deliberations had to undertake to solve.

It will be borne in mind that when we entered this war, although we had built up a splendid coastwise trade and had in operation under the control of American ownership a splendid fleet of merchant vessels engaged in that enterprise, in reference to our foreign commerce and overseas trade less than 10 per cent of our foreign trade was borne in vessels under the American flag and owned by American citizens.

At that time, according to the figures which were presented by Judge Payne before our committee, in June, 1914, the total gross tonnage under the American flag, including the coastwise shipping and the fleet operating on the Great Lakes, was 4,000,000 tons. In June, 1919, under the operation and construction and requisition carried on by the authority of the Shipping Board, that tonnage was 11,983,000 tons, an increase of 278 per cent, chiefly in ocean-going vessels.

Now, gentlemen, when the Shipping Board was authorized and empowered with these emergency powers, delegated to it by the President under various emergency acts that we are now seeking to repeal, the great cry and demand, on account of the destruction of merchant ships by German submarines, was for ships, and more ships, regardless in a large measure of their efficiency or their type. What we were seeking at that time was a vessel of any description that would float and that would carry commerce and supplies and soldiers to the other side. The result of the necessities of that situation and the extreme emergency under which we were acting is that the Shipping Board necessarily has accumulated in this vast tonnage a very large number of vessels—wooden ships, concrete ships, and vessels of small tonnage—that it will be impossible under competitive conditions to operate successfully now that the armistice has been declared and somewhat more normal conditions restored.

Mr. HICKS. Will the gentleman yield for a question?

Mr. BANKHEAD. I would gladly yield, but I would like to go on with my remarks, and then I will yield later. I have been stating the problem with which this Congress was confronted. The Government of the United States now owns or controls more than 8,000,000 tons of shipping. At the completion of its program in 1921, about February or March, it is estimated that it will have for disposition approximately 14,000,000 tons of shipping, the property of the people of the United States, representing an investment of $3,000,000,000.

Bear in mind the number of foreign ships under the American flag in 1914 and those at the present time. The problem that the committee had to confront, to undertake to solve, was to work out a concrete, common-sense, economical, national policy with reference to the permanent disposition of these vessels, so that we can not only go out of Government ownership, but also maintain an adequate American merchant marine.

The committee has unanimously reported the bill which declared against permanent Government ownership and control. [Applause.] Under the testimony that was taken before the committee it was apparent that the Shipping Board hesitated, on their own initiative or their own judgment, to undertake to settle this great national policy and the permanent disposition of the merchant marine, but they intimated that they were waiting to receive the declaration of a positive policy from the Congress of the United States before undertaking any general disposition of their merchant vessels, although they had made some sales.

As has been suggested by the gentleman from New York and others who have preceded me in the discussion, the real crux of this bill is the declaration of our national policy as declared in section 3 of the bill.

In the first section we repeal all of the emergency laws conferring extraordinary power on the President. In section 2 we are converting the title and possession of this stupendous merchant fleet of ours into the hands of the Shipping Board and constituting them our ship brokers, as it were, our agents, and intrusting them with the power and authority to make the very best bargain they can in the disposition of our merchant fleet to citizens of the United States.

Then comes section 3. Up to that point the bill gathers up our property, puts it on the counter for sale, delegates the Shipping Board as the agent and instrumentality through which the sales shall be negotiated and consummated.

Section 3 undertakes to declare what the policy of the United States shall be with reference to the permanent disposition. We had a great deal of testimony on that question, because it was a vexing and perplexing problem for the Shipping Board to determine at what price these vessels should be sold. Any man who will stop and reflect for a moment will understand, not only with reference to the production of ships, but everything else that had to be assembled under wartime conditions, that inevitably the cost of production was stimulated to a much higher degree than under normal times. Not only in this country but in foreign countries the cost was enlarged to a very high degree.

The result was that we had to pay for the construction price of our ships, those that were built or requisitioned, a price above that which we can reasonably expect under postwar conditions, those with which we are now confronted, to receive. So the problem was to give some expression to the Shipping Board of what the Congress of the United States thought should be the determining factors in fixing the price of these vessels, and that we have undertaken to do in section 3 of the bill. It not only authorizes and gives specific directions, mandatory direction, if you please, to the Shipping Board, as soon as practicable, not necessarily to disregard the cost price, which they will not do, to sell as soon as practicable to the citizens of the United States these vessels, but it goes further and says that in fixing that price they are authorized to take certain things into consideration. The gentleman from Massachusetts raised the question in debate that we should go further and give specific direction that they must take into consideration the three elements mentioned in the last sentence of section 3, but we contend, and I believe it is the proper construction, that when we use the word "may" or when you use the word "authorized" in expressing a policy to the executive branch of the Government, that that is tantamount to a direction. We provide that in fixing this price they shall take into consideration the demand in our domestic and in the foreign ship markets

of the world for ships; that they are authorized in fixing that price to take into consideration the cost of reproducing vessels of similar type under the now prevailing conditions; and that they are authorized, in connection with these two items, to take into consideration the cost of production and of purchase of these ships which we are to sell. In other words, we said to the Shipping Board, "Now, gentlemen, you have these vessels to sell. We have declared the policy of going out of Government ownership as soon as practicable, and we are leaving it to you to negotiate the situation." One of the experts who testified said we needed on the Shipping Board a man who could drive good bargains, and that is true. I wish we had in the composite membership of that board a combination of Cappy Ricks—you have read the stories of him in the Saturday Evening Post—and David Harum, for that is what we need to carry out the ideal policy of the Government in this situation. The result of section 3 is that we place the property in the hands of the Shipping Board, and we are defining a policy for which the ship buyers and the people of the country have been waiting, and the problem is up to the Shipping Board to carry out that policy.

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HADLEY. The gentleman has stated clearly the policy of the committee and its recommendation, and I take it that it will be consistent with that policy that the board should be authorized to charter ships as well as to sell them, rather than to operate them, if, in its judgment, it should so decide.

Mr. BANKHEAD. If the gentleman would read section 7 of the bill——

Mr. HADLEY. I was going to say that section 7 of the bill, with reference to policy, may be broad enough to cover that, but I do not think so.

Mr. BANKHEAD. The committee proposes an amendment to cover that situation. We were a little fearful that section 7 was not broad enough to give the Shipping Board authority to charter, and we will amend that section when we reach it.

Mr. HADLEY. That is the reason I made the suggestion.

Mr. BANKHEAD. The committee will offer an amendment which will correct any apprehension the gentleman has.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HICKS. My impression is that a few years ago we passed a law by which we permitted in our coastwise trade ships that were built in countries other than the United States. As I understand it, recently we annulled that section of the law, so that now only ships can engage in the coastwise trade that are built in the United States?

Mr. BANKHEAD. Or that are owned by citizens of the United States.

Mr. HICKS. They are not necessarily to be built in the United States?

Mr. BANKHEAD. I think not.

Mr. HARDY of Texas. Mr. Chairman, if the gentleman will permit, we passed a bill here by which we restored former restrictions and conditions with reference to the coastwise trade that prevailed before the war, but that bill has not yet passed the Senate.

Mr. BANKHEAD. The war measures authorized ships under the flag of foreign countries to engage in our coastwise trade under regulations made by the Secretary of Commerce.

Mr. CANNON. And if the Senate passes that bill, no ship can engage in our coastwise trade unless it is constructed in the United States?

Mr. HARDY of Texas. That was the bill which we passed the other day.

Mr. CANNON. But it is not now a law, because the Senate has not yet passed it.

Mr. HARDY of Texas. That is correct.

Mr. STEVENSON. Mr. Chairman, I do not see any provision in here requiring these ships sold to citizens of the United States to be maintained and operated under American registry. Will the owners be at liberty to take them and put them under the flag of England or France?

Mr. BANKHEAD. They are prohibited from doing that.

Mr. STEVENSON. Where is that provision?

Mr. BANKHEAD. It is not specifically mentioned in the pending bill, but it is covered by existing law.

Mr. STEVENSON. It is covered by the law which you are amending?

Mr. BANKHEAD. Yes; it is covered by the original shipping act.

Mr. CHINDBLOM. Mr. Chairman, I have in my hand the shipping act of 1916 relating to that question, and it provides that no such vessel without the approval of the board shall be transferred to a foreign registry or flag or sold, nor, except under conditions prescribed by the board, be chartered or leased. That will be found on page 9 of the shipping act of 1916.

Mr. TILSON. In respect to selling or chartering these ships, is not the present a good time to sell rather than to charter, in view of the fact that other countries will undoubtedly begin to pick up in the matter of shipbuilding?

Mr. BANKHEAD. Without reservation, I agree to that proposition. I think it is very imperative, as has been suggested by one speaker, that now is the golden opportunity for citizens of the United States to buy these vessels, and develop the foreign trade, and put the vessels into successful operation. It ought to be the policy of the Shipping Board to sell these vessels to citizens rather than to charter them.

Mr. TILSON. If they are chartered, they may be chartered while business is good and then after a while, when business ceases to be profitable, they may be thrown back upon the United States at an inopportune time.

Mr. BANKHEAD. The gentleman undoubtedly is correct in assuming that position. Now, gentlemen of the committee, there are some elements in connection with the permanent success of our merchant marine to which we have got to call the attention of the country. The people of Great Britain, especially the people of England, for generations, on account of their insular situation, have thought in terms of ships and they have invested their savings in shipping enterprises. The people at large all over the Dominions of Great Britain have been encouraged by the Government itself and have been encouraged by the banking institutions of Great Britain, and they have been encouraged by propaganda of a proper sort, to invest their money in shipping enterprises, and the result of it is that the people of that great empire, practically every household in that country, have made investment in shipping enterprises. Now, take the United States of America. How many people in continental United States have investments in any shipping? The activities have been confined very largely to a few people and small groups of people in the seaport towns, and the result of it is that the manufacturers, the producers, the laborers, the great bulk and mass of our people in the country at large, have never had their interest stimulated in the importance of a merchant marine.

Mr. STEVENSON. Will the gentleman yield?

Mr. BANKHEAD. I shall be very glad to yield.

Mr. STEVENSON. Is not that pretty largely attributable to the fact that under the navigation laws and labor regulations and other regulations that the maintenance and operation of shipping under the American flag and register has been unprofitable; and what is to prevent that condition recurring if we continue the same laws that we had prior to the war?

Mr. BANKHEAD. I will say to the gentleman that I refer him to what Mr. Hurley says in his report to the President, that one of the great factors that have heretofore reduced the profits of the American merchant marine is the insurance problem, and I trust every gentleman here, if he can find opportunity, will secure a copy of the official report of Mr. Hurley to the President on this great proposition and read his denunciation of the system that has been in vogue in reference to the marine insurance system and the building of American vessels. Now, if the gentleman in his observation has reference to harmful effects produced by the operation of the seamen's act I do not agree with the gentleman. Some of these people who appeared before the committee, and others who did not, assumed that the result of the operation of the La Follette, so called, seamen's act has been to make practically impossible the successful operation of a merchant marine. If the gentleman will investigate the facts and figures he will see that the overhead, as far as labor is concerned, constitutes less than 10 per cent of the operating or capital expenses of a ship under present conditions.

Mr. HARDY of Texas. Will the gentleman yield right there?

Mr. BANKHEAD. I will.

Mr. HARDY of Texas. It will also appear from the slightest observation that the decay of the American merchant marine occurred prior to the enactment of the La Follette Act.

Mr. BANKHEAD. Exactly. But to get back to what I was undertaking to suggest to the committee, if we are going to take over by investment upon the part of citizens of the United States the great merchant fleet, consisting ultimately of 14,000,000 tons, we have got to undertake somehow or someway, by propaganda of education or publicity, to arouse and stimulate upon the part of Americans their investment of money or savings in this great enterprise, because it is going to take a large volume of money to finance this proposition, and unless we can find a reasonably adequate price for investors to pay for our ships, the result will be that we will have to sacrifice them in a large degree or else continue Government ownership of this great property. The ultimate result of this effort to run a successful merchant marine

in its last analysis is going to depend upon the efficiency and the science and skill of the owners of these vessels, who are to operate them in competition with the other shipowners of the world. It developed in the hearings before our committee that under the present existing conditions, in spite of the great demand for ships and great urgency of getting our commerce to foreign markets, that as a matter of fact, on account of labor conditions, on account of inadequate port facilities, on account of bad wharfage and conditions at foreign ports, that to-day the average time at sea of our cargo-carrying ships is only 35 per cent, and that 65 per cent of the time of every cargo-carrying vessel under present conditions is spent in the turn around, loading or unloading, or waiting on account of inadequate port facilities.

Mr. BRIGGS. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. BRIGGS. Under present conditions of operation, is the operation of ships by the Government a paying proposition, taking into consideration the facts which the gentleman has narrated?

Mr. BANKHEAD. That is a question upon which the committee has been endeavoring to get some concrete information. I regret to say up until this time, according to the reports which have been made to us and according to the evidence that has been presented, the committee is not in a position to state categorically whether or not the Shipping Board has been operating its entire fleet at a profit or at a loss. There are a great many ships, as I said a few moments ago, that are obsolete; there are a great many, on account of their small type or on account of their slow speed, it is not possible to operate profitably by the Shipping Board, and those are the vessels that the Shipping Board is authorized to sell to aliens or to foreign Governments; and one of the great problems we have got to meet and master in establishing a permanent successful merchant marine is this question of port facilities, and gentlemen who represent districts where they have seaports, where they are seeking to build up and maintain a successful foreign trade, can not more profitably employ their time than in undertaking to stimulate each local municipal authority with the tremendous—aye, with the paramount—importance of increasing to the very utmost the port facilities that they are interested in, because it means success or failure in the long run for the successful operation of our merchant fleet.

Mr. BRIGGS. Will the gentleman yield?

Mr. BANKHEAD. I will be glad to do so.

Mr. BRIGGS. Does not the gentleman know that many of the ports have been creating greater facilities than they have ships, and that some of the difficulties encountered have been in the method pursued of allocation of vessels, particularly in the early part of the operation of these ships by the board?

Mr. BANKHEAD. I understand and appreciate that the board has had a great many difficulties in solving the problem of the allocation of its vessels, and I know a good deal of complaint has been made. I know that in some of the Gulf ports, for instance, complaints have been made by the mercantile interests that the board was not furnishing vessels sufficient to carry the commerce they had to export. The board had a great many perplexing problems confronting it, because a great many people were trying to secure charters or allocation of vessels who were not, as a matter of fact, responsible in a sound business way. What the gentleman refers to is only a temporary situation. What I am undertaking to impress on the committee—and I want it, if possible, to some day reach the people of the country, because it is of tremendous importance in the long run—is the discussion of the factors that are bound to enter into the final and successful operation.

Mr. BRIGGS. This contemplated sale of the ships by the Shipping Board as soon as practicable does not, as I understand it, contemplate the discontinuance of the operation of any of the lines of ships with vessels that are left on hand.

Mr. BANKHEAD. On the contrary, it is the policy of the board, where private interests have not sought so far to get ships, to follow up permanent trade routes and establish them for themselves, to establish permanent lines of vessels for these various trades, and it is the purpose of the Shipping Board not only to not discontinue the regular routes they are establishing, but they propose in selling these vessels to have it, as a part of the conditions, agreed that the purchasers of those vessels shall continue the operations of these well-established routes.

Mr. BRIGGS. This provision that the bill carries does repeal all the power granted the President for fixing rates and charters, but does not deprive the Shipping Board of the power to continue to fix such rates and charters?

Mr. BANKHEAD. Not at all.

Mr. BRIGGS. They are still vested with that power under the act of 1916?

Mr. BANKHEAD. Absolutely. And the act that we are seeking now to pass does not make any change or seek to confer any new jurisdiction or power with reference to the fixing of rates.

Mr. BLANTON. Just for information, will the gentleman yield?

Mr. BANKHEAD. I will be glad to yield.

Mr. BLANTON. Section 5 provides for the carrying of insurance by any parties to whom these vessels are sold. Now, may I ask the gentleman from Alabama why the provision is left optional with the board? I refer you to top of page 6, which says the insurance shall, if the board so requires, be made payable to it in the event of loss, and so on. Now, wherever property is insured for the benefit of the beneficiaries, the party who really has the mortgage on the ships, the insurance is always made payable in favor of the mortgagee. In effect, we have a lien on these vessels. Why should it not be mandatory upon the board to require this insurance to be made payable to the United States Government, as its interest may appear, as all insurance policies are so worded?

Mr. BANKHEAD. Undoubtedly, the board will do that. It has been doing it.

Mr. BLANTON. Why should it be left optional?

Mr. EDMONDS. Will the gentleman yield?

Mr. BANKHEAD. I will be very glad to yield.

Mr. EDMONDS. I should like to say that some of the larger lines carry their insurance on what they call a blanket policy, and in that way they would be able to give some security to the Government other than through actual insurance policies.

Mr. BLANTON. That is not provided for in this section. Section 6 provides that if the board sees fit it may inaugurate an insurance system of its own, but it nowhere provides that in such case it shall require the owner to pay the insurance premium on the insurance carried. Should not that be done?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Chairman, I would like to secure unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ROWE. I would like to ask the same privilege, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. RANDALL].

Mr. RANDALL of Wisconsin. Mr. Chairman and gentlemen of the committee, I wish to take just a moment of your time to present my views upon this bill that is presented for your consideration. As has been well stated by those who have preceded me, the facts are now in your hands as to the vast amount of tonnage that is in the hands of the United States and will be in the hands of the United States when the shipbuilding program is completed.

In the consideration of the scheme and of the plan to dispose of this tonnage and to determine the policy that should govern the creation of a merchant marine, our committee has, as you know, conducted an exhaustive investigation. It seems to me that it is a remarkable situation that our committee has brought in a unanimous report upon the disposition of the tonnage now on hand, and has also reported unanimously upon the policy which will best build up an American merchant marine.

I am heartily in favor of returning to private ownership at the earliest possible moment the tonnage that is in the hands of the United States at the present time. However, in returning to private ownership and placing in the hands of private individuals and corporations this tonnage, the interests of the people of the United States must be conserved.

An agency must be created for the disposition of the property now owned by the United States, and the Shipping Board, in the judgment of the committee, is the best agency. Notwithstanding the fact that, by the bill we are considering, this board is authorized to sell the property, given some discretion, because section 3, which is the meat of this bill, conserves to this board and gives them this power, yet, while they are directed to sell, they are directed to sell as soon as practicable.

In that connection I wish to call attention to this fact, not in the way of discouragement or disparagement, but simply because the fact exists and has been called to your attention before by preceding speakers, that this tonnage is of all kinds and of all classes. Some of it is good and some of it is fairly desirable, and some of the tonnage is bad and must be disposed of at a loss.

Now, the danger in disposing of this tonnage to private interests is that the cream, the best tonnage, the highly desirable tonnage, will be taken up by those who desire it, and that then the United States will have left upon its hands tonnage that is undesirable and which must be sold then at a great sacrifice. So that when the provision is inserted in the bill that the board shall sell as soon as practicable, this agency of the Government has some discretion, and in determining how this tonnage shall be sold it can protect the interests of the people of the United States.

Of course, it is true that a great part of this tonnage was constructed and that contracts were let for the balance of the great fleet now being completed during the war and that its cost is above normal, but this tonnage should not be sacrificed, but disposed of to the best advantage. While it will be impossible to realize in full the cost of constructing these ships, if the Shipping Board considers the factors authorized by section 3 of this bill, the board should be able to sell the fleet to advantage and at prices that will place the ships in the hands of American shipowners and at the same time realize the greatest return of money to the Treasury of the United States.

To place these ships in the hands of American shipowners will require an immense amount of capital, and I hope the Shipping Board will be able to work out a system of financing the purchase of the fleet so that ship securities will be stabilized and be in such form that the small investor and the country banks, as well as the great financial interests, can absorb them. While the problem is large, the opportunity is there for the development of an American merchant marine second to none in the amount of tonnage and ability to compete with the merchant marine of other countries.

Mr. Chairman, I ask at this time that I may have the privilege of extending and revising my remarks upon this subject.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks? Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, the gentleman yields back the balance of his time. How much is it?

The CHAIRMAN. The gentleman yields back five minutes.

Mr. GREENE of Massachusetts. I yield to the gentleman from New York [Mr. CROWTHER] seven minutes.

The CHAIRMAN. The gentleman from New York is recognized for seven minutes.

Mr. CROWTHER. Mr. Chairman and members of the committee, I think this is the one bill in the study of which at the various hearings, extending over a long period of time—in fact, since the opening of this extra session of the Sixty-sixth Congress—there has been at no time any injection of politics. It is true that there have been a great many speeches made on the floor of the House by Democratic Members, boasting that they were in entire charge of the situation during the Great War that we have just finished. It was merely an incident that your side happened to be in charge of the administration at that time. I do not think it is a very good policy for any Member of Congress to stand up and say that his side was the absolute savior of the Nation in any crisis that happened to occur during that administration. I think in all the hearings of this committee we have been aided—I know I myself have been guided, instructed, and greatly interested—by the experience not only of my Republican colleagues under the able chairmanship of the gentleman from Massachusetts [Mr. GREENE], but by such members of the Committee on the Merchant Marine and Fisheries as Judge ALEXANDER of Missouri, and Mr. BANKHEAD of Alabama, and Judge SAUNDERS of Virginia, and several others of opposite political faith, and I think there has never been a word of politics or political bias injected into our discussions. I might also mention the gentleman from Texas [Mr. HARDY], although he has been against us a few times; but I suppose that is due to the proclivity that the Texas Members have of carrying a chip on the shoulder and a gun in the right hip pocket for such a number of years as to have developed the habit of eternal objection. [Laughter.]

This shipping business opens up an entirely new field, especially for our young Americans. In the limited time I have at my disposal I can not, of course, go into minute details as to the merits of the bill, but I do want to touch on a few salient features. You know that for a considerable number of years past sailing the high seas has not been a favorite occupation for young Americans. There was a time 50 or 60 or 75 years ago when American ships, manned particularly by young men from New England, were a great factor as ocean carriers, but that condition sort of dwindled away, and since that time there has been no special opportunity afforded to young Americans to interest themselves in the marine service, except, of course, in the Navy. I speak now more particularly in regard to the merchant marine, the ocean carrying traffic. There have been two colleges in this country training young men for this special service, and also as officers, and a vast opportunity has been given their graduates by the United States Shipping Board taking charge of this situation. A great many young Americans have been employed, and they have measured up to their new responsibilities and have shown masterful efficiency.

One of the interesting features of the hearings was the reading of the records of the young men who had been picked out as supercargoes on these vessels sailing under the American flag to foreign ports. It was interesting and illuminating to read the accounts they gave, after a sojourn of a few days or a week or 10 days in various foreign ports, concerning the lack of facilities, the lack of harbor facilities, the situation as regards coaling, the opportunities of trade abounding in all that territory, for the bringing back of a return cargo to the United States. You must realize, gentlemen, that a great many of the ships operated by the Shipping Board have gone out and returned empty because the disturbance of industrial conditions abroad was such that there was no opportunity for them to bring a return cargo home. The discussion, pro and con, has been going on regarding Government ownership with respect to the railroads. The Government has had charge of them, and in the last year they have run more than a billion dollars behind in operating expenses. But the best evidence given to us by Mr. Rossiter, who has charge of the Division of Operations in the Shipping Board, and by other officers of the Shipping Board who have been before us, is that the United States Shipping Board under Government ownership has been making money. They have no exact means of telling just how much money they have made, because their accounting system, as Mr. Payne has said, had been in a rather chaotic condition, though it was being revised and improved, but some of the interoceanic trips are so long that it takes considerable time for the records to get back so that the statement of profits and losses may be ascertained.

Formerly many considerations were urged against the successful operation of American merchant marine. One was that it would never be successful because the American wage earner on board the ship had to have so much more money. Because of excess number of crew under American law and standard of living, quarters and food on our ships must be so much better than on the ships of other nations. Also because an American sailor could leave his ship anywhere he pleased at any time, and that served to multiply the difficulties of operation. Another consideration was the alleged oppressive American steamboat regulations regarding examinations and measurement rules. This was illustrated by some legislation we had before us recently in regard to the measurement of vessels passing through the Panama Canal. The legislation we enacted in that regard is expected to result in great increase of revenues to the United States, through increased tonnage capacity.

Then insurance enters into the question as a factor. I do not feel qualified to discuss that feature, but that will be discussed thoroughly by the Subcommittee on Marine Insurance. However, many of these considerations that have been urged heretofore as objections interfering with the success of the American merchant marine will be done away with. High wages are the rule elsewhere throughout the country, and instead of going down, wages are going still higher, and they are probably going higher to stay, but that will not be much of a factor in the future, as the matter of wages constitutes only about 12 per cent of the total operating expense. The coal expense constitutes about 30 to 40 per cent of the operating expenses, and this will be reduced after the introduction of oil as fuel. A great many of our ships are not yet finished, and it is a question of what sort of engines will be used in them. The Diesel engine is looked upon as the best and most efficient engine as a means of propulsion.

The oil-burning proposition has an important bearing on the question, because it gives a greater radius of steaming at a less cost per mile with an oil-burning ship, and at the same time you save a great deal of space for revenue-producing cargo carrying, which on a coal-burning ship would have to be used for coal bunkers. The harbor facilities, the port facilities, the coaling stations, the cost of loading and unloading, all enter into this great question of a successful merchant marine. For instance, the point was brought out that the price per hatch hour—that is, the unloading and loading out of the hatch—in New York, where the stevedores' association, through the labor unions, demanded the use of an apparently exorbitant number of men, made the cost per hatch hour nearly $50 sometimes, whereas in other places the cost per hatch hour was only $25,

loading and unloading with winches through the hatches. All those things enter into the proposition, and I think they will finally adjust themselves.

The United States Shipping Board report that they are making money under Government ownership, and while I am not in favor of Government ownership by any means, I believe, as has been suggested, that these ships should be retained and operated by the Shipping Board until a proper sale of them can be made, to the advantage of the United States and also to the advantage of the individual citizens who buy them.

The smaller ships are to be sold, because, as is reckoned to-day, the only chance that there is to make much money in oceanic traffic is with ships varying from 7,500 tons to 12,500 tons. Smaller ships than that are of not much avail as money makers in oceanic traffic. They can be used in the coastwise traffic to great advantage.

There was a great deal of evidence brought out at these various hearings; and, as I say, while I do not agree entirely with the Shipping Board, I do not intend at this time and I do not think anybody should criticize them, particularly from a poltical point of view. They were one of the emergent corporations during the war, and I believe that they performed a wonderful duty and did a splendid work, and we should remember that this plan, now that the war necessity is no longer a factor, opens up a new avenue for young Americans.

I should like to go further into the general details of the continuing of shipbuilding. That is a serious project. The ships that we now have will not last forever. The average length of life of a ship is 20 years. A ship must be written off 5 per cent every year for 20 years. Mr. Rossiter informed us that they wrote off their ships in 12 years; that at the end of 12 years they had to entirely renovate a ship from stem to stern. The development of a merchant marine means constant activity in our great shipyards, which build faster and better than those of any other nation in the world.

I just want to say in closing that I am in favor of the United States Shipping Board having the authority delegated to them that is delegated in this bill. I believe that is the only proper thing to do. I believe it is a capable board. I believe they have accomplished wonders in managing a fleet of nearly 1,200 vessels. But when it comes to operating the ships that we have built and are building there is but one problem to be solved. The question is not how the Government may best operate the marchant marine, but how the merchant marine is to be placed under private ownership and operation. The only other question is how soon it can be done. The sooner Congress rids itself of any preoccupation in favor of Government operation and takes up seriously the formulation of a shipping policy based upon private ownership and operation the more assured will be the success of the movement for the restoration of the American flag to the ocean highways of the world, an achievement upon which the American people have set their minds and their hearts with a unanimity that augurs a success that can be prevented only by governmental stupidity.

Mr. GREENE of Massachusetts. I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, this matter has been so thoroughly and ably argued by my colleagues on the committee and by other Members of the House that I do not deem it necessary for me to undertake to add anything material to what has already been so very well said.

I want to say, as a preface to my remarks, that before coming to this House I had gotten a wrong impression with reference to the conduct of the Merchant Marine Committee. My predecessor, Gen. Grosvenor, who distinguished himself in this House for more than 20 years, made a great many addresses to the House on the subject of the merchant marine. He was a man who was very emphatic in his statements and very pronounced in his convictions, and I had gotten the idea from reading his speeches that there was a great deal of discussion and political strife in the Merchant Marine Committee. But, as a member of that committee, I have been most agreeably surprised. There has not been the slightest indication of political strife manifested by any member of the committee at any time. Everything has been harmonious, and I want to congratulate the members of the committee on the unanimous action on their part to prepare and present to this House a bill in the interest of the country generally.

The country is expecting this Congress to do something in the way of establishing a merchant marine. Prior to our entrance into the war we had a very small merchant marine. We had allowed our fleet to dwindle to almost nothing. In other words, we American people were too busy to take a practical interest in the transportation of commercial goods between the great nations of the world, but dealt more particularly with domestic affairs.

Through the kindness of the chairman of the Shipping Board I have been furnished with some figures, as I suppose every other member of the committee has likewise been furnished with figures, with reference to what has been accomplished in the past two years. While I have heard some criticisms of the Shipping Board, I must say that in my judgment, from an investigation of what they have been doing in the last two years they are to be congratulated on the splendid success made of this business. It was not a normal time. The United States was involved in a great war, and we could not sit down and take the time to consider coolly just what we were going to do or how we were going to do it. We had to act, and act quickly, and this Shipping Board has demonstrated great ability and judgment in carrying out the shipbuilding program.

This bill, H. R. 10378, entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and to provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," is the outcome of a number of exhaustive investigations made by the Merchant Marine and Fisheries Committee, covering the past four months.

The committee found that in order to establish regularity in the future conduct of the numerous different shipping activities, operated either by order of the President through emergency legislation or by the original shipping act, it would be necessary to concentrate all these operations under one authority, repealing such legislation rendered unnecessary by the ending of the war and providing new legislation for the operation and handling of the property acquired. With this in view, the bill before you and now being considered by the House has for its purpose, first, the repealing of the various bills containing legislation in connection with the upbuilding of the merchant marine, together with the bills containing the unusual powers granted to the President and which were essential for successful operation during the war, and it transfers all the powers necessary for its liquidation, construction, or operation to the Shipping Board, fixing the scope of the Shipping Board's powers so that they can absorb all these activities.

Section 3 of the bill directs that the Shipping Board shall sell judiciously to citizens of the United States their available merchant tonnage, taking into consideration in the sale price the prevailing market price for vessels of a like character, and directs them to disregard the war cost of vessels in making these sales. If it is found that the market price is lower than the cost of the vessels, this will undoubtedly cause considerable loss to the Government, but when it is taken into consideration that with the present building program of the leading maritime nations of the world there must come a time before long when all the tonnage necessary for the carrying of the world's trade must be supplied, and when this time arrives shipping property will naturally be depreciated to the present cost of building, which is considerably less than the war cost paid by the Government. Lloyd's register of July 1 of this year shows that 8,000,000 tons of ocean-going vessels were being constructed upon the ways of the different nations and that there already was constructed an ocean-going tonnage of over 49,000,000 tons, making a total of ocean-going tonnage ready for operation within the next few months of about 58,000,000 tons as compared with less than 50,000,000 tons in 1914. Naturally, with trade conditions in such a disturbed state as they are at present, shipping tonnage will in a very few months equal the demand for it.

The committee also authorizes the Shipping Board to continue its present plan of selling merchant ships under long-term payments. Long-term payments enable men to purchase ships and to go into the shipping business who would not be able to do so if they were required to pay cash for the ships. In other words, it gives the man of ordinary means an opportunity to build up a business for himself in the shipping trade and encourages competition.

Section 5 of this bill prescribes the means for the proper protection of the interest of the Government in ships sold on the deferred-payment plan.

Section 6 provides that the board may have the privilege of maintaining their own insurance fund should it find this desirable. Under this section the board is not required to do so, but if it is found advantageous to utilize this insurance in building up the American merchant marine insurance companies, inasmuch as marine insurance is one of the vital factors necessary for the successful operation of ships, and this has long been neglected by our American companies, it may do so. Statistics show that two-thirds of the marine insurance is to-day written in foreign countries, and the Shipping Board may find some way to utilize this to build up our companies to such an extent that the enormous expenditures in premiums in this line can be retained in the United States.

Section 7 of the bill provides for the operation of such vessels as are not sold by the Shipping Board, in such a manner as it may find necessary, its action in this direction being similar to the powers granted in the original shipping act in 1916. These powers are ample for all purposes, except that they are to end five years after peace has been declared. This will give the Shipping Board plenty of opportunity to establish lines and handle any tonnage they may be offered that can not otherwise be taken care of by operating lines. In this connection the question may arise as to the retention of these vessels as a naval reserve or for other military services. The original shipping act provides that vessels purchased, chartered, or leased from the board are required, except those described in section 4 of the bill, to operate under American registry and can not be sold to foreign account without the consent of the Shipping Board. This will keep all of these vessels in the American registry and subject to call in case of military necessity.

Section 8 of the bill authorizes the Shipping Board to sell any property transferred to it under section 2.

Section 9 of the bill covers the transfer of the appropriation and its continuance as it is now being handled to July 1, 1920. After July 1, 1920, this section requires that receipts from all sources shall be turned into the Treasury of the United States, except certain sums which shall be set aside by the board for operating expenses and for maintaining the insurance fund if it should be established. After July 1, 1920, regular appropriations can be made to this department the same as for other departments, and the amount of the appropriation can be limited to the necessity of maintaining the operations and the insurance fund if it is the desire of Congress not to go into any further purchasing or construction of vessels.

Section 10 of this bill is a provision which is contained in one of the appropriation bills repealed by this act, which does not require the War Department to make payment for the use of the Shipping Board vessels from July 1, 1918, to July 30, 1919.

Section 11 suspends all power of the Shipping Board to enlarge upon the housing program or other buildings in connection therewith; but authorizes the completion, if found desirable, of houses or buildings already begun, and further directs the board to dispose of their holdings in these houses as fast as practicable, so as to return to the United States Treasury the funds invested therein.

Section 12 of the bill provides for the delegation of powers by the United States Shipping Board if found advisable.

Section 13 describes the act as the shipping act of 1919.

As a new member of this committee, I have discovered that nothing short of endless application and tireless effort will enable a member of the committee to be of real service to the people of the country in building up a merchant marine. I have given the subject considerable study, and I am not in favor of Government ownership of the merchant marine. Of course, for a time it will be necessary to have the Shipping Board supervise the work of selling our ships and winding up the war program on the merchant marine, but I am convinced that, in the interest of all concerned, it would be better to have private capital invested in the merchant marine, where transportation charges would be regulated by competition, and the greater the competition the better, and under the policy adopted by this committee in selling our merchant vessels an opportunity is offered to establish a number of persons, partnerships, and corporations in the shipping business.

SHIPPING FACTS.

SALIENT FEATURES IN ACTIVITIES OF THE UNITED STATES SHIPPING BOARD FROM SEPTEMBER, 1918, TO SEPTEMBER, 1919.

On August 29, 1919, the total seagoing ship tonnage under control of the United States Shipping Board was as follows:

	Number of vessels.	Tonnage.	
		Gross.	Dead-weight.
Built by the United States Shipping Board:			
Steel	777	3,511,918	5,267,983
Wood	315	728,079	1,100,218
Composite	15	35,000	52,500
Seized from—			
Germany	94	567,490	601,003
Austria	1	8,312	6,600
Purchased from—			
Japan	15	85,880	128,820
Austria	5	30,521	29,506
Requisitioned from private owners	58	346,580	519,870
Total	1,280	5,313,780	7,706,400

The foregoing tabulation does not include 122 steel ships of 465,745 (dead-weight) tons and 63 wood ships of 246,982 (dead-weight) tons, sold recently to private owners by the United States Shipping Board, nor seized foreign vessels that had been sunk.

At the outbreak of the world struggle merchant-marine construction had almost become a lost art in this country. To-day this Nation has more shipworkers, more shipyards, more shipways, more vessels under construction, and is turning them out more rapidly and in greater numbers than now issue from all the shipyards of all the world.

As the premier shipbuilding nation of the world America attained her place in one giant stride. Up to the outbreak of the war we had only 15 vessels of 1,000 tons engaged in over-sea trade. To-day the American flag floats from 1,280 ocean-going steamships, 1,107 of which have been built by the United States Shipping Board within the last two years.

In June, 1914, the total gross tonnage under the American flag, including coastwise shipping and the fleet operating on the Great Lakes, was 4,287,000 tons.

In June, 1919, its gross tonnage was 11,983,000, an increase of 278 per cent, chiefly in ocean-going steamships.

The steam tonnage under the American flag is now 24.8 per cent of the steam tonnage of the world. The figures are shown in the following tables:

The world steam tonnage of 100 gross tons and over on June 30, 1919, as reported by Lloyd's, was:

Number of vessels	24,386
Tonnage:	
Gross	47,897,000
Dead-weight	71,845,500

American steam tonnage of 100 gross tons and over on June 30, 1919, including tonnage on Great Lakes, was:

Number of vessels	3,687
Tonnage:	
Gross	11,983,000
Dead-weight	17,974,500

Per cent of world steam tonnage of 100 gross tons and over under United States flag, June 30, 1919:

Per cent of number	15.1
Per cent of tonnage	24.8

(The above percentage figures include tonnage on the Great Lakes.)

In the four years preceding the war the shipyards of this country turned out a total of 107 seagoing vessels of 1,500 tons and over, chiefly coastwise. This construction represented 805,037 dead-weight tons.

During 1918, a period when the Shipping Board was getting into its stride, there were launched from the yards under its control a total of 4,216,656 dead-weight tons, five times more than had been built in the four prewar years. During the year 1918 shipyards under control of the Shipping Board delivered 3,107,093 dead-weight tons of completed ships.

From January 1, 1919, to August 20, 1919, 3,983,135 dead-weight tons of shipping have been launched and 3,845,140 dead-weight tons delivered, a total for the 20 months (since the beginning of 1918) of 8,199,791 tons launched and 6,952,233 delivered.

The original construction program contemplated the building in this country of 17,807,071 dead-weight tons of shipping: 2,105 steel steamships, of 14,351,971 dead-weight tons; 1,017 wood steamships, of 2,978,100 dead-weight tons; 50 composite ships, of 175,000 dead-weight tons; and 43 concrete ships, of 302,000 dead-weight tons; a total of 3,215 ships.

Of this program there have been—

	Number.	Tonnage.	
		Gross.	Dead-weight.
Delivered (inclusive of 1917, 1918, 1919):			
Steel steamships	899	3,822,415	5,735,622
Wood steamships	378	892,735	1,339,103
Composite	15	35,000	52,500
Total	1,292	4,750,150	7,125,225
Fitting out in wet basins:			
Steamships	408	1,280,483	1,920,724
On the ways:			
Steel steamships	389	2,010,403	3,015,605
Wood steamships	99	138,000	207,000
Concrete steamships	9	42,333	63,500
Total	497	2,190,736	3,286,105
Under contract, work not begun:			
Steel steamships	227	984,407	1,476,610
Contracts, canceled and suspended:			
Steel steamships	421	2,051,956	3,077,935
Wood steamships	404	741,233	1,111,850
Composite steamships	32	74,667	112,000
Concrete steamships	29	142,333	213,500
Total	886	3,010,189	4,515,285

After subtracting 3,010,189 gross tons (4,515,285 dead-weight) of cancellations and suspensions, in order to complete the original program, this work yet remains to be done:

	Tonnage.	
	Gross.	Dead-weight.
Completion of vessels launched, but not delivered	1,280,483	1,920,724
Completion of vessels whose keels have been laid	2,190,736	3,286,105
Completion of vessels under contract	984,407	1,476,610
Total	4,455,626	6,683,493

Since August 31, 1918, the monthly deliveries have been as follows:

	Steel.		Wood.		Composite.		Total.		
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1918.									
September	46	178,430	25	59,334	1	2,333	72	240,097	360,145
October	47	200,739	29	69,467	1	2,333	77	272,539	408,808
November	54	215,121	10	22,667			64	237,788	356,682
December	30	156,260	15	36,467	1	2,333	46	195,060	292,591
1919.									
January	17	88,070	7	16,667	1	2,333	25	107,070	160,604
February	27	129,933	8	16,900	2	4,667	37	151,500	227,250
March	31	136,017	11	26,700			42	162,717	244,075
April	78	290,580	36	86,800	1	2,333	115	379,713	569,570
May	89	407,733	53	129,500	2	4,667	144	541,900	812,850
June	71	279,572	51	118,767	1	2,333	123	400,672	601,008
July	72	327,005	63	145,933	1	2,333	136	475,271	712,908
August (29th)	56	255,050	37	84,867	2	4,667	95	344,584	516,875
Total	618	2,664,510	345	814,069	13	30,332	976	3,508,911	5,263,386

Up to and including August 31, 1918, there had been delivered to the United States Shipping Board:

Steel:	
Number	296
Gross tons	1,243,784
Wood:	
Number	33
Gross tons	78,666
Composite:	
Number	2
Gross tons	4,668
Totals:	
Number	331
Gross tons	1,327,118
Dead-weight tons	1,990,676

Total deliveries since Shipping Board was organized:

Steel:	
Number	914
Gross tons	3,908,294
Wood:	
Number	378
Gross tons	892,735
Composite:	
Number	15
Gross tons	35,000
Totals:	
Number	1,307
Gross tons	4,836,029
Dead-weight tons	7,254,042

(This table includes 15 steel steamships of 85,880 gross tons delivered from Japanese shipyards.)

LAUNCHINGS.

In shipbuilding annals the month of July, 1918, was made notable by the record established that month in the launching of 124 steamships, representing 635,800 tons (dead-weight). That record was exceeded in May of this year, when 141 steamships, aggregating 723,958 tons (dead-weight), were launched.

The following table shows the launchings by month from August 31, 1918:

	Steel.		Wood.		Composite.		Total.		
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1918.									
September	59	241,100	31	73,934	3	7,000	93	322,034	483,050
October	47	199,183	33	70,534			80	269,717	404,575
November	49	210,067	32	73,967	3	7,000	84	291,034	436,550
December	59	258,233	29	54,100	[1]1	2,000	89	314,333	471,950
1919.									
January	36	143,150	27	59,667			63	202,817	304,225
February	52	213,797	15	30,300	2	4,667	69	248,764	373,145
March	68	280,238	22	42,800			90	323,038	484,558
April	73	299,277	42	88,767	2	4,667	117	392,711	589,066
May	87	375,905	51	97,067	[2]3	9,666	141	482,638	723,958
June	65	280,267	33	52,966	[1]1	5,000	99	338,233	507,350
July	83	365,372	29	46,833	[1]1	2,333	113	414,538	621,808
August (29)	52	219,450	20	28,233	1	5,000	73	252,683	379,025
	730	3,086,039	364	719,468	17	47,333	1,111	3,852,840	5,779,260

[1] Concrete. [2] 2 concrete.

Up to and including August 31, 1918, there had been launched for the United States Shipping Board—

Steel:	
Number	390
Gross tons	1,654,624
Wood:	
Number	176
Gross tons	414,934
Composite:	
Number	7
Gross tons	16,333
Totals:	
Number	573
Gross tons	2,085,891
Deadweight tons	3,128,836

Total launchings since Shipping Board was organized:

Steel:	
Number	1,120
Gross tons	4,740,663
Wood:	
Number	540
Gross tons	1,134,402
Composite:	
Number	24
Gross tons	63,666
Totals:	
Number	1,684
Gross tons	5,938,731
Deadweight tons	8,908,096

The rate of progress—showing when million-point marks were reached:

	Dead-weight tons.
Keel laying:	
July, 1917 (the first million)	1,038,206
November, 1917	2,259,201
February, 1918	3,294,881
April, 1918	4,288,761
June, 1918	5,223,706
August, 1918	6,498,889
September, 1918	7,010,439
November, 1918	8,129,628
February, 1919	9,230,154
April, 1919	10,235,248
June, 1919	11,361,426
Aug. 26, 1919, reached	12,000,000
Launchings:	
March, 1918 (the first million)	1,251,471
June, 1918	2,075,506
August, 1918	3,128,836
October, 1918	4,016,461
January, 1919	5,229,186
March, 1919	6,086,889
May, 1919	7,399,913
July, 1919	8,529,071
Aug. 30, 1919, rounded	9,000,000
Deliveries:	
May, 1918 (the first million)	1,101,846
September, 1918	2,277,831
November, 1918	3,005,706
April, 1919	4,481,581
May, 1919	5,294,331
July, 1919	6,608,347
Aug. 25, 1919, passed	7,000,000

Seagoing personnel—United States Shipping Board.

Deck officers	4,592	
Engineer officers	4,592	
		9,184
Deck force	15,720	
Engine and fire room	18,720	
		34,440
Steward's department		7,936
Total		51,560

As a member of the Merchant Marine Committee, I realize that much depends upon the activities of that committee, and it is therefore vitally essential that each and every member of the committee become familiar with the shipping business. Unfortunately for me, I have never lived near navigable waters, and consequently my service to this committee has not been as efficient as I desire it should be. I have labored incessantly to acquaint myself with shipping facts, which I believe is essential to efficiency in service as a member of the committee.

Of course no definite or well-defined policy has been determined by the committee as yet touching this most important subject. This bill simply lays the preliminary foundation work necessary to the adoption of some definite policy.

I think I can see quite clearly that the establishment of a merchant marine on the part of the United States will have to do, in a great measure, with the future commercial welfare of this country. This bill, in my judgment, is worthy of the support of the entire membership of this House. The committee has spent a great deal of time in the preparation of it, and it has been discussed from every possible angle by members of the committee and Members of the House who are familiar with the shipping business.

The majority of our commerce has heretofore been transported by foreign ships and foreign merchant vessels. I think the time is here when we should transport our own goods to every country in the world, and use our own vessels to import goods from other countries into this country, and I am there-

fore strongly in favor of the establishment of a merchant marine second to no other in the world. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1373) to amend the Articles of War.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 3143.

PROMOTION AND MAINTENANCE OF THE AMERICAN MERCHANT MARINE.

The committee resumed its session.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I came to Congress on a platform one plank of which declared for a strong Government-owned United States merchant marine, but I must confess that during the past two years my opinion on this subject has undergone a wonderful change. When we used to have our farmers sell a bale of cotton in Texas at 6 cents a pound, have it compressed and sent to Galveston, put on a ship, sent across to Liverpool at a time when the spinners over there were paying 20 cents a pound, the cost of sending a bale of cotton over there being approximately $1.50 a bale, I used to be unable to understand where the other 10 or 12 cents a pound profit in that bale of cotton went. My idea at that time was that the United States Government ought to be prepared with shipping facilities to act as a go-between to bring the farmers and the spinners together. That was my idea of an American merchant marine, and I then believed that it was necessary for same to be owned by the United States Government.

I want to say, however, that during the past two years, and during the past year especially, my conclusion is that it would be a bad policy on the part of this Government to own and operate anything outside of our Postal System. [Applause.]

I used to be in favor of Government ownership of railroads, but I want to say that if there is a man in this House further away from that proposition to-day than I am I do not know it. Why, if our Government continued to own these ships, we would at times have to commandeer men to run them or else have to turn over a new leaf in the House and let certain people understand that the Government was running the business, because otherwise the business would run the Government.

I want to see the United States get rid of the ships as fast as is consistent with good, sound, business judgment and business principles. Under proper regulations we can still have an ample United States merchant marine, privately owned but governmentally controlled. I can not quite agree with the gentleman from Pennsylvania [Mr. EDMONDS], however distinguished he is, and however good business judgment he has, when this morning he intimated that because England has lately sold two ships, naming them, at £30 a ton, that we ought to adopt that as a criterion for what we should sell our vessels for. Why, to-day England is not selling any ships that amount to anything and are seaworthy.

Mr. EDMONDS. Will the gentleman yield?

Mr. BLANTON. Yes; I will yield to the gentleman.

Mr. EDMONDS. I simply named the price in answer to a question that was asked.

Mr. BLANTON. Oh, yes; but I did not want the gentleman to put that into the RECORD as a criterion of what this board should sell our ships for. England is not selling ships now. If you investigate, you will find that these two boats that were mentioned by name England did not want. The kind of boats that are worth while for ocean traffic England is not selling but buying, and so is France buying, and Japan is buying, and others, in a market like there never was before in the history of the country for ships that are worthy to carry commerce across the ocean.

I happen to know that individuals who have been owners of ships have been clamoring down here before the Shipping Board for permission to be able to dispose of their own property, dispose of it not at prices they wanted some time ago but to sell at prices they never dreamed of before because of the prices that are being offered now by France, England, and Japan and other nations. I hope our country will get what our boats are worth when they are sold. And for the protection of our farmers and to enable them to get their products to market I hope that we will build up a strong, privately owned United States merchant marine, but I am against granting any subsidy because we can do it without subsidies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I do not know what may be the prevailing price of ships in England or here, but Mr. Hurley is authority in a recent communication for the statement that in England the best you can do on a contract for two years and six months delivery is a basic price of $150 a deadweight ton, plus whatever increase in labor and material may occur in the meantime. But I do not want to discuss that question particularly. This bill, in so far as it contains a policy at all, contains a wise one, and, so far as it goes, it will at least tend to countervail the real cause of the failure of the American merchant marine in prewar times and its gradual decay.

We now have a great deal of ship tonnage owned by the Government, built by the Government, and paid for by the Government. We have some 14,000,000 deadweight tons, and the Government is seeking, I think wisely, to put that under the control of private ownership, and they are purposing to do that by selling it at the world's market price to American citizens. So that as long as the Government has this supply of ships on hand, which it offers to our citizens at the world market price, our shipowners will pay no more for their ships, over which they will put our flag, than will their competitors pay for their ships over which the British or the Scandinavian or some other flag flies.

Mr. CARSS. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. CARSS. Does the Shipping Board sell these vessels direct or through an agent?

Mr. HARDY of Texas. We have not directed them in this bill, but their transactions have been direct.

Mr. CARSS. Have they paid a commission to any agent for selling these ships?

Mr. HARDY of Texas. I think not.

Mr. CARSS. Is the gentleman positive?

Mr. HARDY of Texas. I am not positive, but I have heard of no commission being paid or no commission being proposed. I want to say that that far the bill puts the American shipowner in a good attitude—that is, it enables him to buy his ship at the same price his competitor pays. I want to say, in respect to the remarks of the gentleman from New York, who referred to Texans as people with a chip on the shoulder, that he reminds me of some people who used to think that all people from Texas had hoofs and horns. Of course, down there we looked upon the matter and enjoyed it as a good joke, but I know that Texas will be delighted to have the gentleman from New York visit us so that he may know something hereafter.

Mr. HICKS. Mr. Chairman, I think the gentleman ought to mention the gentleman from New York by name, so as not to confuse the other Members from that State.

Mr. HARDY of Texas. I refer to the gentleman from New York [Mr. CROWTHER] who last spoke. Certainly most gentlemen from New York know something about Texas. But to get back to the bill. I do not believe there is a man in this House who is more anxious to see an American merchant marine prosper on the high seas than I am, and if my study of it has led me to believe that there is an inherent defect in our system and laws which would prevent the successful operation of a merchant marine, as long as it remained I think I would be unfaithful to my duty as a Member of Congress if I did not present it to the American people. I have always thought there was such a defect. We have always heard much talk about our high wages and the expensiveness of American operation. I do not believe that that had a thing in the world to do with our being driven from the seas. Now you are beginning to hear it said that the seamen's act did it, but our trade was driven from the seas 40 years before the seamen's act was passed. The inherent defect in our laws consisted in this: A man desiring to enter into the overseas trade and run a line of ships between New York and Liverpool or Southampton or Bremen or any of the Old World countries when he goes to start in finds that he can buy one of two ships; that he will have to pay $1,000,000 for one but that he can get the other for $600,000 and that the $600,000 ship is just as good as the million-dollar ship, the only difference being that one was built in America, the other in England. Over the million-dollar ship he can fly the American flag and over the other he can not. He finds that he can do everything under the British flag that he can under the American flag, so far as the trade he wishes to engage in is concerned; and as a business man he is going to buy the British ship for $600,000 and put a British flag over it and sail it. He will do that in the future as he has done in the past. Just as long as an American has to pay more for a ship to put the American flag on than he does for a ship to put any other flag on, he is going to buy the cheaper ship and put the other flag over it. If I could ever beat that

fact into the commercial minds of the great industrial interests of America I think they would then find the key to unlock the problem of an American merchant marine. It is that the flag above the American ship must float over a ship that does not cost any more than a ship over which the British flag flies. We must equalize the cost of the ships. Our people might be able to compete, even though their ships cost more, but they will never try it because of the fact that a business man will not pay two prices for a thing which he wants to use if he can buy it for less money and use the cheaper article just as effectively. As I have said, if a man who wants to enter trade with Liverpool finds two ships just alike, ships that will equally serve his purpose, one he can buy for $600,000 and the other for $1,000,000, we all know that he will buy the cheaper ship. Now, for 40 years before the World War an American-built ship, which alone could fly the American flag, cost two prices. That fact alone caused our merchant marine to disappear from the seas, because even our own citizens bought foreign-built ships and put the flags of England and other countries over them and engaged in overseas trade under such flags in preference to buying higher-priced ships and putting our flag over them. So far as the original cost is concerned it may not amount to much in the operation of a ship. It may be a minor element in the matter of successful operation, but a man does not want to give away $400,000 in a million-dollar deal; he will not do it.

Since the seamen's act has been in operation and foreign seamen have the right to desert their ships when in our ports all the testimony shows that the cost of wages in English and American ships is practically the same. That has nothing to do with the situation. What about the cost of coal? Coal is cheaper here than it is in England. What about the cost of iron? Mr. Hurley says that iron is $5 a ton cheaper here than in England. And so for our future there is no reason why our shipbuilders can not build and our owners operate ships as cheaply as anybody. Certainly as long as the supply of ships that we have built lasts we will be able to sell, and this bill proposes to sell them to American merchants at a world market price, and therefore the American merchant may buy these ships and put the American flag over them if he wishes to go to sea.

Mr. YOUNG of Texas. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. YOUNG of Texas. How will we arrive at the world's price?

Mr. HARDY of Texas. The Shipping Board will arrive at it just as a merchant arrives at a world price of anything. Mr. Hurley has reported here that in England to-day you can contract for a ship at $150 per dead-weight ton, deliverable in two years and six months, and I think you will find that ships in England have sold for as high as $190 a ton that are ready to be delivered. If a ship to be delivered two years hence is worth $150 a ton, then a ship ready and in good condition to run now would be worth $200 a ton. The Shipping Board arrives at what a given ship would be worth in the world's market, just as a private individual would.

Mr. YOUNG of Texas. As I understand it Japan is a great shipbuilding country. Do they not build ships cheaper there than in England?

Mr. HARDY of Texas. My judgment is that for some reason Japan has failed to beat England in building ships. For the same reason she would fail to beat us in building ships, but I can not go into that now. England prior to this war built ships not only for herself, but for all the world, and we can do the same thing. We have many advantages over England. We have the cheapest iron and steel, the material that goes into a ship, and we have the cheapest coal and timber, and, while we have higher wages to pay, we will build standardized ships and make many of the parts by wholesale and assemble them at assembleable points.

Now, as I have said, the truth is, even the cost of the ship does not enter largely into the ability to compete, but it is the other and incidental and overhead costs, the cost of ships making trips in ballast, the cost of unloading the ships, the cost of delays in port, and loss from light cargoes, and so forth. If you can get a ship that runs out with one full cargo and comes back laden with another, a ship which loses no time in the turn around, that ship will prosper, even if it costs twice as much to operate it as the other ships. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. I ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. CHINDBLOM].

The CHAIRMAN. The gentleman from Illinois is recognized for six minutes.

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, to my mind the most important matter, not only in connection with this legislation but in connection with the American merchant marine at this time, relates to the question of how quickly the ships now owned and controlled and operated by the Government can get into private hands. I think that is the crux of the situation right now. The gentleman from Pennsylvania has already referred to a question I asked Mr. Rosseter, Chief of the Bureau of Operations of the Shipping Board, in one of the hearings. I do not believe it is a violation of confidence to say that Mr. Rosseter rather favored a continued building program on the part of the Shipping Board for the purpose, as he stated it, of balancing our fleet. I think it is no violation of confidence also to say that the Shipping Board itself has not adopted any such program, and has no such purpose in view at the present time. Notwithstanding Mr. Rosseter's position on the question of further building of ships, when I asked him this question:

> Is it not a fact that as long as the Government continues to build and announces no policy with reference to the continuation of that program, that private capital shrinks from investing its funds in shipbuilding, and holds back to find out what the ultimate purpose and policy of the Government is going to be? Is not that the actual situation?

I asked Mr. Rosseter that question, and he replied without any hesitation, "Yes."

So long as the Government continues owning and operating these ships without any definite announcement of its policy, how can we expect private capital to go into competition with the Government, with its unlimited resources? For that reason this bill provides in section 3 that the ships shall be sold by the Shipping Board as speedily as possible, and we also set out the considerations to which the Shipping Board shall give attention in making these sales. I have not time to read that section again, but I urge every member of the committee to read section 3 for the purpose of ascertaining just what are the underlying principles upon which these sales shall be conducted. The gentleman from Texas [Mr. BLANTON] a moment ago said something in reference to the price announced for the sale of two ships in a London journal. I want to call attention to another statement in this same journal, the Nauticus, which is the leading maritime journal of England, in the issue of October 4, 1919. I read as follows:

> Notice is given that one firm of London ship-sale brokers have recently been successful in disposing of some 25 new standard steamers from the ministry of shiping, aggregating about 180,000 tons dead-weight for about £4,500,000. The largest is of 11,500 tons capacity, fitted with refrigerating machinery, with a speed of 13 knots, at about £425,000, and the smallest of 5,150 tons and 11 knots at about £145,000. The vessels have been sold to English owners.

Here is a sale of 25 ships ready for spot delivery at these prices. The largest vessel, of 11,500 tons capacity, was sold for £425,000. At the present rate of exchange that price in this country would be $157.25 per ton. That shows the condition of the market price in England, and we say in section 3 of this bill that the Shipping Board shall take into consideration the prevailing domestic and foreign market price. Let us not be scared by this proposition of a possible loss upon these ships. There has been a great deal of unrest in the country recently, which, to my mind, has grown out of the fact that we have forgotten the pledges and the promises which we made to ourselves and to the Nation during the war. We said that we would pay the price of the war. One of the prices of the war is the high cost of living to-day. Another of the prices of the war to this Nation will be the loss upon these ships. We built those ships for emergency purposes. We built them in order to win the war. We paid enormous wages and prices for materials, and necessarily made losses upon the building of those ships. Now we are expected and required to pay the price, and a part of that price will be the loss which we will sustain upon the sale of these ships, and to my mind it should not be the main purpose, upon the part of the administration or upon the part of the Congress, to recoup the exact amount which was expended for the building of these ships. Let us sell them as speedily as possible, get them into the market, get them out upon the high seas under private ownership and private operation, to the end that the dreams which all of us have had and the hopes and aspirations of the American people may be realized once again—to see afloat upon the seas of the world a merchant marine operated and controlled by American capital and by American citizenship. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., (a) That the following acts and parts of acts are hereby repealed, subject to the limitations and exceptions hereinafter provided:

(1) The portion designated "Emergency shipping fund" of the act entitled "An act making appropriation for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1919, and for other purposes," approved June 15, 1917, as amended by the act entitled "An act to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes," approved April 22, 1918, and by the act entitled "An act making appropriation to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, on account of war expenses, and for other purposes," approved November 4, 1918;

(2) Section 3 of such act of April 22, 1918;

(3) The paragraphs numbered 2 and 3 under the heading "Emergency shipping fund" in such act of November 4, 1918; and

(4) The act entitled "An act to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes," approved July 18, 1918.

(b) The repeal of such acts or parts of acts is subject to the following limitations:

(1) All contracts or agreements entered into before the passage of this act under any such act or part of act shall be assumed and carried out by the United States Shipping Board, hereinafter called "the board."

(2) All rights, interests, or remedies accruing or to accrue as a result of any such contract or agreement or of any action taken in pursuance of any such act or part of act shall be in all respects as valid, and may be exercised and enforced in like manner, subject to the provisions of subdivision (c) of this section, as if this act had not been passed;

(3) The repeal shall not have the effect of extinguishing any penalty incurred under such act or part of act, which shall remain in force for the purpose of sustaining a prosecution for the enforcement of such penalty.

(c) As soon as practicable after the passage of this act the board shall adjust, settle, liquidate, and wind up all matters arising out of or incident to the exercise by or through the President of any of the powers or duties conferred or imposed upon the President by any such act or part of act; and for this purpose the board, instead of the President, shall have and exercise any of such powers and duties relating to the determination and payment of just compensation.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, lines 7 and 8, strike out the word "appropriation" and insert in lieu thereof "appropriations to supply urgent deficiencies in appropriation."

The question was taken, and the amendment was agreed to.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 10, strike out the figures "1919" and insert in lieu thereof the figures "1917."

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 6, after the word "The," strike out "portion designated 'emergency shipping fund'" and insert "emergency shipping fund provision."

Mr. WALSH. Mr. Chairman, this does not change the meaning of the language, but it uses the same language which the committee uses on page 2 of the bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer an amendment, on page 2, line 7, after the word "and," to insert the words "as further amended."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: On page 1, line 7, after the word "and," insert "as further amended."

Mr. GREENE of Massachusetts. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BLACK. Mr. Chairman, I move to strike out the last word, and I would like to ask the chairman of the committee a question. On page 2, line 22, I see the following language used in paragraph 1:

All contracts or agreements entered into before the passage of this act under such act or part of act shall be assumed and carried out by the United States Shipping Board, hereinafter called "the board."

Does not the gentleman think it better to say "all contracts or agreements lawfully entered into"? It might be the Shipping Board has entered into contracts not authorized by the different acts we have heretofore passed.

Mr. GREENE of Massachusetts. I have no objection to that amendment.

Mr. BLACK. Mr. Chairman, then I offer, on line 22, after the word "agreements," to insert the word "lawfully," so that it will read "all contracts or agreements lawfully entered into."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 2, line 22, after the word "agreements," insert the word "lawfully."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That, in order that the merchant vessels now owned or controlled by the United States may be returned to or placed under private ownership and operation, and to the end that an efficient merchant marine, adequate to meet the requirements of our ocean-borne commerce and to serve as a naval auxiliary in time of war or national emergency, may be established and operated by citizens of the United States, the board is hereby authorized and directed to sell, as soon as practicable, to citizens of the United States (as defined in section 2 of the shipping act, 1916, as amended), except as provided in section 4, all of the vessels referred to in section 2, or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price shall not be more than 10 years after the making of the contract of sale. The board is authorized to take into consideration, in fixing the sale price of such vessels, the prevailing domestic and foreign market price of and demand for vessels, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts, on behalf of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 1, after the word "than," strike out "10" and insert in lieu thereof "15."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALSH. Mr. Chairman, can the gentleman state what is the purpose of increasing the time of payment?

Mr. GREENE of Massachusetts. I will. The idea was that it was thought it might help the sale of the vessels to take 25 per cent down when selling and get a percentage each year, the balances to spread over 15 years instead of 10, which would be likely to aid the sale of the ships.

Mr. WALSH. It might be that some of these ships would not last out the period of payment.

Mr. GREENE of Massachusetts. Well, they are insured. If they fall to pieces, which I do not think they will, we would be perfectly safe.

Mr. WALSH. Does the gentleman think, by embarking upon this policy, it is wise to make terms as easy as can be done under the circumstances?

Mr. GREENE of Massachusetts. I think so. Considering the high taxation and everything else, I think it far better to make it that way.

Mr. BRIGGS. Will the gentleman yield?

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 43, noes 7.

So the amendment was agreed to.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Massachusetts on behalf of the committee.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Massachusetts: Page 5, line 5, after the word "costs" strike out the word "and" and insert in lieu thereof the word "of."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 5, line 8, after the word "sold" insert: "All sales made under the authority of this act shall be subject to the limitations and restrictions of section 9 of the shipping act of 1916 as amended."

Mr. WALSH. Mr. Chairman, this amendment simply makes clear that the sales the board shall make of these ships shall be subject to the restrictions of the original shipping act. It may not be clear if we permitted these sales unless you mentioned the shipping act, inasmuch as this is subsequent legislation, and a corporation or individual might buy these ships to-day and to-morrow transfer them to some foreign interest. The original shipping act in section 9 prohibits that, and also prohibits the sale of these vessels without the consent of the Shipping Board. Inasmuch as this is subsequent legislation, covering a comprehensive scheme for the future, it might well be contended that where no reference was made to the original act and no limitations were contained in the language, the Shipping Board could sell these vessels to a citizen to-day who would be at liberty to-morrow to sell them to an alien or some foreign interest.

Mr. ALEXANDER. Mr. Chairman, I will say that the committee had that matter in mind when framing the bill, and this section simply provides for the sale of these vessels to American citizens. It does not in any way limit the power vested in the Shipping Board under section 9 of the shipping act to prevent the ships from being sold by American citizens to go under foreign flags. But if there is any possible question about it, this is the time to make it clear, and so far as I am personally concerned, I have no objection to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I have another amendment: Page 4, line 22, after the figure "4," insert the words "of this act," and after the figure "2," in the same line, insert the words "of this act."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Page 4, line 2, after the figure "4," insert "of this act," and after the figure "2," in the same line, insert "of this act."

Mr. GREENE of Massachusetts. Mr. Chairman, there is no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I desire to offer an amendment on page 3, line 13, after the word "settle," to strike out the words "liquidate, and wind up," and add the words "and liquidate." It seems to me that is superfluous language.

Mr. BANKHEAD. Mr. Chairman, a point of order. The gentleman will have to get unanimous consent to return to that section.

The CHAIRMAN. That section has been disposed of.

Mr. CROWTHER. I ask unanimous consent, then, Mr. Chairman, to return to that section.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to section 1. Is there objection?

Mr. ALEXANDER. Mr. Chairman, let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. CROWTHER].

The Clerk read as follows:

Amendment offered by Mr. CROWTHER: On page 3, line 13, after the word "settle," strike out the words "liquidate, and wind up," and insert in lieu thereof the words "and liquidate."

Mr. ALEXANDER. That may be better language.

The CHAIRMAN. Is there objection to the gentleman's request to return to that section?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. CROWTHER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I offer an amendment to the section on page 5.

The CHAIRMAN. The gentleman offers an amendment to section 3.

Mr. BLANTON. On page 5, line 1, after the word "years," insert "such deferred indebtedness to be paid in equal annual installments."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 5, line 1, after the word "years," insert "such deferred payments to be made in equal annual installments."

Mr. BLANTON. Mr. Chairman, one gentleman on the committee made a statement on the floor here a few minutes ago to the effect that while the estimated life of a vessel was 20 years, that he had evidence to offer showing that the life of some vessels was 12 years, and that there were certain shipping interests who, after they had used a vessel 12 years, were then through with it and were ready to junk it. That was a statement, I believe, of one gentleman on the committee, who seemed to speak with authority.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Just a moment. I have only five minutes. I want to direct the attention of the committee to the amendment. Now, if that is the case, we have just adopted an amendment here which gives private purchasers 15 years in which to pay for these vessels. Suppose the Shipping Board, or rather this new board that we are creating, should under that direction see fit to sell a vessel without taking very much cash in payment. Suppose a purchaser should owe practically all of the consideration, and the board should see fit to defer all of the payments to the end of the 15-year period. If the best life of a vessel, in the view of some of the shipping companies, is only 12 years, what kind of a security would this Government have at the end of 15 years for the consideration price of that vessel? I think there should be a direction to this board to the effect that when they sell one of these ships they must either require, say, at least a sufficient cash consideration to make the security good, or they should require a certain payment to be made every year in order that the security should not be lost to the Government.

Mr. CHINDBLOM. Should not that amendment be adopted at the end of the sentence rather than after the word "years," in line 1?

Mr. BLANTON. I do not care as to that. I want to see the Government properly secured. I ask unanimous consent, Mr. Chairman, to add my amendment after the word "sale," as just suggested by the gentleman from Illinois [Mr. CHINDBLOM].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I will.

Mr. CROWTHER. I want to say to the gentleman, regarding the 12-year proposition, that the evidence was that the shell of the vessel still had many years of service but that the vessel had to be renovated principally as to the propulsive power, the engines and machinery.

Mr. BLANTON. Yes; but if you will talk to any shipowner, to anyone who is familiar with the business, like our friend from New York [Mr. CLEARY], he will tell you that whenever you go to renovating an old ship you had better go out into the market and buy a new one, because whenever you try to fix up an old hull you are going to spend more money and have less to show for it when you get through than if you go into the market and buy a new ship.

Mr. KNUTSON. Did the gentleman from New York [Mr. CLEARY] make that statement?

Mr. BLANTON. No. I see he has come into the Hall. I did not know he was here. He can speak for himself. I should like to yield to him, because I know that he knows something about ships.

Mr. CLEARY. Just to relieve the gentleman's mind, I will say that 24 years would not be as much as the average life of a ship.

Mr. BLANTON. I was taking the statement of a member of the committee on that point, and I presumed that he knew more about it than I did. Of course if he was wrong in his hypothesis, I am not responsible for that. I am glad that the gentleman from New York [Mr. CLEARY] is here. He is one of the gentlemen from New York who stays here all the time. He does not come in simply when we have a daylight-saving proposition or a liquor proposition up before the House. He is always here, and I am glad of it. [Applause and laughter.] I am glad of it, because he helps us out with good suggestions and advice.

Mr. EDMONDS. I do not believe it would be advisable to pass this amendment offered by the gentleman from Texas. There may be many different ways that the Shipping Board may have of handling the sale of these ships. I certainly do not believe the Shipping Board would sell a ship on a 15-year term with all the payments to be made in the last year. Certainly, that would lay them open to very severe criticism, and I know they do not want that criticism. There are a number of different ships that are to be sold. There are the wooden ships. They are offering to sell those hulls that are unfinished for $75,000.

Mr. ALEXANDER. The gentleman means $75 a ton, does he not?

Mr. EDMONDS. No; they are offering the unfinished wooden hulls without machinery for $75,000. That was advertised the other day in the newspapers. Now, if we go and limit the way in which these ships may be sold, we may prevent some very advantageous cash sales, and I do not think we ought in the House here to say to the Shipping Board in a very strict manner that they have got to do thus and so in selling these ships. It is an ordinary mercantile proposition, and they should have as much leeway as possible in the legislation that we give them.

Mr. TILSON. Is there not a provision in the original shipping act requiring 25 per cent cash?

Mr. EDMONDS. No; there is no provision regarding 25 per cent.

Mr. TILSON. So, referring to that act there is no additional limitation over what is contained in section 3 of this act.

Mr. EDMONDS. None at all. They may sell ships on 5 or 10 year terms, but we say that the limit of time within which they shall sell these ships is 15 years.

Mr. SMITH of Michigan. The contract of sale provides for an insurance during the lifetime of the contract, and undoubtedly it will provide for the upkeep of the property during that time.

Mr. EDMONDS. Undoubtedly.

Mr. NEWTON of Minnesota. The gentleman evidently has more confidence in a Shipping Board run by a Democratic administration than the gentleman from Texas has.

Mr. BLANTON. Oh, but Mr. Hurley is a Republican.

Mr. EDMONDS. Mr. Payne is the head of the Shipping Board, and he is a Democrat. I am not bringing politics into this thing at all. There is no necessity for it. I consider that most servants of the Government are at least fairly honest, and I hope they are whether they are Democrats or Republicans.

Mr. CHINDBLOM. Is there not danger that in the event the amendment suggested by the gentleman from Texas [Mr. BLANTON] is adopted some one may come along and say, "This act gives me a right to 15 years in which to pay for a vessel"?

Mr. EDMONDS. Yes; whereas the Shipping Board might want to give him only five years.

Mr. ALEXANDER. The Shipping Board requires 25 per cent cash, and the remainder within five years; hence we shall be doing a very foolish thing if we provide in this bill that ships may be sold on a 15-year basis, and that the deferred payments shall be made on the basis of one-fifteenth annually.

Mr. EDMONDS. I think that is true.

Mr. BRIGGS. Does the gentleman know why the sale of that $100,000,000 worth of ships has not been completed?

Mr. EDMONDS. Because the gentleman who undertook the sale of them as an agent could not sell them. Nobody would buy them at the price. Mr. Anderson has been in Europe for six months endeavoring to sell the ships at $225 a ton, on which he was to get a commission of 1 per cent, and he is over there at his own expense, and he has been unable to sell one ship at that price.

Mr. BRIGGS. The Shipping Board still operates them, then?

Mr. EDMONDS. Yes.

Mr. BRIGGS. There has been no sale at all, then, in that transaction?

Mr. EDMONDS. Absolutely no sale. They have reported to the public 100 ships sold, but they have not sold one.

Mr. BRIGGS. Is the Shipping Board bound in any way so that it could not sell its ships to anybody else?

Mr. EDMONDS. I do not know; they said they would sell 100 ships at a commission of 1 per cent, and it was blazoned out in the newspapers that they had sold 100 ships, but they never did sell them.

Mr. GREEN of Iowa. Mr. Chairman, I think it would be a great mistake if this proposed amendment was adopted. It would be construed so that if the Shipping Board should sell these vessels under annual payments that the purchaser would have the right to demand that such payments should all be equal. As a matter of fact, the Shipping Board ought to require larger payments at first than later on. Now is the time that the profits are going to be made. Later on the shipping rates are going very much lower.

Mr. CHINDBLOM. If the gentleman will yield, they are now selling vessels on the basis of requiring larger payments at first because the earnings in the next two years will be larger than later on.

Mr. GREEN of Iowa. Yes; naturally they would require a larger payment at first than later on. They ought to require a substantial cash payment upon delivery. I yield to the gentleman from New York.

Mr. CLEARY. Mr. Chairman, my experience is that 15 years is too long a time to have these payments spread over. When people buy these vessels they expect to pay for them in 5 years. I think 10 years is amply sufficient, and nobody expects to run 15 years in the payment for a ship. The chances are that if they got a good rate of business they would pay for it the next year. Boats have paid for themselves in one voyage during the war. There has been an immense amount of money made in that way. I think it is unwise to run it over 15 years. I do not want to interfere with the committee, but, listening to the discussion here, I think it would be unwise to continue it 15 years.

Mr. GREEN of Iowa. The gentleman will understand that that part has been adopted and disposed of. Now, Mr. Chairman, if this amendment is voted down it will be in the discretion of the board to make it 5 years or 8 years or even 3 years, and require a cash payment. Therefore I think the amendment ought to be rejected. We can assume that the Shipping Board will get the best terms possible; that they will get as much cash as they can, and arrange the deferred payments so that the Government will be reasonably certain to get the purchase price before the vessel sold is worn out.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I desire to make a pro forma amendment just to say a word. I am not an expert on shipping matters. I have greatly enjoyed the consideration of this bill to-day. It has been conducted in good temper and I have received valuable information. The committee, it seems, is a unit, and I suspect that the bill ought to be enacted substantially as reported.

There has been a little said about our future prospects for a merchant marine. There are many forces that operate, many have operated in the past, many during the war, and many will be in the interest of the United States and the countries of the world in the next decade.

I came here in the Forty-third Congress. I was a young fellow that read the New York Weekly Tribune as early as 1848. It arrived once a week out on the Wabash. I recollect that about that time was the beginning of the decay of our merchant marine, which was built of wood before the days of iron and steam-propelled ships. Great Britain, I think, and other large countries were going to iron, and we, as I recollect from the newspaper articles, decided to follow suit.

The Collins Line was built. I do not recollect whether their ships were purchased or manufactured in our own shipyards at that time, but they carried the American flag. There was a cry for subsidies. It was under Democratic rule at that time, with full power, and subsidies were granted to the Collins Line. I am not here to criticize it, but there were scandals. Great Britain and other nations were offering subsidies. It ran along and our merchant marine more and more disappeared.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. CANNON. I will yield to the gentleman.

Mr. BANKHEAD. I would like the benefit of the gentleman's judgment as to the real basic reason for the decay of the American merchant marine in those days.

Mr. CANNON. The real basic reason was that we could not compete in construction and could not compete in operation with the world. It was not so much in the construction, for that was to some extent negligible, but in the operation we could not compete, because it cost us more with a new world and a new country for labor than it did the old countries. There were greater rewards in this country in labor on land than in labor on the seas for our own people. We were just beginning the development of this country. There were many reasons why we failed in holding an American merchant marine. One was that the bulk of the population was East, in New England and down the coast. There was no Texas; the land was there, but it was under Mexican domination. Greater reward from that time to the present time in the United States has come in the development of the country.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. HARDY of Texas. Does not the gentleman recall that our merchant marine in the time he speaks of, when Texas was under the Mexican dominion, was in its most prosperous condition, and that we then carried 70 per cent of our commerce?

Mr. CANNON. Oh, nay, nay; I am speaking now of 1848, 1849, and 1850; our merchant marine gradually dwindled.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. More and more, year by year, the wooden ships had gone out of business. One of the factors is that our railway system, now comprising as it does nearly one-half of the railways of the world, has been developed since 1850. Why, I never saw a railway locomotive until 1853. You could not go as far west as St. Louis on a railroad until 1852. We had only 30,000 miles of railroad when the Civil War began, and we had at that time only 31,000,000 of people—men, women, and children, black and white. The marvelous development in this country brought greater rewards to efficiency and the labor on land—and I speak of all kinds of labor, for I am sick and tired of this word "labor" being applied only to the man who works with his hands. Everyone who is worth three whoops in that place which burns with fire and brimstone is a laborer and everyone is a capitalist who is of any account. [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield before he leaves that subject?

Mr. CANNON. Yes.

Mr. BLANTON. The iron and steel epoch succeeded the wooden epoch in shipbuilding. What figure is the concrete ship going to cut with respect to the world shipping?

Mr. CANNON. I do not know; I can not tell. Good Lord, we do not know what is going to happen in the next generation and in the next century. I am a pretty old man and I am not afraid to die, but oh, how I would like to live throughout the swing of this twentieth century merely to see what happens. [Applause.]

When this war broke out we did not have much of a merchant marine. The wooden ships had largely all gone, and we would not have had any merchant marine, in my judgment, if it had not been that we monopolized the coastwise trade of the United States, and a wonderful trade it was. As we developed 20,000,000 people up to 110,000,000 people——

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CANNON. Will the gentleman allow me five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CANNON. Our coastwise trade was a monopoly. No ship could engage in the coastwise trade, from Maine to Alaska, unless it was constructed in an American yard. We could not compete; we had not yet arrived at that time where we could compete with Great Britain in the construction of ships. Of course, the construction of the Navy was Government owned, although we did construct ships for the Navy in American yards by contract a little later on.

A few years ago—and I am not criticizing anybody, but merely calling attention to it as a fact—not a great while ago we extended the coastwise trade to ships wherever they were built, constructed in foreign shipyards. I did not vote for that; I think it was a mistake. I understand that before a great while we will go back to a monopoly of that coastwise trade. That will assure us, whatever may happen, that we can sustain some of our shipyards. [Applause.] If that is not already done, I hope it will be done. Some one said that we could operate ships on the world's highways, so far as the labor cost is concerned, within 10 per cent of what it costs the world.

Mr. BANKHEAD. Oh, no; I made the statement that the labor cost constituted but 10 per cent of the entire expense.

Mr. CANNON. Oh! We pay our seamen, American born, more than Japan pays hers, and something more, I do not know how much, than Great Britain pays hers.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. HARDY of Texas. The testimony before our committee is that since the passage of the seamen's act foreign ships going out of New York, English and other European ships, pay the same wages that ours do.

Mr. CANNON. I am very glad to hear that, if it is so. But if you let them go into our coastwise trade you will find a different proposition. So much for that. I am not going to talk about the seamen's act; I have my opinion about it. I am in favor of the best possible wages that can be paid on land and on sea and for production, whether a man sails on a ship or works in a mine, but it must not be discriminative against the United States so that we can not function.

When I came to Congress they were paying subsidies to ships. There were great scandals about the Pacific Mail. We had investigations galore and some of the charges were well founded, as I recollect. I prepared a bill from the Post Office Committee. One was pending there for a subsidy for carrying the mails. History repeats itself. The evidence showed that Great Britain and other countries with their colonial possessions sailed their ships at much less than we paid our seamen, so practically we were driven from the sea.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. LAYTON. Mr. Chairman, I rise in favor of the bill and move to strike out the last word. I am very much in favor of this bill as a private citizen and as a Member of Congress. I have favored a merchant marine for many, many years, and following up the remarks made by the gentleman from Illinois [Mr. CANNON], I think it is a good opportunity to state something which it seems to me is pertinent to the consideration of this bill, as far as the future is concerned. I hope this bill will be passed, but let us assume that it is passed and that private American citizens have all of this tonnage in their possession.

Is there anybody in this House who believes that these vessels can be operated without further legislation than this? I believe that I will indulge in prophecy and say that the wooden vessels will rot out and that the steel vessels will rust out unless you pass legislation that will equalize conditions that prevail in the operation of oceanic commerce. We must not look at theories, but cold facts. Now, I do not know where the gentleman got his statistics from—I mean the gentleman from Texas—who remarked that foreign vessels sailing out of New York were manned and equipped for the same price as American vessels. Mr. Hurley no longer than some time this summer past—I think in July—published a pamphlet in which he stated this fact: That for a 5,000-ton ship to go a certain number of miles manned by Japanese it would cost $750. That same vessel manned by Englishmen or under English auspices and traveling the same number of miles would cost $1,250; that same vessel manned and equipped according to American standards would cost $3,000. Now, I say to you that you can not maintain an American merchant marine—unless the International Labor Congress establishes an international equal-wage amount, and that is nothing but a pipe dream—you can not man these vessels, you can not keep them on the water, you can not make them float on the seven seas until you gentlemen on that side and you gentlemen on this side of the House make up your minds to look the question fairly in the face and determine to equalize the conditions that do exist as a fact, and that can only be done by a subsidy, and no other way. [Applause.]

Mr. BLACK. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I will wait until the next paragraph.

The Clerk read as follows:

SEC. 4. That the board is hereby authorized and empowered to sell to aliens, at such prices and on such terms and conditions as it may determine, subject to the same limitation as to completion of time of payments as provided in section 3, such vessels as it shall deem unnecessary to the promotion and maintenance of an efficient merchant marine.

Mr. BLACK. Mr. Chairman, the gentleman from Delaware [Mr. LAYTON] made a very interesting speech about our merchant marine, and suggested a proposition that I feel sure that sooner or later we will meet as a legislative proposition, to wit, to keep our merchant marine on the high seas by means of a Government subsidy. I feel sure we are going to face that proposition sooner or later, because I believe that we are undertaking to build up under the abnormal conditions which now exist a larger merchant marine than can be operated as a safe economic proposition in competition with the world. Now, let us go back and review a little the situation that existed before the war. We will, I am sure, recall that the United States exported less manufactured products than we imported, but by reason of our export of raw materials, such as cotton, wheat, meat products, and things of that sort, there was annually a large balance of trade in our favor. How was that balance of trade settled? It was settled practically by two items. One was that Europe owned three or four billion dollars of our securities and, of course, we owed them the annual interest charge on that amount. Now, in addition to that the most of our foreign trade was carried in English and German and Scandinavian bottoms, and the cost of that service was also

a large item in settling our balance of trade, and those two items, to wit, that of interest on securities which the people of European nations owned and the pay for the service that was rendered by their merchant marine, were the items that settled the balance of trade. Now, we all know, there is not a Member of this Congress who does not know, that there will be no way under Heaven that we can continue to carry on the foreign trade that we are now carrying on unless Europe can find some way to settle the heavy balance of trade which is against them outside of sending gold to us, or a continuance of extending credits. Now, for a period of time we, of course, know we will have to continue the extension of foreign credits, at least until Europe can get on her feet and go to producing, and that is why we passed the Edge bill yesterday, which has for its purpose the permission for the incorporation of concerns to finance foreign trade, especially in the way of credits, but we all know there must be a limit to it some time or other, and I contend that if Europe can operate a merchant marine at less cost than we can, while I would not abandon the idea of having a certain amount of United States marchant marine as an auxiliary to our Navy, still I think that it would be exceedingly unwise for us to try to build up such a merchant marine as that in order to carry it on; it would have to be heavily subsidized. I do not believe in subsidizing private industry, and if it turns out that we must come to that, then I favor Government ownership of whatever merchant marine it would be prudent for us to have. Now, another thing——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. BLACK. Now, a good deal has been said upon the floor of the House as to how we can keep our merchant marine on the high seas and how we can prevent it from being driven out of commerce. Now, I contend, and I do not want to evidence any partisan politics at all, but I contend that if the old traditional policy of the Republican Party is sought to be continued into effect, to wit, that of high protection so as to prevent imports into this country, we can not expect to keep our merchant marine on the high seas. [Applause on the Democratic side.]

For instance, suppose a ship loads at the port of New Orleans with cotton, one of our chief raw materials, and goes to an English port, or to a German port, and is unable to get a return cargo to the United States and has to come back in ballast, do you suppose that we can continue to keep that ship upon the high seas? It is done at the present time by reason of the unprecedented high freight rates, and they can afford to make hasty trips to Europe and make no effort to get a return cargo and come back in ballast, but that situation can not continue. What policy do the Republicans propose in order to meet the situation? Why, we have seen them bring forward a bill at this session and pass it in the House which puts such a high tariff on dyestuffs that they can not come into the United States at all unless the licensing board would be a mind to permit it. Even high protectionists, like the gentleman from Ohio [Mr. FESS], fought this licensing provision, and said it was a vicious thing to do. The bill has not yet passed the Senate, but it met with the ready approval of the Republicans in the House. I have heard considerable said about another proposition, and I understand probably that it has received favorable consideration by the Republican Members of the Ways and Means Committee, and that is to put such a tariff on potash that would keep it out of the United States from the great mines in Alsace and Saxony, and undertake to build up the potash industry in this country by such uneconomical methods as to go out into the alkali lakes and pump the brines for several miles through pipe lines to evaporating and kiln drying plants, so that commercial potash can be made of it; and then another method which is being sought to be developed is to go to kelp beds and harvest kelp and make potash at a cost of $400 a ton. Of course these methods were justifiable as war measures, but it would be foolish to try and foster uneconomic industries like this after the war is over by means of a higher protective tariff. If we are going to carry on trade with France, and of course we are, why not let her pay part of what she will owe us by means of potash from her great potash mines in Alsace and enable our farmers to buy it at a reasonable price, rather than to try to foster an industry of potash making in this country which can not find a sound economic basis to rest upon. If we are going to sell Germany some of our raw materials, and of course we are, why not buy some of her dyestuffs which her people can produce so economically and efficiently.

The truth of the matter is that if we are to carry on our foreign trade we must be willing to trade with those nations which can produce certain commodities under a more economic process than we can produce them, and we will sell them the articles and commodities which we can best produce. It is perfectly absurd to think we can build up a foreign trade on a one-sided basis.

Mr. BLANTON. Will my colleague yield?

Mr. BLACK. In just a moment.

Now, upon this question of high protective tariff, I want to read you a little item that I think is very significant. I clipped it one day this week:

Wall Street Journal states that A. B. Johnson, former president of Baldwin Locomotive Works, favors downward revision of tariff, suggests United States needs foreign trade, which in ultimate analysis is exchange of commodities. Believes chemical and other infant industries require a high protective tariff but giant industries like steel do not.

Mr. BUTLER. I know about that. Mr. Chairman, may I——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I would like to have a colloquy on that with you. I know all about it.

The CHAIRMAN. All time has expired.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and gentlemen of the committee, I was very much interested in the speech delivered by the gentleman from Delaware [Mr. LAYTON]. I am in favor of this bill, but I am very much interested in knowing how we are going to keep the vessels on the sea after we dispose of them to private owners. My notion is, and my guess is, and my prediction is that you will never keep them on the seas unless you give them a subsidy.

Mr. ALEXANDER. Will the gentleman yield?

Mr. EMERSON. Yes.

Mr. ALEXANDER. The more we feed the popular mind with that notion the less we can expect of efficiency from the American people.

Mr. EMERSON. I think not.

Mr. LAYTON. In reply to that statement, I want to say that there is no lack of efficiency on the part of England. She has been granting subsidies. There is no lack of subsidies so far as Japan is concerned. In fact, her efficiencies are so great that they have been able to control the seas.

Mr. EMERSON. The gentleman is one of the most efficient Members of this House, and I always like to listen to efficient men. With all due respect to what my distinguished friend on the other side says, the fact remains that our merchant marine was driven from the sea after the Civil War, and you can not keep it upon the sea while the expense of running American ships exceeds the expense of running ships by other countries. An American merchant and exporter may be very patriotic. Some one said to-day that he would send his goods in American ships if he could do it at the same price, but if he can send them in somebody else's ships at a less price he is very apt to do so.

My good friend from Texas [Mr. BLACK] talked a little on protection. I am a protectionist, a dyed-in-the-wool protectionist, and I would place a tariff upon every article in this country that we do not produce but could produce high enough to compel its production.

Mr. BAER. Is it not true that the gentleman who was quoted by the gentleman from Texas [Mr. BLACK] wants to reduce wages, and that is the reason he wants to reduce the tariff?

Mr. EMERSON. That is true; and you can not maintain a high standard of American wages without giving the American workingman an advantage over all foreign workingmen.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. EMERSON. Yes.

Mr. BANKHEAD. Does not the gentleman think that in order to successfully develop our merchant marine they have got to have a return cargo from foreign ports?

Mr. EMERSON. That is true, of course; but if you can not get the return cargo, you can not get it. I have heard a great deal here that the reason of the loss in carrying these cargoes about is because we spent so much time at the docks and can not get the return cargo. If you can not get the return cargoes, you can not get them.

Mr. HUSTED. Will the gentleman yield?

Mr. EMERSON. Yes.

Mr. HUSTED. I want to call attention to the fact that before the Civil War we carried the bulk of the goods of the world in American ships and that we carried them under a high protective tariff.

Mr. EMERSON. That is true.

Mr. BLANTON. Now, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. BLANTON. On the question of labor, is it not a fact that when we on this side of the House attempted to provide in the magnesite bill that a certain amount of this subsidy should

be paid to labor that produced it, the gentleman's colleagues on the other side voted down the amendment? Is not that the fact?

Mr. EMERSON. I do not recall that fact. I am talking about no particular case, but generally. I did not oppose it.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HARDY of Texas. Mr. Chairman, I wish to proceed for five minutes.

The CHAIRMAN. Can not the gentleman take time on the next section?

Mr. HARDY of Texas. I would prefer to proceed now.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. HARDY of Texas. Mr. Chairman, in answer to the gentleman from Delaware [Mr. LAYTON], who seems to think that the question of wages cuts a great figure in the operation of our merchant marine, I want to read the testimony of Mr. Rosseter before our committee. He was the chairman of the operating board, and I think he knows more about this business than anybody else connected with the business. Mr. Rosseter is not now connected with the Shipping Board, but when he was before our committee he made this statement:

Mr. ROSSETER. The first time I ventured to send a ship out in the East India trade, which, by the way, was very much resented by our British friends, I sent out a 7,000-ton cargo ship. In making the round voyage on the theory of an outward and homeward cargo she would have carried 14,000 tons—7,000 outward and 7,000 homeward. Instead of that, her freight list showed she handled 27,000 tons on the voyage, which was explained by the fact that 13,000 tons was way-to-way business. She went to Manila and discharged a certain amount of cargo there and replaced it with cargo for Singapore; she went to Singapore and landed cargo and replaced it with cargo for Calcutta; she took a cargo at Calcutta for Colombo, from Colombo to Singapore, to Siam, and to Manila. In fact, in that constant interchange she carried on the one voyage 27,000 tons.

Mr. HARDY. Mr. Rosseter, is it not a fact if the cargo space can be continually filled by profitable freight that that is a greater question than the cost of wages or anything else connected with the successful operation of the ships?

Mr. ROSSETER. Absolutely; it is the dominating factor.

Mr. HARDY. And also the length of time required to fill in this cargo; that is, to load and unload?

Mr. ROSSETER. Very important—dispatch.

Mr. HARDY. Now, is it or not a fact that the difference between the English and American wages would sink into insignificance in comparison with the good or bad management of the operation of the ships belonging to English and American companies?

Mr. ROSSETER. That is quite true. I put the difference in wages very far down in the scale of importance.

I have read that, Mr. Chairman, simply to show——

Mr. LAYTON. Mr. Chairman, will the gentleman allow me to offer a word or two?

Mr. HARDY of Texas. I will allow you to speak if you will ask a question.

Mr. LAYTON. Does the gentleman want me to ask him a question?

Mr. HARDY of Texas. I do not particularly wish the gentleman to ask me a question, but——

Mr. LAYTON. I want to make a rejoinder to the gentleman's statement.

Mr. HARDY of Texas. Very well; the gentleman will have an opportunity. Several witnesses that came before us said that after the seamen's act went into effect, increasing the wages of the seamen employed in our merchant marine, the tendency was to increase wages of the seamen on foreign ships. Our last advance was made in July and August, and they were said to be approaching again. It did not apply precisely to the Asiatic or Japanese ships, because they were run under Government operation. The English vessels coming to American ports were paying almost precisely the same wage as American vessels, and Mr. Rosseter says the difference between the English and American scale of wages amounts practically to nothing. The question is, Will good management constantly secure the filling of cargo space and good methods of navigation? If you get a good manager, he goes out loaded, and goes out to a foreign port and exchanges some of his commodities for commodities he finds in that port, and continues his voyage everywhere profitably, whereas if you go in ballast and hang up 15 days in harbor and encounter these enormous delays and expenses, you lose. No matter how much your ship costs, no matter how much your wages cost, you can not operate the vessel profitably. The great thing is to manage the vessel efficiently and get cargo.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I want to ask the chairman or some member of the committee if he has any information as to how many vessels and what character of vessels have already been sold to foreign interests by the Shipping Board or Fleet Corporation?

Mr. EDMONDS. That may probably be in the sheets, but I have not looked at it.

Mr. WALSH. Has the committee taken any testimony on that point?

Mr. EDMONDS. The report I had on August 30 did not show any vessels sold to foreign interests.

Mr. WALSH. Have the vessels that have been sold to foreign interests been only those that have not been deemed necessary by the board for the making of an efficient American merchant marine?

Mr. EDMONDS. The only sales were the 100 vessels sold to the Anderson people.

Mr. WALSH. That is the Scandinavian company?

Mr. EDMONDS. No. That is the man who said he would go to Europe and sell these vessels at $225 a ton. We have no record of his selling any vessel.

Mr. WALSH. Has the gentleman any record of Scandinavian interests securing vessels built in our yards during the war?

Mr. EDMONDS. I think you will probably find that these vessels were sold by the shipyards to the Scandinavian interests and released by the Shipping Board.

Mr. WALSH. I do not think the gentleman is quite correct in that. I think there have been sold vessels to certain Scandinavian interests that are necessary for the operation of an efficient American merchant marine. Now, what I would like to know is what character of vessels these are that you authorized to be sold.

Mr. EDMONDS. On page 7657 of the CONGRESSIONAL RECORD there is a list or recapitulation of the ship sales on October 20, 1919. In that there is no vessel positively sold that has been sold to a foreign interest. It is probable that the ships the gentleman is thinking about are the 100 ships sold to Anderson, that were supposed to be sold to foreign interests. I understand that Mr. Anderson has been in Sweden and Norway and in France and Italy and in Spain endeavoring to sell these vessels.

Mr. WALSH. Now, will the gentleman state what particular type of vessel the Shipping Board has in mind which they can deem unnecessary to the promotion and continuance of an efficient merchant marine?

Mr. EDMONDS. The Anderson corporation made a contract to take 100 of what are known as lake-type vessels. They were vessels of from 3,500 to 4,000 tons. They were vessels constructed somewhat on the lake plan, and they were not considered as desirable vessels for the overseas trade. They were more of the character of a vessel to be used in the coastwise business.

Mr. WALSH. They have built quite a number of them?

Mr. EDMONDS. I think they have built considerably more than 100 of them on the Lakes.

Mr. WALSH. And they have built a lot in the coastwise shipping plants.

Mr. EDMONDS. Not of this type.

Mr. WALSH. Of 3,500 tons?

Mr. EDMONDS. Yes, of 3,500 tons; but not of this type. This type was built so that it could be brought through the Welland Canal. It is not deep enough.

Mr. WALSH. The gentleman understands that it is only that kind of vessel that the Shipping Board would be authorized to sell?

Mr. EDMONDS. Wooden ships, concrete ships, composite ships, or vessels of that size. That is not a desirable size for the overseas trade. It is desirable only for a portion of the business of the world.

Mr. WALSH. Did the gentleman say concrete ships?

Mr. EDMONDS. Yes. I think they are offering them. The concrete ship has been fairly successful.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RANDALL of Wisconsin. Mr. Chairman, I wish to offer an amendment. In line 14, after the word "efficient," insert the word "American."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. RANDALL of Wisconsin: Page 5, line 14, after the word "efficient," insert the word "American."

Mr. GREENE of Massachusetts. We have no objection to that amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That if the terms and conditions of any sale include deferred payments of the purchase price, the board (in order that the United States may be protected against loss, liability, or damage, and have

additional security for the payment of the balance of the purchase price and charges) shall require, as part of the terms and conditions, that the purchaser of the vessel shall keep the same insured (a) against loss or damage by fire, and against all marine risks and disasters, and war and other risks, if the board so specifies, with insurance companies or underwriters, and under forms of policies, and to an amount, approved by the board, which insurance shall, if the board so requires, be made payable to it in the event of partial loss or collision liability; and (b) by protection and indemnity insurance with insurance companies, associations, or underwriters, and under forms of policies and to amount approved by the board.

Mr. WALSH. I move to amend, on page 6, line 5, by inserting the word "an" before the word "amount."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 6, line 5, before the word "amount," insert the word "an."

Mr. GREENE of Massachusetts. We have no objection to that amendment.

The amendment was agreed to.

Mr. WALSH. I have another amendment. On page 6, line 1, strike out the words "if the board so requires."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 6, line 1, after the word "shall," strike out the words "if the board so requires."

Mr. ALEXANDER. We want to be heard on that amendment.

Mr. WALSH. Mr. Chairman, we give the board ample discretion in fixing the amount and the kind of insurance which shall be taken out, and it would seem to me that the insurance which is placed should be payable to the Shipping Board. We ought not to direct them to have this insurance placed on these vessels under this plan, where the vessels are being purchased on time payments, and have the insurance payable to somebody else. It would seem to me that in order for the Government to be amply protected the law should state that when they sell these vessels upon a payment plan extending over 15 years, the board must require this insurance to be placed, and that in the event of loss the insurance should be paid to the board or to the Government, and we ought not to leave that board to say in this case that the insurance must be paid to them in one case and in another case you can have it paid to the owner or to the charter party, if you like, or somebody else. I do not quite see why we should vest any such broad discretion as that in the Shipping Board.

Mr. ALEXANDER. Will the gentleman yield?

Mr. WALSH. Certainly.

Mr. ALEXANDER. The reason assigned by the counsel for the Shipping Board was this: Take a company like the International Merchant Marine, with a large fleet; they purchase a ship and it goes into their fleet. They carry a blanket insurance policy covering their entire fleet, and in that event we give the board the discretion to make the policy payable to the Shipping Board in the event of loss or to see that the company shall take care of their fleet and protect their creditors to the extent of the insurance of their fleet of ships. It is simply to provide against such a condition as that. If a small company or an individual purchases one or two or three ships in building up a fleet, and it is necessary for the security of the Shipping Board to have the policy of insurance payable to the Shipping Board or to the Government, as the case may be, then they may do that.

Mr. WALSH. I think this great international corporation, which I have no doubt will in the future have a great influence and participate to a tremendous extent in the shipping of this country, ought to be placed upon the same footing as the small, private owner. If the board says to it, "We will sell you this ship and give you 10 or 15 years to pay for it, and you have got to keep it insured, and in case of loss the insurance on that ship shall come to the Shipping Board," we ought not to discriminate in favor of large corporations in this way and permit this discretion to rest in the Shipping Board. We ought to have them all placed on the same basis, whether they insure their whole fleet or whether they insure simply one vessel, and I submit that it can do no harm here and now to write into the law that when this board requires insurance to be taken upon ships which have been sold upon the very liberal and easy terms of payment here provided, in case of loss, either total or partial, the insurance shall be paid to the Government, represented by the Shipping Board. That is the purpose of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question being taken, on a division (demanded by Mr. EDMONDS) there were—ayes 24, noes 18.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the board may create out of net revenue from operations and sales, and maintain and administer, a separate insurance fund, in which it may insure in whole or in part, against all hazards usual covered by insurance policies, any interest of the United States (1) in any vessel, either constructed or in process of construction, and (2) in any plants or materials heretofore or hereafter acquired by the board. The board shall at all times maintain adequate surplus and reserves as required by the best actuarial practice to secure any such policies, and to secure the reasonable costs, expenses, and charges of maintaining such insurance fund, and shall annually pay into the Treasury of the United States, as miscellaneous receipts, any net profits realized from the operation of such insurance fund.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 6, line 9, after the word "hazard," strike out the word "usual" and insert the word "usually."

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Has not the Shipping Board done just what is authorized in this section in its operations?

Mr. EDMONDS. The Shipping Board has carried a hull insurance fund during the time of the war and up to the present time.

Mr. WALSH. How large a fund have they set aside?

Mr. EDMONDS. It was simply a bookkeeping account. They did not set aside any amount.

Mr. WALSH. How much shows on their books as being available out of the appropriations that Congress has made? How much do their books show as having been set aside as being available for insurance purposes?

Mr. EDMONDS. Probably about $15,000,000. The gentleman will understand that there is no appropriation in regard to the insurance.

Mr. WALSH. I understand.

Mr. EDMONDS. It is taken out of the operating money and is really a bookkeeping account.

Mr. WALSH. How much have they already in losses?

Mr. EDMONDS. From $17,000,000 to $20,000,000.

Mr. WALSH. And still they carry on the books as available for future losses $15,000,000?

Mr. EDMONDS. Yes; but some of it is subject to losses that have not been adjudicated, subject to investigation.

Mr. WALSH. Will the gentleman state how the board is to maintain this tremendous fund in the future, after its construction program has been completed? Is it to ask for appropriations from Congress for this purpose to keep the fund up?

Mr. EDMONDS. It is provided in section 9 that after July, 1920, the appropriations committee shall set aside a certain amount for operating capital and insurance fund.

Mr. WALSH. I notice in the report that the marine insurance companies in this country are not very numerous and have not carried much of this insurance. Does the gentleman think that if the Shipping Board starts out on this program it will tend to encourage the building up of the marine insurance companies?

Mr. EDMONDS. The gentleman may notice that it says that the Shipping Board "may" do this.

Mr. WALSH. But they have already done it. If we say that they may do it, we can not expect that they will quit what they have been already doing, because we give them permission to continue.

Mr. EDMONDS. I think under proper management the insurance companies of this country will be able to take care of the entire insurance. Owing to the fact that they are not prepared to do so, I feel that we should have a provision of this kind in the act, so that if it is absolutely necessary to prevent the premiums going to foreign countries, which they have been doing in the past, we can carry this insurance ourselves. I do not know of any reason why we should support foreign insurance companies.

Mr. WALSH. But the gentleman brought in legislation encouraging or permitting the Shipping Board to insure American shipping, and I do not see how you are going to promote the growth of insurance companies by providing that the Government shall go into the insurance business itself and in the same bill provide that it shall sell the ships that are now under its control.

Mr. EDMONDS. This insurance is to take care of the Government's interest in those ships and not outside ships.

Mr. WALSH. It says "vessels constructed and in the process of construction, or any plant or material hereafter acquired by the board." Certainly that is not limited to insurance of ships owned by the Government.

Mr. EDMONDS. It insures the property of the Shipping Board. The Shipping Board has housing property.

Mr. WALSH. If a person buys a ship to-day and pays for it in full in a year from to-day the insurance that the Government has on it ceases when the payments have been completed.

Mr. EDMONDS. No; when the Shipping Board sells a ship, if they get 25 per cent down the buyer insures that 25 per cent and the Shipping Board insures 75 per cent.

Mr. WALSH. But when the payments are completed the Government insurance ceases and the owner has to look out for his insurance in a private concern.

Mr. EDMONDS. Yes. Mr. Chairman, for the last three months the subcommittee of the Committee on Merchant Marine and Fisheries has been investigating insurance. We have at last aroused the interest of the insurance companies in this situation, and I believe within the next two or three weeks there will be a marked disposition to take care of this insurance which has been going, two-thirds of it, to foreign insurance companies. It has been figured that $71,000,000,000 insurance has been taken in connection with marine affairs during the past year. Out of that two-thirds was taken by foreign countries. Last night the committee had a meeting with three or four prominent insurance men in this country. We are not prepared to say exactly what the situation will be, but while I am opposed to Government ownership, if it is not possible to take care of the insurance in this country I am opposed to its being placed in foreign insurance companies, and if it can be placed in this country I do not want the Shipping Board to do any of it, but have it all done by companies here. If we expect to build up a number of companies doing marine insurance, one of the things so necessary to the movement of ships, we must give them some encouragement in starting out on the program. Marine insurance is a big thing. A man goes in and asks for two or three million dollars of insurance, and no one company wants to take the risk, and so the risk is reinsured, and, as I say, the reinsurance goes to the foreign companies. We have companies to-day with $250,000,000 surplus and capital who are willing and want to take some of this insurance, and I think that they can carry every cent of it.

Not only that, but with this encouragement they are going to go outside and open establishments in foreign countries and do foreign business, so that they can do a world-wide insurance just as English companies do. Banking, ships, insurance are the three things that make ships go. We have to do something to encourage the marine insurance people. We should have this in the bill in order to say to them that we are going to do this ourselves if they can not keep these premiums in this country. They recognize that, and they are going to arrange for some plan by which they will take care of it. I suggest that we leave this in the bill until we find out what they are going to do so as to prevent these policies from going elsewhere.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read as follows:

SEC. 7. That all vessels referred to in section 2 which are not sold in pursuance of sections 3 and 4 shall be subject in all respects to the provisions of the shipping act, 1916, in the same manner as vessels acquired by the board under the provisions of such act.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. GREENE of Massachusetts for the committee: Page 7, line 20, strike out the section and insert in lieu thereof the following:

"SEC. 7. All vessels not sold shall be managed and operated by the board or chartered or leased by it on such terms as the board shall deem wise for the promotion and maintenance of an efficient merchant marine, provided the operation, charter, or lease of such vessels by the board shall be limited to the time fixed in section 11 of the shipping act, 1916."

Mr. GREENE of Massachusetts. Mr. Chairman, this amendment was framed by the counsel of the Shipping Board this morning as necessary to make the bill round out fully. I submitted it to several members of the committee, who are agreeable to it, who understand just exactly what it means. They said they thought it was a proper amendment, and therefore I accepted it.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. WALSH. If I understand, that limits the chartering or leasing of these vessels for a period not exceeding five years after the termination of the war.

Mr. GREENE of Massachusetts. Exactly.

Mr. WALSH. And to apply only to such vessels as the board are able to sell either to citizens or aliens.

Mr. GREENE of Massachusetts. That is it exactly.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the board is further authorized to sell any property transferred to it under section 2.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I will only detain you a moment. I have listened with a great deal of interest to all the arguments on this bill. Everyone who has spoken here says that he is in favor of a merchant marine, and I would just like to know whether it is our inability or whether or not we are absolutely desirous of obtaining that result? The development of our country depends upon agriculture, manufacturing, and commerce. We formerly had a merchant marine that navigated the seven seas. Why not now? Shipping is highly competitive. There is no question but what if we have a merchant marine we must operate it in competition with the shipping of the world or we will not get the foreign trade. That country will get the cargo that will carry the cheapest. Some one said we ought to sell these ships immediately, because just now we can get high prices for them, that after a while they will be cheaper. If they are going to be cheaper, the purchaser knows that just as well as we do. He will hesitate to buy now for the same reason we want to sell. He will wait until he can buy cheaper. But let us dispose of the ships and get them to work. There is no question but what it costs us more to operate our ships than it does any nation on earth. Japanese labor costs 44 cents a day, while we pay $4 a day. The Japanese live largely on rice. Our seamen live on good wholesome food.

Mr. BAER. Will the gentleman yield?

Mr. SMITH of Michigan. Not just yet—and the living is not any too good and the wages are not too high for our men. They want the best and are entitled to the best. They say we can not have a merchant marine. Why? One gentleman says because we have no return cargoes. I want to know where we would get enough return cargoes? We ship out of this country now twice as much as we import. If we ship out twice as much as we import, then there will be nothing to bring back half the time. In the fiscal year of 1919, just passed, our exports amounted to $7,233,348,518, while our imports were only $3,095,871,604. There is only one way to do it, and that is to do exactly what every nation does. Every nation on earth outside of this country subsidizes its foreign shipping.

Mr. ALEXANDER. Will the gentleman yield at that point?

Mr. SMITH of Michigan. I will.

Mr. ALEXANDER. The gentleman is in error about every nation subsidizing its freight ships.

Mr. SMITH of Michigan. Germany is the only one, and they send all their foreign shipping to the seaport without any charge.

Mr. ALEXANDER. I think the gentleman ought to inform himself on that question before he makes such a bald assertion.

Mr. SMITH of Michigan. The subject is fully covered in a document issued by the Department of Commerce, entitled "Government Aid to Merchant Shipping," on page 76 of which the following appears:

The wide extent of ocean shipping under the German flag is, however, a new development and is to be accounted for by a number of factors, among which are the following:

(1) Expansion of the foreign trade of Germany.
(2) Control of much of the emigrant traffic to the United States.
(3) Ability to produce iron and steel cheaply.
(4) Development of the shipbuilding industry by reason of (a) low cost of iron and steel; (b) free admission of raw materials for ship construction; (c) low railroad freights on materials shipped from interior points in Germany; (d) naval contracts; (e) preference in the construction of vessels for subsidized lines.
(5) Effective coordination of services so as to avoid duplication of routes. German steamship lines are not only permitted but are encouraged to enter into pooling agreements for the maintenance of rates, the division of territory, and the payment of deferred rebates.
(6) Judicious subventions.
(7) Preferential railway rates on goods shipped via specified steamship lines.

On page 25 a statement is made:

The expenditures of Japan for mail, subventions, and subsidies have been very liberal. The fact that the merchant marine of Japan has developed very rapidly since the institution of the subsidiary has been attributed by many to the liberal State aid which it has received.

While under direct aid, on page 51, in reference to Great Britain, it is stated:

No general bounties have been given, as in France, Italy, Austria, and Spain, for all vessels built in domestic yards, or for all vessels operated under the national flag.

It seems to me this is a most auspicious and favorable time to establish an American merchant marine. I am strongly in favor of that. We have the ships, 2,360 built and to be built. The ships of themselves will form a very large fleet, and it would be better to put them into the service than allow them to be tied up at the docks. I am pleased to note that this bill allows them

to be sold on long-time and easy terms. I think that will do much as a starter. But to keep them in the service we must meet strong competition. I believe this can be done by granting to owners engaged in foreign trade such terms as will permit them to compete whether it be in wages, insurance, or cost of construction. Another great benefit will be found in the number of seamen required to operate the fleet, who otherwise would be unavailable and unacquainted with the sea should necessity ever arise for operating ocean-going vessels. I am much in favor of the bill, and believe it is a step in the right direction. It opens the door for the establishment of a merchant marine, which is in much favor by the public and will find ready support both in and out of Congress.

Mr. HUSTED. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York.

Mr. HUSTED. Mr. Chairman, the gentleman from Texas [Mr. BLACK] expressed great concern as to our ability to maintain a merchant marine if a protective-tariff law should be enacted. Well, I call attention to the fact that before the Civil War we carried the bulk of the goods of the world, and we carried those goods under high-protective-tariff laws. It was not the protective-tariff system that drove our merchant marine from the seas. We carried those goods because the old clipper ships were the most efficient in the world, and the fact that our merchant marine was driven from the seas was due to a number of causes, one of which has been stated by the gentleman from Illinois [Mr. CANNON]. It was due to the opening of the West and the development of the resources of this country——

Mr. BLACK. Will the gentleman yield?

Mr. HUSTED. In one minute—which absorbed the activities of the Nation, which gave greater opportunities to the young men who lived on the Atlantic seaboard, who in the olden time would have gone into the merchant marine, but who under the new conditions went into other industries. They went into the West because they were afforded greater opportunities, and they could make more money on the land than they could on the sea.

Mr. BLACK. Now, will the gentleman yield?

Mr. HUSTED. In one minute. Another reason was the fact that we stuck to the old clipper ships too long. Great Britain started in experimenting with steam, and we did not believe in this country that steam could be ever developed to the point of efficiency where it would drive the old sailing clipper ships out of business. But we were wrong about it. Then came along the Civil War, and during the Civil War Great Britain took advantage of our inability to develop our merchant marine, and she got ahead of us during the Civil War and has stayed ahead of us ever since. While I do not think we have anything to fear from the protective-tariff policy, under which the industries of this country have developed so that they produce the largest part of the cargoes which must be carried by our merchant marine, I do think there are certain factors that are going to operate against our success in the carrying trade unless we take some corrective action. It has been stated upon the floor of the House that the wages of the merchant marine of the world are practically equal at the present time.

Well, that may be true now, but if it is true it is only true on account of war conditions, and those favorable wage conditions will not continue in the future. We have got to provide against that, especialy on the Pacific coast in competition with the Japanese merchant marine. I think that there will be found our most formidable competition, and if we are going to compete against the Japanese merchant marine in the future, we will have to adopt a subsidy or do something to overcome the wage handicap.

And there is another matter which operates seriously against us at the present time and will continue to operate seriously against us in the future, and that is the fact that American seamen, under the La Follette Act, can leave the ships at any port. If we do not correct that in the future, it is going to be a very serious matter, operating against the success of the American merchant marine. [Applause.] I believe if our merchant marine is going to accomplish the things we hope for it, if we are going to recover a large share of the carrying trade of the world, the share we had in the past and that we want to have in the future, we will have to make from time to time some substantial amendments to the existing seamen's act.

The CHAIRMAN. The Clerk will read.

Mr. WALSH. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 7, line 2, after the figure "2," insert "under such terms and conditions as the board may prescribe, but completion of payment of the purchase price shall be within five years from the date of the contract of sale."

Mr. WALSH. Mr. Chairman, this is a similar provision to that included in the section authorizing the sale of ships.

Mr. GREENE of Massachusetts. It is very agreeable to the committee.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

SEC. 9. That the net proceeds derived by the board prior to July 1, 1920, from any activities authorized by this act or by the shipping act, 1916, save such an amount as the board shall deem necessary to withhold as operating capital, for the purposes of section 7 of this act, or for the insurance fund authorized in section 6, shall be covered into the Treasury of the United States to the credit of the board and may be expended by it, within the limits of the amounts heretofore or hereafter authorized, for the construction, requisitioning, or purchasing of vessels. After July 1, 1920, such net proceeds, less such an amount as may be authorized annually by Congress to be withheld as operating capital, or for such insurance fund, shall be covered into the Treasury of the United States as miscellaneous receipts. The board shall, as rapidly as in its discretion is warranted, withdraw investment of Government funds made during the emergency under the authority conferred by the act or parts of acts repealed by section 1 of this act and cover the net proceeds thereof into the Treasury of the United States as miscellaneous receipts.

Mr. LINTHICUM and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] is recognized.

Mr. LINTHICUM. Mr. Chairman, I am very much impressed by the statement of the gentleman from Alabama [Mr. BANKHEAD] in reference to terminal facilities. It seems to me that one of the great necessities for the success of the merchant marine is terminal facilities and not too much congestion of the shipping in any one port along the seaboard. We all know that the port of New York has been so congested for several years that it has been almost impossible to do business there with any great economy, that the port of Philadelphia has been very much congested, and that the port of Baltimore has had a tremendous increase of shipping and is rapidly becoming like the other ports. New York and Philadelphia have received large appropriations, owing to the war. Baltimore has received some very good appropriations, but we must have a channel of 40 feet and still wider channels. We are the only city along the Atlantic outside of New York having an unobstructed channel of 35 feet up to the piers, but even this is not sufficient, and more money must be expended with us.

What we must certainly do is not alone to say that we want a merchant marine, which I believe all of us favor on some basis. Some favor a subsidy, some Government ownership, and some semi-Government ownership, but all favor a merchant marine. It is highly essential that we should at the same time devolop our port facilites and that there should not be continuous objection every time the river and harbor bill is reported to this House because it appropriates money along the Atlantic seaboard or along the Pacific coast for the development of our channels and waterways. The truth is we are not keeping pace in river and harbor appropriations with the needs of the country. The intracoastal canal system in which the Government has now embarked will, to a larger extent, congest the ports of the Atlantic seaboard from Maine to Florida. We are to have a very large business along the Atlantic coast through this intercoastal system, and that of itself will require more channel space, more piers, and port facilites. In Baltimore we have looked forward to this situation, and are trying to keep ahead of the requirements of trade. On the 23d of October last the press published a report that the Pennsylvania Railroad Co. was completing its pier and grain elevator in Baltimore, being built by James Stewart & Co., and having a capacity of 5,000,000 bushels of grain. It can accommodate five ships at one time. The elevator has a receiving capacity of 400 cars in 10 hours and a loading capacity of 1,800,000 bushels in 10 hours. That, with the additional elevators which we have, gives a capacity of 10,000,000 bushels of grain. Baltimore has 18 miles of water front suitable for docking purposes including 6¾ miles in the main inner harbor, 3½ miles on the middle branch within technical city limits, and at least 8 miles more adjacent to the city limits. It has 160 wharves in the main harbor, with 145,700—say 27¾ miles frontage of wharf room. Adding this amount of wharf frontage to the other water front of the Patapsco River and its tributaries gives a total of 120 miles water front, developed and undeveloped. Of this wharfage the city owns 13 piers with a wharf frontage of 26,385 feet—5 miles.

The port facilities, the quick operation of ships, the quick loading and accommodaiton at the various ports are highly essential to the success of any merchant marine which we may establish.

Maryland, as I have said before, embracing within its area so much of that vast expanse of water which constitutes the beautiful Chesapeake Bay, it is but natural she should take a keen interest in our merchant marine, and that she should be vitally affected by everything that relates to it.

The water is the theater of activity of many of our people, and many of those now living can remember the day when the Chesapeake was dotted with its white fleets of clipper ships whose prowess and reputation made the name of Baltimore famous throughout the world. My father, Sweetser Linthicum, who spent seven years of his early life as the captain of his father's vessel, has told me on numerous occasions of the great merchant ships of our city which traversed the globe when he was thus engaged and when our merchant marine was in its glory, and he was sad when relating how our marine had gradually faded away during his life. And Richard Henry Dana, jr., in that splendid work of his, "Two Years Before the Mast," refers to the good ship *Ann McKim*, of Baltimore, as being one of the fastest and best-sailed merchantmen on the Pacific coast Thus, even while Baltimore was in her infancy, her clipper ships were carrying her goods and making her products known to the people of distant lands.

Little more than 65 years ago American merchant ships, sailed by American masters and manned by American crews, were supreme upon the sea. It was the era of the clipper ship, the highest development in the art of wooden-ship building. The American ship in that day was the most perfect mechanism that sailed the waters. American shipmasters were men of energy, genius, and ability, while the crews they commanded were of a class whose equals were not to be found elsewhere upon the waters of the earth.

It is invigorating to know that after the lapse of so many years during which American ships were seldom seen in the ports of the world, and the American flag was seen seldom on anything except its warships, to-day we have again entered upon a vast shipbuilding program; that America to-day has more ship workers, more shipyards, more shipways, more vessels under construction, and is turning them out more rapidly and in greater number than now issue from all the shipyards of the world. We are the premier shipbuilding nation of the entire world, and this we have attained in one gigantic stride since the beginning of the war.

Up to the outbreak of the World War we had only 15 vessels of 1,000 tons engaged in overseas trade. To-day the American flag floats from 1,280 ocean-going steamships, 1,107 of which have been built by the United States Shipping Board within the last two years. In June, 1914, the total gross tonnage under the American flag, including coastwise shipping and the freight operating on the Great Lakes, was 4,287,000 tons, while in June, 1919, its gross tonnage was 11,983,000, an increase of 278 per cent, and this chiefly in ocean-going vessels. To-day the steam tonnage of America sailing under Old Glory is 24.8 per cent of the steam tonnage of the world. Certainly this is a splendid record, and one of which the public generally should feel most proud.

The stride made by our Government during the war only goes to show what American energy and perseverance can do when called upon in an emergency. It is only fair to say, however, that there should never again be such an emergency. America should be well prepared with ships in which to carry her own trade and to back up her Navy both in time of peace and in time of war. Never should this country again allow itself to get into the position as to the tonnage of the world which we occupied prior to the war. With its great natural resources, its expert and ingenious mechanics, its business men, and its great financial enterprises, America should eventually hold the first place in the commerce of the world. If she can perform the miracles which she did in the war in commerce and in shipbuilding, certainly she can rapidly attain the position of first commercial nation. I am very glad we have made such wonderful progress in shipbuilding during the last few years and feel assured no backward step will be taken from the wonderful progress we have attained.

A moment's reflection will bring home to anyone considering the subject how independent the United States is when building for its own shipping. Thousands of miles of sea separate us from the great shipyards of Europe. It is natural therefore that we should depend on ourselves for our ships and that we should build these ships adapted to our own needs. It is a historical fact that the shipbuilding nations have ever been the shipowning nations, and that nations without shipbuilders are nations without ships and without trades of their own. To neglect to build our own ships is to neglect to own the ships in which our commerce is carried. To neglect to own the ships in which we carry our commerce is to attempt to compete with our rivals for that commerce under conditions most unfair. The successful commercial nations of the past have been those nations who have built their own ships and have carried their commerce in these ships to the nations of the earth. To endeavor to build up a great State from commerce without controlling the vessels of commerce is a proposition as impossible as that to set aside the laws of gravitation.

We adopted the doctrine of freer trade relations with the nations of the earth through the reduction of the old tariff laws, but many do not seem to realize that, notwithstanding how cheaply and successfully we can produce in this country, we can never hope to secure the greatest success in our foreign commercial enterprise if these natural advantages which we enjoy be fettered by a condition in which we are compelled to transport the things we produce to other nations in the ships of nations who are our rivals for the same trade.

The wisdom of the policy of our forefathers in encouraging building and the maintenance of an adequate merchant marine has been demonstrated time and again. We are told that under their farseeing policy of encouragement eligible farms became town sites, land increased in value, and trade and industry everywhere felt the quickening impulse of foreign trade. Every interest in the country was benefited by the policy adopted which gave to our country the business of shipbuilding; of getting ship timber; of building dry docks and repairing vessels; of making spars, blocks, and pumps; of fitting, rigging, and of sailmaking; of making anchors and chains, windlasses and capstans; of building boats and making oars; of equipping and outfitting vessels; of supplying provisions and clothing for crews; and many other incidental trades.

The people of no other nation take more pride in their navy than do the American people, nor have the people of any other nation of the earth more reason to take pride in their navy than have the American people. Yet no navy can be successfully maintained unless there is behind it an adequate merchant marine. The one is essential to the other.

What would be your opinion of the business acumen of a merchant, keenly competing with other merchants for trade, who hired the vehicles of his competitors to deliver his goods? Without hesitation you would say that if this merchant was not wholly ruined by such a policy he would at least never reap the full benefit of his success.

A natural business policy and an individual business policy proceed along identical lines, and what is disastrous to the individual is equally disastrous from a national viewpoint.

Let us not overlook that every transportation system is an artery of commerce, and that every artery of commerce becomes sooner or later a producer of commerce. The representatives of these systems become the logical agents of the goods they handle, for in developing their own business it is necessarily incumbent on them to stimulate that commerce from which they derive their profits.

In conclusion let me say that the American people are to be highly congratulated, and those who have had the building of the ships should be highly pleased that America has again taken her place in the commerce of the world, not alone in vast trade but in hauling her products to the ports of the countries in American-built ships, laden with American goods, and manned by American crews; that they will invade every ocean and sea and every port of commercial size; that Baltimore, one of the largest shipbuilding ports along the seaboard, is again taking its part in this great enterprise, and her ships are becoming as well known as her clipper ships of old.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Michigan asks the same privilege. Is there objection? [After a pause.] The Chair hears none.

Mr. EDMONDS. Mr. Chairman, I just wish to say in answer to the numerous statements made by Members of the House about the different things that should be used to build up the American merchant marine, that the committee will not be out of business after the passage of this act.

The question of ports and facilities is receiving our attention. The question of a number of different lines and the manning of vessels is also receiving our attention, and we expect to have quite a few acts brought in here. This is only the beginning of a movement to keep our ships on the seas. I would not be surprised before we get through if we should have 10 or 12

different pieces of legislation that would be necessary for us to pass in order to keep the shipping moving.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. LINTHICUM. I recognize the fact that the gentleman and his committee are in favor of the extension of these port facilities. I know the gentleman appreciates the importance of that.

Mr. WALSH. Mr. Chairman, what is the meaning of this language on line 17 of page 7, "The board shall, as rapidly as in its discretion is warranted, withdraw investments of Government funds"? What does that mean—"as rapidly as in its discretion is warranted"?

Mr. EDMONDS. It means that it may not be desirable to withdraw too quickly from the investments that have been made in certain shipyards, and therefore we give them the opportunity to use their discretion in withdrawing the Government funds that have been invested in these different industries. We have a Government investment to-day in a number of different industries, furniture factories, trolley roads, and local steamboats.

Mr. WALSH. It seems to me that the phraseology there is a little bit too cumbersome, and I do not think it is quite correct English. "The board shall, as rapidly as in its discretion is warranted" I do not think is clear.

Mr. HADLEY. Would not the word "advisable" be better than "warranted"?

Mr. WALSH. Yes. I move to strike out the words "in its discretion is warranted" and substitute "it deems advisable," so that it shall read, "The board shall, as rapidly as it deems advisable, withdraw," and so forth.

Mr. GREENE of Massachusetts. There is no objection to that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Page 7, line 17, strike out the words "in its discretion is warranted" and in lieu thereof insert "it deems advisable."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALEXANDER. Mr. Chairman, in line 5, page 7, a comma should be inserted after the word "act," where it first appears.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 7, line 5, after the word "act," where it first occurs, insert a comma.

Mr. WALSH. There is no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That the board shall not require payment from the War Department for the charter hire of vessels furnished from July 1, 1918, to June 30, 1919, inclusive, for the use of the department, when such vessels are owned by the United States Government.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. How much will this keep in one pocket which under prior law would be transferred to the other?

Mr. EDMONDS. Answering the gentleman, I would like to say that at present it is impossible to state. It will be the 1st of January before the Shipping Board's accounts are in such shape that any man can understand them. Up to the present date, while they have been working very rapidly upon them, they have been unable to get a complete account. It will be somewhere around $45,000,000 or $60,000,000.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That all authorization to build, requisition, or exchange houses or buildings or to purchase or requisition land under the act entitled "An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved lands, houses, buildings, and for other purposes," approved March 1, 1918 is suspended: *Provided, however*, That expenditures may be made under said act for the completion of such houses or buildings as have heretofore been contracted for and are under construction. If considered advisable, and the board is authorized and directed to dispose of such properties or the interest of the United States in such properties at as early a date as practicable.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Massachusetts offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Massachusetts: Page 8, line 11, after the word "the," at the end of the line, insert "repairs of houses and buildings already constructed and the."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That this act may be cited as the shipping act, 1919.

Mr. WALSH. Mr. Chairman, I offer an amendment striking out the word "shipping," on page 8, line 22, and inserting in lieu thereof the words "merchant marine."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 8, line 22, strike out the word "shipping" and insert in lieu thereof the words "merchant marine."

Mr. WALSH. Mr. Chairman, I offer this amendment for the reason that this is the first bill since the war which has attempted to outline a policy for the future; and while other laws have been known as shipping acts, it would seem that now is a good time to make it known that we have attempted to formulate some policy for the future. I wish that it might be in order to entitle this act the "Greene-Alexander Act," or some such phrase as that, because I know these two distinguished gentlemen, who have given years of service upon this committee, have great familiarity with the problems that they have had to meet in drafting this legislation. Particularly is that true of my distinguished colleague from Massachusetts, Mr. GREENE, who, as we all know, has made a record in merchant-marine legislation that is a matter of pride not only to his colleagues here in the House but particularly to his associates in the House who come from Massachusetts and New England. [Applause.]

I know that he has been ably seconded by the gentleman from Missouri, Judge ALEXANDER, and, as he has himself said, the other members of the committee have worked arduously upon one of the most important problems that has confronted this Congress, namely, the task of enacting some legislation which will insure the efficiency and continuance of our merchant marine in the future. So I think that at this particular time it would be well to entitle this act "the merchant-marine act," because undoubtedly henceforth all the future legislation will go forward in amending or perfecting this bill which we are now passing as a foundation for the future of our commerce upon the seas, borne in ships which will fly the American flag. [Applause.]

Mr. CLEARY. Mr. Chairman, the Republican side of the New York delegation have expressed their approval of this act. I do not think the New York Democratic side have been heard from. So I simply want to add that it is with a great deal of admiration that I have sat here to-day and listened to an American debate, not a Republican or a Democratic debate. [Applause.] It is one of the things that we have to be thankful for that when a really beneficial thing comes up, when the country is in danger, or when the country wants something that is good for the whole people, you can rely upon gentlemen on both sides of this aisle to forward that proposition. [Applause.] That is why it is particularly gratifying to me to be here to-day. I know something about this question. I believe in this bill and approve of it heartily. I think that its provisions in the main are wise. I believe in it because it proposes to give this business back to the people and encourages the people all that the Government can, in a fatherly way, to go on and back up this business and run it; and everybody who has had any experience knows that bright business men in competition with one another can do more to maintain the business interests of the country than any Government bureau. I do not care what it is. Because when you pick men out for governmental positions, they have not the incentive that a man has when he is making dollars and cents for himself. There is some politics in it. Some one gets a Government job because he is a political power or favorite; but when you put this business on its own bottom, and when you send out freight solicitors who are bright and who know what they want, and when they get this business down to its lowest terms in managing it and running it, then you are starting with chances for greater success than you can hope for in anything run by the Government. Although the Government may have to do such things in a great crisis such as that which we have passed through, yet on the whole I am in favor of the Government stepping out and letting American citizens go in and run the

business of this country. That is the reason this country is as successful as it is.

I remember when I was a little boy in the country, brought up on a little farm, when we went to the little red schoolhouse we all understood that there were opportunities in this country for every boy and every man who would be diligent, economical, and attentive to his duties. The same thing is true now; and that is the reason that this great American people will hold their own and neither Bolshevism, socialism, nor any other ism will ever down this country. [Applause.] Whenever these things go too far they receive a rebuke. You saw that in Massachusetts on Tuesday, and the great Democratic President of this country was not slow in showing his approval of it. [Applause.] So that it is a fine thing to sit here on a day like this and see men like my friend Mr. GREENE and like my friend Judge ALEXANDER engaged in the performance of a great patriotic duty. I had the pleasure of coming down here 10 or 12 years ago, when Senator CALDER was first in Congress, and we came to advocate something for the interest of New York. I remember my friend Judge GREENE was then chairman of the Committee on the Merchant Marine and Fisheries. I was asked to state the case, and I remember how cordially he invited me to do it.

Now, speaking of port facilities, every American port ought to furnish the best facilities at the lowest price. I remember I was invited by the Republican dock commissioner, Edward O'Brien, who gave me credit for helping him get the job at the time. He brought me before the sinking-fund commissioners to urge the building of the Chelsea piers, those great piers on the North River in New York City, and yet there were some people on the board who opposed it. At that time I made the first talk in that line as to how much commerce did for the country. So now in New York we are somewhat crowded, as the gentleman from Maryland has said, and we are now preparing another harbor in the port of New York. We are providing for a survey, and they have agreed to spend a certain amount of money on dredging [applause] and dock building in Jamaica Bay, a large and splendid harbor at New York City.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, at the end of the bill add a new section 14, as follows:
"This section is added so as to obviate any question of hoodoo."

[Laughter.]

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was being taken,

Mr. BLANTON. Mr. Speaker, I ask for a division, and upon that I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 8, not voting 184, as follows:

YEAS—240.

Alexander	Bankhead	Box	Buchanan
Almon	Barbour	Brand	Burdick
Andrews, Nebr.	Bee	Briggs	Burke
Anthony	Begg	Brinson	Burroughs
Aswell	Benham	Brooks, Ill.	Butler
Ayres	Black	Browne	Byrnes, S. C.
Baska	Blanton	Browning	Byrns, Tenn.
Caldwell	Greene, Mass.	McKinley	Rubey
Campbell, Kans.	Greene, Vt.	McLaughlin, Mich.	Rucker
Campbell, Pa.	Hadley	McLaughlin, Nebr.	Schall
Candler	Hardy, Colo.	McPherson	Scott
Cannon	Hardy, Tex.	MacGregor	Sears
Carss	Harrison	Madden	Sells
Chindblom	Hastings	Magee	Shreve
Christopherson	Haugen	Mansfield	Siegel
Classon	Hayden	Mapes	Sinnott
Cleary	Heflin	Martin	Small
Coady	Hernandez	Michener	Smith, Idaho
Cole	Hersey	Miller	Smith, Ill.
Collier	Hickey	Minahan, N. J.	Smith, Mich.
Connally	Hicks	Monahan, Wis.	Smithwick
Copley	Hoch	Mondell	Snell
Cramton	Holland	Moon	Steagall
Crisp	Houghton	Mooney	Stedman
Crowther	Hull, Tenn.	Moore, Ohio	Steenerson
Cullen	Husted	Moore, Va.	Stephens, Ohio
Currie, Mich.	Igoe	Morgan	Stevenson
Curry, Calif.	Jacoway	Murphy	Strong, Kans.
Dale	James	Neely	Strong, Pa.
Dallinger	Jefferis	Nelson, Mo.	Summers, Wash.
Darrow	Johnson, Miss.	Nelson, Wis.	Sumners, Tex.
Davis, Tenn.	Johnson, Wash.	Newton, Minn.	Swope
Dent	Jones, Tex.	Newton, Mo.	Tague
Dickinson, Mo.	Juul	Nichols, Mich.	Taylor, Colo.
Dickinson, Iowa	Kahn	Nolan	Temple
Dominick	Kearns	O'Connell	Tillman
Doughton	Kelley, Mich.	O'Connor	Tilson
Dowell	Kendall	Ogden	Timberlake
Dunbar	Kinkaid	Oldfield	Vaile
Dupré	Kitchin	Overstreet	Venable
Echols	Kleczka	Padgett	Vinson
Edmonds	Knutson	Parrish	Walsh
Elliott	Kraus	Phelan	Walters
Elston	Lampert	Platt	Wason
Emerson	Langley	Purnell	Watkins
Evans, Mont.	Lanham	Quin	Watson, Va.
Evans, Nebr.	Lankford	Rainey, Ala.	Weaver
Fairfield	Larsen	Raker	Welling
Fisher	Layton	Ramseyer	Welty
Foster	Lazaro	Randall, Wis.	Whaley
French	Lee, Ga.	Reber	Wheeler
Fuller, Mass.	Lehlbach	Reed, N. Y.	White, Kans.
Gallagher	Linthicum	Reed, W. Va.	Williams
Garrett	Lonergan	Ricketts	Wilson, La.
Glynn	Longworth	Robinson, N. C.	Wilson, Pa.
Goodwin, Ark.	Lufkin	Robsion, Ky.	Wingo
Goodykoontz	Luhring	Rogers	Wood, Ind.
Gould	McClintic	Rose	Woods, Va.
Graham, Ill.	McFadden	Rouse	Wright
Green, Iowa	McGlennon	Rowe	Young, Tex.

NAYS—8.

Baer	Huddleston	King	Randall, Calif.
Griffin	Keller	McLane	Young, N. Dak.

NOT VOTING—184.

Ackerman	Fields	Lesher	Romjue
Anderson	Flood	Little	Rowan
Andrews, Md.	Focht	Luce	Sabath
Ashbrook	Fordney	McAndrews	Sanders, Ind.
Bacharach	Frear	McArthur	Sanders, La.
Barkley	Freeman	McCulloch	Sanders, N. Y.
Bell	Fuller, Ill.	McDuffie	Sanford
Benson	Gallivan	McKenzie	Saunders, Va.
Blackmon	Gandy	McKeown	Scully
Bland, Ind.	Ganly	McKinley	Sherwood
Bland, Mo.	Gard	MacCrate	Sims
Bland, Va.	Garland	Maher	Sinclair
Boies	Garner	Major	Sisson
Booher	Godwin, N. C.	Mann, Ill.	Slemp
Bowers	Goldfogle	Mann, S. C.	Smith, N. Y.
Britten	Good	Mason	Snyder
Brooks, Pa.	Goodall	Mays	Steele
Brumbaugh	Graham, Pa.	Mead	Stephens, Miss.
Cantrill	Griest	Merritt	Stiness
Caraway	Hamill	Montague	Stoll
Carew	Hamilton	Moore, Pa.	Sullivan
Carter	Haskell	Moores, Ind.	Sweet
Casey	Hawley	Morin	Taylor, Ark.
Clark, Fla.	Hays	Mott	Taylor, Tenn.
Clark, Mo.	Hersman	Mudd	Thomas
Cooper	Hill	Nicholls, S. C.	Thompson
Costello	Howard	Oliver	Tincher
Crago	Hudspeth	Olney	Tinkham
Davey	Hulings	Osborne	Towner
Davis, Minn.	Hull, Iowa	Paige	Treadway
Dempsey	Humphreys	Park	Upshaw
Denison	Hutchinson	Parker	Vare
Dewalt	Ireland	Pell	Vestal
Donovan	Johnson, Ky.	Peters	Voigt
Dooling	Johnson, S. Dak.	Porter	Volstead
Doremus	Johnston, N. Y.	Pou	Ward
Drane	Jones, Pa.	Radcliffe	Watson, Pa.
Dunn	Kelly, Pa.	Rainey, H. T.	Webb
Dyer	Kennedy, Iowa	Rainey, J. W.	Webster
Eagan	Kennedy, R. I.	Ramsey	White, Me.
Eagle	Kettner	Rayburn	Wilson, Ill.
Ellsworth	Kiess	Reavis	Winslow
Esch	Kincheloe	Rhodes	Wise
Evans, Nev.	Kreider	Riddick	Woodyard
Ferris	LaGuardia	Riordan	Yates
Fess	Lea, Calif.	Rodenberg	Zihlman

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. FULLER of Illinois with Mr. JOHN W. RAINEY.

Mr. MCKINLEY with Mr. PELL.

Mr. BROOKS of Pennsylvania with Mr. CLARK of Missouri.
Mr. BACHARACH with Mr. UPSHAW.
Mr. SINCLAIR with Mr. OLNEY.
Mr. RHODES with Mr. MAJOR.
Mr. BOIES with Mr. SEARS.
Mr. WHITE of Maine with Mr. GARNER.
Mr. TINCHER with Mr. THOMAS.
Mr. TREADWAY with Mr. BOOHER.
Mr. FREAR with Mr. RIORDAN.
Mr. FREEMAN with Mr. RAYBURN.
Mr. WILSON of Illinois with Mr. BLAND of Missouri.
Mr. ANDREWS of Maryland with Mr. WEBB.
Mr. WINSLOW with Mr. BLACKMON.
Mr. WOODYARD with Mr. BELL.
Mr. YATES with Mr. BARKLEY.
Mr. ACKERMAN with Mr. WISE.
Mr. BLAND of Indiana with Mr. TAYLOR of Arkansas.
Mr. BOWERS with Mr. SULLIVAN.
Mr. COOPER with Mr. STOLL.
Mr. COSTELLO with Mr. STEPHENS of Mississippi.
Mr. CRAGO with Mr. STEELE.
Mr. GARLAND with Mr. HENRY T. RAINEY.
Mr. GOOD with Mr. POU.
Mr. GRAHAM of Pennsylvania with Mr. PARK.
Mr. JONES of Pennsylvania with Mr. MCKEOWN.
Mr. MCKENZIE with Mr. HUDSPETH.
Mr. MANN of Illinois with Mr. HOWARD.
Mr. MASON with Mr. HERSMAN.
Mr. MERRITT with Mr. HAMILL.
Mr. MOORES of Indiana with Mr. GOLDFOGLE.
Mr. RADCLIFFE with Mr. EVANS of Montana.
Mr. RAMSEY with Mr. EAGLE.
Mr. MORIN with Mr. GODWIN of North Carolina.
Mr. DAVIS of Minnesota with Mr. SMITH of New York.
Mr. DEMPSEY with Mr. SISSON.
Mr. GRIEST with Mr. OLIVER.
Mr. MUDD with Mr. GARD.
Mr HAMILTON with Mr. NICHOLLS of South Carolina.
Mr. OSBORNE with Mr. GANLY.
Mr. KELLY of Pennsylvania with Mr. MCDUFFIE.
Mr. REAVIS with Mr. EAGAN.
Mr. RODENBERG with Mr. DRANE.
Mr. ZIHLMAN with Mr. ASHBROOK.
Mr. SANDERS of Indiana with Mr. DOREMUS.
Mr. SANDERS of New York with Mr. DOOLING.
Mr. TOWNER with Mr. CARAWAY.
Mr. HAWLEY with Mr. MONTAGUE.
Mr. VARE with Mr. CANTRILL.
Mr. DENISON with Mr. SIMS.
Mr. HAYS with Mr. MEAD.
Mr. DUNN with Mr. SHERWOOD.
Mr. HULINGS with Mr. MAYS.
Mr. DYER with Mr. SCULLY.
Mr. HUTCHINSON with Mr. MANN of South Carolina.
Mr. IRELAND with Mr. MAHER.
Mr. SANFORD with Mr. DONOVAN.
Mr. SLEMP with Mr. DEWALT.
Mr. ELLSWORTH with Mr. SAUNDERS of Virginia.
Mr. WARD with Mr. BRUMBAUGH.
Mr. SNYDER with Mr. DAVEY.
Mr. WATSON of Pennsylvania with Mr. BLAND of Virginia.
Mr. KREIDER with Mr. KETTNER.
Mr. ESCH with Mr. SANDERS of Louisiana.
Mr. KENNEDY of Iowa with Mr. MCANDREWS.
Mr. LITTLE with Mr. JOHNSTON of New York.
Mr. MCARTHUR with Mr. JOHNSON of Kentucky.
Mr. MCCULLOCH with Mr. HUMPHREYS.
Mr. KENNEDY of Rhode Island with Mr. LESHER.
Mr. PAIGE with Mr. GANDY.
Mr. PARKER with Mr. GALLIVAN.
Mr. PETERS with Mr. FIELDS.
Mr. PORTER with Mr. FERRIS.
Mr. STINESS with Mr. CLARK of Florida.
Mr. SWEET with Mr. CASEY.
Mr. KIESS with Mr. LEA of California.
Mr. FESS with Mr. SABATH.
Mr. THOMPSON with Mr. CARTER.
Mr. FOCHT with Mr. ROWAN.
Mr. TINKHAM with Mr. CAREW.
Mr. FORDNEY with Mr. ROMJUE.

The result of the vote was announced as above recorded.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have five legislative days within which to extend their remarks in the RECORD on this bill.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, if the gentleman will make his request for three legislative days I will not object.

Mr. GREENE of Massachusetts. Quite a number of Members are not here, and I thought five days should be granted.

Mr. JOHNSON of Washington. Three legislative days have been accorded in cases of other important measures.

Mr. GREENE of Massachusetts. Very well, I will make it three legislative days.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all Members may extend their remarks in the RECORD upon this bill for three legislative days. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman modify his request by requiring that it be their own remarks and on the bill?

Mr. GREENE of Massachusetts. Very well.

The SPEAKER. Is there objection?

There was no objection.

CONFERENCE REPORT—SALE OF MACHINE TOOLS.

Mr. KAHN. Mr. Speaker, I submit herewith a conference report on the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, and other recognized educational institutions, and for other purposes, for printing under the rule.

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the governor of the State of California, transmitting a resolution of the legislature of that State ratifying the proposed amendment to the Constitution extending the right of suffrage to women.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ACKERMAN, for 30 days, at the request of Mr. BROWNING.

To Mr. GRIFFIN, for five days, to attend a convention at Charleston, S. C., of the Atlantic Deep Waterway Association.

EXECUTION OF THE DRAFT LAW.

Mr. MCFADDEN. Mr. Speaker, the return from France of the great majority of the American Expeditionary Forces, victorious and triumphant, before the 1st of September, 1919, the date set by the German high command for the real world conflict, marks the most astonishing achievement of America in the Great War. That such a marvelous feat could be accomplished so soon and so effectively few of America's friends and none of her enemies believed possible. The enrollment of more than 24,000,000 men, the mobilization, drilling, and hardening of 4,000,000 of these in various training camps and cantonments, and the actual landing 2,800,000 of them on foreign soil was an undertaking to stagger the imagination. Yet this is what was accomplished under the selective-draft law.

Back of every such gigantic achievement stands some man dominant in his personality, tireless in his industry, unshakeable in his determination. Back of this most stupendous achievement of the war stands a man of marvelous resourcefullness, of tremendous organizing ability, in closest sympathy with the democratic spirit of America, and with a knowledge of the civil and military codes of the Nation that is well-nigh omniscient.

Enoch Herbert Crowder, the genius who stood behind the selective draft, is a military lawyer, the Judge Advocate General of the United States Army, with the rank of major general. He belongs to the old school of Army officers, an Indian fighter and a student, with a voice as smooth as velvet and a will as hard as chilled steel.

From the days of his second lieutenancy, in 1881, until he was made Assistant Judge Advocate General, in 1909, Gen. Crowder's unchanging interest has been the law—law for the soldier as set forth in the revised military code, revised by him, which did not receive its final sanction by Congress, after many vexatious delays, until after we were well embarked in the war, in 1917; law for the Philippine Islanders, as set forth in the code of laws framed under his jurisdiction as military governor of the islands; and law for the Cubans while he presided over their political fortunes during the second intervention of the United States. It was during this period that he was called upon to supervise the election of a President of the Cuban Republic and to guide affairs so as to secure the stability of the government

thus newly constituted. Doubtless the experience gained in sending out thousands of booths, ballot boxes, and necessary ballots enabled him later to organize and supervise the young men of this our own land for the grim task of war.

Having elected to study law himself while doing detached service as teacher of military tactics in the University of Missouri, he was the more ready to appreciate the fact that in every group of verile young Americans there would be men of exceptional ability who could with profit be set apart for special forms of service in the work of winning the war. This sifting process he provided for in making out the elaborate questionnaires that were signed by the men on enrollment.

While "his unchanging interest has been the law" it has not been his exclusive interest or his ambition, which would have been better satisfied with the opportunity to command one of the numerous divisions he helped to create and for which he unsuccessfully applied in August, 1917, after the execution of the draft was well on its feet.

Perhaps the most striking fact concerning Gen. Crowder is the fine balance of his mind, that enabled him to keep, in the operation of the selective draft, both the civil and the military functions of his great undertaking in such perfect harmony. In the early days of the war, while the debate still went on between the advocates of the volunteer and the conscript methods of raising an army, there were many who feared to see the latter method put to the test, because of the experience of the country during the days of the Civil War. Conscription savored of despotism. Conscription was considered to be "made in Germany." The United States had held for long, long months to the theory of neutrality. We had religiously kept out of war. There were many influential pacifists in the land and more than a few open or secret friends of Germany. If conscription during the Civil War almost led to insurrection, what might not happen when men were to be chosen to go to fight on foreign soil?

It is said that Crowder knew the theory of conscription in all its phases. He had studied its operation from the days of the Greek Republic and the despotism of Cæsar and Napoleon to the Swiss Republic and the scheme to which England was driven after she had suffered the loss of so much of her best blood in the earlier years of the war. He realized how the most brave and adventurous spirits of the Nation were the first to offer themselves—and often to sacrifice themselves for the sake of stirring into action souls that are more sluggish—so that often the material for officers, engineers, and skilled leaders was wasted in the early shock of war, while the baser elements of the community that might have been trained into fairly good soldier stuff either came late into the service or remained as slackers out of the ranks altogether.

Although Gen. Crowder specifically disclaims the honor of being father of the selective draft, Secretary of War Newton D. Baker has publicly declared in Carnegie Hall, New York, "No one knows so well as I to whom we are indebted for the selective-service law in all its bearings, its inception as well as in its complex administration. The man to whom we owe the most in this respect is Crowder."

As the sponsor of the selective-draft law Gen. Crowder was interpreting the American people to themselves. His service was not merely that of a military officer; he was acting as a moral and civil leader as well. He was helping the people of the United States to enroll for the high and holy task of the destruction of autocracy, and then to select for themselves their own chosen representatives to go forth, if need be, for the supreme sacrifice. But it was the people themselves who did it—all the people. The son of the banker took his place in the ranks in the training camp beside the child of the slums; the collegian left his academic studies to stand beside the illiterate immigrant. In an editorial note concerning academic honors bestowed upon Gen. Crowder by various universities—Princeton, Columbia, and others—the Outlook says: "For years he had studied the problem of what self-governing free people like the Americans should do to organize themselves for war. He had worked out the plan. In every detail he had provided for emergencies. He believed that it would be necessary to form a great army of citizens, and he likewise believed that the organization by which that army should be formed should be under citizen control. He counted on the power of the civic spirit of the community to carry through what could never be accomplished by bayonets or machine guns. His conception has been termed conscription. It is more accurate to call it a form of mass volunteering. He created the draft board. He conceived and put through the process of selective service. He was ready with a plan, and when the law was passed he was ready with all the blanks and the detailed plans of organization. It seems as if our service boards sprang up in a night. They did, because the seed was prepared and planted. Gen. Crowder is a military man who understands the civic spirit of free people and who provided a free people with a powerful military instrument admirably suited to their spirit and their needs."

Gen. Crowder is entitled to take credit for that part of the draft to which we attribute our success in classifying the man power of the Nation industrially as well as militarily, and is entitled to full credit for that part of the scheme which contemplated not centralization but supervised decentralization, which said to the American people, "Congress has enacted a sacrificial and burdensome statute, and we turn it over to you for execution." Never before in our history was such implicit faith placed in the American people, and never was a trust more abundantly justified by the response that the people made. This part of the plan was opposed to all our military precedents and ran contrary to the plan of the General Staff framed in January of 1917, in anticipation of a necessity therefor, and which contemplated a highly Federalized execution of the draft. Under such a plan as the General Staff proposed there would, in my judgment, have been failure. When Federal process invades American homes, backed by uniformed agents of Federal authority, themselves backed by Federal bayonets, you may expect the people to first question and then resist that process.

Indeed, it was through this very method of forming draft boards of private citizens, serving without pay, chosen not by the military authorities but by the people through their own representatives, that Gen. Crowder's most helpful service to the country was performed. Under his direction nearly 5,000 draft boards, 158 district boards, and 4,667 local boards, manned by more than 16,000 prominent citizens, devoted their time and energies to the work of selecting the men who were to form our great Army. This patriotic duty was above all else a civil and not a military service, although, of course, its end was to build up the finest army in the world to defeat Prussianism. Into that service, it has been said, "entered the very essence of the draft law, an idea new to the world, the fine fruit of Crowder's 30 years of thought on this subject." This idea, the very antithesis of the Prussianism it was destined to defeat, was rooted in the democratic principle that the men who were of draft age were to come forward willingly to offer themselves to the Government. Thus, from its very inception the American Army made its fight for idealism; and this spirit, injected into the conflict that was fast becoming helpless, contributed more than any other single factor to win the war.

It is all too soon as yet to appraise with any degree of exactitude the part played by each of the people who unitedly beat back the modern Hun and so rendered possible the making of the world safe for democracy and for us. But it is not too soon to approximate to such an appraisal, great and complicated as the finished task must be.

The historian of the future will recognize that in a very emphatic sense no one nation or people saved the situation. It was rather a combination of events, or, if you will, the union of a very few nations, that each in turn and from time to time met the stern requirements of the then crisis and so saved Europe and the world.

It was August the 4th, 1914, and the German was beginning his attack on the forts of Liege. It would be but 12 days before the German mobilization would be complete. In six weeks the Huns would be in Paris and at the throat of France. And then? Russia could be disposed of at their leisure, and the rest of the Continent when it pleased them. Europe would be theirs.

But though this modern horde of barbarians were officered by men who had, as they fancied, thought out and thought through every possible contingency, they had not counted on any real opposition from Belgium. The first fire from those 14 forts of Liege sounded, had they but known it, the knell to their hopes of world empire. For, though with their weapons and their seemingly overwhelming numbers they soon shattered the Belgian armies, nevertheless it took them 16 days in which to do it. And those 16 days were, from their standpoint, priceless—they spelled their eventual defeat. Into the breach had stepped Belgium—little Belgium—and though she was to go down in seeming defeat, she was all unconquered—never conquered in all these ruthless, hellish years of German warfare. And she delayed the German long enough so that he did not march through France fast enough to win to Paris; and so Belgium had, in not counting her own life as dear, saved France and, with France, western civilization and Europe and the world.

However, it was still possible for the Germans to repeat Sedan on a colossal scale; but as to their accomplishment, ask Joffre and France. "Thus far shall thou come and no farther," had at last spoken the French general, though again and yet again he had yielded ground; and backward from the Marne were they driven, those Huns, within all but reach of Paris;

and France had saved herself, and in saving herself had saved Europe.

It must not be forgotten, too, that though the world was almost wholly occupied in those early days of the war with events on the western front, there was also an eastern front. In our disgust with present-day Bolshevism in the saddle in Russia, we are quite apt to forget the millions that Russia early threw into the struggle—her successes and her defeats; and we sometimes forget that had it not been for the way in which Russia's early advance into Germany had forced Germany to withdraw many hundreds of thousands of troops from the western front for the time being, events might have happened far differently on the western front. It is no exaggeration, therefore, to say that, though the Government of the Czar was soon to go down in revolution, Russia under that Government had, in her turn, saved Europe.

From the very beginning of the war, too, the merchant marine and the navies of the Central Powers had ,to a very great extent, been driven from the seas or bottled up in home or neutral ports. Sporadically, to be sure, the Germans made their raids on defenseless cities, and they won some bona fide battles on the sea—sporadically, for the seas belonged to the allied powers, thanks to England's Navy, associated with that of France and later with that of America, which I am proud to say contributed her full share of aid to the eventual victory. But back of all was the Mistress of the Seas. And any allied successes on land after the first battle of the Marne were due to the one great preponderating fact of England's Navy; and by and through and because of her navy has the world been freed the necessity of seeing the United Kingdom at the mercy of Teutonic power. And thus it was for England to realize that in saving herself she had saved the civilization of the West.

Then came the supreme effort of the Germans to take the fortress of Verdun. They would not only bleed France white; they would crush her spirit. And after months of fighting, and after France had gradually lost, and Germany had as often won inch by inch, and after it had been agreed by the military powers of the French high command that the yielding of that vantage point would not greatly matter, all the civic pride of France and of the French had risen in everlasting remonstrance to the onsets of the Hun in their immortal "You shall not pass! Teuton, you shall not pass!" And in saving her own morale, again France had saved herself, and so the world!

Nor is it too much to yield the same palm to Italy. Driven from the mountain fastnesses that had been won at such exacting cost, overcome by Teuton propaganda rather than by Teuton arms, she had yielded at the Piave all that the years of war had won; but she had recovered herself at the Tagliamento. And then, when the time was ripe for the final Italian push, by furnishing the necessity for the transference of German and Austrian troops to the Italian front, Italy had, like Russia, saved the western front, and so Italy, too, had saved Europe.

True to the character in which the mouthpiece of militarism had painted her, Germany had entered upon this war that was to dwarf into littleness all former wars. For her the spirit of the gambler—for her it should be world empire or downfall! So, in the spring of 1918, she gathered herself together for the final effort. She would yet win to Paris! She would stake all on one final throw of the dice! With what terrible strides she at first made good her purpose, all the world knows. A dozen miles here, a score of miles there, and the allied world almost aghast! But again, as in every one of the six previous crises, the power of the barbarian was to be thwarted, for so had sworn the Eternal; and in the most appalling crisis of all arrived America. Slow to wrath, and not before she had turned the other cheek, she had at last aroused herself from her apathy, her inertia, her love of ease, and her self-complacency; had at last recognized that the cause of Germany's opponents was the cause of humanity. Late she arrived, but, thank God, not too late; her young and stalwart sons to hearten and to cheer those who were well-nigh spent by the burdens they had borne so long. Nor is it any disparagement of him whose fame as a general is that of the greatest military strategist since Napoleon, to assert that this victory was only possible because of the unstinted way in which our own land sent forth her sons—her thousands, her hundreds of thousands, her millions. By rising at last in her might, America had saved herself, and, in saving herself, she, too, had saved Europe and the world.

In like manner, Mr. Speaker, it is all too soon as yet to apportion in any nice degree the credit due to the leaders of America in the great conflict. Whatever their names, history will enshrine them forevermore. Whether it be the lamented Roosevelt, who more than anyone else aroused us from our national lethargy; or Wood, who inaugurated the first steps of actual preparedness; Gardner, who with such a clean vision of what the immediate future had in store for this country so consistently called the attention of Congress and the country to our woeful state of unpreparedness; or to those who later were forced to admit that this country was in danger and under whose offices was manufactured the finest personnel of any army in all history, whoever they be, I think when impartial history gets written on a plane equal to any of them, perhaps on a plane above them all, will shine the fame of him whom I would honor to-day as the incarnation of America's initiative and genius of organization and administration, who perhaps more than any living man made it possible that America should strike and strike with precision, and strike in overwhelming numbers, strike till the final crisis was past and the final victory won—Enoch Herbert Crowder!

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to address the House for a quarter of a minute.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for a quarter of a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Speaker, my colleague, Mr. McDUFFIE, who is unavoidably absent, was very much interested in the merchant-marine bill which was just passed. I desire to say if he had been present he would have voted for the bill.

THE RAILROAD BILL.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. ESCH] be granted leave to introduce up to 12 o'clock to-night the railroad bill and to file the report on the same.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the gentleman from Wisconsin [Mr. ESCH] be allowed to file up to 12 o'clock to-night the railroad bill and the report on the same. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, does the gentleman intend to take up that bill on Monday? Is that the program?

Mr. MONDELL. I made the request for the introduction of the bill and the filing of the report, but I am not entirely certain whether or not Mr. ESCH will be ready to make his report on the bill; at any rate, the bill will be introduced to-night and the report will be made if ready; I am not certain with regard to that.

Mr. WINGO. Should that not be ready for Monday, will the gentleman indicate what will be the program?

Mr. MONDELL. I am rather of the opinion that the gentleman from Wisconsin will not be able to make his report to-night, but I covered the report in my request so that in case he is ready the report can be filed. If the report is filed, I hope the railroad bill can be taken up on Monday, and if the report is not filed to-night it will, I assume, be on Monday; and in that event I understand the gentleman from Massachusetts [Mr. DALLINGER] will call up the Victor Berger case on Monday.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. MONDELL. I yield.

Mr. LAZARO. I read in this morning's Post, where a Republican committeeman had said that when the Republicans have the President as well as the House and Senate they would function better, and I just want to know whether the President was opposed to taking up this bill at this time and doing something or not?

Mr. MONDELL. Not so far as I know.

Mr. LAZARO. Is he willing to put this bill through at this time?

Mr. MONDELL. Which bill?

Mr. LAZARO. The railroad bill.

Mr. MONDELL. Well, I am not only willing but I am exceedingly anxious to have it considered and passed.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I will ask the gentleman from Wyoming, in view of the fact that this is a very important bill, would he be willing to let it be printed in the RECORD to-night, so that not only the Members of the House may have it to-morrow, but that the people of the country may have access to it. It is a bill in which I take it every citizen in this land just now is especially interested.

Mr. MONDELL. Mr. Speaker, I certainly have no objection to having the bill printed in the RECORD, as well as being printed in bill form. I do not know whether it will be entirely practicable to do that——

Mr. BLANTON. If printed in bill form, we only get a limited number.

Mr. MONDELL. I ask unanimous consent that the gentleman from Wisconsin may also be authorized to print the bill in the RECORD.

The SPEAKER. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I want to express the hope that the gentleman will not call up the bill on Monday, because it is such an important bill that I believe Members of the House ought to have at least a day or two, or at least a day after to-morrow to examine the bill, and some of us would like to go to church to-morrow.

Mr. MONDELL. I am rather inclined to the opinion that the bill will not come up until Tuesday, although I think we could very properly begin general debate on the bill on Monday if it were ready.

Mr. TILSON. Would the gentleman mind specifying that if the bill is printed in the RECORD it should be printed in 8-point type instead of in the very small type that we can not read.

Mr. MONDELL. I shall be glad to suggest that to the gentleman from Wisconsin.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING ON MONDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock on Monday. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I have no intention of objecting, I would like to ask the gentleman from Wyoming in connection with this practice of meeting at 11 o'clock, which I imagine will be continued through the week, if the gentleman anticipates joining with the continuing order to meet at 11 that we remain in session until 6 or 7 o'clock?

Mr. MONDELL. Well, my hope is, Mr. Speaker, that when we begin the consideration of the railroad bill the House will be willing to meet as early as 10 o'clock in the morning. I think that is rather better than remaining in session late, but that will be for the House to determine when the time arrives.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I will.

Mr. WALSH. What is this particular urgency, now that the season of daylight saving is over, that the House begins meeting here at 10 o'clock and 11 o'clock at the tag-end of the season? Is there anything particular in view?

Mr. MONDELL. It is in order to justify the vote of the gentlemen who voted against repealing the daylight-saving law. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Wyoming that the House meet at 11 o'clock on Monday?

There was no objection.

Mr. MONDELL. Mr. Speaker, perhaps it will be proper for me to say that I hope that we may meet early and if necessary sit late next week, and that by the end of the week we may have passed the railroad bill, and that conditions at both ends of the Capitol will then be such that we can secure an agreement for an adjournment. [Applause.]

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 3844. An act for the relief of Della James.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2495. An act transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department;

S. 2494. An act to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department;

S. 681. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes"; and

S. 3159. An act to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 241. Joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1919.

ADJOURNMENT.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned, pursuant to the order, until Monday, November 10, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a tentative draft of a bill authorizing the appointment by the President of Maj. William Roberts, United States Army, retired, in the reserve of the United States Public Health Service without prejudice to his present retired status in the United States Army (H. Doc. No. 293); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Commissioners of the District of Columbia of the 5th instant submitting a supplemental estimate of appropriation required for additional teachers and employees in the public schools, District of Columbia, for the fiscal year 1920 (H. Doc. No. 294); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WHALEY, from the Committee on the Judiciary, to which was referred the bill (H. R. 10207) providing for service of process in causes removed from a State or other court to a United States court, reported the same without amendment, accompanied by a report (No. 452), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 10404) to amend sections 4, 8, and 10 of the act of June 29, 1906, as amended, relating to naturalization, to provide a division of patrol guard in the Bureau of Immigration, and for other purposes, reported the same without amendment, accompanied by a report (No. 457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. REED of New York, from the Committee on War Claims, to which was referred the bill (S. 2440) for the relief of the estate of John M. Lea, deceased, reported the same without amendment, accompanied by a report (No. 451), which said bill and report were referred to the Private Calendar.

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 1790) for the relief of John K. Ashley, jr., reported the same with an amendment, accompanied by a report (No. 453), which said bill and report were referred to the Private Calendar.

Mr. BEE, from the Committee on Claims, to which was referred the bill (H. R. 6414) for the relief of Herman W. Schallert, reported the same with an amendment, accompanied by a report (No. 454), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 3984) for the relief of Thomas Bayton and Bertha M. Hartt, reported the same without amendment, accompanied by a report (No. 455), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANDALL of Wisconsin: A bill (H. R. 10449) to provide for the erection of an addition to the Federal building in the city of Janesville, Rock County, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. CHRISTOPHERSON: A bill (H. R. 10450) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Flandreau Band of Santee Sioux Indians against the United States; to the Committee on Indian Affairs.

Also, a bill (H. R. 10451) to prohibit the export of print paper from the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: A bill (H. R. 10452) authorizing the President of the United States to appoint certain persons in the Regular Army and place them upon the retired list; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIEGEL: Resolution (H. Res. 379) authorizing the Committee on Immigration and Naturalization to sit during sessions of Congress and during recesses to examine witnesses, etc.; to the Committee on Rules.

By Mr. KAHN: Joint resolution (H. J. Res. 246) for the relief of Philippine Scouts who enlisted prior to April 2, 1917, and who desire to reenlist in said Philippine Scouts; to the Committee on Military Affairs.

By Mr. GOULD: Joint resolution (H. J. Res. 247) directing the Department of State to insist upon the reimbursement by the Mexican Government of those who paid the ransom of William O. Jenkins, United States consular agent at Puebla, Mexico, and to insist upon prosecution and punishment of the same; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10454) granting an increase of pension to James B. Smith; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 10455) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use by the United States Government of his patented inventions; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 10456) granting an increase of pension to George H. Bowman; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 10457) granting a pension to Jessie G. Gilman; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10458) granting an increase of pension to Thomas R. Beasley; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 10459) granting an increase of pension to Phebie Hamilton; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10460) granting a pension to Serelda Pargin; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10461) granting an increase of pension to Martha Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Kitchener Post, World War Veterans, Long Beach, Calif., protesting against the visit of De Valera to this country and branding him as a fugitive from British justice; to the Committee on the Judiciary.

By Mr. DARROW: Memorial of the Philadelphia Board of Trade, favoring the Edge bill (S. 2472); to the Committee on Banking and Currency.

Also, petition of Philadelphia Board of Trade, favoring patent legislation as proposed by House bills 5011, 5012, and 6913; to the Committee on Patents.

By Mr. LONERGAN: Petition of Hartford Association of Congregational Churches, for protection of Armenia; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *November 10, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the promise of the life that now is and of that which is to come. We bless Thee that Thou dost hold us, in all our work, to the final and eternal issue. Thou dost ever draw us on by keeping alive within us the hope of life eternal. Thou hast made the peace and prosperity of the world dependent upon their conformity to Thy will and to Thy law. Thou hast taught us that all things work together for good to them that love Thee. Help us this day to fill up the measure of our ministry to men. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, November 3, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 681. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes";

S. 2494. An act to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department;

S. 2495. An act transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department;

S. 3159. An act to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge;

H. R. 3844. An act for the relief of Della James; and

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.

THE LETTS.

Mr. LODGE. I present a letter from the New America Club in regard to the Letts, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW AMERICA CLUB,
Boston, Mass., November 1, 1919.

To the honorable Senate of the United States of America:

We, the New America Club, representative of every alien race domiciled in the Commonwealth of Massachusetts, send greetings and expression of our loyalty to our adopted country and its institutions.

We humbly express our concern for the welfare of the newly formed Republics of Europe, brought into existence by the provisions of the peace treaty now under consideration by your honorable body, more especially for the Republic of Lettonie, now suffering from the aggressive invasion of German and Russian troops.

We humbly pray that the Senate of the United States of America, representing as it does the majesty and glory of the greatest Republic on earth and the most enlightened of all peoples, shall not ratify a treaty that does not contain provision for the protection of the smaller nations against the aggression of the larger and more powerful nations; and that no league of nations that does not have such protection as one of its binding clauses shall be inserted in any treaty or agreement as between the United States of America and the great powers of Europe.

For the peace and prosperity of all nations and peoples on the face of the earth we do most humbly pray for enlightenment and Christian brotherhood.

Signed by authority of the New America Club by virtue of a resolution unanimously passed at the annual meeting of the club held in Boston, Mass., October 14, 1919.

EDWARD BLOCKEL, *President*,
LEOPOLD GILLIS, *Vice President*,
JULES WACHA, *Treasurer*,
C. VALENTINE KNIGHTLEY, *Secretary*,
New America Club, Massachusetts.

REPUBLIC OF ARMENIA (S. DOC. NO. 151).

Mr. LODGE. I also present a memorandum in regard to the recognition of the Government of the Republic of Armenia sent me by Mr. Girard, representing the Armenian committee in this country. I ask that it may be printed as a public document—not in the RECORD.

The VICE PRESIDENT. It will be so ordered, without objection.

WITHDRAWAL OF TROOPS FROM SIBERIA.

Mr. JONES of Washington. I present a resolution of Seattle Post, No. 18, American Legion, urging the withdrawal of American Expeditionary Forces from Siberia. I move that it be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolution of Seattle Post, No. 18, American Legion, on withdrawal of American Expeditionary Forces from Siberia.

Whereas the American Expeditionary Force to Siberia has been in the Siberian theater since August, 1918, and is still being maintained in that theater; and

Whereas the original military mission, as outlined by the President, has been fully accomplished; and

Whereas the officers, men, and civilians returning from that theater report that the present policy or position of the Americans in Siberia is misunderstood and unappreciated by the Russians themselves; and

Whereas the American forces in that theater have been the victims of vicious, lying, but nevertheless effective, propaganda and have been the victims of armed attacks and suffered casualties; and

Whereas the United States of America's only desire has been to aid and assist the native Russians, and such desired result has failed of accomplishment; and

Whereas the continuation of the expedition will mean great hardships to the men engaged and great expense in lives and money to this Nation and will only lead, as it has in the past, to further strained relations with our allies in that theater: Now be it

Resolved by Seattle Post, No. 18, American Legion, That the offices of this body be used to their full power to secure the withdrawal of the American Expeditionary Forces from Siberia and their return to American soil; that the sense of this body be made known to the Secretary of War and to the United States Senate; and that for that purpose a copy of this resolution be forwarded to the Secretary of War and to our Representatives in the National Capitol urging upon them the desired action.

GUY M. PARMELEE, *Commander*,
JAS. E. QUIGLEY, *Adjutant*.

STRIKE OF COAL MINERS.

Mr. LA FOLLETTE. Mr. President, there have heretofore been presented under this order of business a considerable number of newspaper comments, editorials, and other matter in criticism of the coal miners' strike. I ask to have the Secretary read into the RECORD this morning the text of the statement of the executive council of the American Federation of Labor issued yesterday as a communication to the American people, which deals with that subject.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary proceeded to read the communication, and after having read for some time,

Mr. LA FOLLETTE. Mr. President, I withdraw the request which I made to have the statement of the executive council of the American Federation of Labor read in this Chamber, because it seems a waste of time to continue the reading. It does not receive the attention of more than 2 or 3 per cent of the Members who are in attendance. The conversation on the floor is so general and audible that it is difficult even for me to hear the reading of the Secretary, and I sit as near to him as any other Senator. Therefore I do not request that the statement of the American Federation of Labor council be further read, although it is the first statement that has been made here, I believe, presenting in any way the side of the miners in this controversy. I ask that it be printed in the RECORD instead. It may possibly reach some readers who will give it heed.

Mr. MYERS. Mr. President——
Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. MYERS. In this connection I desire the privilege of making a few remarks to the Senate, but unless the Senator from Wisconsin has yielded the floor I do not want to be recognized now.

Mr. LA FOLLETTE. The Senator from Nebraska also rose. I do not know whether he desires to ask me a question or to make some statement in connection with my observation.

Mr. NORRIS. I could not hear fully what the Senator said.

Mr. LA FOLLETTE. Before I yield the floor I will ascertain whether the Senator from Nebraska desires to ask me a question.

The VICE PRESIDENT. The Chair has some right in the matter.

Mr. LA FOLLETTE. I have no disposition to deprive the Chair of any right. I could not if I had.

Mr. NORRIS. It might be well——

The VICE PRESIDENT. Senators lately have developed a practice of yielding to Senators when the Chair has not asked whether they would yield or not. The Chair asked whether the Senator from Wisconsin would yield to the Senator from Montana.

Mr. MYERS. I merely want to say that I wish to be recognized in due time when the Senator from Wisconsin is through.

Mr. LA FOLLETTE. That is with the Chair. It is not with me. I yield to the Senator from Nebraska.

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield to the Senator from Nebraska.

Mr. NORRIS. I rose for the purpose of objecting to the request of the Senator from Wisconsin that the further reading be dispensed with. The Senator himself, having offered it, has a right to withdraw the request, but I want to renew it. I ask that the Secretary may continue the reading and finish it.

Mr. LA FOLLETTE. If there be any Senators present who desire to hear it, I shall be glad to have the reading continued. I offered it because I thought possibly it might be informing to some of the Senators to have this statement read.

The VICE PRESIDENT. There was unanimous consent given to the reading, and the Senator from Nebraska objects to the withdrawal of the request for the reading.

Mr. LA FOLLETTE. I withdraw the request to dispense with the further reading.

The VICE PRESIDENT. Objection is made to the withdrawal of the request, so that the statement will be read. The Secretary will proceed.

The Secretary resumed and concluded the reading of the statement, which is entire as follows:

STATEMENT OF A. F. L. COUNCIL.

"WASHINGTON, D. C., *November 9, 1919.*

"The executive council of the American Federation of Labor, called into special session in the city of Washington for the express purpose of considering the coal strike, the conditions which brought on the strike, as well as the court proceedings brought by the Government, submit to our fellow citizens and to our fellow workers the following statement:

"The executive council is of the opinion that the officers of the United Mine Workers of America did everything in their power to avert this great industrial controversy. Of all the great industries in our country, there is none so dangerous to human life as the coal industry. The men who go down under the ground to dig coal, so that the domestic and industrial needs of the Nation may be supplied, are engaged in work more hazardous than any other employment. Due consideration has never been given to the danger surrounding the coal miners. There is no other class of employment where each individual worker is so isolated and in whose districts there is such a lack of opportunity for social intercourse and enjoyment.

HARDSHIPS OF MINERS POINTED OUT.

"The condition of the miner and his family is such that he is practically deprived not only of sunshine and fresh air but to a certain extent he is deprived of the association and companionship of all other human beings outside of his own particular class who are themselves engaged in the dangerous and unhealthy occupation of coal mining. The miners suffer more than any other workers from periods of compulsory unemployment. Authentic statistics show that the miners have less than 200 days of employment during each year. The wages of the miners consequently, having to spread over the entire year, are greatly reduced as a result of the nonemployment existing in that industry.

"The high cost of living has presented itself in perhaps a more serious form in isolated mining camps than in large industrial centers. There is usually not the same opportunity for the miners in the mining camps to make their purchases to such advantage as is presented in other localities. Their isolation prevents this.

"The United Mine Workers, in their convention, held during the month of September in the city of Cleveland, adopted a positive declaration demanding improved conditions of employment for the miners. They further instructed the officers to proceed to obtain by negotiations with the operators the working conditions that the convention unanimously adopted.

REPRESENTED 500,000 ORGANIZED MEN.

"There were almost 2,200 delegates seated in the convention, representing 500,000 organized miners. They further positively and explicitly instructed their officers that unless an agreement was reached on or before the 1st day of November, 1919, the resolution of the convention calling for a strike on November 1, 1919, should be communicated to the membership. There was no alternative except for the officers, who are elected by the membership, to carry out the direct instructions of the membership or resign from their positions as officers, in which event chaos and confusion would result.

"The officers of the mine workers, with their scale committee, entered into conferences and discussions with the operators in the city of Buffalo. They stated at the conference that they had full power to negotiate an agreement; in other words, that they had the power to give and take in the conference. The employers refused to make any offer whatever. Later on the miners answered the call of the Secretary of Labor and further endeavored to reach an agreement, but failed. The officers then proceeded to carry out the instructions of their membership and communicated the results of the failure of negotiations, and by order of the convention the strike automatically took effect November 1, 1919.

ARE STILL WILLING TO NEGOTIATE.

"The machinery which has existed for years and which has been successful in bringing about agreements between the miners and the operators still exists, and they, as representatives of the miners, were and are ready and willing to enter into negotiations without reservation to reach an agreement.

"At this time our Government interjected itself and applied for an injunction.

"A temporary restraining order was granted by a Federal judge which restrains the officials of the miners from in any way advising their membership on the situation, or contributing any of the moneys of the mine workers to the assistance of the men on strike; also restraining them from discussing, writing, or entering into any kind of a conversation with their membership on the strike situation.

RIGHTS OF MINERS INVADED BY UNITED STATES.

"The Government then proceeded to further invade the rights of the miners, not only by restraining the miners, their officers, and members from furthering the purposes for which the men contended, but went to further lengths of demanding from the court an order commanding the officers of the miners' union to recall and withdraw the strike notification, and the court complacently complied and issued the order.

"Never in the history of our country has any such mandatory order been obtained or even applied for by the Government or by any person, company, or corporation.

"Both the restraining order and the injunction, in so far as its prohibitory features are concerned, are predicated upon the Lever Act, a law enacted by Congress for the purpose of preventing speculation and profiteering of the food and fuel supplies of the country. There never was in the minds of the Congress in enacting that law, or in the mind of the President when he signed it, that the Lever Act would be applied to workers in cases of strikes or lockouts. The food controller, Mr. Hoover, specifically so stated.

PROMISED LABOR WOULD BE EXEMPT.

"Members of the committee having the bill in charge have in writing declared that it was not in the minds of the committee, and the then Attorney General, Mr. Gregory, gave assurance, that the Government would not apply that law to the workers' efforts to obtain improved working conditions. Every assurance from the highest authority of our Government was given that the law would not be so applied.

"In the course of President Wilson's address to the Buffalo convention of the American Federation of Labor, November, 1917, among other things he said:

"While we are fighting for freedom we must see among other things that labor is free, and that means a number of interesting things. It means not only that we must do what we have declared our purpose to do, see that the conditions of labor are not rendered more onerous by the war, but also that we shall see to it that the instrumentalities by which the conditions of labor are improved are not blocked or checked. That we must do."

AUTOCRATIC ACTION "STAGGERS HUMAN MIND."

"The autocratic action of our Government in these proceedings is of such a nature that it staggers the human mind. In a free country to conceive of a Government applying for and obtaining a restraining order prohibiting the officials of a labor organization from contributing their own money for the purpose of procuring food for women and children that might be starving is something that when known will shock the sensibilities of man and will cause resentment. Surely the thousands of men who are lying in France under the soil, whose blood was offered for the freedom of the world, never dreamed that so shortly afterwards in their own country 450,000 workers, endeavoring to better their working conditions, would have the Government decide that they were not entitled to the assistance of their fellow men and that their wives and children should starve, by order of the Government.

INJUNCTION WITHOUT WARRANT.

"It is a well-established principle that the inherent purpose of the injunction processes, where there is no other adequate remedy at law, was for the purpose of protecting property and property rights only, thereby exercising the equity power of the courts to prevent immediate and irreparable injury.

"It was never intended, and there is no warrant of the law in all our country, to use the injunction power of equity courts to curtail personal rights or regulate personal relations. It was never intended to take the place of government by law by substituting personal and discretionary government.

"The Lever Act provides its own penalties for violators of its provisions. The injunction issued in this case has for its purpose not a trial by court and a jury but an order of the court predicated upon the assumption that the law might be violated, and by which the defendants may be brought before the court for contempt, and without any trial by jury.

BLOW AT JUSTICE AND FREEDOM.

"We declare that the proceedings in this case are unwarranted, as they are unparalleled in the history of our country, and we declare that it is an injustice which not only the workers but all liberty-loving Americans will repudiate and demand redress. The citizenship of our country can not afford to permit the establishment or maintenance of a principle which strikes at the very foundation of justice and freedom. To restore the confidence in the institutions of our country and the respect due the courts, this injunction should be withdrawn and the records cleansed from so outrageous a proceeding.

"By all the facts in the case the miners' strike is justified. We indorse it. We are convinced of the justice of the miners' cause. We pledge the miners the full support of the American Federation of Labor and appeal to the workers and the citizenship of our country to give like indorsement and aid to the men engaged in this momentous struggle."

Mr. OWEN. Mr. President, some days ago Mr. Gompers made a statement with regard to a matter which I wish to call to the attention of the Senate. In this statement he said:

In the first instance, it should be known that the demands of the miners, which upon the surface seem so radical and far-reaching, are by no means so. For several years the miners have not had more than a half year's work—their working days averaging from 160 to 180 days a year, intermittent, by days and by weeks—employment and then unemployment. The miners simply ask for a regulation of the working time, so that coal production and employment may be regular rather than intermittent. If the miners were permitted by the operators to work full time, the supply of coal thus mined would soon force down the price of coal on the market, and this the operators are determined not to permit. The miners' case might better be stated by their demanding at least five days of six hours' work per week, which is really more than they are permitted to work at the present time.

This is a very important statement; and I wrote to the Geological Survey for a confirmation of it, because it struck me that if Mr. Gompers's statement were true, then the operators themselves were responsible for the existing strike. I received on November 5, 1919, this letter from George Otis Smith, the Director of the Geological Survey:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, November 5, 1919.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: I find from Mr. Lesher's tabulation of coal production and mine operation for the weeks beginning November 16, 1918, and ending October 18, 1919, the average per cent of "full-time capacity produced" is 62.1. The maximum was 82.7 per cent, for the week of November 23, 1918, while the minimum was 47.3 per cent, for the week of April 5, 1919.

Translated into the average hours "operated on the basis of full time of 48 hours," the corresponding figure is 29.8 hours as an average, with the maximum of 39.7 hours for the week ending November 23, 1918, and 22.7 hours for the week of April 5, 1919.

Yours, very cordially,

GEO. OTIS SMITH, *Director.*

Mr. Smith writes another letter on the same date, along the same line, which I ask to have printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, November 5, 1919.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: May I suggest in connection with my formal statement on coal-mine operation transmitted herewith the following comment:

The fact brought out by the survey's weekly production statistics shows to me that the trouble with the bituminous coal industry is that for the year past it has been working on an average 30-hour week. This in turn suggests that we have had too many mines and miners to meet the current coal demands, although last November the demand was sufficient to bring out a production representing nearly a 40-hour week.

On looking over the weekly record I find that in the 12 weeks of February, March, and April the average working time was only a fraction over 24 hours. During this period, therefore, when, as I remember it, the chief trouble was no market demand for coal, the mines were on a half-time basis.

Yours, very cordially,

GEORGE OTIS SMITH, *Director.*

Mr. OWEN. Mr. President, I ask to place in the RECORD a table, on page 933, which was sent me with a mimeograph, showing the days of employment and the number of men engaged from 1913 to 1918 and 1919; also a table showing the coal output per man, 1890 to 1917; also showing the hours of the working days in the United States by the coal miners, and labor strikes and hours lost and the cause, in a table on pages 928 and 929, which shows that the loss of time was not due to the miners, but was due to the allegation "no market." The high price fixed on coal, of course, can make "no market." On page 924 are given the factors limiting production of bituminous coal, and I ask that that also may be printed in the RECORD. I do not want to take the time of the Senate, but I think the Senators ought to have the information before them, so that they can pass judgment upon the merits of this controversy to some extent.

The VICE PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

Statistics of labor employed in coal mines of the United States, 1913–1917.

State.	1913		1914		1915		1916		1917	
	Number of days active.	Average number employed.	Number of days active.	Average number employed.	Number of days active.	Average number employed.	Number of days active.	Average number employed.	Number of days active.	Average number employed.
Alabama	255	24,552	226	24,042	223	22,591	262	25,308	273	28,386
Alaska	(1)	(1)	(2)	(2)	(2)	(2)	179	83	(2)	(2)
Arkansas	174	4,642	143	4,339	149	3,751	184	3,772	187	3,998
California	[1] 302	[1] 40	[1] 291	[1] 43	[1] 285	[1] 36	[1] 188	[1] 18	[1] 173	[1] 17
Colorado	220	11,990	244	10,098	194	12,273	233	13,104	263	14,231
Georgia	261	500	207	355	197	368	280	411	269	281
Idaho	[3] 183	[3] 12	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Illinois	189	79,529	173	79,499	179	75,610	198	75,538	243	84,090
Indiana	190	22,235	168	23,175	179	22,777	187	23,965	221	26,528
Iowa	195	15,757	204	16,057	220	15,549	202	14,443	231	14,266
Kansas	197	12,479	192	12,448	184	13,260	204	12,132	216	10,680
Kentucky	212	26,332	187	28,764	186	27,960	208	31,222	214	34,926
Maryland	248	5,645	241	5,403	242	5,664	256	5,633	254	5,919
Michigan	188	3,305	201	2,800	198	2,569	216	2,535	254	2,406
Missouri	187	10,418	179	9,549	186	9,173	207	9,654	240	9,668
Montana	228	3,630	209	3,350	201	3,158	244	3,781	268	4,149
New Mexico	289	4,329	283	4,178	262	4,205	292	4,522	321	4,126
North Dakota	221	641	216	558	219	590	244	714	255	821
Ohio	206	45,815	108	45,401	142	40,053	197	41,394	210	45,509
Oklahoma	197	9,044	205	8,078	167	8,457	178	7,800	211	8,495
Oregon	283	203	266	190	206	151	236	106	251	104
Pennsylvania (bituminous)	267	172,196	214	184,201	226	174,593	259	168,212	261	173,968
South Dakota	137	48	152	47	155	35	145	38	154	34
Tennessee	241	11,258	220	10,116	220	8,948	239	9,211	241	10,421
Texas	253	5,101	237	4,635	233	5,087	218	4,481	263	4,375
Utah	273	4,158	210	4,112	208	3,564	228	3,129	219	3,485
Virginia	280	9,162	235	9,183	235	8,959	272	9,777	273	11,168
Washington	260	5,794	191	5,805	169	4,850	217	4,797	271	5,312
West Virginia	234	74,746	201	78,963	208	75,882	237	78,067	225	88,422
Wyoming	232	8,381	192	8,117	201	7,244	248	7,255	246	7,358
Total bituminous	232	571,882	195	583,506	203	557,456	230	561,102	243	603,143
Pennsylvania (anthracite)	257	175,745	245	179,679	230	176,552	253	159,869	285	154,174
Grand total	238	747,627	207	763,185	209	734,008	235	720,971	251	757,317

[1] California includes Alaska in 1913; Idaho and Nevada in 1914 and 1915; Idaho in 1916 and 1917. [2] Number of men not reported. [3] Includes Nevada.

Coal produced in the United States, 1918.

State.	Loaded at mines for shipment (net tons).	Sold to local trade and used by employees (net tons).	Used at mines for steam and heat (net tons).	Made into coke at mines (net tons).	Total quantity (net tons).	Total value.	Average value per ton.	Number of employees.	Average number of days worked.
Alabama	16,061,991	304,038	593,739	2,225,194	19,184,962	$54,752,329	$2.85	26,221	278
Alaska	67,267	6,384	1,955	.....	75,606	411,850	5.45	239	254
Arkansas	2,111,992	41,457	73,920	.....	2,227,369	8,172,376	3.67	3,978	204
California and Idaho	5,900	600	.....	.....	6,400	17,250	2.70	15	240
Colorado	10,580,811	436,338	311,009	1,079,413	12,407,571	33,404,743	2.69	14,483	255
Georgia	21,725	888	6,250	37,853	66,716	239,377	3.59	190	258
Illinois	83,268,864	3,641,644	2,381,197	.....	89,291,105	206,860,291	2.32	85,965	238
Indiana	28,961,651	941,707	775,276	.....	30,678,634	70,384,601	2.29	30,3 6	227
Iowa	7,390,030	692,556	190,609	.....	8,192,195	24,703,237	3.02	13,378	245
Kansas	7,188,358	173,330	200,259	.....	7,561,947	22,028,142	2.91	10,665	234
Kentucky	29,350,941	1,049,985	678,090	553,601	31,612,617	80,666,842	2.55	39,342	230
Maryland	4,343,293	98,288	55,716	.....	4,497,297	12,466,189	2.77	5,568	261
Michigan	1,280,658	98,954	85,206	.....	1,464,818	5,615,097	3.83	2,558	237
Missouri	5,119,591	385,896	162,243	.....	5,667,730	17,126,498	3.02	9,590	235
Montana	4,177,894	179,079	175,532	.....	4,532,505	11,444,875	2.53	4,559	264
New Mexico	2,836,801	39,075	39,271	1,108,092	4,023,239	10,787,082	2.68	4,095	301
North Carolina	466	42	912	.....	1,420	6,745	4.75	50	40

Coal produced in the United States, 1918—Continued.

State.	Loaded at mines for shipment (net tons).	Sold to local trade and used by employees (net tons).	Used at mines for steam and heat (net tons).	Made into coke at mines (net tons).	Total quantity (net tons).	Total value.	Average value per ton.	Number of employees.	Average number of days worked.
North Dakota	526,046	173,744	19,943	.....	719,733	$1,762,577	$2.45	828	228
Ohio	42,888,610	2,015,720	908,613	.....	45,812,943	118,095,518	2.58	48,450	223
Oklahoma	4,567,930	37,600	207,917	.....	4,813,447	17,508,884	3.64	8,451	228
Oregon	4,112	3,946	5,270	.....	13,328	37,454	2.81	40	292
Pennsylvania (bituminous)	137,492,980	4,984,384	3,612,590	32,460,487	178,550,741	463,159,736	2.59	174,306	269
South Dakota	640	7,302	.....	.....	7,942	22,230	2.80	21	145
Tennessee	5,904,593	148,130	181,901	396,424	6,831,048	19,305,203	2.83	10,694	265
Texas	2,204,266	11,854	45,015	.....	2,261,135	5,937,997	2.63	3,936	262
Utah	4,238,718	64,827	94,978	738,302	5,136,825	13,937,097	2.71	4,160	258
Virginia	8,188,502	392,712	107,519	1,601,075	10,289,808	25,865,895	2.51	11,004	277
Washington	3,659,830	74,315	193,606	154,461	4,082,212	14,132,869	3.46	5,109	275
West Virginia	81,579,916	2,636,785	1,159,951	4,559,187	89,935,839	230,508,846	2.56	89,530	238
Wyoming	9,055,252	130,777	252,659	.....	9,438,688	22,581,019	2.39	7,554	268
Total bituminous	503,088,528	18,681,757	12,521,446	45,094,089	579,385,820	1,491,942,849	2.58	615,305	249
Pennsylvania (anthracite)	85,927,696	2,674,439	10,223,949	.....	98,826,084	336,480,347	3.40	147,121	293
Grand total	589,016,224	21,356,196	22,745,395	45,094,089	678,211,904	1,828,423,196	2.70	762,426	258

NOTE.—Conditions since the armistice have been much more like 1914 or 1915 than like 1918.

FACTORS LIMITING PRODUCTION OF BITUMINOUS COAL.

Coal mines are operated a scheduled number of hours a day—8, 9, or 10, unless for some cause the operations are curtailed to a less number of hours. The causes that may be responsible for less than full-time operation are (1) lack of railroad cars on which to load the coal—railroad disability; (2) lack of sufficient men to operate the mines—labor troubles, labor shortage, or strike; (3) an accident or breakdown of machinery that prevents the mining or loading of coal—mine disability; (4) no market for the coal.

Railroad disability or, as it is commonly called, "car shortage," may be due to actual lack of cars on the railroad or to inability of the railroad, because of congestion on its rails or by reason of wrecks or washouts, to serve the mines with empty cars available or to take away the loaded cars.

Lack of men to operate the mine, causing loss of running time, may result from strikes or simply from absenteeism. It is not uncommon for mine laborers to celebrate local holidays, to have picnics, to attend funerals, to observe pay day as a holiday, and otherwise to absent themselves from the mines in number sufficient to prevent operation. The loss of time on such occasions may properly be described as due to labor shortage, for such it is at the time.

A breakdown in the machinery, a fall of roof in a main entry, or a failure in the power or in the ventilating system that prevents the operation of the mine or causes loss of running time of sufficient moment to interfere with the hourly output is described as mine disability. On the other hand, a breakdown on the tipple that for a short period prevents the dumping of coal into the railroad cars may not interfere with the day's loading, for mining underground and loading of mine cars may progress in the meantime and as great a quantity may be produced as if the tipple had not been temporarily disabled.

Lack of business from lack of market may be responsible for the idleness of a mine, and in normal times is the most common cause of nonoperation. If no orders are at hand, the operators of bituminous coal mines have no choice but to close down. Railroad cars represent the only storage capacity available to nearly all soft-coal mines, and the possibilities in this direction are soon exhausted, for the railroads will not permit more than a few "no-bills" to remain on track at the mines, and shipping coal to market centers in the hope of selling it after arrival is often a poor undertaking and unprofitable.

There are exceptional causes, other than those briefly described above, to which nonoperation may be attributed. For instance, certain river mines may be closed because of ice in the river or from lack of barges in which to load coal. This is disability in transportation but not in railroad transportation.

When, early in the summer of 1917, the Committee on Coal Production requested the Geological Survey to prepare a series of weekly reports on the production of bituminous coal, including the factors limiting production, the inquiry was conducted to bring out the relative importance of the causes just described. This information was collected and published in the form of weekly bulletins, beginning with June, 1917, and is used in this report, particularly in some of the diagrams. It is believed that a detailed description of the method of collecting and compiling these data will be valuable, for the purpose and the limitations of these statistics have not always been fully understood.

The information was obtained weekly from the operators, either directly or through the secretaries of the local associations. In fact, the collection of these data from a sufficient number of operators to make the bulletins worth while would not have been possible except for the cooperation of these associations, nearly all of which not only gathered the information from their members but spared neither expense nor effort in getting it also from nonmember operators in their respective districts. The writer desires at this point to express his appreciation of the hearty and helpful assistance of the many local secretaries and officers of the associations and of the operators themselves, whose combined aid made the weekly bulletins possible.

The information was requested and, for the most part, furnished in answer to the following inquiries, a report for each mine showing for the week: (1) Tons produced; (2) hours of mine operation; (3) hours lost, by causes, divided between (a) car shortage, (b) labor shortage, (c) mine disability, (d) no market.

It is important that reports of this character be promptly available and that they be presented on a comparable basis. The inherent difficulties in collecting so large a number of statements each week (more than 6,000 a week at the maximum) made it necessary to avoid depending on having each week reports from exactly the same operations. The results were therefore reduced to percentages of full-time operation, it being assumed each week that the returns received were representative of the fields covered. Thus if reports were obtained from mines representing 80 per cent of the production of a given district, showing 70 per cent full-time operation in a given week, it was assumed that the 20 per cent not reporting also operated 70 per cent of full time.

In order properly to compare the results from week to week and as between districts or railroads by reports of this type, it is essential to convert the data presented in hours to tons before arriving at totals. This necessity may be illustrated by conceiving a district with but two mines, one able to produce 50 tons an hour, or 400 tons a day, and the other 500 tons an hour, or 4,000 tons a day, the two, representing the district, being able to produce 4,400 tons a day with full-time operation. If the small mine works 4 hours out of 8 and produces 200 tons and the large mine works 8 hours and produces 4,000 tons, the total of mine hours worked is 12 out of a possible combined 16, or 75 per cent. But the combined output on that day was 4,200 tons out of a total full-time capacity of 4,400 tons, or 95 per cent. On the contrary, if the smaller mine operated 8 hours and produced 400 tons and the larger mine operated 4 hours and produced 2,000 tons, the two mines again worked 75 per cent of the possible total hours but produced only 2,400 tons, or 55 per cent of the full-time capacity. Only if the two mines operated the same number of hours would the percentage of hours worked and lost of and capacity produced be equal.

The method pursued in thus "weighting" the returns from all mines, large and small, was to calculate for each mine each week the capacity in tons by dividing the tons produced by the hours worked and multiplying by the number of working hours in a week, generally 48. Thus a mine that in a given week produced 4,500 tons in 30 hours was considered capable of producing 4,500 divided by 32 or 150 tons in one hour and 7,200 tons in a week of 48 hours. If of the 18 hours lost that week, 12 hours was lost because of no cars and 6 hours because of mine disability, it was considered that 12 times 150, or 1,800 tons, was lost because of car shortage and 6 times 150, or 900 tons, because of mine disability. Similar calculations were made for each mine each week, and the quantities produced and lost for each cause were added and their percentage to the total capacity determined. District totals in tons were added and percentages for the United States were determined in the same way. The accompanying sample page of such calculations illustrates the method in detail.

It is at once apparent that this method gives a variable capacity from week to week. The hourly rate of production will vary under the influence of many factors, the most potent of which is the number of men at work. A mine equipped underground and on the surface to produce and load 1,000 tons of coal a day may have only sufficient labor to produce 800 tons a day and may, because of local conditions, produce an average of more or less than 800 tons a day over a period of time. What might be termed the potential capacity of that mine would be 1,000 tons; the present capacity would be 800 tons. The potential capacity is a theoretical figure, to determine which it is necessary to consider the thickness of the coal, the number of working places, the average number of tons of coal produced by each miner at each working place, the underground haulage equipment, the tipple capacity, the mine track capacity, the housing capacity for employees, and numerous other engineering data. The determination of potential capacity has been attempted by certain railroads as one of the factors in car rating, but the difficulties are so great and the application of the results so uncertain that the method has been almost generally abandoned.

Instead of the potential or theoretical calculated capacity, dependence is placed on actual performance. The quantity in tons produced per hour over a period of 6, 10, or 30 working days is used as the basis for calculating the daily or weekly car rating. This is exactly the method used by the Geological Survey in the weekly reports of operating conditions.

The inherent disadvantage of the method of calculating capacity on actual performance is that no account is taken of actual lack of mine labor. A mine may operate full time, 8 hours a day, 6 days a week, and still, because it is undermanned, produce only a portion of the possible output. This, as far as concerns bituminous coal, under conditions that have recently existed and will continue in the immediate future, is not a real disadvantage. Until the arrival of the time when operation of the mines with no loss of time except that arising from mine disability can not produce sufficient coal for the national needs it will be necessary regularly and systematically to chronicle the theoretical labor shortage.

The method described has the decided advantage of being based on easily ascertainable facts and not dependent on estimates. The operator reports tons produced and hours operated and lost, facts easily susceptible of checking. The assignment of the hours of operation lost to different causes may be difficult and in fact its correctness has been questioned. Although theoretically possible otherwise, it must be assumed that only one cause may be responsible for the idleness of a single mine at a given time. Two or more causes may, in succession, prevent operation of the same mine in the same day or during the same week, or as between two mines, at the same time.

Consolidated report of —— State, —— district, —— County, for week ended ——, 191—, United States Fuel Administration and United States Geological Survey.

[Sheet No. 1 of 4 sheets.]

Company and mine (grouped by railroad on which located).		To be transcribed from operator's report.												To be calculated.										
						Hours lost this week because of—									Tons lost this week because of—									
No.	Mine.	Tons produced (gross).	Tons produced (net).	Full-time hours.	Hours worked this week.	Total all causes.	Car shortage.	Labor shortage.	Strike.	Mine disability.	No market.	All other causes.	No cause given.	Full-time capacity.	Total all causes.	Car shortage.	Labor shortage.	Strike.	Mine disability.	No market.	All other causes.	No cause given.	Railroad.	Remarks.
	A-1		1,985	48	22	26		15		8			3	4,331	2,346		1,353		722			271	A.	
	A-2		6 1,530	54	21	33	15	9		9				3,939	2,409	1,094	656		659				Do.	
	A-3		4,883	48	42	6				2			4	5,579	696				232			464	Do.	
	A-4		1,810	48	26	22	4			10			8	3,340	1,530	278			696			556	Do.	
	A-5		9,492	48	44	4		2			2			10,356	864		432			432			Do.	
			19,700											27,545	7,845	1,372	2,441		2,309	432		1,291		
	Percentages		71.5											100.0	28.5	5.0	8.8		8.4	1.6		4.7		
	B-1		870	48	27	21		13		8				1,548	678		420		258				B.	
	B-2		2,398	48	35	13	8	5						3,289	891	548	343						Do.	
	B-3		1,700	54	30	24		7			9		8	3,060	1,360		397			510		453	Do.	
	B-4		1,400	54	42	12	3				9			1,800	400	100				300			Do.	
	B-5		2,070	54	31	23		2			21			3,603	1,533		133			1,400			Do.	
	B-6		1,886	54	38	16	3	2					11	2,670	790	148	99					543	Do.	
	B-7		1,650	54	23	31		4			27			3,872	2,222		287			1,935			Do.	
			11,008											19,842	7,874	796	1,679		258	4,145		996		
	Percentages		60.3											100.0	39.7	4.0	8.5		1.3	20.9		5.0		
	C-1		3,027	48	44	4	3			1				3,302	275	206			69				C.	
	C-2		4,974	48	20	28	4	16		8				11,938	6,964	995	3,979		1,990				Do.	
	C-3		827	48	6	42		2			40			6,624	5,797		276			5,521			Do.	
	C-4		4,419	48	10	38				6	32			21,211	16,792				2,651	14,141			Do.	
	C-5		802	48	16	32		16			8		8	2,409	1,607		803			402		402	Do.	
			14,049											45,484	31,435	1,201	5,058		4,710	20,064		402		
	Percentages		30.9											100.0	69.1	2.6	11.1		10.4	44.1		0.9		
	D-1		150	48	12	36	8				28			600	450	100				350			D.	
	D-2		40	48	4	44		4		40				472	432		40		392				Do.	
	D-3		2,123	48	30	18	1	12			3		2	3,398	1,275	71	850			212		142	Do.	
	D-4		520	48	30	18	4	12			2			832	312	69	208			35			Do.	
	D-5		815	48	32	16	14			2				1,222	407	356			51				Do.	
	D-6		150	48	8	40	8	16			16			900	750	150	300			300			Do.	
	D-7		965	48	17	31	3	20					8	2,721	1,756	170	1,133					453	Do.	
			4,763											10,145	5,382	916	2,531		443	897		595		
	Percentages		46.9											100.0	53.1	9.0	24.9		4.4	8.9		5.9		
	E-1		5,305	48	45	3	1			2				5,659	354	118			236				E.	
	E-2		2,966	48	36	12		4		8				3,953	987		329		658				Do.	
	E-3		285	48	10	38	6			16			16	1,370	1,085	171			457			457	Do.	
	E-4		1,568	48	21	27		3		24				3,582	2,014		224		1,790				Do.	
	E-5		1,188	48	33	15	9	6						1,728	540	324	216						Do.	
			11,312											16,292	4,980	613	769		3,141			457		
	Percentages		69.4											100.0	30.6	3.8	4.7		19.3			2.8		
	F-1		2,167	48	31	17		9		8				3,357	1,190		630		560				F.	
	F-2		1,500	48	13	35	4	8		10	13			5,547	4,047	463	925		1,156	1,503			Do.	
	F-3		1,102	48	28	20		8		12				1,890	788		315		473				Do.	
	F-4		60	48	3	45	8	29		8				978	918	163	592		163				Do.	
	F-5		389	48	25	23		15			8			748	359		234			125			Do.	
			5,218											12,520	7,302	626	2,696		2,352	1,628				
	Percentages		41.7											100.0	58.3	5.0	21.5		18.8	13.0				
	Grand total		67,010											131,828	64,818	5,524	15,174		13,213	27,166		3,741		
	Percentages		50.8											100.0	49.2	4.2	11.5		10.0	20.6		2.9		

Labor strikes in the coal mines of the United States in 1916 and 1917.

State.	1916			1917		
	Number of men on strike.	Total days lost.	Average number of days lost per man.	Number of men on strike.	Total days lost.	Average number of days lost per man.
Alabama	300	920	3	1,835	10,220	6
Arkansas	1,009	30,847	31	2,417	27,315	11
Colorado	38	82	2	1,664	7,292	4
Illinois	5,043	55,416	11	38,781	464,511	12
Indiana	8,154	154,974	19	11,914	74,695	6
Iowa	2,244	32,587	15	3,275	18,407	6
Kansas	6,306	152,838	24	7,312	128,514	18
Kentucky	4,830	289,859	56	9,348	425,725	46
Maryland	181	6,546	36	1,523	24,605	16
Michigan	1,416	18,189	13	163	1,964	12
Missouri	2,331	14,837	6	2,175	31,767	15
Montana	396	1,530	4	1,063	23,680	22
New Mexico				85	775	9
North Dakota	26	78	3	82	811	10
Ohio	7,594	156,689	21	7,710	56,875	7
Oklahoma	6,240	126,452	20	1,668	37,301	22

Labor strikes in the coal mines of the United States in 1916 and 1917—Continued.

State.	1916			1917		
	Number of men on strike.	Total days lost.	Average number of days lost per man.	Number of men on strike.	Total days lost.	Average number of days lost per man.
Oregon				25	25	1
Pennsylvania (bituminous)	36,276	1,200,479	33	23,655	544,322	23
Tennessee	350	3,784	11	4,448	192,730	43
Texas	2,218	62,905	28	75	260	3
Utah	181	543	3	212	848	4
Virginia				232	2,283	10
Washington	1,203	13,304	11	192	840	4
West Virginia	4,540	86,352	19	6,166	111,479	18
Wyoming	276	308	1			
Total bituminous	91,152	2,389,519	26	126,020	2,187,244	17
Pennsylvania (anthracite)	79,481	955,067	12	34,220	161,155	5

Summary of labor strikes in the coal mines of the United States, 1899–1917.

Year.	Number of men on strike.	Total working days lost.	Average number of days lost per man.
1899	46,985	2,124,154	46
1900	231,973	4,878,102	37
1901[1]	20,593	733,802	35
1902	200,452	16,672,217	83
1903[1]	47,481	1,341,031	28
1904	77,661	3,382,830	44
1905	37,542	796,735	21
1906	372,343	19,201,348	51.5
1907[1]	32,540	462,392	14
1908[1]	145,145	5,449,938	38
1909[1]	24,763	723,634	29
1910	218,493	19,250,524	88
1911	41,413	983,737	24
1912	311,056	12,527,305	40
1913	135,395	3,049,412	22.5
1914	161,720	11,013,667	68
1915	67,190	2,467,431	37
1916	170,633	3,344,586	20
1917	160,240	2,348,399	15

[1] Bituminous mines only.

Coal produced per man employed, 1890–1917.

Year.	Anthracite.				Bituminous.			
	Men employed.	Days worked.	Average tonnage per man per day.	Average tonnage per man per year.	Men employed.	Days worked.	Average tonnage per man per day.	Average tonnage per man per year.
1890	126,000	200	1.85	369	192,402	226	2.56	579
1891	126,350	203	1.98	401	206,803	233	2.57	573
1892	129,050	198	2.06	407	212,893	219	2.72	596
1893	132,944	197	2.06	406	230,365	204	2.73	557
1894	131,603	190	2.08	395	244,603	171	2.84	486
1895	142,917	196	2.07	406	239,962	194	2.90	563
1896	148,991	174	2.10	365	244,171	192	2.94	564
1897	149,884	150	2.34	351	247,817	196	3.04	596
1898	145,504	152	2.41	367	255,717	211	3.09	651
1899	139,608	173	2.50	433	271,027	234	3.05	713
1900	144,206	166	2.40	398	304,375	234	2.98	697
1901	145,309	196	2.37	464	340,235	225	2.94	664
1902	148,141	116	2.40	279	370,056	230	3.06	703
1903	150,483	206	2.41	496	415,777	225	3.02	680
1904	155,861	200	2.35	469	437,832	202	3.15	637
1905	165,406	215	2.18	470	460,629	211	3.24	684
1906	162,355	195	2.25	439	478,425	213	3.36	717
1907	167,234	220	2.33	512	513,258	234	3.29	769
1908	174,174	200	2.39	478	516,264	193	3.34	644
1910	169,497	229	2.17	498	555,533	217	3.46	751
1911	172,585	246	2.13	524	549,775	211	3.50	738
1912	174,030	231	2.10	485	548,632	223	3.68	820
1913	175,745	257	2.02	520	571,882	232	3.61	837
1914	178,679	245	2.06	505	583,506	195	3.71	724
1915	176,552	230	2.19	504	557,456	203	3.91	794
1916	159,869	253	2.16	548	561,102	230	3.90	896
1917	154,174	285	2.27	646	603,143	243	3.77	915

Coal produced per man and average number of days per year in 1916 and 1917.

State.	1916			1917		
	Days worked.	Average tonnage.		Days worked.	Average tonnage.	
		Per year.	Per day.		Per year.	Per day.
Alabama	262	715	2.73	273	707	2.59
Arkansas	184	528	2.87	187	536	2.87
Colorado	233	800	3.43	263	877	3.33
Illinois	198	876	4.42	243	1,025	4.22
Indiana	187	838	4.48	221	1,000	4.52
Iowa	202	503	2.49	251	628	2.50
Kansas	204	567	2.78	216	673	3.12
Kentucky	208	813	3.91	214	796	3.72
Maryland	256	792	3.09	254	802	3.16
Michigan	216	466	2.16	254	571	2.25
Missouri	207	491	2.37	240	587	2.44
Montana	244	961	3.93	268	1,019	3.80
New Mexico	292	839	2.87	321	970	3.02
North Dakota	244	889	3.64	255	963	3.78
Ohio	197	839	4.26	210	895	4.26
Oklahoma	178	463	2.60	211	516	2.45
Pennsylvania:						
Anthracite	253	548	2.17	285	646	2.27
Bituminous	259	1,012	3.91	261	991	3.80
Tennessee	239	666	2.79	241	594	2.46
Texas	218	444	2.04	263	538	2.05
Utah	228	1,140	5.00	219	1,184	5.40
Virginia	272	993	3.65	273	903	3.31
Washington	217	633	2.92	271	755	2.79
West Virginia	237	1,108	4.68	225	978	4.35
Wyoming	248	1,090	4.40	246	1,165	4.74

Length of working day in coal mines in the United States in 1917.

State.	8 hours.		9 hours.		10 hours.		All others.
	Mines.	Men.	Mines.	Men.	Mines.	Men.	Men.
Alabama	38	3,586	27	1,900	143	20,766	2,134
Arkansas	68	3,636	1	5	1	3	351
Colorado	130	12,238					1,999
Illinois	402	82,435	4	50			1,603
Indiana	181	24,294	2	42			2,192
Iowa	130	13,328	1	11			927
Kansas	120	10,144			3		596
Kentucky	217	16,738	84	5,488	69	3,833	8,867
Maryland	61	4,766	1	25	5	359	769
Michigan	19	2,375					31
Missouri	130	9,141	1	10	1	25	992
Montana	34	4,105					44
New Mexico	26	[1] 2,617					1,501
North Dakota	10	109	2	30	15	320	382
Ohio	489	43,423	7	82	9	484	1,323
Oklahoma	98	7,890			2	56	549
Oregon	5	70					31
Pennsylvania (bituminous)	1,293	124,824	230	27,293	79	6,135	15,716
Tennessee	51	2,630	59	5,748	8	1,589	701
Texas	13	2,213	16	930	12	946	286
Utah	20	3,417	1	6			62

Length of working day in coal mines in the United States in 1917—Con.

State.	8 hours.		9 hours.		10 hours.		All others.
	Mines.	Men.	Mines.	Men.	Mines.	Men.	Men.
Virginia	27	1,484	17	1,141	39	4,160	4,383
Washington	47	5,085					227
West Virginia	601	41,199	244	25,552	99	7,126	11,545
Wyoming	52	7,349			1	9	
	4,262	429,096	607	68,313	483	45,758	59,644

[1] Includes 346 outside men with 9-hour working day.

Mr. CUMMINS. I desire to ask the Senator from Oklahoma a question.

Mr. OWEN. I yield to the Senator.

Mr. CUMMINS. I will precede the question by saying that I am one of those who believe that the miners have not received the compensation for their labors which they ought to receive; but does the communication the Senator has just put in the RECORD show reason for the failure to allow the miners to work?

Mr. OWEN. It does.

Mr. CUMMINS. Does it show that one of the reasons is that the railroad companies under the present administration have been unable to furnish the cars with which to transport the coal?

Mr. OWEN. It does, in part.

Mr. CUMMINS. Does it also show the market conditions?

Mr. OWEN. It shows that the coal was not mined or sent out, on the ground, chiefly, that there was "no market," leaving the miners unemployed.

Mr. CUMMINS. The reason I ask these questions is that, while I have no reason to think that is the fault of the miners, I have some reason to think that it is not the fault of the operators.

Mr. OWEN. That may be true; but the truth should be authoritatively ascertained and justice done both parties, as well as the public.

Mr. CUMMINS. And we must go further and discover the reason for the failure to give continuous employment to these men. I think it will be found partly in the shortage of transportation facilities and partly in a disinclination of the people of the country to buy coal at certain seasons of the year.

Mr. OWEN. At certain very high prices.

Mr. CUMMINS. At certain prices.

Mr. OWEN. The prices are put so high that people will not buy until their necessities compel them to buy. The operators seem to put prices up to the highest point the traffic will bear. This is against a wise public policy, if true, and should be subject to public control under some adequate machinery.

Mr. CUMMINS. And these prices were fixed by the administration under Mr. Garfield—prices that were in many instances so absurdly high that I do not wonder that people rebelled against taking the coal.

Mr. OWEN. I desire to call attention to the facts, Mr. President, because we are face to face with a great industrial crisis, and it is the duty of this body to consider these questions and to be informed in regard to them; and if it can help, I should like to see the help promptly afforded.

Mr. CUMMINS. I concur with the Senator from Oklahoma in that suggestion; and every hour needlessly spent in the consideration of the German treaty is an hour that we ought to devote to our domestic affairs.

Mr. OWEN. I most earnestly and deeply agree to what the Senator says. We are fiddling while Rome is burning. I have protested with all the power I have, but under the rule of unlimited debate our days and months are consumed by those who love to talk, and the Senate is powerless under its archaic rules. We must have the right of the "previous question" before the Senate can command its own time.

Mr. MYERS. Mr. President, I made no objection to the publication in the RECORD of the statement of the executive council of the American Federation of Labor which has been read; I was willing for that statement to go to the public through the medium of the CONGRESSIONAL RECORD. I will say, in response to the strictures of the Senator from Wisconsin [Mr. LA FOLLETTE] upon the Senate as to its inattention to the reading of the article, that I was one of those who throughout, from start to finish, paid very close attention to the reading. I had not read it.

In connection with the publication in the RECORD of that statement I ask that there be published in the RECORD, without reading and following that statement, an editorial in this morning's Washington Post, entitled "A national blessing," which contains some very wholesome truths and, in my opinion, much of merit. I send it to the Secretary at the desk and ask that it be printed without taking the time of the Senate to have it read.

The VICE PRESIDENT. Without objection, the editorial referred to will be printed in the RECORD.

The editorial referred to is as follows:

"A NATIONAL BLESSING.

"Judge Anderson's decision in the coal strike, enjoining the union leaders from conspiring to reduce production and requiring them to vacate the strike order, will prove a lasting blessing to organized labor. It is a blessing in disguise perhaps from the miners' viewpoint at present, but eventually it will prove an advantage to the laboring man in assisting him to secure recognition of his rights.

"Not only does this decision vindicate the supremacy of the law, but it establishes the new economic policy of the paramountcy of the public interest. The report of the Senate committee on the steel strike states this policy with admirable succinctness in these words:

"There is no place in this country for industrial despotism or labor despotism. No one should be permitted to unjustly cause the great body of the public to suffer.

"In enacting the Lever Act Congress provided for the protection of the great body of the people during the period of the war by forbidding conspiracy to lessen the production of those things which were necessary to the successful conduct of the war. That was a means of protection to the American people against the armed forces of the Hun. Is there any reason why the American people should not be vouchsafed equal protection against disease and starvation? If the interests of the people were paramount during the war, are they to be made subservient to the interests of any particular class in time of peace?

"All economic reforms of great benefit to the public come through the process of evolution, but the policy of placing the public interest above all individual interests is coming to be generally recognized and its justice and strength so thoroughly appreciated that it will not be long before it is written into the statutes and accepted as a cardinal principle of our life.

"The Lever Act, enacted as a war measure for the purpose of protecting the Nation against the cupidity and selfishness of individuals, is held by Judge Anderson to be constitutional, and it is invoked by him in all its virility to protect the public against the horrible consequences of a coal famine. After this demonstration of its efficacy, it is inconceivable that the American people ever will consent again to be thrown to the mercy of contending industrial factions. Never more will the public be content to play the rôle of door mat for the scuffling feet of capital and labor engaged in a scrimmage for their individual advantage.

"Union labor gains immeasurably by this decision, even though the short-sighted leaders may for the time feel the pangs of disappointment at being shorn of their great power. If Judge Anderson had dissolved the injunction and unleashed the United Mine Workers to do their will upon the public, what would have been the result? It is possible that the strikers might have decreased the production of coal to a point where the country would have been frozen into granting their demands. But in the process of winning this victory, what of the millions of fellow workers of other crafts and their families, shivering in their homes, idle and hungry by reason of enforced shutting down of industries, sickness and death, threatening them on every hand? That would have been the price exacted from the public for the miners' triumph.

"A few weeks later, however, might have found the tables turned. The railroad employees at this moment are preparing to tie up the transportation system of the country if their demands are refused. Judge Anderson says they are deterred by the Lever Act from doing this, but if they are not held back by the law and if they carry out to the ultimate limits their prearranged plans, the Nation will, in a brief period, be face to face with a complete tie-up of the railroads. That means starvation. Without the railroads in operation food distribution is impossible, and in midwinter the storage supplies would be quickly exhausted. Then the miners' victory would shrink into insignificance, for with their families crying for food that was unobtainable, their increased wages and reduced working hours would avail them nothing. Again the public would suffer, but this time the miners would be among the sufferers.

"But under Judge Anderson's decision the law is recognized as supreme, and the public interest is made paramount to private interests. With these principles firmly established in our national life, reason is substituted for force, the rights of

labor, of capital, and of the public are conserved and justice to all is assured. Union labor then becomes a community of interest demanding just and equitable treatment; not an armed threat. And the ultimate consumer, that long-despised individual who pays the taxes, fights the Nation's battles, and guards its honor, at last assumes the position of a factor in the Nation, with rights and privileges immune from invasion by battling factions."

Mr. MYERS. Mr. President, in that connection, before I take my seat, I desire to say a few words in regard to the statement of the executive council of the American Federation of Labor that was read to the Senate this morning. I believe that the news of to-day fully justifies everything that I have said in this body in the last few weeks about the present attitude and manifest tendencies of the leaders of organized labor in this country. I believe all I have said on that subject is to-day fully justified. I stated a few weeks ago that there were elements of organized labor in this country which had a strangle hold upon the throat of the country and believed in strangling while the strangling was good, and I think that the news published in this morning's newspapers certainly justifies that statement. It is certainly borne out by the events now transpiring as fully as anything can be borne out by events, and quite as much as I expected when I made the statement.

As I say, I listened intently to the statement of the executive council of the American Federation of Labor that was read this morning, but I find in that statement nothing which justifies any class of citizens in this country in violating the law or defying the law or in announcing that they will not abide by the laws of the land or the decisions of the courts.

I think the time has come when there should be a decision of the question of which is paramount and supreme in this country—the law or a particular class of citizens of the country. I think it should be decided whether the Government is supreme or whether a particular class of citizens that constitute a part of the Government is supreme; and I am in favor of having that issue decided now, without any recession and without any compromise. If it were compromised or postponed, it would simply delay the evil day and would, in my opinion, greatly increase the troubles that now beset us. It has been coming a long time, and I think that issue should be decided right now. I am in hearty accord with the attitude of the Government in handling the coal strike, which is pressing sorely upon the people of the country and vitally affecting their needs and wants. I approve the attitude that is taken by the Government, and I hope the Government will continue the firmness of its attitude. I hope the Government will not consent to any compromise and will not recede one iota from the stand it has taken. I believe, in the language of Judge Anderson's decision, that the law is superior "even to labor."

So far as I am concerned, I would rather freeze to death, perish, give up my life between now and the 1st of January, than to see the Government recede from the position it has taken.

I believe the Government should stand firmly in the position it has taken and let this momentous issue be decided now. I think it would be better for all parties concerned. The majesty of the law and the welfare of the whole people should be firmly established, and now is the time to do it.

I believe we are confronting the most serious trouble that has confronted this country since the days of 1861; and I have come to the conclusion that very much of our present trouble arises from the enactment of the Adamson law, three years ago, which I believe was a grave mistake. I think we are now reaping the consequences of the enactment of that measure, and I hope that mistake will not be repeated and made worse. I believe the Government should, to the end of this contention, maintain its firm attitude. I believe it owes it to the people of the country to maintain it. The majesty of the law must be upheld, the rights of the whole people must prevail, if this Government is to survive. I believe Judge Anderson's decision is correct. It has my approval. I believe the Government was right in going into court and obtaining an injunction against the strike of the miners, which the President has said is plainly in violation of law; and I believe Judge Anderson's decision establishes the correctness of the President's declaration. If it is in violation of law, if it is in defiance of law and order and government and the rights of the people, I believe that the Government should maintain absolutely its present position and not yield an inch, no matter what the consequences. The Government must prevail or back down.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. ASHURST. Mr. President, I must ask for the regular order.

The VICE PRESIDENT. The regular order is called for. This is all out of order.

Mr. MYERS. I would gladly yield to the Senator from Nebraska for a question if I could, but I can not now. I am taken off of the floor by a call for the regular order of morning business. I had hoped to say more on this subject, but can not do so now.

COURTS IN WEST VIRGINIA.

Mr. KELLOGG. I desire to make a report from the Committee on the Judiciary on the bill (S. 1229) to amend an act approved August 22, 1914, entitled "An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States," and I ask unanimous consent for its immediate consideration. It simply changes the date of holding court in West Virginia from the first Tuesday of September to the first Tuesday of August.

Mr. LODGE. Mr. President, will the Senator allow me just to dispose of two matters in the way of morning business? I should like to introduce a bill to be referred to the Committee on Foreign Relations, and a resolution to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. CUMMINS. What is the order of business?

The VICE PRESIDENT. There never is any, lately.

Mr. CUMMINS. I am rapidly coming to that conclusion.

Mr. KELLOGG. I withdraw the request.

Mr. LODGE. I withdraw the bill and resolution for the present.

The VICE PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PENROSE. I present to the Senate a resolution from the State Federation of Pennsylvania Women, favoring the immediate ratification of the treaty of peace, including the covenant of the league of nations, and I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved by the State Federation of Pennsylvania Women, embracing in its membership about 400 clubs and organizations, collectively numbering many thousands of the thoughtful organized women of the State, in convention assembled at Scranton, on this 16th day of October, 1919, That they earnestly urge upon the Senate of the United States the immediate ratification of the treaty of peace, including the covenant of the league of nations.

Copy of this resolution to be immediately forwarded to the President of the Senate, with a request that the same be presented in open session of the Senate and printed in the CONGRESSIONAL RECORD.

Submitted by

MRS. FRANKLIN P. IAMS,
MRS. HARRY C. CHRISTY.

Mr. HITCHCOCK. I present a petition signed by about 6,000 citizens of 21 counties in Nebraska, asking for the early ratification of the treaty of peace with Germany without amendment.

The VICE PRESIDENT. The petition will lie on the table.

Mr. PHELAN. I desire to have printed in the RECORD in that connection a telegram from Luther Burbank and others in California in favor of the ratification of the treaty, if there be no objection.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SANTA ROSA, CALIF., *October 6.*

Hon. JAMES D. PHELAN,
Washington, D. C.:

After carefully considering arguments for and against league of nations, we, as representatives of all races, parties, and creeds, unite in urging you to support covenant without change or reservations such as would be calculated to materially modify its present provisions or delay its adoption.

Luther Burbank, Emmet Sewell, Hillibard Comstock, James H. Gray, J. W. Jasse, S. S. Bogle, Wallace L. War, Ben F. Ballard, Louis Pendrotti, Blitz W. Paxton, F. McMartin, John T. Campbell, John F. Kinslow, W. F. Cowan, D. R. Gale, D. P. Anderson, Charles E. Lee, James S. Sweet, Mary E. Doyle, Charles H. Dwinelle, Peter Hansen, E. L. Finley, and 162 other prominent citizens, whose names go forward to-night by mail.

Mr. PHELAN. I also present a memorial on the immigration bill, which is before the Committee on Immigration, and if there be no objection I ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Thomas Enright Post, No. 97, Veterans of Foreign Wars, of Modesto, Stanislaus County, Calif., representing 1,600 men of this county who offered their lives to their country, in meeting assembled, passed the following resolutions unanimously:

"Whereas there is now an immigration bill before Congress for consideration and passage; and

"Whereas an effort is being made to open the gates to permit immigrants from certain nations to enter without sufficient restriction; and

"Whereas it appears from the records that in Stanislaus County, as well as other counties of the State, there were a large number of aliens who shirked service in the recent war by claiming exemption as aliens, and out of a registration in the United States of 9,659,382 there were 1,251,712 aliens; and

"Whereas the alien reaps the same benefit from the results of this war (or even more so, because he remained at home and took advantage of the high wages and the surplus of work caused by the absence of nearly 4,000,000 wage earners) as did the man who offered his services to his country; and

"Whereas it is the sense of this meeting that citizens of other countries who have come into this country and have made no pretense of becoming citizens, have not only not done their duty, but have shirked and avoided it, and still make no effort to take up the burden of citizenship, but are content to take all benefits without assuming any of the responsibilities; and

"Whereas this organization does not believe in admitting any more immigrants from any of these countries until some effort is made by those now here to do their full duty: Therefore be it

"*Resolved*, That all immigration be prohibited for a term of four years from this date; and be it further

"*Resolved*, That no change, whatsoever, be made in the law with reference to oriental immigration, and we urge more drastic legislation for the exclusion of Japanese generally and Japanese 'picture brides' in particular, their admittance into this country under the present circumstances defeating the purposes of the exclusion act; and be it further

"*Resolved*, That all aliens who are within the United States at the time of the declaration of war who are eligible be required at once to proceed with and complete their applications for citizenship, or return within a reasonable time to the country from whence they came; and be it further

"*Resolved*, That the compulsory education law be strictly enforced, and that no person within the United States be permitted to attend any school where foreign languages are taught or receive any instruction in foreign languages until such person shall be able to read and write the English language; and be it further

"*Resolved*, That we do, without reservation, condemn, disapprove of, repudiate, and reject the action of Sidney L. Gulick, secretary of the League for Constructive Immigration Legislation, in regard to oriental immigrants, and we believe that in spite of his long residence and association among these peoples he has failed to familiarize himself with conditions as they actually exist in the country which he claims as his own; and be it further

"*Resolved*, That a copy of these resolutions be sent to our Senators and our Representative in Congress; to Woodrow Wilson, President of the United States; and to the Committees on Foreign Relations of the House and Senate, with a request for immediate action."

THOMAS ENRIGHT POST, NO. 97,
VETERANS OF FOREIGN WARS,
C. C. PARKS, *Commander*.
D. M. MACLEAN, *Adjutant*.

Mr. LODGE presented a telegram in the nature of a memorial from sundry citizens of Springfield, Mass., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Local Branch, Pattern Makers' Union, of Lynn, Mass., remonstrating against the inclusion of the so-called antistrike provision in the pending railroad bill, which was referred to the Committee on Interstate Commerce.

Mr. MOSES presented a petition from the New Hampshire Baptist State Convention, held in Manchester, N. H., praying for the establishment of a Department of Education to remove illiteracy and to promote good citizenship and perpetuate the union of liberty, order, and progress in the national life, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a petition of the Medical Society of Hartford, Conn., praying that the same privileges of retirement and sick leave granted to members of the Medical Reserve Corps be allowed to the officers of the Medical Corps of the Regular Army, which was referred to the Committee on Military Affairs.

He also presented petitions of the Friends of Irish Freedom and of the Catholic Ladies of Columbus, of Hartford, Conn., and of the Friends of Irish Freedom, of Detroit, Mich., praying for the recognition by the United States of the independence of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Ladies' Auxiliary No. 12, Ancient Order of Hibernians, of New Haven, Conn., and a memorial of sundry citizens of New Haven, Conn., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations are adopted, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce, of Hartford, Conn., praying for the perpetuation of the present finance service of the Army, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Fruit & Vegetable Growers' Association, of Bridgeport, Conn., remonstrating against the assertion by the heads of the unions with miner affiliations that in reducing the hours of labor and curtailing production they had the sympathy and cooperation of the farmers, and that the farmers are in favor of the same, is false and preposterous, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Congregational Church of Avon, of the Fairfield County Association, of the congregations of the Congregational Churches and ministers of Southport, and of the congregation of the Center Congregational Church of Torrington, all in the State of Connecticut, praying that the United States accept the proposed mandatory over Turkey to the end that the American Republic may assume its full share of the burden imposed upon the people of Armenia, which were referred to the Committee on Foreign Relations.

Mr. NEWBERRY presented a petition of the school officers' section of the Upper Peninsula Educational Association, of Marquette, Mich., praying for the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce, of Jackson, Mich., praying for universal military training, which was referred to the Committee on Military Affairs.

RAILROAD CONTROL.

Mr. CUMMINS. From the Committee on Interstate Commerce I present a report (No. 304) to accompany Senate bill 3288, which is known as the railroad-control bill. I ask that the report be printed and properly distributed. I notice that the bill itself, although it has been reported, is not in the file of bills on the desks of Senators. At least, I have none in my file, and I assume that it has not been distributed.

The Senator from Wisconsin [Mr. LA FOLLETTE], who just at this moment is not in his seat, desires leave to file his minority views at some subsequent time, and on his behalf I ask that leave be granted so to file his views.

The VICE PRESIDENT. In the absence of objection, leave will be granted. The report presented by the Senator from Iowa will be received and printed.

TRANSMISSION OF MAIL MATTER.

Mr. PHIPPS. From the Committee on Post Offices and Post Roads I report back favorably without amendment the bill (H. R. 6951) authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter, together with a short report (No. 303) thereon. I ask unanimous consent for the immediate consideration of the bill, as I do not think it will lead to any discussion.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to ask the Senator from Colorado if the report submitted by him is a unanimous one?

Mr. PHIPPS. It is a unanimous report from the Committee on Post Offices and Post Roads.

Mr. ASHURST. Mr. President, I do not wish to object to the consideration of this bill; but a number of Senators have requested me to object to the consideration of any bill, as they wish to reach the calendar at the earliest possible moment. However, I assume that this bill will lead to no debate, and therefore I do not object to its consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That hereafter, under such regulations as the Postmaster General may prescribe, fourth-class matter of obvious value which is of a perishable nature may be forwarded to the addressee at another post office charged with the amount of the forwarding postage, and when such matter of a perishable nature is undeliverable to the addressee it may be returned to the sender charged with the return postage: *Provided*, That other undeliverable matter of the second, third, and fourth classes may be forwarded to the addressee or to such other person as the sender may direct, at another post office, charged with the amount of the forwarding postage, or it may be returned to the sender charged with the return postage, when it bears the sender's pledge that the postage for forwarding and return will be paid, such postage to be collected on delivery: *Provided further*, That when the sender refuses to furnish such postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge may be refused.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONNECTICUT RIVER BRIDGE.

Mr. CALDER. I am directed by the Committee on Commerce to report back favorably with an amendment the bill (S. 3332) granting the consent of Congress to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River, between Windsor Locks and East Windsor, at Warehouse Point, in said county and State, and I submit a report (No. 301) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. ASHURST. With the distinct understanding, expressly stated, that the bill will lead to no debate, I do not object. Otherwise I shall be obliged to object.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Commerce was in line 3 after the word "That," to strike out "the consent of Congress" and insert "authority," so as to made the bill read:

Be it enacted, etc., That authority is hereby granted to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct, maintain, and operate a bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, one end of said bridge to be in the town of Windsor Locks and the other in the town of East Windsor, at the village of Warehouse Point, all in the county of Hartford, in the State of Connecticut, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River, between Windsor Locks and East Windsor, at Warehouse Point, in said county and State."

TENNESSEE RIVER BRIDGE.

Mr. CALDER. I also report from the Committee on Commerce favorably and without amendment the bill (H. R. 10208) to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala., and I submit a report (No. 302) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. ASHURST. With the understanding that the bill will lead to no debate, I shall not object.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the Limestone-Morgan Bridge Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a highway and interurban railway bridge and approaches thereto across the Tennessee River at or near the city of Decatur, Ala., at a point suitable to the interests of navigation in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided, however*, That, subject to the provisions of said act, reasonable rates of toll may be charged and received for passage over said bridge, but no charge for the passage of a single passenger on an interurban train shall exceed 25 cents.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Passed the House of Representatives November 6, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 218, submitted by Mr. SPENCER on the 23d ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That Senate resolution 42, agreed to June 6, 1919, authorizing the Committee on Claims of the United States Senate to employ an assistant clerk during the present session of Congress be, and the same hereby is, extended and continued in full force and effect during the remainder of the Sixty-sixth Congress.

COURTS IN WEST VIRGINIA.

Mr. KELLOGG. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 1229) to amend an act approved August 22, 1914, entitled "An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States." I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That section 113 of chapter 5 of the Judicial Code of the United States be amended and reenacted so that the same shall read as follows:

"SEC. 113. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday of April and the third Tuesday of September; at Clarksburg on the second Tuesday of April and the first Tuesday of October; at Wheeling on the first Tuesday of May and the third Tuesday of October; at Philippi on the fourth Tuesday of May and the second Tuesday of November; at Elkins on the first Tuesday in July and the first Tuesday in December; and at Parkersburg on the second Tuesday of January and the second Tuesday of June: *Provided*, That a place for holding court at Philippi shall be furnished free of cost to the United States by Barbour County until other provision is made therefor by law: *And provided further*, That a place for holding court at Elkins shall be furnished free of cost to the United States by Randolph County until other provision is made therefor by law. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday of June and the third Tuesday of November; at Huntington on the first Tuesday of April and the first Tuesday after the third Monday of September; at Bluefield on the first Tuesday of May and the third Tuesday of October; at Williamson on the first Tuesday of October; at Webster Springs on the third Tuesday of August; and at Lewisburg on the second Tuesday of July: *Provided*, That a place for holding court at Webster Springs shall be furnished free of cost to the United States: *And provided further*, That a place for holding court at Williamson shall be furnished free of cost to the United States by Mingo County until other provision is made therefor by law."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3406) for the purchase of buildings and grounds for the embassy of the United States at Brussels, Belgium; to the Committee on Foreign Relations.

By Mr. PENROSE:

A bill (S. 3407) granting an increase of pension to Louisa Baumgard; and

A bill (S. 3408) granting a pension to Jesse Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3409) granting a pension to David R. Locke; to the Committee on Pensions.

By Mr. WOLCOTT:

A bill (S. 3410) granting a pension to Jesse K. Baylis; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 3411) for the allowance of certain claims reported by the Court of Claims; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3412) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. PENROSE:

A joint resolution (S. J. Res. 125) to continue the control of imports of dyes and coal-tar products; to the Committee on Finance.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. LODGE submitted the following resolution (S. Res. 225), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the resolution of the Senate No. 49, agreed to on June 6, 1919, authorizing the Committee on Foreign Relations to employ an assistant clerk, to be paid out of the contingent fund of the Senate, during the present session of Congress, be, and the same hereby is, extended and continued in full force and effect during the remainder of the present Congress.

UNITED STATES SHIPPING BOARD.

Mr. JONES of Washington submitted the following resolution (S. Res. 226), which was read, considered by unanimous consent, and agreed to:

Resolved, That the United States Shipping Board and the Emergency Fleet Corporation be, and they are hereby, directed to furnish the Senate with the following information:

1. How many ships or contracts for ships under construction in American shipyards for Norwegian citizens were requisitioned by the United States after April 6, 1917?

2. Give the amount of the claims growing out of such requisitioning, and, if they have not yet been adjusted, state what steps have been taken to adjust them and why they have not been sooner adjusted and settled.

LEAVES OF ABSENCE TO DIPLOMATIC OFFICERS.

Mr. MOSES submitted the following resolution (S. Res. 227), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be requested to inform the Senate of the names of all diplomatic officers granted leaves of absence since June 30, 1914, the extent of such leaves of absence, and the amount of pay received during such period; also the names of such diplomatic officers as have been during the same period recalled from their respective posts for special duty in the Department of State or elsewhere, the period of such special duty, and the amount of pay received during such period.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN. Mr. President, I ask that the amendments of the House of Representatives to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, be laid before the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

Mr. McLEAN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McLEAN, Mr. PAGE, and Mr. OWEN conferees on the part of the Senate.

RAILROAD CONTROL.

Mr. TOWNSEND. I have received a communication from a prominent attorney of Detroit, Mich., who is interested in the railroad situation and who has presented his views in the form of a short bill. He is in favor of Government ownership. He gives a short analysis of the bill; and I ask that it be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the communication was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *November 7, 1919.*

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your kind letter of the 5th is just received. Inclosed find draft of the bill which I would be much pleased to have you introduce. I take the liberty of making the following brief comments on the nine sections of the bill:

Section 1: The Government operates without any entangling alliances and Congress makes any changes experience dictates.

Section 2: The Interstate Commerce Commission's appraisal would doubtless be satisfactory to the people.

Section 3: The President will act promptly both in offering and, when necessary, condemning.

Section 5: The director general and commission would be proper parties to decide as to improvements.

Section 6: Congress alone should authorize the buying and building of additional railroads.

Section 7: One hundred year 4 per cent Government bonds would sell at par.

The entire cost, including purchase price, improvements, and additions, should be paid by issuing Government bonds and guaranteeing present railroad bonds.

Railroad values are now largely represented by railroad bonds maturing at various times, some over 300 years hence.

Section 8: Fifty million dollars annual sinking fund would pay the principal in about 150 years.

Congress might in the future increase the sinking fund, but should not add to the burdens of the present generation.

And Congress might conclude in this particular case that "a national debt is a national blessing" and carry the debt permanently, as the bonds would give a safe investment with a reasonable return, while the Government is only a guarantor, amply secured by property in its possession.

Section 9: It is not desirable to have our railroads operated by either capital or labor.

A railroad, like a post office, is a public utility and should be owned and operated by and for the whole people; the Government should have no partner in either.

But labor would be interested in wages, conditions of service, and safety, and with nine men devoting all their time to studying those problems it is fair to assume that what is best would be done.

Very truly, yours,

GEO. WM. MOORE.

A bill to authorize and require the Government of the United States of America to purchase, own, and operate the railroads of the country, and for other purposes.

Be it enacted, etc., That the Government of the United States of America (hereinafter called the Government) shall continue to operate the railroads now in its possession.

SEC. 2. That the Interstate Commerce Commission shall find and determine the value of each railroad company's property used for railroad purposes, and now in the possession of the Government, and the amount of the incumbrances thereon, and shall report each finding as soon as made to the President of the United States of America (hereinafter called the President), all of which shall be done as soon as practicable.

SEC. 3. That the President shall, immediately after receiving each finding, offer for the Government to purchase the property so appraised and pay therefor the value so found, less the encumbrances, and guarantee payment of said encumbrances: *Provided*, That if the finding shows that the encumbrances exceed the value, the President shall offer to buy said property at its value, free of all encumbrances. The amount of any finding, offer, or guaranty shall not be shown in any condemnation proceedings.

SEC. 4. That the President may also at any time institute condemnation proceedings to acquire in the name of and for the Government any of said railroad property, free of or subject to the encumbrances thereon, and shall do so if at the expiration of one year after making an offer for any such property the Government has not acquired title thereto. The President may settle any condemnation proceedings, provided the Government acquires title to the property sought.

SEC. 5. That the Director General may, with the approval of the Interstate Commerce Commission, build, change, or remove tracks, depots, and terminals, add rolling stock, motive power, and betterments, and make any other improvements necessary or desirable to unify the Government railroad system and give a proper and efficient public service.

SEC. 6. That additional railroads and terminals shall be bought or built and added to said Government railroad system when authorized by Congress.

SEC. 7. That to raise the money for all the foregoing purposes the President shall from time to time, as necessary, cause bonds of the Government, due 100 years after date, bearing interest at the rate of 4 per cent per annum, payable semiannually, to be issued and sold, which bonds shall be known and designated as Government railroad bonds, and shall be kept and reported separately from all other Government liabilities, and shall be exempt from all taxation, except as Congress may provide.

SEC. 8. That the charges for service on said railroads shall be sufficient to pay operating expenses, maintenance, and fixed charges, together with a sinking fund of $50,000,000 per annum, to ultimately pay for said railroad properties and save the Government harmless.

SEC. 9. That there shall be a board of nine directors, three of whom shall be selected by the President, by and with the advice and consent of the Senate, three by the appointed railroad officers, and three by the railroad employees, each to serve during the pleasure of the selector, and each of whom shall be paid out of the railroad-operation fund $——— per month and necessary traveling expenses, and whose duty it shall be to investigate all questions of wages, conditions of service, safety, and other similar matters in which the officers, the employees, the Government, or the public are interested; and whenever and as often as a majority of said board shall conclude that any change is necessary or desirable they shall file in writing with the Interstate Commerce Commission a petition therefor and the reasons upon which it is based, signed by all the directors: *Provided*, That if any dissent they shall at the same time file in writing their objections. The Interstate Commerce Commission shall make a public announcement of the filing of said petition, reasons, and objections, and shall give personal notice thereof to the Director General of Railroads, and any American citizen may be heard thereon; but the commission shall proceed promptly to investigate the subject matter of said petition, and for that purpose may take testimony, and may deny said petition or may grant it in whole or in part.

BUILDING OF HOMES.

Mr. CALDER. Mr. President, I present a resolution adopted by the National Federation of Construction Industries, dealing with the housing shortage in the United States. I ask that it be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolution of the National Federation of Construction Industries relative to Senate bill 2094.

Whereas the operation of the revenue and banking laws of the United States has caused a steady withdrawal of capital available for loans upon real estate and has thus seriously interfered with the progress of building construction and national development; and

Whereas it is highly important not only to the construction industry, but to the welfare of the Nation at large, that the erection of homes and other needed buildings shall be speedily resumed; and

Whereas loans upon real estate should be at least as attractive as other forms of investment if the erection of homes and other needed buildings is to continue: It is therefore

Resolved by the directors of the National Federation of Construction Industries, That they heartily indorse the purpose of and earnestly recommend the passage of Senate bill 2094, introduced by Senator WILLIAM M. CALDER, of New York, entitled "A bill to encourage the building of homes by providing for exemption from taxation of the income from mortgages on real estate," modified as Congress in its wisdom may deem necessary, because the passage of this bill will tend to restore the balance in attractiveness to investors between loans upon real estate and other forms of investment, which balance has been destroyed through the operation of the existing laws, and because such restoration will encourage the construction of homes and other buildings now requisite to the happiness and prosperity of the people of the United States.

Resolved further, That the executive secretary be requested to communicate to Senator CALDER, Representative NOLAN, and Representative MCLAUGHLIN the appreciation of the directors of their interest in this important matter, and that a copy of these resolutions be laid before them.

Resolved further, That a copy of these resolutions be sent to the Committee on Banking and Currency of the Senate and to the Committee on Ways and Means of the House.

ERNEST T. TRIGG,
President.

Attest:

JOHN C. FRAYES,
Executive Secretary.

LEAGUE OF NATIONS.

Mr. SPENCER. Mr. President, the American Agricultural Association requested Mr. Fred A. Dolph, of this city, who is a lawyer and an accountant of standing, to prepare an estimate of the annual budget of the league of nations in operation. Mr. Dolph has complied with that; and at the request of the American Agricultural Association I ask that it be inserted in the RECORD, if there be no objection.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. PENROSE. I should like to ask the Senator in that connection what was the estimated amount?

Mr. SPENCER. As I remember, something over $1,000,000,000 a year.

Mr. PENROSE. Well, that seems a rather reasonable sum to bring on the millennium.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

AN AUDIT OF THE PROBABLE ANNUAL EXPENSE OF THE LEAGUE OF NATIONS.

It has been suggested many times that an audit of the probable annual expense of the operation of the league of nations would be at least interesting, in view of the fact that the United States, having the largest amount of taxable wealth of any other nation, will be called upon to pay the bulk, or at least a very large percentage, of such annual expense.

I have undertaken to prepare such an audit. The probable number of employees and the probable salaries are taken from a study of what such work would cost in the United States, directed by sensible and efficient business men. There are those who believe that the work will not be so directed, and such persons will no doubt add from 100 per cent to 200 per cent to my estimates to cover the added expense of ordinary inefficiency and red tape in such matters.

I concede that I have no data or information as to the cost of commissions to return with proper pomp and ceremonial to His Brittanic Majesty the skull of the Sultan of Mkwawa, nor to return to His Majesty the King of the Hejaz the Koran of the Caliph of Othman, nor the return of the leaves of the triptych of the mystic lamb. No doubt, in actual expense, these items will be considerable, but, having no information or data, I have ignored them.

I have, however, with some patience and industry, listed the 170 tribunals and commissions that are actually named and created by the league of nations and that are put under the direction of the league of nations by the joint treaty of peace with Germany, and have made what I consider a fair estimate in each case of the employees needed to function those tribunals and commissions and attach appropriate schedules giving the detail data, upon which I base the following general estimate.

Salaries and pay roll:	
First class, 6,505 persons, at $10,000	$65,050,000
Second class, 12,352 persons, at $5,000	61,760,000
Third class, 166,310 persons, at $2,000	332,620,000
Traveling expenses:	
One-third of these employees will be traveling as investigators and to attend meetings at an average expense of $3,000 each	185,167,000
Office rent, heat, and light:	
Each employee is allotted the usual number of feet of office space, and this is usually computed as costing $170 per annum per person	31,478,390
Wear and tear, furniture and office equipment:	
This is usually figured at $100 per person per annum	18,516,700
Miscellaneous:	
Printing, exclusive of labor, plants, furniture, office equipment, attendance witnesses at hearings, etc.	1500,000,000
Total	1,194,591,000

The fact is emphasized that this audit does not include the cost of military occupation, nor does it include the cost of maintaining any of the commissions or tribunals that may be established by the treaty with Austria, Poland, or with France, nor any treaty that has not yet been submitted to the United States Senate for ratification.

Some of the tribunals and commissions I have audited are made a charge against Germany, but the treaty states that Germany is a bankrupt nation, hence the reparation committee, which is in fact a receivership, so that any charge against Germany that is going to reduce her ability to pay is going to reduce the final dividend, which, in any event, will be less than par.

Respectfully submitted.

FRED A. DOLPH.

Schedule A.

LIST OF OFFICES, TRIBUNALS, AND COMMISSIONS CREATED BY THE LEAGUE OF NATIONS AND JOINT TREATY OF PEACE WITH GERMANY, INCLUDING NUMBER AND SALARIES OF PERSONNEL.

The personnel in this schedule is divided into three classes, the first class including principals and members of the various commissions, whose salaries are averaged at $10,000; second class, heads of departments and executives, whose salaries are averaged at $5,000; and third class, all others, whose salaries are averaged at $2,000.

Item.	Office, tribunal, or commission.	First class.	Second class.	Third class.	Amount.
1	Secretary general	11	22	240	$700,000
2	Council	411	45	714	2,063,000
3	Assembly	128	400	2,640	8,560,000
4	Disarmament commission	25	128	765	2,420,000
5	International court	15	25	120	515,000
6	International board of health	32	35	201	897,000
7	Governing commission Saar Basin	5	100	900	2,350,000
8	Mixed commission Saar Basin	3	5	16	87,000
9	Mines valuation commission Saar Basin	3	10	65	210,000
10	Manager ports Strasburg and Kehl	1	3	11	47,000
11	Plebiscite commission Upper Silesia	4	50	500	1,290,000
12	Plebiscite commission East Prussia, Allenstein	5	50	500	1,300,000
13	Plebiscite commission East Prussia, uhm, etc	5	50	500	1,300,000
14	Plebiscite commission Schleswig	5	50	500	1,300,000
15	Boundary commission, Belgium	7	35	50	345,000
16	Boundary commission, Czechoslovakia	7	35	50	345,000
17	Boundary commission, Poland	7	35	50	345,000
18	Boundary commission, Denmark	7	35	50	345,000
19	Boundary commission, Saar Basin	5	20	30	210,000
20	Boundary commission, city of Danzig	3	10	20	120,000
21	High commissioner of Danzig	1	1	5	25,000
22	Military commission of control	5	200	500	1,150,000
23	Naval commission of control	5	200	500	1,150,000
24	Aeronautical commission of control	5	50	200	700,000
25-57	Repatriation commissions, 32 in all, 1 for each nation	160	192	320	3,200,000
58	Tribunal for trial Wilhelm II	20	30	100	$350,000
59	Reparations commission	1,200	6,000	142,800	327,000,000
60-158	Debtor clearing commission, creditor clearing commission, mixed arbitral tribunal	288	320	3,040	10,360,000
159	Insurance commission, ceded territory	5	7	120	325,000
160	Navigation commission, Elbe River				
161	Navigation commission, Ober River				
162	Navigation commission, Niemen River				
163	Navigation commission, Upper Rhine	52	104	312	1,664,000
164	Navigation commission, Central Rhine				
165	Navigation commission, Danube				
166	Railway equipment commission	5	7	25	135,000
167	General labor conference	2,688	2,688	6,000	52,320,000
168	Governing body labor	1,304	1,304	3,912	27,384,000
169	Labor commission of inquiry	96	6	102	1,194,000
170	International organizing commission	352	100	452	4,924,000
	Total	6,505	12,352	166,310	459,430,000

NO. 1. THE SECRETARY GENERAL.

Article 6 of the league covenant:

"The secretariat shall comprise a secretary general and such secretaries and staff as may be required."

It is estimated that the personnel of this office and of the assistant secretaries, with their respective staffs of private secretaries, clerks, stenographers, interpreters, messengers, etc., will be as follows:

Members	11
Executives	22
Clerical	240

NO. 2. THE COUNCIL.

Article 4 of the league covenant:

"The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league."

"Each member of the league represented on the council shall have one vote, and may not have more than one representative."

"Any member of the league not represented on the council shall be invited to send a representative to sit as a member at any meeting of the council during the consideration of matters specially affecting the interests of that member of the league."

Personnel:	
Members	9
Representatives, council members	9
Representatives, noncouncil members	23
	41
Executives	45
Clerical, etc	714

NO. 3. THE ASSEMBLY.

Article 3 of league covenant:

"At meetings of the assembly each member of the league shall have one vote, and may have not more than three representatives."

Personnel:	
Members	128
Executives	400
Miscellaneous	2,640

NO. 4. DISARMAMENT COMMISSION.

Article 9 of the league covenant:

"A permanent commission shall be constituted to advise the council on the execution of the provisions of articles 1 and 8 and on military, naval, and air questions generally."

Personnel: The membership of this commission is not fixed, but as it has to do with the disarmament of all the nations eventually, it would require a large membership to give representation to all nations of any moment.

Members	25
Executives	128
Miscellaneous	765

NO. 5. INTERNATIONAL COURT.

Article 14 of the league covenant:

"The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice."

Personnel: No membership is fixed, but in order to be representative no doubt there would be at least 15 justices.

Members	15
Executives	25
Miscellaneous	120

NO. 6. INTERNATIONAL BOARD OF HEALTH.

Article 23 of the league covenant:

"The members will endeavor to take steps in the matter of international concern for the prevention and control of disease."

Personnel: This commission would probably be representative of all the nations and would have at least one member for each nation.

Members	32
Executives	35
Miscellaneous	201

NO. 7. GOVERNING COMMISSION, SAAR BASIN.

Chapter 2, article 17 of treaty:

"Shall consist of five members chosen by the council of the league." France, 1; native, 1; and 3 members not citizens of either France or Germany.

Personnel: This commission has entire charge of the government of the Saar Basin and will execute the plebiscite provisions for the territory at the end of 15 years.

Members	5
Executives	100
Miscellaneous	900

NO. 8. MIXED COMMISSION, APPORTIONMENT ROLLING STOCK, SAAR BASIN.

Chapter 2, article 22, treaty:

"As regards the railways, an equitable apportionment of rolling stock shall be made by a mixed commission on which the Government of the Saar Basin and the German railways will be represented."

Personnel: There would be at least a commission of three members, with experts and miscellaneous force.

Members	3
Executives	5
Miscellaneous	16

NO. 9. MINES VALUATION COMMISSION, SAAR BASIN.

Chapter 2, article 36:

"If the league (after plebiscite vote) decides to return Saar Basin to Germany," Germany repurchases mines at price fixed, payable in gold.

"The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither Frenchman nor German, by the council of the league."

Personnel:

Members	3
Executives	10
Miscellaneous	65

NO. 10. MANAGER FOR PORTS OF STRASBURG AND KEHL.

Section 5, article 65:

"The port of Strasburg and the port of Kehl shall be constituted for a period of seven years a single unit from the point of view of exploitation. The administration of this single unit will be carried on by a manager named by the Central Rhine commission.

Personnel:

Members	1
Executives	3
Miscellaneous	11

NOS. 11, 12, 13, AND 14. PLEBISCITE COMMISSIONS.

The powers and duties of these commissions are practically identical. They have all powers of government, except taxation and legislation, and changes in these items can be made only with their approval. The commissions interpret their own power; maintain order with the troops at their disposal; oust German officials; provide for secrecy of vote, and may appoint technical local advisers.

Upper Silesia (sec. 7, art. 83)—Personnel:

Members	4
Executives	50
Miscellaneous	500

East Prussia "Allenstein area" (sec. 9, art. 95)—Personnel:

Members	5
Executives	50
Miscellaneous	500

East Prussia—Stuhm, Rosenberg, etc. (sec. 9, art. 95)—Personnel:

Members	5
Executives	50
Miscellaneous	500

Schleswig (sec. 12, art. 109)—Personnel:

Members	5
Executives	50
Miscellaneous	500

NOS. 15, 16, 17, 18, 19, AND 20. BOUNDARY COMMISSIONS.

These commissions all have practically identical powers. That is to trace on the spot the frontier line described. This would necessitate the employment of squads of surveyors and helpers and the making of final maps, and the erection of boundary monuments. They are also to decide (see art. 30, pt. 2) as to effect of changes in channels of watercourses used as boundaries.

Belgium (art. 35)—Personnel:

Members	7
Executives	35
Miscellaneous	50

Czechoslovakia (art. 83)—Personnel: Identical with Belgium.

Poland (art. 87)—Personnel: Identical with Belgium.

Denmark (art. 111)—Personnel: Identical with Belgium.

Saar Basin (art. 48)—Personnel:

Members	5
Executives	20
Miscellaneous	30

Free City of Danzig (art. 101)—Personnel:

Members	3
Executives	10
Miscellaneous	20

NO. 21. HIGH COMMISSIONER OF DANZIG.

Article 103:

The High Commissioner approves a Constitution for the Government of the Free City of Danzig and acts as arbiter in all differences between Poland and the City of Danzig.

Personnel:

Members	1
Executives	1
Miscellaneous	5

NOS. 22, 23, AND 24. INTERALLIED COMMISSIONS OF CONTROL.

Article 203:

"All the military, naval, and air clauses contained in the present treaty, for the execution of which a time limit is prescribed, shall be executed by Germany under the control of Interallied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers." They shall see to the delivery, destruction, demolition, and rendering useless of the military, naval, and air armament of Germany. They shall establish their organizations at the seat of the German Government.

Military—Personnel:

Members	5
Executives	200
Miscellaneous	500

Naval—Personnel: Identical with military.

Aeronautical—Personnel:

Members	5
Executives	50
Miscellaneous	200

NOS. 25 TO 57. REPATRIATION COMMISSIONS.

One commission for each member nation. (Art. 215.) Have to do with prisoners and interned civilians.

Personnel:

Members, 5 times 32	160
Executives	112
Miscellaneous	320

NO. 58. TRIBUNAL FOR TRIAL OF KAISER.

Article 227:

"A special tribunal will be constituted to try the accused. * * * It will be composed of five judges, one appointed by each of the following powers, namely: United States of America, Great Britain, France, Italy, and Japan."

Personnel:

Members (judges and prosecutors)	20
Executive (clerks, etc.)	50
Miscellaneous	100

NO. 59. REPARATION COMMISSION.

Parts 8 and 9 and throughout treaty:

Organization consists of delegate and one assistant delegate from United States, Great Britain, France, Italy, Japan, Belgium, and the Serb-Croat-Slovene State. Assessors from each nation. Construes its own powers. Bound by no rules of law or evidence. Appoints its own subcommissions, agents, attorneys, and employees and fixes their salaries. Its deliberations secret. Has arbitrary power to fix money indemnity, time of payment, and to apportion same. Supervises all taxes, resources, and economic operations in Germany. Adjusts claims of persons and property of civilians growing out of war. Restores devastated territory. Replaces ton for ton destroyed shipping. Turn over present ships and builds new and obtains return of ships sold by Germany to neutrals. Provide for certified inspection of live stock to be immediately turned over to France and Belgium—40,700 horses, 184,000 cows, 30,300 sheep, 10,000 goats, 15,000 hogs. For delivery to France annually 7,000,000 tons coal plus difference in coal tonnage between production before war and in 10-year period since in Nord and Pas de Calais; to Belgium 8,000,000 tons; to Italy 7,000,000 tons, one-half to be shipped by land; to Luxemburg an amount equal to prewar production. Adjusts rates of freight and barging and for sea delivery. To France 35,000 tons benzol, 50,000 tons tar, 30,000 tons sulphate ammonia. Accepts dye and chemicals in exchange for reparation. Adjust cost of army of occupation.

The multitudinous duties of this commission amount to a supergovernment for Germany, plus the adjustment of all of her financial and economical affairs; or at least to a receivership for a bankrupt nation.

It must establish its seat of government at Paris, and it will require an army of employees equal to or greater than those of any existing government.

Personnel:

Members and executive heads	1,200
Executives	6,000
Miscellaneous	142,800

NOS. 60 TO 158. DEBT CLEARING COMMISSIONS.

Article 296 and annexes provide for a debtor clearing office for each nation, a creditor clearing office for each nation, and a mixed arbitral tribunal for each nation for the adjustment of debits and credits between German nationals and the nationals of other nations.

Personnel:

Members	288
Executives	320
Miscellaneous	3,040

NO. 159. INSURANCE COMMISSION CEDED TERRITORY.

By article 312 a commission of five members is provided for, one appointed by Germany, one by interested governments, and three by the governing body of the international labor office from the nationals of other States. This commission provides for the disposition of accumulated reserves by Germany or private organizations in ceded territory attributable to social or State insurance in such territory.

Personnel:

Members	5
Executives	7
Miscellaneous	120

NOS. 160 TO 165. INLAND NAVIGATION COMMISSIONS.

Articles 327 to 364 provide for the establishment of six river navigation commissions having jurisdiction over designated rivers, namely, the Elbe, Ober, Niemen, Upper Rhine, Central Rhine, and the Danube.

Personnel:

Members	52
Executives	104
Miscellaneous	312

NO. 166. RAILWAY EQUIPMENT COMMISSIONS.

Article 371 provides:

"As regards lines without any special rolling stock, commissions of experts, designated by the allied and associated powers, on which Germany shall be represented, shall fix the proportion of the stock existing on the system to which those lines belong to be handed over. These commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 11, 1918, the length of track, and the nature and amount of the traffic. They shall specify the locomotives, carriages, and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance and shall make the provisional arrangements necessary to insure their repair in German workshops."

Personnel:

Members	5
Executives	7
Miscellaneous	25

NO. 167. GENERAL LABOR CONFERENCE.

Article 389 provides for four representatives from each nation and for two advisers for each representative on each subject for consideration in the agenda or call for the conference. Article 394 provides for a

director of the international labor office. The duties and powers are detailed in the labor provisions.

Personnel:

Members—	
Delegates	128
Advisers	2,560
Executives	2,688
Miscellaneous	6,000

NO. 168. GOVERNING BODY, INTERNATIONAL LABOR OFFICE.

Article 393 provides for a governing body of 24 members. The body prepares the agenda or subjects for the general conference, collects and distributes information, edits and publishes a periodical devoted to labor conditions, which must be printed in English and French and in such other languages as the body determines. Each member nation must report to the labor office. Complaints against a nation are filed with the labor office and taken up with the nation; if not adjusted, referred to the commission of inquiry.

Personnel:

Members—	
Governing body	24
Editors, statisticians, etc	1,280
Executives	1,304
Miscellaneous	3,912

NO. 169. LABOR COMMISSION OF INQUIRY.

Article 412 provides for the selection of three members of each nation to compose the panel from which the jury or committee is selected to decide each comp aint filed covering violation of the labor conference and governing body's orders.

Personnel:

Members	96
Executives	6
Miscellaneous	102

NO. 170. INTERNATIONAL ORGANIZATION COMMITTEE, LABOR.

Annex to article 426 provides for an international organizing committee of seven, and that committee may invite other members to send representatives. The Government of the United States is requested to convene the conference and five subjects are covered in the agenda. Following the provisions relating to permanent organization, then each nation will have a representative and 10 advisers.

Personnel:

Members and advisers	352
Executives	100
Miscellaneous	452

WILLIAM O. JENKINS.

Mr. PHELAN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times on the case of Mr. Jenkins, the consular agent of the United States who was abducted in Mexico.

The press last week published what purported to be an opinion of the State Department, which I can not verify, stating that the fate of Mr. Jenkins and the recovery of the ransom which was paid by his friends were not engaging the attention of the State Department. I learn, however, that the First Assistant Secretary of State, Mr. Phillips, is about to file a memorandum on the subject; but the intimation was that the United States had no interest in the welfare of its citizens in a foreign country, and the case is aggravated by the fact that Mr. Jenkins, who is a resident of the State of California, was a consular agent. There is no question, I think, but that this Government should afford adequate protection to citizens in this case and in all other similar cases, whether the victim is an official or not. No American would be safe against bandits in Mexico if any other doctrine prevailed.

The case is so tersely put by the New York Times that I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"THE CASE OF MR. JENKINS.

"Some rather surprising statements, with what is called official sanction, come from Washington in the matter of the kidnaping and ransom of William O. Jenkins, the American consular agent at Puebla. It might be well before considering them to quote Oppenheim, an accepted authority upon international law, as regards the status of consular agents and the protection they should receive from the Government of the foreign State. 'Agents consular,' he says, 'are agents with consular character, appointed subject to the approbation of the home Government, by a consul general or consul for the exercise of certain parts of the consular functions in certain towns or other places of the consular district.' Concerning 'nonprofessional consuls'—that is to say, consular agents—such as Jenkins was at Puebla when he was seized and carried away by bandits, Oppenheim declares that the admitting State 'recognizes their official position toward itself, which demands at least a special protection of their persons and residences.' Furthermore, this eminent authority says that 'consuls of all kinds have the right to put up the arms of the appointing State over the door of the consular building and to hoist the national flag.' In the light of these principles the following statement of the attitude of the United States Government by 'an official of the State Department' should be read:

"The fact that Jenkins was an official of the United States Government has no bearing on the matter. Americans in Mexico can expect no more and no different protection than is afforded to Mexicans under the Mexican law.

"The State Department advised the Mexican Government on October 25 that the United States expected that measures would be taken to obtain the release of Jenkins, even if it should become necessary to pay the ransom demanded. That was sound doctrine. It does not appear that the Mexican Government accomplished anything, although it professed concern for the safety of the American consular agent. Friends of Jenkins extricated him from the clutch of the bandits by providing part of the ransom money in cash and giving written promises to pay the remainder. During his confinement by the kidnapers Jenkins suffered so much from exposure that upon his release it was necessary to give him medical treatment in a hospital. For a time he seems to have been a very sick man. A newspaper of the city of Mexico, the Excelsior, has investigated the affair and confirms the original story that five bandits or 'rebels' overpowered the American in his factory at Puebla, compelled him to open his safe, which they rifled, and carried him off into the mountains to hold him until the ransom was paid. Jenkins, says this Mexican newspaper, holds the receipt of one Cordoba, the leader of the band, for the amount of the ransom, 300,000 pesos.

"No evidence has been produced that the consular agent was an accomplice in his own abduction, nor does there seem to be any ground for such a suspicion. Outrages upon Americans in Mexico are so frequent, and in most cases so well authenticated, that it is difficult to believe that the State Department, after making a vigorous demand upon the Mexican Government to obtain the release of Consular Agent Jenkins, really means to take the stand that he was entitled to no more protection than a Mexican citizen, and that there is no evidence that the Mexican authorities were negligent in the performance of their duty. If Jenkins was kidnaped by five bandits or 'rebels' in the populous city of Puebla, there is a prima facie case of neglect against the Mexican Government, because it has failed, or shown itself impotent, to protect American citizens in many localities. The case for an indemnity is clear enough for anyone. The United States Government should always be ready to insist upon the protection of its consular agents, and the position that they are entitled to no more protection than Mexican citizens in a part of the country where banditry is common can not be countenanced. It is untenable and intolerable."

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed, in open executive session, to the consideration of the treaty of peace with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LA FOLLETTE. Mr. President, I offer at this time a number of reservations, which it is my intention to propose. I ask to have them printed in the RECORD, printed, and lie upon the table.

The VICE PRESIDENT. Without objection, it will be so ordered.

The reservations intended to be proposed by Mr. LA FOLLETTE are as follows:

Reservations intended to be proposed by Mr. LA FOLLETTE, to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

1. That nothing contained in article 2 of the league covenant or any other provision thereof, shall be construed to deny to the people of Ireland, India, Egypt, Korea, or to any other people living under a government which, as to such people, does not derive its powers from the consent of the governed, the right of revolution or the right to alter or abolish such government and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

2. The United States hereby gives notice that it will withdraw from the league at the end of one year from the date of the exchange of ratifications of this treaty unless within that time each member of the league shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription.

3. The United States hereby gives notice that it will withdraw from the league at the end of five years from the date of the exchange of ratifications of this treaty unless within that time each member of the league shall have agreed that in no case will it resort to war except to suppress an insurrection or repel an actual invasion of its territory until an advisory vote of its people has first been taken on the question of peace or war.

4. The United States hereby gives notice that it will withdraw from the league of nations at the end of any year during a period of five years from the date of the exchange of ratifications of this treaty, unless during each and every year of the five-year period every member of the league now expending in excess of $50,000,000 for the maintenance of its military forces or in excess of a like sum for the maintenance of its naval establishment shall fail to reduce such expenditures by a sum equal to one-fifth of the amount by which the total annual

expenditure for the maintenance of military forces or naval establishment, respectively, exceeds the sum of $50,000,000 for either, to the end that by the close of the period of five years from the date of the exchange of ratifications of this treaty no member of the league of nations shall expend for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of $50,000,000 per annum; and the United States gives notice that it will withdraw from the league of nations at the end of any year thereafter whenever any member expends for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of $50,000,000 per annum.

5. The United States hereby gives notice that it will withdraw from the league of nations whenever any member or members of the league of nations shall attempt to acquire the whole or any part of the territory of any member or of any nation not a member of the league of nations against the will and without the full and free consent of the people of such member or of such nation not a member of the league of nations.

6. The United States hereby gives notice that it will withdraw from the league of nations whenever any member, exercising a mandate or a protectorate over any country, or claiming and exercising a sphere of influence in or over any country, shall without the free and full consent of the people of such country appropriate the natural resources thereof, or shall, directly or indirectly, aid any individual or corporation alien to such country to acquire any right or title to or any concession in its natural resources, or right or title to its property, real or personal, or shall fail or neglect, within such authority or influence as it may properly exercise, to preserve in trust for the people of such country all right and title to and in its natural resources and real and personal property, or shall fail to exercise such mandate, protectorate, or sphere of influence over such country for the sole benefit of the people thereof.

The VICE PRESIDENT. The reservation pending is reservation No. 3 of the reservations proposed by the Senator from Massachusetts [Mr. LODGE], which the Secretary will read.

The SECRETARY. On page 2 of the bill-size print, line 4, the following reservation:

3. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Mr. THOMAS. Mr. President, I desire to offer as a substitute for the third reservation, just read, the second reservation heretofore offered by the senior Senator from North Dakota [Mr. MCCUMBER], found on page 15 of Senate Document 150, which I will ask the Secretary to read.

The VICE PRESIDENT. The Secretary will read.

The SECRETARY. Reading from page 15 of star print of Document 150, line 7, as a substitute for the proposed reservation just read, the following:

2. That the suggestions of the council of the league of nations as to the means of carrying the obligations of article 10 into effect are only advisory, and that any undertaking under the provisions of article 10, the execution of which may require the use of American military or naval forces or economic measure, can under the Constitution be carried out only by the action of the Congress, and that the failure of the Congress to adopt the suggestions of the council of the league or to provide such military or naval forces or economic measures shall not constitute a violation of the treaty.

Mr. WALSH of Montana. Mr. President, I desire to have the attention of the Senate, with a view to exposing as clearly as I can the situation that will arise if this reservation is adopted.

Article 10 obligates each member of the league to respect and preserve, as against external aggression, the territorial integrity and political independence of every other member of the league. The reservation before us releases the United States from any obligation imposed by the article in question, reserving to Congress in each particular case the determination of the question as to whether it shall or shall not recognize or discharge any obligation.

The reservation takes away whatever reciprocity there is in the obligation. It remains binding upon every other member of the league in its original form. The United States is by the reservation practically released from the obligation, because even now Congress may in each particular instance, as the occasion arises, determine whether it will or will not join with any nation which is attacked by another nation.

But, Mr. President, the point to which I desire to call the attention of the Senate is that we still accept and receive the guaranty and protection accorded by the article, and we declare that we will not extend similar protection to any member of the league.

Mr. LODGE. Mr. President, if the Senator will allow me, that is perfectly simple. Every other country can do the same thing.

Mr. WALSH of Montana. Of course, every other country can do the same thing. That is not the proposition at all.

Mr. PENROSE. Mr. President——

Mr. WALSH of Montana. If the Senator will bear with me, I will try to make my views clear. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Just for a word. Does the Senator from Montana think that the American people look to any other nation in the world or any combination of nations to protect the United States?

Mr. WALSH of Montana. No, sir; I do not; and, accordingly, I think it is demeaning upon the part of the Congress of the United States to say to other nations, "We are perfectly willing to accept your obligation to protect us, but we decline to reciprocate and protect you."

Mr. PENROSE. The Senator misunderstands me.

Mr. WALSH of Montana. Mr. President, I simply answer the Senator, that this reservation, I am perfectly certain, as the Senator from Pennsylvania must concede, does not speak the desires of the people of the United States. If we are to get out of the league, so far as article 10 is concerned, the people of the United States do not want any other country to bind itself to protect us.

Mr. PENROSE. Mr. President, one word. I do not think the Senator fully understood me.

Mr. WALSH of Montana. I think so.

Mr. PENROSE. I understood the Senator to state that it was unfair for the United States to permit other nations to pledge themselves to protect us, while we declined to be considered under the obligation of any such pledge. I wanted to bring out that point, and to ask the Senator whether he thought the people of the United States cared one way or the other about the protection of any nation abroad, or all the nations abroad.

Mr. WALSH of Montana. Certainly not. The United States is amply able to protect itself, and I trust it always will be. Therefore, why should we enter into a treaty under which other nations are bound to come to our help? But, furthermore——

Mr. PENROSE. That is their business.

Mr. WALSH of Montana. Let me answer the Senator further. Mr. President, we do more than that. If Jugo-Slavia should be attacked in the future by Austria, we decline, under this reservation, to go to the aid of Jugo-Slavia.

Mr. PENROSE. And we ought to decline.

Mr. WALSH of Montana. But if in any way the United States shall be attacked, by this treaty which we enter into with Jugo-Slavia we invite them to come to our aid.

Now, let me say another word. The Senator says we do not. Mr. President, a fundamental rule of the law of contracts is that when a proposition to enter into a contract is made and it is accepted with any reservation, that amounts to a proposal by the other party. We are actually making a proposal to Jugo-Slavia by this reservation to enter into a treaty with us by the terms of which that feeble nation shall be bound to come to our aid while we refuse to go to hers.

Mr. PENROSE. Mr. President, it is a matter of supreme indifference to the American people whether or not these little mushroom nations enter into a treaty to protect us.

Mr. WALSH of Montana. Quite true.

Mr. PENROSE. That is their business.

Mr. WALSH of Montana. Quite true, Mr. President.

Mr. PENROSE. It is one of the ridiculous phases of a very questionable transaction.

Mr. WALSH of Montana. But, Mr. President, it is a matter not only of the interest of the United States but it is a matter of the honor of the United States.

Mr. PENROSE. Oh, no.

Mr. WALSH of Montana. It is not consistent with the honor of the United States to make a proposal to other countries of the world that they shall remain bound to come to our aid, while we refuse to go to theirs.

Mr. JOHNSON of California. Mr. President, will the Senator yield to me for a query?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I will be glad to yield.

Mr. JOHNSON of California. Does not the Senator think that the more appropriate, the more just, mode of dealing with this subject, if it is to be dealt with at all, would be to strike out article 10 entirely?

Mr. WALSH of Montana. Undoubtedly that would be the thing to do; and, as I shall show a little later, this reservation is practically striking out article 10, so far as we are concerned.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. WALSH of Montana. I yield to the Senator from Michigan.

Mr. TOWNSEND. I am always interested in what the Senator from Montana says, but I do not read that reservation as the Senator does. As I understand it, the reservation provides that in case we are called upon by the use of force to maintain

the new boundaries that have been made as a result of the war, that question must first be submitted to the Congress and Congress must pass upon it. Does the Senator believe that we ought to enter into a hard and fast contract which should be carried out in every particular case—in every case, in fact—without regard to the condition of our own country, or the will of our Congress, at that time?

Mr. WALSH of Montana. I am going to canvass that feature of the matter a little later, and if the Senator will bear with me I will state to him my views about it. They have been stated upon the floor before. I am going to call attention to the effect of it presently. What I want to invite the attention of the Senate to now is the position in which this places the Government of the United States, of extending an invitation to the little, weak, feeble nations of the earth to come to our assistance when we are attacked, and we decline to go to theirs when they are in trouble.

But more: The second sentence of article 10 provides that in case of any aggression or threat of aggression, war or threat of war, the council shall advise as to the means by which this obligation is to be fulfilled. The United States is represented on that council, and accordingly, whenever occasion arises for action under article 10, the United States Government, through its representative upon the council, will sit with the other nations of the earth, voting in favor of the plan by which the obligation of article 10 is to be enforced and executed, while the United States declines to have anything to do with it.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. I want to get the Senator's view in order that I may present this matter in a different way a little later.

The Senator has spoken of the fact that the United States would have a representative on the council, and the council would sit in judgment upon the method by which we should execute article 10, and they would advise, after they had concluded their judgment, as to how it should be done. Just what is the obligation of the United States to comply with that advice after it has been pronounced by the council?

Mr. WALSH of Montana. Of course, if this reservation is adopted, there will not be any obligation at all.

Mr. BORAH. Does the Senator mean the reservation offered by the Senator from Colorado [Mr. THOMAS]?

Mr. WALSH of Montana. No; I mean the reservation offered by the committee. I am speaking about the reservation proposed by the committee. There would not be any obligation upon the United States. The United States would do then just as it could do now in a particular case coming up—it would determine whether it would go in or stay out.

Mr. BORAH. Then the reverse of that must be true, that unless we adopt this reservation the council could bind us, regardless of what the view of Congress might be?

Mr. WALSH of Montana. No; that is not true at all. The Senator and I have canvassed that matter before. Let us assume that we adopt the treaty with article 10 in it just exactly as it is. The obligation then arises, and the council advises as to the method by which it is to be enforced. The council will advise just the same as the general war council in Paris advised as to the military movements of the combined allied armies. We were not obliged to take their advice, but we deemed it wise to take it. So with respect to the council of the league. When they advise as to certain means by which this obligation is to be fulfilled, in all probability we will follow that advice. We are under no obligation to do it.

Mr. BORAH. Neither legal nor moral?

Mr. WALSH of Montana. Neither legal nor moral.

Mr. BORAH. Then what possible thing does the reservation take away if there is no legal or moral obligation?

Mr. WALSH of Montana. The Senator is diverting.

Mr. BORAH. No; I am not.

Mr. WALSH of Montana. We have talked about this so many times that it seems to me profitless to discuss it further. The obligation rests upon the United States to discharge its obligaion under article 10, whether it takes the advice of the council or not.

Mr. BORAH. Precisely.

Mr. WALSH of Montana. It is obliged to do those things which in its conscience it believes will fulfill its obligation.

Mr. BORAH. In other words, the first clause of article 10 creates a primary obligation, and we must fulfill that obligation in our own way if we do not see fit to fulfill it in the way the council advises.

Mr. WALSH of Montana. I do not think there is any doubt about that. That has always been my view, as the Senator well knows.

Mr. BORAH. I knew it was the Senator's view.

Mr. WALSH of Montana. There is no escape, however, from the point to which I have now invited the attention of the Senate. We will say that Jugo-Slavia, to use the illustration employed a few moments ago, is assailed and attacked by Austria. We sit in the council of the league. We are one of the nine nations having representatives upon that body. The council determines that there should be a military movement against Austria to restrain her from overrunning Jugo-Slavia; or we will say the case of Poland, which is attacked by Russia upon the one side or Germany upon the other, and the council of the league determines that there should be a military movement. But the United States, it is understood in advance, while it sits in the council devising the plan, is under no kind of obligation to go in at all; the Congress of the United States will determine whether it will or whether it will not, upon any kind of considerations that may address themselves to the judgment and wisdom of that body.

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Wisconsin.

Mr. LENROOT. Does the Senator believe that the United States should be under an obligation to send its troops in there under such a plan?

Mr. WALSH of Montana. If the Senator will pardon me, I have spoken about that matter before. If it is under no obligation, if it will assume no obligation on the matter at all, why then should it not surrender its place upon the council so far as the determination of that question is concerned? In other words, Mr. President, in decency we can not adopt this reservation without an amendment under which the United States first releases other countries from their obligation to us; and, second, a provision under which it surrenders its position upon the council when the plan is being devised under which the obligation is to be fulfilled.

Mr. BORAH. That is just the question I rose to present to the Senator. I shall be glad to join with him in an amendment of the reservation which shall relieve such countries as Poland and Jugo-Slavia, and those countries, from coming to the rescue of the United States. I think we can afford to forego any benefits that will be given us under this legue from those countries, and I shall be glad to join with the able Senator from Montana to amend the reservation by inserting a clause that we relieve the other countries of the world from the obligations of article 10.

Mr. WALSH of Montana. I dare say that if the Senator would propose that to the chairman of the Committee on Foreign Relations he would be glad to tender the amendment.

Mr. BORAH. But if the Senator from Montana will join with the Senator from Idaho we may be able to put it in anyway.

Mr. WALSH of Montana. If the Senator from Idaho will tender an amendment of that kind it will certainly have my vote.

Mr. BORAH. I am going to tender it if I can not get a better one. But, of course, when the amendment is put on I should want to see the reservation adopted.

Mr. JOHNSON of California. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. JOHNSON of California. The amendment which was offered the other day by the Senator from Idaho to strike out this particular article accomplishes the full result that he desires and the particular result that is adverted to by the Senator from Montana this morning. So I think that particular amendment to strike out article 10 meets with the approval of both Senators.

Mr. WALSH of Montana. There is another remarkable feature of this reservation concerning which I desire to say a few words. Note the reading:

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose—

Now note—

> unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

That is a recital, Mr. President, of what is asserted to be a principle of constitutional law. Of course, the first part of it,

that Congress has the sole power to declare war, no one can controvert. But I am desirous of having the Senators who are present this morning consider the next declaration of principle of international law, namely, that Congress has the sole power to authorize the employment of the military or naval forces of the United States. If any declaration of that character should ever be made by the Senate of the United States, it would be singularly unfortunate. It is not true. It is not sound. It is fraught with the most momentous consequences, and may involve disasters the extent of which it is hardly possible to conceive.

The whole course of our history has been a refutation of such a declaration, namely, that the President of the United States, the Chief Executive of the United States, the Commander in Chief of the Army of the United States, has no power to employ the land or naval forces without any express authorization upon the part of Congress. Since the beginning of our Government, our Navy has been sent over the seven seas and to every port in the world. Was there ever any congressional act authorizing the President to do anything of that kind?

Not only that, but our land forces have been employed again and again. By whose orders do they go? They go by order of the President of the United States, the Commander in Chief of the Army and Navy of the United States. What do they go for? They go for the purpose of protecting the lives and the property of American citizens in foreign countries. That is why the Navy travels the sea, in order to safeguard and protect the rights of American citizens in foreign lands. Who can doubt that the President has authority thus to utilize the naval and land forces of the United States?

Senators will recall the dramatic incident in our history connected with the liberation of the Hungarian patriot Martin Koszta. He had participated in an unsuccessful rebellion against the Government of Austria and was obliged to flee for his life. He came to this country, declared his intention to become a citizen of the United States, and subsequently went into the domains of the Sultan of Turkey. He was seized by representatives of the Austrian Government upon the streets of the city of Smyrna, within the territorial domain of the Sultan of Turkey. He was hurried aboard an Austrian man-of-war. About that time Capt. Ingraham, commanding the U. S. sloop *St. Louis*, appeared in the harbor and demanded the surrender by the Austrian commander of his prisoner, and cleared his decks for action and threatened immediately, by the force of his guns, to compel the surrender of the prisoner. Hostilities were avoided by an agreement under which Koszta was placed in charge of the French consul, and subsequent diplomatic negotiations ensued between the foreign minister of Austria and Mr. Marcy, our Secretary of State, resulting in the release of Koszta. The Congress of the United States so highly approved, responsive to the feeling of the people of America, the conduct of Capt. Ingraham in this matter that they voted him a gold medal.

Are we here and now, in the midst of this debate and all its passions, engendered as they have been, to declare a principle of constitutional law to the effect that Ingraham was wrong in that matter and that President Fillmore ought to have rebuked him and perhaps discharged him from office and that the Congress of the United States in 1853 was wrong regardless of the provisions of the fundamental law that governed their action by voting a gold medal to Capt. Ingraham?

Mr. BORAH. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Idaho.

Mr. BORAH. I agree fully with the legal or constitutional proposition which the Senator states, and I hope this will be stricken out. It is an act of supererogation to put it in. It does not amount to anything. It is a recital which is not true. It can not change the Constitution, and it ought not to be there. I agree with the Senator from Montana upon that proposition. I do not think, however, that putting it in would make any change. It would simply be vain and futile and, if I may say so, with due respect to those who drew it, the doing of an inconsequential thing.

Mr. WALSH of Montana. That is the view I take. Why, Mr. President, everybody has in mind the Boxer rebellion. Without any authorization on the part of Congress at all the President of the United States in that case directed every warship within reach to hurry to Chinese waters in order to protect the lives of American citizens there. Not only that, but he sent an army of 5,000 men through the territory of China to Peking in order to protect the lives of American citizens there. Now we declare that all that was wrong, and that the President was violating the Constitution of the United States in so doing.

Mr. REED. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. REED. I should like to ask the Senator from Montana relative to that matter, if he does not think the act just referred to came very near being an act of war, or that a similar act could easily bring on war?

Mr. WALSH of Montana. Mr. President, of course the line of demarcation between an act of that character which does not constitute war and an act which does constitute war or an act which constitutes an act of war is frequently very difficult to define; there is no doubt about that. We have landed troops in Central American countries repeatedly. In the particular instance referred to, however, the Senator will remember that practically all government in China had dissolved, a rebellion was in progress, so that it could hardly be said that there was not the same condition that to a very large extent to-day prevails in Russia. If we sent troops into Russia to-day for the purpose of protecting the lives or property of American citizens, I dare say we would not be making war upon Russia, because we do not recognize that there is any government in Russia against which we may make war.

Mr. REED. The Senator from Montana and I agree that there unquestionably are times when the President would be warranted in dispatching troops and sending vessels to stop the killing of American citizens. I think we both agree also that such authority could easily be abused and such a situation made a pretext, as I think it was in the case of the Boxer rebellion. I do not think the Government had broken down in China. They had rebellion, but I do not think we had any more right legally to interfere in China than England would have had to have thrown troops into this country in the case of the war between the North and South. I do not think we have any more right in Russia.

Mr. WALSH of Montana. Oh, but the Senator from Missouri will remember, of course, that our minister, with all his force, was cooped up in the city of Peking.

Mr. REED. Yes.

Mr. WALSH of Montana. And it was for the purpose of relieving them that the expedition was undertaken.

Mr. REED. I have never thought that. I have thought that the Boxer invasion was for the purpose of subjugating and breaking up China. It was done by the autocratic forces of the world; and Japan is acting in consonance with that idea to-day.

Mr. WALSH of Montana. However that may be, I dare say that the Senator from Missouri will not care to subscribe to the principle of law that the President of the United States can not employ the land or naval forces except pursuant to an express authorization by Congress.

Mr. REED. If the Senator will pardon me, the only difference between the Senator and me on that point is that I doubt his construction of the language. I call the Senator's attention to this phrase, not for the purpose of getting into an argument about it, for it is not my business to defend the language; but the recital is, beginning in the middle of the sentence:

> Has the sole power to declare war or authorize the employment of military or naval forces of the United States.

Does not that mean in war?

Mr. WALSH of Montana. No. If it means in war, then the two mean the same thing.

Mr. REED. Well, not exactly. My own idea is—I was not consulted and had nothing to do with drafting the reservation—that probably the man who drafted it intended it to mean as though it read that "the Congress under the Constitution has the sole power to declare war or to authorize the employment of the military or naval forces of the United States in war"; and that the last two words "in war" are omitted because the drafter probably thought the language related back to and was governed by the preceding clause.

Mr. WALSH of Montana. Of course, that may be correct; but I rather think not. I think the language was drafted appropriately to express the idea that was in the mind of its framer.

The argument has been freely advanced that the President of the United States would use the land and naval forces to carry out the provisions of this treaty as he saw fit, and the phraseology was aimed at that condition of affairs. That, of course, could be taken care of by appropriate language; but this is not the appropriate language to take care of that idea. This is a straight declaration that the land and naval forces of the United States can not be used except by authorization of Congress.

Mr. JOHNSON of California. Will the Senator from Montana pardon another query?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. JOHNSON of California. For those who desire no guaranty for this country from foreign countries nor wish to give to those countries any guaranty by ourselves is not the only logical position to strike out entirely Article 10?

Mr. WALSH of Montana. Well, Mr. President, I will say to the Senator from California that I do not believe that it would be impossible to draft an amendment to Article 10 under which it would remain in force in every way between the other nations who cared to subscribe to it, leaving us entirely free from its obligations and from any participation in the execution of it, and releasing all other nations from any obligation to us. I have not attempted to draft such an amendment, but it seems to me that it could be done, leaving the article still effective as between the other nations.

Mr. JOHNSON of California. The point of the Senator's argument seems to me to be sound. As I understand the Senator, he objects to the acceptance of a guaranty on our part while we relieve ourselves of any guaranty toward other nations?

Mr. WALSH of Montana. Exactly; and not only that, but by tendering this reservation to them we invite them to enter into that kind of an arrangement with us.

Mr. JOHNSON of California. My position, if the Senator will permit me, is that I think our country neither requires nor do I want the guaranty of foreign countries for our political independence and territorial integrity; but, above all, I do not want our country to guarantee the political independence and territorial integrity of any other country on the face of the earth. Therefore if I could—I recognize its futility here—I would strike out Article 10 entirely as to every nation on the face of the earth in relation to the league covenant.

Mr. WALSH of Montana. I appreciate the position of the Senator.

Mr. President, I regret very much that the Senator from Michigan [Mr. TOWNSEND], who interrogated me some time ago, is not present, because I now intend to canvass the idea which was embodied in his query. I preface by saying that this reservation leaves Article 10 in such shape that it imposes no obligation of any character whatever upon us. If Article 10 were stricken out of the treaty altogether, as suggested by the Senator from California, and any particular member of the league were attacked by another, if it became the victim of external aggression, of course, Congress could determine whether or not under such circumstances it would go to the help of the country attacked. For instance, if Poland should be attacked by Austria or by Germany we might consider that, by reason of our association with the genesis of the present Republic of Poland or by reason of the fact that it would be destroyed as a buffer State between Germany and Russia, we might consider that it would be for the interest of this country, for the protection and welfare of our people, to assist Poland and constrain Germany upon the one hand or Russia upon the other from their purposes against the young Republic of Poland. That is just what we will be permitted to do if this reservation goes into effect. We will be then entitled to canvass the whole merits of the situation, whether we shall go in or whether we shall not go in, exactly the same as though there were no reservation upon the subject at all and we did not subscribe in any way to Article 10; in other words, we will be entitled to do then, and shall proceed to do under this reservation, exactly what we would be entitled to do and just what we would proceed to do if the idea of the Senator from California were adopted and Article 10 were stricken altogether from the treaty.

Mr. President, I understand that it is the view of some Senators that with this reservation there will still remain something in the nature of a nebulous obligation upon the part of the United States; that at least when an act of external aggression takes place we shall still be called upon to enter into a consideration of whether the United States shall go in or shall not. I should regard such a situation as particularly vicious. I should feel that it would be an unfortunate thing for our country if a controversy arises in Europe and it is alleged that one country commits an act of external aggression against another that we should enter into the question at all as to the right or wrong of the controversy and grant or withhold our aid as we shou'd determine that question. I say now to the Senator from Michigan that is my view, as expressed here previously upon the floor, ...at under Article 10 we obligate ourselves, whenever an act of external aggression is committed, to go to the aid of the country that is attacked without any inquiry into the ultimate question as to where the right or the wrong of the controversy lies. The purpose is to stop the war and to compel the aggressor to submit its controversy or its dispute, whatever it may be, to the arbitrament of the council in case it can not be determined by arbitration. As I expressed it on the floor here previously, when the Hatfields go out to shoot up the McCoys or the McCoys go out to shoot up the Hatfields, we do not stop to inquire as to whether the Hatfields or the McCoys, as the case may be, deserve shooting up—in all probability they do by deeds of rapine and murder—that is not a matter of controversy at all; we go out and seize the parties who start the war; we put them in jail, prevent them from carrying out their purposes, and say to them, "If you have any controversy with these other people, you must submit it to the tribunals constituted for the purpose of determining such questions."

But, Mr. President, what is proposed now? It is proposed every time a war in Europe arises that the Congress of the United States shall determine whether it will go in or whether it will stay out upon what it deems to be the right or the wrong of the war. Everybody knows that if Germany begins a war against Poland every German in this country will be satisfied that Germany was justified in the matter, while every Pole, upon the other hand, will take the side of Poland; the country will be divided into two contending factions and become a breeding ground for propaganda of all character, such as we learned about in the late war.

Take Greece and Bulgaria. They may possibly enter into a war in relation to the boundary between those two countries in Thrace, and the question comes before Congress. Suppose that Greece invades Bulgaria. Instead of saying to Greece, "You may be right about this, but we will not permit you to make war on Bulgaria; bring your controversy to the council at Geneva and we will determine the matter there," the country is divided into two camps. Of course, all the predilections in this country will be in favor of Greece, the intellectual ancestor of all of us. Of course, she will have our sympathies, and, on the other hand, the Bulgarians may have the best of it from some other point of view; and we are again aligned into two hostile camps in this country, the question to be determined scarcely upon the right or wrong of the thing, but upon which foreign power has the greatest influence in this country. That is what you are inviting. That is what this reservation means.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield to the Senator.

Mr. LENROOT. Does the Senator think that conditions would be better if the people of this country were absolutely opposed to entering upon a war, but, nevertheless, did so only because of an obligation entered into by this Senate, perhaps 20 years before that time arose?

Mr. WALSH of Montana. Mr. President, I have stated my attitude about the matter. I think that the people of this country will very quickly understand the meaning of Article 10. I think they understand it fully now. It means that they do not consider whether the war is right or whether it is wrong; they go in to stop the war. That is what this league is intended for. That is what the people of this country want. They want you to stop the war, and make these people submit their controversies for determination in some other way.

Some time ago the distinguished ex-Senator from the State of New York, Mr. Root, wrote about this matter. He opposed Article 10 because he said it would array this country into two hostile camps in connection with every foreign war, or every war in Europe, the nationals of the one side seeking to get the country into the war upon that side, and the nationals of the other contestant or belligerent seeking to get it in on that side. No such condition at all would arise under Article 10 as it stands now, but that evil would be before us all the time if it were given an interpretation such as this reservation puts upon it.

That is all I desire to say about the reservation; but I desire to submit some remarks upon an argument concerning Article 10, made some time ago, that was entirely novel.

In a recent address by the junior Senator from Massachusetts the idea was advanced that under Article 10 of the covenant for a league of nations the right of asylum, in the case of political refugees, would no longer exist and that every other member of the league would be required to join forces with the sovereignty from whose justice the political offender fled to coerce his delivery should the request of the demanding State for his surrender be refused.

This extraordinary view was arrived at by assuming that for a State to harbor one charged with participating in an attempt to overthrow the government of another or to establish an independent government within any part of its dominions, would or might be considered as an act of "external aggression" against the latter within the meaning of that expression, as it is used in the article referred to.

Article 10 has been the center of the storm which has been aroused about the league. It has been the subject of the study of every critic of the covenant, many of them able and conscientious students of municipal and international law, others whose keenness of intellect rivaled the malignant disposition by which they were actuated. None whose views were deemed of sufficient importance to be accorded public notice, so far as I am informed, ever, until pointed out as stated, conceived the language used to have the effect attributed or to be susceptible of the construction given to it. Were the claim made by one less responsible for his utterances than a United States Senator, it might be characterized as preposterous and absurd. Avowed by a successor in this body of Webster, Sumner, and Hoar, it merits more than a passing notice.

If groundless, as I think it is, anything like general acceptance which might be accorded it were it left unchallenged would be a grievous wrong from every point of view, and particularly to the colleagues of the Senator supporting the league, who might properly enough under such circumstances be charged with indorsing so illiberal a principle and aligning themselves with statesmen so benighted as to attempt to impose it upon the world.

It is not quite clear whether the Senator takes the position that Article 10 actually destroys the right of asylum in the case of political offenses or whether he is simply disturbed lest a construction should be erroneously given to it which would so operate. The view last above indicated is supported by this sentence from his remarks:

> This dangerous provision (Article 10) may completely do away with the right of asylum in this country for persons charged with political offense, for it may be held to be an act of external aggression to harbor a political refugee.

But that expression is followed closely by this unequivocal assertion, namely:

> This provision (Article 10), however, would make it impossible for the United States to offer a place of refuge to those whom any of the allied Governments would be hounding for political reasons.

And then the Senator adds, deepening the doubt which his previous utterance created:

> This country might be obliged under this covenant to refuse admission to such men as were Carl Schurz, Dr. Jacobi, John Boyle O'Reilly, John Mitchell, and thousands of others who fortunately managed to escape the clutches of oppression.

What reason is there for imagining that any such construction could or might be given to the language in question? Is it within the realm, even, of a wild and fantastic fancy?

Article 10 reads:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

The question before us turns upon the significance of the word "aggression." The Century Dictionary defines it and illustrates its use as follows:

> Aggression: The act of proceeding to hostilities or invasion; a breach of the peace or right of another or others; an assault, inroad, or encroachment; hence, any offensive action or procedure, as an aggression upon a country or upon vested rights or liberties.
>
> "We have undertaken to resent a supreme insult and have had to bear new insults and aggressions, even to the direct menace of our National Capital." (O. W. Holmes, old volume of Life.)
>
> 2. The practice of making assaults or attacks; offensive action in general.
>
> "Only this policy of unceasing and untiring aggression, this wearing out and crushing out, this war upon all the resources and all the armies of the rebellion, could now succeed." (Badeau, Military History of Grant, II, 10.)
>
> Synonyms: Attack, invasion, assault, encroachment, injury, offense.

Webster says:

> Aggression: A first or unprovoked attack or act of hostility; the first act of injury or first act leading to a war or a controversy; practice of encroachment; assault; as, a war of aggression.
>
> "Aggressions of power." (Hallam.)
>
> Synonyms: Attack, invasion, assault, encroachment, injury, offense, intrusion, provocation.

The Standard has the following:

> Aggression: An unprovoked attack; unwarranted inroad or encroachment upon the rights of another, whether prompted by hostility or not; also, the committing of such attacks or encroachments.
>
> "Nations have seemed to court aggression and bondage." (Channing Works, Napoleon Bonaparte, p. 523.)
>
> Synonyms: Assault, attack, encroachment, incursion, intrusion, invasion, onslaught, trespass. An attack may be by word; an aggression is always by deed. An assault may be upon the person, an aggression is upon rights, possessions, etc. An invasion of a nation's territory is an act of aggression; an intrusion upon a neighboring estate is a trespass; onslaught signifies intensely violent assault, as by an army or a desperado, though it is sometimes used of violent speech.

Unquestionably the word is used in the covenant in the primary sense given to it by the lexicographers, as "The act of proceeding to hostilities or invasion."

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. WALSH of Montana. I yield.

Mr. WALSH of Massachusetts. Will the Senator from Montana inform us who is to interpret the words "external aggression"?

Mr. WALSH of Montana. I will say to the Senator that I will discuss that later in my remarks.

Mr. WALSH of Massachusetts. Will the Senator also inform us, now or later, upon what theory, if the report is true, is the State Department of the United States Government at the present time undertaking to deport Hindu political prisoners at the request of the British Government, if it is not that they are in this country doing an act of aggression against the British Empire?

Mr. WALSH of Montana. Mr. President, that is a diversion. There is no law, so far as my information now goes, which authorizes at the present time the deportation of these Hindu prisoners. At least, they think so, and I think they are right about it. There is pending, however, a bill under which it is feared their deportation may be accomplished. I have undertaken myself to draft an amendment to that bill so that their deportation may not be accomplished; but the thing has no relation to the matter of which the Senator speaks. Whatever crime these Hindus committed they did not commit in India, and there is no request for their extradition to India in order that they may answer for crimes committed against the British Government. If they are deported, it is because of crimes committed in this country, and against the dignity and the sovereignty of the United States.

Mr. WALSH of Massachusetts. Undoubtedly the Senator later will discuss the question I am about to ask, but I would like to have him state the meaning of the words "any threat or danger of such aggression," and who, if not the council, is to advise as to the meaning and as to the means by which the members of the league undertake to respect and preserve the political integrity of all members of the league.

Mr. WALSH of Montana. Mr. President, "danger or threat" is of no significance, but the word "aggression" is the significant word. If we commit an act of aggression by the harboring of political prisoners, then the Senator is correct. I have undertaken to show, by the definition of the word "aggression," that it can have no such possible significance. I am now going to consider the question, regardless of the definition, as to whether the harboring of political offenders is an act of aggression, or one which gives, or ought to give, any offense to any country. If I do not fully cover the matter, I should be obliged to the Senator from Massachusetts if he will interrupt me at any time.

The league is designed, however it may operate, to prevent wars. Having in mind the purpose of its projectors as revealed in the whole covenant, no less than by their public declarations, to provide for the settlement of international controversies by negotiation and arbitral methods rather than by war, and to constrain the nations of the earth to pursue the peaceful plan proposed in case of differences rather than to resort to hostilities, the fair-minded man can scarcely harbor a doubt that the word was used in the restricted sense last above indicated.

It is true that in a derivative sense the word "aggression" has come to mean "any offensive action or procedure." (Century Dictionary.) But it can not be possible that it is in that sense the word is used in Article 10. I shall inquire presently whether the harboring of political refugees is "offensive action or procedure." It might be remarked that both words "action" and "procedure" imply the doing of something—some initiative—while what might be complained of in the case of political refugees is the failure on the part of the Government of the country of asylum to do something, and particularly the thing requested or demanded, namely, to arrest and surrender the alleged offender; that is to say, that doing nothing is not aggression.

To return to the inquiry as to whether the word "aggression" as used in Article 10 can mean "any offensive action or procedure." If it does, then not only the failure to arrest and surrender political refugees, if that is such conduct, and I shall demonstrate that it is not, but any other offensive action or procedure on the part of one member of the league against another, threatening its territorial integrity or political independence, would call into activity against the offender every other member of the league, as provided in Article 10. It is easily conceivable that some would reach the conclusion that the act complained of was not "offensive," but was clearly within the right of the nation committing it; what is or is not the right of a country under given circumstances is often a matter of very grave doubt. International law is far from being an exact

science. Others might believe that, though the act was unjustifiable, it did not threaten either the territorial integrity or the political independence of the offended State. The facts might be in dispute so that none could definitely determine either element involved. Nothing like concert of action could be expected. The idea can not be entertained for a moment that the language used in Article 10 contemplates anything short of war entered upon or threatened.

But if the expression "external aggression" does extend to and embrace "any offensive action or procedure," it would not include according asylum to those accused of political offenses. By no rule recognized anywhere can such conduct be regarded by any nation as "offensive action or procedure" in another.

There is no obligation resting upon any nation, under international law, in the absence of a treaty so requiring, to surrender to another a person accused by the latter of any offense, much less a political offense. It follows that no nation has the right to require that another deliver up a fugitive from justice. The one having no right to require the surrender and the other being under no obligation to surrender, there can be no offense in the refusal of the Government of the country in which the refugee has sought asylum to surrender him.

Upon considerations of comity fugitives have been not infrequently surrendered by one nation to another, and statesmen and jurists have argued with much force and reason that the practice of so doing should have the sanction of international law save as to political offenders; but the principle for which they contend has never been recognized in this country or in Great Britain nor elsewhere to any important degree among the family of nations.

Mr. Webster, while Secretary of State, wrote:

Although such extradition is sometimes made, yet in the absence of treaty stipulations it is always a matter of comity or courtesy. No government is understood to be bound by the positive law of nations to deliver up criminals, fugitives from justice, who have sought an asylum within its limits.

In Jose Ferreira dos Santos's case (2 Brock., 493), the court, through Judge Barbour, said:

A nation whose citizen or subject commits a crime within its own jurisdiction, and is afterwards found within that of another, has no right by the law of nations, upon its demand, to have him delivered up by that other for the purpose of being tried where the crime was committed.

The Supreme Court of the United States in Raucher *v.* United States (119 U. S., 407, 411–412), expressing, it will be noted, not the law of this country but the law of nations, said:

It may be stated as the general result of the writers on international law that there was no well-defined obligation on one country to deliver up such fugitives (from justice) to another, and though such delivery was often made it was upon the principle of comity and within the discretion of the government whose action was invoked; and it has never been recognized as among those obligations of one government toward another which rest upon established principles of international law.

Mr. Buchanan, while Secretary of State, wrote in 1845 to our minister to Brazil as follows:

Whatever elementary authors may say to the contrary, one nation is not bound to deliver up persons accused of crimes who have escaped into its territories on the demand of another nation against whose laws the alleged crime was committed. The Government of the United States has from the very beginning acted on this principle. Mr. Jefferson, when Secretary of State under the administration of Gen. Washington, declared that "the laws of this country take no notice of crimes committed out of their jurisdiction. The most atrocious offender, coming within our pale, is received by them as an innocent man, and they have authorized no one to seize or deliver him." It has been contrary to the practice of the United States even to request as a favor that the government of another country should deliver up a fugitive from criminal justice, because under our laws we possess no power to reciprocate such an act of grace. * * * The truth is that it has been for a long time well settled, both by the law and practice of nations, that, without a treaty stipulation, one government is not under any obligation to surrender a fugitive from justice to another government for trial.

In accordance with the policy thus outlined, Attorney General Black, in an official opinion, declared that—

It is the established rule of the United States neither to grant nor ask for extradition of criminals unless in cases for which stipulation is made by express covenant. (6 O. P. Atty. Gen., 85.)

It will be noted that the United States as a rule does not even "request as a favor" the extradition of one who has fled from this country to another under no treaty obligation to deliver him up. In the few cases in which there has been a departure from this rule attention has been called to the fact that this country could not, and would not, reciprocate. Notwithstanding this, Spain, at the request of our Government, surrendered up the notorious William M. Tweed, who had fled to Cuba, perhaps reasoning that she was well rid of such an undesirable sojourner. After referring to authorities who contend that fugitives should be surrendered a celebrated English writer says:

On the other hand, Puffendorf holds that a State is only bound by treaty engagement, or by some special circumstance, to surrender a fugitive criminal. The majority of modern writers adopt a similar view and make extradition a question of national comity, in the absence of express stipulation. According to the generally received doctrine, if a person commits a crime, of whatever character or magnitude it may be, in one State and escapes into another State the former State can not demand his extradition as a matter of right from the latter State. The refusal of such a demand might be an unreasonable or an unfriendly act; but it could scarcely be an act which would be held to justify menace or reprisals, or war, in the case of powers of equal magnitude, or to justify coercion by a stronger over a weaker power.

The author adds:

With respect to England, Lord Coke long since laid down the general doctrine that it was a part of the laws and liberties of a kingdom that fugitives were not to be surrendered. "It is holden," he says in his Third Institute, "and so it hath been resolved, that divided kingdoms under several kings, in league one with another, are sanctuaries for servants or subjects flying for safety from one kingdom to another; and upon demand made by them are not, by the laws and liberties of kingdoms, to be delivered."

It appears, accordingly, to be a well-settled principle of international law that, except pursuant to a treaty, a nation is guilty of no offense toward another by refusing to surrender any fugitive from justice whatever may be the character of the crime of which he is accused. In the case of political refugees, however, not only is there no right to have such surrendered to the country from which they fled, not only are they safe by the almost invariable custom of nations in modern times from arrest and delivery upon considerations of comity, but the nation that should refuse asylum to such or surrender them to the justice or vengeance of another would subject itself to general reproach.

In the case of Martin Koszta, Secretary of State Marcy, in 1853, wrote to the representative of the Austrian Government, as follows:

No State can demand from any other, as a matter of right, the surrender of a native-born or naturalized citizen or subject, an emigrant, or even a fugitive from justice, unless the demand is authorized by express treaty stipulation. Internal law allows no such claim, though comity may sometimes yield what right withholds. To surrender political offenders (and in this class Austria places Koszta) is not a duty; but, on the contrary, compliance with such a demand would be considered a dishonorable subserviency to a foreign power and an act meriting the reprobation of mankind.

Koszta had fled to Turkey, from the Sultan of which country he was demanded by Austria, similar demand being made at the some time concerning certain Polish refugees by Russia. Touching the affair, Mr. Marcy said in the letter from which the quotation above is taken:

This demand was made in concert as it were by two powerful sovereigns, while their triumphant armies, which had just put an end to the revolutionary movements in Hungary, stood upon the borders of Turkey, with power to erase her name from the list of nations. She might well apprehend for herself, as the nations of western Europe apprehended for her, that a refusal in her critical condition would put in jeopardy her existence as an independent power; but she did refuse, and the civilized world justified and commended the act.

And he added concerning the stand taken by the Sultan:

This decision deeply interested not only rulers and statesmen but the great body of the people of every country. They investigated its merits, admitted its justice, and commended the firmness and humanity of the Sultan for his course.

When in 1799 the Senate of Hamburg, on the demand of the British Government, delivered up Napper Tandy, the popular hero of the Irish revolution of the preceding year, Napoleon wrote to the obsequious authorities of that city a letter in which, with withering scorn, he said:

Your letter does not justify your conduct. Virtue and courage are the support of States, servility their baseness and ruin. You have violated the laws of hospitality in a manner which would bring the blush of shame to the wandering tribes of the desert.

Many of our extradition treaties provide that they shall not be construed to extend to requiring the surrender of persons accused of political offenses, but the principle that such are never surrendered is so well established that however general may be the language it will be construed as carrying an exemption giving immunity to political offenders. Neither the treaty of 1794 nor the treaty of 1842 with Great Britain excepted offenses of a political nature, but it was held that such a provision was necesssarily implied. Touching them Secretary Hamilton Fish wrote:

Neither treaty contains any reference to immunity for political offenses or to the protection of asylum for political or religious refugees. The public sentiment of both countries made it unnecessary. Between the United States and Great Britain it was not supposed on either side that guaranties were required of each against a thing inherently impossible, any more than by the laws of Solon was a punishment being necessary against the crime of parricide, which was beyond the possibility of contemplation.

That this statement is wholly justified as to Great Britain is indisputable considering the repeated assertion of the rule by her statesmen and jurists.

In a debate in the House of Commons in 1815 Sir James McIntosh said:

I believe that I may venture to lay it down, if not as a part of the consuetudinary law of nations at least as agreeable to the usage of modern times, that though nations may often agree mutually to give up persons charged with the common offenses against all human society, civilized States afford an inviolable asylum to political emigrants.

The controversy over the demand by Austria for the surrender of Koszta and his compatriots drew from Lord Palmerston the following:

If there is one rule which more than another has been observed in modern times by all independent States, both great and small, of the civilized world, it is the rule not to deliver up political refugees unless the State is bound to do so by the positive stipulations of a treaty; and Her Majesty's Government believe that such treaty engagements are few, if indeed any such exist. The laws of hospitality, the dictates of humanity, the general feelings of mankind forbid such surrender, and any independent government which of its own free will were to make such a surrender would be deservedly and universally stigmatized as degraded and dishonored.

Westlake, a writer on international law, asserts that extradition for political offenders can not be claimed by any international right and can not be conceded without shocking the sentiment of free countries.

Oppenheim, speaking of the general adoption of the rule, says that—

It is due to the stern attitude of Great Britain, Switzerland, Belgium, France, and the United States that the principle has conquered the world.

Vigne, an eminent lawyer of Ghent, writing in 1870 in the Revue de droit International, declares that "concerning political offenses but one rule is fair, that of recognizing absolutely the right of sanctuary," and he adds that "the one exception still existing to this rule is the treaty of January 4, 1834, between Prussia, Austria, and Russia concerning the extradition of Polish refugees."

Both Great Britain and the United States, in order to guard against any possible interpretation of any treaties into which they have entered or might enter, expressly forbid by law the extradition of political offenders. The British extradition act of 1870 provides as follows:

A fugitive criminal shall not be surrendered if the offense in respect to which his surrender is demanded is one of a political character or if he prove to the satisfaction of the police magistrate or the court before whom he is brought on habeas corpus or to the secretary of state that the requisition for his surrender has in fact been made with a view to try to punish him for an offense of a political character.

Our statute is more brief but not less pointed. It reads:

No return or surrender shall be made of any person charged with the commission of any offense of a political nature. (R. S. U. S., 570.)

In both countries it is held that the magistrate, to whom application is first made for a warrant of arrest, and the court afterwards on habeas corpus, is entitled to go into the facts with a view to determine whether the offense with which the refugee is charged is political in character or the acts constituting it were incident to a revolutionary or other political movement.

It is perfectly clear, accordingly, that no nation can be heard to say that the refusal of another to surrender one accused by the demanding country of a crime that is political in character is guilty of "aggression" against the former, or that such conduct is "offensive action or procedure." If the nation affording asylum is under no obligation to surrender, if it would subject itself to universal scorn and obloquy if it did surrender, how can the nation from which the refugee fled assert that its refusal to surrender is "offensive action or procedure"? And what reason is there to believe that any body of representatives of the enlightened nations of the earth, such as the council of the league, would admit such a claim should any nation have the hardihood, not to say effrontery, to assert it?

I am not surprised that the Senator from Massachusetts is against the covenant, believing either that it annihilates the right of asylum in the case of political refugees or that there is in it any language which, even upon a strained construction, would have that effect. I should be against the league, too, if I held the view he has expressed, as quoted, and I know of no one on this side of the Chamber, or upon the other, for that matter, who, were the idea he has advanced admissible at all, would give it his support. It is inconceivable to me how any such conclusion could have been arrived at by the able Senator from Massachusetts had he studied the covenant with an impartial mind, not to say a sympathetic predilection.

It is to be gathered from the remarks of the Senator in this connection that though there may be no just ground for assigning any such significance to the language of Article 10, some authority may, in total disregard of reason, moved by a set purpose to throttle the efforts of liberty-loving people to attain independence, give to it the meaning against which he warns us. I quote:

To be sure, Article 10 has "external aggression" provided for as a condition for the guaranty, but who is to decide what "external aggression" means? Who is to tell what are the limitations of this phraseology? What is involved in the phrase "its existing political independence"? Is hatred of a King, a Czar, a tyrant; is a desire to obtain a government based upon the consent of the governed an interference with "existing political independence"? If the present attitude of certain of our allies toward subject people is any criterion, I fear it would be so considered.

Fear it would be so considered by whom?

Article 10 reads:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such agression the council shall advise upon the means by which this obligation shall be fulfilled.

It confers no power, vests no authority by the initial sentence in the league or in the council or in the assembly. The league does not guarantee to preserve as against external aggression the territorial integrity and political independence of its members. The obligation is not undertaken by the league. It rests upon each member of the league. Each member, for itself, determines whether one has committed or is about to commit an act of external aggression against another, and to act or decline to act accordingly. Political offenders flee from Ireland and take refuge in France. Imagine Great Britain demanding their surrender and calling upon the world to make war upon France as having committed an act of external aggression by granting them asylum. We would laugh at her. Imagine them fleeing to this country and England calling upon the nations to coerce us into surrendering them. In view of the state of the law, briefly reviewed, what country is it feared would respond to such an outrageous contention concerning the obligation it undertook by subscribing to Article 10? I have not overlooked the concluding sentence thereof:

In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

When the obligation is admitted the council advises how it is to be discharged. France has been a haven for political refugees from all over Europe; Switzerland has not been without a colony of emigrés for a century; Rome has consistently sheltered the objects of the wrath of the Czars earned in the long effort to overthrow absolutism in that sorely tried country; the cities of Italy, according to recent press reports, are shielding the Russian grand dukes from the just wrath of the people they oppressed and betrayed. Holland is even now affording asylum to the last of the Hohenzollerns, who may be surrendered to France or Belgium for crimes committed within their territory, but who can not be delivered up to his political enemies in his own country, from which he ignominiously fled, while the Dutch prize the respect or care to avoid the contempt of mankind. England herself has been the favorite resort of those whom political turmoil have driven from their homes in Europe, extending to them a hospitality which has, so far as I am advised, never been violated. The Empress Eugenia, fleeing from the Commune in 1870, has ever since found a home there. All of these nations have taken a pride in the part they have had in establishing as a principle of international law the sanctity of the right of asylum in the case of political offenders. Which of them will respond to a call to make war upon a neighbor which declines to violate the rule of hospitality in the case of such? Which of them will either admit or contend that it gave its approval to any treaty which so bound it? The idea is too fantastic for speculation, even.

The nations recognizing that external aggression has actually been perpetrated or is threatened, they confer together to map out a plan by which it is to be resisted and overcome. When this country entered the war it did not conceive a program of military and naval action of its own independent of its allies. It sent its representative to the supreme war council, which worked out a plan, in the execution of which all the allied and associated powers had their allotted parts. This country was under no obligation to follow that plan. All the war council could do, so far as we were concerned, was to advise. Our commanders chose, and doubtless wisely, to play their part in the concerted plan. So the council of the league of nations is expected to advise, should occasion arise, for the concert of action contemplated by Article 10. It has no power to declare that a certain act or series of acts constitutes external aggression and to issue any mandate to the member nations. No such authority is given it by Article 10 or by any other article of the covenant. The fear that has been expressed in that regard is—

Wrought of such stuff as dreams, and as baseless
As the fantastic visions of the evening.

I am not unmindful, notwithstanding anything that may have been said in the course of these remarks, that the Senator gave the assurance in his address that he is in favor of a league of nations. But what kind of a league would he see undertake the task of preserving the peace of the world? For that, I take it, is the end for which a league of nations is proposed. It con-

templates the substitution of some means of settling international disputes other than by war, by requiring the submission of all such to some kind of a board of conciliation or arbitration or to a tribunal having judicial powers, the judgment or determination of which would be supported by the enlightened opinion of the world, so that no further sanction would be necessary or would be enforced by concerted economic pressure or military coercion as a last resort.

It is quite plain that, having the case of Ireland in mind, the very crux of the objections so eloquently urged to the covenant by the Senator from Massachusetts is that under Article 10 no nation being a member of the league can join as a belligerent revolutionist within another country seeking to overthrow its government or to establish their independence except it violate its own treaty obligation and bring into the field against it all members of the league. It is regarded by many as a sufficient argument against Article 10 that it would, had it been a feature of a covenant governing a league of nations at that time, have prevented France from coming to our aid in securing the independence of the United States. I have heretofore called attention to the fact that France's interposition in that contest was, contrary to the belief inculcated by the school histories, by no means unselfish. But that criticism would be almost, if not quite, as valid against the covenant if Article 10 were entirely eliminated—a circumstance to which I call the attention of all those who are seeking to emasculate or excise it. The pruning process may be carried much further to meet objections to the covenant such as those referred to. Assume Article 10 to be eliminated from the covenant, that it thus altered comes into force, that the Filipinos rise in insurrection, and that Japan is preparing to assist them with money and men in the rebellion. Naturally the United States protests and a dispute arises between this country and Japan. Under Article 12 Japan has bound herself to submit the dispute to arbitration or to inquiry by the council and not to go to war until three months after the award by the arbitrators or the report by the council. Should she go to war without having done so, she is to be deemed, under Article 15, to have committed an act of war against all other members of the league, which might not only repel the aggression, but which would forthwith sever all trade relations with her and interdict all financial, commercial, or personal intercourse with her nationals. In other words, the whole world would unite, if she took such a course, in commercial war upon her, and any nation would be entitled to regard her offense as a justification for resort to arms against her.

The truth is that the elimination or removal of the chance of foreign aid to deserving revolutionists is an evil which inheres in the system of a league of nations to preserve the peace as between the members thereof. Any who regard that chance as sacred can pursue a logical course only by aligning themselves with those who boldly announce their opposition to any league of nations.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. WALSH of Montana. I yield.

Mr. WALSH of Massachusetts. I should like to ask the Senator if he has read—and of course he has—the original Article 10 that was offered by President Wilson at the peace conference?

Mr. WALSH of Montana. Yes; I have read it.

Mr. WALSH of Massachusetts. Does it differ from Article 10 as it is incorporated in the league covenant which is now before us?

Mr. WALSH of Montana. Yes; it does.

Mr. WALSH of Massachusetts. I should like to ask the Senator if he really believed that the present Article 10 tended to establish a league of nations providing for permanent peace upon the theory that a combination of the financial and political strength of the nations of the world will preserve it, would he support such a league?

Mr. WALSH of Montana. Well, I have not been able to follow the question addressed to me by the Senator from Massachusetts, and it is in a way diverting and quite aside from the question I am now discussing. I am endeavoring now to point out to the Senator from Massachusetts that if he absolutely strikes out Article 10, if it is not in the treaty at all, the main objection that he has to it will still inhere in the league, for if any nation should come to the aid of the revolutionists within a certain country that nation would violate its obligations under Article 12 and Article 15, and would commit an act of war against every other member of the league, which obligates itself immediately to sever all commercial relations with it; in other words, by striking out Article 10 the Senator would not improve the situation at all.

Mr. WALSH of Massachusetts. Mr. President, I want to say to the Senator from Montana that my objection to Article 10 is that it perpetuates a status quo condition and removes the opportunity in the future for the readjustment of boundary lines or the evolution of races and peoples. That belief and that interpretation of Article 10, I think, constitute the difference between the Senator's viewpoint and my own.

Mr. WALSH of Montana. I did not intend to make a general review of the address of the Senator from Massachusetts, nor to canvass the various views that he expressed in it, simply because most of those views have been the subject of consideration heretofore. These two ideas, however, are, in a way, novel, and I am endeavoring to confine myself to those. In the first place, I have endeavored to meet the idea that Article 10 destroys the right of asylum of political refugees; and, secondly, I contend that the main objection to Article 10 will still inhere in the covenant by virtue of the provisions of other articles thereof, though Article 10 should be entirely eliminated.

Arbitration treaties operate similarly. We are even now bound by a treaty with Great Britain which would be held by us a mere "scrap of paper" were we to join Irish insurrectionists. This is one of the celebrated Bryan treaties negotiated with different nations, of which Article 1 reads as follows:

ARTICLE 1. The high contracting parties agree that all disputes between them, of every nature whatsoever, other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the high contracting parties, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article, and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Germany declined our proffer of a similar treaty with her. Like some United States Senators, she did not believe in the settlement of international disputes on that plan. Whether she has been converted from the "blood and iron" way remains to be seen.

There is only one other feature of the address of the Senator from Massachusetts to which I desire to advert. "If," he declared, "choice must be made between a league of nations and the Constitution of the United States, I am first and last with the Constitution." This sentiment, impressively expressed, drew a quick response from the galleries despite the efforts of the attendants to suppress it, rivaling that accorded his colleague when the latter solemnly declared himself to be an American. Of course, if a choice must be made between the Constitution and the league of nations, the Senator from Massachusetts is for the Constitution. His oath, to which no one can doubt he yields ready obedience, requires that he take that course. But is he put to any such choice? We are not advised by anything he has said in what respect the covenant contravenes the Constitution or may be deemed to be in violation of it. At an early stage of the debate it was denounced as in plain violation of our fundamental law, though no Senator ever undertook to demonstrate by any consideration of the subject the validity of the charge. Others, more cautious, contented themselves with inquiring whether, in view of certain provisions of the Constitution, the covenant was not violative of it. Repetition, taking the place of argument, began to leave some impression upon the public mind when the question was exhaustively reviewed on the floor, first on the Democratic and then upon the Republican side, and the full power of our Government in the premises vindicated. No one attempted to answer the argument, and reliance on the ground of objections abated; but the press, at least, advanced objections to the treaty with France which came to the Senate quite like those considered as stated against the covenant. Moved by the suggestions thus made, the Senate directed its Committee on the Judiciary to inquire and report as to whether there are any constitutional objections to the treaty referred to. It reported that there are not, and it made a part of the report the main portions of the addresses referred to. The report was not unanimous, but no member of the committee dissented—that is to say, some members simply withheld their assent. No member of the committee attempted to uphold the claim that the Constitution forbids our Government entering into obligations such as the covenant imposes, though three expressed some doubt. At the request of one of these, the senior Senator from Missouri, the committee withheld its report for three weeks, that he might, should he determine to do so, submit either a written or oral argument sustaining a contrary view. In view of the prodigious industry and the high legal ability of the Senator from Missouri, not to speak of his supremacy in advocacy, the inference is reasonable that he found it impossible to justify a minority report.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH of Montana. I yield.

Mr. REED. Lest the remarks of the Senator lead to an erroneous conclusion in connection with his reference to me, he will have to permit me, in the interest of fairness, to say that from the day I asked for time to consider the questions involved in the French treaty my time was either so taken up with work of an imperative nature, or I have been incapacitated for work altogether by illness, that I have not been able to give the subject a moment's time. I do not want my failure, therefore, to be taken as any abandonment of my opinion that the whole spirit of the league of nations, while it may possibly have technically avoided a violation of the Constitution by reserving to the nations a right of determination if technically followed, if carried out is an absolute violation of the Constitution.

Mr. WALSH of Montana. Mr. President, there was no partisan tinge to the report of the committee. It was expressly concurred in by four Republican members, including the venerable and vigorous chairman of the committee, and the senior Senator from Rhode Island, a jurist of the highest standing, long a United States circuit judge. It was in this situation, of which possibly the country may not be fully apprised or of which such knowledge as it gained had been more or less obliterated by time, that the Senator gave the assurance, presumably in justification of his attitude, that if compelled to choose between the league of nations and the Constitution he would stand by the Constitution.

I indulge the hope that he may yet reach the conclusion that he has given undue importance to some of the considerations which led him to differ with his party associates in the Senate with respect to the important subject before us, and that he will, on a reexamination of the covenant, find it as they do, though imperfect, the best practical plan that has ever been proposed as a basis for a league of nations, through which the unspeakable horrors of war are, so far as is humanly possible, to be averted.

Mr. BORAH. Mr. President, I desire to say just a word, not in reply but in way of explanation to the Senator's reference to the report of the Judiciary Committee upon the French treaty or proposed French alliance. I was so occupied with other matters, particularly the league of nations, that I was not present when the matter of the proposed French treaty was considered by the Judiciary Committee; but I read the report as it was proposed to be adopted by the committee as a whole. After doing so, I addressed a letter to the chairman of the committee, in which I stated that while I did not disagree with that portion of the report which permitted us to make a treaty of alliance with any other nation, I did not agree with that portion of the report which held that the function of the league of nations, with reference to that treaty, was constitutional. I simply state this so that I may not be confronted by the statement of the Senator when, in the future, I shall undertake to present that feature of the question to the Senate.

Mr. President, I desire to say a few words with reference to this reservation to article 10. I am not encouraged to offer any amendments or reservations as substitutes for the reservation reported, because I understand, of course, that the other side of the Chamber will vote against any reservation of any kind and that this side of the Chamber will vote for the program. Nevertheless, I want to say a few words, in order that my position may be understood.

Mr. HITCHCOCK. Mr. President, will the Senator define what he means when he says that his side of the Chamber will vote "in accordance with the program"?

Mr. BORAH. The reservation program.

Mr. HITCHCOCK. What is it?

Mr. BORAH. It has been printed here, and we have been dealing with it for the last three days.

Mr. HITCHCOCK. Will the Senator state who agreed to it?

Mr. BORAH. Well, I do not know who has; but I know who has not.

Mr. HITCHCOCK. The Senator is not prepared to state that they have openly arrived at any program?

Mr. BORAH. I think it was openly arrived at by a consultation between all parties, even the enemy. [Laughter.]

Mr. President, this reservation which we are about to dispose of reads as follows—I am not speaking now of the substitute, because, of course, we will dispose of it without very much trouble:

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Of course, the Congress of the United States has the sole power to declare war, but it has not the sole power to authorize the employment of the military or naval forces of the United States. The President, as Commander in Chief, has certain powers with reference to the Army and the Navy, and we can not by act of Congress or by treaty deprive the President of that power; and we not only have not the sole power to authorize the employment of the military or naval forces of the United States, but we have no power at all in regard to it, except in certain instances and under certain conditions.

That, however, is a mere recital, and, I presume, upon reflection may be stricken out. It ought to be. It is a recital that is not based upon the Constitution, upon precedent, or upon reason; and for manifest reasons, when we are dealing with a treaty which will be viewed by other people and considered by other people, it ought not to be there, as calculated to mislead other people as to the power of Congress over the Army and the Navy.

But there is another particular clause here which is much more significant and important, and that is this:

> Or to employ the military or naval forces of the United States under any article of the treaty for any purpose.

If we make this treaty with the terms and conditions still in it which thus far have been unassailed either by proposed amendments or reservations, it will not be within our power, through the treaty-making power, to say that the military or naval forces of the United States shall not be employed for any purpose under the treaty, except as authorized by Congress. There will be a vast domain of action which the President of the United States under the Constitution will have the sole right to determine in the employment of the naval or the military forces. If we enter into the treaty and these terms and conditions are still in the treaty which obligate in certain instances or which permit the use of the Army and the Navy for the purposes of policing a situation for preserving peace, we can not under the treaty-making power reserve to Congress the right to say just when that shall be done and how it shall be done.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. Yes.

Mr. LENROOT. If there were no such treaty at all, does the Senator think that the President might utilize the military forces for such policing?

Mr. BORAH. I am going to come to that in a moment. It brings out the question which I want to accentuate, and I am glad the Senator asked the question. It makes it more pointed.

In other words, if the treaty is made and the obligation rests upon the United States to perform certain duties under the treaty, such as the policing of a situation under the treaty, I can well imagine that the President would be justified in sending the troops to perform that duty under the treaty, whereas if he should send them without any treaty at all he might be encroaching upon the sovereignty or jurisdiction of another country without any color of authority at all.

In other words, if the President of the United States should send troops to Silesia if we had no treaty at all, no obligation to preserve peace or police a situation, we might have the remedy of impeachment on the ground that he would have no business in that country with the troops. It would be calculated to incite war; it would be calculated to bring on conflict with that country; and therefore we might very well resort to the power of impeachment, and in my judgment he would have no defense. It would be one of the things he is not, as an Executive, authorized to do—to wit, to send his troops into that country, unless, as in the case spoken of by the Senator from Montana, it is for the purpose of protecting some particular right, such as the lives of our citizens, their property, and so forth. But if we make a treaty in which we engage with all of the other nations of the world to preserve peace and to police the situation against war throughout the world, and he does send troops to Silesia, and the question of impeachment arises, has he not a perfect defense in the proposition that a treaty of the United States has been entered into, under which treaty he deemed it wise to send troops to a certain part of the world for the purpose of policing the situation?

To state it in another way, it takes away from the President the justification of doing that when there is no treaty, which justification he would find in the terms of the treaty itself. But I shall come to that in a few moments.

Mr. LENROOT. Mr. President, will the Senator permit me a question?

Mr. BORAH. I yield.

Mr. LENROOT. I do not know that I quite followed the Senator; but, as I understand him, he said that if we engaged to police any portion of the world, then the President could send troops.

Mr. BORAH. Yes.

Mr. LENROOT. But does not this reservation relieve us of that obligation?

Mr. BORAH. It does with reference to article 10 to a certain extent; but I am coming to article 11, and some other articels which I want to take up in connection with it. Before I do that, however, permit me to call attention to one or two citations, which I used the other day and which I desire to amplify by citing others, as to the power of the Commander in Chief over the Army and the Navy. Undoubtedly no power rests anywhere to declare war except in Congress; but a vast number of things may be done by the President as Commander in Chief of the Army and Navy, some of which may lead to war, without any authority of Congress at all.

It was contended by some of the ablest lawyers in the country, when the President asked authority to send the Navy to Vera Cruz, that he had perfect authority to do it without the action of Congress; that he could send the Navy there for the purpose of protecting our rights and our interests, not for the purpose of engaging in war, but for the purpose of protecting our rights, without the authority of Congress. If I remember correctly, the President in his message to Congress stated that in his judgment he had the authority to do so without any authority from Congress, but that he felt disposed to consult Congress, and take its approval of his conduct.

Mr. Pomeroy, in his Commentaries upon the Constitution, says:

> Congress raises and supplies armies and navies and makes rules for their government, and there its power and duty end; the additional power of the President as supreme commander is independent and absolute.

All things which pertain to or inhere in the right to command, wherever the line of demarcation may be, belong to the Commander in Chief, and the Congress can not intrench upon that right. We may refuse to raise the army, we may refuse to provide for a navy, we may refuse munitions and supplies, and we may make certain rules and regulations for the governing of the army as an army, but when the army is raised and the munitions provided for, and the navy is at hand, that which relates to the right to command, to station the troops here or there, or to assign them to this place or to that place, belongs to the President of the United States. My idea is that when we become a part of a world scheme to preserve peace, and cover the entire transaction by a treaty, assuming now that we have the power to make this treaty at all relative to those things, then the President has the authority on this side of a declaration of war to station his troops, if he sees fit, in accordance with the commands of that treaty for the purpose of carrying out both the letter and the spirit of the treaty; and if he does station his trooops in any part of the world under the advice of the council or the assembly or under what he conceives to be the construction of article 11, and impeachment of the President is sought, it seems to me that he has then what he would not have otherwise—a perfect defense in a treaty of the United States.

Again, the same author says:

> The legislative powers which relate to the raising, equipping, supplying, and governing the land and naval forces have nothing in common with the separate and distinct function of commanding those forces; no particular statutes passed under the former class of attributes can interfere with the President in his exercise of the latter. Even the general clause of Article I, section 8 (par. 18), which authorizes Congress to make all laws necessary and proper to carry into execution the powers conferred upon any department of the Government, can not permit the Congress to assume the capacities and duties of Commander in Chief. * * * He commands the Army and the Navy. Congress does not. He may make all disposition of troops and officers, stationing them now at this post, now at that; he may send our naval vessels to such parts of the world as he pleases; he may distribute the arms, ammunition, and supplies in such quantities and at such arsenals and such depositories as he deems best.

I am not speaking now, of course, of the question of a declaration of war. I am speaking of the execution of a treaty, of that which has been made the supreme law of the land, which creates, or tends to create, an obligation that we will discharge certain functions in the way of police power then that we do not have to discharge now. If the council or the asembly should determine—not authorize; I do not claim that they have the power to authorize—that, in order to preserve peace, 500,000 men shou'd be sent to a certain portion of the Far East, and that determination should seem wise to the Chief Executive, that judgment should commend itself to the Chief Executive, and the Chief Executive should conclude, not because they had the power to authorize him to do it—that is reserved; I will admit that it is advisory—but because he thought it was in the execution of both the letter and the spirit of the treaty to preserve the peace of that part of the world that he should send the troops to that part of the world and an impeachment proceeding was laid against him, would not the treaty be a perfect defense to it? Could you impeach the President of the United States—and that is the only way we could reach him—for obeying the advice of a council which we have created, and where we have a member, and a council whose advice, while not legally obligatory, is supposed to be given for the purpose of enlightening and instructing as to our duty? Could we impeach a President for executing the treaty under their advice?

We have sent the Navy, as has been suggested by the Senator from Montana [Mr. WALSH], to foreign seas and to foreign lands for the purpose of protecting the rights of our citizens and the property interests which our citizens might have. Is that any higher obligation or any higher right than the obligation which will rest upon us under this treaty to execute it in accordance with its letter or its spirit?

I should like to know if anyone has thought out the process. Suppose the President did see fit to send troops to a foreign country under the treaty, how would Congress reach it and what would Congress do about it?

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. Yes; in just a moment. Could they pass an act of Congress canceling the order, and thereby take command of the troops? Now I yield to the Senator from Utah.

Mr. KING. The Senator appreciates the fact that the sending of troops abroad involves a vast expense. Does the Senator think the President of the United States could augment the Army or increase the Navy or incur millions or hundreds of millions of dollars of expense for the Government thereafter to pay without any authority of law without subjecting himself to impeachment proceedings?

Mr. BORAH. Mr. President, I said a moment ago that we could refuse to raise the army, and we could refuse to make appropriations for supplies. We have that defense. We could always place the Commander in Chief in a position where he could not do anything, because he would have nothing to do with. I agree with that. But if we put through the bill for the reorganization of the Army which is now pending before Congress, he will have sufficient to send. We will always have a large Navy and we will always have plenty of appropriations. Those things will have to be provided for to take care of the situation at home. If the President, however, sees fit in the execution of the treaty to use them otherwise, I do not think it is an impeachable offense at all.

Suppose we had a treaty with a South American country by which we guaranteed the independence of one of the Central American countries, and the President should see fit to send troops to that particular country for the purpose of preserving peace. Would there be any possible doubt but what he would have a right to do it? Mr. President, for over eight years the marines of the United States have been camping in the white house at Managua, Nicaragua. For eight years our armed forces have sustained by their presence the present government of Nicaragua. When did Congress authorize it, and how are we going to help ourselves? If those United States marines would leave the capital of Nicaragua to-night, the President of Nicaragua would leave it to-morrow morning, because it is an established fact, as nearly as such a thing can be established, because it is established by a report of our own Navy, that over 80 per cent of the inhabitants of Nicaragua are opposed to the government which we are sustaining. If we have a treaty which binds us to preserve the peace of any nation in Europe, or which obligates us to act under a moral obligation, at least, in accordance with the advice of the council or assembly, would not the President have just as much right to send troops to Silesia or to Serbia or to the Balkans or to Greece as he has to send them to Nicaragua? Indeed, he would have a far greater right. I do not think we have any right to do what we are doing in Nicaragua. But if behind what we are doing in Nicaragua there was a treaty to preserve the peace of that country, the Commander in Chief would have the undoubted right to do what we are doing now.

So I say, Mr. President, that this treaty creates an obligation upon the part of the United States, assuming all the time that we have the power to make it, which I do not concede. Assuming that this league of nations is a thing that we can create, and that we can enter into the obligation, then the obligation having been entered into, the Commander in Chief can utilize the troops and the Navy on the hither side of a declaration of war, the same as he can with reference to the boundaries of his own country.

Of course, Mr. President, this has no reference to any particular President. All Presidents have taken some pride in sending the Navy and the troops around hither and thither, and have sometimes accomplished good things by it.

I read another quotation, Mr. President, from Pomeroy:

The language of this clause should be carefully observed. Congress may make rules the object of which shall be regulation and government. It can not utter exceptional or transitory mandates which affect the management and disposition of the Army or Navy. This particular grant of power confers no power upon the legislature to usurp the functions of the Commander in Chief.

Pomeroy is referring to that provision of the Constitution which authorizes Congress to raise an Army, to make rules for the government of the land and naval forces, and so forth. The same authority, speaking particularly of an act of Congress which required that the general should have his permanent headquarters at Washington, said:

It seems to restrict the President in the exercise of his functions as Commander in Chief; it prevents him from assigning the general to such place and position as he deems expedient; and so far it interferes with his power to dispose of those forces. If Congress may do it in respect of one officer high in rank, it may do this to all officers and private soldiers and may thus assume to itself the entire attributes of the Commander in Chief.

The Supreme Court of the United States has said:

Congress has the power not only to raise and support and govern armies but to declare war. It has therefore the power to provide for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belongs to the President as Commander in Chief.

Bear in mind all the time that we are not discussing those things which result in a declaration of war. We are not discussing those things which relate to the carrying on of war. We are not discussing the things which are at all relative to the power of Congress to declare war. We are discussing the obligation of the Chief Executive to execute the supreme law of the land, and to execute the treaty which we have made, not for purposes of war, but for purposes of peace, for the purpose of policing a situation.

I should like to know, if the President is not going to execute the Executive functions under the treaty, who is? And the Executive functions will operate with reference to these clauses at all times until you reach the point where you have a declaration of war.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. The Senator from Idaho understands, of course, that I am just as much opposed to article 10 as he can possibly be, and that I would like to see it eliminated entirely from the treaty. But it seems unlikely that it will be eliminated, and I want to make it as harmless as possible. I find myself unable to agree entirely with the reasoning of the Senator from Idaho in regard to the reservation which has been recommended by the committee, and I want to ask him a question or two in regard to it.

Mr. BORAH. Very well. I will be glad to answer the Senator, if I can.

Mr. CUMMINS. The Senator from Idaho will agree, I think, that as the law now is and as the Constitution now is the President of the United States could not take our Army or any part of it to Europe merely for the purpose of settling a disturbance which had arisen on that continent.

Mr. BORAH. Assuming that no property rights or rights of American citizens were involved, I agree.

Mr. CUMMINS. I am assuming that the President proposes to take the Army there, not for the protection of American rights but for the purpose of restoring order and maintaining peace in any part of that continent. The Senator agrees with me about that.

Mr. BORAH. May I ask the Senator a question in order that we may come to an understanding as we go along? Suppose the President did it, however; what would be our remedy?

Mr. CUMMINS. Our remedy, of course, would be impeachment. There is no other remedy against the President of the United States, so far as I know.

Mr. BORAH. I agree with the Senator.

Mr. CUMMINS. He would be violating the law of his own country and the Constitution of his own country if he were to do the thing which I have suggested. That we agree upon.

The Senator from Idaho contends that if we enter into this treaty we thereby make it lawful for the President to take our Army into any part of the world in order to preserve the peace, and I agree with him respecting that proposition if there be no reservations or modifications adopted. I call his attention to the very part of the reservation which he has said heretofore, and which the Senator from Montana very vigorously contends, should be eliminated as valueless, and as being in opposition to our Constitution and to the rights of the Commander in Chief under the Constitution.

The reservation declares that without the authority of Congress the President can not take our Army into any part of the world for the purpose of executing the treaty or any part of the treaty. I look upon that as very important and entirely within the authority of Congress. The Senator from Idaho has just stated that the President, without the authority of Congress, could not, by virtue of his position as Commander in Chief, take our Army to other parts of the world in order to preserve the peace. If he can not do that without the authority of Congress, it is very vital, it seems to me, that we should retain in the reservation a provision which shall take away from the treaty the obligation which undoubtedly it now contains and which would make it lawful for the President to use the Army for the purpose of maintaining peace in the world. I can not think that it would be wise to eliminate that provision, for if that were done it would have just the effect, which the Senator from Idaho so clearly states, of making it lawful for the President to use the troops of the United States or the Navy of the United States anywhere in the world simply to maintain peace and order.

Mr. BORAH. Mr. President, the Senator from Idaho has not said that this particular clause to which I am now referring, "employ the naval or military forces of the United States under the treaty for any purpose," should be stricken out. I presume it would have some moral effect, but what I say is, and I want to make my position clear if I can, that when we create certain Executive functions or obligations under the treaty, when we execute a treaty which, if we have the right to execute it, devolves upon the President certain obligations as the Executive, that we can not draw back to Congress an Executive power and retain it to Congress as a legislative power. That which pertains to Executive action under the treaty must be performed by the Executive.

In other words, if we would undertake here and now to make a treaty by which we would limit the power of the President to command the Army and Navy within the United States, we could not do it. By this treaty we create certain obligations which I say are executive in their nature. The discharge of those obligations belongs to the Executive, and we, having created them and made them Executive obligations, can not retain them to ourselves as a legislative body and execute functions as a legislative body.

Mr. LENROOT and Mr. KELLOGG. Mr. President——

Mr. BORAH. I yield first to the Senator from Wisconsin.

Mr. LENROOT. Will the Senator indicate what kind of an Executive obligation would still rest upon the President of the United States with the adoption of this reservation?

Mr. BORAH. I will come to that in just a moment, if I can get to it. I yield now to the Senator from Minnesota.

Mr. KELLOGG. As the reservation reads, the United States assumes no obligation to employ the military or naval forces under any treaty for any purpose unless in any particular case the Congress shall by act or joint resolution so provide. If that is adopted, does it not take away any obligation under which the President could act under the treaty?

Mr. BORAH. No. I have just said that in my opinion it does not, for the reason that the obligations which we create are not legislative obligations. They are Executive obligations, and I will come to them in a few moments and try to demonstrate what they are; and, being Executive obligations, we can not reserve them to a legislative body to be used by the legislative body alone. In other words, if we create a tribunal which is a judicial tribunal, it may exercise the functions of a judicial tribunal, and we can not draw to ourselves the right to exercise the judicial functions of that tribunal or any part of them.

Mr. KELLOGG. But the obligations in the treaty, if there are any, are treaty obligations, and this says that there shall be no obligation to use the military or naval forces without the consent of Congress.

Mr. BORAH. Congress can not have anything to do with it unless it involves a declaration of war, because the Constitution of the United States does not permit Congress to control the Army and Navy except in the case of a declaration of war. You have to take this position. It may be a logical position—I do not say that it is not—to say that the troops are prohibited from being sent abroad at all under any circumstances, and that the treaty in its other obligations, either express or implied, is void as to that obligation; but if the troops must go abroad at all, under the treaty they can go abroad under the

direction of the Commander in Chief if it does not involve a case of war.

Mr. KELLOGG. But in that case the President would not have authority under the treaty at all, because the obligation has been taken away.

Mr. BORAH. But other functions which exist under the treaty have not been taken away. That is what I am complaining about. I will come to that in a moment.

Mr. KING. Will the Senator permit an inquiry?

Mr. BORAH. Certainly.

Mr. KING. I attempted to follow the position of the Senator and determine the orderly sequence and the conclusion at which he would arrive. As I understand the Senator's position it is that the treaty, if entered into, would authorize the President under article 10 to use the Army or the Navy of the United States to repel the aggression of any signatory to the treaty upon some other signatory to the treaty. That act, if done, would be an act of war, and yet the treaty would authorize it notwithstanding the Constitution of the United States declares that Congress alone has the power to declare war. Does not the Senator think that that declaration of the Constitution would limit the action of the President, and conceding that he might send the troops abroad, he could not engage in any act that would be an act of war without direct authorization of Congress?

Mr. BORAH. I agree with the Senator. I have said several times that if the act of the President involved the carrying on of war, of course he should have the authority of Congress. But I am speaking of that multitude of things which the President may do with the Army or Navy with reference to preserving peace and policing the situation for the purpose of preventing war.

Let us now take article 11, which has not been touched, and which no one seems to want to touch. To my mind it is altogether the most dangerous provision in the treaty. Article 10 has this virtue, that it is at least specific. It does fix a standard, to wit, the standard of external aggression and of territorial integrity and political independence. So it has the virtue of having some specific standard by which and under which we can fix our obligations. I agree that it is an entirely objectionable standard, but it has the virtue of definiteness in that respect.

But article 11 says that:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

"Any action" includes military action. "Any action" includes economic blockade. "Any action" includes the sending of the Navy wherever it may preserve peace. Not the Congress of the United States, but the league, functioning through its bodies, to wit, the council and the assembly, shall—not may, but shall—take any action that it may deem wise for the purpose of protecting the peace of the world.

It is a significant fact, Mr. President, that article 11, as it originally read, said:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the high contracting parties reserve the right to take any action that may be deemed wise.

But in the reconsideration of this, when they came to the question of unanimous consent in the council, they then transferred the reserved right back and made it obligatory, so that every man who sits in that league sits under a command to take such action as the council may suggest with reference to preserving the peace of the world.

The league must operate through it bodies, either the council or the assembly. Let us assume that a war or threat of war has arisen which affects the members of the league or affects nations somewhere upon this mundane sphere, because it need not be necessarily a member of the league—"it is hereby declared to be a matter of concern"—and the council or the assembly take action, as they are not only authorized but commanded to do, and they decide that the five great nations of the earth shall send 100,000 troops each to a certain part of the world, not for the purpose of war but to prevent war, not for purpose of conflict but to prevent conflict. Is the President of the United States bound to respect the advice of the council of the league, or if he is not bound to do it, if he feels under moral obligation to do it and does do it, what remedy has the Congress of the United States if he sends 100,000 men?

You would say at once that we had put into another portion of this covenant a provision to the effect that the troops shall not be sent without the authority of Congress. The President would reply to you at once: "Whether I shall send troops to preserve the peace of the world under this league is an Executive function and belongs to me under the Constitution, and you can not take it away from me by an act of Congress."

Mr. LENROOT. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. LENROOT. How could the President urge a constitutional right to send troops anywhere if in the particular case the Constitution did not authorize it?

Mr. BORAH. It authorizes it, because you have created here an Executive obligation under article 11 by making a treaty. You have made a treaty under article 11, and if anybody can send them, if we have any power to make such a treaty, and if the troops can be sent at all, the President can send them for the purpose of peace and for policing, but if we want to send them for war, I grant that the Congress of the United States must act.

Mr. LENROOT. But this reservation relieves us of that very obligation and leaves the President exactly where he would be if there were no treaty at all.

Mr. BORAH. Does the Senator contend, then, that the reservation has the same effect upon article 11 as it has upon article 10?

Mr. LENROOT. From my construction, no; but from the Senator's construction, yes. If article 10 creates any obligation, the reservation relieves us of the obligation.

Mr. BORAH. Well, the Senator is a very adroit logician, for he saves himself and condemns me at the same time.

Mr. LENROOT. The Senator understands that I do not construe article 11 as he does; I do not admit that article 11 permits the imposition of any kind of an obligation; I contend that article 11 is only advisory in character, while the Senator from Idaho construes article 11 as giving to the league the authority to impose an obligation, which I do not admit.

Mr. BORAH. Well, Mr. President, I do not think the Senator from Wisconsin will be successful in contending that article 11 is merely advisory. I do not know how you would create an obligation and make it commanding in language any other than the language which is used in article 11, for it says:

> * * * is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise.

Mr. President, of course there is one way to look at this matter, and I like sometimes, when I think of the fact that this league is liable to go through, anyway, to look at it in that way, and that is that the whole thing is a sophomore's dream; that it will never be executed or any part of it; that there is no legal obligation; that there is no moral obligation and nothing else to make us pay any attention to it; but while, as I say, I sometimes like to entertain that idea, I am afraid of it.

Now, let us look at the other clause of article 11.

Mr. KING. Mr. President——

Mr. BORAH. Just a moment.

That article reads:

> It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

"Any circumstance." What is a circumstance and what may it not be? Why, a fight in the streets of New York between two individuals, foreigners, might be a circumstance which would cause international disturbance. A circumstance of any nature or kind which any friendly, active, vigilant soul may think would bring disturbance to the peace of the world may be brought to the attention of the league under article 11, and when it is brought to the attention of the league, then the article says that "any war or threat of war" shall be of concern to the league and that they shall take such action as "may be deemed wise."

If these circumstances or conditions are brought to the attention of the league the league takes jurisdiction and decides through its council or assembly that certain action is essential to the peace of the world, and the President, as Chief Executive and Commander in Chief of the Army and Navy, without authority of Congress, sends a hundred thousand troops to foreign parts for the purpose of executing that provision of the treaty, is it not an Executive function and not a legislative function? If it is an Executive function it can not be reserved to the legislature by a clause of this treaty.

Mr. JONES of Washington. Mr. President——

Mr. BORAH. I yield to the Senator from Washington.

Mr. JONES of Washington. I want to ask the Senator if he does not think that reservation No. 3 takes care of article 11, to which he has referred, assuming the construction which he has given to it to be correct? It reads in this way:

> The United States assumes no obligation—

Then, leaving out the words "to preserve the territorial integrity or political independence of any other country," and so forth—

to employ the military or naval forces of the United States under any article of the treaty for any purpose.

Does that not cover article 11, to which the Senator from Idaho has referred?

Mr. BORAH. If it were impossible to construe the two together, I presume the ordinary rule of construction would apply, and where there was absolute conflict it would annul article 11; it would abrogate and destroy article 11 in so far as any action at all was concerned with reference to troops or the Navy.

Mr. JONES of Washington. Yes. Does the Senator think that reservation No. 3 can really be construed in any other way?

Mr. BORAH. Yes; I think it can. I have been trying to demonstrate how it could be.

Now, another thing. The able Senator from Montana [Mr. WALSH] this morning delivered a very powerful argument, as he always does when he discusses legal propositions, as to the question of whether this or that could be considered within the jurisdiction of the council or the league under article 10 or article 11. If the Senator from Montana were presenting his view of the matter to a judicial tribunal which would have power to exercise a check upon the action of the council of the league or the assembly of the league, I think his argument would be practically unanswerable; but the difficulty is we are creating a political body with quasi judicial, executive, and legislative functions, but with no power to revise or review or reverse their action. The able Senator would never have a chance to argue the question if he should conclude that the league covenant had been improperly construed. There is no tribunal before which the matter could be brought and the action of the council could be reviewed.

Some one will construe this covenant from time to time; some one will sit in judgment upon its terms; and those men will be exercising powers which no one else can review. When we take into consideration the fact that we, as the Senate of the United States, have sat here for the last two years, and although restrained by a fundamental law have been passing statutes and acts with reference to the war which might be reviewed by the Supreme Court of the United States, and yet passing statutes and acts which a vast number of people felt were utterly outside of the Constitution, what will a single council sitting behind closed doors in Geneva do in the construction of an article when necessity or exigency calls for a construction? There is only one reviewing power, and that is for the separate nations simply to disregard the matter, and thereby practically break up and destroy the league. We will not do that. If we were called upon to act when there was not an exigency at hand or when a great emergency was not at hand, we might refuse to act, but when they construe the power under article 11 to authorize them to require a certain number of troops in a portion of the world for the purpose of preserving peace and the exigency is on, the Congress of the United States, pursuing the precedents which it has established not only in this war but in others, will yield to it. That is one of the great vices of this league. We are creating a supergovernment, as it were; creating a constitution and a covenant which some one must construe, and no one can construe it except those who are going to exercise the power. That constitutes the very acme of tyranny—to place power in the hands of a few men with no power above them to check their action.

Mr. President, I do not desire to pursue this further——

Mr. BRANDEGEE. Mr. President, before the Senator concludes I should like to ask him a question.

Mr. BORAH. In just a moment. Before I conclude I wish to add a few words regarding another matter. Leaving article 11 for a moment and going back to article 3, that article provides:

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

Then article 4 provides:

The council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

The council or the assembly, one or both, acting under article 11 reach their decision; the President of the United States accepts that decision and conforms his act to it by sending troops to any point which the assembly may think it is proper to send them; and we have no defense and no remedy. I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, the point to which I intended to direct the attention of the Senator may not be so appropriately made now as at the time I sought to interrupt him, but nevertheless I will suggest it.

Article 10 provides that—

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and political independence of all members of the league.

Under article 11—

Any war or threat of war * * * is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise.

I read an address by a distinguished gentleman in New York Saturday night upon the reservation, and in discussing article 10, if I understood him correctly, he maintained that it did not cast the burden upon the members of the league to maintain the territorial integrity or existing political independence of the members, but cast that burden upon the league and that it was to be exercised by the league upon the advice of the council. I wanted to ask the Senator whether he agreed with that view, or whether he does not think that there is a liability upon each member of the league under article 10, as well as upon the league itself?

Mr. BORAH. I think under article 10 that if a condition should arise calling for action under it, and Jugo-Slavia or Poland or some other nation or half a dozen other nations were to drop out, the obligation would still rest upon us as a member of the league to perform our duty under that obligation, regardless of whether or not we had the assistance of those other powers.

Mr. BRANDEGEE. I made the suggestion with this in view, that inasmuch as the Senator takes the position that whatever obligation we assume under this treaty is to be carried out by the President, if it involves the use of military power, it would tend to reinforce the Senator's argument that the President, without the consent of Congress at all, would have a right under the treaty to move military and naval forces to perform our obligations under article 10.

Mr. BORAH. Yes; I think there is much in that suggestion.

Mr. JONES of Washington. Mr. President, I simply rise to offer and have read a reservation which I intend to propose after the other reservations are disposed of. I think it may be contended by some that the matter sought to be covered by the reservation which I intend to propose is covered by reservations already suggested, but apparently there is quite a difference of opinion as to what the effect of these reservations will be and as to what they mean, just as there is a difference of opinion with reference to the meaning of the covenant of the league of nations. There is one thing, however, which I want made clear, and which I think the people of the country would like to have made clear, and that is that we shall not be bound, either morally or legally, to send our troops abroad unless Congress orders or authorizes such action. I do not want our member of the council to be left free to give his consent in the council, thereby making it unanimous, to any proposal that would involve the sending of our troops abroad without the consent of Congress. So when the other reservations are disposed of I am going to offer this reservation which I think will make that matter clear. I ask that the proposed reservation be read, and that it may be printed and lie on the table.

The proposed reservation of Mr. JONES of Washington was read, and ordered to be printed and lie on the table, as follows:

The representative of the United States on the council of the league of nations shall not give his consent to any proposal under any provisions of the covenant of the league of nations which may involve the use of the military or naval forces of the United States until such proposal shall be submitted to the Congress and the Congress shall authorize him to give his consent thereto.

STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I ask the indulgence of the Senate while I direct its attention for a very few moments to another subject, and one which seems to me to be of great immediate importance.

In the statement issued by the American Federation of Labor, and published in all of the morning papers throughout the country, I find this language:

Both the restraining order and the injunction, in so far as its prohibitory features are concerned, are predicated upon the Lever Act, a law enacted by Congress for the purpose of preventing speculation and profiteering of the food and fuel supplies of the country. There never was in the minds of the Congress in enacting that law, or in the mind of the President when he signed it, that the Lever Act would be applied to workers in cases of strikes or lockouts. The food controller, Mr. Hoover, specifically so stated.

Members of the committee having the bill in charge have in writing declared that it was not in the minds of the committee, and the then Attorney General, Mr. Gregory, gave assurance that the Government would not apply that law to the workers' efforts to obtain improved working conditions. Every assurance from the highest authority of our Government was given that the law would not be so applied.

A similar statement appears in the report of the American Federation of Labor executive council bearing date of November 12, 1917. On pages 74 and 75 I find this statement referring to the Lever bill:

The Federation gave its full support to the principles involved in this legislation, but suggested that the provision which said: "That any person who conspires, combines, agrees, or arranges with any other person to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; to restrict the supply of any necessaries; to restrict the distribution of any necessaries; to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof, shall upon conviction thereof be fined not exceeding $10,000, or be imprisoned for not more than two years, or both," be added to by the incorporation of an amendment declaring that the intent of this section was not to repeal any of the labor provisions of the Clayton law. It was feared that the language in this section might be construed to make it unlawful for workmen engaged in food transportation and production to strike.

An amendment was introduced for the purpose of safeguarding labor's interests in accordance with the above suggestion, and while Mr. Hoover stated that the section was not intended to prevent workmen from ceasing work, yet acquiesced in the amendment proposed and rendered valuable assistance in an effort to secure its adoption. Upon our failure to secure the adoption of this amendment, the matter was taken up through the advisory commission of the Council of National Defense. The Attorney General concurred in the view that the section was not intended to restrict the right of workmen to strike. As a further precaution, an arrengement was made whereby the Attorney General was to communicate with all of the attorneys representing the Government, informing them of his opinion and directing that no action be instituted against workmen engaged in the industries referred to for ceasing to perform labor.

During the period that the food-control bill was being considered by the administration, the United States Supreme Court rendered its decision in the case of the Paine Lumber Co. v. United Brotherhood of Carpenters and Joiners, in which the court decided that the conspiracy clauses of the Sherman law could not be made operative by a private party suing for an injunction against another private party or by one corporation against another corporation. The remedy for such a person or corporation is to apply to the Attorney General of the United States and have him institute a suit for injunction or restraining order.

That part of the announcement which I have just read from the statement appearing in the morning press is a very important one, indeed, and I am informed by what I consider to be credible authority that the facts are not precisely as stated in that document. Of course, what we desire and what we must have in any consideration of the present critical situation throughout the country is accurate information as to details, and particularly with regard to the action of the Government which culminated in the injunction which is now the cause of so much excitement.

Turning back to the time when the Lever bill was considered by the Senate, I am unable upon a very superficial examination of the debates to speak with absolute certainty as to the attitude of the members of the conference committee and of the Senate upon the subject. The Senator from New Hampshire, Mr. Hollis, who then occupied a seat upon the floor of this body, seems to have been in charge of the amendment to which the American Federation of Labor refers in its report of that year, and took an active part in the discussion of the subject upon the 6th, 7th, and 8th days of August.

On page 5828 of volume 55, part 6, of the CONGRESSIONAL RECORD of the Sixty-fifth Congress, Senator Hollis is reported as having said:

It would not be strange if the next movement were found in the United States, and I wish to warn those Members of the Senate who take this matter lightly that if it is found in the United States it will be on their heads, and that this bill will be the strike bowider that the Senate is tossing into the bowels of organized labor in this country. I fancy there are very few Senators who appreciate what is contained in this bill on this point.

The Senator from Idaho [Mr. BORAH] then interrupted the Speaker by asking this question:

May I ask the Senator if there has been any statement made by anyone as to why this was taken out of the bill?

That is, the proposed amendment.

Mr. HOLLIS. I do not know whether the statement made to me was confidential or not. I think I can fairly treat it as not confidential. I was told that only two Members of the Senate conferees voted to sustain this amendment. I then said, "Do they believe that it does not prevent peaceful strikes?" The reply was, "Oh, yes; they believe that it prevents peaceful strikes, but they think that peaceful strikes should be prevented during the war." That was the report as it came to me.

At a subsequent stage of the proceedings under the conference report, the Senator from Oregon [Mr. CHAMBERLAIN] took a very prominent part; and on the same day, reading from page 5837, the Senator from Oregon used this language:

Mr. President, I want to say to the Senator from New Hampshire—for whom I entertain the very highest regard, both as to his ability and as to his sincerity—that I do not believe it will do any good to refer this bill back to the conferees. I am frank to say that I never heard anyone say that this amendment was stricken from the bill in conference in order that strikes might be prohibited, if need be, during the time of this war.

In the discussion which followed the Senator from New Hampshire said:

If the Senator will permit me very briefly, the argument of the able Senator from Oregon does not meet the case at all. The provision of the food bill to which I have adverted makes it a distinct criminal offense for two of the officials of a labor union to arrange with each other to call a strike. If the officials of a labor union can not call a strike, a strike can not be effectively put into force. The provisions of the Clayton Act allow the ordinary procedures of labor unions to be carried out without the participants being held to violate the law. Therefore, if the amendment stays out of this bill, strikes will be effectively prohibited in the classes of industries that come under the purview of the bill.

The conference report was adopted on the 8th day of August, with only 7 votes in the negative. These were Senators FRANCE, GRONNA, HARDWICK, HOLLIS, LA FOLLETTE, PENROSE, and REED.

The total yeas were 66.

It would therefore appear, Mr. President, from a superficial examination of the debate which occurred when the conference report was considered, that the Senator having charge of the proposed amendment was of the opinion that it was necessary, otherwise injunctions might be issued prohibiting what were called peaceful strikes during time of war; and there is therefore at least an open question regarding the extent to which the Senate is said to have committed itself to the opposite view of the bill at the time its consequences were being considered. But if it be true that the Attorney General of the United States gave the assurance which this statement gives broadcast to the country, we should know it officially; and if there is any mistake about it, then it is all the more important that we should know it.

Therefore, since my attention was called to this subject I have very hastily drawn this resolution:

Whereas the American Federation of Labor, in a statement this day published throughout the country, and directed to the recent judicial order of the United States district court for the district of Indiana against the officers of the United Mine Workers of America, makes this statement—

And then I quote the statement which I have previously read—

Be it resolved, That the Attorney General of the United States be requested to supply the Senate with copies of all statements and correspondence in the files of the Department of Justice relating to the above declaration of the American Federation of Labor, whether addressed to the officials of said organization or otherwise.

Mr. President, I do not wish to interrupt the proceedings upon the consideration of the treaty, but I regard this subject as of pressing and prime importance, and I shall therefore ask unanimous consent, as in legislative session, for the immediate consideration of this resolution.

Mr. KING. Mr. President, reserving the right to object, will the Senator permit me a question?

Mr. THOMAS. Certainly.

Mr. KING. Supposing that the former Attorney General makes a statement, of the character attributed to him, to some person, or to some representative of the unions, after the law was passed, does the Senator contend that that would be binding upon the President or should influence him?

Mr. THOMAS. I do not. Neither do I contend, if it was made officially, that it would be binding; it would be his opinion. But I think it important that we should have whatever information we can get from the Department of Justice upon that particular subject.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. Mr. President, will the Senator state why he thinks it is important? Regardless of a former expression by the Department of Justice, the present Department of Justice is properly enforcing the law.

Mr. THOMAS. I make no question about that, Mr. President; but I do think that we should have the facts with regard to the recitals of the statement from which I have read, because if there is no foundation, or only a partial foundation, for them, the moral effect of that statement will be to that extent weakened. If it is a fact, then, Mr. President, while it would not in any manner absolve the Attorney General from the enforcement of the law, and would not in any manner be binding upon the present incumbent of that office, we might be able to ascertain the basis of it, and for our own information I think it is desirable.

Mr. SMITH of Georgia. Mr. President, let me ask the Senator if he does not think really that that is a matter which the Department of Justice itself should take care of rather than to be handled by us? I do not suppose the Senator contemplates any immediate additional legislation.

Mr. THOMAS. Mr. President, I do not know what the situation may evolve with regard to immediate legislation. That depends entirely upon the events of the next few days. I have introduced this resolution as a precautionary measure, in order that we may have some information that may or may not be

useful in the event an emergency presents itself which would require congressional action. Of course, if there is objection to the resolution I shall not attempt to press it at this time.

Mr. SMITH of Georgia. I think it would be better to have it go over until to-morrow.

The VICE PRESIDENT. There is objection to the present consideration of the resolution.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado [Mr. THOMAS] to the reservation presented by the Senator from Massachusetts [Mr. LODGE] on behalf of the committee.

Mr. McCUMBER. Mr. President, the Senator from Colorado has offered, as a substitute for the third reservation submitted by the committee, a reservation which was introduced by me at the very beginning of the consideration of this treaty. The reservation which is now offered as a substitute is a reservation which had the indorsement of a number of Senators on this side of the Chamber. It represented our views at that time. Probably it represents our views at the present time better than the reservation which was adopted by the committee. But we received no encouragement from the other side of the Chamber upon the reservation which was then introduced, and being a minority upon this side of the Chamber with respect to the views expressed in that reservation, a number of those who agreed with me upon the one which has been offered as a substitute were very desirous that we should come to some kind of an arrangement, fearing that unless there should be an agreement there would be adopted a reservation which would be far more radical than the one we now have before us.

We attempted during a period, I think, of about two months, to secure a reservation that would be more in harmony with my views and with the views of one or two other Senators. We were unable to do that, and thereupon we did agree upon the amendment which has been introduced by the committee, or at least I will say for myself that I agreed to that amendment, and having agreed to it, I could not properly revert to the amendment which I offered at that time, and I feel myself in honor bound to support the committee reservation.

Mr. WALSH of Massachusetts. Mr. President, I listened with keen interest to the very able argument of the Senator from Montana [Mr. WALSH] in answer to a portion of an address which I made upon the covenant of the league of nations over a month ago. I have very high regard and great respect for the ability and honorable and high motives of the Senator from Montana. I do not think there is any Senator on this floor that I esteem more highly. He would be the last of all Senators in this body to whom I would indirectly impute a motive other than the highest.

If I correctly gathered the words of his address, he said, in substance, "If the Senator from Massachusetts had approached the subject with unprejudiced mind and with a sympathetic predilection he might have reached different conclusions." I think that statement justifies me, at least, in explaining just what processes of mental reasoning I went through before I took the position I have toward this covenant.

Let me say, first of all, that I took very great care in the speech which I made here to not even refer to the statement in the argument made by the able Senator from Montana which differed very, very strongly with the views that I entertained, namely, that under article 11 of this covenant it is possible for hearings to be given to subject races.

I took occasion also not to refer to or to answer the very able and interesting argument, one to which much weight might be given, made by the Senator from Delaware [Mr. WOLCOTT] in regard to rights of subject nations under article 10. I was not concerned so much about what interpretation other Senators put upon these articles as I was to be able to make plain to the people of America any statement which I might make as to the rights of subject peoples under these articles.

It was not easy for me to disagree with my associates. I approached this question of a league of nations with great sympathy, with exceedingly great sympathy. I am a believer in a league of nations. I expect to vote for a covenant for a league of nations, and I have never taken a contrary position from the beginning of this discussion to the end. I had every reason to look on it with sympathetic attitude. I entertained the very highest regard and esteem for the man who represented our Republic at the peace conference. I have supported him in every political campaign. I have been in hearty sympathy with his views and opinions. I have paid tribute to him again and again, and I now declare that I think he is the greatest political leader, with the most progressive and forward-looking thought and political program upon public questions of our time. I well knew what would happen by taking an attitude contrary to the opinion of the administration. I was led to assume that I would receive in due time my punishment, and I now know that it is purposed by some to take from me all political patronage that a Democratic Senator might have in the Commonwealth of Massachusetts. I am prepared for that sacrifice. I am prepared for misjudgment of motives. But I know now more than ever that I was right, especially since I have not heard one Senator on this floor justify the Shantung provision of this covenant; when I have not heard one Senator on this side of the Chamber, if I recall it correctly, make a speech in justification of the inequalities of this treaty which give in the league six representatives to Great Britain and one to the United States.

There are three ways in which a Senator might approach this subject: With a sympathetic attitude, yes, and with a determination, whether right or wrong, to support this covenant of the league of nations.

Another attitude is to approach it with a determination to find fault with it, to criticize it, to belittle the spokesmen, the leaders, and the advocates of it because of what political advantage it might give.

There is a third way, that of trying to find what is good in it, of believing in the fundamental principle of a league of nations, of supporting and sustaining that principle, of being willing to vote for it, of believing that it is the greatest blessing that could come to the human race, of acknowledging that in this covenant are many provisions of value and of benefit to the human race, and yet being able to find some things in this covenant that may work out an injustice. I ask, Is it wrong to raise your voice in this Chamber, on either side, in differences with your associates or your political leaders, in protesting against an international wrong and the inequalities and un-American ideals it contains? Is it wrong to try to Americanize this covenant?

If I believed, as I do believe, that the subject races of Europe are debarred from a hearing under article 11 of this covenant, because it is a domestic question, I ask you what your opinion would be of me, honestly believing that, if I sat here, an offspring from people of a subject race, and did not cry out in protest against the declaration made all over this country that under article 11 there was provision made for hearings of the differences between subject races and their oppressors?

I have tried to approach this subject in a sympathetic attitude. I have protested against three features of this covenant. I have protested against Shantung; I have protested against article 10 and have said that it required a clear interpretation to properly safeguard American rights; and I have protested against the inequalities which exist in giving six representatives to Great Britain to one of our own.

I can not conceive how any American can justify that inequality. I can not conceive how any American can agree without protest to a covenant and agreement which provides that in any dispute between England and the United States, England must withdraw from the council, the United States must withdraw from the council; but on the jury in the assembly to hear and settle that dispute Canada, Australia, New Zealand, South Africa, and India still remain.

I shall say no more. I would not have said what I have except that I felt, although I think the Senator from Montana may not have intended to be interpreted the way that I have interpreted his words, that in justification to myself I should say that I intend to continue to protest against those features of the covenant of the league of nations which I, as an American citizen, believe may work injury and injustice to America.

Mr. WILLIAMS. Mr. President, I hope I do not misquote the Senator from Massachusetts [Mr. WALSH]. If I took down his language correctly it was literally this: "I stand here as the offspring of a subject race."

The Senator ought to stand here as a Senator of the United States. He ought to stand everywhere in the United States as an American citizen, in that single capacity and in no dual capacity. He ought to stand here as an American Senator regardless of all questions of love or hatred existent now or hitherto in Europe. But he announces himself that he stands here in his capacity as an ambassador from a sovereign American State, not as a representative of American interests, not as a representative of America, but as "the offspring of a subject race." If every Jew in America stood in America simply as a Jew, and God knows the Jewish race has been oppressed enough; if every Jugo-Slav stood here in his European capacity, if every Hungarian stood here in that capacity, and

if every German and every Austrian stood here in that capacity instead of standing simply and purely and solely as Americans, we would have of what are known as hyphenates some 10,000,000 or 20,000,000 of Irish-Americans, another 20,000,000 German-Americans, another 20,000,000 of Slovak-Americans, and some 30,000,000 of some other sort of Americans, reducing the real plain "Americans only" not only to a minority, but to a minor quantity.

We would not be a Nation homogeneous and of one history, aim, and policy as fellow nationals, but as a potpourri of indigestible ingredients.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. WILLIAMS. I yield.

Mr. WALSH of Massachusetts. I used the expression in connection with a statement that had been made that subject races had a right to a hearing under the provisions of article 11.

Mr. WILLIAMS. Ah, I care not in what connection the Senator used the words. The devil discloses his cloven foot, whatever his pretense of quoting Scripture may be. But the Senator's language was, "I stand here as the offspring of subject races."

If every man derived from Wales, every man derived from Scotland, every man derived from England, every man derived from Ireland, every man derived from Germany, every man derived from Hungary, from Slovakia, or Russia, stood here representing his European derivation instead of his American adoption, we would have, as I said a moment ago, a potpourri, not a population of homogeneous people seeking a common purpose, with common ideals or common traditions, but a miserable melting pot of elements still unmelted and unmeltable, of whom the Senator from Massachusetts would be one by his own confession, or, what is still worse, by his own proud assertion.

What would you think of me if I stood here contending, because two strains in my blood were Welsh, that I stood in America for Welsh interests in Europe, or because one strain was English that I stood in America for English interests here and in Europe, or because one strain was lowland Scotch that I stood for lowland Scotch interests in Europe and America, or because one strain was highland Scotch I stood for highland Scotch interests as much as or more than American. They are European interests—all these—let them stew in their own European juices.

Ah, what does it all mean? There is not a word in this covenant that binds any American citizen at any time—and the Senator from Massachusetts knows it provided he has average intelligence—to take part at any time with Great Britain against Ireland in any domestic controversy that may be cultivated between them across the water.

What he as a Senator of the United States is seeking—or perhaps I am going too far in that, but what the Sinn Fein Irish are seeking is that we shall under no circumstances be too friendly to Great Britain, because if we are friendly to Great Britain it may avoid a possibly expected war between her and us at some time by which the Irish would profit.

All the Germans who tried to use America in order to help the fatherland were despicable because they came to us as a place of rest and profit making, and then proved traitors to the roof that sheltered them, but they had at least the excuse of loving the fatherland. Love even of the wrong thing excuses much. The men now that want to terminate the league of nations and defeat it, whether by bludgeoning it on the head or by poisoning it with reservations, and it makes no difference which, not for the reason that they love some country beyond the Atlantic, but for the reason that they hate some country beyond the Atlantic—England, for example—are much less meritorious. Hatred is never a noble motive.

"The offspring of subject races." Who in the mischief could not stand in the American Senate, if he chose to cast aside his American adoption and his American citizenship, as "the offspring of a subject race"? A Hungarian could do it, a Jugo-Slav could do it, a Pole could do it; even a Welshman 300 years arrived, or 250 years rather, as I am, could do it; the Puritans that landed at Plymouth Rock, English though they were, but thrown out by persecution, could do it. All left something hateful, if not oppressive, in Europe. But they should not use their American citizenship to serve their European hatreds.

I say to you, Mr. President, that the man who pretends to be an American citizen, even a private citizen, much less an American Senator, the man who claims the rights of American citizenship and the benefits of it, must throw behind him "without mental reservation," without Jesuitical pretense of any description, all of his European derivation, whatever it was, Hungarian, Russian, Jew, Irish, I care not what; and if he is not ready to throw it behind him he is unworthy to be an American citizen and he is trebly unworthy to be an American Senator.

How can America work out its destiny if, every time an American question, in its connection with foreign relations, is raised, each man cries to himself, am I a Hun, am I Austrian, am I German, am I Jugo-Slav, am I Pole, am I Irish? The plain answer is that you are, if loyal, none of these—but simply American.

I read a speech here not long ago that was published in one of the newspapers purporting to be a speech of—I do not even remember who it was from, but from some fellow who said, "I am 100 per cent Irish and 100 per cent American." That is a self-evident lie. A man can not be 100 per cent Irishman and 100 per cent American. He can not be 100 per cent German and 100 per cent American. He can not even be 50 per cent of each. If he is 50 per cent of each, they cancel one another off and he is nothing, absolutely nothing.

I had of ancestors one who wore the British uniform in the fight against the French and Canadians. The same ancestor subsequently wore the uniform of a colonel of the colonial army under the Continental Congress against the British. I had an ancestor who fought against this American Union under the stars and bars. But, Mr. President, if I had been tied either to the first flag that the first ancestor fought for or to the last flag that the last ancestor fought for as a thing of present allegiance I would never have taken the oath at the chancel of the Senate.

You have got to be Irish or you have got to be American. You can not be 100 per cent of both and you can not be 50 per cent of both. You have got to be German or you have got to be American. You have got to be Swede or you have got to be American. You have to be Norwegian or else, like the old Viking over there from Minnesota [Mr. NELSON], you have got to be completely an American. Every man who can take an oath of allegiance to the United States "without mental reservation" must mean what he says. It must be without mental reservation, and he must leave behind him his European derivation.

Mr. President, every now and then I hear some talk about the American language, the American people, and all that. Of course, as a matter of fact, going away back, the only real American is the red American Indian, but that does not mean that there are no Americans in the modern acceptation of the term. Racially the American is the red American Indian, and all of us are Europeans racially speaking. Whether we be Hungarians, Slavs, low Germans, high Germans, or Anglo-Saxons racially, we are racially Europeans as opposed to Africans and as opposed to red American Indians or Asiatics. But the term has secured another meaning. It means now to-day a man who is entirely and altogether and unreservedly dedicated and consecrated in his allegiance to the American Government and its destiny, its traditions, and its ideals.

Any man who tries to mix up his duty to the American people with any fancied duty to any European derivations, I care not what, is just to that degree false to American citizenship, false to American duty, and false to American obligations.

Mr. President, I wish I had by me something that I should like to read from Theodore Roosevelt. I have it in my office, but I have it not here. It was said while he was making a speech to Irish-Americans, and he was drawing the line of duty. No man was ever a better friend of the Irish-American, so called, than Theodore Roosevelt. I myself was never a better friend, and I have spoken for them and raised money for them and given my poor, weak voice in behalf of home rule in Ireland. The Senator from Massachusetts may not know it, and a great many of his hyphenates may not know it, but they have lost more friends for Ireland during this war than they have ever gained in any 20 years prior to it; and they have added to that loss by the conduct of many of them in attempts to act as a racial group concerning this league of nations.

There was man after man without a drop of Irish blood in his veins whose whole sympathy and soul went out for Irish home rule as mine did. I have sat upon the same platform with Cardinal Gibbons and with old Fred Talbott, of Maryland, while we were all trying to help the cause of Irish home rule. But, Mr. President, when I remember the American sailors who were rabbled in Cork; when I remember the information given to German submarines in order that they might sink English and neutral ships, perhaps with American women and children and property on board of them, and all given by the Sinn Fein; when I remember the agreement with Germany to land troops and rifles upon the coast of Ireland in order to fight against one of our allies, and thereby fight against us, I confess that the old, generous spirit of love for the genial, sociable, friendly Irishman fades to a certain extent, while I

condemn the treachery and ill-concealed enmity of the Sinn Feiners.

I have been accused of having made a speech here on the floor not long ago in which it was said that "I attacked the whole Irish race." I did no such thing. I attacked that portion of the Irish who in Ireland were pro-German during the war and who were here in America allied, as the evidence in the Department of Justice shows in many cases, with German conspirators. I did not attack the Irish as a race. I attacked those of them who had asked for American citizenship and had not lived up to it; who behind American citizenship, who behind their native-born rights as such or behind their oath of allegiance as naturalized citizens, saw something else in Europe which in their opinion was of at least equal importance, and, judging by the conduct of some of them, of greater importance.

The Senator from Massachusetts [Mr. WALSH] tells us that he has always been fond of the President. Yes; he was; there is no doubt about that. When he was running for the Senatorship from Massachusetts he was awfully fond of the President. The Springfield Republican, a Massachusetts Republican newspaper, quoted a great many of his utterances upon that subject, all abounding in promises to support the policies of the President——

Mr. OWEN. Mr. President——

Mr. WILLIAMS. He was coming down to Washington——

The PRESIDENT pro tempore. The Senator from Mississippi will suspend.

Mr. OWEN. I call the attention of the Senator from Mississippi to the fact that he is imputing an improper motive to the Senator from Massachusetts.

Mr. WILLIAMS. I am not. I am imputing a very proper motive to him. The Senator from Massachusetts said he was always fond of the President, and I am just trying to prove it by his utterances.

The PRESIDENT pro tempore. Just a second. Will the Senator from Mississippi suspend? The Senator from Mississippi has more than once approached more closely to the line of violation of the rule than he probably was conscious of during his speech.

Mr. WILLIAMS. Oh, well, Mr. President, if I have transgressed the rule, then it is a part of the duty of the Chair to correct me and to call me to order; but the Chair has no right to indulge in a general academic reflection as to how closely I approximated the line. I know just how closely I am approximating, and that I am not transcending.

Mr. President, I have not imputed any motive to the Senator from Massachusetts except a motive that he himself boasted of. The Senator said that he was very fond of the President; that he had been devoted to him all the time; and I went on to prove it by his utterances while he was a candidate in Massachusetts for the United States Senate, during which candidacy he professed entire allegiance to the President and to the administration. I can not conceive how anyone could think that that imputed any improper motive unless the President was an improper subject of allegiance, which, in my opinion, is not quite true.

Mr. President, I want to say one word more. I have in my heart no racial hatred of any description. Just as soon as Germany stabilizes a democratic government of some sort of her own self-determination I doubt not that I shall be the first man in this body to rise and move that the American representatives in the league of nations shall advocate the admission of Germany as a member of the league of nations. If a revolt or revolution broke out in Ireland to-morrow against Great Britain, I would not raise one finger, even this little finger, of my hand to help Great Britain put the Irish down; and if the Irish could gain their independence and their freedom as my forefathers gained theirs, I would be the first man to give them a word of encouragement upon the line of their future progress and advancement.

But what I demand is this, and this only, that there shall be no class in America which shall regard the question of our foreign relations as a European racially derived question. I object to any race in America voting as a group instead of voting as Americans. I object to the Afro-Americans voting as a group simply because they are African derived; I object to German-Americans voting as a group simply because they are German derived; I object to Irish-Americans voting as a group simply because they are Irish derived; and, by the way, in my opinion, two-thirds of the men in America of ultimate Irish ancestry agree with me exactly about that, and the Sinn-Fein Irish before they are through with it will hear from the so-called Irish-Americans themselves. I mean by that real Americans who are of Irish derivation but who are Americans 100 per cent with a zero percentage anywhere else. I know a lot of them; a lot of them are down in Mississippi, in my native town; a lot of them are in Vicksburg; a lot of them in Natchez, a lot all around me and no better men God ever made, no braver and no truer; but they are Americans and they do not approve of any so-called American looking at a foreign relations question from a European standpoint no matter what the European standpoint is.

Offspring of subject races! Why, who in the mischief is there in America who is not the offspring of a subject race? If there be Indian blood in your veins, you are the offspring of a subject race; if there be Highland Scotch blood in your veins, as there is in mine, you are the offspring of a race subject at one time; if you have Hungarian blood in your veins, if there be any sort of blood in your veins at all, except Norwegian and Swedish, so far as I can now remember, you are the offspring of some race which at some time in Europe was a subject race. Even if you are an Italian by derivation, part of the Italians in Italia Irredenta were subject races of Austria; if you are a Rumanian, by European derivation, you are perhaps the offspring of some Rumanians in Transylvania or in Bessarabia subject to Austrian or to Russian tyranny; but after you land upon these shores—you, or your father, or your grandfather, or your great-grandfather—then you ought to become an American, and you ought to forget Europe.

I said "forget Europe," Mr. President. I did not mean that; you should remember to do your part as God insisted that Cain should do his part in the Garden of Eden, and that you are to a certain extent your brother's keeper, but you should forget to use your citizenship to serve particular European interests and you must remember that while you are attending to the work as your brother's keeper abroad or here, you are attending to it solely as an American citizen and, if you are part of the Government, as an American President or Senator or Representative in Congress.

I have heard a great deal, Mr. President, about who gained this late war. The Belgians say they gained it, because they kept the German horde back two or three weeks; and there is reason in what they say; the Frenchman says he gained it, because he furnished the real resistance until the British could get over, and there is reason in what he says; the British say that they gained it, because of their fleet and because of the fact that when they did get over they got over with good guns and with good courage, and there is much in what they say; we contend that we gained it, because we got over just at the notch of time to put the last spur to the horse as all of us were winning the race, and there is more than ordinary reason in our claim. But the truth is, Mr. President, that we all gained it, and no country by itself did it; and the less we all boast about it chauvinistically the better. It was a gain of civilization and freedom against barbarism and autocracy; and all the peoples of all the world, united against that sort of infamous thing, gained this great victory.

Who were they who at the time were disloyal? Who were they who at the time, inhabiting parts of the countries of the allied forces, did not render their aid, but, upon the contrary, tried to use a snaffle bit upon the advancing progress of civilization and liberty? Whoever they may be, they are the only people who deserve no credit. All the balance deserve full credit—our boys in the Army, whether in the Engineers, or in the Infantry, or in the Cavalry, or in the Artillery, some of them here at home working very hard—all helped.

Why should we, when we come to consider a great question like the league of nations, concerning us as an international question, divide ourselves not according to our judgment of what ought to be, but according to what our European racial derivations seem to demand in affection, or, worse, hatred? What right have any of us to deal with our European racial derivations? Can you be an American and still retain that mental reservation? You may think you can, but you can not. A man can not serve God and mammon 100 per cent each at the same time. You may have a different opinion from mine about which is God and which is mammon, but there can not be any difference of opinion about serving each 100 per cent.

Mr. President, if I had a plea to make—not to the American Senate, because that would be utterly useless—every man here knows already just how he is going to vote upon every proposition, and he knows in the inside of his heart just why—the motive may be worthy or unworthy, but he knows—if I had a plea to make to the American people it would be this, "Let us be one people. Let us be Americans, nonhyphenated. Let us forget whence we came. Let us remember only where we are. Let us keep in front of us the ideal of this great American people, and let us not destroy that ideal by making 14 or 15 European racially-derived ideals out of that one; and let us also remember that we are in the advance guard of the files of time, and

that, being there, we are trying to do the utmost we can for a just and enduring peace—for our own interests, yes; for the interests of the world, yes; for both interests taken together, yes—to do something that will be worthy of having been done while we were living here our short span of 60 or 70 years, a work worthy of the peace of the world and of the Prince of Peace, who, as the only begotten Son of God, has bidden us to ask for peace."

Oh, it is easy to find fault with every covenant and agreement for peace or for anything else. I picked up an article the other day that said that Thomas Jefferson opposed the Constitution of the United States. He did not do any such thing. Upon the contrary, he suggested that it be adopted and that afterwards it be amended, and he suggested the amendments, and nearly all of them were adopted. So my voice has been, from the beginning of this contention right down to now, that we should pass this covenant with the fewest amendments or reservations possible, and then afterwards propose, by resolution of Congress or otherwise, to the peace league the amendments that we think would make it better and stronger and more efficient and less sacrificial of American interests, if there be any undue sacrifice of American interests in the league at all. Some sacrifice of interest for so great a purpose all countries must. Here sacrifice is God's service.

God knows my heart is the heart in any accidental assemblage of any 20 or 30 or 100 men most devoid of hatred for anybody or any race or anything else. I have never had a word of excoriation to give anybody in connection with this great peace purpose, except somebody that seemed to me to be acting not as an American but as something else, somehow to serve some ulterior European purpose.

Mr. WALSH of Massachusetts. Mr. President, it is unnecessary for me to say how painful this incident is. It has been coming to me, however, for a long time, and it might just as well have happened to-day as at any time.

Since my speech a month ago, it has been very apparent that the first opportunity would be sought to impute improper motives to me, to lessen my influence in this body, and in other ways to let it be known that I was committing a very grievous offense by differing from my party associates.

Words were not necessary to convince me how my utterances were received by the Senator from Mississippi. The attitude of some Members on this floor—very, very, very few—has demonstrated that I would, sooner or later, receive their denunciation; and so the Senator from Mississippi [Mr. WILLIAMS] sat at a desk in front of me to-day, listening for words to drop from my lips that might give him a chance to distort my utterances and say what was in his heart toward me.

"I stand here as a descendant of subject races." If it pleases you better, sir, I will speak more plainly. I stand here as the son of a humble Irish immigrant mother and father. Is that un-American? Have we not heard from the lips of the Senator repeatedly of the Welsh ancestry that he came from, and have we not heard him boast of that ancestry? Dare not an American come to the United States Senate and raise his voice in protest against America changing its policy toward subject races?

I speak for no European races. The Irish and English question has no business in this chamber, but the relation of the American Government to that question has some business in this Chamber; and when these people have believed—mistakenly, if you please—and have thought, honestly and sincerely, that this covenant of a league of nations meant the United States joining with their oppressor, in God's name what is there in American institutions that prevents them from having the right of petition, the right of protest? Has the right of petition and of protest gone from America? Yes, according to some, it has. "If you are of Irish ancestry, accept this covenant or you are pro-Irish and un-American; if you are of Italian or Lithuanian or Greek ancestry, accept this covenant, for if you protest you are pro-Italian, pro-Lithuanian, or pro-Greek, and un-American," and so on. That is the argument.

This same Senator would stand on this floor and eulogize me in the choice language that he can use, and which he does use so effectively, if I stood here and said, "As a descendant of subject races, I say this league of nations covenant will mean the freedom of every subject race." If I said that and took that position, he and every other man on this side of the Chamber would commend me.

Every other man on this side of the Chamber does commend me for the position I have taken, though they disagree with me and think my conclusions unsound; and they may think I have reasoned improperly; but I know them well enough to know that they respect my views and my opinions, much as they regret the conclusion at which I have arrived.

I repeat, I would be a patriot, I would be an American, acceptable even to the Senator from Mississippi, did I stultify in my breast the feeling and conviction that this covenant of a league of nations is a status quo covenant, is a determination upon the part of the great powers of the world to organize and through force to maintain peace by perpetuating existing boundary lines and existing political integrity. If I believed that, what kind of a man would I be to sit in this Chamber and refuse to speak and cast my vote with my party associates?

Mr. President, it does not become the Senator from Mississippi to speak in the derogatory manner that he has of the race from which I have sprung. Almost all Senators on the other side of the Chamber might have in the heat of debate uttered such words, for, possibly, at some time or other they have faced the political strength of this element in opposition to their party candidates, as the element referred to have cast their votes almost invariably for candidates of the same political belief as the Senator from Mississippi. It does not lie in the mouth of Senators from the South to say an unkind word about the American citizens of Irish blood, for, since the days of the Civil War, of all the elements of our population that have stood side by side with them for the same great political principles one of the chief has been that element of the population which the Senator from Mississippi now denounces. So I say that it does not become him to denounce this particular element. I for one am sick and tired, in and out of this Chamber and in all parts of the country, of hearing men who differ with other men being called pro-German, pro-Irish, un-American, Bolsheviki, and anarchistic.

Has it come to this that we no longer respect the differences of opinion of men on great public questions and on great issues? Has it come to this that a man has to be charged with prejudice and with bias when he takes a position on a public question simply because of race, simply because of creed, simply because of political faith? What progress have we made in 140 years of free institutions if that is to be the story, if that is to be the conclusion at which we have arrived? I have said no word against the Senator from Mississippi. I have been in the Senate for five months. I have never uttered a word on the floor of this Chamber in the slightest degree derogatory of any Senator. If God gives me strength and health, I shall be here for five years and a half more, and I challenge any man, when I leave this Chamber, to say that I have ever uttered an unkind word toward any associate of mine. I do not know but what I am un-American in that respect; but my political experience has taught me to judge my fellow men as being as sincere as myself and fight them not on personal grounds, not on racial grounds, not on religious grounds, but upon great political principles, recognizing their right to differ from me and my right to differ from them and giving them due credit for doing the things which they believe to be in the best interest of our common beloved country.

"I am the offspring of subject races," sir, and I am proud of it. I did not hear the children of subject races, the children of Irish or Italian or Welsh or Scotch or German even, or any other race, called un-American when the plea went forth for all Americans to enlist and join the Army and Navy in fighting the oppressor of humanity and the destroyer of democracy throughout the world. Are the sons of subject races to be of service to America only in time of war? Are they to be denied the right of free speech and of protest in times of peace? Are they un-American because they differ with the Senator from Mississippi?

"A descendant of subject people," sir! You attempt to put in my mouth the words that I am not an American. Can not a man be of Irish birth; can not a man be a descendant of subject races; can not a man be of Hebrew or Protestant or Catholic faith and be proud of it, and yet be an American? Can not a man speak as a Democrat and yet be an American? Can not a man speak as a Republican and yet be an American? And can not an American Senator, who is a descendant of a subject race, call attention to the fact that this compact in its present form may be a dangerous change in the policy of America? Do not misunderstand my position. I protest as an American citizen and as an American Senator against America joining in any compact with European powers which may change the whole policy of the United States of America in its attitude of sympathy and of aid toward subject people. That is my position.

Mr. President, it is unnecessary for me to say more. I make no reference to the birth, I make no boast, as the Senator from Mississippi might well make of his or his family's allegiance or want of allegiance to this Government in the years that have passed. I come to this conclusion: I leave it to my associates on both sides of this Chamber, men who differ from

me and men who agree with me, to judge of my service to this hour and my service in the future years as to whether I am entitled to be known and called an American Senator.

Mr. WILLIAMS. Mr. President, of course a man *may* be "the offspring of subject races" and be the finest American citizen in the world. In the next place, I made no attack upon the Irish as a race. A man who loves Edmund Burke, the prince of orators, and Tom Moore, the sweet singer, as much as I do, a man who loves Oliver Goldsmith as much as I do, could not make an attack upon the Irish people as a people or upon the Irish race as a race. The Senator knows full well that I made no such attack. I made an attack only upon those of them who, in my opinion, were fighting the league of nations because of European interests of one sort or another.

Mr. President, the Senator, I think, tries to switch the question a little. He became very eloquent because of his assertion—and it is barely an assertion, and the assertion can not be borne out by anything except crass ignorance, and I ask the attention of the Senator—that the United States would change its relationship toward Ireland because of the tenth article; and he then changes his premise in order to fortify his conclusion, and forgets all about the tenth article and the wording of it. The tenth article makes us agree to defend the territorial integrity and independence of the other members of the league against "external" attack, and the Senator from Massachusetts knows as well as I do that an Irish revolt, or rebellion, or revolution—whatever it might be called, depending upon its success or defeat—would not be an external attack, but would be an internal upheaval. So, quietly changing his middle premise so as to fortify his conclusion, he insinuates the idea that under article 10 of this treaty the United States would be compelled to maintain the territorial integrity of Great Britain against an Irish revolution or an Irish revolt.

I have too much respect for the intelligence of a Senator who has been for two terms the governor of one of the greatest Commonwealths of this Union to believe that he believes that the tenth article of this treaty says anything of the sort intimated by him or that it could possibly mean anything of that sort. He knows, as well as I do, that this guaranty of territorial integrity and political independence is directed against external aggression and not against internal revolution; and he knows, as well as I do, if he knows anything, that the President of the United States stood in Paris and insisted upon that very limitation. But for that distinction this would have been a successor of the Holy Alliance. But with it, it is not. It becomes the very opposite.

We do not guarantee to any sovereign or any emperor or any king or any government, whether republican or monarchical, that it shall not divide itself when a part of its people wish to part company with the balance of its people, provided they have the power to do it and provided they do do it.

But what I rose chiefly for to-day, Mr. President, was to deny what I have seen in the newspapers everywhere, that I had made an attack upon the entire Irish race. It is untrue. I made an attack upon a part of them, and I designated what part. They might just as well say that I made an attack upon the entire German people because some of the German-Americans in America were disloyal and were trying to blow up American ships with American passengers and goods on board. I would have a right to direct my attention to them. And yet no man feels more kindly than I toward German-Americans of the right stripe or even toward Germans in Germany of the right stripe.

I had too many friends amonst them in my youth. I have too many friends amongst them now that war has separated them from me even in epistolary communication. I have a right, sir, to demand that American foreign relationships shall be settled from the standpoint of solely, purely, and altogether 100 per cent American interests, without any regard whatsoever to European derivation. That is all I insist upon. I say the man who mixes up those things, whether consciously or unconsciously, whether wittingly or unwittingly, proves that he does not understand the conditions and the ideals and the substance and the soul of this American Republic.

The Senator referred to the fact that I had been proud of my European ancestors. Everybody here had European ancestors, and everybody not ashamed of himself is more or less proud of them; at least, he tries to make out that he is, whether he is or not. Only a few of us are derived from American Indians. The American Indian was the real American, you know, at the beginning, and is yet. But when we came here and undertook this Government, this greatest experiment of human liberty upon the surface of the earth, we made an implicit agreement with one another that we would consecrate and dedicate ourselves to that purpose. We left Europe behind us when we did it.

Mr. LODGE. Mr. President, I rise simply to express the hope that we now dispose of the reservation by taking the necessary vote. But as I have taken the floor, Mr. President, I wish to say a single word in regard to the discussion which has been going on.

My colleague needs no defense at my hands. He is entirely able to defend himself, as he has just demonstrated to the Senate. But I should like to make this one remark: He and I have been during many years as far apart politically, I suppose, in our own State as two men could be. But I happen to know something of the consideration which he has been giving to this treaty since he made his speech—not before. I have talked with him about it, and I can say here that I do not think any man ever took a difficult step—and it was difficult for him as a Democrat—and determined on a course of action from more purely conscientious motives than my colleague.

Mr. President, I do not wonder that the Senator from Mississippi recoils at the words "subject races." He is familiar with a subject race; he lives among them. But why my colleague should be upbraided because he has said that he is the offspring of a subject race I can not conceive.

I can say this in addition: No matter what race he springs from—and he springs from one with which the world is familiar, a race of great talent and brilliancy—he is as good an American as I know. I do not think it is necessary to go back and examine every man's genealogy and ancestry to determine whether he is an American. The tests for that are very different and rest on a man's conduct or his loyalty to the United States in peace and war and upon his adherence to American principles.

I merely wished to say these few words because I would not have my silence, when my colleague was assailed in the way he has been, to be by any chance misunderstood.

The PRESIDENT pro tempore. The question is upon the substitute proposed by the Senator from Colorado [Mr. THOMAS].

Mr. HITCHCOCK. I ask to have the substitute read.

The PRESIDENT pro tempore. The Secretary will read the substitute.

The SECRETARY. In lieu of the words proposed by the Committee on Foreign Relations, known as reservation No. 3, insert the following words:

That the suggestions of the council of the league of nations as to the means of carrying the obligations of article 10 into effect are only advisory, and that any undertaking under the provisions of article 10 the execution of which may require the use of American military or naval forces or economic measure can under the Constitution be carried out only by the action of the Congress, and that the failure of the Congress to adopt the suggestions of the council of the league or to provide such military or naval forces or economic measures shall not constitute a violation of the treaty.

Mr. SMITH of Georgia. Mr. President, I desire to say just a word with reference to the proposed substitute. It leaves the direct obligation under article 10 by which the United States undertakes to preserve as against external aggression the territorial integrity and the existing political independence of members of the league. It in no way lessens the binding force of the first half of that article. It leaves our country morally bound to put troops into battle whenever the territorial integrity or the political independence of any member of the league is assailed externally. This provision, if ratified, at once commits the United States to send troops into practically every future war.

I will not vote to ratify such a proposition. I will not vote for a provision that leaves article 10 placing an obligation upon us to enter every war that comes to the world, and the substitute proposed by the Senator from Colorado leaves that obligation. Therefore I shall vote against the proposed substitute.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. If the motion of the Senator from Colorado to substitute the reservation just read for reservation numbered 3 is defeated, will reservation numbered 3 be subject to amendment?

The PRESIDENT pro tempore. The Chair is of the opinion that it would be. The question is on agreeing to the amendment of the Senator from Colorado [Mr. THOMAS].

Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. KELLOGG (when Mr. HALE's name was called). The Senator from Maine [Mr. HALE] is paired for the day with the

junior Senator from Nevada [Mr. HENDERSON]. If present and permitted to vote, the Senator from Maine would vote "nay."

Mr. HENDERSON (when his name was called). I have a pair with the Senator from Maine [Mr. HALE]. If he were here, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. JONES of Washington (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is necessarily absent on account of illness. If he were present, he would vote "nay."

Mr. STANLEY (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

The roll call was concluded.

Mr. UNDERWOOD. I desire to announce the absence of my colleague [Mr. BANKHEAD] on account of illness. He is paired with the senior Senator from Washington [Mr. POINDEXTER]. If present my colleague would vote "yea."

Mr. REED. I wish to announce the absence of the Senator from Tennessee [Mr. SHIELDS], who is confined to his room by illness. If he were present and not paired, he would vote "nay." He is paired on this vote.

Mr. CURTIS. I desire to announce that the Senator from Pennsylvania [Mr. KNOX] is detained on account of illness. Were he present he would vote "nay."

Mr. OWEN (after having voted in the affirmative). I am informed that the Senator from New Jersey [Mr. EDGE], with whom I have a general pair, has not voted. I therefore withdraw my vote.

The result was announced—yeas 36, nays 48, as follows:

YEAS—36.

Ashurst	Johnson, S. Dak.	Phelan	Smith, S. C.
Beckham	Jones, N. Mex.	Pittman	Stanley
Dial	Kendrick	Pomerene	Swanson
Fletcher	King	Ransdell	Thomas
Gay	Kirby	Robinson	Trammell
Gerry	McKellar	Sheppard	Underwood
Harris	Myers	Simmons	Walsh, Mont.
Harrison	Nugent	Smith, Ariz.	Williams
Hitchcock	Overman	Smith, Md.	Wolcott

NAYS—48.

Ball	France	McCormick	Reed
Borah	Gore	McCumber	Sherman
Brandegee	Gronna	McLean	Smith, Ga.
Calder	Harding	McNary	Smoot
Capper	Johnson, Calif.	Moses	Spencer
Colt	Jones, Wash.	Nelson	Sterling
Cummins	Kellogg	New	Sutherland
Curtis	Kenyon	Newberry	Townsend
Dillingham	Keyes	Norris	Wadsworth
Elkins	La Follette	Page	Walsh, Mass.
Fall	Lenroot	Penrose	Warren
Fernald	Lodge	Phipps	Watson

NOT VOTING—12.

Bankhead	Edge	Henderson	Owen
Chamberlain	Frelinghuysen	Knox	Poindexter
Culberson	Hale	Martin	Shields

So Mr. THOMAS's amendment to reservation No. 3 was rejected.

Mr. BORAH. I send to the desk a substitute, which I offer in lieu of reservation numbered 3, as reported by the committee.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from Idaho.

The SECRETARY. In lieu of the reservation reported by the committee known as reservation numbered 3, substitute the following:

3. The United States assumes no obligation, legal or moral, under article 10 and shall not be bound by any of the terms or conditions of said article.

Mr. BORAH. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. UNDERWOOD (when Mr. BANKHEAD's name was called). I renew the announcement which I made on the last vote with reference to my colleague [Mr. BANKHEAD] and his pair, and ask that that announcement stand for the day.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. HENDERSON (when his name was called). I am paired with the junior Senator from Maine [Mr. HALE]. I understand if present he would vote "nay." As I intend also to vote in the negative, I am therefore at liberty to vote. I vote "nay."

Mr. JOHNSON of California (when his name was called.) Making the same announcement as previously in respect to my pair, I vote "yea."

Mr. JONES of Washington (when Mr. POINDEXTER's name was called). I again announce the absence of my colleague [Mr. POINDEXTER] on account of illness. I am not advised as to how he would vote on this amendment if present.

Mr. STANLEY (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. OWEN. On this amendment I am at liberty to vote. I vote "nay."

The result was announced—yeas 18, nays 68, as follows:

YEAS—18.

Borah	France	McCormick	Penrose
Brandegee	Gore	McLean	Reed
Cummins	Gronna	Moses	Sherman
Fall	Johnson, Calif.	New	
Fernald	La Follette	Norris	

NAYS—68.

Ashurst	Hitchcock	Newberry	Smoot
Ball	Johnson, S. Dak.	Nugent	Spencer
Beckham	Jones, N. Mex.	Overman	Stanley
Calder	Jones, Wash.	Owen	Sterling
Capper	Kellogg	Page	Sutherland
Colt	Kendrick	Phelan	Swanson
Curtis	Kenyon	Phipps	Thomas
Dial	Keyes	Pittman	Townsend
Dillingham	King	Pomerene	Trammell
Elkins	Kirby	Ransdell	Underwood
Fletcher	Lenroot	Robinson	Wadsworth
Gay	Lodge	Sheppard	Walsh, Mass.
Gerry	McCumber	Simmons	Walsh, Mont.
Harding	McKellar	Smith, Ariz.	Warren
Harris	McNary	Smith, Ga.	Watson
Harrison	Myers	Smith, Md.	Williams
Henderson	Nelson	Smith, S. C.	Wolcott

NOT VOTING—10.

Bankhead	Edge	Knox	Shields
Chamberlain	Frelinghuysen	Martin	
Culberson	Hale	Poindexter	

So Mr. BORAH's amendment to reservation No. 3, proposed by Mr. LODGE, was rejected.

The PRESIDENT pro tempore. The question is now upon the reservation as proposed by the committee.

Mr. LODGE. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. WALSH of Montana. Mr. President, I move to strike out from the reservation the following words, appearing in lines 11, 12, and 13, on page 2, namely, "or authorize the employment of the military or naval forces of the United States."

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Montana to the reservation.

Mr. WALSH of Montana and Mr. JONES of New Mexico called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Making the same announcement with respect to my pair as heretofore, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. HENDERSON (when his name was called). I am paired with the junior Senator from Maine [Mr. HALE]. If present, he would vote "nay." If I were permitted to vote, I should vote "yea." I withhold my vote.

Mr. OWEN (when his name was called). I have a pair with the junior Senator from New Jersey [Mr. EDGE]. If I were at liberty to vote, I should vote "yea."

Mr. JONES of Washington (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is absent on account of illness. If he were present and were permitted to vote, he would vote "nay."

Mr. STANLEY (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN] to the senior Senator from Texas [Mr. CULBERSON] as before, and vote "yea."

The roll call was concluded.

Mr. REED. I desire to announce that the Senator from Tennessee [Mr. SHIELDS] if present would have voted "nay." He is paired.

The result was announced—yeas 38, nays 45, as follows:

YEAS—38.

Ashurst	Johnson, S. Dak.	Pittman	Swanson
Beckham	Jones, N. Mex.	Pomerene	Thomas
Borah	Kendrick	Ransdell	Townsend
Dial	King	Robinson	Underwood
Fletcher	Kirby	Sheppard	Walsh, Mass.
Gay	McKellar	Simmons	Walsh, Mont.
Gerry	Myers	Smith, Ariz.	Williams
Harris	Nugent	Smith, Md.	Wolcott
Harrison	Overman	Smith, S. C.	
Hitchcock	Phelan	Stanley	

NAYS—45.

Ball	Gore	McLean	Smith, Ga.
Brandegee	Gronna	McNary	Smoot
Calder	Harding	Moses	Spencer
Capper	Jones, Wash.	Nelson	Sterling
Colt	Kellogg	New	Sutherland
Cummins	Kenyon	Newberry	Trammell
Curtis	Keyes	Norris	Wadsworth
Dillingham	La Follette	Page	Warren
Elkins	Lenroot	Penrose	Watson
Fall	Lodge	Phipps	
Fernald	McCormick	Reed	
France	McCumber	Sherman	

NOT VOTING—13.

Bankhead	Frelinghuysen	Knox	Shields
Chamberlain	Hale	Martin	
Culberson	Henderson	Owen	
Edge	Johnson, Calif.	Poindexter	

So the amendment of Mr. WALSH of Montana to reservation No. 3, proposed by Mr. LODGE, was rejected.

The PRESIDENT pro tempore. The question now is upon the reservation proposed by the committee, on which the yeas and nays have been ordered.

Mr. WALSH of Montana. I ask that the amendment which I send to the desk may be read.

The PRESIDENT pro tempore. The amendment offered by the Senator from Montana will be stated.

The SECRETARY. It is proposed to add at the end of reservation No. 3 the following:

And the United States hereby releases all members of the league from any obligation to it under Article 10 and declines to participate in any proceeding by the council authorized thereby.

Mr. WALSH of Montana. I ask for the yeas and nays, Mr. President.

Mr. BORAH. Mr. President, I should like to have the amendment again read.

Mr. LODGE. I also should like to have it again read.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment proposed by Mr. WALSH of Montana to the reservation.

The PRESIDENT pro tempore. The yeas and nays have been called for. Is the call seconded?

Mr. KING. Mr. President, if it is subject to amendment, I move to amend the amendment offered by the Senator from Montana [Mr. WALSH] by striking out of the amendment the words "and declines to participate in any proceeding by the council authorized thereby."

Mr. BORAH. Mr. President, may I say a word?

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. BORAH. With that stricken out, we are in a more inconsistent position than we were before. If we participate in the council and in the assembly, we necessarily take some obligation by reason of our participation.

I think the amendment as offered by the Senator from Montana is an amendment which is complete within itself, and ought to be adopted.

Mr. TOWNSEND. Mr. President, I hope this amendment will not be agreed to. I am one Member of the Senate who believes that we can get something good out of this covenant, confused and complicated as it is, and wickedly as it has been involved with the treaty. Its inception, birth, and growth up to the time it reached the Senate are unworthy of so great a cause as peace. But I think it is our duty now to do the very best we can with it in order that the opportunity to do something to prevent war shall not go entirely unimproved.

I can think of conditions under which article 10 may be of great importance, not only to the world, but to the United States. I have no objection to any other nation taking the step that we propose to take, namely, place it within the power of their legislative body, if they have one, to determine when their military forces shall be employed to carry out any conclusions of the council and assembly. I do not believe that the United States is inconsistent in providing that our Congress shall first pass upon what the council recommends, before any attempt shall be made to send our Army and Navy overseas. I want to preserve that part of article 10 that is good, and allow other nations the same freedom of choice and action that we have.

I am not concerned so much in what they do as I am in what we do. I have consistently voted not to intermeddle with other countries, and I will not change that policy now. It would have been better to vote for the amendment presented by the senior Senator from Idaho, which would have struck the section out, rather than make a farce of it by adopting the amendment of the Senator from Montana. If, however, we are to preserve section 10, we ought to give it some ability for good.

I am simply voicing my own opinion in reference to the matter. I am not considering reservations to this measure in a captious manner. I am seeking to do what seems to be best for our country and for the world. Therefore I can not support an amendment of this kind, which relieves the United States from any responsibility, however harmless it might be or however beneficial it might be for the world and for our country. I trust that the amendment will be defeated.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah [Mr. KING] to the amendment of the Senator from Montana [Mr. WALSH].

Mr. REED. What is that amendment? May it be stated?

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Utah.

The SECRETARY. It is proposed to strike out from the last portion of the amendment offered by the Senator from Montana these words:

And declines to participate in any proceeding by the council authorized thereby.

Mr. FALL. Mr. President, the only merit in the amendment proposed by the Senator from Montana [Mr. WALSH] is to be stricken out if the amendment of the Senator from Utah [Mr. KING] is adopted. I am in thorough and hearty accord with the spirit of the amendment offered by the Senator from Montana, and I will cheerfully vote for it; but because that very spirit is stricken out by the proposed amendment of the Senator from Utah, I shall vote against his amendment.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. FALL. Certainly.

Mr. KING. Does not the Senator conceive that there might be some functions that the United States might perform in the league, though some of the reciprocal obligations would be stricken from the article by the amendment offered by the Senator from Montana?

Mr. FALL. None at all, except of an advisory nature, of a counsel sitting at a table, without a vote, but merely as a counsel; and that is exactly the position we will be in if the amendment of the Senator from Montana is adopted. We should then sit there as a counsel. If the other nations should choose to call upon us for advice in any matters which they may be considering under article 10, we can give the counsel, but we will decline to assume any responsibility whatsoever for any results that may ensue.

Mr. McCORMICK. Mr. President, I ask that the amendment of the Senator from Montana be read, as proposed to be amended by the amendment of the Senator from Utah. It seems to me that the amendment of the Senator from Montana is logic itself, and that those who feel as many of us do on this side of the Chamber should support it, especially if the amendment of the Senator from Utah be defeated.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Montana, and then the amendment as it would read if the amendment proposed by the Senator from Utah were adopted.

The SECRETARY. The Senator from Montana proposes to add, at the end of what is known as reservation No. 3, the following:

And the United States hereby releases all members of the league from any obligation to it under article 10, and declines to participate in any proceeding by the council authorized thereby.

The Senator from Utah proposes to strike out the words:

And declines to participate in any proceeding by the council authorized thereby.

So that, if amended, the amendment will read:

And the United States hereby releases all members of the league from any obligation to it under article 10.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Utah to the amendment of the Senator from Montana.

Mr. BORAH. I call for the yeas and nays.

Mr. LENROOT. Mr. President, I just want to call attention to the fact that this amendment goes very much further than the reservation. The reservation relieves the United States from any obligation to preserve the territorial integrity or political independence of any other nation, but leaves the obligation of the United States to respect the territorial integrity and political independence of every other nation. The amendment of the Senator from Montana would relieve every other member of the league from the obligation to respect the territorial integrity of the United States. It ought to be defeated.

Mr. REED. Mr. President, I think the Senate desires to vote on this proposition to-night, so I shall occupy only a moment.

I think that the language "and declines to participate in any proceeding by the council authorized thereby" is the very life of the amendment offered by the Senator from Montana. I am sure he offers this amendment in good faith, and because he wants to strengthen the reservation. I could not conceive of the Senator from Montana offering anything from any other

motive than that of the most sincere desire to perfect and round out the amendment.

Mr. President, if the United States is not to be bound by the action of the council under article 10, then we ought to decline to participate in the proceedings of the council taken in pursuance of the authority of article 10. If we are to decline responsibility for the decision, we ought to decline participation in the deliberation. It is perfectly consistent for the United States to keep itself in a position to exercise a free hand.

The Senator from Wisconsin [Mr. LENROOT] points out that the reservation as now written still binds the United States to respect the territorial integrity of every other nation. If that phrase were to be given its ordinary meaning, isolated from everything else—that is to say, if we were merely to agree, as a general proposition, that we would respect the territorial integrity of other nations in the ordinary sense—I would not object to it. But as a part of this league covenant I think it means that we bind ourselves under no circumstances, except the particular circumstances specified in the covenant, to invade another country.

I am not unmindful of the fact that it may be necessary before to-morrow morning to invade Mexico and not to respect its territorial integrity. I am not an advocate of war, and I hope that we will not have war with Mexico; but if Mexico continues to kidnap officers of this Government, and if Mexico continues its outrages upon American life and American property I want the United States to be in a position to bring Mexico to book at any time the United States thinks it ought to act. I am not in favor of tying the hands of this Government in the slightest degree or for the smallest appreciable period of time. We ought to be in a position to protect ourselves. That might require an invasion of Mexico at any moment.

If there is anybody here who wants to surrender that right of the United States, they, of course, have the right, or at least they have the authority, if the theory of the proponents of this league is correct, to surrender it. I do not believe it can be surrendered, but the obstacle would be created.

I know it may be said that Mexico is not a member of the league; therefore we are at liberty to act at this present moment. But if the theory of the league is carried out, Mexico can become a member, and in that event we would be deprived of the high right, and the exercise of what might become the very highest duty, of acting instantly and upon our own motion. The murder of American——

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. In one moment. The murder of American women, the murder of American men, the destruction of American property, the violation of all the rules of amity and good will that ought to exist between nations, which has been the constant performance of Mexico now for nearly eight years, make it incumbent on Congress to hesitate before it signs away the right of the United States to protect its nationals, to protect its officers, and to protect the property of the people of the United States.

I yield to the Senator from New Mexico.

Mr. FALL. I wanted to ask the Senator from Missouri if it is not only possible under the terms of the league for Mexico hereafter to become a member of the league, but if it is not incumbent on the other members, under article 17 of the covenant, to invite her to become a member of the league for purposes of any dispute?

Mr. REED. I think that is correct.

Mr. KING. Mr. President, in the hasty reading of the amendment offered by the Senator from Montana [Mr. WALSH] I was not clear but what the purpose was to exclude the United States from participating at all in any activities of the council. Since I have had an opportunity to examine his amendment I find that it is not as broad as I apprehended, and I therefore withdraw the amendment to the amendment which I submitted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah [Mr. KING] to the amendment is withdrawn.

Mr. PITTMAN. Mr. President, my attention was attracted by what the Senator from Michigan [Mr. TOWNSEND] said just now. He said he did not desire to have article 10 destroyed by Senator WALSH's amendment to the committee reservation, because he felt that a great deal of good could be accomplished for the world through article 10. I can agree with the Senator that a great deal of good could be accomplished out of article 10 as article 10 existed. But there will be no article 10 if the reservation submitted by the committee is adopted. The reservation simply states that we reserve the right to do what we can do now without the treaty. It says that in any particular case we may assume obligations by an act of Congress. We can do that now. We did do that in the last war. Under the reservation we assume no obligations under the treaty. We deny all obligations under the treaty. We simply reassert in the reservation a right that we already have. It is pure camouflage. Instead of striking out article 10, which would attract the attention of the country and bring down reproach upon those who do it, they attempt to destroy article 10 under the guise that something of it is left. There is nothing left of it.

It is my intention to support the amendment of the Senator from Montana, because it makes a little plainer to the people of the country that there is no article 10 as far as the United States is concerned. I intend to vote for the amendment of the Senator from Montana, and then, if that should be adopted, I will vote against the reservation in its amended form, because it will still mean nothing to the United States. The Walsh amendment is simply a declaration to those who do not understand that the existing reservation is a fraud. It leaves us in the position that the Senator from Montana has already explained, of proposing that other nations support us in our troubles, while we deny that in any case we will support them in their troubles under any provision of the treaty. I intend to vote for the amendment, and I intend to vote against the committee reservation.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. LODGE. Mr. President, the Senator from Nevada makes a very moving appeal in behalf of the amendment offered by the Senator from Montana. I think the people of the country understand very well what this reservation means, that it disposes of article 10 so far as we are concerned, and effectively disposes of it.

Mr. President, I have proceeded, in all I have tried to do, on the simple theory of clearing the United States, so far as possible, from obligations imposed by the league in which I do not wish to see the United States involved. Every country can take care of itself, and I have never thought it was our duty to look after them.

One of the arguments that has been made here against the equality of the voting frequently is that other countries should demand it. Very well, let them demand it if they desire it; and if other countries like article 10 I have not the slightest objection to their remaining in it. I prefer to pursue the simple course of not meddling with their affairs, but protecting and guarding, so far as I can, the United States. I shall vote against the amendment.

Mr. TOWNSEND. Mr. President, I quite concur in what the Senator from Massachusetts said, but I wish to add just a word in further answer to the Senator from Nevada.

The committee reservation provides that before the United States will interfere with the controversies between foreign nations, and employ its military and naval forces, the Congress shall authorize it. The President told the country that the results under article 10 could be nothing but advice, always subject to the action of Congress. He said there could be no action of the kind mentioned in the committee reservation unless and until Congress authorized it. I have insisted that that verbal understanding between the President and the representatives of the other allied countries should be put in writing; and that is what this reservation does. Notwithstanding all refinements of definitions, the proposition is simply to make clear and unequivocal that which all agree should be the meaning of article 10.

Mr. HITCHCOCK. Mr. President, if the reservation only went as far as the Senator from Michigan states that it goes, in his opinion, it would not be objectionable. The reservation, however, goes very much further. If it merely stated that the armed forces of the United States should not be employed under article 10 without the express authority of the Congress of the United States, there would be no objection to it.

If it also stated, in addition, that the advice to be given by the council of the league should be considered merely as advice, and that the Congress of the United States and the Government of the United States should be at liberty to accept it or reject it as, in the judgment of the Government of the United States, might seem right, there would be no objection to that. But this reservation plainly goes very much further than that.

Mr. TOWNSEND. May I interrupt the Senator?

Mr. HITCHCOCK. Certainly.

Mr. TOWNSEND. Does the Senator understand that article 10 is to be employed by the President in sending into Europe armed forces, our boys, without the consent and advice of the Congress?

Mr. HITCHCOCK. I do not.

Mr. TOWNSEND. Then what is the objection to stating that Congress must act before obligations are incurred?

Mr. HITCHCOCK. I voted to-day for the substitute for this reservation offered by the Senator from Colorado [Mr. THOMAS], which specifically provided that under article 10 the armed forces of the United States, military and naval, should not be employed without the authority of Congress, and I am willing to go further and state, as a part of the reservation, that the advice which the council of the league may give to the nations as to the use of armed forces shall be considered as mere advice, and not as instructions, and that it may be accepted or rejected according to the judgment of the Congress then in being.

But, Mr. President, this reservation goes much further than that. Let me quote to the Senator how much further it goes. Article 10 provides that the members of the league undertake to respect and preserve, as against outside aggression, the territorial integrity and political independence of the members. But the very first words of this reservation are:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country.

That is a direct and offensive repudiation of a statement in the covenant of the league. It is a direct and obnoxious repudiation of the very spirit of the league. It goes very much further than protecting the United States from the possible danger that its armed forces might be called into the field, either by the council or the President, or by both combined.

There is not any objection on this side of the Chamber, so far as I know, and the President has not objected, to a reservation which shall provide that the advice of the league shall be mere advice, and that the Congress of the United States shall be free to accept it or reject it, just as any other member of the league shall be free to accept or reject it.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. SMOOT. Does not the Senator know that the amendment he just voted for is the very amendment that the President of the United States read at the Salt Lake meeting, in which he said that it would take the heart out of the instrument?

Mr. HITCHCOCK. I know the Senator from Utah makes that contention, but I have taken the trouble to compare the text, and I find that the Senator from Utah is wrong; which he very seldom is, I will say.

Mr. SMITH of Georgia. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I will continue to yield to the Senator from Utah.

Mr. SMOOT. I understood from a Senator who had a copy of it that he had compared it word for word, but I suppose there was a mistake made.

Mr. HITCHCOCK. It was a mistake.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HITCHCOCK. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator from North Dakota [Mr. MCCUMBER] offered two sets of reservations, and the last set of reservations which he offered contains the substance of the Salt Lake comment, whereas I offered as a substitute the first reservation upon that subject offered by the Senator from North Dakota.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. HITCHCOCK. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, so far as my humble part in this affair is concerned, I have put my cards on the table. But I want to know what the attitude of the Senator from Nebraska and the other Senators on that side is going to be in case we put this amendment in. Do you propose then to support that reservation?

Mr. HITCHCOCK. Mr. President, I have not stated yet that I was going to support the amendment which is offered by the Senator from Montana [Mr. WALSH].

Mr. BORAH. It is offered from the other side of the Chamber. I am perfectly willing to put it in. I have no desire to indulge in child's play, however. If, after it is put in, do you propose to kill the reservation?

Mr. HITCHCOCK. Will the Senator permit me to ask him a question?

Mr. BORAH. Certainly.

Mr. HITCHCOCK. The Senator is supporting a reservation on the other side to be incorporated in the resolution of ratification. Does the Senator intend to vote for the resolution afterwards?

Mr. BORAH. No. I do not hesitate to state my position, and all I ask is that the Senator shall state his.

Mr. HITCHCOCK. I may not be quite so prompt in stating my position, but the Senator will ascertain it in course of time.

Mr. President, the amendment which the Senator from Montana [Mr. WALSH] offers is intended, I presume, to reveal the vice of the particular reservation now before us. What right has the United States to repudiate an obligation, to make an exception of itself, while yet assuming that other nations which have ratified the treaty, and which will ratify the treaty, shall be bound to a greater extent than the United States will be bound?

Mr. LENROOT. Will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. The United States can not repudiate an obligation that it has not yet entered into; and, in the second place, in making this reservation, it is entirely in the option of the other members of the league whether they care to accept the United States in the league under those conditions. So there is nothing unfair about it in any way.

Mr. HITCHCOCK. The United States may not be repudiating an obligation in a treaty which it has not yet ratified, but the Senator from Wisconsin well knows that if that does become a reservation in the treaty we will repudiate a moral obligation which we have already assumed.

Mr. PENROSE. Who assumed it?

Mr. HITCHCOCK. We assumed it.

Mr. LENROOT and Mr. PENROSE. When and where?

Mr. HITCHCOCK. I will tell the Senators when and where.

The PRESIDENT pro tempore. The Senate will be in order. Does the Senator yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Pennsylvania.

Mr. PENROSE. I was astounded to hear from so able a Senator as the representative of the minority in this contest the statement that we had assumed an obligation. How have we assumed it? Who committed us? By what authority?

Mr. HITCHCOCK. I think the Senator himself, for one.

Mr. PENROSE. In what way?

Mr. HITCHCOCK. By voting for the Army bill, for instance, in which we organized the Slavic legion, in which we invited the Slavs of the United States to volunteer, although they were technically citizens of Austria, to serve in our Army and go across the ocean and fight against the nation to which they owed allegiance, in the hope that they would assist us in defeating Austria. We asssumed that obligation when we encouraged the Poles to throw off their allegiance. We assumed that obligation when we encouraged the Bohemians, technically known as the Jugoslovaks, to throw off their allegiance to Austria.

This Nation went as far as it could in inviting those subject peoples to rebel, and why? Because in speeches here upon the floor of the Senate and upon the floor of the House of Representatives and elsewhere in the country representative citizens proclaimed that if the United States and her associates were successful in the war the old nation of Poland should be revived, and Bohemia should become a nation in the world, and the Jugo-Slavs should be permitted to organize their nation. We were committed morally to those subject peoples. We encouraged them to struggle and we practically guaranteed them that we and our associate nations would stand by them in guaranteeing their independence. Many public men, notably former Senator Root, and, I believe, also Mr. Hughes, have taken the position that at least for five years we ought to stand by the moral obligations we assumed.

Those nations would not have come into being if it had not been for the United States, and we propose here in this reservation to run and leave Great Britain and France and Italy and other nations to see that Germany does not again destroy the independence of Bohemia, Poland, and Jugo-Slavia.

I say, therefore, to the Senator from Wisconsin [Mr. LENROOT] that we do repudiate a moral obligation which we assumed, and if we run from that moral obligation we ought to be ashamed to look in the faces of hundreds of thousands of Poles in the United States who enlisted in the Army of the United States in larger proportion than any foreign-born people in the United States. We would repudiate the moral obligation that we owe to the Slavs in the United States, to the Serbs in the United States, and to all the others, and we would place ourselves in a shameful position with these struggling little nations that have just come into being under the moral

promise of the United States that we would stand by Great Britain and France and Italy in guaranteeing them an existance.

Mr. LENROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. I deny that there is any obligation, moral or otherwise, to preserve the territorial integrity of any nation upon earth.

Mr. HITCHCOCK. Does the Senator desire to ask a question?

Mr. LENROOT. I am going to do so. I ask the Senator how it is that a few moments ago he said he was perfectly willing that this reservation should be so modified as not to compel the use of our troops in Europe without the consent of Congress?

Mr. HITCHCOCK. That is very obvious. They could not be used under the Constitution, and it was never intended that they should be used simply at the dictation of the league of nations. The council gives advice as to how the obligation in article 10 shall be carried out. The United States has a representative on that council. The council can not even give the advice until the representative of the United States gives his assent to the advice being given.

But when that advice has been given, still there has got to be the authoritative action of every nation represented in the league; and when it comes to the United States, it is the Congress which shall decide whether the advice shall be taken, not this Congress that we have here now. This Congress is not the one to decide whether there is an obligation. It is the Congress which will be in being at the time the emergency arises, and we have not any business here in this Congress to say whether or not there is an obligation. It is for the Congress that is in being at the time, a Congress which I suppose will be just as competent to decide whether there is a moral obligation as this Congress would be.

Mr. LENROOT. Will the Senator yield further?

Mr. HITCHCOCK. I do.

Mr. LENROOT. Is it the Senator's position that while Congress must decide, Congress will be obliged under article 10 to decide in one particular way?

Mr. HITCHCOCK. No; it is not.

Mr. LENROOT. If not, then why is the Senator objecting to this reservation, which will leave Congress absolutely free?

Mr. HITCHCOCK. I object to it because it states that the United States assumes no obligation. We have not any business to say that the United States assumes no obligation. This Congress ought not to undertake to determine that. It is a question for the Congress 10 years or 5 years from now. It is for that Congress to decide whether there is an obligation.

Mr. LENROOT. That is exactly what this reservation says—that Congress later on may assume the obligation; but the Senator wants the Senate now to assume it for all time to come.

Mr. HITCHCOCK. No; I do not want the Senate to notify the nations that are associated with us and that are parties to this treaty that we assume no obligation. I want that to remain for the time to come when the Congress then in being shall have the authority to say whether the obligation shall exist.

Mr. LENROOT. Will the Senator yield further?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. What obligation does the Senator propose that we shall now assume?

Mr. HITCHCOCK. The obligations under article 10. It is very plain:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of the members of the league.

That is not all.

> In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

That is plain. It requires the unanimous vote of the council to merely give the advise, and we are perfectly willing to say that it is for the Congress then in being to decide whether that obligation has arisen and whether or not the advice shall be taken.

Mr. SMITH of Georgia. Mr. President——

Mr. HITCHCOCK. Is not the Senator willing to trust the Congress then in being?

Mr. LENROOT. Exactly, and that is why I am for this reservation, and I can not see, for the life of me, why the Senator from Nebraska, instead of arguing for article 10, is not arguing for the reservation that the committee proposes.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. Certainly.

Mr. SMITH of Georgia. I desire to ask the Senator, if he wishes simply to let the Congress then in session determine the moral obligation, why does he insist upon putting into this treaty a new moral obligation by declaring in the treaty that we will undertake to preserve as against external aggression the territorial integrity and existing political independence of every member of the league? Does not that put a new obligation which will control morally the next Congress, and is not the real question involved the proposition that you should leave the next Congress free to act without this new moral obligation?

Mr. OWEN. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Oklahoma.

Mr. OWEN. Suppose the reservation were drawn in the words I shall read:

> 3. The United States, in assuming the obligation to preserve the territorial integrity or existing political ind pendence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to emp oy the military or naval forces of the United States, does so with the understanding that the advice or recommendation of the council or assembly under articles 10 and 15 is purely advisory and absolutely subject to the judgment and action of the Congress of the United States under the Constitution.

Mr. SMITH of Georgia. That is all right, except that you assume the responsibility, and if you assume the responsibility under the first half of article 10 you must carry it out and preserve that integrity without regard to the advice of the council. If they gave no advice, the obligation would be upon us to do what was necessary to preserve and protect the territorial integrity of every member of the league.

Mr. OWEN. The mechanism of the council and the assembly is provided for giving the advice and for giving the recommendations under article 15. The mechanism requires unanimous consent. When that unanimous consent is given by the council or when the recommendation is made by the council, then the United States, through its Congress, would pass upon the validity of the advice, whether it was sound and wise or whether it was not. The United States, in receiving advice, is not obligated to act upon the advice favorably if the advice be manifestly unjust or unsound.

Mr. SMITH of Georgia. But the first half of article 1 without regard to the advice assumes an affirmative obligation to preserve and protect the territorial integrity of every member of the league against external aggression. That obligation we assume now for the first time as a result of this treaty, if we take it at all. There is the fundamental objection that I have and that many have which prevents us from voting to ratify the treaty unless it is modified.

Mr. OWEN. That is the objection of the Senator from Georgia, but that is not the objection of the Senator from Michigan.

Mr. HITCHCOCK. Mr. President, I have said what I have about moral obligation because I believe it would be dastardly for the United States to say that "we will not assume it, that we wash our hands of it. Our associate nations are bound to protect you from Germany, but we wash our hands of the obligation." I believe it would be dastardly for the United States to say to the people of Bohemia, "You came into the fight, you helped to win the war, you sacrificed tens of thousands of your sons, with every indication that the United States, ahead of all the other nations, when the old nation of Bohemia was restored, would stand by you."

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HITCHCOCK. I do.

Mr. TOWNSEND. I must protest against the Senator constantly repeating the statement that the United States by this reservation opposes Poland or any other country struggling against oppression. There is not a word in the reservation that can be properly construed in that manner. If we enter upon the treaty, we propose to respect the territorial boundaries and political integrity of Governments, but we say when you ask us to maintain the present boundaries against external aggression, that the Congress first shall pass upon that question. Maybe the Congress in being when a question of armed intervention arises will favor such action; maybe it will not. Neither Poland nor Armenia nor any other country doubts the sympathy and support of the United States, and they know that it understands best when and how to act. They are not afraid that this country will fail to do its duty, and no nation

will ever again engage in a great war without considering the attitude of the United States. It is not true that we are running away from duty and responsibility. We are keeping free to act as the people through their representatives shall deem best when the occasion for action arises.

Mr. HITCHCOCK. We leave our hands free and we leave Germany free. If we say here in this reservation that the United States assumes no obligation to preserve the territorial integrity or political independence of Poland, Germany knows what it means. Germany knows that it does not have to reckon with the United States. If we say the United States assumes no obligation to preserve the territorial integrity or political independence of Bohemia, Germany knows what it means and the Bohemians know what it means. They know we have repudiated the moral obligation we undertook, to stand by the young nations that we helped to create. So the Jugo-Slavs, many of whom are in this country and I suppose 13,000,000 of whom are in Europe, when they see the Senate of the United States declare that the United States assumes no obligation to preserve the territorial integrity or the political independence of the Serb, Croat, Slovene State, they know that we have deserted them, and Germany knows it. It is an invitation to Germany to begin war to reconquer the people that we helped to free from her.

Mr. McCORMICK. Mr. President, will the Senator from Nebraska yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. HITCHCOCK. I yield.

Mr. McCORMICK. The Senator from Nebraska has referred to our obligations implied in some fashion to the Jugo-Slavs and the Czechs and Poles. I should like his judgment as to our obligation to the Koreans under article 10.

Mr. HITCHCOCK. Well, Mr. President, the Koreans ceased to be a nation a good many years ago, and the United States recognized that fact at the time. We practically drove the Korean minister from Washington at that time, and, in my opinion, we committed an international crime when we did so. I think under the treaty of 1848 we were bound to Korea, but when Korea appealed to us under that treaty we repudiated it. That, however, is no reason why we should repudiate the moral obligation we have undertaken to the little nations of Europe. Think of the effect in those countries of the announcement that the United States assumes no obligation for their protection? Ex-Senator Root said we should assume that obligation for at least five years.

How do you expect them to establish themselves? As I recall, the Senator from Massachusetts [Mr. LODGE] here upon the floor of the Senate made a speech in which he said it was the duty of the United States to see to the reestablishment of Poland. What does reestablishment mean—merely setting up the nation and then announcing to Germany that we do not propose to stand by it? Is that adhering to the agreement? Is that carrying out the purposes of the United States to reestablish the nation of Poland?

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. FALL. I will speak in my own time, Mr. President.

Mr. BORAH. Mr. President——

Mr. HITCHCOCK. I do not think there is any other Senator who is asking me to yield at the present time, except the Senator from Idaho, and I yield to him.

Mr. BORAH. I was wondering how long we were going to work to-night.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The Chair is unable to answer the question of the Senator from Idaho.

Mr. HITCHCOCK. That is a question which it is very difficult for me to answer. I am ready either to vote or to adjourn.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I should like to have the Senator from Massachusetts say what he meant on the floor here when in 1918 he declared that it was the duty of the United States to see that the nation of Poland was restored. Did he mean simply to say that it was to be restored temporarily and then that we should cut and run? Did he mean then that we should adopt a reservation in which we would declare that Poland should not have the guarantee which this treaty gives? Did he mean then that the United States assumed no moral obligation to preserve the territorial integrity or political independence of the country which he proposed to create? If that is what the Senator assumed at that time, he is justified.

Mr. LODGE. I will tell the Senator what I did not mean, and that was that we should keep armies in Europe indefinitely to sustain Poland or any other country.

Mr. HITCHCOCK. It is not required to keep armies in Europe indefinitely to sustain Poland. If Germany knows that the nations of the world have pledged themselves to see that Poland remains and that the Czecho-Slovak State remains and that the little Serb-Croat-Slovene State in the south of Europe remains—if Germany knows that we are pledged to their independence, to maintain their territorial integrity, Germany will not attack them; but when Germany learns through the mouth of the Senate that we propose to run, that we are not going to carry out that obligation, then we practically invite Germany to overrun them and subjugate them.

Mr. PENROSE. May I ask the Senator one question before this interesting debate is concluded?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. Yes.

Mr. PENROSE. What consolation is Germany finding to-day in the total evaporation into space of the 14 points?

Mr. HITCHCOCK. I do not know that I can answer the Senator.

Mr. PENROSE. She is said to have surrendered largely on the good faith of those points, including self-determination, freedom of the seas, and a number of things that even I myself have forgotten in the pressure of more important matters.

Mr. HITCHCOCK. Does the Senator want to give Germany some consolation?

Mr. PENROSE. No; but the Senator from Nebraska is deploring the lamentable state Germany will be in under certain conditions.

Mr. HITCHCOCK. Not Germany.

Mr. PENROSE. I am certainly quite as strong on moral obligations as is the Senator from Nebraska. If we owe a moral obligation to Germany, I think it ought to be kept, and, as I understand, her army surrendered on the strength of the 14 points.

Mr. HITCHCOCK. I suggest to the Senator from Pennsylvania to introduce a modification guaranteeing something additional to Germany. His colleague from Pennsylvania [Mr. KNOX] has already done so.

Mr. PENROSE. I should like to ask the Senator what has become of the 14 points? Can they be found anywhere?

Mr. HITCHCOCK. Yes; they are practically imbedded in the treaty.

Mr. PENROSE. Oh, I have been unable to discover a trace of them.

Mr. HITCHCOCK. I can tell the Senator why he has been unable to find that.

Mr. PENROSE. The Senator means, perhaps, that they are embalmed or buried in the treaty?

Mr. HITCHCOCK. I can tell the Senator why he is unable to find them. The Senator from Pennsylvania has been unable to find them, because during the time the treaty has been under examination and debate he has been engaged in a very serious and, as it turned out to be, successful political business in one of the cities in his State.

Mr. PENROSE. Well, Mr. President, the Senator need not throw out a time-honored slur at my occasional absences. [Laughter.] I was better and more usefully employed, I think, than the Senator was during his frequent absences on the golf course and at his handsome summer resort in New England. So far as I am concerned, I have literally not had a day's holiday, Mr. President, unless it be coming in here and listening to speeches, for 10 or 12 years, and the suggestion ill becomes the Senator from Nebraska, for I have noticed on several afternoons when important matters of great moment relating to this treaty were up and inquiry was made as to the Senator from Nebraska, that the response was that he was playing golf. I hope it benefited his health; he may have needed it; but again I ask the Senator where I can find embalmed, buried, or even leaving any geological footprints in the rocks of the treaty, any trace of the 14 points.

Mr. HITCHCOCK. Mr. President, I am not surprised at the great anxiety of the Senator from Pennsylvania as to the 14 points.

Mr. PENROSE. I had forgotten them.

Mr. HITCHCOCK. The zeal and ardor with which he supported them and championed them are well remembered here in the Senate, and it is natural therefore that he should be anxious to know at the present time whether they have been vindicated in this treaty. I wish to say to the Senator that, in my opinion, they have been, and I wish to say further that I did not deplore the absence of the Senator in his Pennsylvania contest; in fact, when he returned I congratulated him and congratulated his city

upon the victory he had won. So that I hope he will not take my reference to the subject as at all offensive.

Mr. PENROSE. Oh, I did not; I keenly appreciated the Senator's interest in good government [laughter]; but considering, Mr. President, that the German Army, supposed to be unequaled in the military history of the world, was led to lay down their arms on the beautiful promises pictured in the 14 points, and, owing to the fact that a great number of matters have perhaps diverted my attention, I should be glad if the Senator would enumerate the 14 points so that they may be put in the RECORD.

Mr. HITCHCOCK. Mr. President, I should like to assist the Senator, but my judgment is that the time has come to adjourn or to vote. I presume the amendment offered by the Senator from Montana was intended particularly to draw attention, as it has drawn attention, to the very unfair attitude which would be assumed by the Senate if it approves this reservation as drawn. It proposes on behalf of the United States to repudiate, as I have said, any obligation, whereas it leaves all of the nations who have assumed the obligation in an entirely different category. The Senator from Montana no doubt intended his amendment to draw attention strikingly to the fact, as it has done, that, if we are released, the other nations ought to be released.

Mr. FALL. Mr. President, I had indulged in a violent presumption, such as was voiced by one of my colleagues on this side a few moments ago, to the effect that the Senator from Montana was offering this amendment because he thought that it might benefit the reservation; that he was offering it in good faith, and I had fully determined that I would support it with my vote and if necessary with my voice; but, since the explanation of the Senator from Nebraska, I shall certainly as heartily vote against it, as it is apparent that it is a Jesuitical scheme not intended for any beneficial or good purpose, unless it is simply to open the eyes of somebody to some other iniquity somewhere.

Mr. President, I am also just a little weary of the slush about Poland, Jugo-Slavia, and the other countries to which, it is said, we are under some obligation and to which we must bind ourselves and obligate our children for unknown generations. In this country we said to the Jugo-Slavs and to the Poles that, if they had any patriotism and desire to restore their countries themselves, we would furnish them the money, the means, and the arms to help them, and we did so. We have hog-tied Germany; we have placed her prostrate at their feet, and now we are asked to continue to guard her forever, because, if we assume the correctness of the argument of the Senator, they have not the courage, the patriotism, and the manliness to maintain their own Government, but we should bind the unborn generations of this country to guard the frontiers of Poland and other countries.

The Senator forgets that by an equal obligation, if we adopt this provision as it stands, we shall guard the interests of Chile; that we take from Bolivia and Peru forever and guarantee to guard the stolen Provinces of Tacna, Tarapaca, and Antofagasta. Here upon our own hemisphere we are assuming obligations to guard the lines, to assist in consummating forever the theft of the nitrate fields belonging to Peru and Bolivia.

Mr. President, as I have said, assuming—and I grant that it is a violent assumption—that the amendment was offered in good faith, I had not only intended voting for it but I had suggested to certain colleagues of mine who think about this treaty as I do that we should all vote for it; but with the very lucid, clear, and perfectly understandable explanation of the matter as made by the Senator from Nebraska I shall take equal pleasure now in voting against the amendment. It is evidently a trick, and we are becoming accustomed to tricks.

Mr. KING. I submit a reservation to the pending treaty and ask that it lie on the table and be printed.

The reservation is as follows:

Suggested reservation to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

That the United States understands that the jurisdiction and authority of the league of nations under articles 1 to 26, inclusive, of the treaty of peace does not include any power over the proper domestic, internal, or national policy of any State a member of the league, and that said articles do not confer upon the league any powers with respect to immigration, imposts, property, inheritance, naturalization, citizenship, labor, coastwise traffic, or any other matter of proper domestic policy, and the United States declares that the enumeration of these matters of policy in this reservation shall not in any wise be construed to limit or restrict the rights of the United States with respect to its national and political powers and sovereignty as recognized by the law and customs of nations; and the United States reserves to itself the exclusive power to decide what questions are within its domestic jurisdiction and national sovereignty, and to withhold such questions from submission to arbitration or to the consideration of the council or the assembly of the league of nations.

RECESS.

Mr. REED. I will ask the Senator from Massachusetts if he desires to take a recess or adjourn now, or if he proposes to go on?

Mr. LODGE. It is perfectly evident that this debate will run for some time longer. It is now half past 6 o'clock, and I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, November 11, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *November 10, 1919.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of liberty, justice, mercy, love, and all that we hold sacred to our hearts, we bow in Thy holy presence and would consecrate ourselves anew to the work whereunto Thou hast called us; thus put our shoulders to the wheels of progress and push toward the higher civilization which waits upon the children of men and leave behind us a record worthy of emulation; receive Thy benediction, under the spiritual leadership of the Jesus of Nazareth, the Holy One of Israel, the Savior of mankind. Amen.

The Journal of the proceedings of Saturday, November 8, 1919, was read and approved.

RESIGNATION OF REPRESENTATIVE WEBB.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., November 9, 1919.

Hon. FREDERICK H. GILLETT,
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: This is to inform you that I have tendered to the governor of North Carolina my resignation as Representative in this Congress from the ninth North Carolina district, to be effective on Monday, the 10th of November, 1919.

I am, with great respect,
Cordially, yours, E. Y. WEBB.

REQUEST TO ADDRESS THE HOUSE.

Mr. CONNALLY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CONNALLY. To make a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY. I request that on to-morrow, after the reading of the Journal, I be permitted to address the House for 30 minutes on a nonpolitical subject, the anniversary of the armistice.

The SPEAKER. The gentleman from Texas asks unanimous consent that to-morrow, after the reading of the Journal, he be allowed to address the House for 30 minutes on a nonpolitical subject.

Mr. MONDELL. Mr. Speaker, we hope and expect to take up the railroad bill under a rule to-morrow. Under those circumstances I do not believe it would be proper to give anyone the privilege to address the House for 30 minutes.

Mr. CONNALLY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CONNALLY. To-morrow is the anniversary of the armistice, and I only desire to submit a few remarks.

Mr. MONDELL. I think it is a very important anniversary, but the most important thing before the Congress to-day is the railroad bill. We hope to take that up to-morrow and begin the discussion of it at an early hour. Under those circumstances I shall have to object.

The SPEAKER. The gentleman from Wyoming objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6951. An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter; and

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had

appointed Mr. McLEAN, Mr. PAGE, and Mr. OWEN as the conferees on the part of the Senate.

THE CASE OF VICTOR L. BERGER.

Mr. DALLINGER. Mr. Speaker, by direction of the special committee appointed under House resolution No. 6, I call up at this time Report 413, being No. 91 on the House Calendar, and submit the following privileged resolution:

Resolved, That under the facts and circumstances of this case, Victor L. Berger is not entitled to take the oath of office as a Representative in this House from the fifth congressional district of the State of Wisconsin or to hold a seat therein as such Representative.

Mr. BLANTON. Mr. Speaker, a point of order. The gentleman must call up the resolution rather than the report, must he not?

The SPEAKER. Does the gentleman present a resolution?

Mr. DALLINGER. I call up the report which recommends the adoption of the resolution printed in the report. I call up the case.

Mr. BLANTON. The point of order I made is that the gentleman should call up the resolution and not the report.

The SPEAKER. The Chair would suggest that he thinks the proper course would be to present a resolution, but of course the report contains the resolution. According to the gentleman's suggestion the vote would be on the adoption of the report.

Mr. MONDELL. Mr. Speaker, is not the proper procedure to call up the case of Victor L. Berger and present a resolution?

The SPEAKER. That is what the Chair would think.

Mr. DALLINGER. I desire to say that the parliamentary clerk informed me that the proper procedure was to call up the report.

The SPEAKER. And present a resolution.

Mr. DALLINGER. And present a resolution.

The SPEAKER. The gentleman does not wish the report read, does he?

Mr. DALLINGER. I ask to have the resolution read.

The SPEAKER. The gentleman from Massachusetts presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That under the facts and circumstances of this case, Victor L. Berger is not entitled to take the oath of office as a Representative in this House from the fifth congressional district of the State of Wisconsin or to hold a seat therein as such Representative.

Mr. DALLINGER. Mr. Speaker, I want to see if we can agree upon time for debate.

Mr. BLANTON. Mr. Speaker, a point of order. Has this resolution been introduced in the House?

The SPEAKER. The gentleman has just introduced it.

Mr. BLANTON. He has introduced it out of the report, I understand.

The SPEAKER. He has introduced it.

Mr. BLANTON. That is an introduction of it?

The SPEAKER. Yes.

Mr. DYER. Has the resolution been printed?

The SPEAKER. It has been printed in the report.

Mr. DALLINGER. It has been printed in the report, as has always been customary in election cases.

Mr. DYER. I understand from the gentleman from Massachusetts that this is the first information that the House has that there is such a report of such a resolution.

Mr. DALLINGER. It has been printed in the report.

Mr. LONGWORTH. I will inquire of the gentleman from Massachusetts if this is not the usual procedure in such cases?

Mr. DALLINGER. This is exactly the procedure that has always been taken in contested-election cases. The case is called up by the chairman on the report, and the resolution is incorporated in the report, and no separate resolution is printed. The resolution is now offered by the committee, and I move its adoption.

Mr. GOLDFOGLE. Mr. Speaker, I wish to remark that the gentleman from Massachusetts is pursuing the usual and ordinary course in election cases. I recall a number of contested-election cases brought up in this House, and the procedure has always been for the Committee on Elections to call up the resolution embodied in the report, to call up the case, it being before the House.

The SPEAKER. The gentleman from Massachusetts.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent that the debate upon this resolution——

Mr. DYER. Pending that request——

The SPEAKER. Will the gentleman allow the gentleman from Massachusetts to make his request first?

Mr. DYER. I desire to raise the question of consideration. I think we ought to go into the consideration of the railroad bill, and not take up the time with this resolution.

The SPEAKER. The gentleman from Missouri raises the question of consideration. The question is, Will the House consider the resolution?

The question being taken, on a division (demanded by Mr. DYER) there were—ayes 107, noes 2.

Accordingly the House determined to consider the resolution.

Mr. DALLINGER. I ask unanimous consent that debate upon the adoption of this report and the resolution incorporated therein be limited to five hours, one hour to be given to Victor L. Berger and the remainder to be divided between the gentleman from Texas [Mr. EAGLE] and myself.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that general debate be limited to five hours, one hour of which shall be controlled by Mr. Berger and the other four hours to be controlled one-half by himself and one-half by the gentleman from Texas [Mr. EAGLE]. Is there objection?

Mr. DYER. Reserving the right to object, that would prevent the vote on the resolution to-day. There would be five hours of general debate and then further discussion. I object to five hours of general debate.

Mr. DALLINGER. Mr. Speaker, I move that debate be limited to five hours, to be controlled as I suggested, and at the end of that time the previous question be ordered.

Mr. RUCKER. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. RUCKER. Does the gentleman's motion carry with it an apportionment of the time as he just suggested?

Mr. DALLINGER. Yes; I make the motion that the debate be limited to five hours, one hour to be accorded to Mr. Berger, and two hours to be controlled by the gentleman from Texas [Mr. EAGLE] and two hours by myself.

Mr. RUCKER. I will say, as a matter of fairness, I think Mr. Berger ought to have ample time to present his case to the House. I have an intimation that he would like to have an hour and a half.

Mr. DALLINGER. There are members of the committee, without taking into consideration other Members, who wish to speak, who would like to have more time than the amount that I have asked for. It was thought that Mr. Berger should not have more time than any member of the committee.

Mr. RUCKER. I will say to the gentleman that I expect to vote for the adoption of his resolution, but I think the gentleman from Wisconsin ought to have time in which to present his case, even if the members of the committee do not have as much time as they want. I think the gentleman ought to have ample time to present his case to the House. Does not the gentleman think that he ought to modify his request?

Mr. HUMPHREYS. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. HUMPHREYS. The time to be consumed by the committee will all be on one side. I do not mean on one side of the aisle but upon one side of the question.

Mr. DALLINGER. I understand that the gentleman from Texas and myself would be glad to yield some time to those who are opposed to the report.

Mr. HUMPHREYS. Mr. Berger is opposed to the report, of course. Under the gentleman's motion four hours would be controlled in favor of the report and one hour opposed to the report, and that would not be an equitable arrangement. If the gentleman from Wisconsin wants an hour and a half, why not let him have it and the committee take three hours and a half.

Mr. DYER. I understand the gentleman from Massachusetts has asked that he and the gentleman from Texas control four hours of the time, and they are both in favor of the resolution.

Mr. DALLINGER. I stated that we would yield time to those opposed to the report.

Mr. DYER. I understand that the gentleman from Illinois [Mr. RODENBERG], a member of the committee, is opposed to the resolution, but he is not here, and apparently no one is to be given time who is opposed to the resolution.

Mr. DALLINGER. Mr. Speaker, if there is no objection I will ask unanimous consent to modify my motion, and I move that debate be closed at the end of five and one-half hours, one hour and a half of which is to be given to Mr. Berger and the rest of the time to be controlled one-half by the gentleman from Texas and one-half by myself.

Mr. DYER. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. DYER. I suggest to the gentleman that he ask or incorporate in his motion that the gentleman from Wisconsin shall control one half of the time and the members of the committee the other half. The gentleman from Wisconsin is entitled to at least half of the time, so that he may yield to those who sup-

port his position. We do not know whether they will get any time under this motion.

Mr. DALLINGER. I think the motion is fair, with the explanation I have made.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. HUMPHREYS. The gentleman stated that it was his intention to yield time to those opposed to the resolution.

Mr. DALLINGER. A reasonable time.

Mr. HUMPHREYS. I do not know that anybody is opposed to the report except the gentleman from Wisconsin; would the gentleman from Massachusetts yield him further time?

Mr. DALLINGER. I think the motion I have made is a fair one.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to modify his motion, and moves that the time for general debate be limited to five and one-half hours, one hour and a half of which will be given to Mr. Berger and the remaining time to be controlled one-half by himself and one-half by the gentleman from Texas. Is there objection?

Mr. DYER. Reserving the right to object, and I will object unless half of the time is to be controlled by Mr. Berger——

Mr. DALLINGER. Mr. Speaker, I move the previous question on my motion.

Mr. KEARNS. What is the motion upon?

The SPEAKER. The gentleman from Massachusetts moves that all debate be limited to five and a half hours, one hour and a half to be given to Mr. Berger and the remainder to be controlled one-half by himself and one-half by the gentleman from Texas, and he moves the previous question.

Mr. GOLDFOGLE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. Is not the gentleman asking unanimous consent, and the question is whether unanimous consent shall be granted, and should be stated by the Chair pending the motion for the previous question?

The SPEAKER. The Chair stated the question of unanimous consent, but that was objected to. The gentleman from Massachusetts then offered his motion and moved the previous question. The question is on adopting the previous question.

The question was taken; and on a division (demanded by Mr. DYER) there were 126 ayes and 1 no.

Mr. DYER. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently there is no quorum present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 280, nays 1, answered "present" 3, not voting 147, as follows:

YEAS—280.

Alexander	Cooper	Green, Iowa	Kraus
Almon	Copley	Greene, Mass.	Lampert
Anderson	Crago	Greene, Vt.	Langley
Andrews, Nebr.	Cramton	Hadley	Lanham
Anthony	Crisp	Hamilton	Lankford
Aswell	Crowther	Hardy, Colo.	Larsen
Ayres	Cullen	Hardy, Tex.	Layton
Babka	Currie, Mich.	Harrison	Lazaro
Bankhead	Dale	Haskell	Lehlbach
Barbour	Dallinger	Hastings	Linthicum
Barkley	Darrow	Haugen	Lonergan
Bee	Davey	Hawley	Longworth
Begg	Davis, Tenn.	Hayden	Lufkin
Black	Denison	Hays	Luhring
Blackmon	Dent	Heflin	McArthur
Bland, Ind.	Dewalt	Hernandez	McClintic
Bland, Mo.	Dickinson, Mo.	Hersey	McGlennon
Bland, Va.	Dickinson, Iowa	Hickey	McKinley
Blanton	Dominick	Hicks	McLaughlin, Mich.
Box	Dowell	Hoch	McPherson
Brand	Dunbar	Holland	MacCrate
Briggs	Dupré	Houghton	MacGregor
Brinson	Eagan	Howard	Madden
Brooks, Ill.	Eagle	Huddleston	Mann, S. C.
Browning	Echols	Hull, Iowa	Mapes
Buchanan	Elliott	Hull, Tenn.	Martin
Burdick	Ellston	Humphreys	Mays
Burroughs	Emerson	Husted	Mead
Butler	Esch	Igoe	Merritt
Byrnes, S. C.	Evans, Mont.	Jacoway	Michener
Byrns, Tenn.	Evans, Nebr.	James	Miller
Caldwell	Evans, Nev.	Jefferis	Minahan, N. J.
Campbell, Kans	Fairfield	Johnson, Wash.	Monahan, Wis.
Campbell, Pa.	Fess	Jones, Pa.	Mondell
Candler	Fisher	Jones, Tex.	Montague
Cannon	Foster	Juul	Mooney
Carss	Frear	Kahn	Moore, Ohio
Chindblom	Freeman	Kearns	Moore, Va.
Christopherson	French	Keller	Morgan
Clark, Fla.	Fuller, Mass.	Kelley, Mich.	Mott
Classon	Gallagher	Kelly, Pa.	Neely
Cleary	Garrett	Kendall	Nelson, Mo.
Coady	Goldfogle	King	Nelson, Wis.
Cole	Goodwin, Ark.	Kinkaid	Newton, Minn.
Collier	Gould	Kitchin	Nolan
Connally	Graham, Ill.	Kleczka	O'Connell
Ogden	Ricketts	Steenerson	Walters
Oldfield	Robinson, N. C.	Stephens, Ohio	Wason
Oliver	Robsion, Ky.	Stiness	Watkins
Olney	Rogers	Strong, Kans.	Watson, Pa.
Overstreet	Romjue	Strong, Pa.	Watson, Va.
Padgett	Rose	Summers, Wash.	Weaver
Park	Rouse	Sumners, Tex.	Welling
Parrish	Rucker	Sweet	Welty
Phelan	Sanders, Ind.	Swope	Whaley
Platt	Sanders, La.	Tague	Wheeler
Porter	Sanders, N. Y.	Taylor, Colo.	White, Kans.
Pou	Sanford	Temple	White, Me.
Purnell	Scott	Thompson	Williams
Quin	Sells	Tillman	Wilson, La.
Radcliffe	Shreve	Tilson	Wilson, Pa.
Raker	Siegel	Tinkham	Winslow
Ramsey	Sinnott	Towner	Wise
Ramseyer	Small	Vaile	Wood, Ind.
Randall, Calif.	Smith, Idaho	Venable	Woods, Va.
Randall, Wis.	Smith, Ill.	Vestal	Wright
Rayburn	Smith, Mich.	Vinson	Yates
Reavis	Smithwick	Volstead	Young, N. Dak.
Reber	Snell	Walsh	Young, Tex.
Reed, N. Y.	Steagall		Zihlman

NAYS—1.

Dyer

ANSWERED "PRESENT"—3.

Knutson	Newton, Mo.	Reed, W. Va.

NOT VOTING—147.

Ackerman	Focht	Lesher	Riordan
Andrews, Md.	Fordney	Little	Rodenberg
Ashbrook	Fuller, Ill.	Luce	Rowan
Bacharach	Gallivan	McAndrews	Rowe
Baer	Gandy	McCulloch	Rubey
Bell	Ganly	McDuffie	Sabath
Benham	Gard	McFadden	Saunders, Va.
Benson	Garland	McKenzie	Schall
Boies	Garner	McKeown	Scully
Booher	Glynn	McKinley	Sears
Bowers	Godwin, N. C.	McLane	Sherwood
Britten	Good	McLaughlin, Nebr.	Sims
Brooks, Pa.	Goodall	Magee	Sinclair
Browne	Goodykoontz	Maher	Sisson
Brumbaugh	Graham, Pa.	Major	Slemp
Burke	Griest	Mann, Ill.	Smith, N. Y.
Cantrill	Griffin	Mansfield	Snyder
Caraway	Hamill	Mason	Steele
Carew	Hersman	Moon	Stephens, Miss.
Carter	Hill	Moore, Pa.	Stevenson
Casey	Hudspeth	Moores, Ind.	Stoll
Clark, Mo.	Hulings	Morin	Sullivan
Costello	Hutchinson	Mudd	Taylor, Ark.
Curry, Calif.	Ireland	Murphy	Taylor, Tenn.
Davis, Minn.	Johnson, Ky.	Nicholls, S. C.	Thomas
Dempsey	Johnson, Miss.	Nichols, Mich.	Timberlake
Donovan	Johnson, S. Dak.	O'Connor	Tincher
Dooling	Johnston, N. Y.	Osborne	Treadway
Doremus	Kennedy, Iowa	Paige	Upshaw
Doughton	Kennedy, R. I.	Parker	Vare
Drane	Kettner	Pell	Voigt
Dunn	Kiess	Peters	Ward
Edmonds	Kincheloe	Rainey, Ala.	Webster
Ellsworth	Kreider	Rainey, H. T.	Wilson, Ill.
Ferris	LaGuardia	Rainey, J. W.	Wingo
Fields	Lea, Calif.	Rhodes	Woodyard
Flood	Lee, Ga.	Riddick	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BACHARACH with Mr. WEBB.

Mr. ANDREWS of Maryland with Mr. WINGO.

Mr. CURRY of California with Mr. SIMS.

Mr. DEMPSEY with Mr. SHERWOOD.

Mr. DUNN with Mr. SCULLY.

Mr. EDMONDS with Mr. SAUNDERS of Virginia.

Mr. FORDNEY with Mr. CLARK of Missouri.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MOORES of Indiana with Mr. GRIFFIN.

Mr. GRIEST with Mr. GARNER.

Mr. MORIN with Mr. GODWIN of North Carolina.

Mr. MUDD with Mr. GARD.

Mr. MURPHY with Mr. GANLY.

Mr. NICHOLS of Michigan with Mr. GANDY.

Mr. PAIGE with Mr. GALLIVAN.

Mr. ELLSWORTH with Mr. SABATH.

Mr. FOCHT with Mr. RUBEY.

Mr. LUCE with Mr. LEE of Georgia.

Mr. GARLAND with Mr. HENRY T. RAINEY.

Mr. MCCULLOCH with Mr. LEA of California.

Mr. MCFADDEN with Mr. KETTNER.

Mr. DAVIS of Minnesota with Mr. SULLIVAN.

Mr. ACKERMAN with Mr. RIORDAN.

Mr. BROOKS of Pennsylvania with Mr. ROWAN.

Mr. GLYNN with Mr. RAINEY of Alabama.

Mr. GOOD with Mr. PELL.

Mr. GOODALL with Mr. O'CONNOR.

Mr. GRAHAM of Pennsylvania with Mr. NICHOLLS of South Carolina.

Mr. BENHAM with Mr. TAYLOR of Arkansas.
Mr. KENNEDY of Rhode Island with Mr. MCKEOWN.
Mr. HULINGS with Mr. MOON.
Mr. RODENBERG with Mr. DOUGHTON.
Mr. ROWE with Mr. DOREMUS.
Mr. FULLER of Illinois with Mr. JOHN W. RAINEY.
Mr. RHODES with Mr. MAJOR.
Mr. OSBORNE with Mr. SMITH of New York.
Mr. KREIDER with Mr. MCDUFFIE.
Mr. BOWERS with Mr. STOLL.
Mr. BRITTEN with Mr. STEPHENSON.
Mr. BROWNE with Mr. STEPHENS of Mississippi.
Mr. BURKE with Mr. STEELE.
Mr. COSTELLO with Mr. SISSON.
Mr. BOIES with Mr. SEARS.
Mr. PARKER with Mr. FIELDS.
Mr. LITTLE with Mr. MCANDREWS.
Mr. TINCHER with Mr. THOMAS.
Mr. MCKENZIE with Mr. JOHNSTON of New York.
Mr. MCKINLEY with Mr. JOHNSON of Mississippi.
Mr. SCHALL with Mr. DOOLING.
Mr. PETERS with Mr. FERRIS.
Mr. RIDDICK with Mr. DRANE.
Mr. SINCLAIR with Mr. CASEY.
Mr. SLEMP with Mr. CARTER.
Mr. HUTCHINSON with Mr. MONTAGUE.
Mr. TAYLOR of Tennessee with Mr. CAREW.
Mr. IRELAND with Mr. MANSFIELD.
Mr. KENNEDY of Iowa with Mr. MCLANE.
Mr. MCLAUGHLIN of Nebraska with Mr. JOHNSON of Kentucky.
Mr. TIMBERLAKE with Mr. CARAWAY.
Mr. MAGEE with Mr. HUDSPETH.
Mr. MANN of Illinois with Mr. HERSMAN.
Mr. MASON with Mr. HAMILL.
Mr. KIESS with Mr. MAHER.
Mr. TREADWAY with Mr. BOOHER.
Mr. VARE with Mr. CANTRILL.
Mr. WARD with Mr. BRUMBAUGH.
Mr. WILSON of Illinois with Mr. BENSON.
Mr. WOODYARD with Mr. ASHBROOK.
Mr. VOIGT with Mr. DONOVAN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the Berger case debate be limited to five and a half hours; that Mr. Berger may address the House for an hour and a half and the other four hours to be controlled half by the gentleman from Massachusetts [Mr. DALLINGER] and half by the gentleman from Texas [Mr. EAGLE], and at the end of that time the previous question be considered as ordered.

The question was taken, and the motion was agreed to.

Mr. DALLINGER. Mr. Speaker—— [Applause.]

The SPEAKER. The gentleman from Massachusetts.

Mr. DALLINGER. Mr. Speaker, this report, with the accompanying resolution, which is now before the House recommending that Victor Berger is not entitled to take the oath of office as a Representative in this House from the fifth congressional district of the State of Wisconsin or to hold a seat therein as such Representative, is the unanimous report of the special committee appointed under House resolution No. 6 [applause], except for the fact that Mr. RODENBERG, of Illinois, who was not present when the final vote in the committee took place, requested me as chairman to file a statement from him, stating that he withheld his approval from this report and stating that he did not believe the House should consider this report at the present session of Congress, and that action by the House should be postponed until after final decision of the court in the case of the United States against Victor L. Berger et al., which is now pending in the United States circuit court of appeals for the seventh circuit. The other members of the committee do not concur in this opinion and believe that this matter should be acted upon here and now. [Applause.]

In order that you may understand the position of the committee I want to briefly state the procedure adopted by the committee immediately after its appointment. You will remember that the first day of this session it fell to me to object to the swearing in of Victor L. Berger, a Member elect from the fifth congressional district of Wisconsin, and a resolution was unanimously adopted at that time by this House stating that, whereas I had made such objection relying upon public records and papers, the whole matter of Mr. Berger's eligibility should be referred to a special committee of nine Members. The public records referred to consisted of the record of the trial of the case of the United States against Victor L. Berger et al. at Chicago last December and in January of the present year; and a certified copy of the record in the circuit court of appeals of the District of Columbia in the proceeding when the second-class mailing privilege of the Milwaukee Leader, Mr. Berger's paper, was revoked.

Now, at the first meeting of the committee, the committee being appointed on May 21, the whole question was discussed. There were two courses open to the committee. One was to rely upon the naked conviction at Chicago, in the case just referred to—the fact that a United States jury had convicted Mr. Berger for a violation of the espionage law and a United States judge had sentenced him to 20 years in the penitentiary. If such a course had been taken, there would have been no necessity for any hearings before your committee. All the committee would have had to do would be to have brought in a report showing the record of the conviction and sentence and recommending that Victor L. Berger be not allowed to take the oath at the present time and that his final right to the seat be suspended until the court should finally decide. Your committee, however, unanimously decided that it would not rely upon the conviction in Chicago of a violation of that particular United States statute, but that your committee, having before it as a part of its proceedings the entire record of the case at Chicago, the record of the case in the District of Columbia relating to the Milwaukee Leader, the testimony in the case of the contested-election case of Carney against Berger, which was referred to the Committee on Elections No. 1, and in addition all the testimony brought before your committee by Mr. Berger and his counsel, should determine whether or not Victor L. Berger is a fit man to be sworn in as a Representative in this Congress and whether or not he is eligible to membership in this House.

You will remember on the first day of the present session, in moving the adoption of House resolution No. 6, that I promised that Mr. Berger would be given a full, fair, and complete hearing before the committee. I am glad to be able to say to-day in the presence of this House, in behalf of the other members of the committee and myself, that the promise then made has been absolutely and faithfully kept. Hearings were commenced on June 11 and 12, and then a postponement was granted in order that Mr. Berger and his counsel might have further time to prepare the case. Hearings were resumed on July 21 and continued every day for two weeks, morning and afternoon, and on one or two occasions in the evening, until Mr. Berger and his counsel admitted that they had presented everything to the committee that they desired. Then six weeks were allowed him and his counsel to prepare their final argument. Your committee has had the matter under advisement since September 15 until October 24, when the report now under consideration was filed.

Now, just a word, because my time is limited, in regard to the facts in this case. You will remember that in February, 1917, diplomatic relations between the United States and Germany were broken off; that in March the President of the United States called a special session of Congress, which met on April 2, and on April 6 Congress passed a joint resolution declaring the existence of a state of war between this country and the Imperial German Government. At that time Victor L. Berger was a member of the national executive committee of the Socialist Party and was editor in chief of the Milwaukee Leader. Associated with him on the national executive committee, which consisted of five members, according to the testimony, were Adolph Germer, who was national secretary of the Socialist Party, and John M. Work, an editorial writer upon Mr. Berger's paper, the Milwaukee Leader.

Against the protest of John Spargo, of Vermont, a member of that national executive committee, this executive committee, of which Mr. Berger was the moving spirit, called an emergency national convention of the Socialist Party, which convened at St. Louis on April 7, the day after this country had declared war. At that time William F. Kruse was the head of the Young People's Socialist League, and J. Louis Engdahl was the editor of the American Socialist, which was the official organ of the Socialist Party, and the title to which was in this same executive committee, of which Victor L. Berger was the moving spirit, and Irwin St. John Tucker was circulation manager of the American Socialist and was in charge of the publicity bureau at national headquarters, at 803 West Madison Street, Chicago; and, though Mr. Berger lived in Milwaukee, the testimony shows that he was in constant touch, by personal visits, telephone messages, and by correspondence, with these other men. Now, Mr. Berger was the oldest of these men, 20 or 25 years older than the other five, including Mr. Work.

He was the man that was the recognized leader of the Socialist Party of this country. He had been repeatedly sent as a delegate to international conferences of the Socialist Party, and the testimony shows at those conferences Nicolai Lenin, now well known as the head of the Bolshevist government in

Russia, was a delegate representing the Russian Socialists, although he lived in Switzerland at the time.

There was no legitimate object in calling a convention of the Socialist Party in April, 1917. The Socialist Party was an American political party. The other political parties were to have no national convention until 1920. John Spargo objected to calling this emergency convention, because the underlying purpose of calling that convention was to prevent this country from going into the war and from successfully prosecuting it in case the country should go to war. And yet that convention was called, and it met at St. Louis on April 7. War had been declared. It was the duty of every loyal American citizen to stand behind the United States of America. [Applause.]

A committee was appointed by the Socialist convention, on war and militarism, to draft a platform, and the moving spirit was Victor L. Berger, the recognized leader of the Socialist Party. He had an opportunity, and those men in this conspiracy with him had an opportunity, to make the American Socialist Party a patriotic party, as had been the case in all the other belligerent countries. The German Socialist Party stood by their Government; the English Socialist Party stood by their Government; and John Spargo, a delegate from Vermont, tried to get that convention at St. Louis to vote down the report from Mr. Berger's committee and adopt another report. You will find reference to the Spargo resolutions on page 4 of the committee's report—what Spargo wanted to have that convention adopt. Just let me read a word. That report says in the closing paragraph:

> Now that the war is an accomplished fact, for the reason stated we hold that it is our socialist duty to make whatever sacrifices may be necessary to enable our Nation and its allies to win the war as speedily as possible.

That was the sort of attitude the other Socialist parties had taken. But that was voted down, and Mr. Spargo and his associates were expelled from the Socialist Party later, and a platform was adopted which the late lamented Theodore Roosevelt, in a letter to Mr. GOLDFOGLE, a Member of this House, said was "treason against the United States." And that platform was circulated by the hundreds of thousands and millions throughout the country, and the circulation of that platform had no other purpose except to obstruct, hinder, and embarrass the Government of the United States in the prosecution of the war. Then took place an organized propaganda, through the Milwaukee Leader, Mr. Berger's paper; the American Socialist, the official organ of the Socialist Party; the Young People's Socialist League; and through public meetings, the object of which, as you can read between the lines, was not only to hinder and obstruct the Government of the United States but, if possible, to cause an armed outbreak throughout the country.

Now, Mr. Berger will tell you that he believes in obedience to law. He knew that if he told, either through a published vote of his executive committee or by word of mouth, a single one of the young Socialists of draft age not to register under the draft law that he would be liable, under the espionage act, to fine and imprisonment. What did he do? The executive committee, at a meeting at which he was present and voted, passed a vote that when these young Socialists came to inquire what they should do in regard to registration they should be referred to the St. Louis platform and "Proclamation and war program" to which I have referred. And what does that platform say? Mr. Berger tries to explain now that he believes in obedience to law. He was asked before our committee to point out one thing in that war program that even suggested obedience to law. Throughout it breathes disobedience to law and resistance to the Government. Listen:

> We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world. They—

Referring to the people—

> have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the national administration and National Congress.

In other words, this body of men, to which you and I, fellow Members of this House, are proud to belong, are a crowd of criminals and traitors, and I can not understand why Victor L. Berger should want to come here and sit as a Member of this House with us.

With that war program was a platform advocating resistance to conscription and repudiation of war debts.

Now, Mr. Speaker, I wish I had time to read to you, and I wish that the Members of the House had time to read, some of these things that were published and circulated among the men who were called to the colors and their families. It is hard to conceive all the insidious and malicious venom that came from the pens of these conspirators against their Government, inspired, as every Member of this House will say after he has read them, by hatred of this Government and its institutions.

On page 5 of the report we refer to a few of these passages. On page 148 of volume 2 of the hearings is an article headed "Women and war." Just to give you some idea of this insidious propaganda, I want to read it to you. It was in the American Socialist of April 14, 1917, title to which was in the national executive committee, of which Victor L. Berger was the moving spirit. It says:

> A kindly, learned gentleman of "Old Virginia" saw two women trying to induce a young lad to enlist. "I don't very often feel like hitting women with a baseball bat," he said in relating the incident, "but I did then." He was an ex-Confederate veteran.

What an insult that was to the loyalty of the Confederate veterans of this country.

> He knew what war was. An ardent pacifist, the action of the women seemed despicable in his eyes.
>
> And the action was despicable. Women soliciting for such a purpose are only a step higher than women who solicit for the sale of their bodies; and, in fact, the latter deserve only deepest compassion, while the former are entitled only to contempt. Such women are unworthy of their sex.

And then it ends up:

> "Lips that touch liquor shall never touch mine" is the burden of an old temperance song. "Hands that hold guns shall never hold mine" should be the new version.
>
> Sentimental? Yes; but sensible nevertheless. It would work.

Yes, according to these conspirators, it would work to prevent the young men of this country from enlisting to fight for the Stars and Stripes against Germany.

Mr. Speaker, I am going to leave the question of fact right here. Other members of the committee will enlarge upon the record and call your attention to the other phases of this conspiracy; and when you have heard the story from our report, and from the testimony, and from the members of this committee you will understand why it was that the Department of Justice of the United States considered this man, who comes here and asks for admission to this House of Representatives, as one of the most dangerous men in the United States, because he was the head and front of this organized conspiracy to prevent this Government from winning the war.

Now, just a word about the law and precedents in the case. The counsel for Mr. Berger came before us and contended that this House has no right to prevent Mr. Berger from taking the oath of office; that because he came here, shown by the returns to have been elected by the people of the fifth district of Wisconsin, with a certificate from the governor of the State, 25 years old, 7 years a citizen of the United States, and an inhabitant of the State of Wisconsin, this House must seat him. I asked Mr. Cochems, counsel for Mr. Berger, this question. I said, "Suppose that a man had actually taken arms against the United States and had actually taken part in killing soldiers of this country and officials of this Government, and later on, having escaped, returned to this country and was elected by a constituency and asked admission to this House. Is it your contention that this House could not exclude him?" He said, "Yes; that is just what I mean."

Why, Mr. Speaker, we have here an unbroken line of precedents supporting our action. But I want to say, even before I refer to them, that if there was not a single precedent, if the matter had never come up, now would be the time, and this the place, for this House to make a new precedent. [Applause.]

The men who framed our Constitution in 1787 never had the faintest idea that any constituency in this country would deliberately and intentionally choose as a Representative in the Congress of the United States a man who, when the country was at war, fighting for its existence—because counsel for Mr. Berger admitted before our committee that he believed that if England and France had been annihilated our turn would have come next—I say, if they had had any idea that any constituency would choose a man who had done everything he could do to destroy the Government, they would have undoubtedly placed an express provision in the Constitution making such a thing impossible. But there is an unbroken line of precedents in this House. This House has excluded men for various reasons and has always insisted upon its right to exclude. An ingenious plea was made by counsel in this case, as it was made in the Roberts case, that we have no right to exclude a Member elect, but that it is our duty to admit him, no matter what he has done, let him take the oath of office, and then expel him.

What are the facts? You have on one side an unbroken line of precedents that the House has the right to exclude, and has repeatedly exercised that right. On the other hand you have an equally unbroken line of precedents to the effect that neither House of Congress has ever expelled a man for anything that he did before his election.

If you will refer to the Constitution, you will observe that the power to expel is found in the paragraph conferring upon each

House the power to adopt rules for the conduct of its proceedings and punish its Members for disorderly behavior. I have not time to read it; my time is passing and others desire to address the House. But you will notice in our report a decision by Speaker CANNON, in which he quotes a decision by Speaker Carlisle, to the effect that neither House has ever expelled or punished a Member under that provision of the Constitution for anything that happened previous to his election. So that the only way that this House can act on a question of this kind is to exclude.

Now, it has been said that what was done on the first day of the session and what is proposed to do now is an unusual and extraordinary thing. Why, Mr. Speaker, it is nothing of the kind. After the Civil War, when the first cases of disloyalty came up, and men came here who had given aid or comfort to the enemy, or who had even fought against the Government, the matter came up, and what did Congress do? In 1862 Congress passed a test-oath act, providing that no man should be seated here unless he first took an oath that he had given no aid, comfort, counsel, or encouragement to the enemies of the country. Not satisfied with that, when in 1867 the whole Kentucky delegation presented itself on this floor to take the oath of office, even although they were ready and willing to take the test oath, this House said, "No; we will not let you take the oath." The whole matter was referred to the Committee on Elections for consideration. The committee reported that four of the Members elect from Kentucky had been loyal during the war, and they were allowed to take their seats. The other cases were referred to subcommittees, and in those other cases, particularly in the cases of Smith against Brown and McKee against Young, the House voted that the Members elect should not be allowed to take the oath and take their seats. The same precedent was followed here in the comparatively recent case of Brigham H. Roberts, Representative elect from Utah, although in this case there was no charge of disloyalty. In short, the House has always insisted on its right to exclude, and has also insisted that it had no right to expel a Member for any conduct of his previous to his election.

Now, I want, in closing, to call your attention to just this point, that this case, instead of being a weaker case, is a vastly stronger case than the Roberts case or than any of the preceding cases. It is true that the House has always insisted upon its right to exclude for various reasons, but there has always been a minority in the House that has contended that the House had no right—no moral right—to add to the qualifications of membership prescribed in the Constitution.

But never has a minority, either in the Roberts case or in any other case, contended that the House did not have the legal right to exclude, provided the Member elect did not possess the qualifications prescribed in the Constitution. And in this case, Mr. Speaker, the fourteenth amendment to the Constitution, section 3, adds a fourth qualification for membership in Congress to those contained in the original Constitution. Section 3 of the fourteenth amendment provides that—

> No person shall be a Senator or Representaive in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Now, gentlemen of the House, in this case your committee is convinced by the testimony, in fact by the admitted testimony, that this man, Victor L. Berger, did give aid and comfort to the enemies of this country during this Great War, so that, even according to the minority in these previous cases, it is not only the right but it is the duty of this House to exclude him. [Applause.]

Just one final word in conclusion. This is the first case of disloyalty that has come up before the Congress since the days of the Civil War, because so far as we know there was no disloyalty in the Spanish War. In the cases arising during and after the Civil War—and I speak as a northern man inheriting northern prejudices, but as a student of history—there is this to be said: Down to the Civil War there was an honest difference of opinion in regard to the meaning of the Constitution of the United States. [Applause.] There was an honest difference on the question of National and State sovereignty, and those men who fought against the United States of America in the Civil War did it because they believed that after their States had called a convention and had rescinded the original vote by which these States had ratified the Constitution of the United States, their duty was to follow their States, honestly believing that they owed the State their primary allegiance. [Applause.] But here we have no such case. There was no room for any honest difference of opinion. No matter what Mr. Berger may have done before this war started—and he had a perfect right, as one born in Austria, to sympathize with the Central Powers before we went into the war, just the same as some of the rest of us, because of our ancestry, had a right to sympathize with England or with France—when this country made its decision and went into this war, it was the duty of every American citizen to loyally support the Government of the United States in the prosecution of the war. [Applause.]

Mr. Berger not only refused to do it, but, as I have said and as the evidence shows, he was the head and front of an organized conspiracy to hinder, obstruct, and embarrass the Government, and, if possible, to prevent its winning the war, so that the German military autocracy might annihilate France and England and then come across here and destroy democracy in this hemisphere. Mr. Speaker, I appeal to the Members of this House as American citizens not to admit this man. We do not care what his political or religious or economic beliefs are. Do not be misled. He came here before as a Socialist and was admitted. Myer London was admitted to this House as a Socialist. The American people do not care what a man's political, religious, or economic beliefs are, but they do care whether he is a loyal American. They demand that we make that requirement of every man seeking admission here, and they will be satisfied with nothing less. [Applause.]

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield one minute of my time to my colleague [Mr. BRINSON].

The SPEAKER. The gentleman from North Carolina [Mr. BRINSON] is recognized for one minute.

Mr. BRINSON. Mr. Speaker, I think all Americans are proud of the achievements of the world's most famous, most skillful, and most successful aviator. I have special pride in him because he is a constituent of mine. I have asked him to come here to-day, and he at present occupies a seat in the Speaker's gallery, Rev. Belvin W. Maynard, the winner of the recent transcontinental air race. [Applause.]

Mr. DALLINGER. Mr. Speaker, under the agreement Mr. Berger is to be recognized for one hour.

The SPEAKER. Mr. Berger has an hour and a half.

Mr. BERGER. Mr. Speaker and gentlemen, on the advice of my lawyers I will have to read my speech.

I am well aware that any speech I may make here will be absolutely wasted as far as its effect upon the result of the vote is concerned. No arguments of mine can change the decision of this House. [Applause.]

ASKING FOR FAIR PLAY.

Nevertheless, I consider it my duty to make a statement so that the country at large—and those who are willing to read and to learn—may be informed on the true position of the American Socialist Party in the late war, and also on the causes that may bring about the downfall of the representative form of government through the action of its capitalist representatives.

For the reasons given, and as a matter of fair play toward an opponent who has always been fair toward you, I ask you to lay aside, at least for a little while, all prejudice against Socialists, and especially against Socialists of German descent, and give close attention to what I have to say.

I beg you to overlook my German accent, for which I am not responsible, but to overlook nothing else.

Now, I am in all sorts of troubles, gentlemen, on account of the well-known position of the Socialists all over the world against all commercial and militaristic war.

Now, it is true that the American Socialist Party, or at least the overwhelming majority of the American Socialist Party, was opposed to the entrance of our country into the World War. And it is also true that the party has never recanted that position.

The reason for our opposition is simple. Students of history and political economy as the Socialists usually are, they could foresee the results of this war for this country.

SOCIALIST PREDICTION PROVED CORRECT.

In many proclamations since the World War began we foretold that if this country should enter the war it would have to spend untold treasure and sacrifice 100,000 lives, and that instead of accomplishing anything for the betterment of our people, the outcome of the war would simply strengthen reaction, exploitation, and plutocracy. Nobody will deny that this prediction was correct.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. BERGER. Not just now. I will have some time at the end of my speech, and I will gladly answer any questions. You

see, you can ask the questions then with a better understanding of our position after I get through.

To begin with, the war was based on lies in Europe. And so were our people driven into this war by years of continual and systematic lying. This campaign of falsehoods was continued during the war. And is still continuing.

PROPAGANDA OF FALSEHOODS.

Long before our entrance into the war there was a constant propaganda of misrepresentation and untruth to create fear in the hearts of our people. There were at first innumerable newspaper articles, photo plays, and bill posters to bring about preparedness and get people accustomed to the idea of war. And after we were prepared the rest naturally followed.

COST OF WAR.

During the war we were deceived as to the number of American casualties. Our ruling officials started with 40,000 and added from time to time until it became 60,000 at the end of the war. And now since the war is over, the official returns tell us that 115,000 lost their lives and that 200,000 more were injured.

We find the same habit of misstatements as to the appropriations made in Congress on account of the war. We were told just lately that the war cost us about $23,000,000,000.

But the legislative reference service of the Library of Congress recently (C. D. Blackly, Sept. 22, 1919) made the following statement respecting America's share in the cost of the war:

APPROPRIATIONS MADE BY CONGRESS ON ACCOUNT OF THE WAR WITH EUROPE.

Secretary of the Treasury Glass in a letter dated July 9, 1919, to the House Committee on Ways and Means, has discussed United States war expenditures and estimated the same by adding total expenditures of United States Government for war period, and subtracting therefrom what he estimates the United States would have spent on a normal peace basis. This he places at $1,000,000,000 annually. If, therefore, from the total annual appropriations there were subtracted $1,000,000,000 for each year, the remainder will approximate what, according to the method of calculation of the Secretary, may be considered as appropriations chargeable to the war:

Total appropriations by Congress for fiscal years 1917–1920.

Source of information.	Year.	Amount.
United States Treasury Department, Digest of Appropriations, 1917, p. 542	1917	$1,628,411,644.81
United States Treasury Department, Digest of Appropriations, 1918, p. 603	1918	18,881,949,243.79
Statement of Mr. Warren, Cong. Rec., July 10, 1919, p. 2334	1919	[1] 27,092,094,720.75
Statement of Mr. Good, Cong. Rec., Sept. 16, 1919, p. 5870	1920	7,345,617,283.58
		54,948,063,892.93

[1] Includes $3,000,000,000 for loans to Allies.

In round numbers this amounts to $55,000,000,000. To this sum should be added $3,000,000,000 more for war expenses of the present fiscal year.

Some might say, of course, that from that sum we should subtract $4,000,000,000 for the normal expenses of the country for 1917, 1918, 1919, and 1920, and also the $3,000,000,000 loan to the Allies.

Even so the total cost of the war, as far as our country is concerned, would then be $51,000,000,000, or more than $500 for every man, woman, and child in the United States.

In order to get at the real figures, however, we must add to this amount $10,000,000,000 which we have given to the Allies as a loan, which would make the total cost $61,000,000,000, or more than $600 for every man, woman, and child in the United States.

A Chicago weekly newspaper, the Republican, which reprints these figures—the average big daily does not—adds, very pertinently:

This, too, represents only the direct cost of the war in dollars and cents. It does not include the indirect cost caused by the enormous increase in the cost of living. Five hundred dollars per year per person, or $1,250, is not an extravagant estimate of the increased cost of living since we entered the war 2½ years ago.

WHY PROFITEERS FAVORED WAR.

We understand, of course, why the capitalist press and the representatives and tools of the corporations and of the profiteers of our country ignore all these figures.

This was a profiteers' war—if there ever was one.

For 1917 alone war profits as high as 3,000 per cent—$30 of annual profit for every dollar invested—are recorded in the income-tax reports for 1917 filed with the Government by certain corporations.

Profits of 100 per cent on cash invested were common.

Mr. Amos Pinchot, a wealthy man but an honest man, compiled this from the companies' own annual reports, showing that 287 corporations alone during the war year of 1917 made a net income of $2,590,307,206. Mr. Pinchot did not publish any figures for the year 1918.

Deducting from the 1917 net profits of the corporations that existed before the war the net prewar earnings for the years 1911, 1912, and 1913, which were the most prosperous for these corporations ever known until the war, the excess war profits of fewer than 300 corporations amounted to $1,559,331,731. The profits for 1918 undoubtedly were at least as large, if not larger, but I have not the figures.

The figures were taken from the reports of these companies for the income-tax commission. Nobody will claim that any of these companies reported higher profits for taxation than they were compelled to report. On the contrary, all kinds of profits were hidden in every possible way, but the bulk could not be hidden.

SOME WAR PROFITS.

To quote just two instances:

The profits of the Du Pont Powder Works before the war were about $5,000,000 a year. The same corporation in 1915, 1916, and 1917 averaged net profits of more than a million dollars a week.

Before the war, during the three most profitable years of its existence, the Steel Corporation averaged a net profit of $63,000,000 per year. In 1917 alone the corporation made $457,000,000, or an excess war profit of more than a million dollars every day. I have no figures for 1918. But with such earnings it is clear that Judge Elbert H. Gary naturally would frown on any attempt to start a union which would make him at least divide with his workingmen.

And everybody will understand why our plutocrats are so touchy when anybody mentions the word "profiteer."

Mr. STRONG of Kansas. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STRONG of Kansas. I understand the gentleman is given an hour and a half to speak in his own defense.

Mr. BERGER. I am.

Mr. STRONG of Kansas. I make the point of order that he is not doing it.

Mr. BERGER. Oh, Mr. Speaker, I have to make my defense in my own way.

The SPEAKER. The Chair has not been able to understand a great deal that the gentleman has said, because his back is turned to the Chair, but the Chair has not observed anything that would not be in order.

Mr. STRONG of Kansas. He is stating what he thinks is the cause of the war.

The SPEAKER. For the present, the Chair overrules the point of order.

Mr. BERGER. I thank you. These figures were taken from the reports of these companies made to the income-tax commission.

Mr. MADDEN. Do the gentleman's figures include the deduction that should be made for the 80 per cent tax paid into the Treasury?

WHAT HAVE WE GAINED?

Mr. BERGER. Yes. And what has America gained in this war by this war? We have lost our liberties and have gained imperialism.

We have wasted and squandered billions of dollars which the working people are supposed to pay, partly in direct taxation and partly in indirect taxes through the high cost of living. I say the working people, because, after all, the farmers and the workers in the factories, mines, and railroads—the men who toil with brain and brawn for a living—will have to pay this debt unless it is repudiated some day.

Such have been the results of the war, as we Socialists have predicted over and over again.

On the economic field we have gained nothing that could not have been gained more readily if we had remained out of it.

What have we gained by this war except a condition which makes it almost impossible for the average workingman or clerk to feed and clothe his family, even half decently?

THE SHRUNKEN DOLLAR.

What have we gained by this war other than a shrunken dollar and a diminished buying power, due to the fact that billions upon billions of paper money and bonds have been issued by the Government? It is due to this superabundance of paper money and the shrinkage of the value of the dollar that the buying power of the wages of the workingmen, which went down 10 per cent from 1910 to 1912, has declined again more than twice as much from 1913 to 1919.

Over 71,000,000 people do not own their homes. Rents have gone up 50 per cent, and in some cases 100 per cent. Most of these people are on the verge of pauperism all the time. They can not purchase their supplies in large lots and take advantage

of any temporary lower prices. They must buy their groceries and their coal in the smallest possible quantities, at top-notch figures, from day to day.

Nor is the farmer better off on account of our entrance into the war. Of course, he is guaranteed a certain top price for wheat just now, but his expenses of production have gone up in proportion, and sometimes even more so. As a matter of fact, he is compelled to spend his supposed war gain in higher prices of machinery and clothing.

The worst off is the city worker, including the clerk and the office man—the white-collared proletarian who is too proud to organize.

HAS NOT HELPED THE WORKERS.

Organization, however, has helped the American workingmen only very little so far, because the plutocrats and profiteers have always found ways and means to either buy off or cajole the labor leaders with fine phrases and, in some cases, also with more substantial rewards.

We are so far in America that the Regular Army is being used to disperse peaceful assemblages of steel strikers at Gary, Ind., and that the Cossacks of the Steel Trust are riding down and terrorizing the steel strikers in Pennsylvania, because they might interfere with the immense profits of the Steel Trust. America has taken the place of Czarist Russia not only in the war but even after the war.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I do not think the privileges of the House in debate, even though a man is being tried for his position here on the floor, ought to authorize a condemnation of the institutions of a man's own Government in a crucial hour, such as now exists, and I make the point of order that the gentleman's remarks are out of order when he denounces the Government of the United States in its effort to uphold and enforce the law of this country at this time.

The SPEAKER. As far as the Chair has been able to understand him, the Chair thinks the gentleman is in order.

Mr. BLANTON. The gentleman is condemning the sending of United States troops to Gary, to maintain law and order there.

The SPEAKER. As the Chair stated before, the gentleman's back being turned to the Chair, and he having a very strong foreign accent, it has been difficult for the Chair to understand all that he has said, but the Chair understands, the gentleman being accused of unpatriotic conduct, that his argument is in the nature of a plea of confession and avoidance, that he is giving reasons why he should not support the Government; and whereas the weight of that argument is to be considered by the House, the Chair thinks it is in order.

Mr. BLANTON. Just one sentence, Mr. Speaker. The gentleman is asking that he be permitted to take the oath of office as a Representative of this Government, which oath binds him to uphold the Government and the flag of the United States. When he is asking that he be allowed to take the oath of office, is he to be permitted to condemn that Government and to argue here that he should not support the Government which he has asked to represent?

The SPEAKER. It seems to the Chair that that is a question for the gentleman who is arguing to decide upon. Whether it would be an efficacious argument or not is another question. It seems to the Chair that inasmuch as the gentleman is charged with being unpatriotic, he has a right to claim or admit that he was unpatriotic and give his reasons therefor. [Laughter.]

Mr. STRONG of Kansas. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STRONG of Kansas. Would it be proper at the end of the remarks of the gentleman to move to strike them from the RECORD?

The SPEAKER. The Chair thinks it would.

TO USE THE REGULAR TROOPS.

Mr. BERGER. Incidentally I will say that not even the Kaiser in Germany, at the height of his power, ever dared to use regular troops against strikers; in our country, however, they will not only use them to protect scabs, but they intend to run the mines and the railroads, if necessary, with regular troops. That is why we have won the war "to make the world safe for democracy" and to abolish "militarism everywhere and forever."

THE RIGHTS OF LABOR IN QUESTION NOW.

But there is our President, Woodrow Wilson, the sacro-sanct. Mr. Wilson has coined more democratic phrases than all the Presidents of the United States combined, and he has taken away more of our liberties than all of the Presidents of the United States combined. He is on especially good terms with Sam Gompers, James Duncan, and Frank Morrison, officials of the American Federation of Labor. With the help of these gentlemen—all of whom, by the way, were born under the British flag—he has gloriously fought this war which is to end by giving Great Britain six votes in the league of nations to our one.

But did this victory help the working people, and where?

Before the war it was an axiom in every civilized country that a man had a right to stop work individually or in company with his fellow workers. That man had a right to make an agreement with his employer, either individually or collectively, in company with his fellow workers. That he had a right to select such delegates or agents to make an agreement for him as were calculated to bring the best results for himself and his fellow workers.

All this is gone now, and legislation is pending to make a strike a crime in the so-called basic industries.

WAGE SLAVERY.

Compulsory work means slavery, of course, but that does not matter. Our ruling class evidently thinks this is the time that our workingmen need to be told they are wage slaves in name—as they always were in fact. This is why we won the war—to make the world safe for democracy.

And this happens while Mr. Woodrow Wilson has sanctimoniously invited representatives of the employers, of the workingmen, and of the public to meet in an industrial conference in Washington to settle all the woes and ills of industry.

And Woodrow Wilson naturally has invited the employers to represent the employing class.

And he delegated his friend Sam Gompers, the trusted agent of the trusts, to designate the professional labor leaders that were to represent the working class.

Woodrow Wilson, however, also appointed a number of men to represent the public; that is, the men who were supposed not to be wageworkers, represented directly in the unions, nor employers represented in the opposite group. And behold! whom did he select?

"REPRESENTING" THE PUBLIC.

Among those invited and specially selected to "represent the public interest" in this conference are Rockefeller (Standard Oil); Gary (Steel Trust); Brookings (Union Trust Co.); Chadbourne (Railroads); Dawes (Central Trust Co.); Burgess (National Banks); Galloway (Cotton Trust); Endicott (United Shoe Machinery, Smelting Trust, etc.); Feiss (Clothing Trust); Gay (editor Morgan-owned paper); James (manufactures and banks); Jones (New Jersey Zinc Trust); Landon (American Radiator Trust); Meredith (United States Chamber of Commerce); McNabb (known in San Francisco as McScab); Sweet (beet sugar); Titus (oil); and Baruch, the blessed one of Wall Street, not to mention the Socialist renegades, Russell and Spargo.

J. Pierpont Morgan is not in this list, that is true; but Mr. Morgan just now is representing "us" in Europe. Nevertheless, with the help of Mr. Rockefeller and Mr. Gary and the other gentlemen that Mr. Wilson appointed to represent "the public," Mr. Morgan's interests will not be neglected.

"ABOLISHING MILITARISM."

We were told that this war was fought "to abolish militarism in the world forever." At the same time, our War Department, which is headed by that ex-pacifist and ex-reformer, Newton D. Baker, demands a standing Army of 584,000 men, which is more than the Kaiser ever had until shortly before the outbreak of the World War.

I was opposed to conscription because—though it was politely called the "selective draft act"—it was undoubtedly an enforced draft on the manhood of the Nation, without any vote of the people having been taken.

ALWAYS LAW-ABIDING.

But after the act had been passed I have never in a single speech or article said a word against it, because the Socialist Party almost slavishly and often foolishly obeys every law after it has been passed—even when the law is not to their liking.

In my own family all the male members that were of military age volunteered—two of them from my own household—not because they were particularly fond of the war, but because they were tall, strong boys who were sure to be drafted. Knowing the rubber-stamp qualities of our Congress, everybody expected the law would be passed when the administration demanded it.

Our Army did wonderfully well in Europe. Since the Central Powers were as much exhausted as the Allies, the entrance of our great country into the war at once decided it in favor of the Allies.

But how were these soldiers, whom our capitalist class now intends to corral into the folds of the American Legion for the upholding of exploitation and profiteering—how were these boys treated during the war?

OUR MILITARY CODE.

Carl Hagenbeck, the well-known circus man and animal trainer, said that the way to discipline wild animals was through the use of the iron rod, fear, and abuse. Lieut. Col. Woodruff, of the United States Army, quoted him and said the same thing applied to discipline in the Army.

Upon entering the ranks our boys were at once put under the military code of England of 1774, with the only difference that when passing sentence for infraction of some regulation, instead of "His Majesty the King" the President and Commander in Chief is substituted. The military code of every country, even of Great Britain, has been changed since 1774; but this being the greatest democracy in the world, and fighting to make the world safe for democracy, we have kept the old code.

We were in the war for almost a year and a half. During that time there were 25,000 major court-martials with prison penalties. There were 322,000 minor court-martials with loss of pay and guardhouse sentences.

There were also 19,000,000 infractions of military law, seven times as many as in the English and French armies combined.

Well, we had a war here, also, to uphold the Union and to abolish chattel slavery. That war lasted from 1861 to 1865. It was fought out in the main in the neighborhood of Washington, and fought by a force composed 95 per cent of volunteers. I have no figures at hand for court-martials during the Civil War. And although the old British code was enforced then also, I am sure that there were not nearly as many cases of courts-martial, even in proportion to the number of soldiers.

MORE SOCIALIST PREDICTIONS CAME TRUE.

Militarism and autocracy have been fastened upon us as the result of the war, just as the Socialists so often predicted.

What have we gained in this war—unless it is more persecution than ever known in the history of the country?

I am well aware, however, that this proposal to unseat me is not so much due to my position on this war as it is due to the fact that I am a Socialist.

It is the opinion of shrewd observers that a large number of Socialists in Congress would be a blessing to the conservatives of the country; the Socialists and their measures might possibly stand between present society and chaos.

Leading spokesmen of both of the old parties admit that a new party formation is an absolute necessity.

There is substantially no difference between the Republican and Democratic Parties, which are the two dominating political organizations to-day.

THE TWO OLD PARTIES.

Both of them are the servants and the tools of the capitalists. Both of them were willing and anxious to get this country into the war, as soon as a group of international financiers and their press had decided to have war.

Both of these parties seem to have no idea that in a democracy free citizens should have a right to decide about their own economic and political conditions.

Leaders of both parties have often openly admitted that there is no other difference between the two, except the question of who is to have the political offices. In other words, the battle is simply a question between the ins and the outs—the outs want to get in and the ins want to stay in. This is camouflaged usually by a sham battle on the tariff, on finance, or some other capitalist measure.

Neither of the two parties seems to have the faintest idea of the great social questions that are agitating the masses of the white nations to-day. Neither of the two old parties seems to have any plan of meeting the present emergencies and dangers other than mere repression by force and by militarism.

Both of them were willing and are willing to suppress free speech, free press, and the right of peaceful assemblage, in order to protect the ruthless plutocracy, and in the vain hope of keeping up an impossible system for all days to come.

Both parties meet economic and political facts with the same rhetoric and the same phrases that they learned from their fathers 100 years ago, although these phrases have ceased to have any meaning for the present day.

And this is not at all surprising, if we look at the method by which our Congress and other representative bodies are elected.

VOTING BY GEOGRAPHICAL GROUPS.

Under our present system we vote in geographical groups—that is to say, according to ward, city, county, State, and congressional districts. The result is that the choice of each voter, if he wants his ballot to count at all, is confined to the candidates of one or two political, partisan organizations—usually the Democratic and the Republican.

And the result is that the only candidates who can be voted on for an effective ballot are fellows who make a business and a livelihood of office seeking—mostly second or third rate lawyers, or handy men of rich corporations, and exploiters, with a slight sprinkling of men who are really zealous for the public good.

The further result is that the professional men who number less than 5 per cent of Americans engaged in occupations provide over 60 per cent of the so-called representatives in Congress.

323 LAWYERS IN CONGRESS.

Instead of the 20 Members of Congress to which they would be rightfully entitled if the Congress truly represented all citizens engaged in all occupations, the professional occupations have 388 Members in the present Congress, of whom 323 are lawyers.

Now, it is all nonsense to call such a body as truly representative of all the people.

I am not going into this any further, because it really has nothing to do with my case.

I am only mentioning it to show how little you gentlemen really represent the country.

But it is not only the unrepresentative character of Congress, but the type of the present membership, which is a real danger to this Nation.

Let me quote in this respect a witness whom undoubtedly most of you know.

THE OPINION OF AN OBSERVER.

Mr. Lynn Haines, of the National Voters' League—not a Socialist organization—says in the last number of The Searchlight:

There is nothing to be gained by self-delusion regarding the affairs of our Government. A real crisis is rapidly approaching. To sum up the opinion of informed persons with whom I have talked, or from whom I have heard, the two outstanding problems immediately facing American statesmanship are national bankruptcy and national hunger. The only doubt is not as to the imminence of these menacing issues; it concerns the ability of those in authority to find adequate remedies.

It is in no way reassuring to say that Congress is doing all that it can, that it knows how to do. The present National Legislature is the culmination of decades of training in politics rather than statesmanship. It represents primarily a great special interest, the business of politics. It is proficient in politics and nothing else.

No one will dispute that the Nation's finances are in an alarming state. We have spent as though our governmental resources were limitless. It makes no difference that these expenditures were for the most part necessary. We have borrowed and borrowed from Peter to pay Paul. And more borrowing seems probable in the near future. Already in the fiscal year ending June 30, 1920, the country faces a certain deficit of nearly $4,000,000,000, with perhaps much more to be added through deficiency appropriations.

In two years all the problems of our Government have been multiplied at least by ten.

LOWEST LEVEL IN AMERICAN HISTORY.

Instead of being ten times wiser than before, the personnel of the present Congress represents probably the lowest level of statesmanship ever reached by any National Legislature in all the history of America.

And then Mr. Haines quotes Mr. Charles F. Nesbit, "a most reliable student of the business of government, and one whose conclusions are indisputable," as follows:

INTEREST CHARGE IN 1920 BIGGER THAN ENTIRE DEBT IN 1916.

At the end of the war we find that the Nation has outstanding an enormous indebtedness. This indebtedness, amounting to between $25,000,000,000 and $30,000,000,000, is about ten times greater in amount than any national indebtedness previously existing in our history.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. BERGER. I will not yield now. I can make no exception, even to as good-looking a man as the gentleman from New York. [Laughter.]

We find now that the interest on the national debt will be fully $10 for each man, woman, and child in the United States; that is, the national interest charge on our debt will be more in 1920 than the entire debt was in 1916.

Now, you can not solve these questions, yet they must be solved. Do you really think that the presence of any Socialist student would hurt you?

THE FACTS IN THE CASE.

I do not believe that there is 1 Congressman in 50 who has taken the trouble to read through the two bulky volumes that constitute the hearing in my case; therefore I shall, in a few words, recite the main facts.

Now, the first fact is this:

At the last general election I was regularly elected to represent the fifth district of Wisconsin.

Even the majority report of the committee admits the following:

At the election held on November 5, 1918, he was again elected as a Socialist to the Sixty-sixth Congress, receiving 17,920 votes; Joseph P. Carney, the Democratic candidate, receiving 12,450 votes; and William

H. Stafford, the Republican candidate, receiving 10,678 votes. No question is raised in this case as to the regularity of the election or the correctness of the election returns.

But I am to be barred from taking my seat on account of the position of the Socialist Party in this war, and because I was indicted upon orders from the Attorney General under charge of conspiracy to "interfere with the armed forces," and found guilty of the charge by a hand-picked Federal jury, each member of which, according to a statement in the Chicago Herald-Examiner, had the O. K. of the American Protective League—which was a branch of the Secret Service—before he was put on the jury. The same jury would undoubtedly have found many Members of the Sixty-fifth Congress guilty of the same charge if the jury had been selected for that purpose.

The overt acts which formed the alleged "conspiracy" consisted in the reprinting of the Socialist Party proclamation against wars, adopted at the Socialist convention at St. Louis, and in the printing of five editorials in the Milwaukee Leader expressing our disapproval of the Woodrow Wilson administration regarding participation in the European war.

There were four men indicted with me, two of whom I have known only very slightly. The prosecution did not charge that we had ever met to discuss the alleged "conspiracy," nor that we had ever planned or ever mentioned it to one another by means of correspondence or otherwise.

CONSPIRACY BY MEANS OF A "MEETING OF MINDS."

What the prosecution did charge was that five men holding similar opinions about the war, because they belonged to the same party, conspired by means of a "meeting of minds." This legal fiction outraged common sense, of course. Under this construction any man of any party anywhere in the United States could be indicted, convicted, and sentenced to 20 years in the penitentiary if his opinions upon public questions were offensive to the men temporarily in power. If you read these articles in question, or any of the articles written by me for many years before the indictment or after the indictment—you will find many of them in the report of the hearings—you will admit that the most rigorous construction of any of these articles by any person with a sane mind will not bear out the charge.

GERMAN-AMERICAN CIRCULARS AGAINST ME.

And the suggestion that any of them are pro-German must sound doubly ridiculous, because in the congressional elections of 1914 and 1916 certain German societies belonging to the National German-American Alliance sent out circulars against me, denouncing me as proally, because I was unyieldingly opposed to the Kaiser and to the war at that time, when it looked as if the Germans were sure to win out.

In short, my articles at that time, and before and after, were never pro-German and they were never proally. They were always international and prohumanity.

This decided position of mine, as late as November, 1916—that is, a few months before our country entered the war—resulted in very complimentary editorials and articles in the big proally eastern papers, like the New York Times, the Philadelphia North American, the Baltimore Sun, and others—compliments which I did not even appreciate at the time.

SOCIALIST OPPOSITION TO COMMERCIAL WARS AS OLD AS SOCIALISM.

Opposition of the Socialist Parties of all countries against imperialistic and commercial wars is as old as international Socialism. This was proven conclusively by the documents written and published in other countries which were produced at the hearings.

Opposition in this respect was first formulated in Geneva at the international congress of 1866. And if the opposition to imperialistic and commercial wars means a conspiracy, then the conspiracy against the World War of 1914 was really hatched out in 1866.

SOCIALISTS FIGHT ONLY FOR EMANCIPATION OR WHEN COUNTRY IS ACTUALLY INVADED.

Anybody who knows anything about the Socialist Parties of the world knows that the Socialists will fight only in wars of emancipation or revolution or when they are convinced that their country is actually invaded.

This was well known at the outbreak of the World War of 1914.

It is therefore worth noting that the proclamations of all the Socialist Parties in 1914 were worded very much like the proclamation and the war program of the American Socialist Party adopted in St. Louis in 1917. Even the phraseology was almost the same.

And it is also well known that the respective Governments of the various countries at war did succeed in getting the support of at least part of the Socialists only by convincing them that their respective countries had been actually invaded. This is the way the French, German, Austrian, and Belgian Socialists were persuaded to support their respective Governments. The Germans were told that the Russians had crossed the Niemen; the French were told that the Germans had crossed their border, and the same was told in Austria and everywhere.

SOCIALISTS SPLIT IN EVERY COUNTRY ON WAR.

In every country, however, there was a minority of the Socialist Party that stood out against the war, and did not falter. In Italy the antiwar element formed the majority of the party.

The great majority of the Socialists of the United States believed that the American people did not want war; that they were plunged into this war by the plutocrats and profiteers of the country—especially by a group of international financiers who had immense sums at stake—by their press, their demagogic agitators, their photoplays, their advertisements, and other instruments of public expression.

These American Socialists believed that this was in the main a capitalistic and commercial war between Great Britain and Germany for the commercial rule of the world—as expressed by the phrase "rule of the seven seas" of Great Britain, and the phrase "demanding a place in the sun" of Germany. Or, as President Wilson stated it, "They were bursting their commercial jackets."

The American Socialists believed, and still believe, that this was a criminal war in Europe and that it was doubly criminal for us to take part in it.

NOBODY BELIEVED THIS A WAR FOR DEMOCRACY IN 1914.

In 1914, when the war broke out, nobody spoke of it or thought of it as a war "to make the world safe for democracy." And now, since the war is over, no one thinks of it as a "war to make the world safe for democracy."

But right at the beginning of the World War the Socialists the world over understood what everybody now understands—that the English and the German capitalist classes were fighting for supremacy. And our ruling classes being in partnership with the English capitalist class, and connected by ties of blood and business, naturally threw their weight on the side of the Allies.

INTERNATIONAL CAPITALISM.

This partnership is best exemplified by the banking firm of J. P. Morgan & Co., of New York and London. Morgan & Co. acted as financial agents of the Entente until we got into the war.

But the Socialists were not the only ones opposed to the war. Many Republicans and Democrats in Congress, and out of Congress, believed the same.

And some of the Members of Congress have criticized the national administration and the war in stronger language than I did. They only had the advantage of being Members of Congress at the time.

And these were some of the most prominent Members of Congress: CHAMP CLARK, CLAUDE KITCHIN, FRANK MONDELL, W. E. MASON, and JAMES R. MANN. Extracts from their speeches, and from the speeches of many other Members, were quoted at my hearing.

Mr. BLANTON. Mr. Speaker, I make the point of order against the gentleman's remarks. I think it is an insult to this House to mention such men as CHAMP CLARK and CLAUDE KITCHIN in this manner.

Mr. JOHNSON of Washington. Mr. Speaker, I think the gentleman is attempting to make it appear that the speeches of these gentlemen were after the declaration of war.

Mr. BERGER. Oh, no.

Mr. BLANTON. These were the remarks of loyal American citizens.

The SPEAKER. The gentleman from Texas is out of order; the gentleman will proceed.

Mr. BERGER. Of course, the Members of Congress were cowed by our plutocratic and prostituted press, which lent itself very willingly to the war propaganda.

PROPAGANDA—BRITISH AND GERMAN.

I must also give British diplomacy credit for foresight in starting its propaganda early by buying up papers and getting ready for action in many other ways.

There can be no doubt, however, that Germany, after the war had begun, also started to neutralize British propaganda by German propaganda. But the German propaganda was ineffective and clumsy. Moreover, the German propaganda was up against the fact that so many of the big papers were owned by

the profiteers, who were intensely interested in the allied cause because they had loaned money and furnished war materials.

Then there is also this fact, that the British propaganda had the undoubted assistance and good wishes not only of the capitalist class but of our national administration.

One of the most glaring particulars, for instance, was the bugaboo of the German invasion of the United States. There was the strongest army of the world within 50 miles of Great Britain and not a soldier could land on British soil. Yet some way or other our capitalist papers succeeded in making a good many of our people believe that a German Army could land here and "take all of our money away."

And that in the face of the fact that Germany had less than one-half of our man power, less than one-fourth of our wealth, a smaller navy than we had, and 3,000 miles of water to cross. Yet this idea was also expressed on a good many of the bill posters.

This propaganda was especially cruel and contemptible where it resulted in a campaign of hate against citizens of German blood or descent. There is no example in the history of the world where one-fourth of a nation—because folks of German blood make up about one-fourth of our Nation—have been persecuted and cowed to such an extent as was done during the last four years. And the end is not yet.

WOODROW WILSON AND THE WAR.

And remember the President of the United States, Woodrow Wilson, was one of those who wavered most during the first three and a half years of the World War.

There can be no doubt that the President seemed to be an especial admirer of the German Kaiser.

At a time when the Socialists and the Milwaukee Leader attacked the Kaiser and Germany most bitterly for being a party to the World War we find that on January 27, 1915, several months after the World War had begun, Woodrow Wilson sent the Kaiser the following cablegram:

In behalf of the Government and people of the United States I have the pleasure to extend to Your Majesty cordial felicitations on this anniversary of your birth, as well as my own good wishes for your welfare.

On May 13, 1915, and on July 23, 1915, Wilson used the following highly complimentary language in referring to the Imperial German Government, German views, and German influence after the World War had raged for a year:

Recalling the humane and enlightened attitude heretofore assumed by the Imperial Government in matters of international right. * * * Having learned to recognize German views and German influence in the field of international obligation as always engaged on the side of justice and humanity. * * *

The Government of the United States and the Imperial German Government are contending for the same great object, have long stood together in urging the very principles upon which the Government of the United States now so solemnly insists. They both are contending for freedom of the seas.

And that on February 3, 1916, nearly one and one-half years after the beginning of the war, President Wilson is on record as having said:

I have no indictment against any form of government.

On May 10, 1915, President Wilson is on record as having said:

The example of America must be a special example. The example of America must be the example of peace, not merely because it will not fight, but of peace because peace is the healing and the elevating influence of the world, and strife is not. There is such a thing as a man being too proud to fight.

President Wilson went on like this—

February 3, 1916:

We believe that we can show our friendship for the world and our devotion for the purposes of humanity better by keeping out of this trouble than by getting into it.

May 5, 1916:

There are two reasons why the chief wish of America is for peace. One is that they love peace and have nothing to do with the present quarrel * * *.

December 18, 1916:

I take the liberty of calling attention to the fact that the objects of the statesmen of the belligerents on both sides are virtually the same.

WOODROW WILSON NOW.

And then, from an interview with Senator McCUMBER at the White House on August 19, 1919, the following:

Senator McCUMBER. Do you think that if Germany had committed an act of war or act of injustice against our citizens that we should have gotten into this war?

President WILSON. I do think so.

Senator McCUMBER. You think we would have gotten in anyway?

President WILSON. I do.

This, too, despite the fact that President Wilson had declared on the eve of the 1916 presidential election (Sept. 30, 1916):

The certain prospect of the success of the Republican Party is that we shall be drawn, in one form or another, into the embroilments of the European war.

"HE KEPT US OUT OF WAR."

And it is a fact, denied by nobody, that Mr. Wilson was reelected President of the United States in November, 1916, with this slogan, "He kept us out of war." And then he rushed us into the war just a few months later.

Thus Mr. Wilson changed continuously in his tactics from "There is such a thing as a man being too proud to fight," May 10, 1915, to demanding a standing Army of 584,000 men and the biggest battle fleet we have ever had, in 1919, and this in spite of his assurance that "the covenant of nations has made war impossible forever."

The Socialists could not understand that kind of logic nor that kind of hypocrisy. They were opposed to imperialistic wars, and are still opposed to them.

THE INFAMOUS ESPIONAGE ACT.

But under the convenient legalistic term of "conspiracy"—construed by some of our Federal prosecutors and judges as a "meeting of minds," where the persons accused had never even met—and with an act like the infamous "espionage law," which forbade a man even to think against the war, any man, and even the men in Congress if they had not been protected by the Constitution, could have been indicted and found guilty of conspiracy individually and collectively.

They could be indicted, tried, and found guilty for the alleged utterances of persons whom they have known little or not at all, and for articles they have never seen—if the right kind of a panel could be gotten together by the United States prosecutor.

They could be indicted far away from their homes, compelled to give bail in another State, and convicted there by a Federal jury. The gentlemen whose names I mentioned above were protected from this tyrannical procedure only because they were Members of Congress.

But does the Constitution only protect the free speech of Members of Congress? And how long will it protect even Members of Congress if you permit this kind of procedure?

EXCESSIVE AND UNCONSTITUTIONAL BAIL.

A citizen of Milwaukee, Wis., I was indicted in the State of Illinois. I was compelled to furnish bail there amounting to $100,000. I am under bail for $45,000 more on other indictments in some places in Wisconsin, for the same articles, making a total of $145,000 of bail, which is surely unconstitutional.

Republicans and Democrats could be punished in exactly the same fashion for any opposition to a hostile national administration.

A few months ago President Wilson was quoted in the papers as having said that certain Senators should be "gibbeted" because they do not approve of his treaty. Supposing he insists that this idea should be incorporated in some kind of an espionage law? Well, these Senators happen to be prominent Republicans, so there is little likelihood that they will be hanged even on Mr. Wilson's say so.

But American Socialists were doomed beforehand, and called German Socialists and Bolsheviki in the capitalist press.

HAD ALL OUR PAPERS AND FILES.

The minions of the Department of Justice were in possession of all our papers and files. These spies had opened my letters and the letters of other defendants for many months before and after the indictment. And although there was not even the slightest shadow of evidence to connect any of us—or the Socialist Party—with German propaganda, the prosecution in our trial continually hinted at German propaganda.

A SUPERCZARISTIC POSTMASTER GENERAL.

The Milwaukee Leader and I have been prosecuted under the espionage act in an unheard of manner. Persecution of this type was not known even in Russia under the Czar or in Germany under the Kaiser.

The Milwaukee Leader not only lost its second-class mailing rights, by order of Postmaster General Albert Sydney Burleson, but he has also deprived us of the right to receive any and all kinds of mail, letters included. The Milwaukee Leader and its editors can not, even to-day, a year after the armistice was signed, receive any business letters, or even the New York Times or the Chicago Tribune, by mail.

The espionage act, which gave the Postmaster General unlimited discretion and formed the basis for many prosecutions by the Attorney General, proved to be a "peonage" law. It made political peons out of American citizens.

NO CITIZEN CONVICTED OF TRYING TO GET MILITARY SECRETS.

Under that infamous espionage act, according to the report of the Attorney General, not a single citizen was convicted of trying to find out military secrets. So far as there is any evidence, those accused of such offenses under the espionage

act have been either acquitted or interned without imprisonment because they were not citizens.

American citizens, however, have been sentenced to terms as high as 20 years in the penitentiary for remarks made in private conversations about the war.

The Postmaster General and the Attorney General made it a crime to say or write that this war was caused by commercial rivalry.

To doubt that this was an idealistic war meant that the doubting Thomas was immediately arrested as a pro-German, or at least as a Socialist—for "chilling the ardor of our potential soldiers."

SENATOR HARDING CALLING A SPADE A SPADE.

Spokesmen of the Republican Party in the United States Senate, however, now frankly admit that the World War was a struggle for commercial supremacy. And all our financial and commercial papers now make no secret of that fact.

Senator HARDING, of Ohio, declared a few months ago that—

From the very beginning it was a lie to say that this was a war to make the world safe for democracy.

WAS A COMMERCIAL WAR, SAYS WOODROW WILSON.

And Woodrow Wilson, at the St. Louis Coliseum, September 5, 1919, enlightened the world, as follows:

The real reason that the war we have just finished took place was that Germany was afraid that her commercial rivals were going to get the better of her, and the reason why some nations went into the war against Germany was that they were afraid that Germany would get the commercial advantage of them.

And also, on the same date, in St. Louis, he said:

Peace? Why, my fellow citizens, is there any man here, or any woman—let me say, is there any child—who does not know that the seed of war in the modern world is industrial and commercial rivalry? * * * This war was a commercial and industrial war. It was not a political war.

Nevertheless, in 1917, Postmaster General Burleson suppressed about 60 Socialist publications and took the second-class mailing rights away from the Milwaukee Leader, and tries his utmost to kill the paper for saying the same thing in 1917 that Woodrow Wilson and everybody else is saying now.

"TWENTY YEARS" FOR SAYING IT TWO YEARS AGO.

And I was condemned to serve 20 years in the penitentiary for saying the same thing. Or was it a crime to tell the truth until Mr. Woodrow Wilson permitted it to be told?

LINCOLN AND WILSON.

Remember, Abraham Lincoln waged a war of four years infinitely more dangerous to our country and to the Union without any infamous law like the espionage act.

It was a war which divided the sentiment in almost every city, even in the North. It was a war which in the main was fought out and decided within 100 miles of Washington, while in the World War our boys had to travel over 3,000 miles to get a chance to break into the fight.

And yet Lincoln refused to have a gag law enacted.

It was different under the Woodrow Wilson administration, which made a specialty of slick and hypocritical democratic phrases and of autocratic and tyrannical acts.

With the exception of our English friends, who abuse Ireland and the Irish and also keep political prisoners in India, there is no other civilized country in the world to-day that has political prisoners.

NO DIFFERENCE MADE BETWEEN POLITICAL OFFENDER AND COMMON CRIMINAL.

And, what is still worse, this is the only civilized country in the world to-day where they do not differentiate between the political offender and the common criminals. A man who differs with Woodrow Wilson and his satellites, and is found guilty of this terrific crime, is treated as a common criminal and worse than a common criminal.

As a matter of fact, the Attorney General denies that there is such a thing as a political crime in America. If you differ with Wilson and Palmer in the interpretation of any political act, then you are a common criminal—not a political offender. For instance, Eugene V. Debs said this was a capitalist war, and for this he is serving a 10 years sentence as a "common criminal."

WHERE CZAR AND ATTORNEY GENERAL AGREE.

The Attorney General claims that we Socialists are to be punished for violating certain provisions of the law—the espionage act—not for our Socialist ideals.

And that is exactly what the Czar of Russia always told his subjects.

The thinking people of Russia were never punished for their political beliefs; they were always punished for violating the provisions of some Russian law.

And that is how the Czar raised the terrorists and the Bolsheviki and prepared a grave for himself and his wife and his children.

HYPOCRISY OF DEPARTMENT OF JUSTICE.

To show the hypocrisy of the so-called department of justice: My comrades and I were told at the beginning of our trial in Chicago by the United States district attorney that "the Socialist Party is not on trial." A few minutes after we had been found guilty by the hand-picked jury, however, the same United States district attorney triumphantly declared, in an interview in the papers, that "Bolshevism had received a final blow from this verdict."

SOCIALISM IS NOT BOLSHEVISM.

Now, socialism is not bolshevism.

Socialism is the collective ownership and democratic management of the social means of production and distribution, while bolshevism, as far as I understand it, is communism combined with syndicalism.

Socialism stands for a new civilization.

Of course with people who believe that whatever is will exist forever and that we have reached the acme of civilization and the end of all things in economic progress, with such people it is entirely useless to argue. But surely no educated man believes that the present conditions are the end of all things. That we have not reached the end of our national development is clear. Every new invention and every new political question proves that to us.

Thinking men of all classes become Socialists not because we like to be "different" from other people. We are Socialists because we have recognized that the economical development of the present capitalist system leads toward socialistic production. There is also this: In former epochs the ruling classes were not only more able than the workers, but in many cases they differed in nationality, speech, and general make-up.

In modern countries the conditions are entirely different. The conquered class is of the same nationality, the same speech, the same mode of thought. And the ruling class is not better or stronger nor more able in any way.

Even in America, where common and hard manual labor is usually done by immigrants who belong to a different race and speak a different language than our capitalist class, and where the civilization and culture of the immigrant is often lower—even in America this difference holds good only for one generation, as a rule.

WORKER FIGHTS FOR CAPITALISTS.

Since the general introduction of public schools the proletariat, as a whole, gets at least the elements of the same kind of education. The ability to read and write opens to them the same avenue of knowledge and mental power that the ruling classes possess. The proletariat and the middle class not only do all the useful and necessary work which is to be done under the present civilization but they also have to keep up with that civilization. To-day civilization depends entirely upon the proletariat and middle class for its existence.

And what is more, the capitalist class is even unable to defend its position in case of danger. If there is any fighting to be done, the capitalist class has to hire and cajole the proletariat to do the fighting. The capitalist class holds its position only because the proletariat is asleep, and it is not conscious of its strength.

A statesman of old Rome said that the Romans could hold their slaves only because they had never counted themselves and their masters. However, since we have universal suffrage, there is good chance to count ourselves and our masters at every election.

Nor would the claim that God had ordained class rule hold good to-day. Not even the most stupid worker would believe Ogden Armour that God has ordained that he and the other big packers should form a trust to uphold the price of meat. Nor would anyone believe our magnates of the Steel Trust that they are descended from the gods and must rule.

PLUTOCRACY IS DOOMED.

Unless plutocracy can persuade the majority of the people to close up the public schools and make illiterates of the next generation, and unless it can also persuade them to give up the electoral franchise, plutocracy is doomed. So much is clear.

And that is the reason why we socialists can look with such equanimity and complacence into the future. The future belongs to some form of socialism.

And it will depend very much upon the action of the capitalist class and the behavior of capitalist governments during the next few years as to what is going to happen to the capitalist class not only in European countries but also in America.

It will depend on our rulers whether we shall have an orderly evolution, which I have always preached and propagated, or a

violent revolution, which we Socialists have always tried to avoid.

Just now the plutocrats believe that they can quell the uprising of the working class by using force and by enacting special restrictive legislation. But remember, the Czar of Russia tried force to suppress ideas. Where is the Czar now? Where is his wife? Where are his children?

Prince Bismarck, one of the greatest statesmen Germany has ever produced, tried the enactment of special restrictive legislation against the Socialists. Bismarck lived long enough to regret it. Where is Germany now? If the Socialists can not save Germany, Germany can not be saved.

VERDICT IMPOSSIBLE UNDER KAISER OR CZAR.

But even at that I believe that a verdict like the one rendered in Landis's court in Chicago—and a sentence like his—would have been impossible under the Czar in Russia or under the Kaiser in Germany.

I believe that for the articles that I have printed and for which I was found guilty and sentenced to serve 20 years in the penitentiary, I should not have been punished 20 minutes in prison in Germany under the Kaiser or under the Czar in Russia.

Under acts passed by Congress as "war measures," however, many men have been sentenced to terms of imprisonment far exceeding the heaviest sentences for much worse offenses under the régime of the Czar or the Kaiser.

For the ruling class in America capitalism and Americanism have come to mean the same thing. The word "profit" and "patriotism" were used as synonyms by our profiteers during the war and ever since.

And all opposition to capitalistic, commercial, or imperialistic wars was regarded as "high treason." And all opposition to profiteering was denounced as disloyalty and "German propaganda."

CAPITALISTS FEAR SOCIALISM.

Bolshevism and socialism also mean the same thing to the capitalist class and its press. And the terms "Government" and the "national administration" were purposely confounded by the people who wanted war because it helped their business.

The capitalists fear socialism. They point to poor Russia, which is undergoing the pangs of rejuvenation, where a new society is to be born out of chaos and pain, as an example of socialism.

This is not the time nor the place to explain Bolshevism in Russia and to tell the difference between Bolshevism and socialism in detail, but there can be no doubt that the Bolshevist revolution is the natural result of czarism and of the methods the czars used against the socialists and liberals in Russia.

And if our authorities refuse the representatives elected by legal voters admission to legislative bodies, then the working people may be forced to discard their belief in representative government and in the ballot.

The Bolshevists do not favor representative government. They preach "direct action" and the "dictatorship of the proletariat."

The Bolshevists want to break entirely with the past. The socialists do not believe that a complete break is either possible or desirable. But, as I said before, the outcome will largely depend upon the attitude of the "powers that be" whether the socialists or the extremists will prevail.

LEAGUE CAPITALIST ALLIANCE.

Remember, less than two years ago the Kaiser was one of the most powerful men in the world. Less than three years ago the Czar was the autocrat of 170,000,000 people. Where are they to-day? And do you really believe that a revolution which did not stop before Kaiser and Czar will stop before the majesty of the money bag?

It is true our capitalist rulers may form a so-called league of nations. It is an alliance of the plutocratic governments against the socialist and the communist nations of Europe, the alliance to be directed and governed by the British plutocracy. Such a league will furnish no relief against armaments, high taxes, and wars. On the contrary, there will be more armaments than ever and more wars than ever.

And since ideas can not be excluded by bayonets, the communists may eventually win simply because of persecution. The present civilization may be lost entirely; the good in it will go down with the bad, which would be deplorable.

I repeat that I have nothing to retract from the articles that I have written or from the speeches I have made. All my predictions have come true. And a great deal more will come true than I have predicted.

This was the worst imperialistic war ever known in the history of the world. Every honest man who has any brains admits it now.

And because I am a student of the world's history, because I can see clearly, because I warned my fellowmen, my countrymen, of the events that were bound to happen if we pursued a certain course, therefore I was indicted, found guilty, and sentenced to serve 20 years in the penitentiary. This incident of being found guilty in Judge Landis's court for exercising my constitutional right of free speech and a free press should have nothing to do, however, with my being seated in the House of Representatives.

ONLY ONE MORE REASON TO SEAT ME.

And it would be ridiculous, of course, to pay much attention to the plea of the attorney for my Democratic opponent, Mr. Carney, that I must be excluded and Mr. Carney seated—although he received almost 6,000 votes less than I did—in order to make at least the Sixty-sixth Congress "safe," since I am sure to be reelected if Carney is not seated.

If my reelection is as certain as the attorney for Carney claims, then that is only one more reason to seat me, because I am the true choice of the electorate of the fifth district of Wisconsin.

Of course, it is the natural and usual thing that the people should reelect the man who expresses their ideas, especially if the man has proved to be true in face of persecution and prison. In European countries, including France and England, many men have been elected and reelected to parliaments who were under prison sentence. Most of the Sinn Fein men recently elected had been found guilty of "sedition" and "high treason" or were indicted and under arrest.

SEDITION ACT PROSECUTION IN 1798.

In our own country Matthew Lyon, a Member of Congress from Vermont, who had earned the hatred of President John Adams by ridiculing the aristocratic pretenses of our country's Chief Executive, was, under the sedition act of 1798, indicted, found guilty, and imprisoned for having written and printed certain articles and pamphlets. Congress had adjourned when the trial took place. Lyon served his full sentence of four months, but was reelected to Congress in 1799, while in prison.

The Federalist Party tried to expel Lyon from the House when he took his seat, but could not muster the necessary two-thirds majority, although the vote of the House did show a simple majority for expulsion.

Like all the other men who had been found guilty under the sedition act, Matthew Lyon was highly honored afterwards. He became a popular idol and was repeatedly reelected to Congress. His $1,000 fine was paid back to his heirs with accrued interest. Together with Thomas Jefferson, Matthew Lyon became one of the founders of the Republican-Democratic Party, now called the Democratic Party.

The Federalist Party, until then the ruling political organization, completely disappeared, mainly on account of having passed the sedition act.

It seems that the statesmen of the Democratic Party, including Woodrow Wilson, do not know the history of the origin of their own party. If they did they never would have passed the so-called espionage act, which is patterned after the old alien and sedition acts, only made very much more drastic and cruel. Even the truth of a statement is not permissible as a defense under Wilson's law. And the maximum punishment was raised from 3 years in 1798 to 20 years in 1917.

Yes, from time immemorial the bird of liberty was a jailbird, and it got to be more so since Woodrow Wilson "made the world safe for democracy."

REPRESENTATIVE GOVERNMENT AT STAKE.

Gentlemen, it may depend upon your decision in this case to a great extent whether the common people are to lose all faith in political elections and representative government—whether they are to turn to "direct action" and "soviets."

The tendency manifest among workmen of our country to-day is decidedly against "politics" and in favor of "direct action." The only "politics" the workingmen know in this country—with the exception of very few places in the Middle West and the Northwest—is capitalistic politics. And this "politics" is so discredited that even the Boston policemen will not trust the promises of politicians, but prefer "direct action" and the strike.

There is a growing distrust of representative government everywhere, even in the classic land of parliamentarism, in England.

Although the advocates of the British labor party point to the fact that Lloyd-George has lost to the laborites practically every election held since last December, there are in many quarters symptoms of indifference and even contempt for parliamentary methods. This fact almost resulted in the triple alliance of miners, transport workers, and engineers declaring a

"general strike" against British intervention in Russia and against conscription. If such a general strike ever should take place, England will see the beginning of a social revolution.

There is the same indifference to parliamentarism in France and Italy, and it is commencing to show itself in Germany and the Scandinavian countries.

URGES ORDERLY METHODS OF CHANGE.

If it were not for the Socialist Parties everywhere, representative government would soon come to an end in Europe.

In one instance after the other, labor unions are showing their willingness to accept the strike, and especially the general strike, as their sole weapon, and they are willing to use this weapon to enforce all of their demands, political and economic.

It is due to this tendency that at the special convention of the Socialist Party of America, held during the first week of September, this year, a part of our organization split off. They started the Communist Labor Party and the Communist Party, neither of which has any faith in representative government and parliamentarism.

Now, I do not believe in the present capitalist system. I am convinced that it has outlived its usefulness and must make room for a new order of society. I believe in sane and orderly methods, however, to bring about that necessary change, provided we are permitted to use sane and orderly methods.

And if you gentlemen would only have your ears to the ground and not trust to the capitalist newspapers entirely for your information—if you gentlemen would read the signs of the times, even between the lines of these capitalist papers—you would soon come to the conclusion that besides furnishing a bad precedent it would be foolish and criminal to deprive the Socialist Party—a party casting over a million votes—of its sole representative in Congress.

SOCIALISTS BLESSING TO COUNTRY.

Special legislation to keep "undesirable" Members out of Congress surely will work both ways. Some day it may be used by Socialists or other radicals against the representatives of the capitalist class, especially if the present decisions will furnish a sufficient precedent.

Every thinking man should keep in mind that over half of the white race is in a chaotic stage of revolution at the present time, out of which revolution must develop an orderly socialist reign within the next five years. Every thinking American should take into consideration that England, France, and Italy will soon join the world-wide social revolution.

Can America alone escape a world-wide movement of the white race?

Mr. BLANTON. Mr. Speaker, I make a point of order. The privileges of this House in debate do not warrant any person in making statements that would tend to preach anarchy and revolution in this country. I submit that the statements of this person now speaking on the floor of the House have not only denounced the Government, the flag, and the institutions and its hopes and purposes, but the memory of our dead soldiers in France. I claim that it is out of order, Mr. Speaker, in the proceedings in the House of Representatives of the United States of America.

The SPEAKER pro tempore (Mr. WALSH). The Chair would state that if the gentleman to whom time has been yielded has offended along the lines suggested by the gentleman from Texas [Mr. BLANTON] it is certainly not in order, and the gentleman will proceed in order.

MAY RUE THE DAY.

Mr. BERGER. It will avail our statesmen nothing to hide their heads in the sand of reaction and to forbid immigration, or even to deport rebels. You can not build a Chinese wall against ideas.

There are 10,000,000 men and women in this country always on the brink of pauperism and starvation. You can not expel all of them. You can not kill all of them. You need them under the capitalist system as a reserve army of labor for your industries.

You can not solve this question. And yet this question must be solved. Our reactionaries may soon rue the day when they persecuted the representatives of evolutionary Socialism and thus invited a cataclysm which is bound to bury the present system and its defenders.

Under these circumstances and conditions, it is almost a waste of time to answer the allegations and so-called findings of the special committee, headed by Mr. DALLINGER, of Massachusetts. Its very premises are false, and the report is prejudiced.

The majority of the committee charges me with "disloyalty" during this war because I have adhered to the old-established international position of the Socialist Party of America.

WHAT IS LOYALTY?

Now, I ask you, gentlemen, what does the majority of the committee understand by "loyalty"?

If loyalty means to support under all circumstances the interests and actions of Morgan and Rockefeller and the international group of profiteers and privateers who happen to have control of the national administration, and to forego all opposition and to forget all your principles, then the Socialist Party was disloyal and I was disloyal.

But if loyalty means to be true to the interests of the greatest mass of the people and to stand fearlessly and honestly for what you believe is for the good of the greatest mass, then the Socialists were eminently loyal to the American people and the American Government.

There is not the slightest hint and none could be even suggested of any connection with or inclination toward any foreign power with which we were at war by the American Socialist Party or any member thereof. All efforts failed to connect us in any way.

The committee began by declaring that it would not consider the case pending in the Federal courts in Chicago, but go at it independently. Yet they considered practically nothing else. They evidently started out with the intention of finding my articles in the Leader disloyal, pro-German, and treasonable.

The majority report of the committee also states that—

As a matter of fact, as we have already pointed out, that at the outbreak of the European war the Socialist parties of other countries, including the majority Socialist Party of Germany, supported their Governments; and the Socialist Party in the United States might have done the same if it had not been for the efforts of Mr. Berger and his associates.

THE SOCIALIST PARTIES IN ALL BELLIGERENT COUNTRIES SPLIT ON THE WAR.

As a matter of fact, all the Socialist parties in the belligerent countries of Europe split in two at the outbreak of the war. While the majority in France, England, Austria, and Germany supported their Governments on the pretext that their respective countries had been invaded, there was a strong minority in every one of these countries opposed to the war.

In Italy, Serbia, and Roumania practically the entire party stayed true to its principles and against the war.

In Italy the Socialists even tried a general strike to prevent the Government from entering the war, which strike was successful in 1914 and prevented Italy from entering the war on the side of the Central Powers, but was unsuccessful in 1915 in keeping Italy from joining the Allies.

PRAISED THE ANTIWAR SOCIALISTS IN GERMANY.

And the queer part of it is that while the American plutocratic press and all the profiteers and their tools were praising highly the minority Socialist Party in Germany for opposing the war, while the World War was on, these same agencies were condemning, and are condemning, the Socialist Party of America for doing the same thing.

SOCIALISTS WILL ALWAYS RESIST ACTUAL INVASION.

As for quoting my telegram at the time of the trouble on the Mexican border, when Villa's band crossed the border and killed American citizens in Columbus, N. Mex.; and also my stand in the case of an invasion of our territory by the Japanese—"that the Socialists would stand by the country to the last ditch"—this position, of course, is absolutely in accordance with the long-established position of the Socialists—that we will resist all actual invasion of our country at all hazards. As a matter of course, we would resist invasion by any armed forces of Germany, England, Timbuctoo, or any other, in the same fashion.

A RIDICULOUS CHARGE.

As to the charge of "pro-Germanism," I will say again that as a matter of fact I have been twice defeated for Congress, in 1914 and 1916, for my opposition to the war at a time when the Germans were winning, because certain German-American societies started the charge that my position was proally.

AN EDITORIAL IN THE NEW YORK TIMES.

And I quote the following editorial in the New York Times of August 27, 1916, a few months before the entrance of our country into the war.

The editorial is headed "A man—and in Wisconsin."

One of the agents of the German propaganda, it seems, has published a syndicated letter in German-language newspapers urging Socialists in Wisconsin to cut their tickets—to vote for Republican candidates for Congress who have truckled to the German vote, and in particular for two who voted for the Gore resolution. These two, Stafford and Cary, have Socialist opponents. One of them, Victor L. Berger, carried his district a few years ago and served them in Congress. The Socialists are strong in Wisconsin, and presumably Berger and his fellow candidate, Winfield R. Gaylord, have a chance of election. But the Socialists are urged to put the Kaiser's interests above those of their party and their social creed and vote for Stafford and Cary.

Victor L. Berger himself was born in Germany. He lives in Milwaukee, a city full of men born in Germany.

But he is an American. He hitches no hyphens on his allegiance. Here is the answer his newspaper, the Milwaukee Leader, makes to the hyphenated proposal to his constituents:

"The American Socialists are not serving as the political chattels of any foreign power. They do not take their orders from the Kaiser, or the Czar, or King George. * * * It is natural enough that German-born Socialists should sympathize with their fatherland, as it is natural that the English, the Scotch, the Irish, and the French should give their sympathies to their kin beyond the sea. But here they have made their homes. Here their children have been born. Here their future lies. Their material and sentimental bonds are stronger here than to any other land. German-American Socialists are not going to betray the trust that the working class placed in them by putting alien interests above their own interests and the interests of their class. They are going to act as Americans and as class-conscious Socialists, not as the political trading stock of scheming politicians.

"If it were not so utterly fatuous, a fouler blow could not be dealt to the German-Americans, Socialists and non-Socialists alike, than has been dealt to them by the professional 'German-American' busybodies who have been boasting of their purpose to vote the German-Americans en masse for men who are destitute of every personal attribute—such as loyalty and sacrifice, a sense of duty, and devotion to ideals—that has ennobled the German character."

The SPEAKER. The time of the gentleman has expired.

Mr. BERGER. Mr. Speaker, I have only two more pages.

Mr. VAILE and Mr. STRONG of Kansas rose.

The SPEAKER. How much time does the gentleman wish to have?

Mr. BERGER. Fifteen minutes more will do.

The SPEAKER. The gentleman from Massachusetts [Mr. DALLINGER] and the gentleman from Texas [Mr. EAGLE] have control of the time.

Mr. EAGLE. Mr. Speaker, I yield Mr. Berger 15 minutes additional time out of my time.

Mr. BERGER. I thank the gentleman. I quote further from the New York Times:

There is the answer of a man. In this time of truckling of politicians who are afraid to say their souls are their own, it is worth while to see here and there the exception. Whether he wins or loses the election, this German-born socialist in a German-born constituency has given a living illustration of what an American should be and what too many Americans born on this soil are not.

I certainly have no influence in New York and could not influence the editor of the New York Times.

CONSTITUTIONAL QUALIFICATIONS.

It is also useless for me to point out that I believe that the qualifications of a Member of the House are clearly stated in the Constitution, and that while each House is the sole judge of the elections, returns, and qualifications of its Members, the House has no right to add to these qualifications, which are plainly enumerated in the Constitution.

As to section 3 of the fourteenth amendment, that plainly applied to the Civil War and contained a provision by which Congress, by a vote of two-thirds of each House, could abolish the effect of the amendment. In other words, the amendment itself provided the way of its own negation.

QUESTION IN NUTSHELL—FREE SPEECH AND FREE PRESS.

In short, to express the whole affair in a nutshell, this case is simply a question of free speech and a free press. It is simply a question whether I had a right to publish the St. Louis war program of the Socialist Party and the articles in the Milwaukee Leader which I did publish.

The majority report praises highly the few renegades of the Socialist Party, who numbered less than one to a thousand of the total membership, because they betrayed their party and their principles, went over to the "war paytriots," and were rewarded with missions and positions—a handful of men like John Spargo, A. M. Simons, Charles E. Russell, and a few more.

THERE WERE RENEGADES IN EVERY CRISIS.

Well, there have been at all times and in all crises—religious, political, and economic crises—men who deserted their fellows and went over to the oppressors, but that is no reason why I should be refused my seat in the House because I stood true to my principles.

There is no civilized country in the world where this could happen, except in the blessed land of the profit amounting to billions of dollars.

This majority report if adopted will put a lasting blot upon the pages of the parliamentary history of our country.

A VICIOUS PRECEDENT.

And what is worse, my exclusion will make an extremely vicious precedent. The crooked, perverse, and dishonest conclusions of the majority report will in the very near future plague its inventors.

So much for Mr. DALLINGER and others.

I can take back nothing from what I said in my speeches and in my articles. Under the same circumstances I would say and write it all over again, only I would make it a great deal stronger, because I have been justified by the events since the armistice was concluded and the war practically ended.

CONVICTION TRAVESTY ON JUSTICE.

To sum up, I have always been proud of the Socialist record of observance of law. I have always tried to change or repeal such laws as, in my opinion, were harmful. My work was always constructive. I have always striven to conserve what is best in capitalist civilization as an inheritance for coming generations.

The law under which suppression of free speech and of free press was enforced is a flat denial of rights guaranteed every citizen by the Constitution of the United States. The manner in which that unjust and inherently unconstitutional law was used to procure my conviction for a crime which I never in word, deed, or spirit contemplated was a travesty upon justice.

My case is still pending in the courts on an appeal. I am confident that the verdict will be reversed by the higher tribunal. I believe that the higher court will hold that I was within my constitutional rights in printing these editorials. A man can not be considered guilty, especially in a political case of this kind, until the highest court in the land has spoken. And in the opinion of real democrats, he will not be considered guilty at any time.

The fifth district of the State of Wisconsin is entitled to be represented by the man of its own choice. I say again, it is not the personal case of Victor Berger—representative government is on trial.

And the particular question now is, Does the National House of Representatives desire to unseat the regularly elected and regularly certified Representative of the fifth district of Wisconsin because he stood honestly and loyally by his principles?

I AM SPEAKING FOR YOU.

Gentlemen, in making this statement to you at this time I am not speaking for myself, nor for the Socialists, or even for the working class—I am speaking for you.

If I should have to leave my post now, it is because of a persecution which in its last analysis is caused by fear—fear of the working people, in whom the "powers that be" see nothing but Bolshevism. This fear has America in its grip just now. And fear is always evil.

Gentlemen, I know that your hearts are not in this exclusion; I know that there are not a half dozen of the men with whom I have served in the Sixty-second Congress who are willing to exclude me.

And had you but the courage to oppose the "powers that be"—the powers that own the press and that own America—I should remain as long as my people would send me to labor with you for the welfare of this Nation. I may tell you at least that some of the older Members have voluntarily assured me that could a secret ballot be taken that I would be seated.

If I am excluded, it will be through fear—through fear on the part of Representatives elected by the people, who, sheltered as they are by the Constitution, could well afford to set an example of fearlessness. However, as the nestor of this House very truly stated on some occasion, "There is nothing more cowardly than a Congressman, unless it be two Congressmen." And you are "playing politics," gentlemen, and permit me to tell you that you are playing bad politics.

A VICIOUS LAW—CUT IT OUT.

The so-called espionage act, while dignified by the name of a law, is, as a matter of fact, but a violation of law. There was probably never a piece of legislation that has wrought so much damage as this espionage act.

No law has ever cut so deeply into the American conscience. There was never a law that has created so much misery, brought so much irreparable wrong, has created so much hatred and suspicion. It has made brother accuse brother. It has sold honor and has bought immunity. Congress could do nothing more important at any time than to repeal this infamous act at once.

FEAR NOT!

It is of little use now to discuss what Congress could have done or failed to do during this period of trial and distress. Congress has been numbed by fear, and for that reason had failed to function. Fear is man's chief foe.

The Master's most frequent greeting to His followers was "Fear not!" Until we conquer fear, usefulness can not begin.

YOU CAN NOT DICTATE TO THE FIFTH DISTRICT OF WISCONSIN.

Remember, gentlemen, you may exclude me once. You may exclude me twice. But the fifth district of Wisconsin can not permit you to dictate what kind of a man is to represent it. If representative government shall survive, you will see me or a man of my kind—let us hope many men of my kind—in the Nation's Legislature.

Therefore, whatever decision you may make, I will just say "Au revoir."

Mr. VAILE. Mr. Speaker, will the gentleman yield now?

Mr. BERGER. Yes; with pleasure.

Mr. VAILE. The gentleman stated, if I got his remark correctly, in the early part of his address, that the Socialists had always foolishly and slavishly obeyed the law. Do I understand that it is the gentleman's view that it may be foolish or slavish to obey the law?

Mr. BERGER. There are certain laws that are best not obeyed. We have obeyed every law, but there are certain laws in every country and in every time that can not be obeyed. That is how this Nation got to be free 143 years ago.

Mr. VAILE. Mr. Speaker, will the gentleman yield further?

Mr. BERGER. Yes.

Mr. VAILE. Does the gentleman reserve to himself the right to say what laws shall or shall not be obeyed?

Mr. BERGER. I do not, and that is why I have always obeyed all laws.

Mr. VAILE. Does the gentleman concede that to any citizen—the right to reserve to himself to say what laws shall or shall not be obeyed?

Mr. BERGER. I would concede that to any majority of citizens or any large body of citizens, because you can not indict a country or indict a nation.

Mr. VAILE. Does the gentleman concede to a majority of the citizens the right to obey or not to obey the law?

Mr. BERGER. Yes; I concede that to the majority of the citizens.

Mr. VAILE. Before that law is changed?

Mr. BERGER. Oh, they can change the law.

Mr. VAILE. While it is in effect, would the gentleman concede to a majority of citizens the right to obey or disobey the law?

Mr. BERGER. That would depend upon conditions. As a rule the only way to change a law is to do it in the legal, orderly, and democratic fashion, but there may be cases—of course there have been cases of that kind in the history of every country and in every nation—when a majority of the citizens did not obey certain laws, could not or would not obey them.

Mr. VAILE. Just one question more——

Several Members rose.

Mr. BERGER. Oh, one after another, please.

Mr. VAILE. What did the gentleman mean when he said it was foolish to obey the laws of the United States?

Mr. BERGER. I did not say it was foolish. I prided myself on the fact that Socialists have always obeyed the laws, even when certain laws were foolish.

Mr. VAILE. Did the gentleman pride himself on the fact that the Socialist Party has slavishly and foolishly done anything?

Mr. BERGER. Well, even the Socialist Party has always foolishly, and even slavishly, obeyed every law, and I was largely responsible that it has done so.

Several Members rose.

The SPEAKER. Will the gentleman yield, and to whom?

Mr. BERGER. I will yield to gentlemen after the other. Who was next?

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Unless this other gentleman [Mr. EMERSON] wanted me to answer his question before you did.

Mr. EMERSON. This is a government of the majority.

Mr. BERGER. Yes, sir. It is supposed to be a government by majority.

Mr. EMERSON. If a majority of the people of this country wanted Socialism they could get it under our Constitution and laws, could they not?

Mr. BERGER. I hope that they could.

Mr. EMERSON. They could.

Mr. BERGER. I am not sure about that.

Mr. EMERSON. If a majority of the people of this country wanted Socialism or Bolshevism or sovietism or anything like that, they could get it under our laws?

Mr. BERGER. We would have to change the Constitution.

Mr. EMERSON. They could get it, if they wanted it.

Mr. BERGER. Yes; if they changed the Constitution.

Mr. EMERSON. Then, why would there ever be any need for direct action?

Mr. BERGER. I have never preached "direct action" in my life. I have always opposed it.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Yes.

Mr. JOHNSON of Washington. Did not the gentleman write over his signature that a revolution, blood and iron, was necessary in the United States, and that workingmen should carry muskets?

Mr. BERGER. I did not say anything of the kind.

Mr. JOHNSON of Washington. What did the gentleman say of that?

Mr. BERGER. I know my articles better than the gentleman does. That article was written in 1909. I said that in case the decision of the majority—in case that the majority of the votes are not obeyed, then the people may have to resort to force of arms. That is what is said.

Mr. JOHNSON of Washington. What about carrying a musket?

Mr. BERGER. A man has a right to carry a musket under the second article of the Bill of Rights. I have carried a rifle when I went hunting.

Mr. JOHNSON of Washington. But not for the purpose of revolution?

Mr. BERGER. Oh, I have never carried a rifle for the purpose of revolution; it was to get a deer.

Mr. JOHNSON of Washington. Then, the gentleman thinks the socialists have foolishly obeyed the law?

Mr. BERGER. Yes; I think most of them have obeyed laws even when the laws were foolish.

Mr. JOHNSON of Washington. Does the gentleman advocate that the socialists after breaking the law should claim the protection of the laws that he thinks they are foolish in obeying?

Mr. BERGER. I did not say anything of the kind. I said the socialists have always foolishly and slavishly obeyed every law. I simply made a statement—which I will repeat—that the socialists prided themselves on obeying every law, even where the law is foolish.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BERGER. I should yield next to the gentleman from New York [Mr. GOLDFOGLE].

Mr. JOHNSON of Washington. One more question. The gentleman spoke of Russell and Spargo as ex-socialists?

Mr. BERGER. Yes.

Mr. JOHNSON of Washington. Meaning to infer that they had become Americans, did he?

Mr. BERGER. No. I believe the real American of the future is the socialist.

Mr. JOHNSON of Washington. And these gentlemen who refused to stand against the Government in time of war are now spoken of with derision as ex-socialists?

Mr. BERGER. We did not stand against the Government; we stood by the Government as we understand the term "Government." We were in opposition to Woodrow Wilson's administration. Administration and Government are not the same thing.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BERGER. I will.

Mr. NEWTON of Minnesota. The gentleman has stated, I believe, that he had nothing to retract from the position he took upon which this action by the Department of Justice was based?

Mr. BERGER. Department of injustice.

Mr. NEWTON of Minnesota. The article containing the several provisions was drawn up by this Socialist committee on the 7th of April, was it not, and among those provisions this is stated:

> That we recommend to the workers and pledge ourselves to the following course of action: Continued active and public opposition to the war through demonstrations, mass petitions, and all other means within our power.

Now, then, the gentleman has stated that some socialists in Italy advocated and threatened a general strike.

Mr. BERGER. They did. They went on strike in 1914 against Italy joining the Central Powers, and were successful. And again in 1915 against Italy joining the Allies, in which they were not successful.

Mr. NEWTON of Minnesota. They went on strike. That would be one evidence of the meaning of the use of "other means within our power" that was then contemplated by your committee?

Mr. BERGER. Nothing of the kind was contemplated. The Socialist Party favors political action and is on record against "direct action."

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. If it is desired to exclude from the RECORD the speech just delivered by the gentleman from Wisconsin, Mr. Berger, when is the proper time to make such a motion?

The SPEAKER. The Chair would think now.

Mr. RUCKER. Well, if some gentleman who is a member of the committee does not at this time make the motion, I will. In view of the character of the speech made, which, in my judgment, makes an unwarranted attack upon the executive, the judicial, and the legislative branches of the Government, I move that the speech be excluded from the RECORD, and on that I move the previous question. [Applause.]

The SPEAKER. The gentleman from Missouri moves that——

Mr. ANDERSON. Mr. Speaker, I make the point of order that the motion is not in order at this time.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry? I did not catch the motion.

The SPEAKER. The gentleman will repeat his motion.

Mr. MONDELL. Was the gentleman from Missouri recognized to make a motion?

Mr. RUCKER. I was recognized.

The SPEAKER. The gentleman rose for a parliamentary inquiry, and then proceeded and made the motion. Yes; the Chair thinks that he was recognized. The gentleman will repeat his motion.

Mr. RUCKER. My motion is that the speech just delivered on the floor of the House by the gentleman from Wisconsin, Mr. Berger, be not permitted to be printed in the RECORD.

Mr. MONDELL. Mr. Speaker, I move to lay that motion on the table.

Mr. ANDERSON. Mr. Speaker, I make the point of order that the motion is not in order at this time.

The SPEAKER. The gentleman from Minnesota makes the point of order. The Chair will hear the gentleman.

Mr. ANDERSON. I do not care to discuss the question.

The SPEAKER. The Chair would like to hear the gentleman's reason why it is not in order.

Mr. DALLINGER. Mr. Speaker, a point of order.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HICKS. Did not the Chair state to the gentleman from Missouri, when the gentleman from Missouri was about to make the motion, that it was in order for the gentleman from Missouri to make the motion, and has not the Chair already rendered a decision about the opportunity and time to make such motion?

The SPEAKER. The gentleman asked the Chair when it would be in order, and the Chair said—well, the Chair meant if in order at all it would be in order then. But the Chair does not consider himself bound by that.

Mr. RUCKER. Mr. Speaker, if there is any question about the motion I made being in order, I do not want to be capitous about it, but I do think it would be an outrage to print and circulate such a speech as this in the CONGRESSIONAL RECORD. [Applause.]

The SPEAKER. The Chair is in doubt whether it is in order or not——

Mr. DALLINGER. Mr. Speaker, I would like to speak to the point of order.

The SPEAKER. And the Chair is willing to hear argument as to whether it is in order or not.

Mr. ANDERSON. I am perfectly willing that the House should vote on the question, and therefore I withdraw the point of order.

Mr. RUCKER. Let us vote, then, Mr. Speaker.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] moves that the speech of the gentleman be not printed in the RECORD. Did the gentleman from Wyoming [Mr. MONDELL] make a motion?

Mr. MONDELL. Mr. Speaker, I move to lay the motion of the gentleman from Missouri on the table.

Mr. DALLINGER. Mr. Speaker, I wanted to make the point that the House voted that the time on one side should be controlled by myself and on the other side by the gentleman from Texas [Mr. EAGLE].

The SPEAKER. Does the gentleman make the point of order?

Mr. DALLINGER. I do.

The SPEAKER. The Chair will hear the gentleman on the point of order. The gentleman from Minnesota [Mr. ANDERSON] withdrew his point of order, and the Chair understands that the gentleman from Massachusetts [Mr. DALLINGER] renews it.

Mr. DALLINGER. Mr. Speaker, it seems to me this is not the time for any such motion. I do not understand how the gentleman from Missouri [Mr. RUCKER] can be recognized. The House had voted that the debate on this resolution should be limited to five hours and a half, one hour and a half to be given to Mr. Berger to make his plea in his own behalf and the other four hours to be equally divided between the gentleman from Texas [Mr. EAGLE] and myself; and just as soon as Mr. Berger had concluded it seems to me the Chair should have recognized either me or Mr. EAGLE and have asked us about the time.

Mr. WALSH. Will the gentleman yield?

Mr. DALLINGER. I will.

Mr. WALSH. Does the gentleman from Massachusetts pretend that simply because that arrangement was made the privileges of this House have all gone into the discard, and that if anybody abuses them the House is powerless to take action at this particular time?

Mr. DALLINGER. Mr. Speaker, it seemed to me unless there was a point of order made, that any recognition for the purpose of making a motion after the House had voted what should be done in regard to this debate, without a reconsideration of that vote, would be out of order.

Mr. WINGO. May I submit this thought to the Speaker?

The SPEAKER. The Chair will be glad to hear the gentleman from Arkansas.

Mr. WINGO. The rules and practices of the House are very clear and uniform. If a Member addressing the House uses language that is either personally objectionable or unparliamentary, or which violates the privileges of the House, there are two ways by which said language can be stricken from the RECORD. First, as soon as the objectionable language is uttered, any Member can rise in his place and demand that the words be taken down. Then, when that is done, the words are read to the House, and a motion is in order to strike them from the RECORD. The next procedure is this—and it is one predicated upon the privilege of the whole House—that subsequently, even after the day has passed, any Member may rise to a question of privilege of the whole House, but in order to do that he must offer a privileged resolution. The decisions are that no action under the guise of privilege of the whole House can be taken except upon a privileged resolution setting out the objectionable matter which violates the privileges of the House, and carrying with it a resolution to strike the objectionable matter from the RECORD. Now, in this case the gentleman from Massachusetts, and the gentleman from Texas, I believe it is, had control of the time. No one else was entitled to the floor except those two gentlemen, unless they deliberately permitted some one else to come in. Now, the gentleman from Missouri [Mr. RUCKER] does not lose his rights even if the Speaker, maintaining the regular procedure, should rule his motion out of order at this time. If he believes the language violates the privileges of the House, then when we have voted upon the pending question he can present to the House a privileged resolution, rising to the question of privilege of the whole House, reciting the fact or the language wherein it violates the privileges of the House, and resolve that it be not printed in the RECORD. That is the orderly procedure, and I think it is to the best interests of the House to pursue that course.

Mr. BARKLEY. Does the gentleman from Arkansas contend that the Speaker could not recognize any Member to move, not by written resolution but by oral motion, to exclude from the RECORD any speech made on the floor?

Mr. WINGO. I do. I think if the gentleman will look it up he will find action must be predicated upon a formal resolution, unless the demand is made to take down the objectionable words at the time they are spoken. I had occasion to look that up not long ago, and for that reason I presented a privileged resolution.

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege of the House. I present a resolution, which is a privileged resolution, and which I ask to have read.

The SPEAKER. The Chair thinks the gentleman can not present it during the discussion of this point of order. If it is in order, it is only in order because it is a question of high privilege.

Mr. RUCKER. Mr. Speaker——

Mr. WINGO. Will the gentleman permit me to make one statement? Then I am through.

Mr. RUCKER. I will.

Mr. WINGO. My only purpose in addressing myself to the point of order was to suggest that we pursue the usual course, and thereby maintain orderly procedure. I am in sympathy with the end sought, but think it best to follow the regular custom and rule governing such matters.

Mr. RUCKER. Mr. Speaker, I did not believe when I rose and made the motion that I was going to be reprimanded and censured by all the experts in the House, but it seems to me I am going to be——

Mr. WINGO. I beg the gentleman's pardon. I had no such intention.

Mr. RUCKER. I take what the gentleman has said kindly. I make no objection. But I want to suggest to the House and the Speaker this fact, that at the conclusion of the speech as delivered by the gentleman from Wisconsin, Mr. Berger, I rose and submitted to the Speaker the parliamentary inquiry that if it be desired to prevent the publication of this speech in the RECORD, when is the proper time to make the motion? And the Speaker said, "Now." I then announced to the House that if no gentlemen on the committee desires to make such motion I will ask the Chair to recognize me for that purpose. No objection was made until after I made the motion. I think the Speaker was right in his ruling that I had the right to recognition under the circumstances. I submit the motion ought to be put to the House.

Mr. POU. Mr. Speaker, I will submit this observation. If the gentleman from Michigan, Mr. Berger, had been a Member of the House——

Mr. EVANS of Montana. From Wisconsin——

Mr. POU. I beg pardon of the other State—if he had been a Member of the House and had used unparliamentary language, then the motion of the gentleman from Missouri [Mr. RUCKER] would undoubtedly have been in order. That is, if he had asked to have his words taken down. Now, the gentleman from Wisconsin is not a Member of the House, and surely that can not alter the situation. He certainly can have no greater privilege in addressing the House than a Member. Therefore, in my judgment, the House undoubtedly has the right to strike from the RECORD objectionable matter immediately after it is uttered, whether the speaker is a Member or one addressing the House purely by courtesy.

Now, with respect to the time, that position can not be tenable, because if the gentleman from Wisconsin had been a Member of the House undoubtedly the motion would have been in order, even though the time had been divided as it has been under the order of the House in this instance. And so by analogy I respectfully submit that it was strictly within the power of the Speaker to recognize the gentleman from Missouri [Mr. RUCKER] and to put his motion under the rules of the House. Division of time between two Members does not mean that everything done must be by one or the other or by their permission, for no one can tell what may occur which might entitle some other Member to recognition in spite of the agreement as to the division of time. Exactly that situation has now arisen, and I submit the Speaker was acting in accordance with the rules, practice, and procedure of the House when he chose to recognize the gentleman from Missouri.

Mr. WALSH and Mr. BEE rose and addressed the Chair.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. WALSH. Mr. Speaker, I do not think the Chair is called upon to rule upon the point of order, because a motion to lay upon the table was made before the gentleman from Massachusetts [Mr. DALLINGER] raised the point of order. But I think the Chair might well take into consideration this fact, that this gentleman from Wisconsin occupied the floor of the House as a matter of courtesy, and not of right, and that the House at this stage or in the middle of his speech, if it saw fit and felt that its privileges had been violated, could have terminated the speech and refused him further to be heard.

Now, the gentleman from Missouri [Mr. RUCKER], on the conclusion of the remarks of the gentleman from Wisconsin, rose and called attention to some of the utterances which the gentleman had made and moved that those remarks be not printed in the RECORD. It is all a matter of the privileges of the House, and certainly one who is not a Member of the House can have no greater right than we who are Members and who have taken an oath to support and defend the Constitution and laws of the United States, and if we wish at this particular time to stop these proceedings and apply any remedy that we might see fit to apply, I do not quite understand how a point of order can be raised when the whole matter is based and founded upon the privileges and the dignity of this House. [Applause.]

Mr. MONDELL and Mr. WOOD of Indiana rose.

The SPEAKER. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Speaker, in my opinion the Chair might very properly have refused to recognize any one other than the gentlemen who, under the rule, control the time. The Chair did recognize the gentleman from Missouri [Mr. RUCKER]. The gentleman from Missouri made a motion. I have made a motion to lay that motion on the table. I think there is no doubt but what, when recognized, the gentleman from Missouri had the right to move to strike from the RECORD the remarks of the gentleman from Wisconsin. [Applause.] It is a question for the House to determine whether they shall be stricken from the RECORD. Personally I have no desire to make a martyr of the gentleman from Wisconsin by moving or voting to strike his remarks from the RECORD.

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. WALSH. Does the gentleman from Wyoming feel that this RECORD of the House of Representatives of the Sixty-sixth Congress should contain the statements of a gentleman not a Member, criticizing and impugning the motives of every Member of this House of Representatives? [Applause.]

Mr. RUCKER. And traducing the country?

Mr. WALSH. If those statements were made by myself or by the gentleman from Wyoming they would be stricken out under proper procedure in the twinkling of an eye. [Applause.]

Mr. MONDELL. Mr. Speaker, the gentleman from Massachusetts had his remedy. He could have asked to have the words taken down at any time. He can vote to exclude them from the RECORD.

Gentlemen had their remedy. The House still has its remedy. If a majority of the Members think any good cause is served by excluding the statements made by the gentleman from Wisconsin from the RECORD, well and good. My own opinion is that the House, having given the gentleman from Wisconsin an opportunity to speak, he having spoken without interruption on the ground that his words were not parliamentary, we would be making a great mistake and would make a martyr of the gentleman from Wisconsin in the eyes of some at least by refusing to allow his words to appear in the RECORD. Gentlemen who imagine they would prevent their circulation by so doing would find themselves mistaken. They would only increase their circulation by that action. I believe the gentleman's words uttered when he was speaking by courtesy of the House condemn him. I am willing that all may read them.

Mr. COOPER rose.

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. RUCKER. So far as I am concerned, I am not seeking to make a martyr of the gentleman, but I want to make men of this Congress. [Applause.] And I for one am not in favor of using the CONGRESSIONAL RECORD for the purpose of spreading broadcast to-morrow morning this tirade, abusing every department of our Government. [Applause.]

Mr. MONDELL. My idea is that neither the standing of the gentleman from Missouri nor of any other Member of this House is affected by anything that the gentleman from Wisconsin has said or could say. The most conclusive argument in support of the action the House will take in his case will be found in the remarks of the gentleman from Wisconsin. Let them be printed by all means. [Applause.]

Mr. COOPER. Mr. Speaker and gentlemen of the House, I think the remarks of the gentleman from Wisconsin are seditious. They are un-American. They are an attack upon the Government of the United States, and I do not think we ought to quibble for one minute as to what we should do, but we should strike those words from the RECORD. [Applause.]

Mr. MONDELL. Mr. Speaker, my motion is not debatable.

The SPEAKER. But the gentleman debated it. [Laughter and cries of "Vote!"]

Mr. WOOD of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana wish to argue that it is in order or that it is not in order?

Mr. WOOD of Indiana. I wish to argue that it is in order.

The SPEAKER. The Chair does not care to hear any argument on that. The Chair is ready to rule.

Mr. MONDELL. Mr. Speaker, the only question before the House is as to whether or not the Speaker should have recognized the gentleman from Missouri [Mr. RUCKER] to make the motion.

The SPEAKER. Oh, no; the question before the House is the point of order.

Mr. MONDELL. The point of order made by the gentleman from Massachusetts [Mr. DALLINGER] differs from that made by the gentleman from Minnesota in that the gentleman from Massachusetts claimed that the Chair had no right to recognize the gentleman from Missouri at this time to make the motion. He did not argue that the motion was not in order.

Mr. WALSH. Does the gentleman from Wyoming contend that the only person that the Speaker could recognize was the gentleman from Massachusetts [Mr. DALLINGER] and the gentleman from Texas [Mr. EAGLE], and that the Speaker could not even have recognized a Member to make a motion to adjourn?

Mr. MONDELL. I stated my position a moment ago, that I thought the Speaker would have been entirely justified in

recognizing no one except the gentlemen who were named in the rule as entitled to the floor.

Mr. HASTINGS. But he has recognized some one else.

The SPEAKER. The Chair is ready to rule. The Chair understands the gentleman from Wyoming [Mr. MONDELL] to suggest that the only point of order pending is that made by the gentleman from Massachusetts [Mr. DALLINGER], that the Chair recognized the gentleman from Missouri [Mr. RUCKER] when he had no right to recognize him. Is that the only point of order?

Mr. DALLINGER. I understand the gentleman from Missouri [Mr. RUCKER] was recognized because he rose to a parliamentary inquiry.

The SPEAKER. He was, at first.

Mr. DALLINGER. And my point is that he should not have been recognized, because immediately upon the conclusion of Mr. Berger's speech the disposal of the time was with Mr. EAGLE and myself, and that unless a Member wanted to make a point of order or something of that kind, he should not have been recognized.

The SPEAKER. The Chair will not shield himself by the technicality, but will rule on the whole question. It has been suggested to the Chair that he might be relieved of the point of order because of the motion of the gentleman from Wyoming [Mr. MONDELL] to lay on the table; but the Chair thinks the gentleman from Minnesota was on his feet at the same time, and that he had a prior right to make the point of order, so that the point of order justly comes before the House.

As to the question whether the Chair had the right to recognize the gentleman from Missouri [Mr. RUCKER] or not, the Chair did not know for what purpose the gentleman was rising; but the Chair thinks he always has the right to recognize Members for a parliamentary inquiry; and having answered that, then would be the proper time to make the motion which the gentleman proceeded to make, the Chair felt obliged to recognize him. If the Chair should be convinced that he was overhasty and wrong in that answer he would not be bound by it, but by parliamentary law.

Now, the question is whether the Chair had the right to recognize that motion. Of course, that depends entirely on whether the motion is in order or not. If not, then a point of order would lie against it, and the mere fact that the Chair recognized the gentleman would not make it in order.

The Chair thinks it raises a novel and perlexing question, arising from the fact that Mr. Berger is not a Member of this House; that he spoke only by the courtesy of the House; that no Member could rise and make a motion of censure; that he was not subject to the censure of the House like an ordinary Member, and therefore that a different condition arises. As to what the gentleman, Mr. Berger, said, the Chair can not judge of its parliamentary propriety, because by giving the closest attention the Chair was not able to catch consecutively enough of the gentleman's argument to determine.

At various times Members made points of order that it violated the rules of the House, and when a gentleman is speaking by the courtesy of the House without the responsibility and control which attaches to a Member and utters remarks as to whose parliamentary character a question is raised, the Chair thinks that the House has the right as a privilege of the whole House to decide at once whether they shall be a part of the proceedings of the House printed the next day. So the Chair overrules the point of order, and rules that the motion of the gentleman from Missouri [Mr. RUCKER] was in order. [Applause.] Now the question is on the motion of the gentleman from Wyoming to lay that motion on the table.

The question being taken, the Speaker announced that the Chair was in doubt, and that there would be a division.

The House proceeded to divide.

Mr. VOIGT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VOIGT. Would it be proper to make the point of no quorum?

The SPEAKER. It is in order, but the Chair would suggest that the gentleman wait until the division is completed to ascertain whether there is a quorum or not.

The House divided; and there were—ayes 123, noes 91.

The SPEAKER. On this motion the ayes are 123, the noes are 91, and the motion is agreed to.

Mr. RUCKER. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. Mr. Speaker, a point of order. The gentleman from Missouri asks for the yeas and nays.

Mr. KNUTSON. The gentleman from Missouri can take care of himself.

Mr. BLANTON. I will help him.

Mr. KNUTSON. The gentleman does not need any help.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does not the motion to lay on the table preclude a motion to strike out the words later in the proceedings?

The SPEAKER. At first blush the Chair would think it did.

Mr. LONGWORTH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Would it also preclude a resolution?

The SPEAKER. The Chair thinks it would. The gentleman from Missouri [Mr. RUCKER] demands the yeas and nays.

The yeas and nays were ordered.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. If this motion prevails, does it necessarily prevent a later motion to strike out certain portions?

The SPEAKER. The Chair would think not.

Mr. EMERSON. Mr. Speaker, what are we to vote on?

The SPEAKER. The question is on the motion to lay on the table the motion of the gentleman from Missouri [Mr. RUCKER].

The question was taken; and there were—yeas 174, nays 122, not voting 135, as follows:

YEAS—174.

Anderson	Freeman	Lufkin	Sanders, N. Y.
Andrews, Nebr.	French	Luhring	Sanford
Anthony	Gallagher	McLane	Schall
Ayres	Gard	McLaughlin, Mich.	Scott
Bankhead	Glynn	McLaughlin, Nebr.	Sells
Barbour	Goodykoontz	McPherson	Shreve
Begg	Graham, Ill.	MacCrate	Siegel
Black	Greene, Mass.	MacGregor	Sinnott
Bland, Ind.	Greene, Vt.	Madden	Smith, Idaho
Bland, Mo.	Hardy, Colo.	Magee	Smith, Ill.
Bowers	Haskell	Mapes	Smith, Mich.
Brooks, Ill.	Haugen	Mead	Snell
Browne	Hawley	Merritt	Steenerson
Butler	Hayden	Michener	Stephens, Ohio
Cannon	Hays	Minahan, N. J.	Strong, Pa.
Ca. ss	Hernandez	Mondell	Sumners, Tex.
Chindblom	Hersman	Moore, Ohio	Sweet
Christopherson	Hickey	Morgan	Taylor, Colo.
Clark, Mo.	Hill	Mott	Taylor, Tenn.
Classon	Houghton	Nelson, Wis.	Temple
Condy	Huddleston	Newton, Minn.	Thompson
Cole	Hull, Iowa	Newton, Mo.	Tilson
Connally	Humphreys	Nolan	Timberlake
Cramton	Husted	O'Connor	Tinkham
Crowther	Igoe	Ogden	Towner
Curry, Calif.	James	Olney	Upshaw
Dale	Jefferis	Padgett	Vaile
Dallinger	Johnson, Wash.	Parker	Vestal
Darrow	Jones, Pa.	Phelan	Voigt
Dickinson, Iowa	Juul	Platt	Volstead
Doughton	Kearns	Purnell	Walters
Dowell	Keller	Radcliffe	Watson, Pa.
Dunbar	Kelly, Pa.	Raker	Welty
Dyer	Kendall	Ramseyer	Wheeler
Eagle	King	Randall, Calif.	White, Kans.
Echols	Kinkaid	Randall, Wis.	White, Me.
Elliott	Knutson	Reavis	Williams
Ellsworth	Kraus	Reber	Wilson, Pa.
Elston	Langley	Reed, N. Y.	Winslow
Evans, Mont.	Larsen	Reed, W. Va.	Wood, Ind.
Evans, Nebr.	Lea, Calif.	Ricketts	Yates
Fairfield	Lehlbach	Robsion, Ky.	Young, N. Dak.
Focht	Lonergan	Rogers	Zihlman
Frear	Longworth	Rose	

NAYS—122.

Alexander	Dickinson, Mo.	Lanham	Romjue
Almon	Dominick	Lankford	Rouse
Aswell	Eagan	Layton	Ruby
Babka	Emerson	Lazaro	Rucker
Barkley	Fess	Linthicum	Sanders, Ind.
Bee	Fisher	McArthur	Sanders, La.
Blackmon	Foster	McClintic	Small
Bland, Va.	Fuller, Mass.	McGlennon	Smithwick
Blanton	Garrett	McKinley	Steagall
Box	Goldfogle	Mann, S. C.	Stedman
Brand	Goodwin, Ark.	Mansfield	Stiness
Briggs	Hadley	Martin	Strong, Kans.
Brinson	Hamilton	Mays	Summers, Wash.
Browning	Hardy, Tex.	Miller	Tague
Brumbaugh	Harrison	Monahan, Wis.	Tillman
Buchanan	Hastings	Montague	Venable
Burdick	Heflin	Mooney	Vinson
Byrnes, S. C.	Hersey	Moore, Va.	Walsh
Byrns, Tenn.	Hicks	Neely	Watkins
Caldwell	Hoch	Nelson, Mo.	Watson, Va.
Campbell, Pa.	Holland	Nicholls, S. C.	Weaver
Candler	Howard	O'Connell	Webster
Cantrill	Hudspeth	Oldfield	Welling
Clark, Fla.	Hull, Tenn.	Oliver	Whaley
Cleary	Johnson, Miss.	Overstreet	Wilson, La.
Collier	Jones, Tex.	Park	Wingo
Cooper	Kelley, Mich.	Parrish	Woods, Va.
Crisp	Kincheloe	Pou	Wright
Cullen	Kitchin	Quin	Young, Tex.
Davey	Kleczka	Rainey, Ala.	
Davis, Tenn.	Lampert	Robinson, N. C.	

NOT VOTING—135.

Ackerman	Benham	Burke	Casey
Andrews, Md.	Benson	Burroughs	Copley
Ashbrook	Boies	Campbell, Kans.	Costello
Bacharach	Booher	Caraway	Crago
Baer	Britten	Carew	Currie, Mich.
Bell	Brooks, Pa.	Carter	Davis, Minn.

Dempsey	Green, Iowa	McKinley	Saunders, Va.
Denison	Griest	Maher	Scully
Dent	Griffin	Major	Sears
Dewalt	Hamill	Mann, Ill.	Sherwood
Donovan	Hulings	Mason	Sims
Dooling	Hutchinson	Moon	Sinclair
Doremus	Ireland	Moore, Pa.	Sisson
Drane	Jacoway	Moores, Ind.	Slemp
Dunn	Johnson, Ky.	Morin	Smith, N. Y.
Dupré	Johnson, S. Dak.	Mudd	Snyder
Edmonds	Johnston, N. Y.	Murphy	Steele
Esch	Kahn	Nichols, Mich.	Stephens, Miss.
Evans, Nev.	Kennedy, Iowa	Osborne	Stevenson
Ferris	Kennedy, R. I.	Paige	Stoll
Fields	Kettner	Pell	Sullivan
Flood	Kiess	Peters	Swope
Fordney	Kreider	Porter	Taylor, Ark.
Fuller, Ill.	LaGuardia	Rainey, H. T.	Thomas
Gallivan	Lee, Ga.	Rainey, J. W.	Tincher
Gandy	Lesher	Ramsey	Treadway
Ganly	Little	Rayburn	Vare
Garland	Luce	Rhodes	Ward
Garner	McAndrews	Riddick	Wason
Godwin, N. C.	McCulloch	Riordan	Wilson, Ill.
Good	McDuffie	Rodenberg	Wise
Goodall	McFadden	Rowan	Woodyard
Gould	McKenzie	Rowe	
Graham, Pa.	McKeown	Sabath	

So the motion to lay on the table was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. ESCH with Mr. SABATH.

Mr. CAMPBELL of Kansas with Mr. BELL.

Mr. COPLEY with Mr. STOLL.

Mr. GREEN of Iowa with Mr. CARAWAY.

Mr. HUTCHINSON with Mr. DONOVAN.

Mr. IRELAND with Mr. WISE.

Mr. MCCULLOCH with Mr. RAYBURN.

Mr. MANN of Illinois with Mr. LESHER.

Mr. PORTER with Mr. JACOWAY.

Mr. RAMSEYER with Mr. EVANS of Nevada.

Mr. KAHN with Mr. DENT.

Mr. CURRIE of Michigan with Mr. STEPHENS of Mississippi.

Mr. DENISON with Mr. SIMS.

Mr. VARE with Mr. DUPRÉ.

Mr. FORDNEY with Mr. FIELDS.

Mr. GOODALL with Mr. DOOLING.

Mr. GRAHAM of Pennsylvania with Mr. CAREW.

Mr. CURRIE of Michigan. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. CURRIE of Michigan. I was not; I was called from the Hall shortly before my name was reached.

The SPEAKER. The gentleman does not qualify.

Mr. CURRIE of Michigan. May I be recorded as present?

The SPEAKER. There is no authority for that.

The result was announced as above recorded.

Mr. DALLINGER. Mr. Speaker, I yield 20 minutes to the gentleman from Indiana [Mr. LUHRING].

Mr. LUHRING. Mr. Speaker and gentlemen of the House, there is but one legal proposition involved in this proceeding, and, fortunately, it is very simple. If Victor L. Berger, having previously taken an oath to support the Constitution of the United States and defend that flag, gave aid or comfort to the enemies of this country, he is not qualified to sit as a Member of this House. [Applause.] The issue has been joined by a most remarkable plea in confession and avoidance. He absolutely confesses the truth of the charges in the resolution presented to this House, but in that plea of confession and avoidance he wholly and willfully misrepresents the principles of the Socialist Party of America. The evidence taken at the Chicago trial, and which this committee has considered, consisted of over 5,000 typewritten pages. This was in addition to the hearings conducted by the committee. After having considered all this mass of testimony, I personally am convinced that Victor Berger is not only guilty of having violated the espionage law and having entered into a conspiracy for that purpose, but he is also guilty of treason, the highest crime known to criminal jurisprudence.

In the limited time I have it will be impossible to present all of the evidence, or even a considerable part of it, but there are a few outstanding things that lead to but one conclusion, if gentlemen need more than this remarkable confession to convince them, that Mr. Berger is unfit to sit as a Member of this House. The conspirators—and of that crowd Victor L. Berger was the dominating and controlling influence—were Adolph Germer, who was the national secretary of the Socialist Party; J. Louis Engdahl, who was the editor of the American Socialist, the party organ; Irwin St. John Tucker, its literary director and circulation manager; and William F. Kruse, who had charge of what was known as the Young People's Socialist League or, as generally spoken of, the "Yipsei" organization of the Socialist Party. We find the beginning of this conspiracy shortly after this country had severed diplomatic relations with Germany. We find Victor L. Berger and the secretary, Mr. Germer, with their heads together at the Chicago office, where they produced what is known as "Down with the war," an article published in the American Socialist, and afterwards printed and circulated as a pamphlet by the Socialist Party. Some 750,000 or a million, perhaps, of these pamphlets were circulated, and they were circulated as late as September, 1917. You will observe that the language of this production is in all respects similar to that of the St. Louis proclamation and war program, and I only desire to read a very short extract:

> The German submarine warfare does not threaten our national integrity or independence, not even our national dignity and honor. It was not aimed primarily at the United States, and would not affect the American people. It would strike only those parasitic classes that have been making huge profits by manufacturing instruments of death, or by taking away our food and selling it at exorbitant prices to the fighting armies of Europe.

Coming down to our declaration of war, on the 7th day of April there met in the city of St. Louis what has been characterized as the emergency convention of the Socialist Party. There were perhaps some 200 delegates attending that convention. Victor L. Berger was there, so was Mr. Engdahl, so was Mr. Germer, and so was Mr. Kruse. Mr. Berger, however, was the only authorized delegate to the convention. He was made a member of the committee on military affairs, which had to do with the writing of this so-called proclamation and program. Mr. Berger sought to impress your committee, as he did the jury in the city of Chicago, that he occupied only a very minor part at that convention, and that it was just by the "skin of his teeth" that he was elected a member of that important committee. As it was, he was No. 14 of the committee of 15 members.

He also stated that it was a convention the like of which he had never seen before; that there were various shades of opinion. He stated that he represented the conservative sentiment; that then followed a radical sentiment; and then a more radical sentiment; and finally a prowar sentiment. He insisted that he was decidedly in the minority. I could not understand, after I had reviewed this evidence, why a man like Victor Berger, of his dominating personality, of his forceful will, would be content to take a back seat in his party councils, when he had prided himself on being one of the founders and one of the organizers of the Socialist Party of America. Pursuing that thought and investigating it further, I found that the hand and the pen that wrote this thing called "Down with the war" ran all through this proclamation and war program, and I came to the conclusion, and I think this evidence bears me out absolutely, that Victor Berger was also the author of the St. Louis program and proclamation. Further than that, if you will examine the record you will find that when this majority opinion, as they call it, was presented to the committee, Mr. Berger's name appeared second on the list, immediately after the name of the chairman. I mention that because it is a straw which indicates the way the wind blew at that time there in St. Louis.

What, then, was the plan and purpose of this convention? What did they resolve to do? I have not the time to read the program. They recommended that the convention instruct the national executive committee to extend and improve the propaganda among women, because they, as housewives and mothers "are now ready to accept our message," and they also recommended that all taxes and all bond issues be opposed, and, third, "that the convention instruct the national executive committee to initiate an organized movement of Socialists, organized workers, and other antiwar forces for concerted action along the lines of this program."

I am now going to discuss briefly with you some of the things that they did to carry out this program. I have time to mention only one or two, because all they did from that time on was in furtherance of the plan to interfere with this Government in the prosecution of the war with Germany. One of the first articles appearing in the Leader, written for the benefit of the women of this country, was an article entitled "War and insanity," referring to the alleged insanity prevailing in the Army. It reads:

> That in the present war the number not infrequently reaches 40 to the 1,000 men.
>
> Think of it! An Army of 1,000,000 men might have 40,000 insane, more than are housed to-day in all the State hospitals of Illinois, Ohio, and Indiana.
>
> This fact has from time to time been touched upon by writers at the front. It is said that in France there are certain closed cars which are used for the purpose of transporting the insane away from the front, and that there are sometimes long trains made up exclusively of them.
>
> Capitalism, even in time of peace, is gradually driving the people insane.

There is also a poem by a woman named Lydia O'Neill, entitled "Friends of conscription," which is another vicious thing, and reads as follows:

FRIENDS OF CONSCRIPTION.

(J. P. Morgan.)

And so you approve of the plan, J. P.,
The plan of conscripting our sons;
And so you would send them across the sea,
To tackle the murderous guns.
Cold steel against tender young flesh, J. P.,
Hard steel against tender young bones;
And you—you approve of the plan, J. P.—
At so many per cent for your loans!

And how goes the battle to-day, J. P.?
How many thousands were slain?
How many blind eyes lifted up to the skies
In pitiful pleading and pain?
And how many curses of hate, J. P.,
And how many agonized groans?
And how many dollars were lent to-day,
At how many per cent for the loans?

And the war that comes after the war, J. P.,
Does it never loom up in your dreams?
For you know that each debt must be paid, J. P.,
Though maturity far away seems.
But what is our life or our death, J. P.,
And what are our tears and our moans—
The grief-stricken mother, the life without light—
As compared with a great banker's loans?

But the crowning infamy of all was this so-called article, "The price we pay," by Irwin St. John Tucker. It is the article that Mr. Berger said was most brilliantly written, a thing that he circulated in the Milwaukee Leader, a thing that he authorized to be circulated by the millions as a pamphlet. I read this quotation:

Into your homes the recruiting officers are coming. They will take your sons of military age and thrust them into the Army. Stand them up in long rows, break them into squads and platoons, teach them to deploy and wheel; guns will be put in their hands; they will be taught not to think but to obey without questioning. Then they will be shipped through the submarine zone by the hundreds of thousands to the bloody quagmire of Europe. Into that seething, heaving, swamp of torn flesh and floating entrails they will be plunged, in regiments, divisions, and armies, screaming as they go.

Then another article by Mr. Tucker, "Why you should fight." I wish I had time to read that thing. Then a piece of poetry entitled, "Cheer up," by Cary E. Norris, appearing in the American Socialist:

CHEER UP!

(By Cary E. Norris.)

Cheer up, boys!
Wave your caps and shout for joy;
For a kind, beneficent Government has bought 200,000 coffins for you.
It is not customary to purchase the coffin until after death.
Therefore, such thoughtfulness and consideration on the part of the Government ought to be fully appreciated.
Just think of the sad condition of the poor French and German boys; Shot to death, torn into shreds, broken and mangled past all recognition, and no coffin.
Boys, resist conscription no longer;
Go joyfully on your way to the trenches!
What if you do fail to return?
Your wives will be given a small pension and your children the privilege of paying 75 per cent of the war debt;
And you will have been provided with a coffin;
Unless you are too badly blown to pieces.
Fathers and mothers!
Why look on the dark side of war?
Cheer up!
Of course, it is hard to see the boys march into the whirlpool of blood;
But some of them may possibly return;
And you will always have the consolation of knowing that the ones who fell had a coffin;
Unless they were too badly scattered.
So, cheer up!
Don't be pessimistic and unpatriotic.
Girl, say "Goodbye" to your sweetheart with a smile on your lips.
Part of him may come back;
But if you never see him again try not to think of him with his arms and legs blown off;
What great holes torn in his body;
With his face crushed beyond all resemblance to a human;
Just think of him peacefully sleeping in the coffin provided for him by the benevolent Government and imagine that his last words were:
"We are taking democracy to Germany."
Then, cheer up!
And then cheer up some more!
NOTE.—In addition to the coffin, widows of enlisted men will get $12 per month pension, with $2 additional for each child under 16. If she can't take care of herself and children on this she can starve. No provisions are made for coffins under such circumstances.

Mr. BLANTON. Will the gentleman yield?

Mr. LUHRING. For a question.

Mr. BLANTON. Does the gentleman think it wise for us to put this kind of rot into the CONGRESSIONAL RECORD?

Mr. LUHRING. I want to justify the position taken by this committee, I will say to the gentleman from Texas.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LUHRING. I will.

Mr. SANDERS of Indiana. When a gentleman is arguing to show why a man should not be permitted a seat in Congress on this charge, is there any other way of letting the Members of the House know about it except by discussing the evidence?

Mr. LUHRING. I know of none, sir.

There is one more article having reference and especially directed to women that I want to read. Mr. DALLINGER, chairman of the committee, referred to it. It is entitled "Woman and war," and printed in the American Socialist, having reference to the women who encouraged young men to join the colors and fight for their country. Speaking of them this article proceeds to say:

Women soliciting for such a purpose—that is, encouraging young men to enlist—are only a step higher than women who solicit for the sale of their bodies.

I do not know how gentlemen feel, but, so far as I am personally concerned, if Victor Berger was responsible for nothing else but that I would vote to refuse him a seat in this House. [Applause.] It is a slander upon the noble womanhood of America, which red-blooded men in this House must resent by their vote. [Applause.]

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. LUHRING. I will.

Mr. CRAMTON. All of that tended to oppose the raising of armies. I want to direct the gentleman's attention to a clause in that proclamation to the effect that should conscription be forced upon the people——

The SPEAKER. The time of the gentleman has expired.

Mr. LUHRING. May I have five minutes?

Mr. EAGLE. I will yield five minutes to the gentleman.

The SPEAKER. The gentleman is recognized for five additional minutes.

Mr. CRAMTON. "Should such conscription be forced upon the people, we pledge ourselves to * * * the support of all mass movements in opposition to conscription," and I desire to ask the gentleman whether at any time in the hearings Mr. Berger offered any explanation of that clause or whether it stands before us as a declaration in favor of riots and forcible opposition to the laws of the United States with regard to conscription?

Mr. LUHRING. He sought to make an explanation of that, I will say to the gentleman, which was as unsatisfactory as the explanation he made in defense of the article he wrote entitled "Bullets and ballots." Following up your inquiry, the evidence shows that there were so-called "Yipsel" organizations, made up of young men from 15 to 30 years of age. At a "Yipsel" convention held in the city of Chicago a resolution was proposed and adopted by the convention urging that all of the members resist conscription to the limit and, if necessary, face a firing squad. Undoubtedly that was the plan, as the evidence shows. Mr. Berger, in the years gone by, did not favor the Young People's Socialist League and did not care to have the young men interfere with the Socialist Party. But when this war broke out we find Mr. Berger exercising the utmost solicitude for these young men, urging Kruse, the organizer, to come to Milwaukee and organize several circles there. He advertised them in his newspaper, and I say to you, gentlemen—and the evidence bears me out—that that one thing was a school of treason presided over by Victor Berger, by Germer, and by the rest of this clique. Now, Mr. Berger contends that he does not believe in direct action and that he is opposed to all force, and yet we find him contributing to the defense of the I. W. W., whose members were on trial in Chicago, and in a letter to Mr. Wouri, inclosing $10, he said:

I admire the magnificent class spirit of the I. W. W.

When they were convicted he agreed with Bill Haywood that the verdict was a gross error. In 1909, as he himself stated, he wrote an article in which he suggested that the laboring men arm themselves to enforce their rights.

Here is the language of that article which appeared over his signature:

In view of the plutocratic lawmaking of the present day, it is easy to predict that the safety and hope of this country will finally lie in one direction only, that of a violent and bloody revolution. I predict that a large part of the capital class will be wiped out for much smaller things than the settling of the great social questions; that before any settlement is possible most of the plutocratic class, together with the politicians, will have to disappear as completely as the feudal lords and their retinue disappeared during the French Revolution. That can not be done by the ballot. And in order to be prepared for all emergencies, socialists and workingmen should make it their duty to have rifles and the necessary rounds of ammunition at their homes and be prepared to back up their ballots with their bullets, if necessary.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LUHRING. For just a minute.

Mr. JOHNSON of Washington. Is that the statement that Mr. Berger now apologizes for and says it means the right to carry a pistol?

Mr. LUHRING. Exactly. Mr. Berger would have you believe that his party is on trial here. So far as this committee is concerned, the Socialist Party was not on trial. Our inquiry was directed solely to the question whether or not Berger, either by spoken or printed word, gave aid or comfort to the enemies of this country. He was the dominating influence at the St. Louis convention, held the day following our declaration of war, and was author of the document known as the "Proclamation and war program."

He would not permit John Spargo, a representative Socialist, as a member of the military affairs committee of that convention to state the correct position of the Socialists, not only of America, but of Europe, and when Mr. Spargo presented a minority report which showed that historically it was the duty of the Socialists of America to support this country, just as the Socialists of Germany, France, England, and Italy were supporting their respective countries, this report, at the direction of Mr. Berger, was voted down, and the report which he approved was adopted by the convention. It was this report that Theodore Roosevelt characterized as treasonable and for the indorsement of which Eugene Debs is now languishing in prison.

That gentlemen may know the true socialistic creed as upheld by John Spargo, Charles Edward Russel, and others prominent in the ranks of the Socialist Party of America I invite your attention for a few moments to some extracts from the report presented to the St. Louis convention by Mr. Spargo:

Our guiding principle in all that concerns our relations to the people of other lands is internationalism. We are internationalists and antimilitarists.

But internationalism does not mean for us antinationalism. Nor has it anything whatever to do with the vague doctrine of world organization, for which no accurately descriptive name exists, symbolized by the picturesque ceremony of flag burning. This much-exploited ceremonial was a crude attempt to symbolize a conception of a nationless world.

We repudiate the claim made by some that loyalty to this nation is inconsistent with true internationalism. Those who say that Socialism involves the view that the working class has no nation to call its own, that all nations are alike, that there is nothing to choose between a militarist autocracy, and a democratic republic do not preach Socialist internationalism, but pernicious reactionary nonsense.

DIFFERENCE IN RULER.

To say that there is no difference between governments is at once demogogic and untrue. Between the old Russian régimé and the new is a vast difference, even though the new régimé is not a fully developed socialistic republic. Not to have a choice between them is to be a political imbecile rather than a social revolutionist.

Internationalism presupposes nationalism. It is the interrelation of nations. The maintenance of national integrity and independence is an essential condition of internationalism. This principle has never in the past been seriously questioned in our movement. It has been the guiding principle of our policies in the Socialist International.

INVASION WAS CRIME.

From this point of view the wanton invasion of Belgium early in this war was a crime against Socialist principles of fundamental importance. It was, furthermore, a blow at international law and good faith, the basis of whatever internationalism in world organization yet exists.

As internationalists we unequivocally assert the right of nations to defend themselves, their institutions, and rights.

As a corollary to that statement we assert the right of Socialists to participate in such defense. Marx, Engle, Bebel, Liebknecht, and practically all the great founders and teachers of our movement have taught this.

As socialists we are in general against war and in favor of peace. But we are not peace-at-any-price pacifists. We reject the doctrine of nonresistance, so called, as contrary to socialism and to sound morality. From the days of Marx and Engels our movement has stood for peace, because peace is normally to the interest of the working-class movement and to the development of socialism. But Marx and Engels clearly showed, on many occasions, that wars might, in certain circumstances, be defended and even advocated on the ground that the interest of the working-class movement and the development of socialism would be furthered thereby.

MARX URGED WAR.

It is worthy of note at this time that Marx opposed the pacifists of 1859 with great vigor, and waged an active propaganda to force England to make war on Russia. Marx was in favor of that war because he believed that it would stimulate political and economic progress and the interests of the workers.

To profess indifference to the result of the war now being waged, to desire either that the war end in a draw or in the defeat of the Entente powers with which this Nation is allied, is treachery to the principles of international socialism.

Furthermore, it is treachery to the democratic principles and institutions of America. The identification of socialism with this disloyalty to the essential principles of Americanism would destroy every hope of ever winning the great masses of the American people to our cause. We assert that socialism is not disloyal to the interests of this Nation.

Now that the war is an accomplished fact, for the reasons stated we hold that it is our socialist duty to make whatever sacrifices may be necessary to enable our Nation and its allies to win the war as speedily as possible.

The truth of the matter is that Berger is not a socialist. While all the leading socialists of Europe, men like Liebknecht, of Germany, Henderson, of England, and others in France and Italy were aiding their respective countries, Berger lost no opportunity to criticize this Government and hinder it in every conceivable way in the successful prosecution of the war.

Therefore, having given aid and comfort to the enemies of this country, under the provisions of section 3 of the fourteenth amendment of the Constitution, he is not qualified to sit as a Member of the House of Representatives.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. LUHRING. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. EAGLE. Mr. Speaker, I desire to be recognized for 40 minutes.

The SPEAKER pro tempore. The gentleman from Texas is recognized. [Applause.]

Mr. EAGLE. Mr. Speaker, of the committee of nine appointed as a special committee to hear and determine and to recommend in this matter, so far as I know, not a single member of it entertains at the end of the long hearing any doubt that Victor L. Berger, all during the time that the United States of America was at war with Germany, gave aid and comfort to the enemies of the United States, and in every way within his power hindered, delayed, discouraged, and interfered with recruiting in the Army and Navy of the United States, and thereby violated not only the espionage act which prohibits the doing of such things but also clearly evidenced the fact that his heart was in no sense American, but that every instinct of his personality, every desire of his sensibilities, was to help the central empires in every way he could short of commission of treason.

One member only of the committee of nine has not joined in our unanimous committee report, and his report is to the effect that he wishes the consideration of this question of the fitness of Victor L. Berger to occupy a seat here on the election held in the Milwaukee district, to be deferred until the United States court of appeals shall have passed upon his appeal from a judgment of conviction in the Federal court for a violation of the espionage law. He has the same views, so far as the committee knows, that we have as to the unworthiness of Victor L. Berger to take a seat in the House of Representatives of the United States.

Your committee were not influenced by the judgment of conviction against Mr. Berger in the Chicago court. He was tried before our committee exactly as if he had not been tried before the Chicago court. If the Chicago court had adjudged him innocent, that fact would not have influenced our committee; and it is equally true that we did not permit his conviction in the Chicago court in any way to influence us. Our work was wholly apart from the Chicago court proceedings. It was our business to determine, from the evidence presented to us, the worthiness or unworthiness of Mr. Berger to occupy a seat in the House of Representatives. In order to save time and expense, we considered as laid before us the complete transcript of the record in the Chicago trial, and thereby we had the testimony given both for and against him at that trial, and thus saved the delay and expense of bringing all those witnesses before us. But it must be said, in strict accuracy, that we were in no sense influenced by the event and result of his trial and conviction at Chicago.

Beginning in June and ending on October 15 of this year your committee patiently, from day to day, heard all of the evidence that was adduced, heard all the lengthy arguments that were presented, in an effort to determine the truth. And certainly, so far as I know, we sat in no sort of partisanship. No man upon the committee considered that he was acting as a Democrat, a Republican, a socialist, or a prohibitionist, or anything else than as an American. No man there was seeking to try the hundreds of thousands of persons in the United States who belong to the Socialist Party. No man was seeking to ascertain whether it was wisdom or folly that is set forth by the teachings of the Socialist Party. Every man on that committee sought to determine from the evidence before us one issue alone, and that was whether, after April 6, 1917, up to the time of the armistice, on November 11, 1918, Mr. Berger, a private citizen during all that time, did or did not give aid and comfort to Germany. The issue was specifically stated; the positions were clearly outlined. And this long record of over 3,000 printed pages shows clearly that, so far as the committee was concerned, that issue alone was allowed to obtrude itself upon us for consideration. And while every opportunity was allowed to both Mr. Berger and his ingenious counsel to develop their case, either in denial or extenuation or otherwise, still the committee adhered in its private conferences, in its public hearings, and in its personal interviews, to that one

question of whether from April 6, 1917, when the American people, through their Congress, declared war, till the armistice was signed on November 11, 1918, Mr. Berger was by his actions, speeches, and writings loyal to the United States or gave aid and comfort to its enemies, and, if he were disloyal and unworthy by his conduct during that tragical and critical period, whether he shall be now permitted to sit in the company of loyal men in the councils of the Nation.

Now, we did not have anything to do with the wisdom of the planks in the political declarations of the Socialist Party. We expressly declined to heed the statements made by Mr. Berger and his counsel that we were trying the Socialist Party and its principles. We tried one individual, Victor L. Berger, who presented credentials from the highest constituted authorities in his State entitling him prima facie to a seat in this House, but who was charged with being unworthy to occupy a seat here.

And after four months of hearings your committee entertains not the slightest doubt that all during the war Mr. Berger was disloyal to the United States in every way within his power.

Before I proceed in any sense to the facts which you are most interested in, permit me to call your attention to constitutional provisions under which you will consider and determine what your proceeding here will be in the event you shall agree upon the facts and the deductions presented by the committee.

The Constitution of the United States expresses in prohibitive terms that no man shall be a Representative in the Congress of the United States unless he shall have been seven years a citizen of the United States, unless he be 25 years of age, and unless he be an inhabitant of the State from which he comes bearing his credentials.

Victor L. Berger unquestionably bears those three prerequisites. But, as has been adjudged in this House many times, and in the Senate of the United States many times, the designation of these three prohibitions in no sense implies that there shall be no others; but in saying that each House shall be the judge of the elections, returns, and qualifications of Members of such House, it implies, as has been held many times, that it may ascertain whether there be other disqualifications. For instance, an insane person, or a person afflicted with an infectious, odious disease, and so forth, might present credentials and bear the above three constitutional qualifications, and even then be properly excluded.

And there is an additional constitutional qualification that is applicable to Mr. Berger's case, provided you find the facts in accordance with the committee's conclusions. The third section of the fourteenth amendment to the Constitution provides as follows:

> No person shall be a Senator or Representative in Congress who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

That was, of course, enacted as a result of the Civil War. It was enacted because many men from the seceding States of the American Union had sat either in the House or in the Senate of the United States prior to the war, and the intention of that amendment was to prohibit their sitting again. But, in anticipation of the hour of good fellowship that might come in the years to follow, that same amendment to the Constitution provides:

> But Congress may, by a vote of two-thirds of each House, remove such disability—

meaning, of course, such disability incurred previously to the enactment of such statute.

When war against Spain was declared in 1898, and North and South united completely in national spirit, under one flag, whereupon such an era of good feeling did come along—and, please God, may it never be disturbed—the disabilities previously incurred were then removed by statute.

Of course, the Congress had no power and did not assume to exercise the power to repeal the constitutional provision itself, so that the third section of the fourteenth amendment stands now as the supreme law of the land, providing that no person shall be a Senator or Representative in Congress who, having previously taken an oath as a Member of Congress, and so forth, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or shall have given aid or comfort to the enemies thereof.

Victor L. Berger was elected in 1910 as a Member of the House of Representatives, and came here on the 4th day of March, 1911, and sat here until the 4th day of March, 1913. He was not excluded at the door because he was a Socialist. He was not excluded at all, because at that time he had done nothing of which the House had any cognizance that would have made his entrance here improper at that time. He served here two years and was defeated for reelection. He has been since March 4, 1913, a private American citizen. But the undisputed proof shows that during the time his country was at war with Germany he was treacherously disloyal to his country, and that by counsel, editorial, speeches, and pamphlets, he individually and as the head of one branch of the German propaganda in the United States, to wit, the Socialist Party, did everything in his power to hinder, to cripple, and to delay this mighty Nation when it had buckled on its armor and had made up its mind to resist the aggressions of the militaristic German Empire that sought to subjugate the world. He practically endeavored to hoist the flag of the Germans on every foot of ground in this country, and he was an agent of that propaganda, as this proof clearly shows. [Applause.]

Gentleman, consider now some of the undisputed facts. Victor L. Berger, Adolf Germer, Irwin St. John Tucker, William F. Kruse, and J. Louis Engdahl—those five—were the executive committee of the Socialist Party of America on the day when we declared war against Germany.

Victor L. Berger was born in Austria; Germer was born in Prussia; Engdahl was a Swede. They were at the head of the Socialist Party in the United States. Berger was editor of the Milwaukee Daily Leader, and some of the others were associated with him as writers on that paper. The official organ of the Socialist Party was named the American Socialist, which was printed in Chicago and whose title of ownership was in these five men. Some of the others of the five conducted the Socialist. Berger accepted before our committee responsibility for each editorial printed in the Leader and for the pamphlets printed at the headquarters of the Socialist Party in Chicago and did not deny the responsibility for any of the treasonable literature to which his name, with the others, was signed.

On March 29, 1917—less than 10 days before our country declared a state of war with Germany—Berger, Work, and Germer wrote a letter to each Member of Congress urging against declaring war against Germany or declaring that a state of war exists, and particularly urging that if the question of declaring war should be voted upon at all it shall be put to a referendum vote of the adult citizens of the United States, both men and women.

I mention this as showing the beginning of Berger's disloyal intent. He knew that for two long years the people of this Nation had weighed and considered the tremendous issue involved; he knew that the President of the United States had continued diplomatic relations with Germany upon a plane of such friendship, good will, and conciliation that our citizens were rather disposed to criticize his leniency than to accuse his severity; he knew that Germany had, in violation of international law, sent its submarine treacherously to sink the *Lusitania* and destroy precious American lives, and he had written no word to any of us and had written no editorial nor made any speech in condemnation; he knew that the Kaiser of Germany had declared and started that awful horror of war without consulting even the Reichstag, much less any individual in the Empire of Germany; he knew that every day this Nation remained out of that war the more sure Germany was to conquer Europe first and America next; he knew that anything looking to postponement of action by America was in the interest of Germany; he knew that all German propaganda in America had endeavored to weaken the moral fiber of this people, and he was in sympathy with and abetting that program; he knew when he wrote that letter that diplomatic relations had already been broken off with Germany, and that the next aggression of Germany in violation of international law and of our sacred national rights would call for a declaration of war for the preservation of our national interests and sovereignty; he knew there was no machinery provided by American institutions for a referendum to 100,000,000 people upon a question of war or peace; notwithstanding this, he began his efforts in aid of Germany's interests by an appeal to the different Members of the Congress of the United States not to declare that a state of war exists and to submit such question to a referendum of a hundred million people, for which referendum no machinery was provided and which would have consumed probably six months of time. That was done on March 29, seven days before Congress declared war.

At that same time this man called an emergency convention of the Socialist Party to be held at St. Louis on the 7th day of April, 1917. That was not a political year—there was no presidential, gubernatorial, or congressional election to be held.

its sole purpose was because of the critical condition with reference to war. Berger was present and was the leading figure at that convention. The five men, including Berger, called the emergency convention together. After this Nation had, on April 6, 1917, declared war, this aggregation of traitors promulgated a platform which for disloyalty and treason and brazen infamy should rank as a classic. They printed many thousands of copies of that platform. I hold in my hand one of the original copies. Those copies were printed at 803 West Madison Street, Chicago, the headquarters of the Socialist Party of the United States. They were circulated from that headquarters by these five men, or some of them in understanding with the others, continuously for several months after we had declared war. That Berger was a beginning and continuing part of the conspiracy of disloyalty and infamy is shown by the evidence that continuously, from our declaration of war until practically the time of the armistice, Berger was from once to three times a week a visitor at that office in Chicago and in constant consultation with those conducting The Socialist, the official organ of the Socialist Party, and distributing these poisonous pamphlets. Among other things this pamphlet contains these statements:

We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

No greater dishonor has ever been forced upon a people than that which the capitalistic class is forcing upon this Nation against its will.

And that platform, later printed in a pamphlet and circulated throughout the length and breadth of this land by Berger and his associates, recommends—

continuous, active, and public opposition to the war through demonstrations, mass petitions, and all other means within our power.

They said that the American administration and the American Congress were mere tools of the financial interests of America, and that we had plunged the youth of the land into a war of pitiless slaughter and blood and devastation to make profits for financiers.

In every way within their cunning power they sought to have that view read by the people of the Nation so as to weaken their morale, and by the young soldiers both before and after being drafted so as to unnerve their arms.

That was the beginning of that series of offenses and of infamies of which Berger has been guilty since his country entered the war against the country of his birth. He was born a Hapsburg political slave and, although he left Austria when he was 18 years of age and has resided in this free land since, in the time of crisis his sympathies were with the land of his birth; and he has used that constitutional freedom of speech and press which makes this the land of the free, as if that privilege were a mere license to treason.

And then, the conspiracy having been thus conceived and set upon its way, Berger wrote continually editorials in his daily paper, the Milwaukee Leader, in furtherance of the plan to aid Germany and to injure the United States. By his editorials, by the use of billboards, by printed circulars which were distributed by the tens of thousands, and by his speeches, Berger did everything to weaken the supreme efforts required by the United States to achieve an honorable victory, which was within his power short of taking gun in hand against his country. There is no other thing I can conceive of that this man did not do to aid Germany and to injure the United States.

The files of the Leader and the files of the Socialist show no word of condemnation against anything Germany did in this bloody horror of war which was precipitated upon the world. Is the invasion of Belgium condemned? No. It is a capitalistic war and wrong only for that reason. Was it wrong for Germany to violate a sacred treaty she had made with a peaceful neighbor, Belgium, and tear it up "as a scrap of paper"? No—that does not violate Berger's sense of ethics or national or international honor. There is no editorial in condemnation. Does he protest when Louvain is destroyed? No. Does he protest when Germany compels the civilian population of Belgium to march at the head of the German Army in order to prevent Belgian soldiers in defense of their soil from resisting? No. Does he protest against the wholesale destruction of civilian life in Belgium by the German Army to intimidate the civilian population of Belgium? No—such is war. Does he protest in his editorials or speeches against Germany's conduct in enslaving Belgian women to serve the purposes of German officers? No. The files of his paper are searched in vain for one single protest against such infamies. Does Berger, head of the Socialist Party in America, protest against the action of the German Army in enslaving tens of thousands of Belgian men and women and their deportation into Germany as slaves to work in the German factories to produce munitions with which to destroy their Belgian relatives? No—it is only a bad, capitalistic war, which ought to be stopped by letting Germany have her own way. Is there an editorial protest from his facile pen and Teuton heart against the invasion of France, the destruction of her fairest Provinces, the extinction of the life of a million and a half of her people, the looting of her factories of their machinery, the destruction of her means of rejuvenation? No—there is only the point that America must keep out of this horror in order to save our treasure and our skins. Besides, France wanted Alsace-Lorraine back.

Is there any editorial or pamphlet or speech from Berger of protest against the violation of international law by Germany in sending her submarine, "like a thief in the night" and in a wanton and cowardly and brutal manner, to sink the *Lusitania* and destroy the lives of American men, women, and children when they were within their acknowledged rights upon the high seas? No; but, instead, he contents himself to argue that as the United States has respected the actual and enforced blockade, declared under international law by England against Germany, so also must the United States heed the theoretical blockade, on paper, declared by Germany to extend for 1,400 miles around the shores of Europe.

From the day the United States declared war, April 6, 1917, until a righteous victory had rewarded our sacrifices, on November 11, 1918, you may search in vain this record and the files of the Leader and of the Socialist for any word of encouragement to the men and women of America who were doing America's part by our sovereignty and our institutions in that awful time. You will search them in vain, and you will read what Berger said in public speeches and interviews during that time in vain, for one word of encouragement to the patriotic men and women of America to buy bonds and support the Government; in vain, to find one word of sympathy to the band of noble women who acted as American Red Cross nurses and who visited the bloody fields of Europe to give aid and comfort to the wounded and the dying; and you will equally read in vain to find one word of protest against the horror of Germany's bombarding the hospitals and hospital ships in which the wounded and the dying lay upon beds of pain.

From the beginning to the end, with Berger it was a question of a "capitalistic war" to which he was opposed and of condemnation of the authorities who had had the courage and forethought to meet the aggressions of Germany in the only possible practical way; and every time Germany put forth a pretended peace offer—which would be only those times when Germany thought it politically expedient to do so—Berger was for urging the Government to sit down at once to the peace table to talk over possible terms of peace with bloody-handed autocrats who had plunged the world into blood and tears and starvation, which ultimately took the lives of 9,000,000 people, and which would have resulted in the abject slavery of the whole world and its subjection by German "Kultur" if the clear brain and sound heart and resolute courage of America had not risen to the preservation of the principles of civilization and Christianity.

On April 13, 1917, one week after the declaration of war, Berger wrote an editorial in the Leader, as follows:

The courageous men and women in the Socialist convention at St. Louis have adopted a ringing declaration against war, which, after the wording has been discussed and some verbal changes made, will become the official utterance of the Socialist Party, subject only to a referendum vote by the party membership.

There is surely no evasion, no beating about the bush in the convention's declaration. Every sentence is trenchant and forcible. The causes which led up to the war in Europe are clearly analyzed and the blame thrown on the contending national groups of capitalists. Modern wars, in the language of the declaration, are "made by the classes and fought by the masses."

I have already read to you what that convention's "ringing declaration" was. It said that—

We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

It further said:

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

It further said:

No greater dishonor has ever been forced upon the people than that which the capitalistic class is forcing upon this Nation against its will.

That editorial was written one week after the Congress declared war, and it glorified the infamous declaration written in part by him and promulgated by the Socialist Party one day after the Congress had declared war. Thus he gave what publicity he possibly could to that treasonable document.

On April 14, 1917, in an editorial in the Leader, Berger said:

A cool, scientific, Marxian declaration on war and militarism was surely the best thing that could be gotten under the circumstances, and we got it.

It is to be noted by the word "Marxian" that he refers to Karl Marx, the German originator of the Socialist Party; and it is to be noted that the Socialist Party in the United States during the war ran true to form by adhering to its German origin—this Socialist Party in America is another one of the huge German hoaxes—it was "made in Germany" to be used to weaken any other nation with which Germany had political, commercial, or war controversies.

And, again, to show the progressive order of insolence, insubordination, treachery, shrewdness, and infamy of his conduct, I now read you his editorial in the Leader on May 19, 1917, in which he says:

And now we expect that every Socialist in the State of Wisconsin—and every reader of the Milwaukee Leader who holds a red card—will vote for the declaration of principles and every demand attached to it.

* * * * * * *

And the fact that all the secret service agents, Baldwin-Felz gunmen, Morgan-Schwab guards, Roosevelt patriots, and Wall Street organizations find fault with that proclamation—

And so forth, intending clearly to implant in the minds of his readers that America had only mercenary motives in the war, thus intending to weaken the morale of the people toward its prosecution.

Think of an American citizen, the organizer, 30 years ago, of a political party in this country which, through prosecution and trial, has grown until it boasts of a million male members, being one of the five men to write this national pronunciamento when his Nation was in dire distress and when after two years of profound solicitude and common counsel the whole people had finally seen their duty and made up their minds that, God being their helper, they would go through that tragedy and that turmoil and death for the preservation of the priceless institutions of America! This man Berger, who was born in Austria in 1860, came to America in 1878, found work and welcome, freedom and opportunity, home and plenty, and then rewarded his American citizenship by seizing the first opportunity afforded to strike the hand that fed him, and by striving to crucify the Government and the people that have given him liberty, plenty, and distinction in this noble land of free opportunity.

In the same paper on July 3, 1917, he wrote:

* * * The seed of democracy was planted in 1776, but up to the present day it has not borne any fruit which the common people may enjoy. * * *

Think of that coming from a daily newspaper in a city of half a million people, reaching out in almost endless ramifications to a dozen States, at a time when we had just put the conscription law into effect and when our fine boys from farm and factory, mine and office, shop and desk, without resistance were coming to offer up their lives in defense of the country's unity and its flag—think of having such rank poison put into their minds day after day!

And in that same editorial of July 3, 1917, he says:

To-morrow the English lion will mingle his roar with the scream of the American eagle. And why not? Both are animals that prey; both are proper emblems of the capitalist rule.

In Berger's view it would have been all right if the scream of the American eagle could have been hushed under the talons of the German eagle; but he wished it not to be heard with the roar of the lion when the two had united and we were determined to preserve our priceless institutions consecrated by the blood of our fathers.

In his same paper, on June 1, 1917, he says:

It is a matter for sorrow to see Memorial Day, which is, or should be, dedicated to the memory of the heroes of the Civil War and to the legitimate lessons which may be drawn therefrom, used for the purpose of trying to delude the people of the United States into believing that the present war is on a high plane as a struggle for human liberty throughout the world—

And, continuing—

And now they prostitute the sacredness of Memorial Day by comparing this war with the one which the aged heroes fought. Memorial Day this year was uncommonly sorrowful. Men and women wept. They wept because our Nation has been needlessly plunged into war.

I can understand how a man, prior to our declaration of war, could properly say anywhere in the United States, "I think it is a needless thing for us to do," intending thereby to restrain us from doing that of which he did not then approve; but when the Nation had heard the argument, had considered the issue and determined the event in its own resolution, when it had sent its representatives here, and when they had considered and voted, and everyone in the Nation who was loyal was buckling on his armor to do the duty of civilization, how any man can thereafter denounce that thing as unholy and yet think he has a spark of loyalty or national honor in his breast passes my understanding.

In an editorial of June 9 he says:

No one should let the registration figures cause him to believe that the war is becoming popular in the United States. The mere fact that the young men had to be registered in order to get them to go is amply sufficient proof that the war is unpopular. They registered because the law makes it a crime not to register. They did not register because they wanted to.

The fact that such an enormous percentage of those registering claim exemption is also amply sufficient proof that the war is still unpopular.

The fact that the socialist papers are receiving a flood of new subscribers is another proof. Many of the people are at last realizing the truth that their only hope lies in socialism.

War is not only still unpopular, but it is destined to become still more unpopular as time goes on.

That is not all. In an editorial of August 17, 1918, he says:

Why should we permit our boys to be killed and maimed by the hundreds of thousands to protect the British commercial interest? Or because English profiteers make money out of this war?

And in a further editorial in the Leader, on June 9, 1917, Berger wrote:

Registration day is over. The next move is the national shame and disgrace of selecting men to be butchered for the financial benefit of the capitalistic class.

After we declared war, after we had floated Liberty bonds, and the great heart of the Nation had responded; after the conscription law had been passed, when the Nation was ready for the supreme struggle, but a year before we had fired a gun or had a soldier in the war area, but at the very time when the Kaiser's hosts were beating down the allied thin lines that stood as our only safety until our strength should be mobilized, and when the supreme war lord of the mighty German Army expressed contempt for the United States by saying that he did not care whether America went into the war, because the submarines could win before we could reach the battle fields of France, and at the very time when all American citizens should have held up the hands and fired the zeal in the hearts of our young soldiers, Berger is asking this Nation to cease its endeavors, to sit down at a table with barbarian autocrats who tore up a sacred treaty as a mere scrap of paper, and talk on terms of equality with those who had butchered the world and ultimately caused the loss of 9,000,000 human beings. Before we had fired a gun, before we had fully mobilized our Army, here is this American agent of German propaganda using the Socialist Party as an instrument, under constitutional protection of the freedom of the press and the freedom of speech, to do these things that would serve the interests of Germany. If his preachings had been followed it would have rendered impotent every effort of this Nation to do its duty, and our soldiers dead would have died in vain. [Applause.]

As late as August 17, 1918, Berger wrote:

Why should we permit our boys to be killed and maimed by the hundreds of thousands to protect the British commercial interest or because English profiteers make money out of this war?

Those are the words of an American citizen, uttered on American soil, after 4,000,000 of the flower of our young manhood were in the Army and a million or more were in Europe and each troopship was laden with our priceless burden as it plowed through the submarine-infested zones. It was after our soldiers had given to the world a new meaning to the words valor, initiative, and courage at Chateau-Thierry, Belleau Wood, and St. Mihiel, and only three months before our tremendous offensive in the Argonne had brought the mighty German military machine to collapse.

Prior to that, on March 26, 1918, just about the time when the whole heart of this Nation was alternately chilled with horror and fired with holy zeal as the last supreme effort of Germany to win the war before America could marshal her full military strength upon the shores of Europe for a supreme struggle, this man Berger made a public address at Milwaukee, in which he said:

It is high time for us to quit fighting. If we quit, the Germans will have no one to fight with and then there will be peace.

The intention was to weaken the Army of this country. The intention was to help Germany.

Can you conceive of a fine young man, 21 to 31 years old, who had in his possession a poster of a leaflet like those written and circulated by Berger, carrying this treason, reading it and then hardening up his heart to do a patriot's duty the same as he could if he had had a loyal expression from the man who was at the head of a great party? This was intended to discourage recruiting. It was intended to discourage everything in respect to the enterprise in which America was engaged.

At the very beginning of the war the following advertisement appeared on April 21, 1917, in Berger's paper, the Leader:

Oppose the war! Distribute Socialist Party proclamation just adopted at St. Louis convention, voicing unalterable opposition to war just declared by the Government of the United States.

And so, from the beginning of the war until he was indicted finally, that was his attitude.

I quit reading, in the hearings of the committee, his paper when I reached the place where he was indicted, because I thought the courts in due course would take care of his case from that time on.

My friends, as I conceive it, whether it has cost this Nation the $60,000,000,000 that Berger estimates, or $600 per capita, to conduct this mighty enterprise, or six hundred billions, or six billions, or nothing, is immaterial when measured by the duty to be done. This Congress weighed and considered and the people of this Nation weighed and considered our national rights and plain duty, and resolutely performed that duty, despite traitors in our midst, who were doing all in their power to prevent our unity of counsel and of action; and our people were not fighting for money or land or even for glory or self-aggrandizement. They were fighting because their sovereignty was grossly insulted, their national interests were involved, their security was in jeopardy, international law was violated by Germany to the injury of their country, as well as the rest of the world, their overtures were spurned, and because their safety and freedom for themselves and future generations called them to arms. [Loud applause.]

I do not know how you gentlemen feel, but personally I have no use on earth for internationalism, whether it is embraced in a political party platform or a peace treaty or in anything else. [Applause.] I am for America first, last, and all the time. I believe it is the profound duty of this Nation to protect its interests anywhere in the seven seas, even as it is its profound duty to respect the interests of every other nation on this earth anywhere within the seven seas. The vigorous assertion of our own national rights and due respect for the national rights of every other people are the beginning and the end of our international duties. I take no stock in that sort of internationalism that teaches me that I must love a Frenchman, an Englishman, an Irishman, a Dutchman, a German, or an Italian as well as I love an American, because I do not. [Applause.] I am tired of hearing this German-American, this Irish-American, this Italian-American, this Union Labor-American, this Socialist-American, this special-class-American false doctrine—as if a man must be something else than a plain American. I insist upon pure 100 per cent Americanism, where there are no favored classes or creeds, and where the noblest inspiration of each shall be the common good of the whole people. [Applause.]

Recently I took my young son to the State of Virginia. Several generations ago my ancestors lived in the colony of Virginia. Before that some of them lived in the old colony of Massachusetts. These colonies hold the remains of my ancestors. They were here at the time of the Revolution and they were of Washington's ragged forces. Every instinct of my mind and heart is American pinned to this soil, and I would fight with either my political or my personal life against those who would dishonor this flag. [Applause.]

I took my little son down to Mount Vernon, the home and tomb of George Washington, and I thought of the eight years of war, of bitter Valley Forge, and of glorious Yorktown. I took him down to Monticello, the home and tomb of Thomas Jefferson, whose brain conceived the Declaration of Independence and whose matchless spirit gave that inspiration of human liberty to all the world. I took him to Montpelier, the home and tomb of James Madison, who was the father of the Constitution. I took him to the tomb of Alexander Hamilton, in old Trinity churchyard in New York City, who shared with Madison that noble work and that glorious immortality. And I intend also to take that son of mine up to Massachusetts and lead him to the foot of Bunker Hill, where Americanism fundamentally as splendid as that to be found anywhere else in this broad land yet abides, and I teach him that whether he shall in life achieve distinction or remain in obscurity, whether he shall achieve wealth or be poor, the sweetest heritage he has, even as it is his highest duty, is always to be able to look with clear eyes at the silken folds of our country's flag and to say "Thank God I am an American." [Long continued applause.]

Mr. DALLINGER. Mr. Speaker, I will ask the gentleman from Texas to yield some of his time now.

Mr. EAGLE. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. WELTY].

Mr. WELTY. Mr. Speaker and gentlemen of the House, as a member of the special committee to investigate the eligibility of Mr. Berger to a seat in Congress I did not vote to exclude him because he was born in Austria, nor because he was a member of the Socialist Party, but because he was false to the flag and disloyal to the Constitution he swore to protect and defend. I voted to exclude him because he gave aid and comfort to the enemy when our country was at war and because he lacked the qualifications as provided by our Constitution.

Had the Speaker consulted my wishes when he appointed this special committee I would not have been a member. I was sitting with the gentleman from Pennsylvania [Mr. ROSE] when his name was mentioned, and while I was prevailing upon him not to withdraw his name, because he could not afford to shirk his duty, by name was read by the Clerk. I felt that I had special reasons why I should not be asked to serve on this committee, because I could not subscribe to the philosophy which attempted to justify opposition to the cause of my country at a time when the country needed the services of every person. I want to mention these matters, Mr. Speaker and gentlemen of the House, so that you might not misconstrue what I am about to say. I believe that a cause, a nation, and a people can only live because of the sacrifices either personally or collectively.

During the Spanish-American War, after graduating from two institutions of learning, I resigned my position as city solicitor and left my office for the purpose of offering my services as a private, and now when I look back upon that period I consider it the oasis of my life.

After Congress declared war I had 10 nephews who volunteered their services; all were college men except 2, and all became privates except the physician. A year ago to-day one of these lads lost his life in France. Another one has been lingering between life and death ever since the Battle of Belleau Woods, June 14, 1918, because of a shrapnel wound in his lung. Under his pillow at the hospital you will find a paper issued by the Government of France, and I want to read these words to you in this citation because they breathe a different spirit than that breathed by Mr. Berger during this war:

In Belleau Woods, on June 11, 1918, as agent of liaison for the battalion, he rendered the greatest service to the attacking units by reconnoitering in front of the lines. Always was ready to rescue the wounded who were exposed to violent fire. Citation in order of division. Croix de Guerre with star.

You gentlemen will be asked to pass upon this day which philosophy is right—the philosophy given to us by the Prince of Peace in the Sermon on the Mount, or the philosophy of Mr. Berger which breathes hate and discontent.

Last night I saw one of these brave marines who entered Belleau Woods with my nephew. The five stars on his breast indicated that he was with the Second Division from Belleau Woods to the battle in the Argonne Forest. This lad came out of this carnage of hell without a scratch, and I tipped my hat because of that rich experience and heritage permitting him to stand with shoulders erect and demand that you and I preserve this country for the boys who gave their limbs and blood.

I can not help but admire this service of sacrifice and must frankly confess that I could not be a fair and impartial judge in this case, because I firmly believe that this country can only be maintained by our sacrifices, and not the philosophy preached by the I. W. W.'s and those who believe in using bullets when they find themselves in the minority for the purpose of forcing their will upon the majority.

Thus you will see that I seriously question if I could be impartial and free from bias, but after the Speaker pressed the cup of responsibility upon my lips I was determined that my judgment in the case would, if at all possible, be based upon righteousness, regardless of my feeling in the matter.

Because of that feeling I am afraid that my colleagues on the committee were under the impression that I was leaning backward and attempting, if possible, to look at Mr. Berger's statements from his viewpoint. I know that I delayed this report for days and weeks because of my desire to give it full and fair consideration, but I want the membership of this House to know that your committee resolved every doubt in favor of Mr. Berger, and what I give you to-day will not be my ideals nor my philosophy, but words and acts of a man who comes to you and asks you to admit him as a Member of this House, so as to permit you to judge for yourselves whether he gave either aid or comfort to the enemy during the war.

Mr. Speaker and gentlemen of the House, we began these hearings on the 11th day of June. I know that there has been some criticism and impatience because these hearings extended into days and weeks and months. The committee felt that they should give Mr. Berger and his counsel all of the opportunity to

present his case in full, and our evidence contains over 3,200 pages of printed record.

Mr. Berger throughout the hearings held that we should have referred the matter of war to a referendum. He claimed that the people have the right to vote whether or not they wanted to go into this war, and that he was against the war, because Congress, and not the people, declared war. After he had repeated these statements a number of times, you will find the real Berger on page 300 of the printed records, when he testified in his own behalf:

Mr. BERGER. The people were dishonored. No referendum was taken on the war. The will of the people was not officially known. The capitalist class through its press overawed Congress, and the war was declared. The capitalist class evidently got the President before it got Congress; that is how the war came about.

Mr. MCLOGAN. If there had been a referendum would you then consider the war honorable?

Mr. BERGER. If there had been a referendum and if the Nation had wanted war, the Nation could have had it. There is no greater power than the referendum, but personally I would still believe an imperialistic war criminal.

Mr. MCLOGAN. You would?

Mr. BERGER. Surely this imperialistic war would have been criminal, even if a referendum had been in favor of it. The referendum, however, would have shown the sentiment of the people.

Mr. WELTY. Would you have opposed it, then, after the referendum?

Mr. BERGER. Well, we would have opposed it, just as we do oppose it now, as a matter of conscience. We do not believe in imperialistic and commercial wars.

Mr. WELTY. In other words, you would not be with the majority?

Mr. BERGER. We would not have been enthusiastic supporters of the majority. Personally, I have for a long time been a minority man.

That, Mr. Speaker and gentlemen of the House, shows the man who asks membership in this House. He is against the war because he thought Congress was nothing but a rubber stamp and the people should have a voice. We gave him all the opportunity that he wanted to show that he was against all wars, until finally a couple of telegrams were called to the attention of the committee, and here is what Mr. Berger said about the Mexican situation: "A nation which can not protect the lives of its citizens has no right to exist." That was his conclusion at the time of our Mexican border trouble. At a time when we had some differences with Japan and a cloud was coming over us from the East, because of some disagreement between this country and Japan, he had this to say in regard to the Japanese trouble:

The great mass of the Socialists would stand by the country to the last ditch in the event of war with Japan.

He denied those statements until he was confronted with them. But when the war came to the land of his birth it was a different condition. It is then that he learned that he was against all wars. He was against war because there was no referendum. Then he finally said, "Why, we were against war because we are Socialists." But what have the Socialists done in other countries where they had war? I call your attention to page 221 of the record showing the stand the Socialists took in other countries when their own country was attacked. The following is taken from the printed hearings when Mr. Berger was questioned:

Mr. WELTY. Do you mean that a majority of the French Socialists voted for it?

Mr. BERGER. They voted for the credit in France.

Let me give you the war program of the Socialists of Germany and the attitude that they took at that time with reference to the war. Here is what they said in Germany:

It devolves upon us, therefore, to avert this danger, to shelter the civilization and the independence of our native land. Therefore we must to-day justify what we have always said, in its hour of danger Germany may ever rely upon us.

And when it came to voting for the budget there was not a Socialist in the Reichstag who voted against it. Then, on page 232, Mr. Berger says this:

Mr. BERGER. The French Socialist Party was the one that stood almost solidly by its Government in this war, although there was a minority there also, which now has become a majority, in the French party condemning the war and this imperialistic peace.

But what did Mr. Berger say when he saw that the German Government was killing our men, women, and children within their own rights? What were the words he said just shortly before the declaration of war. You will find them on pages 12 and 13, volume 1 of transcript of Chicago record:

The policy of unrestricted and indiscriminate submarine warfare recently announced by the German Government is most ruthless and inhuman, but so is war as a whole, and so are all methods applied by both sides. War is murder. War is the climax of utter lawlessness, and it is idle to prate about lawful or lawless methods of warfare.

The German submarine warfare does not threaten our national integrity or independence, not even our national dignity and honor. It was not aimed primarily at the United States and would not affect the American people. It would strike only those parasitic classes that have been making huge profits by manufacturing instruments of death or by taking away our food and selling it at exorbitant prices to the fighting armies of Europe.

The workers of the United States have no reason and no desire to shed their blood for the protection and furtherance of the unholy profits of their masters, and will not permit a lying and venal press to stampede them to taking up arms to murder their brothers in Europe.

The 6,000,000 men whose corpses are now rotting upon the battle fields of Europe were mostly workingmen. If the United States is drawn into war, it will be the American workers whose lives will be sacrificed—an inglorious, senseless sacrifice on the altar of capitalist greed.

Workers of America, awake! The hour is grave; the danger is imminent! Silence would be fatal! Gather the masses in meetings and demonstrations! Speak in unmistakable tones! Let your determined protest resound from one end of the country to the other!

Send telegrams or letters to President Wilson, to the United States Senators and Congressmen. Demand that American citizens and American ships be forbidden to enter the war zone, except at their own risk. Insist that this Nation shall not be plunged into war for the benefit of plundering capitalists.

Down with war! Down with the inhuman social system that breeds war! Long live peace! Long live the international solidarity of the workers of all nations!

Here is what he says in the St. Louis platform, after war was declared. I refer you to pages 255 and 256 of the printed hearings:

The only struggle which would justify the workers in taking up arms is the great struggle of the modern proletariat to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare. As against the false doctrine of national patriotism we uphold the ideal of international working-class solidarity and human brotherhood.

* * * * * * *

The war of the United States against Germany can not be justified even on the plea that it is a war in defense of American rights or American "honor." Ruthless as the unrestricted submarine war policy of the German Government was and is, it is not an invasion of the rights of the American people as such, but only an interference with the opportunity of certain groups of American capitalists to coin cold profits out of the blood and sufferings of our fellow men in the warring countries of Europe.

It is not a war against the militarist régime of the Central Powers. Militarism can never be abolished by militarism.

It is not a war to advance the cause of democracy in Europe. Democracy can never be imposed upon any country by a foreign power by force of arms.

* * * * * * *

The American people did not want and do not want this war. They have not been consulted about the war and have had no part in declaring war. They have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the national administration and National Congress, its demagogic agitators, its subsidized press, and other servile instruments of public expression.

We brand the declaration of war by our Government as a crime of our capitalist class against the people of the United States and against the nations of the world.

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will.

In harmony with these principles the Socialist Party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by the plutocracy during a war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active, and public opposition to all capitalistic wars, through demonstrations, mass petitions, and all other honorable and effective means within our power.

2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous effort for the repeal of such laws and to the support of all mass movements in opposition to conscription. We pledge ourselves to fight with all our strength against any attempt to raise money for the payment of our war expenses by taxing the necessaries of life or issuing bonds which will put the burden upon future generations. We demand that the capitalist class, which is responsible for the war, pay its cost. Let those who kindle the fire furnish the fuel.

The following are extracts from the minority report submitted at St. Louis when the Socialists had their meeting shortly after the declaration of war:

Throughout the war Germany has acted with brutal lawlessness and inhumanity, not only against her enemies but also against peaceful and law-abiding neutral nations, including our own. * * * The provocation to war, which this Nation has borne with a patience and forbearance which will glow brightly in our history, has been great indeed. No nation with power to defend itself has, in modern times, endured so much. * * *

To profess indifference to the result of the war now being waged, to desire either that the war end in a draw or in the defeat of the Entente Powers, with which this Nation is allied, is treachery to the principles of international socialism.

Furthermore, it is treachery to the democratic principles and institutions of America. The identification of socialism with this disloyalty to the essential principles of Americanism would destroy every hope of ever winning the great masses of the American people to our cause. We assert that socialism is not disloyal to the interest of this Nation.

Now that the war is an accomplished fact, for the reasons stated we hold that it is our socialist duty to make whatever sacrifices may be necessary to enable our Nation and its allies to win the war as speedily as possible.

Mr. Berger voted against this, and the proclamation which he signed was adopted by this convention. However, this does not say that the rank and file of the Socialists were not loyal during the war. Personally I believe that a large majority of the Socialist Party in America were just as loyal to the Stars

and Stripes as the Socialist Party was to their own Government in Europe. We only find a few misguided philosophers who felt called upon to oppose the will of 110,000,000 people.

On page 57 of the printed hearings you will find the following:

Mr. McLOGAN. This is the American Socialist, the official organ of the Socialist Party in the United States, of Saturday, April 21, 1917, which has printed upon the first page in flaring headlines:

"Socialist Party proclaims unalterable opposition to war just declared by Government of the United States.

"The proclamation on war and militarism adopted by the emergency national convention of the Socialist Party held at St. Louis was as follows."

And in that part of the platform which defines their plan of action reads:

"1. Continuous, active, and public opposition to the war, through demonstrations, mass petitions, and all other means within our power."

Mr. WELTY. What connection has Mr. Berger with that?

Mr. McLOGAN. Mr. Berger is on the national committee of the Socialist Party. At the St. Louis convention there was an emergency committee appointed to look after the interests of the Socialists during the war. Mr. Berger was one of those members. That emergency committee had power to print whatever they desired, but the reason I call your attention to this, Mr. Chairman and gentlemen of the committee, is this: I want to show that Mr. Berger has not always been the fearless exponent of the antiwar crowd that he was considered at St. Louis; that in his paper he cut out certain offensive paragraphs of the St. Louis platform. In other words, he undertook to cover it up.

On page 60 you will find the following, printed in the Milwaukee Leader on April 13, 1917, of which paper Mr. Berger was the editor:

The courageous men and women in the Socialist convention at St. Louis have adopted a ringing declaration against war, which, after the wording has been discussed and some verbal changes made, will become the official utterance of the Socialist Party.

Certainly, no Socialist body in any of the belligerent countries has uttered a more courageous statement.

Mr. Speaker and gentlemen of the House, I have been giving you his own words, taken from the printed hearings, so that it might not be said that I gave color because I do not agree with his philosophy. I might have read from other pages, all of which would only be cumulative evidence of a disloyal heart. All of you have copies of these hearings, and I shall not take up any more of your time on this phase of the case.

The evidence distinctly shows that the German Socialists were true to their own Government; the French Socialists were true to their own Government; the English Socialists were true to their own Government; and, thank God, a large majority of the American Socialists were true to their Government. The only men who were not true to their Government were men of the Berger type, who never understood our form of government.

Now, then, there is another matter I want to speak about while I have the time. Mr. Berger was convicted in Chicago and sentenced to 20 years because of the violation of a Federal statute. He said he had a "hand-picked" jury. He always spoke of it as a "hand-picked" jury, and his attorney said that the jurors were picked to convict by the marshal. Think of it! Under our statutes the jurors are selected by the clerk and some one of opposite politics to that clerk. The names are placed in a jury wheel. Neither Berger nor anyone else knew what names would be drawn from that jury wheel. They said they challenged until they absolutely could not challenge any more. The fact is they did not exhaust their peremptory challenges in this case. He said they did not want to be tried before Judge Landis, and filed an affidavit of prejudice.

We went through this record for days and weeks, and we were given to understand time and again that he did not have a fair trial in Chicago. He claimed that Judge Landis brushed this affidavit aside and would not listen to any evidence in support of it. If this was true it was a clear violation of Mr. Berger's right, but what did actually occur is only another incident showing that no reliance can be placed in any of the statements. To understand the man, my friends, you need only read this record. Here is what occurred: Judge Landis was charged with using certain language when sentencing a man for the violation of the espionage act which if used would show a prejudiced mind, and the following occurred when this affidavit sworn to by Mr. Berger came up:

The COURT (to defendants Berger, Germer, Engdahl, Tucker, and Krause). You have filed a petition here—at all events a petition has been filed here purporting to bear the signature of you five men, subscribed before a notary public on the 8th day of November, 1918. Do you know what I am talking about?

To which question all of the defendants replied "Yes."

The COURT. Who informed you, Mr. Berger, that this court, meaning this particular occupant of the bench, used this language:

"One must have a very judicial mind indeed not to be prejudiced against the German-Americans in this country; their hearts are reeking with disloyalty; this defendant is the kind of a man that spreads this kind of propaganda, and it has been spread until it has affected practically all of the Germans in this county; the same kind of an excuse of the defendant offering to protect the German people is the same kind of an excuse offered by pacifists in this country who are against the United States and have the interest of the enemy at heart by defending that thing that they call the Kaiser and his darling people. You are the same kind of a man that comes over to this country to get away from the Kaiser and the war. You have become a citizen of this country and lived here as such, and now when this country is at war with Germany you seek to undermine the country which gave you protection. You are of the same kind that practically all of the German-Americans are in this country. You call yourselves 'German-Americans'; your hearts are reeking with disloyalty."

Where did you get that?

Mr. STEDMAN. I want to object to the examination of petitioners as witnesses on the trial of any issue raised on this petition.

The COURT. Is this objection raised at the request of the defendant?

Mr. STEDMAN. I am representing these persons.

The COURT. Your objection is overruled.

Mr. STEDMAN. Exception.

Mr. BERGER. Judge, I am to be guided by my attorney.

The COURT. I do not want you to go into anything that may be involved in the case; all I am asking is this: I assume that you are a man who is interested in the truth. Am I right in that assumption?

Mr. BERGER. Yes, sir.

The COURT. Now, you heard my inquiry: Who told you that I said this? You heard my question?

Mr. BERGER. Yes.

The COURT. And you heard Mr. Stedman object to that question. Does he object to that question in your behalf, at your request?

Mr. BERGER. He is my attorney, and I have no right to interfere with his way of conducting this case.

The COURT. Is that the answer of each of the defendants?

(To which each of the defendants replied, "Yes.")

The court further inquired of the defendants if they understood that all his question asked for was the source of their authority for the assertion that he had used the language quoted in the petition, and the defendants stated that they so understood it, and that they availed themselves of the objection made by the counsel.

The court then inquired of Mr. Cochems, attorney representing defendant, Berger, whether he had made any effort to ascertain the accuracy of the statement alleged to have been made by the court. Cochem replied that he had not.

The COURT. Is there anything you want to say in support of this motion?

Mr. STEDMAN. Nothing at all.

The COURT. The motion is denied.

I am asking you if the member of the bar, Mr. Johnson, now standing by your side, and who you informed me the other day was your authority for these facts, does he swear that I made use of that language?

Mr. STEDMAN. His affidavit is not there, but he does make that statement.

The COURT. Does he swear in this proceeding?

Mr. STEDMAN. No.

The COURT. Now, further, let me inquire, that language which this affidavit attributes to me in the manner disclosed by the affidavit, as I understood you to say the other day, is claimed by Mr. Johnson, the gentleman I have referred to, to have been used by me in connection with the disposition of the case of the United States v. Weissensel?

Mr. JOHNSON. That is correct.

The COURT. After the verdict and upon occasion of the imposition of the sentence?

Mr. STEDMAN. Yes.

The COURT. Mr. Johnson, do you now desire to be sworn to give your evidence as to this statement for the court to use on passing on the motion for a change of venue?

Mr. JOHNSON. No, sir.

The COURT. You are a member of this bar?

Mr. JOHNSON. I am.

The COURT. The motion for the order asked is denied.

Mr. CLYNE. Does Mr. Johnson appear as one of the counsel?

Mr. JOHNSON. Yes; I am one of the counsel.

Mr. CLYNE. If your honor please, we have a stenographic report, if your honor cares to put it into the record, of what was said on that particular occasion, and we have the reporter here who reported and transcribed it.

The COURT. You may file it; not that it is of any interest——

Mr. JOHNSON. Your honor, I want to make a statement——

The COURT. Anything you desire to say about the facts will have to be made under oath.

Mr. JOHNSON. I want to make my objection——

The COURT. Just a moment. This court, in dealing with the situation at this time, will have to, as it must be obvious—will have to adopt such rules and procedure as will tend to discourage the use of the change of venue processes authorized by the statutes of the United States as a mere vehicle for the conveyance of slander and libel. Now, anything you want to say about this you will have to present here under oath in view of your attitude, sir.

When this case was first considered by your committee, both Mr. Berger and his attorney repeatedly said that they had no opportunity to be heard on their affidavit for a change of venue, and that Judge Landis refused to accept any testimony, but, like an autocrat, brushed the affidavit aside and demanded that the trial proceed and forthwith impaneled a jury "hand picked by the marshal," who had their instructions before to convict the defendant. This, gentlemen, did not conform to our sense of justice, and all of us were inclined to doubt if Mr. Berger had a fair and impartial trial. In fact, the suspicion became so great that the chairman felt called upon to request the district attorney, Mr. Clyne, to appear before our committee to answer these charges against Judge Landis and the Government. In other words, Mr. Speaker and gentlemen of the House, what your committee wanted was the truth and the whole truth. Mr. Berger had one of the ablest advocates I have ever heard. He marshaled his facts and justified Mr. Berger's words and acts with adroitness.

When Mr. Clyne presented this record that I have just read in your hearings, we seemed to be getting the right light, and from that day on neither Mr. Berger nor his attorney denied the

record. Just one other incident to illustrate the subject under consideration. After the district attorney gave his evidence on this branch of the case, the following questions were asked Mr. Cochems, an attorney for Mr. Berger, which I want to give you for what it may be worth. The following evidence appears on pages 834 and 835 of your hearings:

The CHAIRMAN. But in the statement which he actually made he said that these men who were taking this attitude toward the war and opposing the war were bringing discredit upon the other Germans who were upholding it, did he not?

Mr. COCHEMS. He said, "You are that type that crawled out of Germany to escape military service."

The CHAIRMAN. But I don't see anything derogatory to Germans in general by the point. It seems to me that your statement that Mr. Johnson, who was not willing to go on the stand to state the source of his information——

Mr. COCHEMS. Who is refusing to go on the stand?

The CHAIRMAN. Mr. Johnson.

Mr. COCHEMS. There is no question about where he got it. He was the attorney in the case in which he alleges this statement was made, and summoned by the court, and appeared there in the same court.

The CHAIRMAN. But he didn't go on the stand?

Mr. COCHEMS. I didn't want Johnson to jump into a lion's jaw. I think he would have been a fool to do it. Mr. Berger thinks he should have, but I am not given to feeding lions with that kind of stuff.

The CHAIRMAN. But you think, do you, that on those sworn affidavits, without any testimony as to the source of information, the judge should have given a new trial?

Mr. COCHEMS. You did not have much chance of giving testimony that morning. It was the most impossible thing. I was a stranger to Judge Landis. He flung at me. He said, "Do you approve of this, Cochems?" I said, "I haven't read this. Mr. Johnson is counsel in the case. I don't like to answer the question, but I do." There isn't anybody in the State of Illinois or in the West that don't know this.

Mr. WELTY. But when you make a statement of that kind and file it for the purpose of having another judge, or disqualifying the judge, it seems to me the attorney who drew the affidavit and the witnesses who swore to it should at least back it up when they were challenged to do it in the court?

Mr. COCHEMS. I know what I would do, but I wouldn't be fool enough to tell anybody else.

Mr. WELTY. But if anybody makes affidavits to disqualify a man on the bench and they would not back that affidavit up by sworn testimony, they should go out of court, and an attorney that would do that ought not to be a member of the bar.

Mr. BERGER. There were all kinds of speeches of Judge Landis quoted in the papers. All kinds of them—and all of them showed intense hatred and prejudice against the Germans.

DID MR. BERGER QUALIFY UNDER THE CONSTITUTION?

Your committee considered at great length whether a Member of Congress, elected by the people of his district, who appears with the proper credentials, can be halted at the door and excluded from this House, even though he violated a State or Federal law. I believe in the event of violation of a law the remedy should be expulsion and not exclusion. I know that practically all of the precedents of Congress hold the contrary, but most of these precedents were given right after the Civil War and while the country was still in the heat and passion because of the war, and because Congress had passed a law requiring a test oath to be taken that the Member elect had not taken up arms against the Government.

In the Roberts case Mr. Roberts was excluded because he practiced polygamy in violation of the Edmunds Act, after a petition was filed in Congress signed by hundreds of thousands of our best women. The minority report in the Roberts case recommended expulsion, but because of these petitions Congress excluded Mr. Roberts.

I know of only one case which supports my contention, and that is the case of Mathew Lyon, who was found guilty of violating the alien and sedition law. A resolution was called up by Mr. Bayard on the 22d day of February, 1799, asking that Mr. Lyon be expelled. After some debate the vote stood 49 for and 45 against Mr. Lyon. The Speaker, declaring the state of the vote, said that—

The Constitution requires two-thirds of the Members present to expel a Member. The resolution is not carried. (See Annals of Congress, vol. 9, p. 2973.)

This, gentlemen, is the only case in point to sustain my contention. However, the more I consider the case the more I come to the conclusion that I could support a resolution to exclude in this case only because Mr. Berger did not qualify under the Constitution and not because he violated the espionage act. Any other practice under our Constitution is most dangerous.

How can you permit a Member to stand up and ask that another Member be excluded if you find that his credentials from a sovereign State are regular? It would do violence to our very institutions.

Your committee refused from the start to consider Mr. Berger's conviction and sentence to 20 years in prison and proceeded to investigate the case de novo.

The original section of the Constitution prescribed only three qualifications. Article I, section 2, reads as follows:

No person shall be a Representative who shall not have attained to the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Both the attorneys and Mr. Berger admitted that if he did not possess the qualifications in section 2 of Article I of the Constitution he could be denied at the threshold. For instance, if he were only 20 years of age he should not be permitted to be a Member of this House, or if he was not an elector of his State he could not be permitted to be a Member of this House. But when he was confronted with the third section of the fourteenth amendment to the Constitution he said, "Why, that was nullified long ago. That was repealed during the Spanish-American War." On the 6th day of June, 1898, a statute was passed unanimously at that time, which reads as follows:

That the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States, heretofore incurred, is hereby removed.

In other words, there were certain disabilities resting upon people at that time who had taken arms against the Government. The third section of the fourteenth amendment to the Constitution reads, in part, as follows:

No person shall be a Senator or Representative in Congress who, having previously taken an oath as a Member of Congress or as an officer of the United States or as a member of any State legislature or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Mr. Berger had previously been a Member of Congress and had taken the oath of office. But it was argued that the statute removed all those disabilities under section 3 of the fourteenth amendment.

Mr. CAMPBELL of Kansas. That then existed.

Mr. WELTY. Yes; it uses the words "heretofore incurred." The attorney argued for days that the passage of that statute nullified the Constitution. Think of it! The "wets" may have some consolation, if that is true, by making this country as dry as a desert, and after it is dry the prohibition amendment would be repealed, according to that logic. The language of the statute specifically uses the words—

Disability heretofore incurred is hereby removed.

He never understood that word "heretofore." At least, all of the committee were under the impression and of the belief that that section of the Constitution was still in force and that it added a fourth qualification.

The words are "giving aid or comfort to the enemies." What do these words mean? I have searched high and low, and you know we have had very few people who were traitors to our country, and hence we have had very few decisions of the courts.

Before we consider the meaning of these words I want to call your attention to section 3 of Article III of the Constitution, which reads:

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

You will note the words "giving them aid and comfort" and how the same words are used in section 3 of the fourteenth amendment, "aid or comfort to the enemies thereof." In the treason section a person can not be guilty unless he adheres to their enemies, "giving them aid and comfort." Under the treason section three things are required before a person can be found guilty: (1) He must adhere to the enemy; (2) he must give aid to the enemy; (3) he must give comfort to the enemy. In other words, he can not be found guilty unless it is first found that he adhered and gave aid and comfort to the enemy. Now, what is the plain meaning of these words, "aid and comfort"? Webster's Dictionary defines "comfort" as follows:

State or feeling of having relief, cheer, or consolation. Satisfaction, enjoyment. Something that gives mental or physical refreshment or invigoration.

The homelier, more intimate word suggests relief afforded by imparting positive cheer, hope, or strength.

The Standard Dictionary defines "comfort":

To give consolation, encouragement, or moral strength; to cheer, encourage, solace.

The Century Dictionary describes it as:

Consolation, solace, relief, succor, ease, help.

"Comfort" has a range of meaning not shared by the others, approaching that of pleasure, but of the quiet, satisfying, heartfelt sort; meeting the needs most felt as contrasted with consolation, it ordinarily applies to smaller or less-known griefs, and is more positive and tender and less formal, while Black's Law Dictionary defines "aid" as follows:

To support, help, or assist.

This word must be distinguished from its synonym "encourage," the difference being that it connotes active support and assistance while the latter does not; and also from "abet," which last word imports necessary criminality in the fact furthered, while "aid" standing alone does not. "Aid" and

"abet" are nearly synonymous terms as generally used; but, strictly speaking, the former term does not imply guilty knowledge or felonious intent, whereas the word "abet" includes knowledge or wrongful purpose and counsel and encouragement in the commission of the crime.

EXCLUSION OR EXPULSION.

The question was with us from the very start, Can we exclude this man, or must we admit him upon his certificate and then expel him? Your committee held that if he could not qualify under section 3 of the fourteenth amendment to the Constitution, and under Article I, section 2, of the Constitution, giving these four qualifications, then he should be excluded upon the threshold, for section 5 of Article I says that "each House shall be the judge of the elections, returns, and qualifications of its own Members." If Mr. Berger fails to qualify under the Constitution framed by the people, we can meet him at the threshold, and that is what the committee has done in this case, and we found that Mr. Berger gave aid and comfort to the enemy.

Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. WELTY. May I have about 10 minutes more?

Mr. KITCHIN. Yes; go ahead.

Mr. ROBINSON of North Carolina. I yield the gentleman 10 more minutes.

Mr. WELTY. We know a man by his acts and his words.

We have a right to believe that Mr. Berger intended what he said. We do not want to judge him only by a word here and a sentence there, but statements made at different times under different conditions. I want to read only a few more extracts from the record so that you may be able to better judge.

What is the natural disposition and inclination of Mr. Berger? What has he done? As early as 1901 we find that he advocated the use of bullets if not able to secure reforms by the ballot. I read from page 315 of the record. I am simply giving this for the purpose of showing the character of the man. He has not changed.

Mr. KLECZKA. If the gentleman will yield, that was in 1909.

Mr. WELTY. Yes; in 1909. Thank you for correcting me. Let me read it so that the Members of the House may know that the leopard never changes his spots and that some men never change their opinions:

Now, I deny that dealing with the plutocratic class as we are dealing in this country, the outcome can ever be peaceable, or that any reasonable change can ever be brought about by peaceful methods and the ballot in the end. I predict that a large part of the capital class will be wiped out for much smaller things than the settling of the great social question; that before any settlement is possible most of the plutocratic class, together with the politicians, will have to disappear as completely as the feudal lords and their retinue disappeared during the French Revolution. That can not be done by the ballot. And in order to be prepared for all emergencies Socialists and workingmen should make it their duty to have rifles and the necessary rounds of ammunition at their homes and be prepared to back up their ballots with their bullets if necessary.

When confronted, he did not deny or excuse these words. He said he was not ashamed of them.

To show you how closely he is connected with men who are the enemies of this country, I want to read you a letter that he wrote in 1908. This was at the time when the I. W. W. were convicted in Chicago.

Mr. KLECZKA. If the gentleman will permit, that was on May 18, 1918.

Mr. WELTY. Thank you. They asked him to speak, and he wrote them as follows:

Thank you for your May Day greeting and for your invitation to be one of the speakers at your defense mass meeting held at the North Side Auditorium on May 19. I will not be in Milwaukee on that day, having another engagement of long standing. In order to do the next best thing, however, please find inclosed my check for $10 for the defense funds.

Frankly speaking, I do not think much of the Industrial Workers of the World and their tactics in the past, and I do not agree with syndicalism as such to-day—but I will gladly admit that the I. W. W. has stood the test of being a class organization infinitely better than the trade-unions. Gompers's cohorts have, in the main, proved to be the tail end of capitalism.

That tail end is now being used as a weapon of the capitalist class very much like the crocodile uses his tail.

I am beginning to believe that the I. W. W. (or some labor organization that will succeed it, but that will inherit its matchless spirit) is destined to take the place of the American Federation of Labor in our country and fulfill the mission in which the A. F. of L. has failed.

As for the rest, we all will have to fight a long while—each in his own way—before we can have freedom and industrial democracy in America.

Fraternally, yours, VICTOR L. BERGER.

Gentlemen, I need not comment on this letter. He admits writing it, and he still feels that he has a perfect right to be a Member of the greatest law-making body of a free people. You know what they preach.

Just one more quotation and then I will close. On March 26, 1918, at the time when Ludendorff was making his last desperate drive, at a time when the English did not have sufficient force to defend against those hosts, when the French were depleted and could not hold the line, when we did not have enough Americans at the front to support them, just a few divisions, just before we threw the marines to the front, the First and Second Divisions, he made a speech, from which I will read. It is found on page 351 of the record. He made this speech on March 26, 1918, at Turner Hall in Milwaukee:

It is high time for us to quit fighting. If we quit, the Germans will have no one to fight with and then there will be peace. The only war that we Socialists want is a war against the present Government; and fight against it from every point in which the present European war is connected. It does not matter whether it is Kaiser Wilhelm or Kaiser Wilson. One is as bad as the other when it comes right down to the slaughter of the people of the world. If this thing keeps on it will not be a matter of either side extermination of the other. It simply means the extermination of a civilized race—that is what it means. We Socialists will see to it that the slaughter of our men is stopped. The "war babies" will then die. They are living to-day on the blood of our soldiers, and there would be no war if it were not for the Morgans, Rockefellers, and others who have forced Mr. Wilson to declare war so that they could have more "war babies."

Supposing the mothers had sent that kind of a message to their sons at the front—

It is time to quit fighting!

This, gentlemen, was said when everyone knew that Ludendorff was making his last effort to drive on through to Paris. The French and English had their backs to the wall. We only had a few divisions of our soldiers there, but because of this expected drive all of the shipping of the world was for the time being stopped, in order to carry our boys to France. It was a race between President Wilson and Kaiser Wilhelm.

We were then transporting from 200,000 to 300,000 of our boys every month. The submarine warfare was a failure. Ludendorff knew that if he could defeat the combined armies in France he would destroy the morale and be able to dictate the peace. The race was on and the question was, Who would get to Paris first—the German or the American Army? The only ones holding Ludendorff back were the exhausted troops in the trenches. Could they do it? Who would win this race? Mr. Berger knew all these facts. He attempted to discourage not only the American people but the soldiers themselves. He knew that if we would continue to transport our troops at the rate we were then doing, that America would win, and he issued his command to stop fighting. "If we quit, the Germans will have no one to fight with." He was willing to sacrifice our own who were then in the trenches standing between Ludendorff and liberty in order that our enemy might succeed.

Oh, my friends, the boys whom we required to go and fight for us and make all sacrifices did not dare say these things. Shall it be said that we will permit disloyalty from anyone who will not support this country when we need the support of these people at home?

Now we come to the close of this man's utterances until his appearance before our committee. On June 8, 1919, at Madison Square Garden, he said (p. 355 of the hearings):

In America the capitalists not only own Congress, the legislature, and the courts, but, above all, they own the means of public expression and communication. The capitalists not only control all the daily papers and the big monthly magazines, but they also dictate to the theaters and to the movies and own the billboards.

I am reading only a few extracts.

The capitalist class will find that instead of orderly mass action there will be individual and direct action as a means of resistance. Instead of socialism they will have anarchism. Instead of electing men to legislative assemblages—instead of changing the laws of our country, as the Socialists propose—every rebellious workman will become a law unto himself and will use any means he can think of.

Gentlemen, the record is full of his statements; that this was a war for the benefit of capital and the poor man has to pay the bill. That might be true in other countries, but not here. The Sixty-fifth Congress, which he repeatedly said was controlled by the "capitalistic class," passed an act requiring the man of wealth pay as high as 80 per cent of his income to the Government to pay for this war, while the man with a family does not pay one cent of income tax until it is over $2,000 annually. If there is a poor man's country on God's footstool, this is; regardless of what these wild-eyed and long-haired philosophers might say.

That is the man that the voters of the fifth district of Wisconsin have elected and who now comes knocking at the door asking you to seat him for the purpose of destroying the institutions of our fathers. The committee has asked that you exclude him, and I hope that you will support the committee. [Applause.]

Mr. DALLINGER. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. ROSE].

Mr. ROSE. Mr. Speaker and gentlemen of the House, the matter under consideration is founded upon a resolution offered by the gentleman from Massachusetts [Mr. DALLINGER], on the 19th of May, 1919. I intended to read the resolution to this committee, but almost every part of the proceedings that I intended to read before the committee has already been read, and I take it for granted that you are familiar with the contents of them all.

I want to say that when I entered upon my duties as a member of the committee, placed upon it without my knowledge or consent, I did so with a free and open mind, without any prejudice or the semblance of prejudice, but with a full determination that I would be governed solely and wholly by the evidence that would be presented before the committee.

I know of no member of the committee who was approached by any person who was antagonistic to the interest of Mr. Berger, and so it is I do not know the foundation of the rumor to that effect which was given wide publicity by some of the newspapers of the country.

It was made known very early in the hearings that the testimony adduced at the hearing of the case in Chicago before the District Court of the United States for the Northern District of Illinois would not be relied upon by the committee in any sense, but it very early developed in the hearing that the greater portion of that testimony would be again admitted before this committee; and it was agreed upon by both sides that the evidence should be taken and considered as having been introduced into the record. That was done for the purpose of saving time, saving duplication of effort, and a great and useless expense. It was also agreed that the Member elect, Mr. Berger, would be given every opportunity to present his case from every conceivable angle, so that it could not be said that his case was railroaded through and he not given an opportunity to present his defense as it should be presented and in his own way.

That, gentlemen of the House, subjected the committee to a great deal of adverse and unfair criticism. When you consider that this case has no parallel in the Congress of the United States, and when you know that the testimony covers thousands of pages, when you know that a great principle is at stake, a principle that will not stop at the door of this House but spread broadcast all over the country, you will see that it ought not to be hurried, and that nothing should be done but fair and equal justice between man and man. [Applause.]

I want to say another thing. There is a great treat in store for those who have not read the able, eloquent, and forceful presentation of the case of the Member elect by his distinguished counsel, Henry Cochems, esq., of Wisconsin. I say, personally, that no blame can be laid at his door, for he presented everything in the way of evidence before the committee that could by any possibility be resolved in the interests of his clients.

Nor can there be any doubt as to the ability, learning, and versatility of the Hon. Victor L. Berger. In my judgment he is a wonderful man with exceptional talents. He has preached his doctrine in season and out of season, and is thoroughly imbued with what he believes to be the high and lofty principles of socialism. He has left no stone unturned to spread and propagate his doctrine through all the years to which he has devoted his signal abilities, and I want to say to you gentlemen of the House that he has convinced me that he is thoroughly honest in his expressed belief that socialism is the ideal state of government, and that it will be the assurance to every man that he will have his just and equal rights under the government by the people.

As to his right to expound socialism, or any other doctrine at certain times and under certain conditions, there can certainly be no doubt. But it must not be forgotten that every right carries with it obligations; obligations that must be observed by every citizen of the land, and most especially when his country is engaged in suppressing insurrection or revolution or is engaged in armed strife against any nation.

This is well established by decisions of our Supreme Court. They have been cited to you by the chairman of this committee in his able presentation of this case, and it saves me the trouble and time of bringing the matter to your attention. If any of the Members of this House are not familiar with the decisions involving the espionage law, I beg to commend the opinions of Justice Holmes recently handed down and which accompany the report of the Committee on Elections No. 1.

I want to say just here that socialism was not on trial before this committee in any sense whatever, and there never was a time during the hearings of this case when anybody would suppose for one moment that socialism was being placed on trial, any more than would the Democratic or Republican Party be placed on trial if any Member of this House should be guilty of the conduct which we report has been proven absolutely and unqualifiedly against the man who now seeks entrance into this House.

At the early stages of the hearing it was made known that the violation of any law passed during the continuance of this war, and especially that law known as the espionage law, would be considered an act of disloyalty. Not only that, but that the fourteenth amendment of the Constitution of the United States and the third section of that amendment would be applicable to the present case. That was made known by the chairman of the committee at a very early date. The mere mention of the fact that the fourteenth amendment to the Constitution and the third section of that amendment would be applicable to this case brought immediately from the distinguished counsel from Wisconsin the surprising statement, to my way of thinking, that the fourteenth amendment to the Constitution of the United States had been repealed by an act of the Congress in the year 1898. It was contended that Victor L. Berger should be given his seat in this House and placed on an equality with every other duly elected Member of the House. It was contended that the third section of the fourteenth amendment did not apply in any sense. Permit me to say, gentlemen, that, for myself, I am firmly convinced that the fourteenth amendment to the Constitution of the United States has never been repealed, and I challenge any person to cite me to where the machinery for the repeal of the fourteenth amendment or any part thereof was ever started by the proper authorities. The third section of the fourteenth amendment is just as much a part of the fundamental law to-day as it was when it was placed there, and can be repealed or amended only as provided in the Constitution itself.

Since I am firmly grounded in my belief that the third section of the fourteenth amendment applies in this proceeding, I have asked the question, "Can my friend, the Hon. Victor L. Berger, comply with all of the provisions of the Constitution, and especially of the section to which I have referred, and has he complied with the laws passed by this Congress during the continuance of the war, especially the espionage law?" If he can answer that question affirmatively, then he is just as much entitled to a seat in this House as any other man within the sound of my voice, and I know of no person who would be more willing and eager to vote affirmatively upon that proposition than I, because I will say to you now that I like the man, and I like his family, and the only thing that I dislike is his attitude toward our Government during the great World War, and I have had the pleasure of telling him that to-day.

The St. Louis platform was passed after the declaration of war was made by this Congress, and in that platform we find one expression to which I want to call attention, beside the many that have been brought to your notice by other members of the committee. In that platform we find the following language:

> We are unalterably opposed to the war just declared by the United States.

That, to me, is one of the best hammers that we can use to drive home to this gentleman the fact that he is not a fit man to have a seat in this House, because he was one of the framers of the platform. The very words of that platform would convince any man who will look at it that the convention knew at the time it passed that resolution that war had been already declared, and, therefore, it was their bounden duty, as well as the duty of every other citizen in this land from that time on, to give to this country every vestige of effort they could put forth in order to put force and vigor behind the war in which this Government was then engaged, and put down, to my mind, the greatest despot that ever ruled over the destinies of a civilized people. [Applause.]

I want to know if the words "unalterably opposed to this war" would give "aid or comfort" to the enemies of the United States? I ask you gentlemen, would that declaration give "aid or comfort" to the United States? How does that declaration or sentiment appeal to you, Members of the Congress of the United States, you who are in part responsible for the declaration of war against the Imperial German Government; you who are in part responsible for what is known as the conscription law? One does not need to read the writings of the Hon. Victor L. Berger and strain construction in order to bring his mind to the unwavering conclusion that not a single article that has been read in your hearing, not a single editorial that has been written during the continuance and before this war by this man, could in any sense be resolved as an "aid or comfort" to the Government of the United States, and therefore must be "aid or comfort" to the enemies of the United States.

Mr. BLANTON. Will the gentleman yield for a question there?

Mr. ROSE. I would like to make my statement first——

Mr. BLANTON. Just for one question.

Mr. ROSE. I will yield to the gentleman from Texas.

Mr. BLANTON. The defendant in his speech stated that the Congress of the United States would be better off if we had more Socialists among the Membership. I want to ask the gentleman from Pennsylvania if he ever heard a Socialist Member of Congress who could speak the English language distinctly?

Mr. ROSE. In answer to that question I desire to make known to the gentleman that I am not considering socialism in any sense, and let me say here to the gentleman——

The SPEAKER. The time of the gentleman has expired.

Mr. ROSE. May I have five minutes more?

Mr. DALLINGER. I yield the gentleman five additional minutes.

Mr. ROSE. I would like to say to the gentlemen of the House we had better all have a care to what is going on at this time. [Applause.]

Many of you know just as well as I do that socialism is in the atmosphere. It has spread wider than I ever had any conception it would. Gentlemen of this Congress, I want to say to you the time is fast approaching when we are bound to take notice of what is going on. I have never for one moment attributed to the gentleman, the Member elect of this House, Mr. Berger, an indorsement of all Karl Marx has said with reference to socialism. I do not believe, and I do not want to believe, that he does not believe in an Almighty God. I do not want to believe that he wants to put down humanity and all government. I can not believe that, and my association with the man has never led me to any such conclusion as that.

Mr. HUSTED. Will the gentleman yield?

Mr. ROSE. I would rather not yield until I have finished my statement, if the gentleman will excuse me. We have been referred to the famous "Ballots and bullets" editorial. I did not intend to make any comment on that except to say I would like to have you know that the gentleman himself has already stated that his opinions and views have changed since that, and yet in this open letter that he has sent to every Member of this Congress he tells in so many words, "I have nothing to take back from the speeches I have made or from the articles I have written." Both of those statements can not be altogether true, and I leave that for you to decide. I do not intend to ask a single man to vote as I expect to vote. I have not tried to induce any Member to believe as I believe. The justification for some of the utterances that have been made is on the ground that some distinguished Members of this Congress have inveighed against conscription. I regret, gentleman, exceedingly, that a man of the high and lofty ideals of the gentleman from Missouri [Mr. CLARK] should ever be used to bolster up the cause of a good man gone wrong. Without any disparagement to any of the great men of the Democratic Party who have been chosen as Speaker of the House of Representatives, I want to say to you that for learning, experience, ability, fair dealing, for patroitism, and for love of country, not a man in this country can surpass the Hon. CHAMP CLARK of Missouri. [Applause.]

I think that man has made a place for himself among the great men of this country, and I am sure that history will give him a high place in the niche of fame. And yet he is used here to justify remarks when all of us know that the men who voted against the war and that the men who voted against conscription have not allowed an hour or a moment to pass by without being ready to give the last ounce of energy that they can bring to bear, every ounce of loyalty and patriotism within them, to back up this country in the great fight that it has made—not one of those men has ever been found wanting, and it grieves me to have men of that character placed upon a plane that they were at one time against the Government that they so much love. [Applause.] The finding of the committee meets with my approval, and——

The SPEAKER. The time of the gentleman has expired.

Mr. ROSE. Mr. Speaker, I ask that I may be permitted to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. WELTY. Mr. Speaker, I make the same request, that I may revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DALLINGER. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. RANDALL]. [Applause.]

Mr. RANDALL of Wisconsin. Mr. Speaker and Members of the House, the majority of the Members of this body are aware that since the Committee on Elections has presented its report recommending the exclusion of Victor L Berger from membership in the House that a considerable part of the press of the country has freely criticized the committee for failure to bring in its report more promptly.

Because Victor L. Berger was accused of violating the espionage act and was found guilty and sentenced in February, 1919, to 20 years in prison, and on the supposition that the testimony taken at this trial was available for the use of the committee, its members are charged with tardiness in bringing out its report, "timidity, and a disinclination to offend somebody or some class in the community."

The members of the Committee on Elections expect criticism, but justice to themselves demands that the House of Representatives know the facts. As stated in its report, the committee decided at the outset of the hearings to determine the eligibility or lack of eligibility of Victor L. Berger on the merits of the case and to ignore his conviction and sentence in Federal court. To save time and expense it was decided to place before the committee in its entirety the testimony taken at the so-called Chicago trial. It also decided to have placed before it the record of the case as presented to the court of appeals. Due to delay in the printing of this testimony, which delay was not the fault of the committee, copies of this record were not secured until early in September. Meanwhile, the committee had proceeded with its hearings in as orderly and expeditious a manner as possible.

The question of excluding or admitting a Member elect to a seat in the House is one of great importance at any time, and particularly when the Member elect's eligibility is questioned on the ground of disloyalty to the Government.

Therefore the committee has no apologies to make for what is termed delay in reaching its conclusion. Its report is not based on passion or prejudice. It is not based on fear or favor. The members sought for the right and the truth, and have endeavored to bring in a report founded on conscience and justice.

In determining the eligibility of Representative elect Berger a vast amount of testimony was introduced concerning the development of socialism. Berger constantly proclaimed that in opposing war he was loyal to the tenets of international socialism and voicing its creed. In fact, he justified his acts, his writings, and his utterances by throwing the mantle of socialism around himself. He reiterates and his whole conduct and testimony in the hearings charges that an attempt was being made to exclude him because he is a socialist. The fact that he is a socialist is no concern of your committee, other than it caused the members to weigh and interpret the testimony presented to it with extraordinary care. As is pointed out in the committee's report, when Victor L. Berger and Meyer London were elected and seated in previous Congresses their eligibility was not challenged because they were socialists.

When the European war began the socialists of other countries, including the majority socialistic party of Germany, strongly supported their various Governments. In fact, no more loyal support was given to any nation than that received by the Imperial German Government from the socialists led by Phillip Scheideman. Berger is the leader and one of the founders of the American Socialist Party. A member of the party for many years, he has risen to high rank in its councils. In April, 1917, when Congress passed the joint resolution declaring that a state of war existed between the United States and the Imperial German Government, Berger was a member of the executive committee, and such committee had called the emergency national convention of the Socialist Party, which convened in St. Louis on April 7, 1917.

Berger was present and was a member of the committee that drafted, reported, and secured the adoption of "Proclamation and War Program," a document that was later characterized by ex-President Roosevelt as "treason to the United States." On April 14, 1917, the Milwaukee Leader in an editorial characterized this report as a "cool, scientific Marxian declaration."

Among other statements, this "Proclamation and War Program" contained the following:

The American people did not want and do not want this war. They have not been consulted about the war and have had no part in declaring war. They have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the national administration and National Congress, its demagogic agitators, its subsidized press, and other servile instruments of public expression.

We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will.

* * * * * * *

We recommend to the workers and pledge ourselves to the following course of action:

Continuous, active, and public opposition to the war through demonstrations, mass petitions, and all other means within our power.

Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to con-

scription. We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expense by taxing the necessaries of life or issuing bonds which will put the burden upon future generations.

(Printed hearings, vol. 2, p. 119.)

When this proclamation and war program was promulgated our country was at war. American rights had been invaded, the lives of defenseless men and women had been ruthlessly taken, and property destroyed. Berger's first thought should have been for the welfare of our country. He had the opportunity of expressing his choice, for John Spargo, a delegate from Vermont and a member of the Socialist national committee, had brought in a minority report advocating that the Socialist Party support its Government in the prosecution of the war as the Socialist Parties in other countries had done.

In this report occurs the following:

Our guiding principle in all that concerns our relation to the people of other lands is internationalism. We are internationalists and antimilitarists.

But internationalism does not mean for us antinationalism. * * * We repudiate the claim made by some that loyalty to this Nation is inconsistent with true internationalism. Those who say that socialism involves the view that the working class has no nation to call its own; that all nations are alike; that there is nothing to choose between a militarist autocracy and a democratic republic, do not preach socialist internationalism, but pernicious reactionary nonsense. * * *

Internationalism presupposes nationalism. It is the interrelation of nations. The maintenance of national integrity and independence is an essential condition of internationalism. * * * As internationalists we unequivocally assert the right of nations to defend themselves, their institutions and rights.

As a corollary to that statement we assert the right of socialists to participate in such defense. Marx, Engle, Bebel, Liebknecht, and particularly all the great founders and teachers of our movement have taught this. * * *

Throughout the war Germany has acted with brutal lawlessness and inhumanity, not only against her enemies but also against peaceful and law-abiding neutral nations, including our own. * * * The provocation to war, which this Nation has borne with a patience and forbearance which will glow brightly in our history, has been great, indeed. No nation with power to defend itself has, in modern times, endured so much. * * *

To profess indifference to the result of the war now being waged, to desire either that the war end in a draw or in the defeat of the Entente Powers with which this Nation is allied, is treachery to the principles of international socialism.

Furthermore, it is treachery to the democratic principles and institutions of America. The identification of socialism with this disloyalty to the essental principles of Americanism would destroy every hope of ever winning the great masses of the American people to our cause. We assert that socialism is not disloyal to the interest of this Nation.

Now that the war is an accomplished fact, for the reasons stated we hold that it is our Socialist duty to make whatever sacrifices may be necessary to enable our Nation and its allies to win the war as speedily as possible.

However, Spargo's report was voted down, Berger voting against it, and the "proclamation and war program" to which Berger signed his name was adopted. Berger took the position that the welfare of the international Socialists was of more importance than the welfare of the United States. Berger chose to place his obligations to internationalism above the obligations imposed upon him when he swore allegiance to the United States, the country of his adoption.

Not content with that, on December 30, 1917, Berger published an editorial in the Milwaukee Leader, entitled "The party will stand no wobbling," plainly designed to intimidate Daniel W. Hoan, the Socialist mayor of the city of Milwaukee, who doubted whether he could subscribe to the Socialist war program without violating his oath of office.

Time does not permit reference to many other editorials in the Milwaukee Leader that may be found in the hearings, but it must be remembered that Victor L. Berger, before your committee, assumed full responsibility for their publication. However, your attention is directed to the time on July 18, 1917, when the Government was preparing to float a Liberty loan, that then the Milwauke Leader referred to the repudiation of the war-debts plank in the St. Louis platform as a sentiment that would "gain rather wide popularity as time went on."

At this time permit me to say that notwithstanding this pernicious doctrine promulgated by the Milwaukee Leader, with the approval of Victor L. Berger, and widely circulated by his misguided followers, that the State of Wisconsin has a record second to no State in the Union for going "over the top" in subscriptions to Liberty and Victory loans, and other war funds; that my State had probably the lowest percentage of delinquents in draft registration of any State in the Union; that the district that I have the honor to represent led in every war activity [applause]; that the plan of the "patriot's fund" for providing funds for Red Cross, Knights of Columbus, Salvation Army, Y. M. C. A., and other war welfare work, originated in my home city, and was widely adopted throughout the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. RANDALL of Wisconsin. May I have three minutes more?

Mr. DALLINGER. I yield the gentleman three minutes.

In his open letter to the Members of this House, and in his statements and presentation of his evidence to your committee, Mr. Berger and his counsel justify his writings and utterances under the freedom of speech and the press guaranteed by the first amendment to the Constitution of the United States. Necessarily, he contends that any attempt to deprive him of a seat in Congress is a violation of this guarantee. The law on this branch of the question is clearly set forth in your committee's report.

Mr. Berger boasts, "I have always prided myself on strict obedience to laws, even when I did not like them." The espionage act, which, he complains, violates the first amendment, was duly passed by Congress and became the supreme law of the land. This act has been declared by the Supreme Court of the United States to be constitutional. Boasting obedience to constituted authority, how can Mr. Berger now charge that he has been deprived of his constitutional right?

Mr. Berger is an exponent of the mistaken doctrine that there are no limitations to "free speech" under the Constitution as amended. He preaches and predicts peaceful evolution, which, in the last analysis, is revolution. He is an apostle of the idea that he can agitate for the complete overthrow of our present form of Government and at the same time retain all his rights and privileges under that Government. Declaring that he is opposed to violence, he testifies that "the I. W. W. at least has the class instinct, if nothing else," and that "I have preferred the I. W. W. to Sam Gompers and his adjutants in many ways. Sam Gompers of late has become the abject and absolute tool of the capitalists," that "traitors and seditionists the I. W. W. are not," and, under date of May 6, 1918, writes the secretary of the I. W. W. inclosing $10 for the defense funds, and indorses its matchless spirit.

Mr. QUIN. Will the gentleman give the date, the year?

Mr. RANDALL of Wisconsin. Nineteen hundred and eighteen.

The SPEAKER. The time of the gentleman has again expired.

Mr. RANDALL of Wisconsin. May I have two minutes additional?

Mr. DALLINGER. I will yield the gentleman two minutes.

Mr. RANDALL of Wisconsin. Our Government is founded on the great idea that the individual should be allowed a maximum of freedom and opportunity with due recognition of the rights and privileges of others. Our Government gives every individual complete freedom to voice his wrongs and find redress for his grievances as long as he confines himself to proper limits. An individual can not slander or libel another to avenge an injury, fancied or real. One may not maim or slay another to seek justice for himself. Certain sharp limitations are placed on freedom of speech. Berger undertook to place himself outside of the limitations. Knowing that the espionage act had full force and effect, he sought to hinder, obstruct, and embarrass the Government of the United States in its conduct of the war and thus gave aid or comfort to its enemies.

Berger sanctioned and was a party to promulgating the declaration "We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world." He declared "that the 'capitalistic interests' brought on the war," and that "the President thought it his duty to do as the capitalists wanted."

That this man should now be declared eligible to a seat in the House of Representatives is beyond comprehension. The facts are undisputed; the law is clear and plain. Victor L. Berger should be excluded. [Applause.]

Mr. DALLINGER. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Speaker and gentlemen, I wish there was some way open, some safe and solid ground upon which I might stand now, to defend this man about whom so many speeches have been made and sentiments expressed to-day, for it is always my disposition by nature to like to be with the fellow who is in greatest trouble, or the under dog, to speak it homely. I say if there were any way possible open to me to pursue that course it would agree with my disposition and feelings. I feel no desire to interfere with the laudable ambitions of any man. I had rather exercise myself in an endeavor to assist him in the attainment of the coveted goal than to do aught that might retard. The disappointments, tribulations, and sorrows of this melancholy vale are sufficiently great at best, as that it ill becomes any man to foster or cherish ill will toward any of his fellows. To that end I should hail with delight the time when the barriers which have been builded between the various grades of society, as determined by the character of the vocation pursued by the individual, shall have been torn away, and in their stead altars reared where homage shall be paid and sacrifice made only to the gracious God of universal good will.

But when great questions are at stake, involving the welfare and well-being of a great people, as a competent general will

purposely sacrifice a part of his troops that a greater advantage may be gained, leading to ultimate victory, so the Nation must sacrifice the personal aspirations of individuals that a higher beneficence for all the people may accrue.

To have a seat in this body and have to do with the formulation of the principles and policy that have for their purpose the welfare and well-being of all the people is indeed a most commendable ambition. But this is an American body, and he who sits here must be all American so long as our present fundamental law is intact. [Applause.]

I am persuaded that the American people have a divine mission to perform in the world, which is the maintenance of the faith of our fathers. The highest destiny of our Nation and the welfare of our people are grounded in that faith. There was a divinity that shaped their ends. Monarchy for them held no future promise. Under that system a man or woman born in the humbler walks of life could never hope to rise above them. Position and power were not granted as a reward of merit, but followed as a consequence of high birth. As a result, the best, the noblest, and the most royal blood in the land was held powerless in the iron grip of aristocracy. The New World, as yet unsullied by the dross of kings, beckoned for them to come, and offered to them its sweeping plains, its sublime mountains, its majestic streams, its boundless forests, its variegated climate as a place to build a home for the birth and nurture of civil and religious liberty. For that reason they bade adieu to their loved homes in old England, severed the thousand natural ties that bound them thereto, braved the terrors of the treacherous seas, blazed their way through the trackless forests, all that they might drink deep from the golden cup of independence. But autocracy, high on her gilded throne, closed her proud ears to the loud shouts of freedom and sought with cruel oppression to block the onward march of the new civilization. And after more than a century of untold toil and suffering they finally, those hardy, God-fearing, old pioneers, finally defied the relentless machinations of royalty, threw off the galling yoke of despotic bondage, and established here the highest type of government of which the mind of man, aided by divinity, is able to conceive. [Applause.]

It is to the maintenance of that Government in the establishment of which our fathers paid such full measure of devotion that we to-day stand unalterably committed. And if in that faith our Nation was conceived and brought forth, it is in that faith it must live and achieve its highest destiny. That faith is best expressed in the Constitution of the United States of America. So that it becomes the duty, the solemn obligation, of every man who believes in the maintenance of that faith, to stand unalterably committed to the principles and policies therein enunciated. It is with that great Constitution as a basis, a foundation, upon which the superstructure of our great country has been builded, and by reason of the operation of its principles our people have been able to attain to a position higher than which has been accorded to no other people on the face of the earth. Shall we now, after all these years of sacrifice and toil, refuse to be governed by the principles and policies of that great Constitution?

I say if it were possible under the present conditions to defend this man, I would be glad to do it. But to do that I must go back upon the Constitution established by the founders of this Republic, and in the language of the greatest orator that ever graced the hall of any legislative body, "May my right hand forget her cunning and my tongue cleave to the roof of my mouth if I ever falter in any degree in the support that I shall give to that Constitution of my fathers." [Applause.]

That he has violated the provisions of this Constitution I believe there is not a scintilla of doubt or question in the mind of any man who has been privileged to listen to the arguments presented here to-day. And I am persuaded, gentlemen, that it is the sentiment now of the great majority of the American people, who know the history of our glorious country—how the brave old fathers of the Revolution trod the thorny paths of adversity that they might leave to us, their children, as a heritage, a Nation free from the distressing incumbrances of oppression and tyranny; how Webster and Clay and Sumner and those renowned orators thundered that eloquence in defense of the Union and the Constitution that rendered their names immortal; and how in every great crisis with which our Nation has been confronted our people have bespoken their patriotism and loyalty by offering themselves a willing sacrifice upon the altar of its perpetuity—I say, I believe it to be the sentiment now, not only of this body but of the great majority of the American people, that, live or die, survive or perish, the integrity of this Nation shall be preserved and Old Glory shall be maintained, waving triumphant on the land and on the sea; that this Nation, founded upon the firm basis of liberty and equality—this Nation that loosed the bonds of royalty and crowned each private citizen a king; this Nation that rent the curtain of aristocracy and paved the way for the lowly to rise; that the grand old ship of this Nation shall continue to sail on, breasting heroically the tides of oppression and tyranny, of militaristic autocracy and Bolshevistic anarchy, until it shall finally drop anchor in the harbor of the highest possible attainments toward governmental perfection. And if it be the hope of the American Government that that shall finally be its destiny, this Congress, as well as all succeeding Congresses, must forever protect itself against the encroachment of any influence that has a tendency to destroy our great and glorious country. [Applause.]

The third section of the Constitution says:

> No person shall be a Senator or Representative in Congress who having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may, by a two-thirds vote of each House, remove such disability.

That section is as much a part of the Constitution to-day as it ever was, and is as effective as any other provisions of the great instrument. To say that that section, or any part of the Constitution, may be repealed by a simple act of Congress, as has been attempted by the contestee, is violative of its plain provisions and would rob the people of the very powers and privileges vouchsafed to them therein.

That Victor L. Berger is guilty of the violation of the provisions of said section is evidenced by the following extracts from the St. Louis platform, for which he assumes responsibility:

> The American people have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the national administration and National Congress.
>
> We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.
>
> No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will.
>
> We recommend to the workers and pledge ourselves to the following course: Continuous, active, and public opposition to the war through demonstrations, mass petitions, and all other means within our power.
>
> Unyielding opposition to all proposed legislation for military or industrial conscription. We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expense by taxing the necessaries of life or issuing bonds which will put the burden upon future generations.

These declarations of principles were uttered after the declaration of war, and millions of copies were distributed throughout the country during the progress of the war.

Victor L. Berger was a Member of the Sixty-third Congress, and as such made solemn oath to support the Constitution of the United States.

I submit that his conduct and utterances are plainly in violation of the provisions of the Constitution, and therefore he is not entitled a seat in this Congress.

The time has come when the American people must stand foursquare upon the Constitution. That fundamental law this very hour is being assailed by an influence that finds its origin in the benighted, destructive minds of the Old World. America must awaken to the danger that confronts her now, and with that resolute determination, with that indomitable will, with that invincible fortitude, with that enthusiastic patriotism, with that unswerving loyalty, with that deep-seated conviction of right, and that great reverence for Almighty God that has characterized the people from the foundation of the Republic stand boldly forth in defense of the sentiment of the flag. Who is there now to villify the grand old standard? That glorious banner that has been the inspiration of our people in every great crisis in our marvelous history. And I call you to witness, that wherever its benign folds are unfurled to the breeze there the schoolhouses begin to spring up in the midst of the forest, there the church bell's sublime chimes begin to break the monotony of the eventide, there the hum of the wheels of industry, the glad song of the laborer, and the joyous shouts of the children are wafted on the morning zephyrs and the grand diapason of civilization is heard to peal above the discordant notes of heathendom, and all down the years of our glorious history not only has it been an inspiration to patriotic devotion in times of war, but hailed by all loyal Americans as an inspiration to the patriotism of peace. Let us now consecrate ourselves anew to the principles that have made our country great, and thus insure to the generations yet unborn the same blessings and privileges that were vouchsafed to us through the sacrifices of our fathers. [Prolonged applause.]

Mr. DALLINGER. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER. The gentleman has 14 minutes.

Mr. DALLINGER. I wish to yield at this time three minutes to the gentleman from Wisconsin [Mr. VOIGT].

The SPEAKER. The gentleman from Wisconsin is recognized for three minutes.

Mr. VOIGT. Mr. Speaker, I am going to vote to seat Mr. Berger as a Member of this House, and I desire to give my reasons for that course. The question that occurs to me is whether I am justified in excluding a man from membership here because he holds political or economic views which are not generally accepted here.

I am not a Socialist. There are many doctrines of socialism that I can not agree to, although I am satisfied in my own mind that the predominating parties, Democratic and Republican, have in the past stolen thunder from the Socialists. I am sorry to say that there is a great deal of misunderstanding, even among Members of Congress, as to what socialism is. Some people can not distinguish between socialism, syndicalism, and anarchism. I do not understand that the Socialists wish to overturn our form of government; I understand that what they are trying to accomplish is to bring about a more equitable and scientific method for the production and distribution of the necessaries of life and other products produced by the toil of men. No thinking man will deny that this is the one great overshadowing problem, not only before the American people but before the world. Our productive capacity has increased by leaps and bounds, thanks to the invention of machinery and the discoveries of science. There is abundant production, but the distribution of the producer's product is faulty; we find that in many cases the man who toils unceasingly goes without the comforts of life and is dependent on charity in his declining years, and we find others who do not toil and do not spin rolling in wealth and living on the toil of others. It does not take a man with large vision to see that this condition of affairs is not permanent. The unrest in the country today is eloquent evidence of the efforts of the toiling masses to gain economic rights. Just as the feudal system and slavery have given way to a greater political and economic freedom, as hand production has given way to machine production, so will the present system give way to one which will give more nearly to every man the product of his toil. The Socialist believes that this can be accomplished by doing away with the private ownership of productive capital. He says that this private ownership enables the owner of the capital, or means of production, to appropriate a part of the labor of others, and he therefore insists that this capital become state or community property, for the benefit of all. Personally, I fear that this solution is not practicable, because it will tend to take away the element of incentive in production, invention, and discovery. However, I have the greatest respect for a man who is a sincere Socialist. He has a pure and holy aim—to improve the mental and economic condition of his fellow men. To express feeling against a man because he is a Socialist is about as foolish as to revile him on account of his religious belief.

The Socialist believes in the economic interpretation of history, and I confess that I agree with him. He believes that the changes which have taken place in the world have been almost wholly the result of economic causes. He believes that war is the result of the operation of economic forces; and here again I must agree with him. The European war, like 99 per cent of all other wars, was caused by the economic rivalry of nations and lust for conquest incident to that rivalry. If any one doubts this, a study of the secret treaties of the Allies and the imperialistic peace treaty drawn at Paris, which deals almost wholly with lands, chattels, and dollars, ought to convince him. I have never believed that this was a war to make the world safe for democracy. If it was, it was a total failure, because I fail to see where the cause of democracy has gained anything. President Wilson, speaking at St. Louis on September 5, 1919, said:

> Is there any man here or any woman—let me say, is there any child—who does not know that the seed of the war in the modern world is industrial and commercial rivalry? This war was a commercial and industrial war. It was not a political war. * * * The real reason that the war that we have just finished took place was that Germany was afraid that her commercial rivals were going to get the better of her; and the reason why some nations went into the war against Germany was that they thought that Germany would get the commercial advantage of them.

Many men have been sent to prison in this country for saying about the same thing. If the President has the right to say it—and, of course, he has—the humblest citizen has the same right.

The Socialist, who seeks to do away with privately owned productive capital, and who believes that wars are the result of capitalistic conflicts, naturally is opposed to war. A man can not be a Socialist and believe in any except a defensive war. As I understand it, this has been the position of Victor Berger for 40 years, and it does seem to me that this fact must be given great consideration when we now judge him. I am satisfied that Victor Berger would take the same stand, no matter what country he might live in.

Mr. Speaker, I am the only one who will speak in behalf of Mr. Berger, and perhaps the only one who will vote for him. It would be easier for me, and doubtless more expedient for me, to vote with the majority, but I prefer to stand alone rather than to be a coward to my conscience. There is involved here a question of the greatest possible importance, and I will not yield my conviction. That question is whether, under the constitutional guaranty of free speech, Mr. Berger had the right to speak his conscience during the war without being punished for it. The Constitution of the United States provides that—

> Congress shall make no law * * * abridging the freedom of speech or of the press—

And also that the Constitution shall be the supreme law of the land. That means to me exactly what it says, and that provision means the same to me in war as it does in peace. The greatest single blessing enjoyed by the people of these United States is the right of conscience—the right to think, and to say and write what one thinks. I admit of no limitation of that right, and no compromise of it, so far as expression of opinion is concerned. There can be no other rule for me. I believe, with John Stuart Mill, that—

> If all mankind, minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

There seems to be a popular impression that it is unlawful to express an opinion in regard to the war, and I am sorry to say there is ground for that impression when we consider that many men are now in prison who in fact have done nothing more than to express their opinions. Here is what the Supreme Court of the United States said on that subject in the famous Milligan case:

> This Nation, as experience has proved, can not always remain at peace and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln; and if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of the world told them—the nation they were founding, be its existence short or long, would be involved in war; how often or how long continued, human foresight could not tell; and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this and other equally weighty reasons they secured the inheritance they had fought to maintain, by incorporating in a written constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President, or Congress, or the judiciary disturb, except the one concerning the writ of habeas corpus.
>
> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men (founders of the Constitution) foresaw that troublous times would arise, when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

I concede to no man or set of men the right to set limitations on the conscience of the individual. History has shown that it is exceedingly dangerous, and that men can not be trusted with that power. If I had my way I should amend the Constitution once more and state specifically and in detail wherein the right of conscience and the expression of that conscience consists. When I think of the men now in prison for the sake of conscience there passes before my mind's eye in review a long procession of martyrs. I see Socrates condemned to death after a judicial trial because he entertained opinions other than those of his accusers. Of course, he was not condemned on the charge of having opinions, but his accusers claimed that his doctrines contaminated youth. We now consider him the fountainhead of philosophy. I see Christ on the cross—a martyr to his opinions. I see John Huss burning at the stake, and

Luther fleeing for his life. I see the witches burning in New England, and now I see Victor Berger and his codefendants sentenced at Chicago by a prejudiced judge to 20 years in prison—100 years for the five. This is practically a life sentence for each of these men. The American people are not going to stand for this. The excitement of war is rapidly disappearing and very soon the feeling of fairness and justice of the people is going to demand the release of these men, and all others who are suffering for the sake of conscience.

It is claimed that Mr. Berger did more than to express his opinions; that he was guilty of acts which interfered with the prosecution of the war. I have looked in vain to find a single instance where he advoctaed a violation of law or violated the law himself.

Mr. Berger has said in his editorials time and again that he does not believe in so-called direct action; that is, violence to accomplish a purpose. He has stated specifically, time and again, that the Socialists must gain their end through the ballot box. My recollection is that after the passage of the draft act, much as he disliked and denounced it, he advocated obedience to it. In the recent convention of Socialists in Chicago Mr. Berger was violently denounced because he refused to join the so-called communists and direct actionists. So far as I can see, he has vigorously denounced the war, and worked for an early and democratic peace, the right to do which I must concede him. In former periods of the country's history great men have bitterly attacked wars, but I have seen nowhere a claim that they had violated any law, or were guilty of any crime. Is it possible that the Constitution has changed its meaning?

Lincoln said during the Mexican War:

At its beginning, Gen. Scott was by this same President driven into disfavor, if not disgrace, for intimating that peace could not be conquered in less than three or four months. But now, at the end of 20 months, this same President gives a long message, without showing us that as to the end he himself has even an imaginary conception. As I have said, he knows not where he is. He is a bewildered, confounded, and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than his mental perplexity.

Daniel Webster said during the Mexican War:

We are, in my opinion, in a most unnecessary and therefore a most unjustifiable war. I hope we are nearing the close of it. I attend carefully and anxiously to every rumor and every breeze that brings to us any report that the effusion of blood, caused, in my judgment, by a rash and unjustifiable proceeding on the part of the Government, may cease.

Now, sir, the law of nations instructs us that there are wars of pretext. The history of the world proves that there have been, and we are not now without proof that there are, wars waged on pretexts; that is, on pretenses, where the cause assigned is not the true cause. That I believe on my conscience is the true character of the war now waged against Mexico. I believe it to be a war of pretext; a war in which the true motive is not distinctly avowed, but in which pretenses, afterthoughts, evasions, and other methods are employed to put a case before the community which is not the true case.

Sir, men there are whom we see, and whom we hear speak of the duty of extending our free institutions over the whole world if possible. We owe it to benevolence, they think, to confer the blessings we enjoy on every other people. But while I trust that liberty and free civil institutions, as we have experienced them, may ultimately spread over the globe, I am by no means sure that all people are fit for them; nor am I desirous of imposing, or forcing, our peculiar forms upon any nation that does not wish to embrace them.

Theodore Parker, the great preacher, said during the Mexican War:

But why talk forever? What shall we do? In regard to this present war, we can refuse to take any part in it; we can encourage others to do the same; we can aid men, if need be, who suffer because they refuse. * * *

We can hold public meetings in favor of peace in which what is wrong shall be exposed and condemned. It is proof of our cowardice that this has not been done before now. We can show in what the infamy of a nation consists; in what its real glory.

Here is what Lord Chatham said in the English Parliament of our Revolutionary War:

I would sell my shirt off my back to assist in proper measures, properly and wisely conducted, but I would not part with a single shilling to the present ministers. Their plans are founded in destruction and disgrace. It is, my Lords, a ruinous and destructive war; it is full of danger; it teems with disgrace and must end in ruin * * *. If I were an American, as I am an Englishman, while a foreign troop was landed in my country I never would lay down my arms! Never! Never! Never!

Lloyd-George said during the Boer War:

Why do I object to war? It is because, as a Liberal, I hate and abhor all war, and because I know of nothing that arrests progress like war. I have come to the conclusion that I would be a recreant before God and man if at this first opportunity I did not enter a protest against what I consider to be an infamy, and here I do it to-night, even if I leave Carmarten to-morrow without a friend. (Edward's Life of David Lloyd-George, vol. 3, p. 193.)

In October, 1901, Lloyd-George, in a speech charged that the English Army had burned villages, blown up farmhouses, swept away the cattle, burned thousands of tons of grain, destroyed all agricultural implements, all the mills, the irrigation works, and left the territory a blackened, devastated wilderness. Then the women and children were herded, in winter, in thin, leaky tents, surrounded by barbed-wire fences, where thousands died of unnecessary privations. He said:

Is there any ground for the reproach flung at us by the civilized world that, having failed to crush the men, we have now taken to killing babes?

Much has been said about the St. Louis platform. I wish to make myself clear on this point. Personally I do not approve it, but it is not a question with me of whether I approve what some one else says. The question with me is whether I am willing to concede to the other man the right to express his opinion. Since when is it the law in this country that one can not express his opinion in opposition to war? We must allow to the smallest minority in this country, if it be but one-tenth of 1 per cent of the population, the right to express its opinion on any subject.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. VOIGT. I can not yield. I have only three minutes.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. VOIGT. No; I can not yield; I have only three minutes. I decline to yield to anyone.

I believe that Victor Berger was railroaded to prison at Chicago. He did not have any show whatever, and it was an outrage to try him at the time he was tried. I have no sympathy with the persecution of such men as Victor Berger and Eugene V. Debs.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege.

Mr. VOIGT. I say those men should be immediately released.

Mr. BLANTON. I rise to a question of the highest privilege of this House.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I submit to the Speaker that it is improper in exercising the privileges of debate on the floor of this House for a Member to denounce the laws or the Government of the United States and the operations of this Government in the prosecution of war against an enemy, and that is what the gentleman is doing here now.

The SPEAKER. The Chair does not think the gentleman is out of order. The gentleman will proceed.

Mr. VOIGT. I am in favor of releasing all men who have been imprisoned during the war for the sake of their consciences. The Government should immediately release these men. It has been done in all European countries, and we should lose no time in following suit.

I believe that Judge Landis was prejudiced against Mr. Berger. Mr. Berger presented an affidavit of prejudice to Judge Landis. Under the law as I understand it, Judge Landis had the power to decide whether he was prejudiced or not. He decided that he was not. I take it that he had the power to call in another judge. I consider it exceedingly bad form for a judge to pass on the question of whether he is prejudiced. If I were a judge, and either party should intimate to me that there was some doubt about my fairness, even if I felt absolutely that I had not the slightest prejudice, I should decline to try the case. The sentence imposed on these men is outrageous—more evidence to me of the judge's state of mind. I can not go into this matter at length, but I have formed my opinion from reading the hearings.

It appears in the hearings (p. 830) that after the conviction of Berger and his associates one of the men who served on the jury, named Nixon, swore that one of the bailiffs or deputies, having charge of the jury, sought to influence the jury against Berger. Nixon swore that the bailiff kept up his attack on Berger in the presence of the jury; that the bailiff said, "This man Berger, the son of ———, ought to be taken out and hung. He is a damned Dutchman." The bailiff asked Nixon if he had read the life of Benedict Arnold. He said "No." Then, the bailiff told him where he could get it. The statements made by the bailiff were put down in a diary which Nixon was in the habit of keeping. I see no reason why this juror should perjure himself, and believe he told the truth. Henry Cochems, Mr. Berger's attorney (p. 830, hearings), says of this:

Surely, if there is a living God that looks over this, he told the truth, and I appealed to Judge Landis, and told him that the record could be made so that he never could be reviewed by the court of appeals, and I said, "This is the truth. I do not care what you say, and every man in this court room knows it." It was the truth, the solemn truth, as though a man were leaning over his mother's grave. The record was made up and that was rejected. It was accepted as the truth by the court. I will bet my life against a toothpick that it was the solemn truth, and yet these men are headed for Leavenworth upon a verdict of that kind.

If the jurors were influenced in this way, and I have no doubt they were, a new trial should have been granted. Berger, on the appeal, was required to furnish $100,000 or

$125,000 in bail—another evidence of prejudice. The Constitution provides that excessive bail shall not be required.

I desire to pay a well-earned compliment to Henry Cochems, the attorney for Mr. Berger before the committee. He surely made his client's cause his own. His brief filed with the committee is the greatest I have ever seen. It shows a wonderful grasp of principles and is a mine of information on the questions involved.

Mr. DALLINGER. I yield three minutes to the gentleman from Wisconsin [Mr. KLECZKA.]

Mr. KLECZKA. Mr. Speaker, I do not believe there is another Member of this House who will subscribe to the views expressed by the gentleman who has just preceded me [Mr. VOIGT]. [Applause.]

It is a significant coincidence that at the very hour that Berger stood upon the floor of this House heaping abuse upon organized government and constituted authority, hurling defiance at all law and order, and reviling the espionage act, the Supreme Court of the United States was announcing decisions in two cases—the Abrams and Stilson cases—upholding the constitutionality of the espionage law and approving long-term sentences for the printing and circulation of articles and proclamations that were less vicious and outrageous than the seditious and treasonable utterances and writings of Victor Berger. [Applause.]

Berger will discover before long that the laws of the land can not be outraged and violated with impunity, and that free speech does not mean license to preach sedition and treason. When the propaganda of the enemy conducted in this country by Boy-Ed, Von Papen, Zimmermann, and Bernstorff was exposed and ultimately crushed, Berger embarked upon a course of activity that was far more nefarious and harmful than that of the secret agents of the Imperial German Government. The spies of Germany did their work in a subterranean and secret manner, but Berger improved upon their tactics by spreading the poison of sedition openly and brazenly.

The espionage law was necessary for the very reason that we harbored in our midst men of the Berger type. We protected our soldiers by providing them with masks against the enemy's poisonous gases that would destroy their bodies, and we were compelled to protect them against the poisonous gases of sedition, hurled by insidious enemies at home, who tried their utmost to kill their souls and spirit.

Mr. Speaker, the evidence in this case is so overwhelming and so convincing that no unbiased or unprejudiced mind can come to any other conclusion except that Berger, by his written and spoken words and pernicious activity, has given aid and comfort to the enemies of our country. Born in Austria, he came to this country at the age of 18 to escape, as he admitted before the committee, the oppressive burdens of Hapsburg autocracy and militarism. He realized full well the splendid advantages and privileges and possibilities which this country afforded and which he would enjoy. All the opportunities which American citizenship affords were his. He was elected to the office of alderman in the city of Milwaukee and elected to Congress. Few men who came here from foreign shores enjoyed the blessings of a democracy in fuller measure than Mr. Berger, and yet, when the life of this land of equality and opportunity was challenged and threatened, when the very existence of the institutions which have done so much for him was trembling in the balance of the World War, he repaid this country with the blackest ingratitude and basest treachery. When the die was cast and war was declared, when there was no other course for loyal Americans to pursue but to support unflinchingly America and her forces in the prosecution of the war, what was his attitude and conduct? He immediately set out upon a course of bold opposition, determined in every way to embarrass this country, interfere with the resolute determination of the American people, and in every conceivable way endeavored to impede its war preparations and thereby give assistance to the enemy.

War was declared on April 6, 1917, and on the following day the Socialist Party held an emergency national convention in the city of St. Louis, at which they promulgated the party's "proclamation and war program." Mr. Berger was instrumental in drafting that proclamation and war program and approved the sentiments therein expressed by attaching his signature to that document. He never renounced that infamous declaration, but, on the contrary, now arrogantly boasts that he has lived up to the program.

In the history of this country there never was uttered a more contemptible, infamous, and treasonable proclamation. It declared, among other things, that—

> The American people did not want and do not want this war. They have not been consulted about the war and have had no part in declaring war. They have been plunged into this war by the trickery and treachery of the ruling class of the country, through its representatives in the national administration and National Congress, its demagogic agitators, its subsidized press, and other servile instruments of public expression.

We know that the war was inevitable. Congress by an overwhelming majority voted to declare war. But Berger charges those Members of Congress who voted for the war declaration with trickery and treachery and brands them as men bereft of honor and conscience. We appreciate the courage and undiluted patriotism of those who, responding to the dictates of their conscience and the voice of the American people, voted to declare war. They were militant Americans, every one of them, true to their oath of office and zealous for the Republic's preservation. But Berger indicts them as the servile and corrupt agents of the capitalists. That is Berger's estimate of the integrity of this House, to whose membership he now pleads to be admitted.

The socialist war declaration, which Berger helped to promulgate, declared:

> We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

If the declaration of war was a crime, then those who voted for the declaration of war participated in a crime and are crinfinals. If the declaration of war was a crime, then those who responded thereto were criminals. Berger defiantly admits that he indorses that declaration to-day; that he does not retract it in the least; that those are still his sentiments to-day.

It staggers one's power of belief that a man who has witnessed the events of the Great War, who has heard of the incomparable heroism and sacrifice of the American fighting forces, who knows of the unparalleled services of American manhood and womanhood, is so permeated with treachery and sedition that with brazen impudence he continues to outrage the feelings and sentiments of the American people. Yes, more, he desecrates the sublime sacrifices of our heroes. He scoffs at the wounded and crippled soldier. He carries his sacrilegious pollution so far as to brand the martyrs in the cause of civilization and humanity, who sleep in the fields of France and Flanders, as "criminals." Where is the individual whose conscience is so deadened and whose heart so corroded who will not shudder at such profanity and sacrilege?

Berger said that "in all modern history there has been no war more unjustifiable than the war in which we are about to engage." We fought to preserve the Republic, but in Berger's opinion that was unjustifiable. We fought in defense of the most sacred and inalienable rights and privileges of freemen, but to him that was most unjustifiable. We fought to destroy the most conscienceless, cruel, and unrelenting form of despotic and tyrannical militarism that the world has ever known, but Berger says that was unjustifiable.

In his "proclamation and war program" Berger said "no greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will." America entered the World War in defense of the rights of humanity and the cause of democracy against the most unrelenting foe, but Berger claims that was dishonorable. We entered the struggle in order that the power of right might prevail over the forces of might, but in Berger's opinion that constituted dishonor. We entered the war in order that millions of bondsmen might be freed from the galling fetters of autocracy and restored free and unshackled to the bosom of humfanity, but Berger says that was dishonorable.

To rise and fight and die for the privileges and birthrights of mankind, to fight for the freedom of the downtrodden and oppressed people of Europe, to fight for the emancipation of all the peoples from the mailed fist of the Kaiser, were, to the Berger mind, a dishonor.

It is superfluous to specify further. It was unjustifiable and dishonorable, in Berger's view, to declare war in defense of all these rights, privileges, and principles, because his one thought, hope, and wish was to see this temple of democracy, these glorious United States of America, destroyed and become a dominion subject to William Hohenzollern and his dynasty. He opposed America because he subscribed to the Kaiser's declaration enunciated in Poland before the war that "Prussianism, like the spirit of imperial Rome, must expand and impose itself."

Berger recommended "continuous, active, and public opposition to the war through demonstrations, mass petitions, and all other means within our power," and Berger throughout the entire trying period of the war carried on his opposition to the war with all the means at his command and to the limit of his power.

To absolve himself from the consequences of his treacherous conduct, he offered before the committee the sickening defense that the fine record of the State of Wisconsin and the city of

Milwaukee disproves that his seditious propaganda and anti-American activities were productive of detrimental results. He now makes a dastardly attempt to shield himself with Milwaukee's splendid war record. Milwaukee has gone "over the top" in every drive. [Applause.] She has oversubscribed her allotted quota in every Liberty-loan campaign. The famous Thirty-second Division, designated by Gen. Mangin as "Les Terribles," which won praise and admiration for heroic achievement in battle, contained many National Guard units composed of Milwaukee volunteers. [Applause.] No matter what the call of duty, no matter what the sacrifice, Milwaukee responded in a most generous measure and in a manner that evoked the commendation of the people outside her borders.

But Wisconsin's and Milwaukee's splendid war record was the product of the unselfish, patriotic, and heroic endeavors of her loyal citizens. Berger made every attempt to stifle the patriotic efforts of these citizens, but the overwhelming majority of the people of Milwaukee were immune to the poisonous gases of Berger's propaganda. They refused to follow this apostle and exponent of "Kultur," and their attachment and devotion to America and her cause were but intensified by the obstructive, demoralizing, and seditious tactics of Berger and his cohorts. Milwaukee's splendid war record, achieved in the face of, and in spite of, the organized opposition of Berger and his forces of disloyalty, is a glowing testimonial of the intense spirit of service and self-sacrifice of its loyal American citizens.

On the floor of this House Mr. Berger has the impudence to claim that he is "the true choice of the electorate of the fifth district in Wisconsin." This is in keeping with many of his other reckless and untruthful statements. Consistency and due regard for truth are virtues which are foreign in the intellectual make-up of this man. Through the systematic distribution to every home in his district of campaign pamphlets, which contained false statements regarding the war, and which appealed to the passions and prejudices of a certain portion of the people in his district, through the circulation of the Milwaukee Leader, of which he was editor, and which was the medium for disseminating his treacherous and treasonable propaganda, he succeeded in poisoning the minds of many unthinking people in his district. That was the meat on which this political adventurer fed. He now claims that because he obtained a plurality of the votes in a three-cornered contest he is the "true representative of his district." The loyal American citizens of his district have repudiated him in no unmistakable language. He can not claim to represent any but perhaps the unthinking and misguided voters who were misled by his subtle, poisonous, and lying propaganda.

Loyal Americans who were members of the Socialist Party could not remain members of the Bergerized party after it had promulgated the treasonable war program. They repudiated the St. Louis anti-American declaration, withdrew from the party, and performed their duty as American citizens in a crucial period of this Nation's life. Among these loyal and right-thinking citizens were some of the leading men of Milwaukee, men who held high places in the councils of the Socialist Party and men who were elected to positions of responsibility and trust in the municipal and State governments. They knew what socialism means and what the doctrines of internationalism are. They refused to remain members of an organization that pledged itself to interfere with America's holy purpose in this war, and forsook this organization when it was delivered body and soul by Berger and his satellites to the enemies of America. They renounced Berger and his disciples and patriotically fulfilled the obligations of their American citizenship and supported this country in the prosecution of the war whole-heartedly and in a manner that evoked the most generous commendation.

Berger not only attempted to embarrass the Government and paralyze all war activities, but he advocates doctrines that are inimical to organized and representative government. He worships at the shrine of the international destroyers of law and order. In his testimony before the committee he refers to Lenin, whom he met at the sessions of the International Socialist Bureau in Brussels, as a man of "excellent education" and as "absolutely sincere." The world is appalled at the havoc, destruction, desolation, and disorder prevailing in Russia today. The sympathies of the civilized people go out to the unhappy people of that country. Berger, however, certifies that all the suffering and misery brought upon the unfortunate people of Russia through the reign of terror inaugurated by arch-Bolshevist Lenin is the product of "absolute sincerity." Surely if Berger approves of what is prevailing in Russia, Bolshevism, then, is but another name for Bergerism.

Several years ago Berger wrote an article which, among other things, contained the following:

> In order to be prepared for all emergencies, Socialists and workingmen should make it their duty to have rifles and the necessary rounds of ammunition at their homes and be prepared to back up their ballots with their bullets if necessary.

While appearing as a witness before the committee his attention was called to the aforesaid article, and he was asked whether he has changed his opinion on the use of violence, as advocated in that article. To this he frankly and coldly replied that he has not changed his opinion on this subject.

While testifying before the committee, he was asked whether he subscribed to the I. W. W. fund, and admitted that he made such a contribution. He was asked whether he knew that the I. W. W. were indicted for violations of the espionage act, and to this he replied that "that does not make any difference." His attitude toward this organization, which advocates the overthrow of organized government by violence, was revealed in a letter written by him on May 6, 1918, to a secretary of the Industrial Workers of the World. In this letter, among other things, Berger said:

> I am beginning to believe that the I. W. W. (or some labor organization that will succeed it but that will inherit its matchless spirit) is destined to take the place of the American Federation of Labor in our country and fulfill the mission in which the American Federation of Labor has failed.

In this letter Berger discloses his contempt for and hostility to the American Federation of Labor, which has accomplished so much in improving the conditions of the American laborer. He wishes to see this organization destroyed and supplanted by the I. W. W., who resort to the most revolting violence, as the occurrences of the recent past demonstrate. And he approves of their outrageous tactics and their revolutionary spirit as "matchless." This is the creed and sentiment of a man who, if admitted to the membership of this House, would be expected to support the Government in the maintenance of law and order.

The American workingman realizes that Berger is bent on destroying American institutions, which are the real bulwark against all forms of oppression. This self-anointed apostle of the proletariat is false to the cause of the laborer, as he has been false to his oath of allegiance to the Constitution of the United States and to the cause of the Republic. He is endeavoring to use the laborer solely for political exploitation. As showing his real love and zeal for the workingman, his testimony before the committee is very illuminating. Berger testified:

> I am at the head of a business; I do not own my business; but at the head of an institution which employs 153 people—printers, compositors, newspaper men, etc. It is a socialist concern and pays good wages; often above the union scale; and yet there is not a single man employed there because the publishing company loves him. The paper will only employ him because the institution thinks it can make good use of him. He is employed not because he needs employment but because the institution needs him.

Berger also testified before the committee that "the workingmen as a rule have not brains enough to understand their class interest." Because the American workingmen refuse to accept his doctrines, this egotistic high priest of the forces of destruction heaps abuse upon them and contemptuously says, "They have not brains enough." Berger is convinced that with the abdication of the late Kaiser he is the only surviving superman still at large competent to destroy all that civilization holds dear.

Mr. Speaker, to admit this man to membership in this House would be to outrage the patriotic instincts of every American and to break faith with those who, responding to the call of America, have fought and bled and died in order that the blessings of democracy might be preserved and perpetuated to us and all succeeding generations. Clearly and emphatically the Constitution of the United States provides that—

> No person shall be a Representative in Congress who, having previously taken an oath as a Member of Congress to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof.

The evidence that Victor Berger gave aid and comfort to the enemy is overwhelming, and our constitutional duty to exclude him is plain and unescapable. [Applause.]

Mr. EAGLE. Mr. Speaker, I yield 15 minutes to my colleague on the committee, Mr. ROBINSON of North Carolina.

Mr. ROBINSON of North Carolina. Mr. Speaker, I yield five minutes of my time to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker and gentlemen of the House, whatever difference may have been at one time expressed in this House as to whether loyalty was a qualification for membership in the American Congress, it has been now settled by abundant authority that loyalty is one of the qualifications for membership. [Applause.] And that proposition was well expressed by a distinguished former Member of the House, then

chairman of the Elections Committee, Mr. Dawes, of Massachusetts, who, in his report in the case of John Young Brown, said:

It was inherently implied in every constitutional provision under which the House had its existence that no man should be qualified to sit as a Member who had not the indispensable qualification of loyalty to our Government.

[Applause.]

The laws of human society authorize the Government to resort to all means to preserve itself.

That is the law governing this House in the consideration of the great and weighty question that confronts us now. It would be deplorable and painful enough if one who had never had a seat in this House had been guilty of the acts charged and proved against Victor L. Berger and which in fact are conceded by him to have been committed. But, it is all the more deplorable, and all the more painful to realize, that one born on the other side of the Atlantic who emigrated to this country to seek and avail himself of the great opportunities that the Republic affords, who was elevated to membership in this House of Representatives, who stood in this very place confronting the Speaker, and while facing the American flag, held up his hands and solemnly vowed that he would support and defend the Constitution of the United States against all enemies, foreign and domestic, should in the dark hours of America's greatest trial, when the very life of the Republic was at stake, stab the Nation in its back and be guilty of acts which constitute sedition and rebellion. [Applause.]

The Constitution we have all sworn to support by its terms under the fourteenth amendment obliges us to exclude Berger from membership in this House. [Applause.]

What does the Constitution provide? That, if one having previously taken an oath as a Member of Congress or as an officer of the United States or as a member of any State legislature to support the Constitution of the United States shall have engaged either in insurrection or rebellion against the same or given aid or comfort to the enemies thereof, he should be disqualified for entrance again into the American Congress unless Congress by a vote of two-thirds of each House remove such disability.

That is the substance of the constitutional mandate. Shall we observe it now? Shall we overlook the seditious acts and the rebellious utterances made during the time when our boys went to the front to face the enemy, when every loyal citizen of the Republic was anxiously praying for the success of our arms, or shall we uphold the dignity of the House and refuse membership of one who employed every means at his command to give aid and comfort to the enemy? [Applause.]

We are not concerned with utterances made or views expressed by Berger before our country's entrance into the war. They play no part in the determination of the question we are called upon to decide. The Elections Committee have plainly stated this through their chairman and in their report. We are, however, deeply concerned about what Victor Berger did after the Congress had declared war and we were cast in the midst of armed conflict. The Socialist platform adopted at St. Louis after America had entered the war, reaffirmed at Chicago in August of 1918, was the one advocated by Berger. In every conceivable form of language that platform called upon the people to withhold their support of every governmental agency used for the successful prosecution of the war. While you and I and all good people of the country were making efforts to promote the sale of Liberty bonds and war savings stamps Berger was counseling the people to refuse such aid to the Government. While our soldiers and sailors were across the seas and making heroic efforts to overcome the enemy, making the highest sacrifices man can make for country and for flag, Berger was denouncing the war as a crime against the people of the United States, promulgated the false statement that the war declaration was an act of dishonor, and counseled opposition to the laws that had been constitutionally enacted.

The distinguished chairman of the Elections Committee [Mr. DALLINGER] in his speech to-day alluded to a letter written to me during the days of the war by that great American, whose memory shall ever be cherished and revered, Theodore Roosevelt. On page 72 of the committee hearings the letter will be found. It testifies the judgment of that great patriot as to the conduct of the men who during the war days preached the sentiments and reiterated the unpatriotic pledges embodied in that platform. I might have refrained now from the use of the letter, but the use of it by the committee and allusion to it to-day by the distinguished gentleman from Massachusetts relieves me of any delicacy I might otherwise feel from presenting to this House the complete letter of the late President Roosevelt, as part of the quoted portions of the platform was omitted from the print in the committee record. The letter, which stamps the acts of men who counseled unyielding opposition and vigorous resistance to the Government during the war as moral treason, reads:

THE KANSAS CITY STAR,
OFFICE OF THEODORE ROOSEVELT,
New York Office, 347 Madison Avenue, October 16, 1918.

MY DEAR MR. GOLDFOGLE: I am exceedingly glad that the Republicans have indorsed your nomination for Congress in the twelfth New York congressional district. The national Socialist Party platform adopted at St. Louis in 1917—after we had entered the war—and reaffirmed at Chicago in August last, contains the following planks:

"We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

"In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

"No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will.

"We pledge ourselves: To continuous, active, and public opposition to the war through demonstrations, mass petitions, and all other means within our power; to unyielding opposition to all proposed legislation for military or industrial conscription and to continuous efforts to repeal such laws; to opposing with all our strength any attempt to raise money for payment of war expenses by taxing the necessaries of life or issuing bonds which will put the burden on future generations."

All this is at least moral treason to the United States.

Mr. London by his actions in Congress has shown his agreement with the platform as enunciated. Under these circumstances I fail to see how any upright and honest citizen or any patriotic American can vote for him. The Germanized Socialists of America have made themselves the tools of the German militaristic and capitalistic autocracy. Mr. London's votes show that he has a right to the support of the Germanized Socialists. He has no right to the support of patriotic American voters. You are standing on a platform of 100 per cent Americanism, and by your actions you have shown that your devotion to this platform is genuine and sincere. I very earnestly wish you success in your contest.

Faithfully, yours, THEODORE ROOSEVELT.

HON. HENRY M. GOLDFOGLE,
New York City.

No better authority could possibly be furnished from the pen of any man as to what the Socialist platform, adopted after the war, meant than came from the words of that great patriot whose Americanism furnishes enduring lessons to us and to generations to come, and whose memory is enshrined in the hearts of our countrymen, Theodore Roosevelt.

The utterance of that great American statesman, Senator Sumner, in the elections case of Philip F. Thomas in the Fortieth Congress are most applicable to the case with which we are dealing now. Speaking of acts of sedition of Thomas, who sought entrance to the Senate, Senator Sumner said:

A Senator failing in loyalty is a present enemy, whose presence in this council Chamber would be a certain peril to the Republic. It is vain to say that loyalty is not declared to be a qualification. Loyalty is made a qualification in the amendment to the Constitution, and then again in the original text when in the most solemn way possible it is distinguished and guarded by an oath.

* * * * * * *

But no man can be allowed to take the oath as Senator when, on the evidence before the Senate, he is not competent. If it appears that he is not of sufficient age, or of the required citizenship or inhabitancy, he can not be allowed to go to that desk. Especially if it appears that he fails in the all-important qualification of loyalty he can not be allowed to go to that desk. A false oath taken with our knowledge would compromise the Senate. We who consent will become parties to the falsehood. We shall be parties in the offense. It is futile to say that the oath is one of purgation only, and that it is for him who takes it to determine on his conscience if he can take it. The Senate can not forget the evidence; nor can its responsibility in the case be swallowed up in any process of individual purgation. On the evidence we must act and judge accordingly.

All the stronger is the logic for the exclusion of Berger. He frankly avows that he does not and will not recant a word from what he declared during the war. Instead of recognizing, as all good citizens do, that the laws of the land must be observed and obeyed and the will of the majority must govern, Berger insists that he and a minority of the people could and would exercise their own judgment as to whether they should or should not obey the constituted authorities of the land and stand by the Government in the hour of its peril.

He who in hours of war, constitutionally declared, advocates resistance to our laws, counsels men and women to withhold support of the legitimate agencies of Government essential to gain supremacy over the foe, and is willing that the men and boys of our Army and Navy be deprived of help so that, starving and helpless, they may be forced to succumb and leave our flag to go down to defeat can not be fit to take the constitutional oath and hold high place in the Nation's council.

I speak as an American, whose first concern must be the safety of our country, the security and welfare of our people, the honor and dignity of our Nation, and the perpetuity of American institutions. [Applause.]

Mr. DALLINGER. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker and gentlemen of the House, ever since I took the oath of office I have always voted on the side of loyalty, and I propose to-day, in keeping with my pledge

and obligation, to vote to keep Mr. Berger from coming in here and becoming a Member of this House. [Applause.]

This is a Government of majorities, not minorities. If a majority of the people of this country wanted socialism or Bolshevism, under our Constitution and laws, they could have it; but until they do that it is the duty of this Congress to stand by the Government as it is now constituted.

If I did not vote to unseat Mr. Berger, I would be going back upon my previous record for loyalty. I would have to stultify myself if I voted otherwise than to unseat him. Of all the times in the history of this country now is the time to stand by the country and to teach true Americanism, and we can do it no better than to remove Mr. Berger from membership in this House or prevent him from becoming a Member.

I believe in upholding the law at all times, and I believe in teaching respect for law and order at all times and under all circumstances.

I believe that labor and capital both have a right to organize, and in that opinion I am supported by some of the best people in the country.

I believe labor not only has a right to organize but that they have a right to collectively bargain, just as capital has a right to organize and collectively bargain, and this right should not be interfered with.

Labor has a right to strike just as capital has the right to refuse to give employment to labor if it chooses. These rights have never been questioned up to this time by thinking men.

The trouble has been that at times the Government has leaned too much toward capital and at other times too much toward labor.

If the laws were fearlessly administered at all times and under all circumstances, and if each was given his just dues at all times, there never would be any complaint, but when the Government at one time favors a certain class against another class, then the trouble begins.

I believe in law and order at all times and under all circumstances, for if any of the laws we enact are unjust there is ample opportunity to correct the evil under our system of making law, but while the law lasts and is on the statute books it should be lived up to by all.

At times the Government has placed hardships upon capital and at other times upon labor. It has been said "right wrongs no man," and that is true.

If capital and labor both knew that there was to be no favoritism, we would have less trouble in this country and less agitation.

We are going to be compelled to do it in the future, and the sooner the better for us all.

The trouble seems to come from the fact that some one at some time disobeys the law and gets by, and that encourages others to disobey the law.

If the minute capital tried to crush labor it would be stopped by the strong arm of the Government, and if no special advantages were given certain classes, there would be less complaint.

If it were known that the minute lawlessness began it would be suppressed, there would be no lawlessness.

This bad feeling between labor and capital comes from the fact that each feels that certain advantages have been given the other by the Government.

In one community, for instance, no attempt is made to suppress lawlessness, while in another the laborer is treated as if he were an outlaw.

First do away with this discrimination and enforce the law impartially and you will have solved the problem.

This discrimination confuses and makes for lawlessness. Remove the cause by treating both capital and labor justly all the time and peace will come. Not transient peace, but permanent peace.

Encourage both capital and labor to respect the law by treating them both fairly at all times.

Let justice be done. [Applause.]

Mr. DALLINGER. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. MONAHAN].

Mr. MONAHAN of Wisconsin. Mr. Speaker, shall Victor L. Berger be given the seat in the House to which he was elected in 1918 or shall he, because of his own words and deeds, be denied the right to sit as a Member in this Congress? Stripped of all legal verbiage that is really the issue before the House.

No question is raised by the Government concerning the regularity of his election nor of the correctness of the election returns, and Berger practically admits the acts and deeds charged against him by the United States, but holds they were in no sense treasonable and that he was strictly within his rights in saying and doing what he did; that the Constitution and laws of the United States gave him that unqualified right.

Victor L. Berger is a living example of that old saying, "A leopard can not change his spots nor the Ethiopian his skin," and of the further fact that we are largely the creatures of heredity and environment.

Sixty years ago he was born in autocratic Austria, where for 18 years, during the time when the heart was young and the mind plastic, he drank deeply from the poisoned waters of autocracy. But seeing no opportunity for himself to become an autocrat in the land of the Hapsburg he came to America, landing at Bridgeport, Conn., in 1878, and in 1881 he, to the everlasting misfortune of Wisconsin, made Milwaukee his home. He had found a way and a place to become an autocrat that gave promise of enabling him to wield a power undreamed of by king, prince, or potentate of ancient or modern times.

To appreciate fully the foregoing sentence, one must know Mr. Berger as we in Wisconsin know him. He is large, well proportioned, has ideal Teutonic features, a mentality above the average, and in many ways is a natural leader of men. Had these great gifts been used in safe and sane methods for the uplifting of the race, Berger would have lived in history as a great and good man, but never as an autocrat or one striving for autocracy.

But all these great qualities are lost in the immensity of his colossal egoism. The gibes leveled at the late Kaiser as being called "the all highest" and the senior member of the firm of "Me und Gott" would have in no sense been pleasing to Berger, who, had he possessed the power, would probably have dissolved the firm and hung out a new sign reading, "Me und Victor."

The foregoing is, I believe, a fair and honest description of the man as the world knows him.

Why did he leave the land of the Hapsburg and Hohenzollern to come to this country, this Republic within a democracy, to live beneath the protecting folds of that flag which Washington and his soldiers had carried to victory, a flag that never waved on a battle line but that it was carried by soldiers who fought and died that men might be free?

He came to a land where no hereditary titles exist, where there is absolute separation of church and state, where all men are equal before the law, with a constitutional right of a trial by a jury of his peers. He came of his own free will and accord, and became a citizen of this country. Why did he come? The cause may be found in a dozen reasons, but I believe the principal one was this:

A German by the name of Karl Marx, the real father of modern socialism or communism, in one of his pamphlets entitled "The Manifesto of the Communists," on pages 28 and 29, says:

> The communists assist everywhere every revolutionary movement against existing social and political conditions.
>
> In all these movements they endeavor to point out the question of property, no matter what degree of development it may have obtained, as the leading question in the movement.
>
> The communists finally labor for the union and association of the revolutionary parties of all countries.
>
> The communists disdain to conceal their opinions and ends. They openly declare that these ends can only be reached by the forcible overthrow of all existing social arrangements.
>
> Let the ruling classes tremble in view of the impending communist revolution. The working classes have nothing to lose but their chains. They have a world to win!
>
> Workingmen of all countries, unite!

Berger early in life became a Marxian disciple, and continued to be until his ego told him he was a far wiser, much greater man than Marx ever was. When he discovered that Marx was only a man, while he was a really-truly superman, he sought for a land as boundless in resources as his own ego was measureless and all prevailing.

Hence, he came to America, took the oath of allegiance to this Government, swore fealty to the flag and support to the Constitution, and, having done this, adopted the red flag of socialism, communism, anarchy, the I. W. W., and Bolshevism, and began the spreading of a propaganda which he hoped would ultimately lead to the undermining of the Constitution, the destruction of the Government, the breaking down of all commercial and social laws and customs, the tearing down of Old Glory from her place in the skies, and the raising of the red flag in its stead.

All students of history know that socialism and all attending schools of political economy invariably lead to autocracy, and thus Berger intended to become an autocrat who could sit in his office and by pushing a button call a strike in certain industries (as has been done recently in the coal fields) unless their demands were immediately complied with.

Here Berger and his codestructionists met with an unlooked-for obstruction. They found the task much more difficult than they anticipated. They found that the Civil War was ended and the country rapidly recovering from its horrors and devastation. They found the men behind the industrial guns were largely

made up of soldiers of the late war, and whether they wore the blue or the gray each carried a loyal American heart, whether he had been born here or across the sea.

So strong was Americanism in those days that Bergerism was a foul weed of slow growth.

Then the soldier began to grow old with increasing years. The foreigner, who had grown up in the blighting atmosphere of autocracy, came to this country in ever increasing numbers and gradually took the jobs formerly held by the Americans.

They could not speak our language, neither did they understand our institutions. They were ofttimes despondent and homesick, and too often fell an easy prey to the propaganda of the Bergers, who, like hookworms, worked in the dark to weaken and destroy this Government.

These people were not naturally vicious, but they were ignorant of our laws, language, and customs, and blindly followed when and where the Bergers led. For how could they reason when they did not know? They, at the beginning, did not mean to be vicious, cruel, or bloodthirsty, but—

> Vice is a monster of so frightful mein
> As to be hated needs but to be seen.
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

Many of the socialists never intended to become anarchists, nor the anarchists I. W. W.'s nor Bolshevists, and Mr. Berger in his latest pamphlet, which reached my desk on Saturday, says in effect that there are differences and distinctions in the aims, objects, and methods of these various camps, and that they have in fact no common grounds of union, yet it is also in the record of the trial that when an I. W. W. was indicted for crime Berger sent him $10 to aid in his defense and addressed him as "My dear comrade."

The innocent socialist, having in view only the betterment of his material conditions, away from the land of his birth, unable to read or speak our language, falls an easy prey to the harpings of these ravens of discontent. Beautiful Eutopian dreams are painted for them. The harshness of their physical conditions is magnified and harped upon, until they honestly believe that they have a grievance, whether it be true or not. When they reach this condition of mind it is easy to lead them from socialism to anarchy and to I. W. W.'ism and finally to Bolshevism.

I appeal to the honest socialists of the Nation to study well your condition and position and see if this is not true and if the teachings of your autocratic teachers and bosses are not as false as their doctrines are foul.

I call your attention to the fact that although you have been floating down the stream, going you know not where, but going, ever moving on and on, that the current is moving faster and faster; that the boat, which seemed so safe and comfortable at the start, is beginning to rock and careen; that whereas while formerly you merely floated along you now dash along, and away in the distance you hear the sound of maddened waters.

I urge you to stop, look, listen, and think. Then seize your oars and pull for the shore as rapidly as possible, for I tell you that the sound you hear comes from the rapids of anarchy and I. W. W.'ism. The rapids are below you, and in those rapids are elements of destruction to your craft and death to you and yours.

Listen again and you will hear farther away, but coming with deadly menace, the deep, hoarse roar of the mighty falls of Bolshevism, a sound that can be heard from Russia to every point on the civilized globe to-day.

The transition has been easy. First, from socialism—the wet nurse of anarchy—then to anarchy, then to I. W. W.'ism, then to Bolshevism, which means the destruction of all civilization, all laws, all liberties, with the establishment of an autocracy, headed by the Bergers of these various movements, and all bound together by an underlying, overlapping, intertwining system of signals and sympathies, with the trail of the serpent of destruction over all.

Let me plead with you here and now to get away from these false ideas and false teachings. Get back to the teachings of Washington and the founders of the Constitution and become in heart what you really profess to be—American citizens, standing for American ideals.

The laws, customs, and usages that are in force to-day are not here by accident. They are an evolution of all the best the past has given us—a survival of the fittest—the sole hope of the race. Whenever these laws and customs become obsolete, caused by changing conditions and higher ideals, let such laws be changed or modified to meet present conditions, but make those changes by peaceful and constitutional methods and not attempt it by using the bullet, the assassin's dagger, the torch, or the bomb.

Mr. Speaker, we to-day stand at the parting of the ways. One road leads to the land of justice, hope, constitutional law, progress, and enlightenment; the other to the fetid slough of dishonor, where, fed by the foul streams of autocracy, treason, and disloyalty, the reign of Bolshevism becomes a horrible reality, where civilization will be crucified and human hopes destroyed. Are we going to stand for Americanism or Bergerism?

You can not serve two masters. You can not be for the Stars and Stripes, which represents the greatest democracy on the globe, and for the red flag of the Bergers. "Ye can not serve God and mammon," says Holy Writ.

Prove all things and hold fast that which is good, but first make sure of your proof. Be sure you are right, then go ahead, but first be sure that you are right. Build your civic institutions skyward, but first see that the foundations are secure.

Let your aims and ambitions rise beyond the stars, but keep your feet on the ground, ever remembering that "what a man soweth, that shall he also reap"; and if you continue to sow under false leadership the doctrine of class hatred, hell, and hypocrisy it will surely lead you into the whirlpool of desolation and the pitfalls of death and destruction to our civilization so earnestly advocated by the Bergers of the Nation.

Victor L. Berger once occupied a seat in this House as a Member of Congress from Milwaukee. Before taking his seat he raised his right hand and took a solemn oath to support the laws and Constitution of this country. Yet when the hour came and the existence of this Nation and the liberties of the world were at stake he wretchedly failed in every test of loyalty to the country of his adoption.

War against Germany was declared on April 6, 1917, and on the following day he and his fellow conspirators issued, in behalf of the Socialist Party and the Hun supporters who resided within our gates, a declaration which that sterling American, Theodore Roosevelt, denounced as treasonable, which was so pro-Hun in its assertions that loyal Socialists were driven out of the Socialist Party that they might remain loyal Americans.

The fact that some of his coworkers marched through the streets of a city in this Nation following the red flag and carrying red banners upon which were printed the words "No flag, no country, no God," brought no word of protest from him.

He opposed enlistments; he opposed conscriptions; he opposed, wherever and whenever he could with safety, the buying of Liberty bonds, and all efforts of the Government to carry on the war.

His paper, the Milwaukee Leader, was so virulent in its attacks upon the Government that the Postmaster General took away from him the right of using the United States mails, and finally he was indicted under the espionage act, tried for treason in the city of Chicago by a jury of his peers, found guilty, and sentenced by Judge Landis to 20 years in the Federal penitentiary, and has several other indictments for these or similar offenses now pending against him. Yet, in the face of all this, he comes to this Congress, glorifying in his past record, offering no apologies for his past misdeeds, and asks to be seated as a Member of this House, the greatest lawmaking body of the Nation, to take the same oath which he took eight years ago, only to violate, and to become an active lawmaker for the Nation which for years he has sought to destroy.

Since the convening of this Congress he went to New York and in a public address delivered in that city said in substance:

> I have carried the red flag to the doors of the penitentiary. When I let it fall, then you young men must raise it aloft and carry it forward.

The proper place for Berger is a cell in the Federal penitentiary—not a seat in Congress. Neither have I any patience or sympathy with these anemic patriots who prattle about: "Now that the war is over, all war prisoners should be released." Why? Are they not just as guilty now as the day they were convicted? Were not their offenses of the blackest of crimes? Were they not rounded up and convicted by our Government at great expense and at an hour when all the man power of the Nation was needed to save the civilization of the globe?

A man steals a horse and is arrested; after several days the horse is found and returned to the owner. Would any of you advocate that, now the horse has been recovered, the thief should be given his liberty? Not one of you. When a man commits as heinous a crime as treason to his country the spirit of the law says, "He shall be punished."

I warn you to beware of that class of men who referred to love of country as "capitalism," loyalty as "dollar hunting," spelled patriotism "(pay)triotism," and God with a lower-case "g," for they are unclean.

It was this class of men—and they were not all Germans—to whom the Kaiser referred when he shook his finger in the face of James W. Gerard, the American ambassador to Ger-

many, and said, "I'll stand no nonsense from America when this war is over, for I have a million men in America now who will protect Germany's interests." And it was this same bunch of treason incubators that Gerard had in mind when he shook his fist in the Kaiser's face and said, "Yes; and over in America we have a million lamp-posts upon which to hang them."

Mr. Speaker and fellow Members of the Sixty-sixth Congress, I weigh my words well, and I say to you now and here that it would be no more unpatriotic or un-American to put the ex-Kaiser in the White House, Von Hindenburg in charge of our armies, and Von Tirpitz in command of our navies at an hour when we were at war with Germany than it would be to vote to give Victor L. Berger a seat in this House. I say this in intense earnestness, for I am speaking in behalf of the intensely earnest and patriotic people in Wisconsin.

The loyal people of Wisconsin have done vicarious atonement for Berger and Bergerism since the beginning of the war. Believe me, it was in no sense pleasant to travel in any of our sister States and have the statement constantly thrown in your face that Wisconsin was a traitor State, and all this continued until practically the close of the war, notwithstanding the fact that Wisconsin grandly met every condition and performed every task asked by the General Government. Her National Guard was of the first volunteers sent across the seas. Her young men registered for the draft, and when selected went to the front singing, "Keep the home fires burning." There were but few attempts to evade the draft or desert from the country, and those who did are tagged and branded for life. [Applause.]

Wisconsin went "over the top" in all the bond drives and other war activities, and did it so promptly, so enthusiastically, that it surprised the misinformed people of other States. [Applause.]

The retreat of the 10,000 Greeks described by Xenophon, whose bravery in battle and wisdom around the council fires is one of the heroic epochs of history, was no greater than that performed by the loyal Wisconsin people at the beginning of and continuing through the war.

Only recently Wisconsin, by a vote of more than 3 to 1, voted $15,000,000 in bonds for the relief and aid of her discharged soldiers, and all this with but little or no aid from the Bergers, and ofttimes despite their hookworm opposition. [Applause.]

Wisconsin is to-day eagerly awaiting the result of our deliberations on the question now before the House. Shall we by our vote send a message to the heroic men of the Badger State who assisted in making this wonderful record; to the mothers who gave their boys for human liberty, that liberty might live; to that innumerable army of Red Cross workers and trained nurses who suffered and worked, and with tearful eyes, on bended knees, prayed to God while our Armies fought; and to our invincible soldiers, who maintained the highest traditions of American Armies in the past, a message of appreciation for their valor and soldierly deeds which aided in crushing the Hun and rolling back the waves of gray seeking world dominion, and who to-night will stand in groups with uncovered heads and say, "God bless the House of Representatives! Our comrades who made the supreme sacrifice have not died in vain"?

Or shall we say by our vote, "Now that the war is ended, give this traitor to our country a seat among America's most loyal and patriotic"?

If the former, it will mean that Old Glory will continue to wave o'er the land, beloved, honored, and respected.

If the latter, that Berger's red flag, which to him is greater and dearer than the Stars and Stripes, shall become not only the emblem of this country and perhaps the world, but that the civilization of the ages will be lost in chaos and ruin.

The foregoing is the only issue in this case. Mr. Berger pretends to believe that he is to be kept out of Congress because he is a Socialist. This is the sheerest nonsense. Mr. Berger was not kept out of Congress before when he was elected, nor has any Socialist been denied a seat because of his political belief. It is not because he is a Socialist but because he, as an individual, working through the Socialist Party, in which organization he held a commanding position, was recognized as one of the leaders, and as such proved disloyal to his country in time of war. That is the reason.

He says on page 14 of his pamphlet, "I am sure to be reelected if Carney is not seated." It is not to make this Congress "safe," as Berger says, that objection to his being seated is made, but to keep it American. It can not be that the people of the fifth congressional district of Wisconsin will ever again elect Berger to any office; but if they do, now that he stands convicted by a jury, sentenced by a judge, and his case thoroughly gone into by a committee of this Congress, it will only show that a majority of the voters of the fifth congressional district are just as disloyal as Berger himself. That is unbelievable.

But if they should send Berger back he will come bearing the same burden of disloyalty and treason that he does to-day, and in my opinion no Congress would ever seat him, for while he might be the choice of the fifth congressional district of Wisconsin and that district sends him back I believe that the Members of this House will reach out their hands to the struggling loyalists of that district and say: "If you are unable to clean house within we will assist you by giving your district a dry cleaning from without."

During the World War German armies for months thundered at the gates of Verdun, which lead to the heart of France. From the French ranks a cry went out. It was one of defiance. It breathed the spirit of France.

That cry was, "They shall not pass," and from the army to the people of the nation that cry flew from lip to lip, and "They shall not pass" became the watchword of the nation. [Applause.]

The Germans made shambles of their armies. The valleys run red with their blood. Wave upon wave in lines of gray again and again dashed against the French line only to be hurled back in slaughter and rout, and above all the noise of conflict could be heard and seen the spirit of France, waving back her shout of defiance: "They shall not pass," and they did not. The Hun was held. His lines were broken. His assaults failed. Verdun remained under the flag of France. [Applause.]

Mr. Speaker, to-day the powers of evil, the emissaries of darkness, the foes of constitutional law and the civilization of the Nazarene, are knocking at the door of the House of Representatives, demanding admission for their representative, Victor L. Berger. Let us answer that challenge my hurling back the answer of heroic France at Verdun, and say to him, "You shall not pass." [Applause.]

Let us here to-day figuratively engrave those words over the door, so that the Bergers of to-day, to-morrow, a hundred or a thousand years hence, when they with traitorous hands knock at that door demanding admission, will be met with that sign, ablaze with patriotic justice: "You shall not pass. You shall not pass." [Great applause.]

Mr. EAGLE. Mr. Speaker, I yield four minutes to the gentleman from West Virginia [Mr. NEELY].

Mr. NEELY. Mr. Speaker, I shall make no apology for voting to deny Victor L. Berger a seat in this House. [Applause.]

In the Sixty-fifth Congress, in the contest between the gentleman from North Carolina, Mr. Weaver, and Mr. Britt, I voted to seat Mr. Weaver, a Democrat, and unseat Mr. Britt, because I believed Mr. Weaver had been lawfully elected. In the same Congress, in the contest between the gentleman from Alaska, Mr. Wickersham, and Mr. Sulzer, I voted to seat Mr. Wickersham, a Republican, because I thought he had been legally elected. In this Congress I recently voted to unseat the gentleman from Massachusetts, Mr. Fitzgerald, a Democrat, because I did not think he had been lawfully elected. To-day I shall vote to exclude Victor L. Berger, a Socialist, from membership in this body, not because of his socialism, for that has nothing to do with the case, but because it has been conclusively proved that he is not qualified to hold any office of profit or trust under this Government. It is perfectly clear that he was not only disloyal to this Nation during the World War but the record shows that he was guilty of treason against the United States throughout that momentous struggle. [Applause.]

There is no conflict in the evidence on this question, and, judging from the expressions of opinion that we have heard here during the course of this debate, there will not be more than one vote cast against the pending resolution.

On April 7, 1917, the Socialist Party, by the action of its emergency convention in St. Louis, divided itself into two branches. One branch, headed by Mr. John Spargo, an intensely loyal American, pursued a highly patriotic course throughout the war. That course was foreshadowed by the minority report rejected by the St. Louis convention. The following excerpt from this report is typical of the attitude of the Spargo branch:

> Now that the war is an accomplished fact, for the reasons stated, we hold that it is our socialist duty to make whatever sacrifices may be necessary to enable our Nation and its allies to win the war as speedily as possible.

To the principle thus enunciated practically every Socialist in the district which I have the honor to represent gave loyal adherence and undivided support. While the Socialists of my district were upholding our Government and ungrudgingly send-

ing their boys to the front to fight for our cause, Victor L. Berger was promulgating the following doctrine:

We recommend to the workers and pledge ourselves to the following course of action: Continued activity and public opposition to the war through demonstration, mass petition, and all other means within our power * * *. We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expenses by taxing the necessaries of life or issuing bonds which will put the burden upon future generations.

The man who is now asking for a seat in this House preached that treasonable doctrine and printed it and sent it broadcast throughout this Nation in an attempt to prevent this Government from winning the war, a war in which thousands of American soldiers were laying down their lives and hundreds of thousands were baring their breasts to the deadly charge of Prussian bayonets and facing the withering fire of German guns. If Berger had been successful in his vicious and treasonable efforts to prevent the sale of Liberty bonds, the result would have been ignominious defeat and inevitable starvation for every American soldier on the battle field.

Victor L. Berger has denounced our Government, dishonored our country, and despised our flag. He has been proved to be a traitor as dangerous and loathsome as was Benedict Arnold. He not only deserves to be excluded from this House; he deserves to be expelled from this country. He ought not to have been sent to Congress; he ought to have been sent to the penitentiary.

It is our duty to drive him from our midst, purge this Hall of his presence, and consign him—

To the vile dust from whence he sprung,
Unwept, unhonored, and unsung.

[Applause.]

Mr. EAGLE. I yield to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker, I shall vote to exclude Victor L. Berger from this House. [Applause.] He is un-American, he was guilty of disloyalty during the war, he consorted with Bolshevists and contributed money and comfort to the I. W. W., he was an enemy to the United States of America, he gave aid and comfort to the enemy, and was guilty of all kinds of deviltment against our Government. For that man to hold a seat in the American Congress among Congressmen who stand for our flag would be a reflection upon the American people. [Applause.]

While our boys were fighting and dying on foreign soil to overcome the enemy, which had determined to despoil our fair land and destroy our Government, Victor Berger was stabbing in the back every soldier enlisted in our country's cause. That speech he made on the floor of this House to-day is enough to condemn him before the bar of public opinion. His own speech proves that he was disloyal all during the war, and that right now he is an enemy to America.

No man who utters such sentiments is fit to be a Member of Congress. He calls the espionage law infamous. Congress passed that law to keep down such enemies within as Victor Berger. He defied the law, and as a result is to-day under a sentence of 20 years in the penitentiary. His audacity on this floor in his shockingly disloyal speech is an insult to all true Americans. May the Lord God of Hosts save us from such men as Berger.

Mr. EAGLE. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BEE]. [Applause.]

Mr. BEE. Mr. Speaker, after the speech we have just heard I do not really think anything can be added [laughter], because I think every man in the House will say in the language of the old preacher, "Them's my sentiments," even though they may not express them in his way. I wish to use this one minute to say that I am in favor of unseating Victor L. Berger, not because he was born in Austria, for we had thousands of them loyal, or because of Austrian descent, because we had thousands of them loyal to our flag, nor because he has been convicted by a jury, for I hold no man guilty until final judgment, neither am I going to unseat him because he is a Socialist, for we had thousands of them loyal, but because in the hour of our country's danger, when our flag and our liberty and our hearts were involved, he was untrue to our traditions; untrue to the boys who were fighting in France, and untrue to his country. [Applause.]

Mr. EAGLE. Mr. Speaker, such other time as may yet be remaining to me I yield to the chairman of the committee, the gentleman from Massachusetts [Mr. DALLINGER].

The SPEAKER. Then the gentleman from Massachusetts now has five minutes remaining.

Mr. DALLINGER. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CURRIE].

Mr. CURRIE of Michigan. Mr. Speaker, we have listened this afternoon to some splendid, instructive addresses upon pure Americanism, and they reflect the overwhelming sentiment of this House and of the American people.

In keeping with this program I take this occasion as a Republican and, above all else, as an American to pay tribute to the Hon. A. Mitchell Palmer, Attorney General of the United States [applause], and to his able assistant, Judge Ames [applause], who successfully presented the Government's case at Indianapolis last Saturday.

Judge Ames very properly contended that—

There is no organization superior to the law; otherwise there is successful revolution.

That able and fearless Federal judge, Albert B. Anderson [applause], met the situation squarely by upholding the Government's position, sustaining the injunction and issuing a mandate to the strike leaders commanding them to issue a withdrawal and cancellation of the strike order. In rendering his decision, among other things, Judge Anderson said:

I assume that they (meaning the defendants) are law-abiding citizens and will obey the court; and if they don't, I will make them. The Government is supreme, even above labor. This strike is the most lawless thing I have ever seen in this country. If they can go on with it, it is rebellion.

The Government's position is correct and must be sustained unflinchingly by men intrusted with the conduct of public affairs. Attorney General Palmer is to be commended for his stubborn insistence in overcoming the objection of the Secretary of Labor.

If we are to accept the press reports, the Secretary of Labor stood side by side with Mr. Gompers, insisting in substance that, notwithstanding the unlawful conduct of these strike leaders, the strong arm of the law should not be exercised to restrain them.

Republicans and Democrats alike should unite in sustaining the Department of Justice, not only in its position toward the coal strike but in its efforts to round up the reds and radicals for deportation. It is a sad commentary upon our Government in the handling of this "red" menace to have a Department of Justice ever alert in detecting the anarchists and alien firebrands, who ought to be deported, and on the other hand a Department of Labor which is overly nice in deciding whether these culprits should be deported after being apprehended by the Department of Justice. I have in mind that last spring some 50 Bolshevists were gathered in at Seattle and sent to Ellis Island for deportation. The public never read a more encouraging item of news. The Department of Labor, a few days later, according to newspaper reports, paroled some 20 of these radicals, and they received an ovation at the New York I. W. W. headquarters.

The jurisdiction over deportation ought to be transferred from the Department of Labor to the Department of Justice.

The American Federation of Labor, in its statement to-day pledging support to the strike leaders of the United Mine Workers of America, even to the extent of defying the Government and its courts, is guilty of a most outrageous assault upon the principles of American government. There is no longer any middle ground. We are confronted with this proposition: Is the American Federation of Labor more powerful than the Government itself? Can it successfully defy the law?

I am fully conscious that for Members of Congress to unflinchingly perform their duty to the public means in some cases banishment from public life. Personally I would rather a thousand times over be retired to private life conscious that I had tried to squarely meet the issue than to be returned to Congress and know that at a critical time in the Nation's history I had been a party to surrendering the public interests and welfare into the hands of any organization. The right will prevail; free government will survive. I have an abiding faith in the intelligence of the American people. Thank God, these leaders do not represent unorganized labor nor reflect its sentiment. They do not reflect the sentiment of the rank and file of even organized American labor. Thousands upon thousands of union laborers will recognize the fallacy of this leadership and will insist that their local unions renounce their obligation to the American Federation of Labor and proudly acclaim undivided allegiance to their country.

Through the courtesy of the House, there was inserted in the RECORD of Thursday, November 6, at page 8051, an open letter addressed to the striking miners of my district. Mr. William Stevenson, president of the Michigan branch, United Mine Workers of America, severely criticized this appeal, and on Saturday last I gave to the Michigan press representatives the following statement:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., November 8, 1919.

It is to be regretted that President Stevenson follows the arrogant leadership of John L. Lewis and others who have brought discredit upon his organization, and urges the men for selfish purposes to consider their obligation to organization as greater than their allegiance to the Government itself.

Without any expression from the miners, their leaders made demand for 60 per cent increase in wages, a six-hour day and five-day week, and authorized a strike effective November 1 without even seeking an adjustment of any kind with the operators or the Government. The ringleaders of this strike rejected the President's request for arbitration as a means of settlement and refused to defer the strike.

Mr. Stevenson's reply is no answer to my appeal. It is irrelevant for him to say that I voted to bring Chinese labor into this country during the war, and he is mistaken. His suggestion that my appeal be directed to the Michigan mine operators is best answered by his own statement that he intends to stand by the United Mine Workers of America until this national organization wins the strike. The Michigan operators might offer to increase the wages 100 per cent, and pass the additional cost of coal on to the consumer with even additional profit. It would be an outrage upon the consuming public, yet the Michigan miners under present leadership could not even accept such a proposal, as it would not receive the assent of the United Mine Workers of America.

It is my duty to serve the public welfare above either the employer or employee. My sympathy, however, is always with the person who toils. If ever there was a time which required a cessation of strikes, idleness, and loafing and an earnest application to real work, it is now. The cost of living to many people is becoming almost unbearable. The problem can never be solved by simply increasing wages, decreasing hours and workdays, thereby increasing the cost of production and again increasing the cost of living, requiring further increase in wage. Everyone everywhere must get back to work until supply comes nearer meeting the demand, and in that way only will we successfully meet the situation.

My letter emphasized only the Government's position. This is an unusual situation which, if allowed to remain unchecked, will necessarily result in a national calamity. The controversy does not question the right to quit work or to even strike for a lawful purpose. It questions the conspiracy and concerted arrangement by which the strike leaders intend to paralyze transportation and industry and impose cold and hunger upon the people of the Nation. The action of these strike leaders presents a situation which challenges the supremacy of the law. I would be unfit to represent my people if I could not appreciate the seriousness of this situation, and I would be too cowardly to merit their confidence and respect if I refrain, in a crisis like this, from expressing my thought.

GILBERT A. CURRIE,
Member of Congress, Tenth District, Michigan.

Now, gentlemen of the House, I will not take more of your time, but will ask unanimous consent to revise and extend my remarks by commenting upon the action of the executive committee of the American Federation of Labor and also incorporating in the RECORD a statement given out by myself upon this strike situation last Saturday. [Applause.]

The SPEAKER. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DALLINGER. Mr. Speaker, I understand I have two minutes remaining?

The SPEAKER. Two minutes.

Mr. DALLINGER. Well, in the first part of that, Mr. Speaker, I want to ask unanimous consent that all the Members of this House, on both sides, who have spoken upon this matter, be given five legislative days to revise and extend their remarks in the RECORD.

Mr. JOHNSON of Washington. Reserving the right to object, will the gentleman make it three legislative days, and make his request to include all Members of the House?

Mr. DALLINGER. I ask unanimous consent that all Members of the House may be given the privilege to extend their remarks upon this subject for three legislative days.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all Members may be given three legislative days in which to extend their remarks in the RECORD on this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Being their own remarks?

The SPEAKER. Their own remarks.

Mr. DALLINGER. Mr. Speaker, in the time remaining I want to refer to the fact that this man, Victor L. Berger, both at the hearings and in outside publications, has talked a good deal about the right of free speech and about Abraham Lincoln, intimating that, if alive, he would uphold his (Berger's) position. I have in my hand a copy of volume 8 of the Works of Abraham Lincoln, by Nicolay and Hay, in which is a letter written by that great man to Erastus Corning, dated June 12, 1863, in which occurs this wonderful paragraph, which may well serve as a fitting climax to this debate:

Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that, in such a case, to silence the agitator and save the boy is not only constitutional, but withal a great mercy.

The SPEAKER. All time has expired, and under the unanimous-consent agreement the previous question is ordered on the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That under the facts and circumstances of this case Victor L. Berger is not entitled to take the oath of office as a Representative in this House from the fifth congressional district of the State of Wisconsin, or to hold a seat therein as such Representative.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. DALLINGER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 1, not voting 119, as follows:

YEAS—311.

Alexander	Elliott	Langley	Robinson, N. C.
Almon	Ellsworth	Lanham	Robsion, Ky.
Anderson	Elston	Lankford	Rogers
Andrews, Nebr.	Emerson	Larsen	Romjue
Anthony	Esch	Layton	Rose
Aswell	Evans, Nebr.	Lazaro	Rouse
Ayres	Evans, Nev.	Lea, Calif.	Rubey
Babka	Fairfield	Lehlbach	Rucker
Bacharach	Fess	Linthicum	Sanders, Ind.
Baer	Fisher	Lonergan	Sanders, La.
Bankhead	Focht	Longworth	Sanders, N. Y.
Barbour	Foster	Lufkin	Sanford
Barkley	Frear	Luhring	Scott
Bee	Freeman	McArthur	Sells
Begg	French	McClintic	Shreve
Black	Fuller, Mass.	McGlennon	Siegel
Blackmon	Gallagher	McKinley	Sinnott
Bland, Ind.	Gallivan	McLaughlin, Mich.	Small
Bland, Mo.	Gard	McLaughlin, Nebr.	Smith, Idaho
Bland, Va.	Garrett	McPherson	Smith, Ill.
Blanton	Glynn	MacCrate	Smith, Mich.
Bowers	Goldfogle	MacGregor	Smithwick
Box	Goodwin, Ark.	Madden	Snell
Brand	Goodykoontz	Magee	Steagall
Briggs	Gould	Mann, S. C.	Stedman
Brinson	Graham, Ill.	Mansfield	Steele
Brooks, Ill.	Green, Iowa	Mapes	Steenerson
Browne	Greene, Mass.	Martin	Stephens, Ohio
Browning	Greene, Vt.	Mays	Stiness
Brumbaugh	Griest	Mead	Strong, Kans.
Buchanan	Hadley	Merritt	Strong, Pa
Burroughs	Hamilton	Michener	Summers, Wash.
Butler	Hardy, Colo.	Miller	Sumners, Tex.
Byrnes, S. C.	Hardy, Tex.	Minahan, N. J.	Sweet
Byrns, Tenn.	Harrison	Monahan, Wis.	Swope
Caldwell	Hastings	Mondell	Tague
Campbell, Kans.	Haugen	Montague	Taylor, Colo.
Campbell, Pa.	Hawley	Mooney	Taylor, Tenn.
Candler	Hayden	Moore, Ohio	Temple
Cannon	Hays	Moore, Va.	Thompson
Cantrill	Heflin	Morgan	Tillman
Carss	Hernandez	Mott	Tilson
Chindblom	Hersey	Neely	Timberlake
Christopherson	Hersman	Nelson, Mo.	Tinkham
Clark, Mo.	Hickey	Nelson, Wis.	Towner
Classon	Hicks	Newton, Minn.	Vaile
Cleary	Hill	Newton, Mo.	Venable
Coady	Hoch	Nicholls, S. C.	Vestal
Cole	Holland	Nolan	Vinson
Collier	Houghton	O'Connell	Volstead
Connally	Howard	Ogden	Walsh
Cooper	Hudspeth	Oldfield	Walters
Copley	Hull, Iowa	Oliver	Wason
Crago	Hull, Tenn.	Olney	Watkins
Cramton	Humphreys	Overstreet	Watson, Pa.
Crisp	Husted	Padgett	Watson, Va.
Crowther	Igoe	Park	Weaver
Cullen	James	Parker	Webster
Currie, Mich.	Jefferis	Parrish	Welling
Curry, Calif.	Johnson, Miss.	Phelan	Welty
Dale	Johnson, Wash.	Platt	Whaley
Dallinger	Jones, Pa.	Porter	Wheeler
Darrow	Jones, Tex.	Pou	White, Kans.
Davey	Juul	Purnell	White, Me.
Davis, Tenn.	Kahn	Quin	Williams
Denison	Kearns	Radcliffe	Wilson, La.
Dent	Keller	Rainey, Ala.	Wilson, Pa.
Dickinson, Mo.	Kelley, Mich.	Raker	Wingo
Dickinson, Iowa	Kelly, Pa.	Ramsey	Winslow
Dominick	Kendall	Ramseyer	Wise
Doughton	Kincheloe	Randall, Calif.	Wood, Ind.
Dowell	King	Randall, Wis.	Woods, Va.
Dunbar	Kinkaid	Rayburn	Wright
Dupré	Kitchin	Reavis	Yates
Dyer	Kleczka	Reber	Young, N. Dak.
Eagan	Knutson	Reed, N. Y.	Young, Tex.
Eagle	Kraus	Reed, W. Va.	Zihlman
Echols	Lampert	Ricketts	

NAYS—1.

Voigt

NOT VOTING—119.

Ackerman	Britten	Clark, Fla.	Drane
Andrews, Md.	Brooks, Pa.	Costello	Dunn
Ashbrook	Burdick	Davis, Minn.	Edmonds
Bell	Burke	Dempsey	Evans, Mont.
Benham	Caraway	Dewalt	Ferris
Benson	Carew	Donovan	Fields
Boies	Carter	Dooling	Flood
Booher	Casey	Doremus	Fordney

Fuller, Ill.	Kettner	Moores, Ind.	Sears
Gandy	Kiess	Morin	Sherwood
Ganly	Kreider	Mudd	Sims
Garland	LaGuardia	Murphy	Sinclair
Garner	Lee, Ga.	Nichols, Mich.	Sisson
Godwin, N. C.	Lesher	O'Connor	Slemp
Good	Little	Osborne	Smith, N. Y.
Goodall	Luce	Paige	Snyder
Graham, Pa.	McAndrews	Pell	Stephens, Miss.
Griffin	McCulloch	Peters	Stevenson
Hamill	McDuffie	Rainey, H. T.	Stoll
Haskell	McFadden	Rainey, J. W.	Sullivan
Huddleston	McKenzie	Rhodes	Taylor, Ark.
Hulings	McKeown	Riddick	Thomas
Hutchinson	McKinley	Riordan	Tincher
Ireland	McLane	Rodenberg	Treadway
Jacoway	Maher	Rowan	Upshaw
Johnson, Ky.	Major	Rowe	Vare
Johnson, S. Dak.	Mann, Ill.	Sabath	Ward
Johnston, N. Y.	Mason	Saunders, Va.	Wilson, Ill.
Kennedy, Iowa	Moon	Schall	Woodyard
Kennedy, R. I.	Moore, Pa.	Scully	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. SNYDER with Mr. DEWALT.

Mr. VARE with Mr. CLARK of Florida.

Mr. WARD with Mr. CARAWAY.

Mr. ANDREWS of Maryland with Mr. WEBB.

Mr. BURDICK with Mr. STOLL.

Mr. BURKE with Mr. UPSHAW.

Mr. IRELAND with Mr. STEPHENS of Mississippi.

Mr. MCCULLOCH with Mr. SIMS.

Mr. MCKINLEY with Mr. SABATH.

Mr. MUDD with Mr. JOHNSON of Kentucky.

Mr. PAIGE with Mr. HUDDLESTON.

Mr. RODENBERG with Mr. EVANS of Montana.

Mr. SCOTT. Mr. Speaker, in behalf of my colleague, Mr. NICHOLS, who is unavoidably absent in New York with the congressional committee meeting the first contingent of our deceased soldiers, I desire, at his request, to announce that if he were able to be present to-day he would have voted in favor of this resolution.

The result of the vote was announced as above recorded.

Mr. WINSLOW. Mr. Speaker, I have been asked by my colleague, Mr. TREADWAY, to state that if he were here he would vote in the affirmative.

CONTESTED ELECTION—CARNEY AGAINST BERGER.

Mr. DALLINGER. Mr. Speaker, by direction of the Committee on Elections No. 1, I call up the contested-election case of Carney against Berger, and move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts calls up a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That Joseph P. Carney, not having received a plurality of the votes cast for Representative in this House from the fifth congressional district of Wisconsin, is not entitled to a seat therein as such Representative.

Resolved, That the Speaker be directed to notify the governor of Wisconsin that a vacancy exists in the representation in this House from the fifth congressional district of Wisconsin.

Mr. GARRETT. Mr. Speaker, I wish to ask the gentleman from Massachusetts, Is it usual for Congress to pass a resolution notifying the governor?

Mr. DALLINGER. In reply to the gentleman I will say that the committee has followed the precedent in Smith against Brown, in the Fortieth Congress.

I will explain to the gentleman from Tennessee that in this case there was a curious complication. House resolution No. 6, relating to the question of the eligibility of Victor L. Berger, which was adopted by the House on the first day of the present session, was referred to a special committee of nine members. At the time that special committee was appointed the Speaker intended to do what was done in the Roberts case, namely, to appoint the members of the Committee on Elections No. 1 as the special committee, but the Democratic members of the committee had not been determined upon at that time, and the Speaker appointed the three ranking members of the Committee on Elections No. 1 of the last Congress as the Democratic members of the special committee, thinking naturally that they would also be members of the Committee on Elections No. 1 of the present Congress. But it seems that the Democratic members of the Committee on Ways and Means, who act as the Democratic committee on committees, did not put the gentleman from Ohio [Mr. WELTY] on the Committee on Elections No. 1, although he had been appointed by the Speaker as a member of the special committee.

So we have this complication: House resolution No. 6 was referred to the special committee of nine members, while the contested-election case of Carney against Berger, which came into the House in the ordinary way, the testimony having been taken under the statute before a notary public, was referred to the Committee on Elections No. 1, of which Mr. WELTY was not a member. That necessitated two separate reports—one by the special committee, which has been before the House to-day, recommending the resolution declaring Mr. Berger ineligible, which has been adopted; and the other by the Committee on Elections No. 1 on the contested-election case of Carney against Berger, recommending resolutions declaring Joseph P. Carney not entitled to the seat, and directing the Speaker to notify the governor of Wisconsin that a vacancy exists.

Now, I have called up the contested-election case of Carney against Berger, in regard to which I understand there is no difference of opinion. The committee is unanimous, and, as is pointed out in the report, the congressional precedents are all against the proposition which is contended for by the contestant, Mr. Carney, although there are precedents in the English Parliament to sustain it, namely, that the candidate having the next highest number of votes is entitled to the election in the event of the candidate having the highest number of votes being declared ineligible.

Mr. GARRETT. Oh, I am not raising that question, of course. The committee have very correctly reported as to that, but the question with me is whether it is customary for the Congress to send a notification to the governor of the State that a vacancy exists.

Mr. DALLINGER. I understand that the Speaker has always done that. I know that such is the custom in the Massachusetts Legislature. At any rate, this resolution, as I have said before, follows the form of the resolution in the case of Smith against Brown in the Fortieth Congress.

Mr. RUCKER. I should like about three or four minutes on this matter.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. RUCKER. Will the gentleman yield to me about three minutes?

Mr. DALLINGER. I yield to the gentleman.

The SPEAKER. The gentleman from Missouri is recognized for three minutes.

Mr. RUCKER. I am not really going to talk on this matter. I hope I have not misled anybody.

The SPEAKER. The debate is supposed to be confined to the resolution.

Mr. RUCKER. Mr. Speaker, I am going to make some observations on the action of the House on the motion to exclude from the RECORD the speech of Mr. Berger. If I can not talk about it now I will talk about it later, because I have a few things I want to say. [Applause.]

Mr. Speaker, I believe I have permission. I want to say that this to me is a very remarkable performance. By unanimous vote, with one exception, this House has determined that by reason of the unpatriotic character and conduct of a gentleman who was elected to Congress from the fifth district in Wisconsin he is not entitled to a seat on this floor—that he is unworthy of occupying a seat here. The fact is that here to-day, in the presence of the Speaker and in the hearing of the membership of this great legislative assembly, he has reiterated, repeated in effect, and boldly and defiantly refused to retract, qualify, or apologize for the disloyal and unpatriotic utterances for which he at this very hour stands convicted in the courts of our country.

He audaciously denounced the President, abused and vilified the judiciary of this Nation, ridiculed, jeered, and laughed at you Members of Congress, arraigned you for lack of backbone and manly courage, and yet when the motion was made to exclude from the CONGRESSIONAL RECORD his foul and slanderous assaults upon the President, who lies upon his sick bed; his unwarranted assaults upon the Attorney General, who is to-day in a stalwart way performing a great and valuable service to the American people [applause], and his wanton and malicious attacks upon the membership of this House; you gentlemen, following, I may say, the lead of the gentleman from Wyoming [Mr. MONDELL] and of my distinguished friend the ex-Speaker of the House [Mr. CLARK], deliberately voted permission to print in the CONGRESSIONAL RECORD the same infamous language and slanderous and criminal accusations against our Government for which he has been found guilty by a jury of his peers and adjudged a felon by those who tried him. So to-morrow morning, after having expended the public funds of this Nation to put into type and to provide the paper upon which to print his foul calumnies and foul assertions against the administration and against law and order, we will compensate the railroads for carrying to the utmost parts of this Republic the CONGRESSIONAL

RECORD, containing these untrue, unjust, unpatriotic, un-American ravings of one who would destroy our system of government.

Let me ask you, What will the American people think of you, my Republican friends, and of a few of you, my Democratic friends, for voting to print in the CONGRESSIONAL RECORD these anathemas, these accusations against our Federal administration; these protests against law and order, and this, too, at a time when the foundations of this mighty Republic are being shaken by reason of just such men as Mr. Berger, who are allowed to run at large? [Applause.]

Oh, you voted to expel him. Yes; you have denied him the privilege of taking the oath prescribed by the Constitution which he would willingly destroy. Let me say that back in your districts and in mine the verdict of patriotic men has been written, and the people demanded of you, as they demanded of me, that we purge the House of Representatives of the presence of a man so unpatriotic, so absolutely opposed to the flag and the institutions of our country as to be guilty of the treasonable utterances which a few Democratic Members and most of the Republican Members have just voted to print in the CONGRESSIONAL RECORD. The people will not indorse this action. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SMITH of Michigan. Mr. Speaker, by request of the gentleman from Kentucky, chairman of the Committee on Public Buildings and Grounds, who is indisposed, I ask unanimous consent that the Committee on Public Buildings and Grounds have leave to sit for a few days in the hearing of a case before it.

Mr. MADDEN. I object.

CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that on Wednesday next we dispense with the proceedings under paragraph 7, Rule XXIV, for Calendar Wednesday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that business on Calendar Wednesday be dispensed with. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1373. An act to amend the Articles of War.

THE RAILROAD BILL.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 383.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10453, being an act to provide for the termination of Federal control of the railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend the act entitled "An act to regulate commerce, approved February 4, 1887, as amended, and other provisions"; that said bill shall be the continuing order until its consideration is concluded, subject only to conference reports and privileged matters on the Speaker's table; that the House shall meet at 10 a. m. on Tuesday, the 11th day of November, and each succeeding day thereafter during the consideration of the bill, and shall take a recess on Tuesday, the 11th day of November, at 6 p. m. until 8 p. m.; that the first reading of the bill shall be dispensed with; that the general debate shall continue until 12 o'clock noon on Wednesday, November 12, and be confined to the bill, and the time shall be controlled one-half by the gentleman from Wisconsin [Mr. ESCH] and one-half by the gentleman from Tennessee [Mr. SIMS]; whereupon the bill shall be read for amendments under the five-minute rule; that at the conclusion of the consideration of the bill for amendments the committee shall rise and report the bill to the House, with such amendments, if any, as may have been agreed to; thereupon the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution provides for the consideration of the railroad bill. It is thought by the Committee on Rules that they have complied with practically the unanimous request of the members of the Committee on Interstate and Foreign Commerce in bringing in a rule providing for the consideration of the bill beginning at 10 o'clock to-morrow morning and continuing to meet at that hour each day until the consideration of the bill has been concluded.

It is the desire of everyone to give this bill the consideration that its importance entitles it to. The rule is unanimously reported by the members of the Committee on Rules, and so far as I am concerned I shall take no further time.

I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I shall take but very little of that five minutes. The action of the Committee on Interstate and Foreign Commerce is unanimous and the action of the Committee on Rules is unanimous. Notwithstanding this rule, consideration of this bill is going to take a considerable part of the remaining 18 days before the regular session begins. There are just 18 days, that is, workdays, remaining before the regular session in December commences, and it seems to me that the time has about arrived to quit talking about adjourning and taking a recess. With the condition of the country at this time, it seems to me that the patriotic duty of every Member is to stay on the job until December and quit talking about adjournment. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENT TO FEDERAL RESERVE ACT.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2472, to amend the act approved December 23, 1913, known as the Federal reserve act, with House amendments thereto, disagreed to by the Senate, insist upon the House amendments, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill S. 2472, the amendment to the Federal reserve act, recently passed, with House amendments thereto, disagreed to by the Senate, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. SUMNERS of Texas. Mr. Speaker, reserving the right to object, I would like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SUMNERS of Texas. Mr. Speaker, I understood the gentleman from Missouri [Mr. RUCKER] just a moment ago to impugn the motives of Members of the House who voted against striking out the remarks made by Mr. Berger.

The SPEAKER. The gentleman can not do that while a conference report is pending.

Mr. SUMNERS of Texas. But I am asking unanimous consent.

The SPEAKER. Two requests for unanimous consent can not be pending at the same time. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. PLATT, Mr. MCFADDEN, Mr. DALE, Mr. PHELAN, and Mr. WINGO.

SALE OF MACHINE TOOLS TO EDUCATIONAL INSTITUTIONS—CONFERENCE REPORT.

Mr. KAHN. Mr. Speaker, I call up the conference report upon the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, and other recognized educational institutions, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from California calls up a conference report on the bill H. R. 3143 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at 15 per cent of their cost to trade, technical, and public schools and universities, and other recognized educational institutions, upon application in writing, such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses, except cost of transportation, incident to distribution of the tools, and the balance shall be turned in to the Treasury of the United States as miscellaneous receipts: *Provided*, That in the event any such material is offered for sale by said institutions without the consent in writing of the Secretary of War, title thereto shall revert to the United States."

And the Senate agree to the same.

JULIUS KAHN,
CHAS. POPE CALDWELL,
Managers on the part of the House.

J. W. WADSWORTH,
HOWARD SUTHERLAND,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The House receded from its disagreement to the amendment of the Senate with changes, the effect of which are as follows: The House bill fixed the price at which the machine tools could be sold at 10 per cent of their cost; the Senate fixed the price at 20 per cent. Your conferees finally agreed to the rate of 15 per cent of their cost, and the Senate conferees agreed to the same. The Senate provided that the money realized from the sale of machine tools may be used by the Secretary of War to defray the expenses incident to the distribution of the tools, except the cost of transportation, and that the balance shall be turned into the Treasury of the United States as miscellaneous receipts. The House conferees agreed to the change.

Otherwise the bill is practically in the form and language that it left the House.

JULIUS KAHN,
CHAS. POPE CALDWELL,
Managers on the part of the House.

Mr. KAHN. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SUMNERS of Texas. Mr. Speaker, I realize that it is getting pretty late, and I am not sure——

The SPEAKER. The Chair understands the gentleman to rise to a question of personal privilege?

Mr. SUMNERS of Texas. I rise to submit a parliamentary question in which the question of personal privilege is involved. As I understood the remark of the gentleman from Missouri—I do not desire to take up the time of the House now—but if I correctly understood the gentleman from Missouri in his statement it was to the effect that those who voted against striking out the remarks made by Mr. Berger perhaps did not reflect the condition of their own hearts when they voted not to seat Mr. Berger, but were reflecting the judgment of the people back home. Now, I have the highest regard and respect for my friend, and I may have misunderstood him——

The SPEAKER. The Chair listened to the remarks by the gentleman from Missouri, and the Chair does not think they reflected upon Members of the House or raises the question of privilege.

Mr. RUCKER. Will the gentleman yield? Mr. Speaker, I congratulate the Speaker on his clearness of hearing and accuracy of his judgment, and I am surprised at my friend, who is always so clear, both in conception and in expression, of misunderstanding me in that way. I made no such statement; at least I thought not.

Mr. SUMNERS of Texas. That is all I wanted to know.

Mr. RUCKER. But I did say this: I did bring some question as to the judgment employed by those who voted to table the resolution, not as to the motive, because I had in mind that my distinguished friend, for whom I have great respect, voted wrong himself.

Mr. SUMNERS of Texas. I withdraw the inquiry.

THE RAILROAD BILL.

Mr. GARRETT. Mr. Speaker, I make the point of order that the resolution from the Committee on Rules which has just been adopted immediately resolved the House into the Committee of the Whole House on the state of the Union automatically. Now, all these matters that have come since have been out of order. The rule does not interfere with conference reports after the House has gone into Committee of the Whole House and risen again, but the rule when adopted puts the House into the Committee of the Whole House on the state of the Union at once.

The SPEAKER. The Chair sent for the rule, as it is not here.

Mr. CAMPBELL of Kansas. That is unquestionably the rule as agreed to.

The SPEAKER. Of course, the House must either adjourn or resolve itself into the Committee of the Whole House on the state of the Union.

Mr. GARRETT. It must first go into Committee of the Whole House on the state of the Union.

The SPEAKER. The House resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Massachusetts [Mr. WALSH] will take the chair.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry. Could I get unanimous consent to extend my remarks?

The SPEAKER. It will not be in order on the point made by the gentleman from Tennessee.

Mr. RUCKER. Will the gentleman withhold that point?

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10453, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

Mr. MONDELL. Mr. Chairman, the House will meet to-morrow morning at 10 o'clock to take up the consideration of the bill. Therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10453 and had come to no conclusion thereon.

Mr. DALLINGER. Mr. Speaker, I move that the House do now adjourn.

Mr. RUCKER. Will the gentleman withhold that one moment?

Mr. DALLINGER. Yes.

Mr. RUCKER. I ask unanimous consent to revise and extend my remarks, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. CRAMTON. Reserving the right to object, what remarks? The remarks the gentleman recently submitted?

Mr. RUCKER. Yes.

Mr. CRAMTON. I object.

Mr. RUCKER. I will put the remarks in just as I said them, with emphasis. The gentleman need not be so captious.

EXTENSION OF REMARKS.

Mr. SWOPE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 9093) for additional compensation to the soldiers, sailors, and marines.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HERNANDEZ. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New Mexico makes the same request. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. SEARS (at the request of Mr. CLARK of Florida), on account of the death of a close friend.

To Mr. JACOWAY, indefinitely, on account of illness of his mother.

To Mr. WOODYARD, indefinitely, on account of sickness.

ADJOURNMENT.

Mr. DALLINGER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, November 11, 1919, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, concerning acquisition of fishing rights in Pearl Harbor, Territory of Hawaii (H. Doc. No. 295); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Assistant Secretary of Labor, transmitting a statement of the travel performed during the fiscal year ended June 30, 1919, by officers and employees of the Department of Labor (other than those who in the discharge of their regular duties are required to constantly travel) on official business from Washington, D. C., to points outside of the District of Columbia (H. Doc. No. 296); to the Committee on Labor and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, reported the same without amendment, accompanied by a report (No. 456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 379) authorizing the Committee on Immigration and Naturalization to sit during sessions of Congress and during recesses to examine witnesses, etc., reported the same with an amendment, accompanied by a report (No. 459), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EVANS of Nebraska, from the Committee on War Claims, to which was referred the bill (H. R. 3212) for the relief of legal representatives of George E. Payne, deceased, reported the same without amendment, accompanied by a report (No. 460), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VESTAL: A bill (H. R. 10462) to promote the safety of employees and passengers on railroads engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: A bill (H. R. 10477) to create in the Army of the United States a corps to be known as the Corps of Chaplains; to the Committee on Military Affairs.

By Mr. RICKETTS: A bill (H. R. 10478) granting additional compensation to the officers and enlisted personnel of the Army, Navy, and Marine Corps, including nurses (female); to the Committee on Ways and Means.

By Mr. ZIHLMAN: A bill (H. R. 10479) to provide increased compensation for employees of the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 381) requesting the Secretary of War to review the settlement of certain claims arising out of war contracts; to the Committee on Expenditures in the War Department.

By Mr. JOHNSON of Washington: Resolution (H. Res. 382) providing for certain employees and the payment of the expenses of the Committee on Immigration and Naturalization; to the Committee on Accounts.

By Mr. TINKHAM: Concurrent resolution (H. Con. Res. 37) fixing November 11 as industrial armistice day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10463) granting an increase of pension to Homer Schrock; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 10464) granting an increase of pension to William N. Bridges; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 10465) granting an increase of pension to Roy W. Turner; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 10466) granting a pension to Martha J. McCleary; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10467) granting an increase of pension to Francis Tolson; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10468) granting an increase of pension to Wesley Priest; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 10469) granting an increase of pension to William Greer; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 10470) for the relief of Frank Karl; to the Committee on Claims.

By Mr. TAGUE: A bill (H. R. 10471) for the relief of Maud M. Sterling; to the Committee on Claims.

Also, a bill (H. R. 10472) for the relief of Agnes M. Dempsey; to the Committee on Claims.

Also, a bill (H. R. 10473) for the relief of Rena Sterling; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 10474) granting a pension to Harry S. Stahl; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10475) granting a pension to Josephine Hamic; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10476) granting a pension to Charles O. Wallace; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of American Legion of the State of Washington, demanding full protection for citizens of the United States residing in Mexico and elsewhere; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of Harry Higgins Post, No. 8, of Ashland, Ohio, favoring legislation for reduced rates for travel and special consideration of the near kin of deceased soldiers buried in France; to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry Higgins Post, No. 38, of Ashland, Ohio, favoring embargo in the shipment of sugar; to the Committee on Interstate and Foreign Commerce.

By Mr. BABKA: Petition of 60 Czecho-Slovak young men who made their declaration of intention to become American citizens before the United States entered the war and who during the war enlisted in the Czecho-Slovak Army and fought side by side with the American boys, desiring to become citizens of the United States at an early date; to the Committee on Immigration and Naturalization.

By Mr. CURRY of California: Petition of mayors of the Pacific coast cities assembled at Sacramento, Calif., relative to the high cost of living; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of Gouverneur K. Warren Post No. 286, Department of New York, Grand Army of the Republic, supporting the Fuller pension bill, House bill 9369; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: Petition of Homestead (Pa.) Chamber of Commerce, favoring changes in the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. LINTHICUM: Petition of J. A. Bokel Co., of Baltimore, Md., opposing repeal of the zone advances; to the Committee on the Post Office and Post Roads.

Also, petition of the Oyster Growers and Dealers' Association of North America, urging that oysters be eliminated from House bill 9521, or the bill amended so as to exempt the chilling process necessary in preparing oysters for shipment; to the Committee on Agriculture.

Also, petition of Merchants and Manufacturers' Association, of Baltimore, Md., citing the case known as the Decker case now before the Interstate Commerce Commission and urging that legislation be passed so as to allow the payment of claims by the railroads beyond the two-year period as now provided; to the Committee on Interstate and Foreign Commerce.

Also, petition of Coggins & Owens, of Baltimore, Md., opposing House bill 8315 and Senate bill 2904; to the Committee on Interstate and Foreign Commerce.

Also, petition of McCormick & Co., of Baltimore, Md., regarding activities of the I. W. W. and Bolshevists in our country; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Fairfield (Conn.) County of Congregational Churches and Ministers, for an Armenian mandate; to the Committee on Foreign Affairs.

By Mr. McGLENNON: Petition of Bloomfield Council, No. 1178, Knights of Columbus, Bloomfield, N. J., opposing the welfare work in the camps being taken over by the Military Establishment; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of different parlors of the Native Sons of the Golden West, San Francisco, Calif., for legislation favoring the exclusion of Asiatics and Hindus from admission to the United States; to the Committee on Immigration and Naturalization.

Also, petition of Sussman, Wormser Co. and two other firms of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of naval militia, New York, favoring increase in pay to naval forces; to the Committee on Naval Affairs.

By Mr. RAKER: Petition of Rainbow Parlor, No. 40, Native Sons of the Golden West, of Wheatland; Placer County Federation of Women's Clubs; Silver Star Parlor, No. 63, Native Sons of the Golden West, of Lincoln; all in the State of California, opposing immigration from oriental countries; to the Committee on Immigration and Naturalization.

Also, petition of Sussman, Wormser & Co., of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of mayors of Pacific coast cities, assembled in Sacramento, Calif., relative to the high cost of living; to the Committee on the Judiciary.

By Mr. ROWAN: Petition of Maj. R. C. Tolman and others, of New York City, concerning treatment of conscientious objectors; to the Committee on Military Affairs.

Also, petition of Fur Merchants' Association of New York, favoring the passage of House bill 9778; to the Committee on Ways and Means.

Also, petition of W. E. Pulsifer, of New York City, opposing regulations to be adopted by the American Express Co. which would limit articles to 25 pounds for express shipments; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of United States Civil Service Employees, Lake Bluff, Ill., favoring increase in pay to naval employees; to the Committee on Naval Affairs.

Also, petition of R. W. Dunn, of New York City, favoring Senate bill 3002; to the Committee on Military Affairs.

Also, petition of Edward W. Buckley, secretary of the New York State Industrial Commission, indorsing measure for retaining industrial cripples; to the Committee on Labor.

Also, petition of Private Soldiers and Sailors' Legion, Washington, D. C., urging incorporation; to the Committee on the Judiciary.

Also, petition of John Mahoney and John Burke, of New York City, urging adoption of wage schedules for naval employees; to the Committee on Naval Affairs.

Also, petition of Northern New York Utilities (Inc.), Watertown, N. Y., favoring sale of light wines and beer; to the Committee on the Judiciary.

Also, petition of Hill Bros. Co. and others of New York, urging protection for the longshoremen who desire to return to work pending the settlement of the strike; to the Committee on the Judiciary.

Also, petition of central executive committee, storm-stricken area, favoring bills introduced for harbor survey and sea-wall and causeway relief for storm-stricken area; to the Committee on Rivers and Harbors.

Also, petition of Associated Rifle Clubs of New York and New Jersey, favoring House bill 7708; to the Committee on Military Affairs.

Also, petition of American Jewelers' Protective Association (Inc.), favoring the passage of House bills 6577 and 6659; to the Committee on Ways and Means.

Also, petition of United Aircraft Engineering Corporation of New York, favoring additional appropriation for United States Air Service; to the Committee on Military Affairs.

By Mr. SINCLAIR: Petition of International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, opposing the Cummins railroad bill, on the ground that it established involuntary servitude for all men employed in the transportation service or other semipublic industries; setting forth that employers of all kinds, including mine owners, profiteering systematically during the war, forcing the cost of living upward from 100 to 200 per cent above normal, and that these profiteers are behind the measure to enslave the entire American working class; declaring that such proposed legislation is responsible for the growth of unrest, Socialism, and Bolshevism among the toilers; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES: Petition of C. R. Davis, Springfield, Ill., favoring the early passage of the Fuller pension bill; to the Committee on Invalid Pensions.

Also, petition of the Joint Conference on Retirement, Washington, D. C., favoring the Lehlback bill, House bill 3149; to the Committee on Reform in the Civil Service.

Also, petition of American Association for Labor Legislation, New York, favoring House bill 3149, concerning retirement allowances for civilian employees grown old in the service; to the Committtee on Reform in the Civil Service.

Also, petition of Huyler's, New York, favoring Senator CALDER's bill (S. 3011) to amend the food and drugs act of June 30, 1906; to the Committee on Agriculture.

Also, petition of Adjt. Gen. F. S. Dickson, Springfield, Ill., urging early passage of House bill 9694; to the committee on Naval Affairs.

Also, petition of Belleville Council No. 1028, Knights of Columbus, Belleville, Ill., protesting against the proposed cessation of war-camp activities by welfare societies; to the Committee on Military Affairs.

Also, petition of central executive committee storm-stricken area, Corpus Christi, Tex., favoring the passage of bills introduced by Senator SHEPPARD and Representative BEE for harbor survey and sea-wall and causeway relief for storm-stricken area; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *November 11, 1919.*

(*Legislative day of Monday, November 10, 1919.*)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Vice President being absent, the President pro tempore (Mr. CUMMINS) took the chair.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McLean	Smith, Ariz.
Ball	Harris	McNary	Smith, Ga.
Beckham	Harrison	Moses	Smith, Md.
Brandegee	Henderson	Nelson	Smith, S. C.
Calder	Hitchcock	New	Smoot
Capper	Johnson, Calif.	Newberry	Spencer
Chamberlain	Johnson, S. Dak.	Norris	Stanley
Colt	Jones, N. Mex.	Nugent	Sterling
Culberson	Jones, Wash.	Overman	Sutherland
Cummins	Kellogg	Owen	Swanson
Curtis	Kendrick	Page	Thomas
Dial	Kenyon	Penrose	Townsend
Dillingham	Keyes	Phelan	Trammell
Edge	King	Phipps	Wadsworth
Elkins	Kirby	Pittman	Walsh, Mass.
Fall	Knox	Pomerene	Walsh, Mont.
France	La Follette	Ransdell	Warren
Frelinghuysen	Lenroot	Reed	Watson
Gay	Lodge	Robinson	Williams
Gerry	McCormick	Sheppard	Wolcott
Gronna	McCumber	Sherman	
Hale	McKellar	Simmons	

Mr. JONES of Washington. I desire to announce that my colleague [Mr. POINDEXTER] is absent on account of illness.

Mr. GERRY. I wish to announce that the senior Senator from Alabama [Mr. BANKHEAD] and the senior Senator from Tennessee [Mr. SHIELDS] are detained from the Senate by illness.

I wish also to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Montana [Mr. MYERS], and the junior Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. There is a quorum present.

EMBARGO ON DYES AND COAL-TAR PRODUCTS.

Mr. PENROSE. Mr. President, I ask unanimous consent to submit a report from the Committee on Finance. I report back from that committee favorably without amendment the joint resolution (S. J. Res. 125) to continue the control of imports of dyes and coal-tar products. It will not lead to any debate and it is agreed to in the House. They want to have it there that they may pass it.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That notwithstanding the prior termination of the present war the provisions of the trading-with-the-enemy act approved October 6, 1917, and of any proclamation of the President issued in pursuance thereof which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar are continued until January 15, 1920. During the period between the passage of this joint resolution and January 15, 1920, neither the President nor the War Trade Board section of the Department of State, nor any other agency of the Government, shall issue to any person, corporation, partnership, or association any license or permit to import into the United States any such dyes or coal-tar products, and during such period no person, corporation, partnership, or association shall import into the United States dyes or coal-tar products except by virtue of a license or permit heretofore issued.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution just read?

Mr. HITCHCOCK. There was so much noise I could not hear it fully. Will the Senator state what the joint resolution proposes?

Mr. PENROSE. Briefly, it is a joint resolution which has been agreed on by the Finance Committee of the Senate and the Ways and Means Committee of the House, after consultation with the manufacturers of dyestuffs and the consumers, chiefly the textile manufacturers, practically to maintain the present embargo on the importation of dyestuffs until January 15, 1920, and to afford an opportunity to consider a proper protective bill. It is feared that with the consummation of peace the American market will be flooded with German dyestuffs within a week or 10 days and that it will be ruined for years to come. Representative LONGWORTH, the author of the bill pending in the Senate, has agreed to this joint resolution, as has everyone else concerned.

Mr. HITCHCOCK. Is it a unanimous report of the Finance Committee?

Mr. PENROSE. No, sir; I candidly admit that such was the urgency of the legislation I had to canvass the committee and I have not even seen all the members of it; but so confident am I that the joint resolution is unobjectionable that I have taken the chance. It is very necessary to have the joint resolution passed and sent to the House right away, because that body may take a recess or an adjournment at the end of the week, and if it does so without acting on this joint resolution the result will be very serious.

Mr. HITCHCOCK. I think for the present I shall object. It may be that later in the day we can arrange for its consideration, but I should like to examine it.

Mr. PENROSE. All right.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

WILLIAM O. JENKINS.

Mr. LODGE. If I can have unanimous consent, I report back favorably with an amendment from the Committee on Foreign Relations a resolution of inquiry. It is the unanimous report of the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read Senate resolution 224, submitted by Mr. KING on the 8th instant, as follows:

Resolved, That the Secretary of State be, and hereby is, requested, if not incompatible with the public interest, to report to the Senate all information in his possession with respect to the recent forcible abduction of William O. Jenkins, consular agent of the United States at Puebla, Mexico; the indignities suffered by him during such abduction at the hands of Mexican nationals, and the means employed by said Jenkins to effectuate his liberation, together with the representations that have been made to the Mexican Government for the purposes of obtaining indemnification and reparation in the premises, and to secure that degree of protection for official representatives of the United States in Mexico that is accorded by civilized States to the diplomatic representatives of other powers, according to the usages and customs of international law and practice.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. OWEN. What is the resolution?

Mr. LODGE. It is a resolution of inquiry in the case of Mr. Jenkins, who was abducted.

The Senate by unanimous consent proceeded to consider the resolution.

The amendment of the committee was to strike out all after the word "to," in line 11, and insert "report to the Senate what degree of protection for official representatives and other citizens of the United States in Mexico the United States has demanded from the Government of that Republic and what response has been made thereto."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its amendments to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT, Mr. MCFADDEN, Mr. DALE, Mr. PHELAN, and Mr. WINGO managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, and other recognized educational institutions.

The message further announced that the House had passed a bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1373) to amend the Articles of War, and it was thereupon signed by the President pro tempore.

HOUSE BILL REFERRED.

H. R. 10378. An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. OVERMAN. I ask to have inserted in the RECORD a resolution from the general assembly of the Philanthropic Literary Society of the University of North Carolina, indorsing the adoption of the league of nations.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"THE GENERAL ASSEMBLY OF THE
PHILANTHROPIC LITERARY SOCIETY,
"*University of North Carolina.*

"House Resolution No. 1, session fall term 1919.

"A resolution indorsing the adoption of the Paris covenant for a league of nations by the Senate of the United States.

"*The General Assembly of the Philanthropic Literary Society do enact*, That whereas the world is unanimous in the opinion that war and its results are but the relics of barbarianism in this present age; and

"That whereas in order to promote international cooperation and to achieve international peace and security, by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of international law as to actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect with one another; and

"That whereas this covenant extends to all the world the principles of the Declaration of Independence, the Constitution of the United States, and the Monroe doctrine:

"*Therefore be it resolved by the General Assembly of the Philanthropic Literary Society*, That it recommend to the Senate of the United States the adoption of the Paris covenant of the league of nations as a means of establishing the integrity of the peace of the world.

"W. H. ANDREWS, *Speaker.*
"Per W. B. W.

"W. B. WOMBLE,
"*Reading Clerk.*

"Introduced by Mr. Kerr, of Warren.
"Passed by a vote of 24 against and 58 for the adoption.
"November 1, 1919."

Mr. COLT presented a resolution adopted by the Rhode Island Branch of the American Legion, favoring a clause in contracts giving preference to veterans of the war in the distribution of work, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, favoring the enactment of legislation to enable veterans of the war to borrow from the Government 100 per cent of the value of a building to be used as a home, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, affirming adherence to the "American's Creed" and subscribing to all the principles of

patriotism and loyalty embodied therein, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, favoring the enactment of legislation providing for the deportation of all aliens who withdrew their first naturalization papers in order to escape military service, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, favoring an increase in the pay of officers and men in the Army, Navy, and Marine Corps, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, favoring the enactment of legislation giving aid to the children of the men who were killed and wounded in the late war, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, remonstrating against the development of Bolshevism and favoring the enactment of legislation necessary to curb this menace to free institutions, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Rhode Island Branch of the American Legion, favoring the employment of all lawful means to check and prevent the extension of the dangerous doctrines threatening our free institutions and our flag, etc., which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3413) for the relief of Charles G. Griffa; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 3414) for the relief of William Matthews; to the Committee on Military Affairs.

A bill (S. 3415) for the relief of the estate of F. Z. Tucker, deceased; and

A bill (S. 3416) for the relief of Elizabeth Bolger; to the Committee on Claims.

STRIKE OF COAL MINERS.

Mr. JONES of Washington. I submit a resolution, which I ask may be read and referred to the Committee on Education and Labor.

The resolution (S. Res. 228) was read, as follows:

Resolved, That the Committee on Education and Labor be, and it is hereby, authorized and directed, through the full committee or through any subcommittee thereof, to investigate as speedily as possible the present Nation-wide bituminous-coal strike, the causes and reasons therefor, and ascertain the facts relating to the controversy, and especially the nationality of the miners in general, the conditions under which they work, the wages they are paid, the number of days of employment during the year, the reasons for lack of continuous employment, and who is to blame therefor, if anyone; how this condition can be remedied, and ascertain any other facts that may be necessary to advise the public fully relating to the reasons and causes for such strike, and suggest or recommend to Congress any measures that the National Government can take to ameliorate conditions, right wrongs and injustice, and prevent the recurrence of such strikes in the future.

The said committee is hereby empowered to sit and act at such time and place as it may deem necessary; to require, by subpœna or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding $1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expense thereof shall be paid from the contingent funds of the Senate on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Contingent Expenses.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES of Washington. I ask that the resolution be first referred to the Committee on Education and Labor, to pass upon the necessity for its adoption. Then, of course, it would go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Is there objection to the reference of the resolution as suggested by the Senator from Washington?

Mr. NORRIS. Mr. President, I have no objection to the reference of the resolution to the Committee on Education and Labor; in fact, I have no objection to the passage of the resolution; I think it ought to be passed. I only want to state that though the resolution is, perhaps, sufficiently broad to do what I think ought to be done, I think the Committee on Education and Labor ought to suggest an amendment, so that there can be no doubt about it, that the committee will not only investigate all that is specifically set out in the resolution for investigation, but that they will also investigate the issuing of the injunction by the court in this case.

Mr. JONES of Washington. I have no objection to the committee amending the resolution to that effect.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Education and Labor.

Mr. POMERENE. Mr. President, I have been furnished with an Associated Press dispatch relating to the coal strike, which I think will be of interest to the Senate, and I ask that it may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Bulletin.

INDIANAPOLIS, *November 11.*

The United Mine Workers of America, through its general committee, decided to-day to obey the mandate of United States District Judge Anderson, which means the recall of the order for the strike of 425,000 bituminous-coal miners of the Nation. This decision was reached at 4.10 this morning, after more than 17 hours' discussion. The conference then adjourned until 2 p. m.

Mr. POMERENE. Mr. President, I have investigated this subject considerably, and I am satisfied that there is an element of justice in the complaint which has been made by the miners to the effect that under present conditions they are entitled under all the equities to an increase in their wages. What amount I do not know. I know that is the feeling prevailing among many of the good, substantial coal operators in my section of the country, and I see no reason why an amicable adjustment of this question can not be made.

Mr. McKELLAR. I ask unanimous consent to have inserted in the RECORD, without reading, a resolution adopted at a mass meeting held at Morristown, Tenn., in reference to the prevailing violence and disorder in the country.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"We, your committee, beg to submit the following preamble and resolutions for your consideration:

"Whereas a spirit of unrest, disregard for law, opposition to constituted authority, anarchy, and revolution is now prevalent in our country, manifesting itself sometimes under the guise of organizations purporting to alleviate oppression, sometimes by outspoken hostilities to our system of government, sometimes by threats of violence and activity of mobs, in other instances by organizations tending to retard the resumption of and restoration to normal conditions, hampering commerce, retarding transportation, restricting production, and threatening to deprive the great masses of the people of the necessities of life, and in various other ways to override the Constitution, subvert our institutions, and defy all constituted government, and believing the time has come when all law-abiding citizens should assert themselves and proclaim their loyalty to our Government and its institutions: Therefore be it

"Resolved by the citizens of Hamblen County, Tenn., in mass meeting assembled, as follows:

"First. That we hereby express our confidence in the constituted Government of the United States, and declare our fidelity to its Constitution, which we believe to have been wisely promulgated; that it safeguards the life and liberties of the people in the best conceivable manner; and we pledge ourselves to support its constituted authorities in their every effort to preserve its institutions and to enforce its laws.

"Second. That we pledge ourselves to support the constituted authorities of the State of Tennessee in their efforts to preserve order and enforce its laws against mobs, insurrections, anarchists, revolutionists, and all secret or avowed enemies of our Commonwealth.

"Third. That we deprecate the spirit of lawlessness now existing in our State, whether manifested by mob violence, threatened destructiveness, anarchy, revolution, seditious teachings, and the interference with the personal liberties of any citizen to engage in employment when and where he please, regardless of the mandates of any organization to the contrary.

"Fourth. That the right of the individual citizen to acquire and hold property is an inalienable right in which he should be protected.

"Fifth. That we oppose the assumed authority of either capital or labor to organize for selfish purposes, to retard business, restrict production, to engage in profiteering, and to interfere

with transportation in such manner as to deprive the masses of the necessaries of life.

"Sixth. That we oppose immigration into the United States, except under such restrictions as will not interfere with the welfare of our people, our system of government, and our institutions.

"Seventh. That we favor the deportation of all foreigners who engage in disorderly conduct who are disreputable and undesirable, and we favor legislation for the banishment of all pretended American citizens who teach and practice disloyalty, anarchy, and revolution, and call upon our Senators and Representatives in Congress to support all such measures as provide for the protection of our Government against all such personages.

"Eighth. That no unnaturalized alien should be allowed to own, hold, or inherit any real estate in the United States; that no person unable to speak the English language should be allowed to exercise the elective franchise or hold any office within the United States.

"Ninth. That all newspapers, publications, or written or printed matter intended for general reading or circulation, which is printed in any foreign language, shall be interlined with translations into English, so that the English-speaking people may know and understand the character of literature being read by foreigners.

"Tenth. That all public schools and institutions of learning shall be required to teach the English language as the leading and prevailing language of all such schools and institutions of learning.

"Eleventh. That a copy of these resolutions be furnished the press, the United States Senators of the State of Tennessee, and to our Representatives in Congress.

"Respectfully submitted November 3, 1919.

"JOHN B. HOLLOWAY,
"NAHOR Y. HILL,
"J. H. HAVELY,
"*Committee.*"

THE MORMON CHURCH.

Mr. SMOOT. Mr. President, I am not going to occupy more than about 15 minutes of the time of the Senate.

For over 16 years I have paid no attention whatever to any of the false and malicious newspaper reports and statements made against the so-called Mormon Church. The only excuse that I have to offer for doing so at this time is that I have received a request from members of a number of the principal clubs of the State of Utah to call the attention of the Senate and of the country to certain false statements published in different newspapers throughout the United States.

First, I desire to call attention to an article that appeared in the New York World of October 22, under the date line of London, October 21. This same article, I will state, was published in many other newspapers throughout the United States. It is as follows:

GIRLS, MORMON CONVERTS, WANT TO LEAVE ENGLAND.—FULLY 1,200 OF THEM, SAYS AUTHORESS, HAVE ASKED PASSPORTS SO THEY CAN GO TO UTAH.

LONDON, *October 21.*

Winifred Graham, the well-known English authoress, who has done much in this country to expose Mormonism, told the World correspondent to-day that fully 1,200 English girls have recently been persuaded by Mormon propagandists here to go to Utah. "During the war," she said, "the Mormons made great headway in the United Kingdom. I hope the American authorities will prevent the departure of these girls for America. From reliable sources I learn that there are 1,200 of them anxious to sail immediately. Only last week one was bound over in a London police court for falsification of a passport in her efforts to go to Utah."

Winifred Graham is the pen name of Mrs. Theodore Cory. She sails on the *Baltic* October 29 as the British delegate to the World Citizenship Congress in Pittsburgh, which begins November 9. She will speak on Mormonism. Her anti-Mormon work here, she says, has caused her to be shadowed and threatened by the Mormons. United States consuls are on the lookout for any Mormon converts. Owing to the strict passport regulations there is little chance that any of these English girls will be able to sail. Some of the girls to whom passport visés were refused recently were suspected of being Mormon converts.

Mr. President, I thought the time had arrived when the newspapers of the country would cease publishing such rot. How easy it is for any newspaper to send a representative to the Bureau of Immigration and find out just the number of immigrants entering the United States going to the State of Utah for any year in the past, and also to find out the professions and occupations of the immigrants, and the different classifications of each as provided by the department. If the newspaper doing so wants to publish the truth it would never publish such statements as I have just read.

I went to the department, upon my attention being called to the newspaper article, and asked for a statement of the number of immigrants for Utah for the years of 1917, 1918, and 1919. The statistics taken from the annual report of the Commissioner General of Immigration show some interesting facts. I have taken the State of Utah and compared it with the State of Colorado and the following is the result:

Profession.	Utah.			Colorado.		
	1917	1918	1919	1917	1918	1919
Professional	6	8	(1)	33	19	(1)
Skilled laborers	26	49	(1)	98	43	(1)
Miscellaneous occupations	501	202	(1)	448	185	(1)
No occupation (including women and children)	362	254	(1)	398	326	(1)
Grand total of all immigrants	965	513	588	977	573	738
Total of immigrants from England	118	48	(1)	136	56	(1)

[1] Figures not available.

The above table shows that the total number of immigrants with no occupation—including women and children—going to Utah was smaller on a percentage basis than the same class going to Colorado.

It also shows the percentage of English immigrants of the total which went to both States, the percentage being about the same.

Mr. President, the Commercial Club of Salt Lake City, the leading business club of the State of Utah, upon seeing this scurrilous article against the Mormon Church published throughout the United States, prepared and issued a statement, dated November 4, 1919, entitled "Refutation issued by the board of governors of the Commercial Club of Salt Lake City," which I desire to read, as follows:

NOVEMBER 4, 1919.

A statement of refutation issued by the board of governors of the Commercial Club of Salt Lake City.

The attention of the Salt Lake Commercial Club has been called to the appearance in newspapers in the United States of a "syndicate article" bearing the date line of London, England, in some instances as "October 19," from the pen of one purporting to be George Selden, writer of the English metropolis, which is vicious, inconsistent, and maliciously false in its accusations against the Mormon Church.

This article, sent broadcast through the United States, contains quotations credited to one Winifred Graham, to whom the article refers as novelist, some of which are as follows:

"What is Mormonism doing in England? It works secretly as in America and snaps its fingers at law in both countries. This very minute the church elders have 1,200 girls ready for shipment to Utah."

"The Mormon Church pays the fares and offers excellent wages, but once it gets women over it uses them as it pleases. The war gave the Mormon elders their greatest opportunity for proselyting. In the absence of the men folk and because of the deaths of thousands of soldiers the women of the poorer classes fell easy victims. Secret meetings were held in homes that attracted the neighborhood without attracting suspicion."

"Every girl is baptized. They then become silent about polygamy, but they become either polygamous wives or slaves of the Mormon Church. Occasionally we hear of girls who are slaving on Mormon farms."

The Commercial Club of Salt Lake City, Utah, through its duly constituted board of governors, hereby desires that it be known that it has taken cognizance of and read these statements, which it brands as being vicious in intent and so obviously inconsistent as to be their own refutation, and they are scandalous, pernicious, and false.

The commercial club, in line with its activities from the time of its organization, is critically persistent and thorough in its survey of conditions relating to the interests of our Commonwealth and is fully qualified by its knowledge of facts to thus brand these sensational stories as unmitigated falsehoods.

The Church of Jesus Christ of Latter-day Saints, commonly called the "Mormon" Church, is working in harmony with other institutions in Utah, ecclesiastical and civic, for the maintenance of the highest attainable standard of morality, and has made an enviable record in this accomplishment, as also in patriotic and devoted service to the country's needs.

This commercial club disavows and condemns with disapprobation equally strong the circulated falsehoods of Mormon interference in State or National politics. The Mormon people exercise their political rights and preferences in common with their fellow citizens who are not of their faith; and this club unhesitatingly affirms that the stories alleging Mormon control of political parties in this State or elsewhere are but myths and fables, without even the merit of apparent consistency to excuse their periodical retelling.

Lester D. Freed, president Commercial Club; H. N. Byrne, H. M. Chamberlain, Joseph Decker, Lester D. Freed, R. C. Gammel, C. B. Hawley, J. C. Howard, S. R. Inch, James Ingebretsen, A. Carlos Kimball, A. N. McKay, C. W. Nibley, F. C. Schramm, M. H. Sowles, Charles Tyng, board of governors.

Hereby we concur in the above statement of the Commercial Club of Salt Lake City.

John C. Cutler, former governor of State of Utah; W. S. McCornick, president McCornick & Co., bankers; J. E. Frick, justice Supreme Court of Utah; A. J. Weber, justice Supreme Court of Utah; E. E. Corfman, chief justice Supreme Court of Utah; Samuel Thurman, justice of Supreme Court of Utah; W. Mont Ferry, mayor of Salt Lake City; W. W. Armstrong, United States food administrator of Utah; Salt Lake Rotary Club, by Lew H. Harding, secretary Rotary Club, and by James W. Collins, president Rotary Club.

Mr. President, I protest against the libelous press matter that has been published throughout the country, that the blatantly heralded announcement of the falsehoods of an English writer of fiction has come here to tell. The church has nothing to conceal. I want the people of the United States to know that as far as polygamy is concerned it is dead, and scandalmongers in the future must find some other hobby to ride.

All I ask is that the Mormon Church and its adherents be judged by the fruit of the tree. No one can examine the record made by that people during the World War without coming to the conclusion that no more loyal people live on this earth. No call was made upon them without an immediate response, and not only for the amount asked for but for nearly double the amount in almost every case. They not only furnished their quota of soldiers but in some of the calls 100 and 200 per cent more.

Mr. President, I would not have taken the time of the Senate to make this short statement if it had not been requested of me. I will say this: The signers of the statement of refutation are at least three-fourths nonmembers of the Mormon Church, and they are the leading business men of the State. It seems to me that the people of this country ought now to understand the true situation; and if the New York World or the New York American desires to learn the truth about the Mormon people, I will gladly pay all expenses of a representative of either paper if it is desired to make an honest investigation.

I am a Senator of the United States. I represent all the people of Utah and not any church as such. I have never felt called upon to defend the Mormon Church against false attacks, because I felt that sooner or later the truth would be understood by all the people. I am not making this statement as a representative of the Mormon Church but as a United States Senator.

The Mormon Church has been foully misrepresented from many sources in the past. I confidently look forward to the day when the Mormon people will be known as they are and not as sometimes represented.

Mr. ASHURST. Mr. President, I am very glad that the Senator from Utah [Mr. SMOOT] has spoken as he has. It was time for such a speech. A matchless maker of epigrams said that when "once a lie or a counterfeit statement gets into circulation it is well-nigh impossible to overtake it"; and therefore I believe the Senator has done a service to his country in exposing this infamous slander, which has been published broadcast against so many worthy people.

When I read the article, I felt offended because there are in Arizona a large number of Mormon people, or people who belong to the Church of Jesus Christ of Latter-day Saints; and I would be false to that principle of fair play for which I have always pretended that I stood if I failed at this time to say a word on the subject.

It may be true that I do not understand fully the theology of the Mormon Church; but, Mr. President, the first church I ever attended was a Mormon Church. When there was no other church within 100 miles of the lonely frontier cabin where my parents lived, we found solace and comfort in attending the Mormon Church situated 9 miles distant. Our nearest—in fact, our only—neighbors for years were the Mormon people. Better neighbors no pioneer ever had. I am proud of the Mormon people. I am proud of the friendship that I have for them, and that I believe they have for me; and while, as I said before, I do not completely understand their theology, I am able to say here, in the Senate of the United States, that their church has elevated many intellects and purified many hearts in my State.

As pioneers in a new country, the Mormons are unrivaled. They are sober, industrious, frugal, honest. They are preeminently State builders; and to-day, if called upon to name a people who could most expeditiously transform a desert of swirling and heated sands into splendid fields and farms, I would unhesitatingly choose the Mormon people. In many places where once the cacti lifted its thorny arms into the brazen and heated air, Mormon industry has reared temples, hospitals, homes, factories, and schools.

Moreover, I never saw a Mormon I. W. W.; but I have, at some county courthouses in my State, heard disgruntled, lazy, and indolent men who did not belong to the Mormon Church sit on the steps of the courthouse and curse the Government and curse the President, while Mormon citizens were going into the same county courthouse to pay taxes without complaint.

Mr. OWEN. Mr. President——

Mr. ASHURST. I yield for a question.

Mr. OWEN. I should like to ask the Senator if it is not a tenet of the Mormons to teach and preach industry and thrift?

Mr. ASHURST. I am able to state that industry and thrift are amongst the foundation stones of the Mormon Church. Absolute and unquestioned obedience to law is a tenet of the Mormon Church. Respect for authority is one of the tenets of the Mormon Church. We need more of such people in these perilous times of the Republic; and again I would be false to every principle of justice and to every sentiment of gratitude if I failed to state at this time that when savage Indians galloped along by our pioneer homes, burning and murdering, plundering and scalping as they went, it was to the Mormon people that my defenseless but heroic parents went for refuge and defense.

So, Mr. President, I say the Senator from Utah has done well in "scotching" this falsehood, which has been given such wide circulation. I believe the American people are coming at last fully to understand the Mormon people. Their temples, schools, fields, homes, industry, frugality, their morality and their patriotism testify for them in more eloquent terms than the Senator or I could speak. Then, again, observe their Representatives in the House and in the Senate. Look at the high class of public servants they send here. I ask that the Mormons be judged as a people, judged as a religion, as the Senator says, by their fruits; and if they be judged by their fruits the verdict of the world will be in their favor.

It seems to me that the time should be welcomed in America when men shall not futher be assailed because of their religion or lack of religion. Men ought not further be assailed or discriminated against because of their particular view of how to follow the Master. America was built up, and one of the reasons why the migrations came from the old countries to these shores was that our ancestors desired to find a place to build free and strong States where such ignoble sentiments as bigotry could not survive.

Mr. President, I do not forget that this splendid domain of Arizona, one of the imperial States of this Union, came into being largely through the brave exploits of the Mormon people. When Gen. Stephen Kearney was beleaguered near San Diego during the Mexican War, and it seemed as though the Mexicans were going to capture and annihilate him and his entire command, it was the Mormon battalion that marched all the long way from Iowa into Tucson, Ariz., and occupied in Mexican territory a domain we now know as the Gadsen Purchase, which was purchased by our Government in 1854. When the commanding officer, Lieut. Col. St. George Cooke, entered the Mexican town of Tucson and raised the American flag, he issued a pronunciamento, and I wish the German outragers had read that document before they invaded Belgium. The lieutenant colonel entering the city of Tucson, nearly 1,500 miles from civilization, said in his manifesto to the people of Mexico:

> We do not war upon civilians. We make war against men in uniform only. The property of individuals will be held sacred. All civil rights will be upheld. Those who obey the law and conform to order will be protected.

The command remained there some days to refresh itself and then marched on to the relief of Gen. Kearney, who, as I said, was beleagured and surrounded near San Diego.

So, Mr. President, the Mormon people, as pioneers, as State builders, as statesmen, as people of industry and patriotism in every department of life, compare well and favorably with the general mass of their fellow citizens. This much I feel I should have said; more than that I need not say.

Mr. THOMAS. Mr. President, I have not and never have been a communicant of any church, and if I live to be as old again as I am now, I would not change. In my youth I was greatly impressed with a remark of Gibbon, that "all religions are to the vulgar equally true, to the philosopher equally false, and to the statesman equally useful," and the experience of mature years has served to deepen the impression. I have never been able to reconcile the tenets and doctrines of all religious faiths with that spirit of persecution and fanaticism they develop toward each other, and which has so many times culminated in destructive and decimating wars. I believe in religious toleration, without any conditions whatever, except those required by the tenets of morality and of law and order. Hence I have remained aloof from identification with any faith.

Up to this time I have never found occasion to publicly defend the Mormon people, because it has not seemed necessary; but I can not allow the occasion to pass without paying tribute to their morality and usefulness, not only to their own communities, but as exemplars to the whole country in parlous times like these.

Mr. President, when respect for the law is the exception and not the rule, when the different forces of society are so antagonistic that the political structure is menaced with danger, it is refreshing to note that the adherents of this faith have at all times been the advocates and the exponents of peace, of justice, of law, and of order; and however just the criticisms aimed

against former institutions, the fact remains, as established by more than half a century of practice, that the communities professing the Mormon faith are among the best and highest exemplars of American citizenship.

During the war there was much disloyalty in America. Scarcely any Commonwealth was entirely free from it. During the war resistance to the draft occasionally punctuated our dispatches, and the expression of toleration or friendliness to the enemy was one of the commonest of occurrences. But during that critical period upon no occasion which I can remember did the people of Utah, Mormon and Gentile, fail to whole-heartedly, loyally, and enthusiastically respond to every call made by the Government for soldiers or for money. Not in a single instance did this people falter. Their splendid youth were given freely to our armies, and the blood of their boys sanctifies the soil of every battle field in France.

Every loan drive was responded to, not by the quota, but far beyond it, and in everything that contributed to good citizenship, to patriotism, to loyalty, and to love of country, these people were ever conspicuous; and it is due to them, as one of the representatives from a neighboring State wherein many of these people are located, and are among our best citizens, that I should say so.

We have not many Mormons in the State of Colorado. Some years ago a settlement was established in what is known as the San Luis Valley. It has grown, it has flourished, it is prosperous. Its people are law-abiding, they are industrious, they are hard working, they pay their debts, they obey and support the authorities. Bolshevism, anarchism, and socialism are foreign to the atmosphere of that community. They can not take root in such a soil.

These people are to-day, therefore, one of the pillars of the social, economic, and political systems of the country, whose removal might imperil the entire structure of our social, economic, and political life. Their faith I am not concerned with; their character and their achievements are a credit to them and an incalculable benefit to the country.

Mr. HENDERSON. Mr. President, I wish to express my approval of and join in all that has been said by the senior Senator from Colorado [Mr. THOMAS] relative to those of the Mormon faith. We have in eastern Nevada a number of Mormon settlements. I have visited a number of them. I wish to say that there are no better citizens in the country than those of that faith. In one community that I know of, established over 40 years ago, there has never been a jail. I believe that is true of the others. These people never have any use for jails. Where they go, there law and order prevail, and thrift and economy are taught and practiced.

Mr. President, the record of the Mormon people throughout the war has been without a blemish. Their sons were amongst the first to enlist and their quota was quickly filled. They oversubscribed their proportion of Liberty bonds. Their patriotism has been of the highest order and without question.

There is much that can be said in their favor, Mr. President, but I shall not detain the Senate longer, as there are some Senators waiting to address the Senate on the proposed reservation to article 10. I am glad, however, of the opportunity to express my disapproval of the attack directed against the Mormons referred to by the Senator from Utah [Mr. SMOOT].

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. OWEN. Mr. President, just before adjournment yesterday the Senator from Pennsylvania [Mr. PENROSE] asked this question:

> I should like to ask the Senator what has become of the 14 points? Can they be found anywhere?

Mr. HITCHCOCK replied:

> Yes; they are practically embedded in the treaty.

Mr. PENROSE. Oh, I have been unable to discover a trace of them.

I do not know whether that was intended to be humor, but I think it of sufficient importance, because of the standing of the Senator from Pennsylvania as the Republican leader in the Senate, to call attention to the 14 points and to the fact that they are provided for in the treaty with Germany and the other treaties which have been made.

The first point is:

> Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.

That is covered by article 18, which reads:

> Every treaty or international engagement entered into hereafter by any members of the league shall be forthwith registered with the secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Articles 19 and 20 relate to similar matters, which I shall ask permission to insert without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

> ARTICLE 19.
>
> The assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.
>
> ARTICLE 20.
>
> The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.
>
> In case any member of the league shall, before becoming a member of the league, have undertaken any obligations inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

Mr. OWEN. Point No. 2, in regard to navigation of the seas, was deliberately left open to future interpretation because of the controversies which related to it in Secretary Lansing's letter of November 5, 1918, and under the league covenant this question can be adjusted.

Point No. 3 is as follows:

> The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

That is covered by article 23, (e), as follows:

> Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the league.

Point No. 4 is as follows:

> Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

That will be found covered by article 8, to which I call attention, to wit:

> The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

I will ask leave to insert the remainder of the article without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

> The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.
>
> Such plans shall be subject to reconsideration and revision at least every ten years.
>
> After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.
>
> The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the league which are not able to manufacture the munitions and implements of war necessary for their safety.
>
> The members of the league undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

Mr. OWEN. Point No. 5 relates to a "free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interest of the populations concerned must have equal weight," and so forth.

That was provided for by mandatories under article 22, which I will ask leave to insert without reading.

The PRESIDENT pro tempore. Without objection it is so ordered.

The matter referred to is as follows:

> ARTICLE 22.
>
> To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this covenant.
>
> The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the league.
>
> The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.
>
> Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

There are territories, such as Southwest Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate the mandatory shall render to the council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

A permanent commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the council on all matters relating to the observance of the mandates.

Mr. OWEN. The evacuation of Russian territory is the sixth point. That has been demanded by the Entente Allies and conceded by Germany and its allies.

Point No. 7 is as follows:

Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

That has been provided for, as everybody knows, and reparations are being paid now.

Point No. 8 is as follows:

All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

That has been covered fully, and nobody disputes it.

Point No. 9 is as follows:

A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

That has been accomplished substantially, although under great difficulty and with some friction and criticism.

Point No. 10 is as follows:

The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

That has been abundantly provided for, and the people of Bohemia, Hungary, and Austria are now in position to carry out this principle.

Point No. 11 is as follows:

Roumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

That has been carried out by the armistice and by the treaty, as far as at present humanly possible.

Point No. 12 is as follows:

The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

No man has any doubt that the treaty with Turkey will provide for carrying out this principle.

Point No. 13 is as follows:

An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

That has been provided for, as far as presently practicable. But as far as the covenant has provided, article 10 provides for a guarantee by international covenant of the territorial integrity and political independence of Poland among other member nations.

Point No. 14 is as follows, and I call the attention of the Senate, and particularly the Senator from Pennsylvania, to the fact that this is a serious obligation entered into on the field of battle as a means of obtaining peace, to which I take the liberty of directing his attention.

Mr. PENROSE. I beg the Senator's pardon. My attention was distracted for a moment. May I ask the Senator to repeat the statement he made?

Mr. OWEN. I was calling attention to the comment which the Senator from Pennsylvania made yesterday afternoon, whether in humor or not I really did not fully understand, in which he stated that he could not discover a trace of the 14 points in the treaty and covenant.

Mr. PENROSE. I can not.

Mr. OWEN. Then I have just pointed out to the Senate—and I am sorry the Senator's attention was diverted, because I can not now repeat it—where those 14 points are covered by the treaty and by the covenant. While the Senator was engaged in conversation a moment ago I was calling attention to number 13, about an independent Polish State which "should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant."

To that all the Entente Allies subscribed——

Mr. PENROSE. Nothing has been done to Poland except to insult, neglect, and harass her.

Mr. OWEN. On the contrary, Poland has been given an independent status as a nation; has been given access to the Baltic Sea through Danzig, and is abundantly protected in its territory and independence by the treaty; and the covenant, provided we carry out the tenth article of the covenant, which provides for the political independence and territorial integrity of all member nations, will fully meet this end.

Mr. PENROSE. Did the Senator from Oklahoma notice an official statement from the Polish people, published at length in the New York Times of yesterday, expressing in most emphatic terms their resentment and anger at the way they have been treated?

Mr. OWEN. I did not; but I am now calling attention to what this treaty provides, and I will continue, with the Senator's permission, to do that.

Mr. PENROSE. Danzig has not been given to Poland, and, according to the gossipy reports from Paris, the so-called neck connecting Poland and Danzig was just big enough to be easily wrung. If the Senator would like to have this article read, I shall be glad to read it.

Mr. OWEN. I would be glad to have the Senator read it in his own time.

Mr. PENROSE. That will be entirely satisfactory. It is so absolutely contrary to the cheerful picture which the Senator paints that, while I did not intend to have it read, I feel it incumbent upon me now to take such action when the Senator concludes.

Mr. OWEN. I will give the Senator that opportunity.

Mr. PENROSE. I was not in the Chamber when the Senator began his remarks. I should have been here had I known he was going to take the floor on these points. I do not know what the Senator said about open covenants——

Mr. OWEN. I called attention in that case to the particular provision of the covenant of the league of nations which abundantly covers that point.

Mr. PENROSE. What about the meetings of the big four? Were the meetings of Mr. Wilson and the other three open and public?

Mr. OWEN. That was not within the scope of my discussion, and I prefer not to be diverted to a discussion of the big four at this time.

Mr. PENROSE. I can understand that the secrecy of the big four is a delicate subject.

Mr. OWEN. The Senator may entertain what opinion he pleases about the delicacy of that subject.

Mr. PENROSE. I am glad to be permitted to do so. I entered the Chamber also a little late to learn the explanation of the Senator regarding the freedom of the seas.

Mr. OWEN. I explained that status when the Senator was out of the Chamber.

Mr. PENROSE. As I was not here at the time, can the Senator enlighten me now in a few words?

Mr. OWEN. I shall be glad to do so. The letter of Secretary Lansing at that time stated that there were so many different interpretations as to what "freedom of the seas" meant that the Entente Allies preferred to leave that for further discussion and did not commit themselves on the point.

Mr. PENROSE. There was nearly as much doubt as that created by the wide range of development between being too proud to fight and peace without victory and going to Paris and eating them up.

Mr. OWEN. I do not care to divert this matter into personal comment and partisan criticism of the President of the United States.

Article 14 of the 14 points—and I call the Senator's special attention to it—provides that—

A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

There was a declaration of principle by the President of the United States in which the Senate acquiesced.

Mr. REED. Mr. President, I do not want to interrupt the Senator——

Mr. OWEN. I would prefer that the Senator would not interrupt me.

Mr. REED. But I would like to ask the Senator one question. By what official act did the Senate acquiesce?

Mr. OWEN. The acquiescence was by persistent and continued silence when this declaration was made to the world and was acted on by the Entente Allies and was accepted by them and was set forth in the letter of the Secretary of State to the German authorities, through the Swiss minister, on the 5th of November, 1918, as follows:

SIR: I have the honor to request you to transmit the following communication to the German Government—

At a time when we desired them to lay down their arms we put the conditions upon the people by which they did lay down their arms. If ever there was a contract between nations, it was the contract of November 5, 1918.

Mr. REED. Mr. President——

Mr. OWEN. If the Senator please, I prefer not to be interrupted.

Mr. REED. Very well.

Mr. OWEN. I continue the reading:

In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such armistice as would fully protect the interests of the peoples involved and insure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.

The President is now in receipt of a memorandum of observations by the allied Governments on this correspondence, which is as follows:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

So that the Entente Allies and the United States made an agreement with Germany involving these 14 points, all of which are covered in the treaty and in the covenant.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. For a question only.

Mr. NORRIS. Does the Senator think that the contract so entered into at that time by all the nations was or ought to have been binding on all of them?

Mr. OWEN. I do.

Mr. NORRIS. I agree with the Senator. Then let me ask him this question: If that were true, did it not set aside any prior agreements that would conflict with it?

Mr. OWEN. I think so.

Mr. NORRIS. And if that be true, would it not then set aside the secret treaties that as a matter of fact were given full effect at the peace conference?

Mr. OWEN. To the extent they were in conflict, I think so. There is no difference about a reasonable interpretation of what this contract is, but I am calling attention to the fact that the United States and France and Great Britain and Italy and Japan agreed at that time in order to induce Germany to lay down her arms. We bought our peace by these promises. The promises became obligations of the first magnitude.

Mr. NORRIS. That is right. Will the Senator——

Mr. OWEN. I do not want to be interrupted further, if the Senator please, because I do not want to be diverted from the points I am making. I am making the point that we entered into a contract on the 5th of November, 1918; that Great Britain entered into a contract on that day; that Italy, France, and Japan entered into an agreement on that date to make a treaty of a general association of nations to provide specific covenants for the purpose of affording mutual guaranty of political independence and territorial integrity to great and small nations alike.

Mr. PENROSE. Who made the contract for the United States?

Mr. OWEN. The contract was made through the Executive department.

Mr. PENROSE. What right has the Executive department to make any contract binding the United States?

Mr. OWEN. The President of the United States in declaring these principles declared them to Congress itself in a message January 8, 1918, in the face of the Congress, with the Senator from Pennsylvania and every other Senator in his seat listening to these proposals and these principles, and not a word of protest did the Senator from Pennsylvania or any other Senator utter against the declaration of principles upon which we made this contract. He was announcing what the United States stood for and the conditions on which peace might be concluded. Congress accepted these principles and the world proclaimed them.

Mr. PENROSE. That is not a grant of authority. The President has no more authority to bind the United States than I have, and far be it from me to convey the impression that I concur in every proposition advanced in the Senate against which I do not rise and protest.

Mr. OWEN. Mr. President, the Senator did not discover a trace of the 14 points in the treaty which was made, and I am calling his attention to the fact that they loom very large in the treaty.

Mr. PENROSE. By omission.

Mr. OWEN. Well, the Senator can indulge in wit, but I am dealing with this matter seriously.

Mr. PENROSE. So am I.

Mr. OWEN. Oh, no; I hardly think the Senator is serious.

Mr. PENROSE. As an American I feel humiliated and outraged at the conduct of the Executive of the United States in this instance——

Mr. OWEN. This is denunciation, not argument.

Mr. PENROSE. Going to Paris without authority, obsessed with an egotistical idea about a peace covenant which no one wanted or cared about.

Mr. OWEN. That is denunciation, not argument.

Mr. PENROSE. It is both.

Mr. OWEN. It is valid as neither.

The 14 points set up a declaration of principles, to which France and Great Britain and Italy and Japan agreed.

This fourteenth point, which I emphasize again, is this:

A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

When you destroy article 10 you do not carry out that principle agreed on by all the Entente Allies with each other and with Germany as a condition on which peace was bought on the battle field.

Mr. NORRIS obtained the floor.

Mr. PENROSE. Will the Senator from Nebraska permit me to say a word, as the Senator from Oklahoma [Mr. OWEN] referred to me in his remarks?

Mr. NORRIS. So far as I can without losing the floor, I will yield to the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. PENROSE. I think it would be interesting for the Senate to hear—it is not very long——

Mr. SHERMAN. Will the Senator from Pennsylvania, before he replies to the Senator from Oklahoma, permit me to make a request for unanimous consent in connection with the consideration of a bill?

Mr. PENROSE. I think I will sit down, Mr. President, and take an opportunity to speak when I have the floor in my own right.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. NORRIS] has yielded to the Senator from Pennsylvania.

Mr. NORRIS. I have the floor, but I yield to the Senator from Illinois to introduce his bill.

Mr. SHERMAN. It is not for the purpose of introducing a bill that I desire the floor, but it is for the purpose of asking unanimous consent that at 8 o'clock to-night the Senate meet to consider House bill 9821, which is known as the Metropolitan police bill, and to consider no other business at that time.

Mr. NORRIS. If I can yield without losing the floor, I yield to the Senator for that purpose.

Mr. SHERMAN. That is my purpose.

Mr. NORRIS. Very well.

Mr. SHERMAN. I ask a moment to make a statement along with the request for unanimous consent.

The PRESIDENT pro tempore. The Senator from Illinois presents a request for a unanimous-consent agreement, which the Secretary will state.

The SECRETARY. Mr. SHERMAN asks unanimous consent that the Senate meet at 8 o'clock this evening for the express purpose of considering the District of Columbia police bill, so called, and to transact no other business at that session.

The PRESIDENT pro tempore. Is there objection?

Mr. LENROOT. Mr. President, I wish the Senator from Illinois would make his request upon condition that the Senate is not in session at that time in the consideration of the peace treaty.

Mr. SHERMAN. I have no objection to that change.

Mr. KING. I object to the request for unanimous consent.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. SHERMAN. The Senator from Utah objects. I wish to fix the responsibility and no longer have it carried by the District Committee of the Senate. The bill involves a matter of the very gravest concern. The police of Washington have withdrawn from their affiliation with the American Federation of Labor. They have come before the District Committee and have, I think, made a remarkably good impression upon the committee. They constitute a body of men numbering nearly 1,000; winter is approaching, and some of them with five children are living on $90 a month, or are attempting to do so. I think the responsibility for the failure to pass the bill after it has come here from the other House ought no longer to be carried by the District Committee of the Senate. Senators who wish to object to the consideration of the bill can do so, and I can relieve myself and my colleagues on the committee on both sides of the Chamber from that responsibility; but in fairness this bill ought to be considered.

Mr. HENDERSON. Will the Senator from Nebraska yield to me for just a moment?

Mr. NORRIS. I yield to the Senator.

Mr. HENDERSON. I am greatly interested in the bill referred to by the Senator from Illinois [Mr. SHERMAN]. I believe what the Senator from Illinois says is true, that we should have early action on the matter. We have been working on the treaty until 5.20 to 6 o'clock in the afternoon, and I should like to see the Senator from Illinois at half past 5 o'clock this evening renew his motion for the consideration of the bill. It might then be considered between the hours of 6 and 8 o'clock this evening.

Mr. LODGE. Mr. President, if I may make a suggestion, when the hour comes at which we usually recess the Senator from Illinois can move that the Senate recess until 8 o'clock for the purpose of considering the bill named by him at that hour. That ought to be done. The bill ought to be disposed of.

Mr. KING. Will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. I wish to make a suggestion to the Senator from Illinois, that an arrangement be made whereby we meet to-morrow morning at 10 o'clock for the purpose of considering the bill. That was the point that I had in view.

Mr. SHERMAN. I have no objection to the hour, whether it be in the evening or forenoon.

Mr. KING. I thought probably we should be in session until 7 o'clock this evening in the consideration of the pending treaty, and I preferred to meet to-morrow morning.

Mr. KNOX. May I make an inquiry of the Senator from Illinois?

Mr. SHERMAN. Yes, sir.

Mr. KNOX. Is the bill likely to provoke any considerable debate?

Mr. SHERMAN. It is likely that it will. I understand that several Senators are opposed to it as a general proposition.

Mr. KNOX. Then, the consideration of the bill will take some time.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Illinois, and the Senator from Nebraska [Mr. NORRIS] is recognized.

Mr. NORRIS. Mr. President, I wish to say merely a word in reply to the Senator from Oklahoma [Mr. OWEN] about the contract which he says the conference entered into when they began the negotiation of the treaty and, in fact, when the armistice was agreed to. I called attention to that contract previously in the Senate and placed in the RECORD what I believe constituted a binding contract between the nations; a contract that was the basis of the armistice; the contract under which hostilities were suspended. I agree with the Senator from Oklahoma that a contract was made, at least, so far as the President could make such a contract that would bind him in the peace negotiations, and a contract that superseded every other contract or treaty between any of the nations which would be in conflict with it. If that be true, if we start with that hypothesis, Mr. President, then it is my contention, and I do not believe it can be successfully disputed, that the peace treaty is a violation of practically all of the terms of that contract.

The first of the 14 points proclaims the idea of "open covenants openly arrived at," but the first thing that was done at the peace conference was to close the doors air-tight. Nobody was allowed, particularly in America, to ascertain what happened within. When this complete work was given to the world it was discovered that, in effect, it simply provided for giving legal operation and effect to all of the secret treaties that had been made prior to the armistice.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. I yield to the Senator from Pennsylvania.

Mr. KNOX. Did the Senator from Nebraska notice in yesterday's publications that Clemenceau's principal secretary in a public speech in Bordeaux had stated that the reason the sessions were held in secret was because the President of the United States insisted upon it as against his own judgment?

Mr. NORRIS. Yes; I regret to say that is true. Our own President himself violated at the first opportunity one of the most important provisions of the international agreement; and not only that, but we got from Europe a great deal of information which the President refused to give us here. But, Mr. President, it is known now all over the world that the secret treaties between England, France, and Japan by which Shantung was turned over to Japan were in absolute violation of the 14 points and of that proclamation, and hence of the agreement under which hostilities were suspended and the armistice entered into.

Mr. WATSON. And of the self-determination of peoples.

Mr. NORRIS. Yes; they were an absolute violation of that portion of the 14 points that provides for self-determination. The treaty gives life to every secret treaty made by the nations during the war, and in every instance it is a violation of that contract made by all the nations by which the armistice was brought about.

Mr. President, I intended when I took the floor to say something in reference to the pending question. Yesterday a great deal of time was devoted—it almost seemed like a filibuster to me—by the friends of the treaty in offering motions the good faith of which has been openly questioned and not denied. My colleague, the leader in favor of the ratification of the treaty without amendment or reservation, waxed warm in showing how article 10 protected the little nations, the new nations which had been born and which were established by the peace treaty. Mr. President, that is the talking point; that is a good thing to talk about; but the real reason for article 10 is not in reference to the little nations, the new nations that were born by this treaty and brought into existence. Personally I believe article 10 ought to be stricken from the league covenant portion of the treaty, and I am going to vote for every motion that tends in that direction to take away its power and its influence.

It was not to help Czechoslovakia and Jugo-Slavia and the other small nationalities that article 10 was incorporated in the treaty. The real object, the prime object, of article 10 is to maintain the world supremacy of the British Empire, and the next object is to maintain the Japanese Empire with all the territory that she acquired and which she will acquire by virture of the treaty. Article 10 is the article that requires the Government of the United States to underwrite the boundaries of a new world that were made in secret treaties during the war between the various nations of the world. All of such secret treaties were in direct violation of the agreement entered into by all the nations on both sides of the war, including our own, by virtue of which the armistice was brought about and the war ended. Article 10 was not put into the league covenant in order to help the weak nations. It is there to stifle the cry of freedom from Ireland; it is there to keep in subjection the 400,000,000 of people in India; article 10 is there to compel Egypt to remain as a part of the British Empire; article 10 is in the treaty in order to nail down the coffin of Korea and hold Shantung in subjection to Japan, and we are the guarantors of it all. By its terms we are bound to turn a deaf ear to the struggling cry of freedom, no matter from what part of the world it may

come, and we mortgage thereby the lifeblood of unborn American boys to stifle this cry and uphold the cruel aristocratic reign of greedy kings and pagan monarchs the world over.

Mr. SHERMAN. Mr. President, before the Senator takes his seat, may I ask him if he has considered in connection with his remarks a statement recently made by the adviser of the British treasury that Europe, not including Great Britain—he enumerates other nations—will require within the next 12 months $8,000,000,000 of credit, which he invites us under article 10 and other articles to underwrite? With wealth double that of Great Britain and five or six times that of others of the principal nations, in that underwriting of a financial character, in addition to that of a governmental character referred to by the Senator, the United States, as the one great solvent nation in this concern, in which we apparently have bought an interest if we ratify the league, will undertake to carry the great burden of an $8,000,000,000 credit to rehabilitate industrial Europe as referred to in the interview by the treasury adviser of the British Empire.

Mr. NORRIS. Mr. President, I have not tried to exhaust the reasons for article 10 as it applies more particularly to Great Britain and the other great nations of the world. I have not mentioned the financial aspect of it; but the Senator from Illinois in his question calls my attention to it; the interview to which he alludes refers to it. I have not said anything about Persia to-day; but, Mr. President, we are loaning money to Great Britain at 4½ per cent. She has taken over Persia, and is loaning it to Persia at 7 per cent. The Persian people are going to bear the burden of a great portion of the money that we loan in order that the Government to which we loan it may make a profit out of it financially. We are going to bear the burdens of the financial world as well as those I have mentioned.

Mr. LENROOT. Mr. President, I am sure every Senator was astounded at the claim made by the Senator from Oklahoma [Mr. OWEN] that the 14 points have been complied with in this treaty. I did not suppose there was a single Senator upon either side of the aisle who would make that claim. Practically all of the speeches on the other side of the aisle relating to this subject have been apologies for the violation of several of these 14 points; and it remains for the Senator from Oklahoma for the first time to make the claim that the 14 points are found in this treaty, when the Senator from Oklahoma must have known, as every intelligent man, woman, and child in the United States must know, that there are many of these 14 points that have been most flagrantly violated; and that is especially true of the first one, with reference to "open covenants openly arrived at," when we are now told by Premier Clemenceau that it was the author of that point who himself insisted upon its violation.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. Yes.

Mr. WALSH of Montana. I am disposed to share the view expressed by the Senator from Wisconsin that the 14 points are not as much in evidence in the treaty as they ought to be, or at least not as much as I should like to see them there; but I will ask the Senator if he does not think that fact is due, to no little extent, to the fact that the President of the United States, who promulgated them, did not receive in his own country the support that he might reasonably expect?

Mr. LENROOT. I will say, in reply to that, that the President received support by acquiesence in all of these 14 points at a time when there were many of us who, if we had felt free to do so, would have criticized some features of the 14 points; and yet Senators now say that because we were silent at that time, if they had been in this treaty in full, we ought to refrain from even criticizing any of them.

Mr. President, it is well known that while the great majority did agree with the principles of most of these 14 points—and I was one of them—at that time, in the interest of this country, in the interest of carrying on the war, it would have been most unfortunate if we had had a division in this country at that time and a controversy over what was to follow the winning of the war, as to what should happen, as to determining at that time all of the principles that should govern in the making of the peace.

Mr. NORRIS and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Nebraska.

Mr. NORRIS. May I not also suggest to the Senator from Wisconsin that the President issued the proclamation of the 14 points, and the President, the same man, made the treaty on behalf of the United States, so that whatever estoppel or whatever objection may come to Congress it certainly can not apply to him, because it is the same man who gave utterance to the 14 points who made the treaty?

Mr. LENROOT. I was just going to come to that and say, Mr. President, that so far as the first point is concerned the Senator from Montana can not claim that the President failed to receive support in the Senate of the United States for that point. Indeed, Senators on this side of the aisle at all times indorsed that point, and the President himself was the one who insisted upon its violation.

Mr. WALSH of Montana. Mr. President, is it not a fact that while the President was struggling at Paris to get recognition of the 14 points in the treaty, they were made the subject of constant derision upon the Republican side of this Chamber?

Mr. LENROOT. I do not know that that is true.

Mr. WALSH of Montana. I will assert it is a fact.

Mr. SHERMAN and Mr. REED addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I want to inquire if the Senator from Wisconsin, upon considering all of the remarks of the Senator from Oklahoma on the 14 points, got the same impression that I did—not that he was insisting that they were vital and possessed virility in this discussion, but that he was resurrecting the dead and attempting to galvanize them into a semblance of life? They made that impression on me.

Mr. LENROOT. Of course the point that the Senator from Oklahoma endeavored to make—and that is why I am speaking upon it at all—is that because the last of the 14 points embodied the principle contained in article 10, a contract was made, and we are bound by it; and the point I want to make is that we are not bound by that article, especially when it is shown that the other points were clearly violated in this treaty, and the President himself was a party to their violation.

The next point is freedom of the seas. Can any Senator find with a microscope anything in this treaty fulfilling that declaration of the freedom of the seas? Is it not admitted by everyone that it was deliberately abandoned by the President of the United States, and that he never made even an attempt to secure in this treaty anything with reference to that point?

So with disarmament. The fourth point reads that adequate guaranties shall be given and taken for disarmament. There is no guaranty of any kind in this treaty for that, except in the case of Germany and the other countries who are not members of the league.

And so I might go on. I have on a previous occasion analyzed these 14 points; and with the utmost generosity in favor of the construction that the points have been complied with so far as possible, we find that 4 of them have been deliberately violated in this treaty; we find that only 6 of them, by the utmost stretch of the imagination, can be said to have been complied with; and we find that 4 of them are not mentioned at all in the treaty, because they relate to the boundaries of Italy, Czechoslovakia, and other countries with which this treaty has nothing to do.

Mr. PHELAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LENROOT. I yield.

Mr. PHELAN. There seems to be much solicitude about the 14 points. I myself have been very much concerned; and I should like to ask the Senator from Wisconsin, in view of the circumstances, whether he would support a reservation of this kind, which I have just drafted, and which I will submit and ask that it lie on the table:

> Inasmuch as the 14 points, so called, as declared by the President of the United States, were accepted as the basis of peace by all of the chief belligerent nations, the sole reservation being the interpretation on the part of Great Britain of the clause relating to the freedom of the seas, the United States reserves the right to interpret the covenant of the league and the treaty of peace in harmony with the principles laid down by the said 14 points, and does not consider itself bound to any line of conduct, military or financial, in conflict therewith.

I should like to ask the Senator if he would favor a reservation of that character?

Mr. LENROOT. I should want to give that matter some consideration, Mr. President; but I must confess that I am amazed at its being offered by the Senator from California.

Mr. PHELAN. I do not know why the Senator should be amazed.

Mr. LENROOT. Because I had understood that the Senator from California was for this treaty. Is the Senator in favor of this reservation?

Mr. PHELAN. I am in favor of interpreting the treaty and the covenant in the light of the principles embodied in the 14 points, and I am setting up a torch here by which they may be read.

Mr. LENROOT. I could quite agree with the Senator upon that; but, as I understood his reading of the reservation, it goes much further, and provides that the United States shall decline to be bound by anything in the treaty that is inconsistent with the 14 points. Is that the Senator's position?

Mr. PHELAN. That is my position.

Mr. LENROOT. If it is, I must say to the Senator that I am surprised at his having voted against the reservations that have heretofore been proposed and adopted.

Mr. PHELAN. If the Senator will specify any particular provision that he considers not in harmony with these principles——

Mr. LENROOT. The one that is now pending is certainly of that character, because article 10 provides that we guarantee the territorial integrity and political independence of nations whose boundaries are fixed and whose rights are fixed in the clearest violation of the 14 points. Then I am glad to know that the Senator intends to vote for this reservation to article 10.

Mr. PHELAN. I stated the other day, in the course of an address, at a time when the dismemberment of China was being discussed, and much solicitude was expressed for that country, that doubtless one of the purposes of article 10 was to prevent Japanese aggression in Asia. Now, there is an instance where article 10 will save the weaker nations and the smaller nations from the aggression of the greater nations; and in that campaign, which possibly might occur by reason of aggression, all the nations will be united. I do not anticipate under article 10 that all the nations will ever bind themselves together in actual warfare, because the mere knowledge that they are ready to act in harmony will prevent war, and article 10 in that light will be one of the principal weapons in the covenant by which war may be prevented. I do not have any great apprehensions about any evil influence growing out of article 10 on that account.

Mr. LENROOT. Let me see if I understand the Senator's position. I gather from him that he is in favor of article 10 as it stands; and article 10 as it stands will protect Japan's possession of Shantung, which is in clear violation of the 14 points. Now, the Senator, if I understand him, in a reservation that he proposes, would relieve the United States from that; but when we come to article 10 he insists that he proposes to vote for this article, which will compel the United States to protect Japan in its possession of Shantung and, if China shall attempt to secure Shantung for herself, that he will fight, not upon the side of China but upon the side of Japan.

Mr. PHELAN. I do not know that the Shantung case should be discussed here again. The Shantung case consists simply in a lease transferred to Japan by reason of her conquest of Shantung, which was at that time, so far as the lease is concerned, a German possession, and had been so for 21 years. I suppose Japan could invoke the aid of the league under article 10 for the protection of her rights, so acquired and so conceded to her by an exchange of notes between her and France and Great Britain and Italy, and even Russia. I think Japan is perfectly secure in her possession of those rights, and I think, furthermore, that she will comply with the request of the President and keep her own promise that she will return them in her own way, reserving only certain railroad and port privileges, so that there will be no parting of sovereignty. China doubtless will recover her sovereignty of that peninsula.

However, that is a mere incident in a great war; and, for my part, I prefer to keep Japan on that side of the water rather than on this side; and if an indulgence of this kind would lead her to exploit Asia rather than America, if it must be a choice between the two, I would rather give her a field in Asia.

Mr. LENROOT. In other words, I gather that the Senator's position is, then, that by a general reservation he would relieve the United States from any obligation imposed in the treaty that is in violation of the 14 points, but when it comes to a case of a specific violation he is willing to indorse the violation.

Mr. PHELAN. Mr. President, the Senator, I think, puts me in a false position, because I have sought to explain that the Shantung case is not in point, because Shantung has been already acquired by Japan, and it has been removed from the field of discussion by reason of the fact that all of the great powers except the United States have accepted the situation.

Mr. LENROOT. So have they accepted all the other provisions of the treaty that the Senator now, by reservation, asks to be relieved from.

Mr. PHELAN. No; I do not follow the Senator. The United States, maintaining the political independence of countries now existing, and their territorial integrity, finds that Shantung has actually been taken from China in this war by an act of war, which is confirmed by treaties with all the other belligerent powers except the United States.

Mr. LENROOT. Ah, but if the 14 points are inviolate, were not all of those prior treaties abrogated by the acceptance of the 14 points?

Mr. PHELAN. That is a question which I am not ready to answer. They were not, however, abrogated in terms.

Mr. LENROOT. Let me, then, ask the Senator another question. The fifth of the 14 points reads:

> A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

Now, the Senator says that Japan having gained Shantung by conquest, it is all right, although the fifth point denounces any such acquisition.

Mr. PHELAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LENROOT. I do.

Mr. PHELAN. I think from the liberal principles expressed by the Senator, and his doubtless sincere desire to reconstruct the world on the principles of the 14 points, he can not object to my reservation. It is quite immaterial, so far as the discussion is concerned, how, in one instance or another, the 14 points, if enforced, would change the constitution of the league or the terms of the treaty. My only desire in offering this reservation is to give those who will finally interpret the league and the treaty a light by which to read it, that it shall set up these principles to which we are all devoted, and endeavor to have those men who will ultimately interpret the treaty interpret it on the lines which we so ardently desire.

Mr. LENROOT. Mr. President, I very much hope that the Senator will introduce such a reservation, because it will certainly help to clarify the Senator's position, at least as to the extent to which he is willing to modify the obligations of this treaty. But, Mr. President, I want to suggest to the Senator from California that with his reservation in the phraseology in which he presents it, we are relieved of all obligations in violation of the 14 points, and the very first of the 14 points consists of the promise that these shall be open covenants openly arrived at. It is admitted that this whole treaty was made in secret. There were no open covenants. They were not openly arrived at; and, as I understand the Senator's reservation, if it would relieve us of any obligation under this treaty that was not in accord with the 14 points, it would relieve us of every obligation under the treaty.

But, Mr. President, I rose to make this point: The Senator from Oklahoma [Mr. OWEN] attempted to establish that here was a contractual relation growing out of the acceptance of the 14 points, and therefore we are morally bound to accept the provisions of article 11. But it became necessary for him, in order to sustain that position, to attempt to show that the 14 points had been complied with, and the moment that it is shown that any of them had been violated then the obligation, if any there was, upon the United States to accept the provisions of the 14 points was absolutely done away with and avoided. No one can contend that the parties to a contract may violate all the provisions against them and then hold the other party to the contract to a provision that may be in their favor. Nothing could be more elementary. Conceding to the fullest extent the initial obligation under the 14 points, there is no obligation upon the United States in this treaty to accept a single one of them, and that is particularly true with reference to article 10, when the other parts of the points of President Wilson have been so flagrantly violated, and the violation of one of them insisted upon by himself.

Mr. SMITH of Georgia. Mr. President, I was very much interested in the debate the latter part of yesterday afternoon, and especially in the views expressed by the senior Senator from Nebraska [Mr. HITCHCOCK], from which, however, I differ. The distinguished Senator from Nebraska expressed the opinion that this reservation is a "direct and offensive repudiation" of a statement in the covenant of the league; that it is a "direct and obnoxious" repudiation of the spirit of the league. Mr. President, I hope it is a direct repudiation of part of article 10, for a part of article 10 is very obnoxious. Anything less than a repudiation of a part of article 10 does not leave this treaty where it ought to be ratified. And if article 10 is to be retained unchanged or the treaty not ratified, then I do not think the treaty will be ratified.

Now, let us see just what article 10 does. True, it has been frequently read to the Senate, but I wish it read and reread,

until the first part of it sinks into the minds of the people of this country, so that they will appreciate the necessity of a reservation which cuts out part of article 10.

I do not understand the reservation to be a mere construction or interpretation. With me it means more than an interpretation. It means the removal of a portion of article 10 to which I object.

It provides:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

Let us see just what this means.

"The members of the league undertake"—that is to say, the United States undertakes——

Mr. HITCHCOCK. Oh, no.

Mr. SMITH of Georgia. Yes; the United States. When you say "the members of the league," it means the United States as one of them undertakes.

Mr. HITCHCOCK. But, Mr. President, that is just exactly what we object to. You assume that the United States has the whole burden. It means the United States, Great Britain, Italy, France, and all the other members of the league.

Mr. SMITH of Georgia. I do not assume that the United States has the whole burden, but I do assume that the United States as one of the members of the league undertakes, and if the others fall down we must carry out the obligation.

Mr. HITCHCOCK. It is a joint and several obligation.

Mr. SMITH of Georgia. It is a several as well as a joint obligation, and when we say the members undertake, the United States, if it becomes a member with that language in the covenant, undertakes—undertakes to do what? "To respect." I am perfectly satisfied with that part of it. I wish to respect the territorial boundaries and existing political independence of all the members of the league. I do not wish to see my country seeking to acquire the territory of other countries or breaking down their governments. But this is what I object to: We undertake to preserve, that is to say, to protect against "external aggression, the territorial integrity and existing political independence of all members of the league." The United States undertakes to protect the territorial integrity and political independence of each member of the league against external aggression.

That is not all, however. That is the definite obligation. But there is more that helps us to understand how we will protect it, helps us to understand how quickly we may act. The article proceeds:

In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

That is to say, we first assume a new obligation, not our old obligation, to Poland, to the Jugo-Slavs, and to the Czecho-Slovaks, growing out of the war; but now we are to assume a new obligation to every member of this league.

Mr. BRANDEGEE. Mr. President—

Mr. SMITH of Georgia. Not alone to protect it.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I yield.

Mr. BRANDEGEE. I wanted to suggest to the Senator that in my opinion he states the case perfectly correct; but I think the idea has not been sufficiently dwelt upon, that the undertaking to protect and preserve is not simply that we contract that we will do whatever is necessary to help the country whom we are trying to protect to protect itself, but that we guarantee the results. We undertake to successfully preserve it.

Mr. SMITH of Georgia. Absolutely. You can not protect unless you do protect. We are to prevent any interference with the territory of members of the league through external aggression. It does not have to be all external aggression. If external aggression is a part of it, we must protect it. We must protect it and preserve it. Now, I will follow out the obligation and see how great it is.

Mr. OWEN rose.

Mr. SMITH of Georgia. Does the Senator wish to ask me a question?

Mr. OWEN. I wanted to ask why the Senator insisted that this was a new obligation? Does he ignore the fourteenth point?

Mr. SMITH of Georgia. I do not consider that the 14 points place an obligation upon the United States of any kind, and I do not consider that they have been carried out.

Mr. OWEN. Does the Senator think that asking Germany to lay down her arms on the basis of those points imposed no obligation?

Mr. SMITH of Georgia. If it created an obligation, it created an obligation to Germany to give her the treatment promised by those 14 points. I do not desire to discuss that, because that is not the question now involved, and I do not understand that even the fourteenth provision went to the length to which this article goes.

Mr. LENROOT. May I suggest to the Senator that it created no obligation unless all the obligations were complied with.

Mr. SMITH of Georgia. Unquestionably that is true. If they created an obligation to protect against external aggression the countries of the world, they obligated us to protect them only when each country, and each part of each country, was governed according to the wishes of the inhabitants of that country. Take Egypt, for example. It would be a guaranty on our part to protect the citizens of Egypt only when they were exercising the privilege of self-determination.

Under the 14 points it would be an obligation to protect the Chinamen of Shantung against external aggression by the Japanese. It would be an obligation to see that Koreans were set free, and that we would then protect them in their freedom against external aggression.

These countries have been denied the privilege of self-determination; they have been left subject nations, and now article 10 obligates members of the league to do just what the 14 points of President Wilson provided should not be done.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I yield.

Mr. BRANDEGEE. I want to make a suggestion to the Senator to show how individually and particularly binding this obligation is upon each and every member of the league, of which we are to be the most important. Will the Senator look at article 11? Any war or threat of war is not a matter of concern to the members of the league, but to the whole league. But here it is each individual member who makes these obligations jointly and severally.

Mr. SMITH of Georgia. Undoubtedly the language differs. In article 11 it is the league as a whole. In article 10 it is the members of the league, thereby binding them individually.

There can be no question that the correct construction of section 10 makes it a joint and several obligation, and we can read it, "The United States, aided by the others to the extent that they see fit to aid, but nevertheless the United States, undertakes to protect against external aggression."

Where does it carry us? Something over a hundred years ago France helped thirteen Colonies win their independence. If the nations of the world had been members of the league then, the balance of the members would have been called upon to come to this country and help England keep the Colonies subject.

Let us see how far it goes. This is not a proposition that we will carry out existing obligations to the Jugo-Slavs or the Poles. The Senator from Nebraska [Mr. HITCHCOCK] appeals in their behalf.

We have no actual obligation to the Jugo-Slavs, but I might be perfectly willing, with England, France, and Italy, to assume for a limited time an obligation to them. I object to the proposed treaty with reference to France because Italy is left out. Italy was one of the four great nations, including ourselves, that helped to whip the Germans. I would be glad to see the nations which whipped Germany make arrangements for a limited length of time to protect Poland and Jugo-Slavia or the Czecho-Slovaks if they will behave reasonably well and give an opportunity to do so.

But that is not article 10. Article 10 obligates us to protect the present territorial boundaries of every one of the 32 nations members of the league as well as all that join it hereafter. There can not be a war that may arise in the future into which this article will not carry us.

We start with about one-half of the world outside of the league. A war between any member of the league and an outside country would call us into the broil. It might force the balance of the world into a league against this league. But in every case practically in which there is a war hereafter we obligate ourselves to take part without knowing what it will be, without having a chance to consider it, without the opportunity to pass freely upon the question when it arises of whether we ought to enter war. The moral obligation to enter all wars should be cut out of article 10, or the treaty ought to be defeated.

Let us go a little further and see where this takes us. Take the case of India. There are over 300,000,000 people in India. There are people of the same nationality outside of India. Sup-

pose they combine with the people of India and undertake to throw off the English control of India. This would be a case of external aggression. We must send our troops there to maintain the present government if external aid contributes in any way to the uprising.

Take the case of Egypt. There are many Mohammedans in Egypt. Suppose the Mohammedans from the outside—and there are over 70,000,000—should come to the aid of the people of Egypt. There are 13,000,000 population in Egypt. There are 35,000,000 population proper in England. Suppose outsiders should come to the assistance of the Egyptians in an effort to gain their freedom. We obligate ourselves to send our boys there to fight until we defeat them.

I have already referred to Shantung and Korea. If outsiders seek to help drive the Japs out of Korea or Shantung, our boys are obliged to go and fight to stop it.

Let us take the case of France. France has Algeria and Tunis and Indo-China. France has 49,000,000 subject people. If in the onward progress of the world a few years hence we are still in the league and any outside people seek to aid one of these people to shake off French control, we are obliged to help hold them under that control.

I wish my country to respect the territorial integrity of every country, but in the condition of the world it is unreasonable to pledge our boys to maintain the present status.

The Senator from Nebraska [Mr. HITCHCOCK] said that this reservation was offensive, that it was obnoxious. I am not given to using extreme terms. I do not think they really strengthen debate. If I were I might well use his two words and say that the article he defends is offensive and obnoxious. I want to say that no man can defend it before the American people; no man can take a mixed audience in the United States with an opponent only partly his equal and defend placing an obligation upon the United States to send our boys throughout the world to protect and preserve existing territorial boundaries. How many wars will it mean? All of them. How many men will it take? Thousands and thousands of them. I know my friend from Nebraska believes the treaty will end all wars. Well, he has a very hopeful disposition. Three months ago the Senator knew the treaty was going through without a reservation. He is no truer prophet about war than he was about this treaty going through in that way. We must not pledge our boys to the future world wars misled by the hope that wars have ended.

If we turn to the statements of the President, we have the word of the President that the world is to be involved in wars and wars and wars. As late as January 25, 1919, he declared in the Paris conference:

> We are here to see that every people in the world shall choose its own masters and govern its own destinies, not as we wish but as they wish.
>
> We are about to see, in short, that the very foundations of this war are swept away. * * * Those foundations were the holding together of empires of unwilling subjects by the duress of arms. * * *
>
> And nothing less than the emancipation of the world from these things will accomplish peace.

These were noble sentiments, but they have not been accomplished. Have we had an emancipation? We freed a few people from German rule, but over half of the world to-day is under the domination of foreign rule. Little of the world has been emancipated, and by the President's declaration there will be no peace, there can be no hope for peace, but wars and wars are still ahead. Do not let the people of this country be fooled by the supposition that the league of nations stops war. I hope that the concert of nations, using their moral influence, may check war. I hope that wars may be lessened; God grant it; but do not pledge your boys to die in every war that comes, upon the delusion that no more will come.

Some think the league will be so strong no nation or people will dare defy it. Is the league as strong as were the forces against Germany when the war began? The United States will take the place of Russia, and Russia by its proximity seemed as great a menace to Germany as the United States.

The experience of the world shows that the nations even of the league may become involved in wars among themselves. They are now engaged in acts we can not honorably approve. The language of the covenant, filled with uncertain and doubtful provisions, will of itself furnish the causes for wars.

Why, the President, when he received the degree in Paris, declared what kind of a league of nations he wished. He said:

> My conception of a league of nations is just this: That it shall operate as the organized moral force throughout the world, and that whenever or wherever wrong and aggression are planned or contemplated this searching light of conscience will be turned upon them, and men everywhere will ask, What are the purposes you hold in your hearts against the fortunes of the world?

I am for that kind of a league. I am for that kind of an association of nations. I am glad to enter with them to use moral force to save the world, to offer something better than war, to check armament, to check the construction of fleets. But this provision in article 10 which I criticize is not one for moral force. It is the pledge of lead and sabers. It is the pledge of guns, or armies and battleships.

I can not vote to put a moral obligation upon my country to enter the wars of the world. Unless that is stricken out I shall not vote for the treaty. It is all well and good to do voluntary missionary work the world over. It is all well and good for men who wish to do so to go and fight the battles of the balance of the world. But when it is proposed for our country to assume an obligation to draft our boys and send them without their consent into all the wars of the world I shrink from it. I can not agree to place such a burden on them.

Are we willing for our own boys to be sacrificed? I fear it is the willingness to sacrifice somebody else's boy that leads to this kind of a proposition in a treaty? It is the generosity of giving up the life of some other woman's or man's son that gets votes for this kind of a treaty. I undertake to say that you can not assemble a thousand men, called to an open meeting in any community in the United States, and submit to them the question as to whether they wish the moral obligation placed upon the United States to send our boys under article 10 into the wars of the world for an indefinite time, that would not answer, "No." I tried this upon two large audiences in my own State. I first invited the mothers who were willing for their boys to go in under article 10 to indicate it by raising their hands, and not a hand went up. Then I invited the men, with the same result. You can not put article 10 unchanged on the American people. They will not stand it. If you put it on the American people, they will get out of this league at the first opportunity.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. I yield for a question.

Mr. JOHNSON of South Dakota. I merely wish to ask the Senator if under the provisions to which he objects all the other nations of the world who are members of the league are not similarly obligated provided the treaty shall be ratified?

Mr. SMITH of Georgia. Yes; those who are in the league.

Mr. JOHNSON of South Dakota. Then, I desire to follow that question with another, and to ask the Senator if the time might not come when the other great powers of the world might be of great benefit and a protection to the United States?

Mr. SMITH of Georgia. No; never. This is not intended to protect the United States. We do not own colonies all over the world; we have no people in subjugation; we have no territory that needs protection by outside aid. It was not intended to serve the people of the United States but to let them defend the balance of the nations, committing us to do so whether their cause be just or unjust.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. SMITH of Georgia. I yield further to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I merely wish to say to the Senator from Georgia that I concluded his line of argument would indicate the position which he has just stated; but I can not in any way agree with the position which he takes.

Mr. SMITH of Georgia. I regret that the Senator can not; I am sorry he is so wrong.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. SMITH of Georgia. Yes.

Mr. GORE. I will ask the Senator from Georgia if he does not think if Mexico should ever recapture Texas that article 10 would obligate Haiti, Liberia, Hedjaz, and Siam to come here and help us to take it back?

Mr. SMITH of Georgia. We all know it would be a real service to have Hedjaz bring her people over her to defend us.

Of course, nobody supports article 10 for any such object; of course, nobody means that we need protection on our soil. It is needed to make us carry the burdens of the world protecting every other country. I might be willing to help feed them and give them our money; I am not complaining about the financial burden, although it will be very great; but what I am complaining about is sending our boys all over the world to die. That is what I object to. Let the occasion arise, if the situation is such that we are needed again to help protect France, we will answer the call. If we are needed somewhere else to help the weak, if we ought to do it we will do it; but do not undertake to put a moral obligation now that binds every future Congress to furnish our boys to every war, and that settles the question in advance.

The Senator from Nebraska [Mr. HITCHCOCK] said that it was not our place to settle the matter for future Congresses. He misapprehends article 10. He said it was not our duty to determine the question for future Congresses, and yet he is supporting article 10 by which we now decide for the Congresses of the future. All we are asking by the reservation is to prevent article 10 from imposing a moral obligation upon future Congresses.

Now, Mr. President, let us come to the language of the reservation. It is not so strong as I want it; it does not go as far as I desire. I would have been glad for the reservation to have gone to the extent of freeing us from any obligation to use commercial pressure. The reservation that I offered several weeks ago went that far. The economic pressure is still permitted by this reservation. Well, I do not mind that so much; that is a mere financial loss. The thing which I really can not consent to is to pledge the lives of our boys to involuntary sacrifice under the draft, sending them all over the world to die on foreign soil.

Now, let us come to the language of this reservation. It is very mild:

3. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10—

It does not say that we will not act. If the time comes when there is occasion, when Congress feels that we should act, we will act. We simply say we decline to put the moral obligation in advance upon Congress; that we decline to assume a prior obligation; that is all—

or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress * * * shall by act or joint resolution so provide.

There is a clause of the reservation that I left out that does not really affect its meaning, but it is explanatory of what we leave to Congress, and it reads:

Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States.

Quite an argument has been made to show that the President can use the military and naval forces of the United States without waiting for Congress. Of course, he can in many instances, and he is doing it right now. It never was meant by this language to say that he could not. This language refers back to the provisions with reference to the treaty and the treaty obligation to use our soldiers; it is qualified and limited in its meaning to the treaty obligation to use our soldiers, so that they should not be sent abroad unless Congress authorized it. It would be made clearer, perhaps, if we added "for such purposes," but that language is immaterial. The real feature of the proviso is that it declares we shall not assume in advance the obligation of protecting the territorial integrity and political independence of every country which is a member of the league, and of every piece of property held by members of the league. Three of the members of the league are the great holders by control of foreign people. One-half the world nearly is held to-day under domination by Great Britain, by Japan, by France, and by Italy; yet, under article 10, if any external aggression was aiding the people of a particular locality, we would send our troops there to maintain the existing political government.

Now I come to the amendment offered by the Senator from Montana [Mr. WALSH]. He desires to add:

And the United States hereby releases all members of the league from any obligation to it under article 10 and declines to participate in any proceeding by the council authorized thereby.

Of course, that goes far beyond the reservation; that would make the reservation offensive. To vote for that would be almost to vote against the treaty. That is so plain that it can not be misunderstood. Any one who votes that "the United States hereby releases all members of the league from any obligation to it under article 10 and declines to participate in any proceeding by the council authorized thereby" declines to go into a conference, declines to hear their views, declines to use the moral power of the league, or to consider a particular case and determine what should be done.

I am unalterably opposed to a portion of article 10. It ought not to be left in the treaty. I have no idea it will be left in the treaty. I have no idea any treaty will be ratified which commits the United States to the wars of the world. I hope no such treaty will be ratified. I do not desire to discuss the subject further.

Mr. PENROSE. Mr. President, I had hoped to have an opportunity to reply to some statements which were made by the senior Senator from Oklahoma [Mr. OWEN] this morning on the 14 points, but another Senator got the floor, and I postponed what I had to say until later in the day. I do not now intend to take up the time of the Senate with any lengthy statement in reply to the Senator's explanation about the effectiveness and vigorous application of the 14 points, but he did refer among the points to that pertaining to Poland. I happen to have here from the New York Times of yesterday a very remarkable statement signed by some of the leading men of the new Polish Republic, which is most impressive to my mind. I have shown it this morning to several Senators, who have taken an active part in the discussion of the treaty, and they think it not only worthy of being inserted in the RECORD, but that it ought to be read to the Senate. While it will be generally recognized that I am not in the habit of detaining the Senate or of cumbering the RECORD with newspaper clippings, yet this being the official statement emanating from the Polish Republic, only as late as yesterday so far as its publication in America is concerned, I will ask that the Secretary read it.

It seems to me it is an ample answer to the declaration of the Senator from Oklahoma that the pledge to Poland had been generously and successfully carried out. I am not given to sudden enthusiasms, but I really think the statements in this official declaration are worthy of careful consideration. It illustrates beyond anything else how ignorant the Senate is regarding the different situations in Europe, for I think any Senator who takes the trouble to listen to the reading of this document will admit that it contains many remarkable statements which he, perhaps, has not had called to his attention. I ask that the Secretary read the statement.

The PRESIDING OFFICER. There being no objection, the Secretary will read as requested.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	McKellar	Smith, Ga.
Beckham	Harris	McLean	Smith, Md.
Brandegee	Harrison	McNary	Smith, S. C.
Calder	Henderson	New	Smoot
Capper	Hitchcock	Newberry	Spencer
Chamberlain	Johnson, Calif.	Norris	Sterling
Colt	Johnson, S. Dak.	Nugent	Sutherland
Culberson	Jones, N. Mex.	Overman	Thomas
Cummins	Jones, Wash.	Owen	Townsend
Curtis	Kellogg	Page	Trammell
Dial	Kendrick	Penrose	Underwood
Dillingham	Kenyon	Phipps	Wadsworth
Edge	Keyes	Pittman	Walsh, Mass.
Elkins	King	Ransdell	Walsh, Mont.
Fletcher	Kirby	Reed	Williams
France	Knox	Robinson	Wolcott
Frelinghuysen	La Follette	Sheppard	
Gay	Lenroot	Simmons	
Hale	Lodge	Smith, Ariz.	

Mr. JONES of Washington. I desire to announce again, in connection with this roll call, that my colleague, the junior Senator from Washington [Mr. POINDEXTER], is necessarily absent on account of illness. I will allow this notice to stand in connection with other roll calls that may be made during the afternoon.

Mr. REED. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness, being confined to his room.

Mr. UNDERWOOD. I desire to announce that my colleague [Mr. BANKHEAD] is absent on account of sickness, and that he is paired on the votes to-day with the Senator from Washington [Mr. POINDEXTER]. I wish this announcement to stand for the day.

The PRESIDING OFFICER. Seventy-three Senators have answered to their names. There is a quorum present. It has been ordered that the article sent to the desk by the Senator from Pennsylvania [Mr. PENROSE] shall be read.

The Secretary proceeded to read the article. During the reading,

Mr. OWEN. Mr. President, I should like to ask the Senator from Pennsylvania if it would not serve his purpose to have this matter inserted in the RECORD without taking the time to read it?

Mr. PENROSE. It would serve my purpose, Mr. President, if the Senator from Oklahoma will read it.

Mr. OWEN. I shall be delighted to read it.

Mr. PENROSE. I asked to have it read at the request of several Senators, who told me that it was a most impressive document. It is signed officially by some of the leading magnates of the Polish Republic, and it is so absolutely contrary to the glowing statements the Senator from Oklahoma made concerning the treatment of Poland that I thought it pertinent to put it in, and then invite him to reply to it.

Mr. OWEN. The Senator from Oklahoma made no glowing statements about the treatment of Poland, except to point out that the establishment of Poland as a State had been agreed to by the 14 points, and that that had been done. I have no objection to its continuing to be read, if the Senator desires it. I thought it would save some time to have it printed in the RECORD.

Mr. PENROSE. I do not desire it, unless some other Senator wants it read. It is a very remarkable document.

Mr. REED. Let it be read.

Mr. OWEN. It is being read to empty benches.

Mr. PENROSE. The Senator from Missouri asks to have it read.

The Secretary resumed and concluded the reading of the article, as follows:

POLES DENOUNCE TERMS OF TREATY—LEADING MEN OF NEW STATE JOIN IN A PROTEST AGAINST THE PEACE SETTLEMENT—"DIPLOMATS IMPOSED UPON"—THEY MAKE A BITTER ATTACK ON THE UKRAINIANS AND PROTEST AGAINST PROVISIONS FOR JEWS.

"Leading men of the new Polish Republic have united in 'an open letter to the allied nations,' in which they charge that 'the good faith and good will of the allied diplomats have been treacherously imposed upon by false information originating with our worst enemies' in drawing up the terms of the Polish settlement. The list of complaints touches nearly all the geographic and racial features of the Eastern settlement. It is charged that the Poles have received less consideration than the African Negro tribes, while the authors make a bitter attack on their Ukrainian neighbors and protest against the provisions relating to Jewish inhabitants of the country.

"The text of the open letter is given, in part, below:

"'The entire Polish Nation has shared during the whole duration of the war the aspirations of the European and American democracies. Polish volunteers have fought in large numbers on the side of the Allies in France. They fought also, though anonymously, while no one knew they were Poles, in Russia, in the Czecho-Slovak legions.

"'The legions of Gen. Pilsudski, who fought against Russian Czarism, the enemy of the Polish Nation as well as of any democracy, turned against Germany and Austria after the fall of the autocratic régime in Russia. Note their refusal to take the oath of loyalty to Besseler, the imprisonment of Gen. Pilsudski, the battle of Kaniow, Gen. Haller in Russia and France, the imprisonment of the former legionaires in Austria. It is not less essential to remind the world that Poland did not yield to German pressure and that she steadfastly refused to form a national army under the aegis and on the pay roll of the Germans. We did not create such an army solely because we did not want to fight against the Allies.

"'At the present hour, while the World War is being liquidated and the Allies are proceeding to the delimitation of national frontiers, we resent all the more the wrongs that have been committed against us, as, on various occasions, the Polish Nation has been less well treated than other allied nations.

SPECIFIC COMPLAINTS.

"'Contrary to the project which was unanimously accepted by the Cambon commission, composed of representatives of all the allied powers, the city and the district of Danzig, indispensable to the development and to the expansion of Poland, have been taken away from her notwithstanding the city's historical and geographic attachment to the mother country. It is said that this has been done for fear to harm some two hundred and odd thousand Germans who, together with Poles, inhabit the territory of the newly formed Free State. At the same time a territory inhabitated by more than 3,000,000 Germans has been given to Bohemia. Why?

"'The above-mentioned German territories, as well as Hungarian districts inhabited by Slovaks and Ruthenians, have been united with Bohemia without a plebiscite. On the other hand, a plebiscite has been decided upon in districts essentially and historically Polish, inhabited, though partially Germanized, by a genuinely Polish population. These are the districts of Cisztyn, Allenstein, and a part of the Kwidzyn-Marienveder district.

"'More than that: Notwithstanding sanctions and decisions already made public, upon a simple demand of defeated Germany, the victorious Allies are organizing a plebiscite in Upper Silesia, the possession of which is a sine qua non condition of our economic development—in that Upper Silesia of which the population, according to German statistics, consists of 1,250,000 Poles and only 650,000 Germans.

"'The insurrection, that bloody protest of the people of Upper Silesia against Prussian domination, though officially proved, has passed unnoticed. And yet negroes of the African colonies have at the same time been freed from the Prussian yoke without any plebiscite, such a measure having been dictated by purely humanitarian considerations. Have not the Allied powers the same regard for us as they have for African negroes? And if not, why?

"'The Vistula, a great and exclusively Polish river, the tributaries of which irrigate almost half of the territory of the Polish State, has been internationalized. Rivers like the Danube, the Rhine, the Elbe, the Oder, though also internationalized, are not essentially German rivers; the tributaries of the Oder River, for instance, are mostly Polish. And one must not forget that in that war the Poles were not defeated as the Germans were. The Moldau River is but a tributary of the Elbe, and the Czechs benefit more by the internationalization of the Elbe and other rivers than they lost by that of the Moldau River. The Poles are inclined to grant the Allies navigation privileges on the Vistula River.

"'The Allies do not benefit therefore by the internationalization of the Vistula. This measure, having no precedent in history, is of a nature to limit the sovereignty of the Polish State. It is harmful to the development of Polish navigation and weakens it economically with regard to Germany. Why?

"'It was necessary to carry on a diplomatic campaign of nine months' duration in order to obtain finally for the essentially Polish (as affirmed by the Czechs themselves) population of Upper Silesia, Spiz, and Orawa the right of self-determinaton by means of plebiscite. And it has been impossible to reach the only solution which imposed itself in this case, and which was to unite those essentially Polish territories with Poland without any plebiscite. Why?

ACCUSATIONS AGAINST UKRAINIANS.

"'Prussian atrocities have been the principal reasons which brought about American intervention in the World War. But it is worth while knowing that atrocities were committed in Galicia by the Ukrainians, a Bolshevist mob led by irresponsible provocators. These atrocities have been verified by an allied commission. They were by no means less cruel and even often surpassed in savagery the bestial acts committed by the Germans.

"'And yet those very same irresponsible Ukrainian provocators, calling themselves illegally representatives of the entire Ruthenian people of Galicia, have placed themselves under the protection of Governments which are allied with us—against us, against their own allies. (See order to Gen. Haller not to use Polish troops in Galicia.) The Entente took under its protection that very part of the Ruthenians in Galicia who called themselves Ukrainians, and who, before and during the war, were close partners of Austria and Prussia, those very people who succeeded in multiplying their criminal attempts, thanks to the help they received from Austria and Germany.

"'At the same time the facts that Galician Poles form two-fifths of the autochthonous population; that the majority of the Ruthenians desire to remain Polish; that the economic and intellectual development of Galicia is mainly the result of Polish efforts; that almost the entire history of that country is one with that of Poland; that upon this territory Poland has for centuries fought in defense of Europe against Mongol invasion, and does the same thing to-day defending Europe against Bolshevist invasion—all these facts and truths have been ignored.

"'Even Germany and Austria did not dare openly to tear away eastern Galicia from Poland, but they did it under the form of a secret treaty.

"'Did the allied powers, when annulling the published paragraphs of the Brest-Litovsk treaty, nourish the project to approve in some way or another its secret clause, inflicting upon us, their allies, an injury which even our enemies, even the protectors of the Ukraine, Austria, and Germany, did not dare do? Why?

"'Polish public opinion rejects all provisional measures which would be taken in Galician affairs. Not we, but the Ukrainians, chose war as a means to settle our differences. Not the Ukrainians, but we, won that war imposed upon us—a war which the Entente finally allowed us to carry on. It is impossible to annul the consequences of these facts.

DENIAL OF REPORTED POGROMS.

"'With regard to the "famous" pogroms we shall limit our arguments to exemplifying but two most salient facts.

"'After the liberation of Vilna the German press became very noisy, spreading rumors that on May 5 the Poles had organized a pogrom in Vilna, in which 2,000 Jews were murdered. Now, it has been verified (see New York Herald, Paris edition) by an American correspondent who happened to be in Vilna on that day that no pogroms happened in Vilna either on the above-mentioned date or at any time. "Investigating the story of alleged pogroms," writes this correspondent, "I have assured

myself, and am in possession of proofs, that all news relating to the subject originated with the German wireless station in Koenigsberg. A whole series of similar fictitious stories has been forged."

"'At the time of the "famous Lemberg pogrom," which the Jews have represented before the public opinion of the whole world as a slaughter of innocent crowds (saying at the same time no word on the atrocious wholesale slaughter of the Jews in the Ukraine), it has been verified that the Jews were armed and were shooting at the Polish troops. As a result of those regrettable occurrences, which, by the way, have been condemned by all the Polish authorities, there were 34 Jewish victims, according to the official death registers of the Jews.

"'The blood of thousands of Poles murdered by the Ukrainians in Galicia seems to have weighed very lightly in the scale of the peace conference, constituted as a great court of justice. But the blood of 34 Jews in Lemberg has weighed so heavily on the other scale that, forgetting all the blood shed by the Christians, the peace conference went as far as to impose certain limitation upon the sovereignty of the Polish State, creating a commission of international control for the security of the Jews in Poland. Why?

"'In the Alsace and Lorraine question it has been agreed that only those Germans who were bona fide residents before 1871 and their descendants will enjoy in that country full civic rights. All others will be bound to obtain French citizenship in order to enjoy civic rights. No analogous restriction has been made with regard to the Germans in Poland (upper Silesia, Pozuania, and western Prussia). It is true that, with regard to the Germans, it had been proposed to fix such a date, namely, that of the establishment of the colonization committee (1886), but at the very last moment that date was changed to 1908, which appears as a tacit approval of the result of Bismarck's policies of extermination toward a Province which recently was still under Prussian domination. And quite recently all Jews, hundreds of thousands of Litwaks, total foreigners to our country, included, benefited by measures taken in their favor and granting them national minority rights in Poland. The Jews possess no such privileges either in England or in America. What are, therefore, the reasons and upon what are based the demands thus formulated to octroi such rights to the Jews in Poland? Is it not evident that such means of imposing a foreign tutelage upon a part of Polish citizens will result in aggravating the Jewish question in Poland, which has been sufficiently distorted by the reports of our enemies? Why?

"'In all the aforementioned questions the diplomats of the peace conference have refused to take into consideration, or have listened with an apparent absent-mindedness, the information furnished to them by our delegates as well as by their own experts who had been intrusted with the respective investigations. Their propositions have been rejected—all documents, impartial as they were, considered useless—any time they spoke in our favor. This is what happened with the proposition concerning Danzig and West Prussia, which had been agreed upon unanimously by the Cambon commission. The same thing happened with the opinion rendered by the Noulens mission with regard to Teschen, Silesia, and with that of Gen. Barthelemy, Col. Smith, and their fellow members with regard to eastern Galicia. We have every right to believe that the same thing will happen with all reports of almost all missions which are being sent to us in such a large number, the members of which are representatives of all allied countries, England and America included.

"'We express the conviction that the good faith and good will of the allied diplomats have been treacherously imposed upon by false information originating with our worst enemies, the Germans, who conspired furiously against us by means of their own agents as well as of Jewish, Ukrainian, Bolshevist agents, and others. Mr. Erzberger has publicly affirmed that Germany fears nothing more than a great and powerful Poland. Anything that is prejudicial to us is a triumph for Germany and increases her power to be used in a world's war to come.

"'And this is why, while expressing to the allied nations our deepest and eternal gratitude for the help they gave us in reconstructing the Polish State, we are bound to affirm in this solemn moment before the world and before history that as long as full justice is not granted to us, and as long as full amends are not done for our wrongs, the basis of European peace will not be such as it should be—neither secure nor durable.'

"The statement is signed by the committee of national defense in Lvov; the Roman Catholic archbishop of Lvov; the Armenian Catholic archbishop of Lvov; the superintendent of Protestant communities in Poland; the mayors of Warsaw, Posen, Lvov, and Cracow; the presidents of the principal universities; and editors of leading Polish papers."

Mr. JONES of New Mexico. Mr. President, on a former occasion I expressed my views at some length upon this covenant of the league of nations, and I did not intend to consume any further time of the Senate in the discussion of that very important document. I do so now, for a few minutes only, solely for the reason that it seems to me there is unnecessarily a difference of views here as to the fundamental principle which underlies the construction of article 10. To my mind this article is one of the most important in this covenant. Its language is simple, it is short, and it seems to me there should be no radical difference as to just what it means.

But a few moments ago, when the Senator from Georgia [Mr. SMITH] was addressing the Senate, a construction of this article was announced, which seems to have been concurred in by several other Senators, which to my mind is wholly inconsistent and not in accordance with the fundamental rules of construction which our legal writers have handed down to us without any exception.

I understand that this treaty is to be subjected to the same legal rules of construction as any contract between individuals. I know of no different rule which applies to the construction of a treaty which would not apply if the covenants of the treaty were an obligation as between individuals.

It was stated this morning that article 10 is a joint and several obligation, with emphasis upon the "several." It has been stated here to-day that under this article, if entered into by the United States, the United States would be bound, alone, unaided by any other nation, to preserve the territorial integrity and political independence of every other member of this league. It has been iterated and reiterated upon this floor that under this article, if entered into by the United States, the United States obligates herself, independent of the obligations of other countries, to send her boys into other lands to do police duty, to preserve independently the territorial integrity of each one of the other members of the league.

But, Mr. President, no Senator has presented any authority for any such rule of construction. If we take this article 10 and examine its language and the circumstances in which we find it there should be no doubt from a legal standpoint as to the construction which should be given to it.

The statement that this is a several contract, or a joint and several contract, is one of the most important statements which can be made in connection with this article. No authorities have been presented by any Senator who contends that this has any of the earmarks of a several obligation, but the statement is made, and is repeatedly made, without a suggestion of any of the well-known rules of construction to substantiate the statement.

After listening to the Senator from Georgia [Mr. SMITH] a while ago, I concluded to send to the library to get a couple of well-recognized treatises upon the rules and construction of contracts. I am gratified to find that the impressions which I had in regard to the rules which should govern those constructions are borne out by these two authorities which I asked to have brought in to me.

In the first place, there is a presumption with reference to the question of whether the contract is joint or joint and several or not. There is a presumption which obtains when you take up a contract to analyze it, and that presumption is that wherever two or more people enter into an obligation the obligation is a joint obligation and not a joint and several obligation. I find that statement made in these two authorities in almost the words I have given.

In Hammon on Contracts——

Mr. SPENCER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. JONES of New Mexico. I gladly yield to the Senator.

Mr. SPENCER. Will the Senator be good enough to give me his opinion as to whether, if four men were to sign a $10,000 note together, that obligation would be joint or joint and several?

Mr. JONES of New Mexico. I am very glad the Senator has made that illustration. If there is any one thing which is established in the law of contracts, it is that where several people sign a note jointly it is a joint contract and not a joint and several one, unless there are words in the note which make it several and not joint.

Mr. ROBINSON and Mr. SPENCER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Mexico yield; and if so, to whom?

Mr. JONES of New Mexico. I will yield first to the Senator from Arkansas.

Mr. ROBINSON. Or unless there is a provision in the statute which operates to make such a contract a joint and several

contract. I know of one or more States where it is expressly provided by statute that such a contract as is described by the Senator from Missouri shall constitute a joint and several contract. I agree with the Senator from New Mexico that in the absence of such a provision in the law or such an undertaking in the contract itself it ordinarily would be held to be a joint contract.

Mr. JONES of New Mexico. I am very glad to have heard the Senator from Arkansas make his statement, and I am glad to yield further to the Senator from Missouri.

Mr. SPENCER. Do I understand the Senator to state that if the four men signed the note together and if three of them repudiated their signatures there would be no obligation upon the fourth one?

Mr. JONES of New Mexico. Of course if the other three did not sign it would be an obligation only of the one who signed.

Mr. SPENCER. In other words, the obligation is upon all of them and upon each independently. Each man is bound by it and for the full amount whatever happens to the other three. Is not that true?

Mr. JONES of New Mexico. I do not agree with the statement of the Senator from Missouri, but, to the contrary, the Senator must well remember that where a suit is brought upon a joint contract you must sue all or none, and that each one of those who are bound has a right to object to any suit being brought unless the suit is brought against all. That is a principle of procedure as to which there is no controversy among the authorities.

Mr. SPENCER. Is not this the crux of the matter—that if four men sign a note together for $10,000 the four men are not liable for $2,500 apiece, but each one of them has an individual liability for the full amount, and while the contract is joint in one sense it is also several in that each one of the signers is obliged for the entire amount? Is not that the Senator's view?

Mr. JONES of New Mexico. I think the Senator has now stated a very correct rule of contract construction.

Mr. SPENCER. Does not that make the contract both joint and joint and several?

Mr. JONES of New Mexico. It certainly does not, and if it does the Senator fails to recognize that there is a difference between a joint contract and a joint and several contract.

Mr. LENROOT. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Wisconsin.

Mr. LENROOT. Applying the Senator's principle to article 10, if the political independence of one nation were threatened by another nation and they called upon all the members of the league but all refused except the United States, would not the United States be bound to go to its aid alone?

Mr. JONES of New Mexico. I hope the Senator will ask me that question just a little later, because I do not want to overlook the very point he has made. I will try to make a note of it myself, so I will not forget it.

Mr. REED. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Missouri.

Mr. REED. While the Senator is answering that question in due course I hope he will also answer this, because I would like to get his view. Suppose the United States and 31 other nations agreed to article 10. Suppose that article is violated by one of the nations attacking the other. Is the United States justified in refusing to go to war if any one of the 30 other nations that signed declines to go to war?

Mr. JONES of New Mexico. I hope the Senator from Missouri will withhold that question also until I shall have had an opportunity to establish the proposition which I started out to establish and the application of that doctrine under article 10. I shall be very glad to discuss it with the Senator a little later.

I find this statement made in the work to which I have referred, Hammon on Contracts:

> An obligation performable by several promisors is presumed to be a joint promise as to them; not joint and several.

I read further from the same author, in another paragraph:

> An obligation which is on its face payable or performable by several promisors is presumptively a joint promise as to the promisors, and not joint and several, and the presumption is strengthened where the promisors have undertaken to accomplish together a single result.

In Leake on Contracts, at page 307, I find this statement:

> If the writing purports simply that the parties bind themselves or covenant, without more, the obligation or covenant is joint only, and not several.

At another paragraph by the same author:

> If the language of the contract is ambiguous, so that it is doubtful whether the parties intended the covenant to be joint or several, or both joint and several, the interests and relations of the parties may be referred to for the purpose of determining the proper construction of the instrument.

Reading again from Hammon on Contracts, from another paragraph, in section 382:

> But the promise is presumed to be joint where the consideration moves from the promisees jointly, so that they have a joint legal interest in the contract.

Now, Mr. President, let us look at article 10. Take its language. The article reads as follows:

> The members of the league undertake—

And I desire to call attention to the word "undertake," because where the contract is in the plural that has a bearing upon the construction which must be given to it.

Reading from article 10 further:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

Now, that is the language which we are to construe. It is an obligation to be entered into by a number of nations. Under every authority of which I have any knowledge that is presumed to be a joint contract, and not a joint and several contract, and that presumption obtains unless there be something in the entire contract to show absolutely a contrary intention of the parties. If the language is ambiguous, then we are justified in looking to the interests of the parties and the objects to be accomplished by the obligation.

Mr. KNOX. Mr. President——

Mr. JONES of New Mexico. If we do that, then I submit that, taking the league of nations from beginning to end, it has everywhere the earmarks of a joint obligation, and not a joint and several obligation.

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Pennsylvania?

Mr. JONES of New Mexico. I yield.

Mr. KNOX. Perhaps the Senator would like to have some real authoritative information upon the subject he is discussing?

Mr. JONES of New Mexico. I will be very glad to receive any authoritative information.

Mr. KNOX. In the hearings before the Committee on Foreign Relations there were submitted the several drafts of the proposed league of nations, all of which had been submitted for comment to Messrs. Auchincloss and Miller, who were the international advisers of the President on this covenant. It was in one of its earlier stages of the formation of the covenant, but the principle was exactly the same. When the question whether or not a provision such as article 10 was a joint or several obligation. Messrs. Auchincloss and Miller reported to the President as follows:

> No lengthy discussion of the legal effect of language of guaranty will be attempted. The subject is very highly technical. One of the most famous illustrations is the discussion and doubt as to the guaranty of Luxemburg to the treaty of May 11, 1867. Perhaps every international lawyer would now agree that a guaranty several in form is more effectual than any other.
>
> But aside from any questions of several, joint, or collective guaranties and their proper language, the question of policy presented by this article in its first sentence is whether the United States should favor a guaranty of independence and integrity of every State by every other State.
>
> Such an agreement would destroy the Monroe doctrine. Under such an agreement Germany, as well as the United States and even despite the United States, would have been bound to support Venezuela against Great Britain in 1895. Under such an agreement Great Britain, France, and Japan might be bound to intervene in Chile or in Peru according to their views of the Tacna-Arica dispute either in addition to intervention by the United States.
>
> Indeed, any guaranty of independence and integrity means war by the guarantor if a breach of the independence or integrity of the guaranteed State is attempted and persisted in.
>
> What the United States has done, is doing, and will do for Europe is enough without making an unasked sacrifice of her interests and those of Latin-America by giving up a policy which has prevented the countries south of the Rio Grande from being like Africa—pawns in the diplomacy of Europe.
>
> That each power should covenant for itself to respect the integrity and independence of every other power in the league of nations and that failure to observe such a covenant should subject the covenant-breaking power to the sanctions of the league of nations is undoubted.

There could be no more positive language as to the fact that this is a several guaranty.

Mr. JONES of New Mexico. The article just read by the Senator from Pennsylvania is somewhat extended and I do not claim that I am able to grasp the entire purport of it. As I recall, the article which the Senator read did not undertake to be a construction of this article of the covenant. It is a comment as to what should or ought to be done and as to how it ought to be done.

I believe that there is one thought in article 10 which we might, for interpretative purposes, designate as a several obligation, that part of it which relates to the word "respect." That is an obligation which can only be performed by each nation for itself; in other words, the United States can not for Great Britain respect the territorial integrity of any other nation and have that the act of Great Britain. So as to the word "respect"

as used in article 10, where it can only be performed by each individual as an individual, I quite agree that that becomes an obligation upon each individual nation and that it is purely a several obligation. It is not joint and several. It is not joint. It is several because it can possibly only be performed by each nation for itself. But when you come to the obligations, where all of the parties are bound to perform a single duty, a single thing to be accomplished, then I say, under every rule of statutory construction which can be produced, this is a joint contract and not a joint and several contract.

As I was proceeding to say, if there is any ambiguity about the language used, then, under the authority which I have read, we have a right to look to the interests of the various parties, the objects sought to be obtained. If we do that, can there be any question as to the intention of the parties who framed this instrument? You look to their interest. What is involved in this business? It is to preserve the peace of the world. It is to accomplish that, in part, through the prevention of territorial aggression. Territorial aggression has been the moving cause of the vast majority of wars that have occurred in the past; and so the general purpose is to prevent war, to preserve the peace of the world, and to do that by preserving the territorial integrity of the members of the league. In that, I submit that one nation has as great an interest as any other. There is no special advantage to either of these nations as an individual nation. There is no reason why the United States should desire that Roumania should not begin a war of aggression against Serbia, or that Hungary should not begin a war of aggression against Roumania, than any other nation. The United States has no greater interest in that than other nations—certainly no greater than any of the nations who have assented thus far to this covenant. Therefore, by the presumption which we must indulge when we take up this covenant, and a presumption which is fortified by an examination of the document itself, in accordance with every rule of construction of which I have any information—certainly no rule has been presented here to the contrary—I submit that it is time that we should cease making these statements, unless we are able to fortify them by some rule other than an ipse dixit pronounced in the Senate of the United States.

This treaty has been before the Senate now for four months. It has been discussed even longer than that. For two months it has been here, submitted under a report of the Committee on Foreign Relations; and even at this late day, when we are coming to vote upon a reservation to this identical article 10, with language as simple as it can be, there is this violent difference of opinion among able and experienced lawyers.

Another reason why this construction must be given to it is because of the remedy which is suggested. When we come to a contract between several individuals, a joint contract, as has already been stated in the colloquy between the junior Senator from Missouri [Mr. SPENCER] and myself, you can not sue one without suing all. That is one of the privileges which each party to a joint contract has; and whenever suit is brought upon a joint contract in a nisi prius court against less than the full number of the obligees, any one made a party to the suit, as every lawyer knows, has a right by a plea in abatement to have the suit dismissed unless the other obligees are brought into court.

Mr. KING. Mr. President, would it interrupt the Senator if I should ask him a question?

Mr. JONES of New Mexico. I shall be glad to yield to the Senator.

Mr. KING. Let me suggest a concrete case to the Senator that will perhaps bring the matter down to earth and out of the realm of academic discussion.

Suppose that a controversy should arise between Brazil and the Argentine, or between Peru and Chile, and Brazil should make an aggressive attack upon the Argentine, having for its object first the subjugation of the armies of the Argentine, and perhaps taking some territory; and suppose that the European powers, because of their poverty, or for other reasons, should decline, notwithstanding some unanimous action by the council, to aid in repelling the Brazilian assault, saying that the United States ought to bear the burden alone, or, at any rate, should decline to do anything. Does the Senator think that the United States, waiving the question of our duty under the Monroe doctrine, would owe no duty, no obligation to the Argentine to go to her aid to repel the Brazilian attack?

If I may be permitted one more concrete illustration so that I may get the Senator's view, suppose that there was a wanton attack by one nation upon another, and the council of the league got together and unanimously agreed upon the policy which should be pursued for the purpose of repelling this aggressive assault, and they recommended to the United States that our duty was to furnish a certain number of troops and a certain amount of money, but we or some other power that wanted to escape an unpleasant obligation or task or duty should induce Liberia or Hedjaz or Haiti to refuse absolutely to participate in the recommendations of the council. Does the Senator think that the United States could hide behind the refusal of one of those insignificant powers, or, indeed, a great power, and say, "This is an absolutely joint obligation, and if any one of the joint obligors refuses to do its duty we will not do our duty"? Is that the position of the Senator?

Mr. JONES of New Mexico. I was just leading up to a construction of the second sentence of article 10, which I think will answer the Senator's inquiry and meet directly the point which he suggested in a hypothetical case.

As I was proceeding to say, where the obligation is between several individuals, the remedy in court is against all of the obligees, and anyone has a perfect right to insist that the suit shall not proceed until all the parties are brought into court. In international affairs, of course, there can be no court proceeding. There is no tribunal to enforce international obligations. Therefore, article 10 seeks to meet the situation and, to my mind, meets it very clearly and very effectively and in the only reasonable way in which it could be met.

The second sentence of article 10 says:

> In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

Mr. President, that second sentence performs two purposes. The first purpose is to clarify, if need be, the meaning of the first sentence. That sentence makes it plain that the obligation of the first sentence is joint. If it is not a joint obligation, why provide that in case there is an infringement of the obligation the council shall meet and advise upon a plan to enforce it? If the obligation is individual, why not have left it to the individual nation to perform it in the way that each might choose for itself? But it did not do it. It provided that in the case of any such aggression, or threat of such aggression, the council should meet and advise upon a plan whereby this obligation shall be performed. What can that mean other than that it is a recognized joint obligation to be enforced in a joint way? And, inasmuch as there is no other means to enforce an obligation between nations, certainly the means provided by themselves in their covenant for its enforcement is necessarily exclusive.

Mr. President, the suggestion has been made by the Senator from Utah [Mr. KING], and I believe the same thought was embodied in the inquiry of the senior Senator from Missouri [Mr. REED], as to what would occur if one of these nations represented on the council should fail to carry out its part of the obligation.

Mr. President, that is an interesting proposition. It is a thing which will likely occur. I believe that it is one of the infirmities of this league of nations that in so many instances there must be unanimity of conclusion and decision, but I am satisfied also that except for this unanimity of decision the nations would not enter into the covenant, and it is quite likely that some nation may refuse to agree to a plan whereby the provisions of this article may be enforced. If a nation should refuse to agree to a reasonable plan, that is simply one of the infirmities of this covenant, in my judgment.

But what this covenant does mean, and the obligation under it, in my judgment, is that whenever there is any threat of external aggression against any member of the league the United States, together with the other members of the council, will get together and will undertake to agree upon a reasonable plan which shall meet the approval of every member of that council.

That is the obligation here. There is no obligation, in my judgment, that if the other members of the council should decline to prevent a war of aggression upon another nation, the United States solely and alone must assume the responsibility of preserving the territorial integrity of that nation. There is no such obligation here, but there is an obligation for all the members of the council to get together and agree upon some plan which shall be reasonable, and if any one nation should fail to agree to a reasonable plan, then that nation, in my judgment, would be violating its obligation under this covenant. If the other nations proceeded, then they would do it outside this covenant of the league; they would do it for the sake of the peace of the world. We have no right, however, to presume that any nation which becomes a member of this council will fail to agree and come to a conclusion upon some reasonable plan for enforcing the obligation under this article.

Mr. REED. Mr. President, if the Senator will pardon me there——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. JONES of New Mexico. I am glad to yield.

Mr. REED. I simply want to be sure that I understand the Senator; that is all. If I understand him, he holds this to be a joint obligation, and therefore that it is the duty of every nation signing the treaty to do its part to carry out the treaty; that that implies that some concert of action or plan will be worked out; and that that plan being worked out for the enforcement of the terms of the treaty, if any one nation refuses to comply with that plan and do its part the other nations are thereby released from taking any action, in which event he thinks they probably, outside of their obligations, might take some action.

Am I correct in that? I do not want to be captious about it. I just want to understand the Senator.

Mr. JONES of New Mexico. My thought does not extend as far as I understood the Senator's proposition to go. The Senator assumed a case where the council does agree upon a plan and where, after it is agreed upon, the nation declines to go ahead in pursuance of it. To my mind, Mr. President, that is an unthinkable case. It is unthinkable because this council of the league of nations is not an outside entity, looking over the world with a spirit of domination. The members of this council are the representatives of the specified nations, and whenever a member of the council agrees to any plan it is in itself an agreement of the nation which he represents. I can conceive of no reason to presume that the representative of the United States on this council would ever agree to any plan to enforce the obligation of the United States under article 10 unless he knew that it met with the approval of the United States.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico further yield to the Senator from Missouri?

Mr. JONES of New Mexico. I do.

Mr. REED. I do not want to interrupt the Senator, but he is undertaking to answer my question, and is doing it very courteously and obligingly, of course. He is discussing a detail in my statement which I am perfectly willing to waive. I simply want to get at the Senator's view in regard to this.

Suppose that a nation invades the territory of another nation, contrary to the provisions of the treaty. There is then, of course, the Senator will agree, an obligation of some kind, joint or several, or both joint and several, resting upon the various nations to protect the country that has been invaded against the invasion. Now, the Senator holds that is a joint obligation. Suppose the invasion takes place. Does the Senator hold that the refusal of any one of the nations who have signed the league compact to do its part in defending the country that has been invaded releases all the other obligors?

Mr. JONES of New Mexico. After the plan has been agreed upon?

Mr. REED. Either after or before. I will let the Senator state that in the alternative. Let him state it as he will; I just want to get the Senator's view; I do not care to argue it.

Mr. JONES of New Mexico. I am quite thankful to the Senator for making the inquiry and calling my attention to the point which is disturbing him, because I believe, from the remarks which the Senator from Missouri has previously made in some speeches, that he is disturbed about the meaning of article 10. At any rate, I feel that he should have some feeling of interest in the matter, because I think his interpretation is so clearly wrong.

But, answering the question of the Senator, he is assuming, first, a case where the members of the council do not agree upon any plan. In that case it must be evident that some one of the members of the council is not acting in good faith. It must be evident that some one of the members of the council must be seeking to avoid its responsibility under this covenant. We all know that in dealings between nations nothing can be accomplished except by unanimous consent. Whenever anything is to be done by a concert of action as between nations it is always accomplished by the ambassadors of the respective governments getting together and unanimously agreeing. It is the only way. Unless they do agree then there is no action, and so, when they come to consider this question of devising a plan to recommend to their respective Governments under article 10, of course, they can decline to agree upon a plan, but the obligation of the respective Governments is that they will agree upon a plan if the fact exists which would call for action. That, in my judgment, is the obligation under article 10. The only remedy provided in the covenant for the enforcement of article 10 is just that—that they will meet together and agree upon a plan. Throughout the covenant it is presumed that these nations are acting in good faith, that they will do this thing, and if they do not it is simply one of the infirmities of this covenant. We have got to presume that they will act in good faith, that they will agree upon a plan.

Then the Senator asks whether the other members would be relieved if the plan is not carried out by all the nations who are obligated under this covenant, after the plan is devised. I submit, Mr. President, that that becomes a question of good faith for the consideration of the respective nations at the time, because the obligors under this article are to act jointly and not severally in enforcing the obligations. I do not see how any other interpretation can be put upon it. There is no machinery provided in this entire covenant except that provided in the second sentence of this article, and when that machinery is set in motion, if any one nation wants to stop the machinery, if it wants to insist upon something else, then nothing has been agreed upon which can be carried out or is being carried out.

Mr. REED. Then that gets it to the point, if the Senator will pardon me, that refusal by any one nation to do its part under the covenant to protect the frontiers of another nation from assault releases every other nation. That is the Senator's view?

Mr. JONES of New Mexico. Mr. President, it releases them from the obligation under this article, in my judgment.

Mr. REED. That is what I wanted to get the Senator's view on.

Mr. JONES of New Mexico. And I say that is one of the infirmities of this controversy when it comes to the use of force. I do not see how any other construction can be given to it.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield to the Senator from North Dakota.

Mr. McCUMBER. I agree entirely with the Senator in his statement that this is a joint obligation. It is not a joint and several obligation. It is understood that every one of the nations who are parties to the compact will join in the action to defend every other country from a war intended to deprive that country of its independence or its territory. But is it not true that the result might necessarily be a several action and not simply a joint action?

Let me illustrate it. Suppose, for instance, that Germany should make war upon France for the purpose of recovering the Provinces of Alsace and Lorraine. We will suppose that Haiti, who is a party to this league, is engaged in one of her annual or semiannual revolutions, and Haiti says she can take no part in a war to protect France against Germany. The obligation, though a joint obligation, has not been discharged, and the other nations, like Great Britain and the United States, notwithstanding it was a joint obligation, the spirit and purpose and agreement being to protect France and every other country, would unite their forces in good faith to protect France, in which some of the other nations refuse to assist them. So the effect of it might necessarily be several, even though there can be no question but that the obligation itself is simply a joint obligation.

Mr. JONES of New Mexico. Mr. President, I am sure there is no divergence of thought between the Senator from North Dakota and myself as to this proposition. What I particularly had in mind, in making the statements that I have made, was this, that before Haiti, in the illustration which the Senator gives, would have any burden imposed upon her, she must accept the burden, or, in other words, indorse the plan. If Haiti were in revolution, it is not reasonable at all to suppose that the council would impose any duty upon Haiti at that time which she could not readily perform. Secondly, Haiti would not be bound by the plan until after Haiti had accepted it.

I want to make this statement in this connection. I have no information, in the course of the dealings of nations since history dawned, where any nation agreed to perform a specific act and did not do it, if it had the power to do it. Good faith as between nations, according to my information, has been one of the most sacred things known to contractual relations in the history of the world. We must presume, when Haiti says she will make some contribution to the joint undertaking, that she will carry it out. If, of course, there is any reason why it should not be done, why she can not do it, is there any reason why the council should not meet again and relieve Haiti of this responsibility?

Mr. President, I shall not pursue that line of discussion further; but I thought it was important to say something upon that subject at this time, and if it is possible that there can be a clear understanding upon it, I think that it should be arrived at. My attention was first called to the importance of the subject by the Senator from Massachusetts [Mr. LODGE] in a speech which he

delivered before the Republican convention in his State recently. I have here the interpretation which he gave to article 10, from which I read. He said:

> The next is article 10, the famous article which provides for a guaranty against external aggression of the territorial integrity and political independence of all the members of the league. It is an individual guaranty. It requires no action on the part of the league to operate. We to-day are guaranteeing Panama for obvious reasons. If there were 10 other countries guaranteeing Panama, joined with us, and Panama called upon us for the fulfillment of the guaranty, we are bound, no matter whether she calls on the other indorsers or not.

It seems to me that this question is a fundamental one, and there ought not to be any difference of opinion about it, and if I am wrong about it I should like to have some one suggest a line of reasoning which will show it. The authorities which you find everywhere are undisputed, under every rule of statutory construction which I have been able to find, and, if I am able to interpret them, classify this as a joint obligation, and not a joint and several or a several obligation.

Mr. President, the reservation which is proposed here by the Committee on Foreign Relations, in my judgment, absolves the United States from any obligation under article 10. That reservation reads:

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country * * * unless in any particular case the Congress * * * shall by act or joint resolution so provide.

I can not see that any other interpretation can be given to that reservation except that it denies any obligation on the part of the United States, and that if ever the United States participates in any degree in the preservation of the territorial integrity of another nation, it will enter upon that task without any obligation whatsoever. It will leave the United States just where the United States is to-day, without any obligation.

Of course, Congress, in the fullness of time, may discover that some nation is being imposed on, that there is territorial aggression, a war for conquest, and Congress may come to the assistance of some nation and prevent such aggression. But if it ever should in the future, in my judgment it would be without any obligation so to do, under this reservation to article 10.

Mr. President, it seems to me that we ought to be willing to do something to bring to a consummation the purpose which this country has had in mind in this war. On yesterday the Senator from Nebraska [Mr. HITCHCOCK] referred to the obligations under which we have placed ourselves with respect to some of these new-formed nations. I agree with him as to that. But I contend that there is another obligation which we will be violating if we emasculate article 10. We went into this war to preserve modern civilization, democratic civilization. It was that for which we fought in this war. If we abandon the obligation under article 10, what right have we to say that we have performed the obligation which we made to the civilized world to preserve civilization? Will we be performing our share? Can civilization be preserved unless you stop external aggression and wars of conquest?

Ever since history has recorded the events of time, we find that aggression, the idea of conquest, has ruled nations and produced substantially all the wars which the world has ever suffered. Can that be stopped without the United States joins in aiding and assisting the other nations to perform that tremendous service to civilization?

Moreover, Mr. President, we know to-day that this covenant has been ratified by the other great signatory powers to it. We know that it is going into existence, and I want to ask the American people if they are willing that the United States shall shirk its duty? Shall we at this time be deserters? Shall we say to our allies, "A part of the war is won"? To my mind the greater part is to come—the preservation of the peace of the world. Shall we say to them, in this hour of stress, that we are going to desert them and let them perform the very function for which the United States entered the war?

I am not willing, Mr. President, to take that position. I do not want the United States to become involved in any foreign wars unless it it necessary to preserve the peace of the world; but the time has passed when we can rely upon other nations to perform that vast service for us.

I do not want it said to the people of this country, who have contributed to the prosecution of this war, that the result of the war has not been accomplished; that the United States declines to further prosecute the war. This war must go on to its consummation. It is not only technically still in existence, but the war is still on until something is done to preserve the peace of the world.

I do not want to say to the people who have made sacrifices in this country, either through toil, through personal sacrifices, or through the loss of loved ones, that those sacrifices have been in vain.

It is true, in my judgment, that article 10 will not be brought into effect or become effective except in most extreme cases. I believe that the provisions of the covenant for arbitration, for conciliation and investigation, are so potent or will be so potent that the obligation under article 10 will not become necessary, but that with article 10 in the background to let those nations of the world which want to enter upon conquest or to enter upon external aggression understand that the great nations of the earth are ready to enforce the provisions of article 10, they will then arbitrate and will come to some understanding, and it will be unnecessary to apply the provisions of that article. But we want it there. We want to say to the world that this thing called war for conquest shall end. For the United States to withhold her voice while other nations are saying that to the rest of mankind, in my judgment, is misrepresenting the people of the United States. I do not believe the people want it done. It is a cowardly act, which no American citizen should tolerate. I am sure that the people of the United States want this country to bear its share of the burdens of world peace, of the preservation of peace, and the civilization of the world.

Do you want to shirk this duty? You Senators who have talked here from week to week about Americanism, about being American, I ask you if that is the spirit of America, if it is the spirit of America that America shall hold out to the world every inducement and every proffer of assistance which is necessary to the preservation of the peace of the world, and then take this action? War is so horrible that we want it stopped, and everybody who made any sacrifices in the war wants it stopped.

Again, you talk about the reduction of armament and of expenses being reduced in the building and operating of a navy. Is there a Senator here who does not feel that unless some plan is adopted for the preservation of the peace of the world without force there will be no reduction of armament and there will be no reduction of the size of the Navy? Do you want to keep up that old system which, to my mind, has disgraced the civilization of the past—let him who can get what he can and hold it? Do you want that to obtain? If you do not, give real strength and power to this covenant.

To my mind, you are saying to the people of the United States that during the ensuing years we are going to tax you to maintain a Navy, we are going to train all of your boys so that they can be conscripted in the defense of this country and as the sole power to defend the country and carry on its wars against the rest of the world.

Have you any doubt that if you destroy the efficacy of this covenant that the old order of things will obtain, that it will be continued? Do you want to see that? Do you want to say to the people of this country that the United States Senate is unable to propose any plan for the preservation of the peace of the world? Do you want to say to them that the United States Senate is unable to prepare a plan which shall make this thing called war, and which is so abhorrent to all of us, a thing of the past?

I appeal to you, Senators, because I know you have the majority. I appeal to you not to emasculate this covenant. I am sure I am just as good an American as any one of you. If there is any other kind of blood flowing in my veins I do not know it. But do not talk Americanism to us and in the next breath do a thing which I am satisfied will, if not for the present, at least in the future be repudiated by the American people.

Mr. BRANDEGEE. Mr. President, a few days ago the Senator from Nebraska [Mr. HITCHCOCK], leader of the minority, in advocating the treaty took occasion to denounce the Senate for its undue delay, stating that the treaty had been pending in the Senate for some four months; that everybody had made up his mind about how he wanted to vote on every question; that all the matters contained in the reservations had been debated in the general debate, which is pretty nearly true, and he denounced the opponents of the treaty for presuming to talk. We on this side have done very little talking since that time, most of the time being consumed by the proponents of the treaty. But at that psychological moment up rose the Senator from New Mexico [Mr. FALL] and offered to the Senator from Nebraska a unanimous-consent agreement proposing that the Senate should vote on the treaty and all amendments and reservations and the resolution of ratification and take final action on or before the 12th day of November, which would be to-morrow; whereupon the Senator from Nebraska promptly objected. If he had consented we would have had this whole thing out of the way to-morrow.

Shortly after that the distinguished Senator from Arkansas [Mr. ROBINSON] rose in his place and with majestic air and quivering voice and forefinger, denounced this side for occupy-

ing so much time upon matters that had been duly and lengthily considered, and the very next morning he was promptly on his feet with a stack of manuscript that thick [indicating], and proceeded to occupy the time of the Senate all the morning, and then induced two of his colleagues to consume what was left of the time, not for publication, but as a guaranty of good faith and sincerity.

Mr. President, I never want to do anything hastily in the Senate of the United States, but I have always agreed with those Senators who are demanding haste and that action be expedited. I am ready to vote at any time and, so far as I am concerned, to give unanimous consent to vote on any or all the reservations and on the resolution of ratification at any date anyone will name. But the minute a date is proposed we do not get an agreement.

I am getting a little weary of having the Committee on Foreign Relations and the Senators who think these reservations ought to be added to the treaty denounced for holding it up and filibustering when those who are advocating it are consuming nine-tenths of the time. Article 10 has been debated for weeks and weeks here, and I do not think there is any occasion for any further debate on it. I am a member of the committee that reported the reservation pertaining to it. I do not believe I have spoken 5 minutes on it, and I do not intend to speak 30 seconds more. I hope we can vote on it.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McKellar	Sheppard
Brandegee	Harding	McLean	Simmons
Calder	Harris	McNary	Smith, Ga.
Capper	Harrison	Moses	Smith, Md.
Chamberlain	Henderson	Myers	Smith, S. C.
Colt	Hitchcock	Nelson	Smoot
Culberson	Johnson, Calif.	New	Spencer
Cummins	Johnson, S. Dak.	Newberry	Stanley
Curtis	Jones, N. Mex.	Norris	Sutherland
Dial	Jones, Wash.	Nugent	Swanson
Dillingham	Kellogg	Overman	Thomas
Edge	Kendrick	Owen	Townsend
Elkins	Kenyon	Page	Trammell
Fall	Keyes	Penrose	Underwood
Fletcher	King	Phelan	Wadsworth
France	Kirby	Phipps	Walsh, Mass.
Frelinghuysen	Knox	Pittman	Walsh, Mont.
Gay	La Follette	Pomerene	Warren
Gerry	Lenroot	Ransdell	Watson
Gore	Lodge	Reed	Williams
Gronna	McCumber	Robinson	Wolcott

Mr. REED. I desire to announce again that the Senator from Tennessee [Mr. SHIELDS] is confined to his room by illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-four Senators have answered to the roll call. There is a quorum present.

Mr. REED. Mr. President, I have heard some new law this afternoon. It is that if 10 men sign a contract and 1 of them refuses to comply with the contract the other 9 are thereby released. If that were the case, nobody in the world would ever accept a contract with two signatures to it, because either of the signatories could arrange easily to be relieved by having the other individual repudiate the contract. Yet we have listened to a painful legal argument this afternoon with a pretended citation of authority to sustain that remarkable document.

The truth is that a joint obligation binds every member to the fulfillment of the entire obligation, and the default of any one of the signers neither releases him nor the others, but all are alike bound. It is true that if a number of individuals sign a contract to do a particular thing and the beneficiary of that contract voluntarily releases one of them from his contract, that may relieve the others; and if he brings suit, and does not join all of the joint obligors, there are two rules which then obtain, differing according to jurisdictions. One is that if he proceeds only against part, he has released a part, and thereby has voluntarily released all. The other rule, however, is that the remedy of those who are sued is to require the impleading of the other obligors with them as defendants. Mr. President, those two rules are merely made for the protection of the obligors, so that they may have in a court of law a judgment rendered against all at the same time; but if the judgment is rendered against all, it can be enforced against one, and that one man then has the right to go into other courts and require contribution, if he can get it.

What has all this to do with our obligation under article 10? In what court can we bring our suit? And if we were to bring our suit in a court, what kind of a judgment would be rendered? The truth is that if every man in this Senate signed a joint promissory note for $100,000, each of us might, under the common-law rule, insist when suit was brought that all of us should be sued; but as soon as the judgment was rendered the execution could issue against those opulent gentlemen who have the money, and they could not escape paying the entire sum because some of the rest of us were bankrupt or refused to pay.

Why have we had an hour and a half taken up with that sort of argument? Is anybody deceived by it? The whole argument was based upon the rule that applies to the remedy and not to the obligation, for, says the same author from whom the distinguished Senator quoted, Leake on Contracts:

> Each joint contractor becomes ultimately liable to the creditor for the whole, and not only for his proportionate part, though the contract be joint.

Why, Mr. President, without characterizing the argument of one of my brethren, a distinguished lawyer, as absurd, I venture to say that he formed the habit which he indulged to-day when he was arguing cases before a justice of the peace in some remote district of New Mexico. [Laughter.] I am sure he never presented it to the Supreme Court. I say that in all kindness, because I know the Senator to be a strong and analytical lawyer.

The character of argument made, however, furnishes a very good and solemn lesson. It is that the proponents of this treaty propose to justify it by any kind of—now, I must be parliamentary, and I find it difficult to select a word which will characterize this conduct and remain entirely within parliamentary rules—by any kind of argument, by any kind of a twisting and distorting of words from their real meaning, by giving unnatural constructions. Here, again, we are furnished with another illustration of the fact that every time these gentlemen present a question relating to the league of nations in which power and force are necessary to give strength to their argument, they find that the league of nations is omnipotent in its power and all embracing in the sweep of its mighty arms, but the moment they begin to discuss the responsibility of the American Nation they proclaim the doctrine that after all nobody is bound to do anything unless he wants to do it anyway, which reduces this covenant to this sort of absurd situation, that the various nations get together and agree that in a certain contingency each one of them will do the particular thing that it wants to do and that it would do if there were not any league of nations at all. I will defy any man who has listened to these debates to say candidly and honestly that that has not been the effect and the intendment and the course of argument.

When it is asserted by one of us that the United States by entering this covenant may be bound by the 6 votes of Great Britain to a matter in which it does not want to be bound, we are told that the 6 votes of Great Britain count for nothing; that we can only be bound when we ourselves consent; but at the same time we are told that these 6 votes cast in the assembly can elect the members of the council; that the council and assembly together constitute the government of the world; and that within the purview of their vast jurisdiction they hold control of every international dispute and embrace within the sweep—to use the language I employed before—of their arms all nations, kindreds, and tongues, and every people and every clime. You can not have both of those arguments. You either have a thing of power or you have "a thing of shreds and patches." You either have an instrumentality which will work, and work with mighty strength, or you have a fraud put upon the world, and a partial organization created to accomplish nothing. I will make this statement that I ought to make in this connection, that if you were setting up a tribunal to exercise only a moral influence, it might have some moral influence; but such, sir, is not the character of this organization.

Mr. President, these are but preliminary words to the subject I want to discuss. Another doctrine, new, startling, revolutionary, has been announced upon the floor of the Senate, and lest that same doctrine should be applied and the United States hereafter for all time be bound by it, I hasten to file my disclaimer. The new doctrine is if some individual officer of the Government makes a statement that that binds the American people unless the American people instantly repudiate it; that it binds the Senate unless the Senate shall instantly repudiate it; that if the President, the man happening to be President, not as an official act, but in the pursuit of his own ideas outside of his official duties and outside of any authority vested in him by the Constitution, simply exercising his right as a citizen to speak, expresses an opinion, that opinion binds not only the Congress of the United States but the people of the United States, no matter what the opinion may be; but that is especially true unless we all rise at once and protest. In other words, the doctrine of estoppel by silence is set up against a people and

against a Government. Well, if we are appealing to principles of law, let me call attention to the fact that there can be no estoppel against the Government of the United States nor against any sovereign government; but I do not care to indulge in any such silly distinction or to apply a mere legal argument, a mere legal rule that applies between individuals.

More than that, the doctrine is asserted that if Elihu Root, whom I respect as a man, utters a declaration to a newspaper reporter in New York City expressing his opinion that the United States ought to guard the frontiers of Poland for the next five years, that creates a moral obligation upon the people of the United States to send their boys over there to die. It is the first time that I ever knew that the utterances of Elihu Root, or any other man, great or small, constituted a moral obligation on the part of the people of the United States; and yet four times in his speech on yesterday—I believe it was four times—the Senator from Nebraska [Mr. HITCHCOCK] declared that Elihu Root had created such a moral obligation. Senator Root is a great lawyer, a private citizen, and a man for whom I have respect, but I decline to allow his utterances to become binding as a moral obligation on anybody but himself.

Right here I think we might as well get back to the fact that this is not a Government by Congress; it is not a Government by the Supreme Court; it is not a Government by the President; it is a Government of the people of the United States, made and established by them and speaking through certain authorized agents, the scope of whose authority is laid down in a Constitution that no man can change, although it may be disregarded and violated by men. It can be changed only by the people of the United States. The only way the President can bind the people of the United States is when he acts within the purview of his authority and exercises the powers that have been constitutionally imposed upon him. He has no more power or right by his individual statement to bind the people of the United States than has any other man in this country.

I say that with the utmost respect for the present incumbent of the office of President. I would say it, sir, if his great predecessor in office, Hon. William H. Taft, were still President of the United States. I say that the syndicated articles which Mr. Taft is now putting forth to the people of the United States and the world, at so much per line, just as much bind the people of the United States as would similar articles if written by the President of the United States.

Where would this doctrine leave us, that the President by his word of mouth, not in carrying out the power imposed upon him by the Constitution, but in carrying out his own ideas, could bind our people? In a moment's time he could involve us in every conceivable obligation by a speech made anywhere in the United States, whether in Boston, Mass., or Pueblo, Colo. He could involve the United States in obligations from which we might never escape. That is a power, sir, that was not claimed by any despot of ancient times, that his mere speech bound the people. Even those despots in the days of Draco wrote their decrees in the forms of law and posted them up for the people to read, sometimes so high they could not see them, it is said, but still they went through the form of posting them up. What new and un-American doctrine is this, that an individual sitting in the city of New York can declare that we ought to protect Poland for five years and that thereupon it becomes the duty of the Congress of the United States to conscript boys who live 3,000 miles from New York, put them into uniform, and send them across the ocean to die in the battles of other peoples? If our Congress has that power in a clear-cut case, I do not know it. We do have power to protect the people of the United States, and this Government has the power to call for every man and every woman and every child to protect its people; but I question, sir, whether we have the constitutional right in a clear-cut case to call out a single trooper, to conscript a single man, to fight the battles of other nations in whose quarrels we have no concern.

Mr. President, we have got so used to talking stuff here—I will use that common expression "stuff"—that it is time to call a halt. I have heard this talk about what the United States entered the war for, and, according to the new-spun theory, it appears that we entered the war for everything the particular individual who happens to be speaking imagined we entered it for; but the people of the United States, who own this country, who own this Government, and whose humble representatives we are—and sometimes we do not represent very well—are the ones who constitute this Government. We are only their agents, their servants, their employees, occupying these places for the few fleeting days. They have reserved to themselves the right to recall us—not to recall us, perhaps, until the end of a given period, but to recall us at the end of a given period of months. Recall us how? Every man sitting in the House of Representatives is subject to recall, at the end of the 24 months at the longest, by the election of a new man in his place—subject to recall by not electing him any more. Every man in this body is subject to recall at the end of six years by the people declining to elect him any more. And the President, the mere occupant of that office, however great he may be, is subject, according to the will of the American people, at the end of four years to be recalled. While we are mere transitory occupants of the position, the position remains, the Government continues; this great people through that Government continue to speak, and any man who speaks other than according to their will as laid down in the Constitution treacherously belies his position and treacherously betrays his people and his country, and usurpation is as vile a form of treachery as has ever defaced the character of a man or passed its bloody finger across the pages of history.

Now, sir, I want to call attention to some facts in regard to how we got into this war, and I think that as I proceed I can dissipate the mists that have been created by innumerable speeches and innumerable written articles, some of them from the lips and some of them from the pens of great men, but usually followed by a large brood of lesser men who are mere echoes of the great men who have first spoken. I am going to take a little time to follow this through, and when I get through I shall be glad to have somebody tell me when, where, and how the people of the United States became the guarantors of the peace of Europe.

Why, what is this doctrine we are hearing, that we went over to Europe and engaged in a war to save Europe; we stopped the onrushing Hun; we rolled back the bloody tidal wave of the German military machine, if I may so badly mix a metaphor; we saved Europe; and now, because we saved Europe, we have to stay over there and guard her and the rest of the world for all time? And if we do not do it, we are cowards. No—if we undertake it, we are fools.

I saw a cartoon which exactly illustrates it. I do not know what artist drew it. There was a muddy, filthy creek, out of which a bedraggled female had been dragged by old Uncle Sam, and in the process he had become a little muddied himself, standing on the banks, with the woman rescued. She is pictured as throwing her arms around Uncle Sam's neck and screaming, "You have saved me; now you have got to marry me." [Laughter.]

It is an exact parallel. We saved Europe, and now we are to be united to her in the holy bonds of matrimony, and we are to take care of the whole family, the entire flock of children. The countries that, according to the theory here, ought to be in the penitentiary and locked up we are to establish mandatories over.

What is a mandatory? Let us get away from these new terms. A mandatory is a military occupation. It is an agreement that the United States will place an army in a country and hold it under the mailed heel of a war, and that we shall continue to occupy that country and to compel it to yield to our will, exactly as the Roman legions once camped upon a conquered country and Rome set up her imperial banners and her government.

A mandatory in Turkey means an army big enough to hold Turkey in subjection. A mandatory in any part of the world means that our men must make it an armed camp, and that our guns shall open their threatening mouths and shall be ready to speak annihilation of all whom we hold in subjection. That, sir, means the service of American boys.

Mandatories! A mandatory in Turkey means that we shall send, in my opinion, not less than half a million men there, perhaps a million, to hold the country in thrall; for, mark you, the Turks number 11,000,000 men, and, if I recollect correctly, they are about 5,000 miles from our coast. The Turk has been one of the best fighters in the world for the past 700 years, and an army of less than that I have named would be liable to annihilation at any time. Call it not mandatory; let us call it military occupancy.

Mr. President, let us go back. Let us trace the way we got into this war, the obligations we did assume, and also the statements that were made to the American people. It will take only a moment to lead up to the main point; but in order that I may do it consecutively, I call attention to a few dates.

August 2, 1914, war broke out in Europe between Germany and France. I believe it was a day or two later that Great Britain entered; but that is immaterial.

On August 4 Belgium was overrun by the advancing German Armies. The neutrality of Belgium was violated. The treaty that Germany had with Belgium, to which we were a party through The Hague convention, was treated as a scrap of paper; and yet, though that act had been done in the face of

the world, on August 4, 1914, the President of the United States proclaimed the absolute neutrality of the United States.

On August 9 Liege was occupied, after the most terrific bombardment that had occurred in all the history of the world up to that time.

On August 14 the Senator from Nebraska [Mr. HITCHCOCK] introduced a bill to prevent the shipment of arms or of provisions to the allied powers. I say allied powers; the bill was general in its nature, but at that time the only powers that could import food from the United States were the allied powers, for already the Navy of Great Britain had swept the seas clean of practically all German craft.

It is well to have these dates in mind. If that bill had passed it would not have been six months before England and France would have lain prostrate at the feet of Germany, for without American provisions and without American supplies France and England would have been overwhelmed by Germany. Every man knows that now. I do not challenge the good faith of the Senator from Nebraska when he introduced that bill. I do not charge him with pro-Germanism, a term that is too much bandied about the Senate, for every time a man indicates opposition to anything that is suggested from the White House somebody intimates pro-Germanism. But if that bill had passed, Germany would have dominated in Europe.

On the 19th day of August, after the German foot was on the neck of Belgium and Germany's sword was pressed to the Belgian heart, after the atrocities of which we have heard so much had been committed, after neutrality had been violated and treaties torn to shreds, after it was plain that Germany had entered upon her career of frightfulness, President Wilson, in an appeal to the American people for neutrality, stated:

> The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action; we must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

The next day, on August 20, the German armies marched into Brussels. On August 24 Namur was taken. On August 26 Louvain was taken, and the French Army, driven back day after day, retreating, fighting gallantly, but carpeting all the soil with their glorious dead, were driven back in consternation and in defeat.

England was marshaling her little host of men and rushing them into the conflict. But during the early days of the war when Germany's purpose was plain, and when it was plain she intended to overwhelm the democracy of the world and establish the autocracy of force, while all that was going on we were pursuing a policy of being neutral in thought as well as in deed.

September 6 to September 10 were the four bloody days of the first battle of the Marne. The Germans reached the extreme point of their advance. With the French troops standing with their backs to the wall, the old French commander gave the word, "They shall not pass"; and so behind windrows of their own dead the French stood and died, and died, until at last they compelled the Germans to yield.

But the Germans did not go back to their own soil. Upon the secred lands of Belgium and of France they made their camps. They established their ground fortresses. Every trench bristled with guns, and they intended to hold this land of France and of Belgium. Their line was 300 miles long. And so they stayed, their clutch of steel upon the throat of France and of Belgium; and still we maintained our policy of neutrality in thought and in deed.

About that time a great American began to demand that the United States should enter the contest. He put his doctrine upon the ground that the treaties we had, The Hague convention and other treaties, had been in fact violated. I did not agree with him in his construction. I believed in the doctrine of neutrality. Yet I say, if we ever were to commit ourselves to the philosophy that it is our business to protect the world and to rescue the people of the world, then Theodore Roosevelt was right in what he said, and we should have acted then.

On May 7, 1915, the tragedy of history occurred, an event that was so black and so hellish that after its occurrence no man could doubt the cruel purpose of Germany. There she was, a floating palace, 700 feet long, her decks crowded with happy men and women, her steerage filled with returning emigrants, going back to their own shores. Little children were playing in the steerage and were hugged to the humble bosoms of their mothers with infinite love. On the upper decks ladies and gentlemen, with their families, were enjoying the glories of a May day. The bands were playing, and there was a song in every heart, for they were approaching their destination, and peace was about to come.

Off yonder under the waves lay the assassin of the sea in wait, and the German commander, with finger to the electric button, waited for the fateful moment when he could send into the bowels of that ship a deadly torpedo. He pressed it in obedience to the command of his Government, and into the ocean's gaping mouth went down this palace of the sea, and men and women, shrieking to God for mercy, and holding up their hands, went into the eternal silence and night of death, and mothers held up their babes, as they went down, that the little ones might have a last gasp of breath.

If we never knew before, we knew then that democracy was in peril. If we did not know it then, there was nothing that ever happened afterwards to show it to us. If it was our duty to interfere on behalf of the democracy of the world and the civilization of the world, those things that are rolled now in platitudinous volume from the lips of orators were then apparent to all the world. Yet, sir, we did not enter the contest. We maintained neutrality in thought and deed as nearly as we could. Although the American people were being killed in that way, yet we adhered to these policies.

What did our Government say? We sent this polite note to Germany:

> Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas; having learned to recognize the German views and the German influence in the field of international obligation as always on the side of justice and humanity, the Government of the United States was loth to believe, it can not now bring itself to believe, that these acts, so absolutely contrary to the rules, practices, and the spirit of modern warfare, could have the countenance or sanction of that great Government.
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> Long acquainted, as this Government has been, with the character of the Imperial German Government and with the high principles of equity by which they have in the past been actuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities.

Of course, that was the language of diplomacy, and I make all allowance for its politeness and moderation on that account. But we did assert to Germany then that she had violated the laws of the sea and in that violation many of our Americans had gone to their death, and Germany to this day never has disclaimed responsibility for that act.

On the same date that this message was sent to Germany the President, in an address to newly naturalized American citizens in Philadelphia, stated:

> The example of America must be a special example. The example of America must be the example of peace, not merely because it will not fight, but of peace because peace is the healing and the elevating influence of the world and strife is not. There is such a thing as a man being too proud to fight.

Yet in violation of our rights on the seas, on that same day the *Lusitania* had gone down into the waves forever, and American men and women had said good-by for the last time as the waves swallowed them up.

I do not say this in criticism. I believed then it was our duty, as I believe now it was our duty, to keep out of European quarrels if we could, and that much might be endured before we would thrust this country into war.

But, sir, if the doctrine that it was our business to enter to make the world safe for democracy; if the doctrine that it was our business to enter in order to set up new governments; if the doctrine that it was our business to establish in the world a new order of things is true to-day, it was just as true then, for Germany's fell purpose and hellish appetite was as well manifested then as it ever was. It was not our doctrine, as I shall show you. It was not the doctrine of the President.

On October 11, 1915, the war still going on, Germany not having disclaimed the *Lusitania*, in an address to the Daughters of the American Revolution, the President stated:

> America stands apart in its ideals; it ought not to allow itself to be drawn, as far as its heart is concerned, into anybody's quarrel.

And yet at that time the red flame of war was scorching all central Europe; at that time the same quarrel was on that we afterwards entered because of peculiar reasons applicable to ourselves.

I say again, if we entered the war for the purpose of reforming the world, changing the map, liberating people, defending democracy everywhere, setting up a new order of things, the necessity was as manifest then as it ever has been.

Now, Mr. President, in making a comparison, I may say I do it with utmost respect, both for the living and the dead, but in article after article former President Roosevelt had been insisting with a terrific power during all these months that it was the duty of the United States to enter this contest. I did

not agree with him then; I do not agree now with his views; but it is important to state them, because, sir, I am going to read you what was, in fact, the President's reply to these oft-repeated demands.

In his annual message to Congress on December 7, 1915, the President said:

During these days of terrible war it would seem that every man who was truly an American would instinctively make it his duty and his pride to keep the scales of judgment even and prove himself a partisan of no nation but his own.

That was a sound American doctrine, according to my view; but it was brought out to meet the insistence of former President Roosevelt and other men who were adhering to his views.

Then, on January 31, 1916, in his speech at Milwaukee, the President said:

There is no precedent in American history for any action which might mean that America is seeking to connect herself with the controversies on the other side of the water. Men who seek to provoke such action have forgotten the traditions of the United States, but it behooves those you have intrusted with office to remember the traditions of the United States.

I want to read that again.

There is no precedent in American history for any action which might mean that America is seeking to connect herself with the controversies on the other side of the water. Men who seek to provoke such action have forgotten the traditions of the United States, but it behooves those you have intrusted with office to remember the traditions of the United States.

Sound doctrine then; sound doctrine now. American doctrine then; American doctrine now; the doctrine of Washington rejuvenated, if you please, and resanctified, and again uttered.

Again, on February 1, 1916, at Des Moines, Iowa, the President said:

There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before—seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy and deliberately engage in the conflict which is now enguifing the rest of the world. I do not know what the standard of citizenship of these gentlemen may be. I only know that I for one can not subscribe to those standards.

But, mark you, at that time we knew all of the sad events I have recited, and we knew that bloody battle after battle was going on. We knew all those stories of atrocity, whether true or false we do not know to-day, but we have read of the crucifixion of men; we knew that poison gas was being spewed out to eat the lungs of men; we knew that submarines had been sent forth to creep along the bottom of the ocean to blow up unsuspecting ships; we knew that execution after execution had occurred; we knew that cities had been sacked and that men and women had been stood up in line and shot because of their loyalty to their own country. At least all those stories were told to us. God knows, I hope, when the mists are cleared away, we shall find that many of them were untrue and that German character never sank to such a low estate. But this we know, that whatever causes there were to enter into the conflict in Europe for the purpose of preserving the democracy of the world, those causes were as apparent then as they were the last day of the war.

Not a new thing in Germany's policy developed, except what I shall refer to, when she undertook to extend her submarine warfare to the entire ocean.

Again, on February 2, 1916, in a speech at Kansas City, he said:

It would tear the heartstrings of America to be at war with any of the great nations of the world. We can show our friendship for the world and our devotion to the principles of humanity better and more effectively by keeping out of this struggle than by getting into it.

At the risk of wearying you—and yet nothing that the President has said could weary the Senate, I am sure, particularly the Senators on my side of the Chamber—I want to read it again.

On February 2, 1916, he said:

It would tear the heartstrings of America to be at war with any of the great nations of the world. We can show our friendship for the world and our devotion to the principles of humanity better and more effectively by keeping out of this struggle than by getting into it.

On February 24, 1916, in a letter to Senator Stone, chairman of the Foreign Relations Committee, my lamented colleague and friend, the President said:

You are right in assuming that I shall do everything in my power to keep the United States out of war. * * * I do not doubt that I shall continue to succeed.

And yet, I repeat, if the democracy of the world has ever been in danger that danger was manifest at that time. If it was ever our duty to interfere on that ground, the ground now alleged, the duty existed then.

On March 13, 1916, in an address to a delegation of Scandinavians at the White House, the President said:

I can assure you that nothing is nearer my heart than keeping this country out of the war.

On May 20, 1916, in an address at Charlotte, N. C., he said:

The European war * * * is a competition of foreign standards, of national traditions, and of national politics—political systems.

We did not hear anything then about making the world safe for democracy; we heard nothing then about civilization being at stake. We heard, on the contrary, that—

The European war is a competition of foreign standards, of national traditions, and of national politics—political systems.

On May 27, 1916, the President delivered an address before the League to Enforce Peace—Mr. Taft's league, now blossoming forth like the full-blown rose, and financed by the international banker whose vision is long enough to see across the Atlantic and to behold the golden harvest awaiting his financial sickle, and financed by them, according to a statement sent out by Mr. Taft's own league, the contents of which have been put in the RECORD. The genesis of that highly patriotic organization I shall give you in a little while from an address by the distinguished Senator from Nebraska, who gave us its origin and its history and its inspiration in 1912, when he made a great speech in the Senate—a great American speech; but in his address to that organization the President declared:

The Great War that broke so suddenly upon the world two years ago, and which has swept within its flame so great a part of the civilized world, has affected us very profoundly, and we are not only at liberty, it is perhaps our duty, to speak very frankly of it and of the great interests of civilization which it affects.

With its causes and its objects we are not concerned. The obscure fountains from which its stupendous flood has burst forth we are not interested to search for or explore.

"With its causes and its objects we are not concerned." Why? Because we were following our traditional policy of allowing those nations to work out their own systems of government in their own way. But if we were ever to have entered this war for the purposes now proclaimed two years or three years after we entered it, those purposes were present then and we were interested in the causes and in the objects.

Again and only shortly after that—I believe it was about the 16th day of August—we held a Democratic convention, and the wonderful speech made by Gov. Glynn at that Democratic convention was submitted in advance and duly passed upon and approved. It is so fine a piece of oratory that I would be warranted in reading all of it, in putting it into the RECORD, and in taking the precious time of the Senate in doing so; but, briefly, he recited the history of this country from the first, adverted to every controversy of a national character we had had. He painted in the blackest characters the nature of the wrongs under which we had suffered, and after each picture was presented he always wound up with this sentence, "Did we fight? We did not. We negotiated."

After a résumé of all of these cases the governor, in impassioned declamation, proceeded to his argument. I shall not read it all, but I want to read a little of it:

If, in the great crisis that now confronts the Nation, the American people falter, if they forget that they are guardians of the most sacred trust that a people ever held, their apostasy will be visited upon the descendants of their children's children.

He was discussing an apostasy from the doctrines of Washington that we were to remain free from European disturbances. He continued:

Out of the flaming fire of revolution, out of a struggle in which they risked their lives, their fortunes, and their sacred honor, the fathers of the Republic brought a Nation which they dedicated to liberty and to human progress.

For the Nation so consecrated true men in every generation have labored and struggled, suffered and died, that it might flourish and endure.

We who stand to-day on the fertile soil of America, who live under the smiling skies of a free and fruitful land, must prove worthy of the trust that American sacrifice has imposed on every American.

For the America of to-day and for the America of to-morrow, for the civilization of the present and for the civilization of the future, we must hold to the course that has made our Nation great; we must steer by the stars that guided our ship of state through the vicissitudes of a century.

For myself, I have confidence enough in my country, faith enough in my countrymen, to believe that the people of America will rise to their responsibilities with a single mind and a single voice.

What is this doctrine he is discussing? Follow me on through the lines that succeed:

One hundred and forty years ago the manhood of America was called upon to decide whether this should be a Nation. Half a century ago Americans were forced to determine whether this should continue to be a Nation. To-day the Republic faces a third crisis no less momentous than that of 1776 or that of 1860. To-day Americans must again determine whether their country shall preserve its national ideals, whether it shall have a national soul, whether it shall stand forth as a mighty and undivided force, whether the United States for which Washington fought and for which Lincoln died shall hold its place among the nations.

For two years the world has been afire; the civilization that we know has been torn by the mightiest struggle in its history. Sparks from Europe's conflagration have blazed in our own skies, echoes of her strife have sounded at our very doors. That fire still burns, that

struggle still continues; but thus far the United States has held the flame at bay; thus far it has saved its people from participation in the conflict.

What the people of the United States must determine through their suffrage—

Now, he is stating the issue of the campaign—

is whether the course the country has pursued through this crucial period is to be continued; whether the principles that have been asserted as our national policy shall be indorsed or withdrawn.

Whether, indeed, I interpolate, we were to continue to follow the policies of Washington or were to abandon them and to enter the European struggle. The orator continued:

This is a paramount issue. No lesser issue must cloud it; no unrelated problems must confuse it.

In the submission of this issue to the electorate—

"In the submission of this issue to the electorate"!

we of this convention hold these truths to be self-evident to every student of America's history, to every friend of America's institutions:

First. That the United States is constrained by the traditions of its past, by the logic of its present, and by the promise of its future, to hold itself apart from the European warfare, to save its citizens from participation in the conflict that now devastates the nations across the sea.

Yet, if we were ever to fight for democracy, the blow should have been struck long before that; if we were to fight for Europe and save Europe, the blow should have been struck long before that.

Second. That the United States in its relations with the European belligerents must continue the policy that it has pursued since the beginning of the war, the policy of strict neutrality in relation to every warring nation, the policy which Thomas Jefferson defined as "rendering to all the services and courtesies of friendship and praying for the reestablishment of peace and right.

Third. That save where the liberties, the territory, or the substantial rights of the United States are invaded and assaulted, it is the duty of this Nation to avoid war by every honorable means.

And it was the violation of that third provision which afterwards brought us into the war and furnished the only just cause for our entering the war. But let us see how this doctrine comports with the modern doctrine that it is our business to stay in Europe, Asia, and Africa and govern the world and, with our armies and our navies, force our will, either our joint or our several wills, upon all men and women on this earth.

Fourth. That is is the duty of the United States Government to maintain the dignity and the honor of the American Nation and in every situation demand and secure from every belligerent the recognition of the neutral rights of its citizens.

Fifth. That because the President of the United States has asserted these principles and pursued these policies the American people must support him with ardor and enthusiasm, in order that these principles and policies may be known to all the world not as the opinion of an individual but as the doctrine and faith of a loyal and united Nation.

And then, to prove that the President was right, he proceeded:

In emphasis of these self-evident propositions we assert that the policy of neutrality is as truly American as the American flag.

Oh, what is this new doctrine that there are to be no neutrals, for that is what the President said; that in all the wars that may devastate the world hereafter there is never to be another neutral; that all nations are to be concerned? Yet the doctrine of neutrality in the early days of August, 1916, was as much American as the American flag, according to the sponsor and nominator of our candidate for President.

He continued:

For 200 years neutrality was a theory; America made it a fact.

The first President of the United States was the first man to pronounce neutrality a rule of international conduct.

In April, 1793, Washington declared the doctrine; and within a month John Jay, Chief Justice of the Supreme Court of the United States, in an epoch-making decision from the bench, whose realization would insure universal and perpetual peace, wrote the principle into the law of this land. The Declaration of Independence had foretold it by declaring "the rest of mankind enemies in war, in peace friends"; the Constitution recognized it; but the first President of the United States by proclamation, the first Chief Justice by interpretation, gave it vitality and power.

And so neutrality is American in its initiation.

But now there are to be no more neutrals. We are to sign away the birthright that Washington bequeathed us, and for the doctrine of neutrality substitute the doctrine that there shall be no more neutrals in this world; and if you do not do it you are cowards, according to the polite language of the advocates of this doctrine of peace. Truly, they employ fighting language in the advocacy of the dovecote and the proclamation of its sweet cooings.

Thirty years later—

Said this orator—

Prime Minister Canning, in the British Parliament, pointed to this American policy of neutrality as a model for the world; and 80 years later, after approval by various statutes and agreements, it was written, almost word for word, in the treaty wherewith we settled our differences with England over violations of neutrality throughout the Civil War.

And so neutrality is American in its consummation.

And to-day in this hall, so that all the world may hear, we proclaim that this American policy of neutrality is the policy which the present administration pursues with patriotic zeal and religious devotion; while Europe's skies blaze red from fires of war, Europe's soil turns red from blood of men, Europe's eyes see red from tears of mourning women and from sobs of starving children.

The men who say this policy is not American can appeal to passion and to prejudice and ignore the facts of history.

Neutrality is America's contribution to the laws of the world. Sir Henry Maine says so, Charles Francis Adams says so, Henry Clay says so, Daniel Webster says so, and upon the evidence of these witnesses we rest our Americanism against the sputterings of pepper-pot politicians or the fabrications of those with whom a false issue is a good issue until its falsity is shown, its maliciousness exposed.

This was his answer to those who were then clamoring that the democracy of the world and the civilization of the earth were at issue in Europe. The answer was, neutrality; stand upon the solid ground that Washington told us to stand upon, namely, the soil of America.

To win this priceless right of neutrality this Nation had to undergo a long and painful struggle.

It took Washington with his allies and sword eight years to win recognition of his country's liberty; it took Washington and his successors 80 years of endless negotiation to win recognition of American neutrality. And this 80 years of struggle wove the doctrine of neutrality so closely into the warp and woof of our national life that to tear it out now would unravel the very threads of our existence.

That is exactly what you are trying to do here to-day. That is what this treaty does. It tears the threads out of the warp and woof of the national life and threatens our very existence.

He continued, but he was not a prophet:

Where is the American hardy enough to challenge a policy so firmly fixed in the Nation's traditions?

Behold all these! He did not reckon on their courage, their sublime disregard alike of danger, of law, of Constitution, and of tradition.

Is there among us any man bold enough to set his wisdom above that of Washington?

Not then, but shortly they came forth, a well-hatched group, almost as numerous as the partisan whip could herd together within the confines of the country.

Is there among us any man bold enough to set his wisdom above that of Washington?

You have been told in this Chamber that Washington is a back number; that he has been dead a long while; yet I say, sirs, that a thousand years from this day, if civilization still lives and men love the name of liberty, the hand of patriotism will pluck the blossoms from the tomb of Washington and press them lovingly as a memento of the immortal one.

Is there among us any man bold enough to set his wisdom above that of Washington, his patriotism above that of Hamilton, and his Americanism above that of Jefferson? Is there any American so blind to our past, so hostile to our future that, departing from our policy of neutrality, he would hurl us headlong into the maelstrom of the war across the sea?

The President of the United States stands to-day where stood the men who made America and who saved America.

He stands where John Adams stood when he told King George that America was the land he loved and that peace was her grandeur and her welfare. He stands where Gen. Grant stood when he said there never was a war that could not have been settled better some other way, and he has shown his willingness to try the ways of peace before he seeks the paths of war.

He stands where George Washington stood when he prayed that this country would never unsheath the sword except in self-defense so long as justice and our essential rights could be preserved without it.

Self-defense, not the defense of Czechoslovakia, not the defense of Poland, not the defense of Japanese territory, not the defense of British possessions that in splotches of red obscure one-third of the map of the Eastern Hemisphere that hangs upon this wall, but self-defense of this country; our own defense.

For vainglory or for selfish purpose others may cry up a policy of blood and iron, but the President of the United States has acted on the belief that the leader of a nation who plunges his people into an unnecessary war, like Pontius Pilate vainly washes his hands of innocent blood while the earth quakes and thousands give up the ghost.

Only by standing on this rock of Americanism—

I am reading from a Democratic campaign book, and see how large they printed these letters:

Only by standing on this rock of Americanism against which dashed the waves of conflict could the President of the United States, faced by a world in arms, save this country from being drawn into the whirlpool of disaster. One false step in any direction and he would have carried the Nation with him over the precipice.

By opposing what we stand for to-day the Republican Party opposes what Hamilton stood for a century ago.

Now, you Republicans over there can answer whether you stood for it, whether this is a just indictment or not. It is none of my business to defend you. I know this is what we said when we went to the American people to get votes, when we appealed to their hearts and to their consciences.

The founder of the Republican Party and the founder of the Democratic Party, placing their country's happiness above every other consideration, forgot partisanship and made American neutrality a national creed. We who follow Jefferson stand where Jefferson stood, but we look in vain for a sign from the present leaders of the Republican Party to show that they follow where Hamilton led.

Where Hamilton thought only of country, they thought only of self. Where Hamilton placed patriotism above partisanship, they placed partisanship above patriotism. How long do they dare to speak for

the great body of American citizens who form the rank and file of the Republican Party? Do these leaders believe that their Republicanism is a better Republicanism than Hamilton's, their Americanism a purer Americanism than that of Washington?

Unless statesmanship has fallen into disrepute among Republicans, the men who controlled the Chicago convention can not read Alexander Hamilton out of the Republican Party. Unless I mistake the temper of the American people the Republican bosses can no more lead their adherents away from the neutrality for which Washington and Hamilton struggled than they can lead them away from the flag for which Washington and Hamilton fought.

Then comes the headline "Inconsistency Laid Bare."

If Washington was right, if Jefferson was right, if Hamilton was right, if Lincoln was right, then the President of the United States is right to-day; if the Republican leaders are right then Lincoln was wrong and Jefferson was wrong and Hamilton was wrong and Washington was wrong.

In all the history of the world there is no other national policy that has justified itself so completely.

Now, get this, Democrats:

In all the history of the world there is no other national policy that has justified itself so completely and entirely as the American policy of neutrality and isolation from the quarrels of European powers.

Of course, that was true in August, 1916.

Mr. GORE. June.

Mr. REED. That is the date I have. Was it June?

Mr. GORE. The convention was in June.

Mr. REED. Then it was in June. I was at the convention, and I heard the speech, one of the most remarkable speeches I have ever heard, one of the greatest ones. He continues:

Before we declared our neutrality we were embroiled in all the troubles of Great Britain, France, and Spain; since then we have had less than three years of war with Europe and 116 years of amity and peace.

But now we are entering upon a new policy, where we can have 116 years of war as against a possible 3 years of amity and peace, for now we embroil ourselves in all the quarrels of Europe. There are 23 wars going on there now, and there have been fought in Europe in the last 105 years over 106 wars, 50 of them being great wars. And we had only 3 years of war in all that time, according to this orator.

Mr. THOMAS. That leaves out the Civil War.

Mr. REED. We do not count our own domestic war, which we had under a league of States, composed of one people, living under one law, with one religion, and yet it did not prevent the only great war we ever had. He continues:

Before this declaration every war was a world war—

That is, before our declaration made by Washington.

Before this declaration war was a whirlpool ever increasing in area and in its whirl dragging down the nations of the earth; since this declaration war has become a sea of trouble upon which nations embark only from self-will, from self-interest, or the necessity of geographical position, of financial obligation, or political alliance.

Ah, let me call your attention to the great truth there uttered. Before the doctrine of neutrality, says this author, was established by Washington we were embroiled in the wars of every nation, but the result of it was the circumscribing of war, delimiting it to particular nations through 116 years it had gone on. Now we propose to abandon neutrality; aye, more, to make an absolute contract to become participants in the war, and to thus throw ourselves into this maelstrom; aye, help to create it. Is it not enough to alarm every American? Is it not enough to open even the dull ears of the adder, that has closed her ears that she may not hear? This continues:

Neutrality is the policy which has kept us at peace while Europe has been driving the nails of war through the hands and feet of a crucified humanity.

Now we propose to enter the European struggle.

It has banished conquest from our program of national greatness. It has made us find our destiny at home.

It has forced us to build on the brawn of our sons and the energy of our daughters rather than upon the tears of conquered women and the blood of conquered men. It has made us seek treasure in our harvests, wealth in our fields by staying our hands from war's blood-stained pot of gold. It has been the flaming sword which forbade us to devastate the Eden of others and compelled us to make an Eden of our own. It has freed us from the paralyzing touch of Europe's power, leaving to Europe the things that are Europe's and preserving for America the independence, the peace, and the happiness that now are hers.

As a result of this policy America stands serene and confident, mighty and proud, a symbol of peace and liberty in a world aflame, a sanctuary where the lamp of civilization burns clear and strong, a living, breathing monument to the statesmanship of the great Americans who kept it free from the menace of European war.

But now we must mix in all their wars, defend all these countries, and we are quibbling about whether we are going to do it jointly or severally.

Wealth has come to us, power has come to us, but better than wealth or power we have maintained for ourselves and for our children a Nation dedicated to the ideals of peace rather than to the gospel of selfishness and slaughter.

But, say our critics, this policy satisfies no one.

This is where the Republicans come in for their share.

They mean it does not satisfy those who would map out a new and untried course for this Nation to pursue, but they forget it does satisfy those who believe the United States should live up to the principles it has professed for a century and more.

Chief Justice White of the United States Supreme Court says this policy has given America the greatest diplomatic victory of the past generation. Maximilian Harden, Germany's noted editor, says "that never once has this Republic violated its neutrality"; and Gilbert K. Chesterton, the famous English journalist, says "it is the duty of the President of the United States to protect the interests of the people of the United States"; that "he can not dip his country into hell just to show the world he has a keen sense of being an individual savior."

Splendid doctrine; but are we now about to dip our country into this hell spoken of by this writer, that we may succor others?

This policy may not satisfy those who revel in destruction and find pleasure in despair. It may not satisfy the fire-eater or the swashbuckler, but it does satisfy those who worship at the altar of the god of peace.

The god of peace seems to have moved his altar and changed his doctrine, or written a new creed, if these be true priests serving at the altar, who now would reverse our theories, change our policies, and embark us upon a career of internationalism and of nonneutrality. He continues:

It does satisfy the mothers of the land at whose hearth and fireside no jingoistic war has placed an empty chair. It does satisfy the daughters of this land from whom bluster and brag has sent no loving brother to the dissolution of the grave. It does satisfy the fathers of this land and the sons of this land who will fight for our flag and die for our flag when reason primes the rifle, when honor draws the sword, when justice breathes a blessing on the standards they uphold.

That sounds to me like old-fashioned Americanism. I can see the flash of fire from the old flintlock rifles of the Revolution as I read those words. I can hear the rattle of the sabers of Washington's men as I read those words. It is the soul of the past speaking through the lips of a great orator of the present, one to inspire and to lead us on. This speech won the election. He continues:

And whom, we ask, will the policy of our opponents satisfy, and for how long?

Get this, O ye of little faith, or, rather, ye with faith so great that every vision that comes out of the sky and every voice that comes from the air is to you a vision of heaven and the voice of God.

And whom, we ask, will the policy of our opponents satisfy, and for how long? Fighting for every degree of injury would mean perpetual war, and this is the policy of our opponents, deny it how they will. It would not allow the United States to keep the sword out of the scabbard as long as there remains an unrighted wrong or an unsatisfied hope between the snowy wastes of Siberia and the jungled hills of Borneo.

That is the best picture of the league of nations ever drawn. It was painted before the league was conceived, and it may have been the inspiration of the league—who knows? For, God wot, where else would it come from?

It would make America as dangerous to itself and to others, as destructive and as uncontrollable as the cannon that slipped its moorings in Victor Hugo's tale of '93. It would give us a war abroad each time the fighting cock of the European weather vane shifted with the breeze. It would make America the cockpit of the world.

I do not like to interrupt this wonderful piece of eloquence, but I do it, and I read again:

It would give us a war abroad each time the fighting cock of the European weather vane shifted with the breeze.

And up in Russia, among a people that were late our allies and who left 6,000,000 of their dead upon the field fighting in the cause, as we now say, of democracy, we have our troops but recently serving because the weather cock of war has turned in a certain direction. Again we are sending them over to Silesia, and again we are binding ourselves by this document to keep them for 15 years in the Saar Valley.

But I continue:

It would make America the cockpit of the world. It would mean the reversal of our traditional policy of government. It would mean the adoption of imperialistic doctrines which we have denounced for over a century. It would make all the other nations the wards of the United States and the United States the keeper of the world.

He was mistaken. It makes all the nations of the world the wards of Great Britain and Great Britain the keeper of the world, with the United States, like one of her colonies, enjoying a single vote.

He continues:

What would become of the keeper of the world?

Now we and Great Britain stand side by side as keepers of the world—no; not side by side. We are to stand just in the rear of Great Britain, and side by side with Japan. Let me read these words:

What would become of the keeper of the world? What would become of the Monroe doctrine under such a policy? How long do our opponents suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs?

Get that, you Democrats who went to that convention and shouted until you nearly burst your blood vessels. Get it, those of you who went upon the stump in your various States and called your people to rally to the Democratic banner. Get it, all ye leaders in the hosts of democracy who returned from that convention having renewed the fires of your own hearts by coals taken hot from the altar of that great Democratic temple.

What would become of the Monroe doctrine under such a policy? How long do our opponents suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs? The policy of our opponents is a dream—

A dream that, having been interpreted, has now become the theme of statemen—a dream that, it seemed, would be blessed of partisanship, lose all the hideous characteristics of the theme, and all the habiliments and all the lineaments of statesmen, now took on the transfiguration of life and angelic purity.

The policy of our opponents is a dream. It never could be a possibility. It is not even advanced in good faith. It is simply an appeal to passion and pride, to sympathy and prejudice, to secure partisan advantage. In a word, this policy of our opponents would make the United States the policeman of the world.

And to-day the tailors of the Senate are laying out the cloth and cutting the uniforms for the policemen.

Rome tried to be policeman of the world, and went down. Portugal tried to be policeman of the world, and went down. Spain tried, and went down; and the United States proposes to profit by the experience of the ages and avoid ambitions whose reward is sorrow and whose crown is death.

Great applause, led by distinguished Senators.

Then follows a headline, "Woodrow Wilson, the Man."

Americanism and peace, preparedness and prosperity—these are the issues upon which the Democratic Party stands, and the heart of democracy swells with pride that is more than a pride of party, as it hails the man who has asserted this Americanism, assured this peace, advocated this preparedness, and produced this prosperity.

The man who is President of the United States to-day has measured up to the best traditions of a great office.

He has been wise with a wisdom that is steeped in the traditions of his country, with a wisdom that has been disciplined by training and broadened by instruction.

He has been prudent with the prudence of one who has within his hands the destiny of a hundred million people.

He has been firm with the firmness that proceeds from deep conviction, with the firmness that is grounded in a duty well defined.

He has been courageous with the courage that places country above self, with the courage that follows duty wherever it may lead.

He has been dignified with the dignity that is self-forgetting and self-respecting, with the dignity that conserves the majesty of the greatest office in the world.

He has been patient with the patience which believes and trusts that "truth crushed to earth will rise again," with the patience that can endure and wait, watch and pray, for the certain vindication of justice, humanity, and right.

He has been patriotic with a patriotism that has never wavered, a patriotism that is as pure and strong as the faith that moved the fathers when they made our country free.

No President since the Civil War has had as crucial problems to solve, and no President has displayed a grasp more sure, a statesmanship more profound.

Assailed by the wolves of privilege, he has pulled their claws and drawn their teeth.

Assaulted by partisan envy he has shamed his traducers into silence and made friend and foe go forward together in the paths of national progress.

He has fired our patriotism with a new ardor; he has breathed into our ancient traditions a new vigor and a new life.

He has added strength to America's courage and mingled mercy with America's strength.

He has fastened the brakes of justice upon the wheels of power; he has lifted the mists from the temple where our liberties are enshrined.

President and President to be, when the history of these days comes to be written and the children of to-morrow read their Nation's story, when time shall have dispelled all misconception and the years shall have rendered their impartial verdict, one name will shine in golden splendor upon the page that is blackened with the tale of Europe's war, one name will represent the triumph of American principles over the hosts of darkness and of death.

That name will be the name of the Great President who has made Democracy proud that he is a Democrat and made Americans proud that he is an American.

It will be the name of the student and the scholar who has kept his country true to its faith in a time that tried men's souls; the name of the statesman who has championed the cause of American freedom wherever he found it oppressed; the name of the patriot who has implanted his country's flag on the highest peak to which humanity has yet aspired; the name that carried the torch of progress to victory once and will carry it to victory again; the name of Woodrow Wilson, President and President to be.

Mr. President, that was the battle cry of the campaign. It left the question open if our rights were attacked that we could defend them, but if peace can bless a party and if utterance can bind men, that bound us to sustain the doctrine of Washington, the traditional doctrine of our country, to maintain the dignity of our own land, to keep free from entanglements with Europe, to keep free from the European war unless we were assailed, and then to defend our own rights and seek nothing further than the defense of our rights. It gives the repudiation, I had almost said the lie, to every argument I have heard in favor of the league of nations.

Mr. President, it is impossible for me to finish my remarks to-night. I wish to ask the Senator from Massachusetts [Mr. LODGE] if he will not move a recess, or I will yield to anyone who desires to take the floor.

THE SILVER DOLLAR.

Mr. THOMAS. Mr. President, I want to speak very briefly of an event of great interest and greater importance to this great country.

This is the anniversary of the armistice. It will be known to history as the dawn of the new silver jubilee, for silver yesterday was quoted at a price per ounce in the market in excess of $1.2929, the historic ratio of 16 to 1. During the early months of the war the Senator from Utah and myself in discussing its probable effect upon the white metal ventured a prediction of the coming of this identical accomplishment. Silver is worth in the market at the last quotation $1.3025, or about 15½ to 1 with gold; and to-day gold is the cheaper metal of the two. The gold dollar is the short-legged dollar of the time, and the despised metal has come into its own.

I have a clipping from the New York Tribune relating to the subject which I ask unanimous consent to have printed in the RECORD. I shall not detain the Senate at this time by any further comment upon this really epochal fact—a fact which must profoundly affect the finances of the world and lead the nations back to the bimetallic standard which they unwisely abandoned 40 or 50 years ago. I shall take occasion at some more favorable time to address the Senate upon the need for utilizing this fortunate situation for the permanent equalization of exchange between these two historic money metals.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Colorado is granted.

The matter referred to is as follows:

SILVER DOLLAR IS WORTH MORE THAN $1 NOW—RISE IN PRICE OF METAL GIVES UNITED STATES COIN HIGHER VALUE AS BULLION THAN ITS FACE VALUE AS MONEY.

"For the first time in 35 years the metal in the American silver dollar is worth more than the face value of the coin.

"Sales of the metal were made in the New York market yesterday at $1.30½ an ounce. The gold parity of the silver dollar is $1.2929; that is, when silver metal sells at that price the silver in the dollar is worth a dollar.

"With silver selling around the high price established yesterday, it will be profitable to melt down dollars and sell them as bullion. Bullion dealers estimated the melting cost at about half a cent an ounce. 'Goulashing' of dollars, as the bullion trade calls melting them down, is not likely to become much of a practice, however, because of the limited number of dollars in circulation. Upward of $200,000,000 worth of silver dollars were melted down and sold as bullion under the provisions of the war-time Pittman Act. Much of that silver went to India to pay for war purchases.

PRICE RISING SINCE WAR STARTED.

"Silver, like most other commodities, has been steadily rising in price since the war began, and the movement has been accelerated since the signing of the armistice by reason of the heavy world demand for the metal for coinage. With the withdrawal of gold from circulation in various parts of the world, as a result of the war, silver has come into greater use, particularly in Europe, where it has temporarily taken the place of gold as hard money.

"Since last May, when the United States lifted the embargo upon exports of silver from the country, China has come into this market as a heavy purchaser, and recently sales for shipment to the Far East have been running at the rate of 7,000,000 to 10,000,000 ounces a month. In August exports to China reached the larger figure, and in September they exceeded 7,000,000 ounces. China is bidding against the world for silver at present, and is willing to pay a higher price than England. That is the principal factor in the market at the moment, and the demand from that quarter is expected to continue heavy for some time.

HIGHEST PRICE SINCE 1859.

"Meanwhile the London price has steadily mounted. Yesterday the official quotation there was 68¾ pence per ounce, the equivalent of $1.27 in this market. This is the highest London quotation since 1859, when silver rose in spectacular fashion following the Crimean War and the Indian mutiny.

"The available supply of silver in the London market is said to be the lowest in years. London normally carries between 8,000,000 and 10,000,000 ounces on hand. Owing to the diversion of shipments to China in recent months and the holding up of trans-Atlantic shipments by reason of the longshoremen's strike here, the London supply has dwindled to less than a million ounces. At the present quotation for silver in London, the English shilling can be melted down profitably for its bullion value. The British treasury last week placed an embargo upon the

export of silver to protect its silver currency, and the French Government has done likewise.

"The sensational rise in silver has carried the value of the lowly Mexican dollar or peso to 99 cents, which was the market quotation yesterday. The face value of the coin is just under 50 cents, but high silver has made it worth nearly twice as much for its silver content."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. ROBINSON. Mr. President, the Senator from Missouri [Mr. REED] has just suspended a very brilliant speech set throughout with gems of invective, satire, and irony. In a forum of this character that method of argument is not appealing and should not be effective. The gist and substance of the argument of the Senator from Missouri is that, notwithstanding the incidents which attended our entry into the war, our sacrifices in the war, our association with our allies in a struggle to save civilization, now that the war has successfully terminated it is our duty to absolve this Government from any attempt to prevent the recurrence of such a war as that which has just ended.

The Senator from Missouri during the course of his remarks has made some statements which I feel it my duty in fairness to my colleagues, and particularly in justice to the Senator from Nebraska [Mr. HITCHCOCK], to controvert. All Senators will recall that the Senator from Missouri ridiculed the address made on yesterday by the Senator from Nebraska and declared that Senator had asserted that the obligation of the United States to protect the feeble nations of Europe which had obtained their freedom during the war arises because of a declaration to that effect by Mr. Root and, perhaps, by Mr. Hughes. The Senator from Missouri declared that the Senator from Nebraska repeated that assertion four times in his address of yesterday.

Mr. President, I heard every word of the very able speech made by the Senator from Nebraska, and I have taken the trouble to read it since the Senator from Missouri made that statement. I challenge the accuracy of his statement. I can not comprehend how any Senator with the intelligence which I know the Senator from Missouri possesses could have made the statement in view of the actual declaration made by the Senator from Nebraska; but the Senator from Missouri did make that statement.

Mr. REED. Mr. President——

Mr. ROBINSON. In order that there may be no misunderstanding as to the inaccuracy of the statement made by the Senator from Missouri in his bitter criticism of his colleague, the Senator from Nebraska, I am going to read what the Senator from Nebraska did say, and then leave it to fair-minded persons to determine whether the criticism which the Senator from Missouri so sarcastically heaped upon him is justified in this presence. The Senator from Nebraska was answering questions by the Senator from Pennsylvania [Mr. PENROSE], who said:

> I was astounded to hear from so able a Senator as the representative of the minority in this contest the statement that we had assumed an obligation. How have we assumed it? Who committed us? By what authority?
>
> Mr. HITCHCOCK. I think the Senator himself, for one.
>
> Mr. PENROSE. In what way?
>
> Mr. HITCHCOCK. By voting for the Army bill, for instance, in which we organized the Slavic legion, in which we invited the Slavs of the United States to volunteer, although they were technically citizens of Austria, to serve in our Army and go across the ocean and fight against the nation to which they owed allegiance, in the hope that they would assist us in defeating Austria. We assumed that obligation when we encouraged the Poles to throw off their allegiance. We assumed that obligation when we encouraged the Bohemians, technically known as Jugo-Slavs, to throw off their allegiance to Austria.
>
> This Nation went as far as it could in inviting those subject peoples to rebel, and why? Because in speeches here upon the floor of the Senate and upon the floor of the House of Representatives and elsewhere in the country representative citizens proclaimed that if the United States and her associates were successful in the war the old nation of Poland should be revived, and Bohemia should become a nation in the world, and the Jugo-Slavs should be permitted to organize their nation. We were committed morally to those subject peoples. We encouraged them to struggle, and we practically guaranteed them that we and our associate nations would stand by them in guaranteeing their independence.

That is the statement which the Senator from Nebraska made on yesterday as to our obligation already assumed. It was based upon the events of history; it was justified by the course of events, which no individual, whether he be President or a Member of the Senate or a private citizen, could stay.

The reference to Mr. Hughes and Mr. Root which the Senator from Nebraska made was in the following language:

> Many public men, notably former Senator Root, and, I believe, also Mr. Hughes, have taken the position that at least for five years we ought to stand by the moral obligations we assumed.

The Senator from Nebraska did not say that this declaration which I have just quoted from these gentlemen constituted an obligation. He merely stated that these great American citizens had recognized the obligation.

Further on in his address the Senator from Nebraska made another reference to former Senator Root. He was asked a question concerning our duty to Korea and whether we had violated our treaty with the Korean people, and he replied as follows:

> I think under the treaty of 1848 we were bound to Korea, but when Korea appealed to us under that treaty we repudiated it. That, however, is no reason why we should repudiate the moral obligation we have undertaken to the little nations of Europe. Think of the effect in those countries of the announcement that the United States assumes no obligation for their protection! Ex-Senator Root said we should assume that obligation for at least five years.

Mr. President, with respect to the correctness of the attitude of the Senator from Nebraska when he declared that by reason of having organized these nations and encouraged them to struggle for their independence, by reason of having made their cause our cause, and having assisted them in achieving their independence we owe them the obligation not to leave them at the mercy of their former enemies—if that is contrary to the doctrines and precedents which the Senator from Missouri would cite, very well and good, but it is justified by a higher authority in this Chamber. If the Senator from Nebraska had desired to restate an argument made by a great Senator in his presence on December 21, 1918, he could have hardly done so more effectively than was accomplished in the language that he used. The leader of the majority, the Senator from Massachusetts [Mr. LODGE], on yesterday declared that the purpose of the pending reservation is to nullify article 10. He said:

> I think the people of the country understand very well what this reservation means, that it disposes of article 10 so far as we are concerned, and effectively disposes of it.
>
> Mr. President, I have proceeded in all I have tried to do on the simple theory of clearing the United States, so far as possible, from obligations imposed by the league in which I do not wish to see the United States involved. Every country can take care of itself, and I have never thought it was our duty to look after them.

If that statement stood alone, Mr. President, I could not consistently quote the Senator from Massachusetts as advocating the position taken by the Senator from Nebraska during yesterday's debate; but I recur now to a great speech made by the Senator from Massachusetts, delivered in the Senate on Saturday, December 21, 1918, a carefully prepared address. In that speech, notwithstanding the Senator from Missouri has so forcefully and repeatedly ridiculed the declaration that the United States went to war to save civilization, the Senator from Massachusetts made that identical declaration. The Senator from Massachusetts then said:

> We went to war to save civilization. For this mighty purpose we have sacrificed thousands of American lives and spent billions of American treasure. We can not, therefore, leave the work half done. We are as much bound, not merely by interest and every consideration for a safe future but by honor and self-respect, to see that the terms of peace are carried out as we were to fulfill our great determination that the armies of Germany should be defeated in the field. We can not halt or turn back now. We must do our share to carry out the peace as we have done our share to win the war, of which the peace is an integral part. We must do our share in the occupation of German territory which will be held as security for the indemnities to be paid by Germany. We can not escape doing our part in aiding the peoples to whom we have helped to give freedom and independence in establishing themselves with ordered governments, for in no other way can we erect the barriers which are essential to prevent another outbreak by Germany upon the world. We can not leave the Jugo-Slavs, the Czecho-Slovaks, and the Poles, the Lithuanians, and the other States which we hope to see formed and marching upon the path of progress and development unaided and alone.

Mr. President, that is the statement made in December of 1918 by the Senator from Massachusetts. On yesterday, however, with a peculiar emphasis, he declared that he had never had any purpose such as expressed in his speech that I have just read. He declared that he had never had any thought that it was our duty to look after these feeble nations; but, in language which burns itself into the brain, in the speech that I have quoted from, delivered in December, 1918, the Senator from Massachusetts made in substance the identical argument which was made on yesterday by the Senator from Nebraska.

The Senator from Missouri, during the course of his remarks, declared that if anything emanated from the White House, and if any Senator suggested oppositon to it, some Senators—making a broad wave of his hand toward this side of the Chamber—immediately proclaimed the opposition pro-Germanism. I have quoted his language almost exactly. Mr. President, if I were disposed to reply in kind to the Senator from Missouri, I might say that when anything emanates from the White House, some Senators immediately take the rabies and throw a fit; but that character of argument, Mr. President, is not justified here.

The President of the United States has had the greatest responsibility during the last few years that ever fell upon the shoulders of any mortal being. He has discharged the functions of his office, according to my honest conviction, fearlessly and with due regard to the rights of our citizens and of all mankind. He negotiated a treaty of peace as the representative of this Government. It is not generous, it is not kind—to use the language of the Senator from Missouri, so often repeated by him in the course of these debates—for my friend the Senator from Missouri to declare that in undertaking to ratify this treaty, which we believe representative of the best that could be obtained in the conference, which we believe is calculated to safeguard the interest of the world and the interests of the United States—it is not fair to declare, as the Senator from Missouri did declare during his address, that we disregard the Constitution and the laws of our country.

The Senator from Missouri has consumed more than an hour of the time of the Senate this evening in reading an address delivered before the Democratic National Convention in June, 1916. The address is an excellent one. It is true that the address was well received by the people of the United States. It proclaimed an obligation upon the United States to continue the practice of neutrality.

Did the Senator from Missouri, when he refers to his colleagues on this side of the Chamber as having "shouted until we almost burst our blood vessels" at the delivery of that address, protest against it? Did he approve it?

Mr. REED. Certainly I approved it.

Mr. ROBINSON. The Senator says, "Certainly I approved it." Then why does he condemn his colleagues for approving it?

Mr. REED. Mr. President, if the Senator addresses that interrogation to me, I do not condemn them.

Mr. ROBINSON. Mr. President, if the Senator will permit me, I should like to go on.

Mr. REED. Oh, proceed.

Mr. ROBINSON. I think I can state the reason.

Mr. REED. Proceed.

Mr. ROBINSON. The whole course of the Senator's argument was to the effect that the doctrine of neutrality was the right doctrine, and that the United States ought to have stayed out of the war.

Mr. REED. Oh, no; I did not say that. The Senator can not make me say that.

Mr. ROBINSON. I did not say the Senator said it. I said that was the whole course and effect of his argument.

Mr. REED. Mr. President, will the Senator permit me to interrupt him? The Senator does not want to put me in a wrong position, I know.

Mr. ROBINSON. No.

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. ROBINSON. I yield to the Senator; certainly.

Mr. REED. The Senator does not want to put me in any wrong position before the country. The text of my speech will go into the RECORD without any correction from me.

Mr. ROBINSON. I know so.

Mr. REED. And the Senator will find, if he reads it, that I repeatedly said that the cause afterwards came, in substance and effect. My address was leading up to that cause, and it will be fully covered to-morrow. Now, all I am particular about is that the Senator shall not put me before the country as saying that we should not have gone into this war, for I voted for this war and I supported it.

That is all I wish to say.

Mr. ROBINSON. Mr. President, the statement which the Senator now makes is not in line with the statement which he made during the course of his remarks.

Mr. REED. Well, the RECORD will show.

Mr. ROBINSON. I can show the Senator himself, if he will just give me an opportunity.

Mr. REED. Go ahead.

Mr. ROBINSON. The Senator may regard himself as incapable of committing error; he may think that his colleagues are always mistaken when they differ from him; but, as I have the floor now, I am certainly entitled to the privilege of showing that he is wrong, if I can show it.

The Senator read incident after incident in which Germany trespassed upon the rights of civilization and upon the rights of citizens of the United States. In language which burned itself into the memory of every man, woman, and child in this assembly, the Senator from Missouri described the *Lusitania* incident. He told of fathers and mothers, many of them American citizens, on that great vessel, and of the secret blow which the German submarine struck against that vessel and sent it to the bottom. He pictured the misery and the desolation that resulted from that act, and he said that if ever we were going to war we ought to have gone to war then. That statement was repeated in connection with many other incidents. He declared, Mr. President, that former President Roosevelt had said that we ought to abandon a position of neutrality; that while he did not agree with him, he asserted that the only justification of our entering the war was a subsequent violation of our rights; but, Mr. President, the whole course of his argument was to the effect that from the beginning of the war Germany had been disregarding our rights, and that we ought to have entered the war, if we were going to, sooner than we did enter it, in the interest of civilization.

Does the Senator from Missouri now believe that the sole motive for which the United States entered the war was to avenge some illegal act of the German Government against this Government or its citizens? Does the Senator from Missouri insist that the only justification for our entering the war was the unlawful acts of Germany against this Government? If he does, he contradicts the speech made by the Senator from Massachusetts, one of the very best speeches that very able Senator has ever made. If he insists that the only motive that inspired this Nation in going to war was to avenge illegal acts committed against our Government or its citizens by Germany after the events which he so eloquently described, then, Mr. President, I want him to say what the acts were.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. ROBINSON. I yield.

Mr. REED. I take it the Senator meant to be interrupted when he asked that question.

Mr. ROBINSON. I am glad to yield to the Senator.

Mr. REED. Very briefly, allow me to state—and the RECORD will show that what I say is correct—that I continually repeated that if the cause for our entering the war was that we were going in to save the world that cause existed long before we went into the war, and I related these incidents.

Mr. ROBINSON. Now, will the Senator permit me right there? If the Senator is saying now that the real and only cause of our entering the war was the transgression of American rights by Germany, I reply to him, in his language, that those causes existed long before we entered the war.

Mr. REED. That was the statement I made, as I was leading up to what I intend to say to-morrow, that the additional cause came. Now, I am perfectly frank with the Senator when I say that I have not any doubt that all these atrocities and wrongs which had been heaped upon America before had their cumulative effect, but that when we did go into the war we went into the war because of the act of Germany in renewing her submarine warfare, and in sinking American vessels. That is the line of argument; and the Senator is not quoting me correctly when he states, as I think he did state, that I argued that these causes for war existed before. I said that if we were going in to save the world, those things were apparent to all. My argument is that we finally, after having stood them, reached the point where Germany broke faith with us, repudiated an agreement she had made with us, declared she was going to embark upon unrestricted submarine warfare, and practically warned us off the seas. Even then, we did not go to war. We waited until Germany sank three of our vessels, and then we declared that a state of war existed.

That is the statement I made.

Mr. ROBINSON. Mr. President, it is undoubtedly true, as stated, that the United States made a very great effort to avoid being drawn into this war. It is undoubtedly true that the President and every other officer of the Government who really represented it in an executive capacity did everything in their power to prevent going to war, and I believe that course was justified. We can not always anticipate events. The Government was compelled to act upon incidents as they were then known, and I think the United States acted wisely in staying out of the war as long as it did. But I declared, Mr. President, that from the beginning of the outbreak of the war in Europe Germany was constantly and deliberately transgressing American rights, and we had a right to treat any of those acts as acts of war, and go to war with her. The Senator from Missouri nods his head, and he agrees. Therefore we have reached an agreement that the course which Germany had pursued against the United States would have justified this Government in entering the war sooner than she did enter it. But, Mr. President, in view of the great sacrifices which must have been anticipated, the Government was justified in seeking to avoid becoming a party to the war, and we did not enter the war until the

President and the Congress became satisfied that there was no honorable way to avoid it. Germany had not only strewn the wreckage of very many American vessels on the surface of the sea; she had deliberately taken the lives of many noncombatants, including something like 215 citizens of the United States; but the argument which the Senator from Missouri made in ridiculing his colleagues in this Chamber because they approved in the beginning of an effort to preserve the neutrality of this Government in spite of German outrages on civilization falls when he admits that from the beginning the Government was justified, by the acts of Germany against her, in entering the war.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. ROBINSON. I yield to the Senator from Oklahoma.

Mr. OWEN. I wanted to remind the Senator from Arkansas that there were some other very important developments justifying the war, among them the discovery that Germany was carrying on a world-wide propaganda intending to break down Governments everywhere in the world and to conquer the world by military force, and we detected her in the act of embroiling this country with Mexico and Japan.

Mr. ROBINSON. That is the reason why the Senator from Massachusetts [Mr. LODGE] in December, 1918, and the Senator from Nebraska [Mr. HITCHCOCK] on yesterday declared in effect that the United States went to war to save civilization. Does any Senator here doubt that if the United States had continued to the end to pursue a policy of neutrality civilization would have been destroyed and Germany would have overrun the world?

The Senator from Missouri [Mr. REED] paints a glowing picture of the courage, the dash, the enthusiasm, the heroism, of the American soldiers and of the soldiers of France in battle. Ah, Mr. President, under the crosses on Flanders fields there sleep thousands of American boys who fell in battle. Let me ask the Senator from Missouri now if it is his position that this war should end, that we should break our relations with our allies, and that all the nations should go their separate ways and leave no organization for the prevention of international wars in the years to come?

Is the Senator from Missouri satisfied, after the beautiful picture of courage and sacrifice he painted this afternoon, to say that all that courage and all that sacrifice shall count for naught? With the blood in the trenches scarcely yet dry, the dead sleeping on the fields of battle, and the wounded coming back home to resume their status as citizens, can we not hope that the Senate of the United States will try to do something toward preserving the peace of the world in the future?

He has ridiculed and denounced the league of nations as impracticable and useless for the purpose of preventing war. What plan does the Senator propose? Mr. President, he can not answer that question with mere general objections to the plan which we have worked out. The only plan seriously proposed is the league of nations plan. The hope of the world is fixed on it.

It is true that the debates during the last 24 hours have disclosed a deliberate purpose to withdraw the support of the Government of the United States from the new nations which achieved their liberty as a result of the war and to leave them to their fate. But, Mr. President, are we to take the view of this matter which is urged by the Senator from Missouri? Are we to accept his declaration that article 10 will involve this Nation in numerous controversies and quarrels, and for that reason we must wash our hands of the whole affair and withdraw ourselves to a state of isolation? Let the speech of the Senator from Massachusetts answer him. Let the hope of all mankind answer him.

Mr. President, article 10 is the most vital and important part of this treaty. The pending reservation is intended to modify it.

I make no apology for it, but sincerely advocate it as the one provision which, more than any other in the treaty, is calculated to prevent international wars.

It does not seem to my mind to be subject to the objections and criticisms urged against it in the Senate.

Article 10 in no sense impairs the right of revolution or insurrection. It is directed against external aggression, and that can never be held to mean anything else than the application of force from the outside. By no expansion of recognized rules of construction can the prevention of external aggression be deemed to deny the rights of rebellion or revolution. Rebellion, revolt, and revolution are the application of force against a government by those who owe it allegiance or obedience. External aggression, in article 10, therefore, clearly means the attack of outside forces against the territorial integrity or political independence of a nation.

Article 10 bans or outlaws conquest. If the nations are not willing to forego conquest, if they are unwilling to bind themselves to restrain ambitious members from aggression, then the world had just as well never hope for permanent peace. Article 10, without reservation, will prove a powerful determent to nations disposed to engage in wars of conquest.

While the covenant contains four other important provisions which will discourage the resort to force in the settlement of international disputes, the obligation which all members of the league assume under article 10 to both respect and preserve as against external aggression the territorial integrity and political independence of all States members of the league combines the moral and physical influences of all the other members of the league against any nation which may be inclined to trespass upon the territory or to restrict the political independence of any other member. The league agreement relative to disarmament, if executed in good faith, will diminish the likelihood and minimize the destructiveness of wars. If the size of armies and navies be limited as provided by the treaty—that is, so as to be sufficient merely for protective purposes and to carry out the obligations of the treaty—the world will thereby be relieved of enormous tax burdens, and permanent peace will be made probable. In addition to the reduction of armaments, the resort to arbitration of all justiciable questions and to investigation and recommendation for settlement of all other international disputes likely to result in war will leave very few subjects of international controversy unadjusted and to be determined by force.

In addition to the limitation on armaments and the proceedings for arbitration and settlement of international disputes, the commercial boycott authorized by the treaty, by means of which a nation refusing to arbitrate justiciable questions or to submit to investigation other international disputes before resorting to war will be denied commercial intercourse and financial relationship with every other member of the league, of itself will be sufficient to restrain impulsive and unnecessary attacks by one member nation upon another. Article 10 is the most vital and effective of all the means provided in the league covenant for the preservation of world peace.

This article is not objectionable to me because it may enable the Commander in Chief of our Army and Navy to employ military or naval force in executing its obligations, nor is it objectionable because it may impose an obligation upon this Government to refrain from war or, under possible circumstances, to engage in it.

While I respect the Congress as one of the three indispensable and coordinate branches of our Government, its deliberations and enactments are not characterized by such preeminent wisdom and patriotism as to justify the mistrust of the Executive which runs through every line of the reservations and particularly through article 10. If we could forget all political rivalries and personal animosities, we would perhaps be willing to leave article 10 as it is and to trust to the Executive the fair execution of his duties under the treaty and under our Constitution.

The reservation is a complete nullification of article 10, in so far as the United States is concerned. That is the avowed purpose of the advocates of the reservation.

All Senators recognize that a treaty can not deprive Congress of its constitutional power to declare war. Nevertheless, by treaty the United States can contract to engage in war or to refrain from it, and while Congress can not be compelled to make a declaration of war, there is no ground, if we are in earnest in seeking to prevent war, which will justify the Congress in denying the obligation to restrain or prevent conquest by other nations save in particular cases where Congress has expressly declared war.

It seems to me cowardly to insist upon the creation of a league of nations and upon the United States becoming a party to it, and at the same time to make such reservations as to our duties and obligations as will disclose to the world a suspicion of other nations and a determination to preserve the United States in a condition of isolation.

Mr. President, any great debater like the Senator from Missouri can, of course, in the exercise of his imagination, point out defects in this treaty and defects in the league of nations. It was not to be expected that an organization perfect in every feature would be instantly conceived or effected. But, Mr. President, I rest the case here: The world is weary of the extravagance, the misery, the ruin, and the desolation of war. Great nations of this earth, who are the guardians of its civilization, ought to do something to prevent the recurrence of a conflict like that through which we have just passed. If we fail to do

it, the war will never pay for itself. You can only compensate the mothers of America for the sacrifices which they have undergone, you can only compensate the gallant men who in our uniform advanced in the face of danger and death and experienced injuries, you can only compensate them for their sacrifice and suffering on foreign battle fields by using your brain to build up some instrumentality which, with the blessing of Almighty God and the prayers of all Christian peoples, may save the world in the future from what it has recently and bitterly experienced.

Mr. LODGE. Mr. President, before I make the motion for a recess, which I am about to make, I may say just a word, as the Senator from Arkansas [Mr. ROBINSON] was kind enough to refer to a speech I made in December, 1918, and he referred to it approvingly.

The view that I held then I think was a perfectly sound view. I think it was our duty to help establish certain States which would be barriers against Germany, and to help those States to make that start. I have not changed my opinion. But when I held that opinion, I never for a moment contemplated that we were to be handed out a document which bound us for all time, without any possible limitation anywhere.

The Senator from Arkansas seemed to me to draw no distinction between time and eternity. Perhaps there is none; but it is usually thought there is. I was speaking for time. Also, Mr. President, this has happened: While we have been establishing and helping new Governments, by our meddling we have deprived Poland of her issue to the sea. One of the things Poland wanted most, of course, was Danzig, at the mouth of the valley of the Vistula. We have taken it from her.

We declined to let France have the left bank of the Rhine, and that is why we have a treaty of alliance pending here now. We would not allow France to take measures to defend herself against Germany. We put our clumsy hand into Italy and brought on, by doing so, all the difficulties of Fiume.

Our last performance is to take Thrace from the Greeks, to whom it properly belongs. The sooner a country that so manages other people's affairs gets out of the business of meddling with other nations the better for the world.

Mr. REED. Mr. President——

Mr. LODGE. I yield to the Senator from Missouri to give a notice.

Mr. REED. I simply want to state that to-morrow I shall take very great pleasure in replying to the attack of the Senator from Arkansas [Mr. ROBINSON] and in calling attention to some mistakes he made, because they were mistakes.

Mr. OWEN. Before the Senator from Massachusetts makes a motion to recess, I should like to have permission to insert in the RECORD a certain matter.

Mr. LODGE. I have no objection to that; but I do not want to [illegible] any more debate at this time.

Mr. OWEN. I ask unanimous consent to have inserted in the RECORD copies of two resolutions bearing upon the matter under discussion, and a petition from the League for World Federation bearing on the same subject.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Oklahoma will be granted.

Mr. FALL. I should like to know what it is the Senator is offering.

Mr. OWEN. Two resolutions which I introduced just after the war, stating what the causes of the war were in my opinion. It bears directly upon the discussion which has taken place here to-day.

Mr. FALL. I suppose the purpose is to have them printed and circulated as pamphlets. I have no objection.

Mr. OWEN. Not at all. I will confine myself to sending a copy to the Senator from New Mexico.

Mr. FALL. It will be very informing to me, as I listened to the Senator elucidating the reasons which he advanced, and I have followed him with great interest in his entire course.

The PRESIDENT pro tempore. Does the Senator from New Mexico object?

Mr. FALL. I do not.

The PRESIDENT pro tempore. The request of the Senator from Oklahoma is granted.

The matter referred to is as follows:

PETITION THAT THE INTERNATIONAL CONTRACT FOR LIBERATION OF SUBJECT STATES SHALL BE FULFILLED.

To the Senate of the United States:

The League for World Federation, established August, 1914, respectfully petitions the United Satte to place among its reservations to the proposed covenant of the league of nations that—

The international contract of November 5, 1918, whereby the World War was ended, provides that the league of nations shall be composed of free peoples; that there are to be no subject States in the league: but mandatories should be provided for the backward peoples, the council to issue to each a charter of liberties and maintain in each an administrative court to ascertain if freedom is being maintained.

The provision for free peoples is expressly contracted for by the allied States and the United States in their agreement with Germany for a world settlement based on justice and to result in permanent peace.

The sanctity of contractual obligations of nations is being insisted upon for the entire world, and surely the contractual obligation of the United States and the allied States for freedom for subject States is not to be repudiated. And this in connection with the war in which Germany is being execrated for not heeding her contractual obligations. Is the written contract of the United States and of the Allies for world liberation a scrap of paper?

It is a scrap of paper at the present moment, as we herein demonstrate, due to reactionism within the allied coalition Governments.

The issue is up to you, Senators, and here in brief are the facts:

I. The contract for liberation of subject States.

In a written statement dated November 5, 1918, the allied Governments, in a communication to Secretary Lansing which he issued to the world the next day, said:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress in January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"Further, in the conditions of peace laid down in his address to Congress on January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

This is the official statement of the allied Governments, and Secretary of State Lansing said:

"I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted."

Then Secretary Lansing said to the Swiss Minister in charge of German interests in the United States:

"I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of the armistice."

The German Government appointed its representatives, who met Marshal Foch and accepted the terms, which included the above-quoted statement as to the basis for terms of peace—"the terms of peace laid down in the President's address to Congress in January, 1918, and the principles of settlement enunciated in his subsequent addresses" with two exceptions, the freedom of the seas and the amount of the reparations.

These principles of settlement, expressly contracted for, include the freeing of subject States, as the following quotations demonstrate:

II. Principles of world settlement—the President's declarations.

In the President's address on January 8, 1918, in which he enumerated the 14 points, the closing paragraph is as follows:

"We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation, no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this, the culminating and final war for human liberty, has come, and they are ready to

put their own strength, their own highest purpose, their own integrity and devotion to the test."

Could there be a clearer declaration for world liberation and world organization? The words are:

"The moral climax of this, the culminating and final war for human liberty, has come!"

Previous to this he said:

"Unless this principle [of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be weak or strong] be made the foundation, no other part of the structure of international justice can stand."

In line with this is the President's earlier statement nearly a year before, January 22, 1917, wherein he said:

"No peace can last, or ought to last, which does not recognize and accept the principle that governments derive their just powers from the consent of the governed. . . . These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward-looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail."

ADDRESS TO CONGRESS, FEBRUARY 11, 1918.

President Wilson on February 11 addressed a joint session of Congress in answer to Germany and Austria. He said:

"We are indomitable in our power of independent action and can in no circumstances consent to live in a world governed by intrigue and force. We believe that our own desire for a new international order under which reason and justice and the common interests of mankind shall prevail is the desire of enlightened men everywhere. Without that new order the world will be without peace, and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

"* * * I have spoken thus only that the whole world may know the true spirit of America—that men everywhere may know that our passion for justice and for self-government is no mere passion of words, but a passion which once set in action must be satisfied. The power of the United States is a menace to no nation of people. It will never be used in aggression or for the aggrandizement of any selfish interest of our own. It springs out of freedom and is for the service of freedom."

MOUNT VERNON, JULY 4, 1918.

At Mount Vernon, July 4, 1918, the President said:

"* * * The past and the present are in deadly grapple, and the peoples of the world are being done to death between them.

"There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No halfway decision is conceivable. * * *

"These great objects can be put into a single sentence: What we seek is the reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind."

NEW YORK CITY ADDRESS, SEPTEMBER 7, 1918.

Again, on September 27, 1918, President Wilson, in an address at New York City, reiterated the fundamental principles and said:

"We accept the issues of the war as facts, not as any group of men here or elsewhere had defined them, and we can accept no outcome which does not squarely meet and settle them. Those issues are these:

"Shall the military power of any nation or group of nations be suffered to determine the fortunes of people over whom they have no right to rule except the right of force?

"Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?

"Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force or by their own will and choice?

"Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress?

"Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?

"No man, no group of men, chose these to be the issues of the struggle. They are the issues of it; and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weak is as sacred as the interest of the strongest.

"This is what we mean when we speak of a permanent peace, if we speak sincerely, intelligently, and with a real knowledge and comprehension of the matter we deal with.

* * * * * * * *

"If it be in deed and in truth the common object of the Governments associated against Germany and of the nations whom they govern, as I believe it to be, to achieve by the coming settlements a secure and lasting peace, it will be necessary that all who sit down at the peace table shall come ready and willing to pay the price, the only price, that will procure it; and ready and willing also to create in some virile fashion the only instrumentality by which it can be made certain that the agreements of the peace will be honored and fulfilled.

"That price is impartial justice in every item of the settlement, no matter whose interest is crossed; and not only impartial justice but also the satisfaction of the several peoples whose fortunes are dealt with. That indispensable instrumentality is a league of nations formed under covenants that will be efficacious. * * *

"* * * It is the peculiarity of this great war that while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is that they are fighting for. National purposes have fallen more and more into the background and the common purpose of enlightened mankind has taken their place. The counsels of plain men have become on all hands more simple and straightforward and more unified than the counsels of sophisticated men of affairs, who still retain the impression that they are playing a game of power and high stakes. That is why I have said that this is a people's war, not a statesman's. Statesmen must follow the clarified common thought or be broken.

"* * * It [the world] wishes the final triumph of justice and fair dealing. The sort of peace which will bring security and reassurance to all peoples and make the recurrence of another such struggle of pitiless force and bloodshed forever impossible."

This is a program for liberty, justice, and perpetual peace—the liberal program. The plain meaning is that one of the essential elements for an enduring peace is free States everywhere!

And this is the contract of November 5, 1918, affirmed by the peace conference:

III. Affirmed by peace conference, January 25, 1919.

At a session of the plenary council of the peace conference, January 25, 1919, at which was decided to install a league of nations in the treaty of peace, President Wilson delivered the principal address, and in it he said:

"We are here to see that every people in the world shall choose its own masters and govern its own destinies, not as we wish but as they wish.

"We are to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of a small coterie of civil rulers and military staffs. Those foundations were the aggressions of great powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of armies. * * *

"And nothing less than the emancipation of the world from these things will accomplish peace * * *

"And, thank God, these lines have been accepted as the lines of settlement by all of the high-minded men who have had to do with the beginning of this business."

The next speaker in the plenary council was Premier Lloyd-George, who said:

"I should not have intervened at all, but it was necessary for me to state how emphatically the people of the British Empire are behind this proposal; and if the leaders of the British Empire have not been able to devote so much time during the past five years as they would have liked to this question, the reason is that they were occupied with other questions that were more urgent for the moment."

Also supporting speeches were made by representatives of France, Italy, Japan, and other powers. Not a note of dissent was struck.

And two days later, January 27, 1919, the conferees agreed that the former overseas possessions of Germany should be placed under the guardianship of the league of nations, the several nations to become mandatories.

Then occurred a silent eclipse of the pledge of the allied coalition Governments and of the United States for freedom for their subject states:

IV. Silent eclipse of the pledge by the allied coalition Governments and United States Government for freedom for their subject states.

Just how it occurred is not publicly known, except that the policy of repudiating this pledge was not taken before the public. The subject States were almost entirely outside of Europe and they were not connected with the agitation then in progress in Europe for the installation of the people's rule. Whatever

reasons then existed for refusing to carry out the pledge and for not taking the question before the world, to-day there is every reason for discussing it and carrying out the contract.

World liberation is practicable. Such portions of Ireland as desire to become free have as much right to do so as has Poland. And the backward people who are being held as subjects by the Allies and the United States should all be placed under the tutelage of the league of nations and mandatories, as is being done with the former overseas possessions of Germany. The principle is that the existing alien rule in Egypt, Indian, Korea, and the other subject States held by the Europeans is horribly wrong, as the following facts demonstrate:

V. The evils from alien rule.

SECTION A. THE AWFUL BASIS OF ALIEN RULE.

Where the rule of the few is by members of the same nationality that is being ruled, the evil is very serious. The evil is much worse where the rulers are resident aliens; and very, very much worse where the rulers are aliens living in another country. This is real alien rule.

Each of the leading nations of Europe are real alien rulers. They are ruling foreign nations, and in doing so the primary aim is the undue benefit of the rulers, at the expense of their political slaves. In doing this the foreign rulers are shipping out of the thickly populated lands a considerable portion of the raw products. This is horrible.

Added to this is the difference in nationality or of race, the foreign rulers forcibly asserting their superiority, although it may consist merely in brute force.

Then, in order to help hold their slaves in subjection, they refuse to educate them, keeping them in ignorance. Also these foreign rulers slyly develop prejudices between the different sects of their slaves; as, for instance, between Mohammedans and Hindus; and develop prejudices between the different nationalities. Nor do the foreign rulers strive to lessen the differences in dialects, well knowing that "divide and conquer" is the basis of their sway, plus the region of force and the suppression of free speech, accompanied by mutual hatred and cruelty.

But mankind has entered the democratic new age—the era of the brotherhood of man. For the first time on earth the people's stage of development is such that they are in power in the leading nations of earth whenever they exert themselves, and to their self-interest in ending competition in armament and war is joined a desire to free the last of earth's slaves. Alien rule is being ended; the freed peoples in the former German colonies are to receive a charter of liberties from the league of nations, buttressed by an administrative court, so as to ascertain continuously if the liberty-giving charter is being applied; and these blessings for all subject States were contracted for as the basis for closing the World War. We in the United States must valiantly stand for it.

SECTION B. THE AUTOCRATIC MECHANISM OF ALIEN RULE.

One is greatly surprised to learn of the mechanism whereby this dreadful alien rule is maintained. The trick whereby this vicious system has been retained by the British Empire has recently been told by the secretary of state for India, Mr. E. S. Montagu, a life-long Liberal. He, while explaining to the House of Commons the cause of the disaster in the Mesopotamia campaign, said, July 12, 1917:

"It has sometimes been questioned whether a democracy can rule an empire. I say that in this instance the democracy never had an opportunity of trying. For even if the House of Commons were to give orders to the secretary of state, the secretary of state is not his own master. In matters vitally affecting India he can be overruled by a majority of his council. * * * And these gentlemen are appointed for seven years, and can only be controlled from the houses of Parliament by resolution carried in both houses calling on them for their resignations. The whole system of the India office is designed to prevent control by the House of Commons for fear that there might be too advanced a secretary of state."

This is only one part of the grossly reactionary system deliberately designed to prevent control by the people's representatives of the British Isles. The members of the India council at London are men "who come home after lengthy service in India to spend the first years of their retirement as members of the council of India," the result being, said Mr. Montagu, the inefficiency shown to exist, requiring "the practice of telegrams backward and forward and of private telegrams, commented upon [unfavorably] by the Mesopotamia report."

Continuing, Mr. Montagu said:

"Does any member of this house know much about the procedure in the India office, how the council sits in committees, how there is interposed between the civil servants and the political chiefs the committee of the India council, and how the draft on some simple question comes up through the civil servant to the undersecretary of state, and may be referred back to the committee, which sends it back to him and it then goes to the secretary of state, who then sends it to the India council, which may refer it back to the committee, and two or three times in its history it may go backward and forward. I say that this system is cumbrous, so designed to prevent efficiency and change, that in the light of these revelations [made by the Mesopotamia commission] it can not continue to exist . . . the statutory organization of the India office produces an apotheosis of circumlocution and red tape beyond the dreams of any ordinary citizen."

This monstrosity is the system after nine years of rule by the British Liberal Government, 1906–1915. Doubtless it must have been the selfishness of the people of the British Isles that prevented the noted Liberals from doing the manly thing—prevented them from promoting the welfare of their foreign slaves. Now, however, the question has become a world problem, and Divine Providence has so constructed human affairs that the only way whereby the self-governing people, the democracies, can free themselves from competition in armament and war is to first free their subject peoples—put an end to alien rule. And as the Irish question has not yet been settled it brings forward in United States politics an irresistible element for the maintenance of the international contract for world liberation, a contract to which the United States is a party.

VI. Political subjects held to-day by force and often unjustly.

GREAT BRITAIN'S SUBJECTS.

In India (one-sixth the world's population)		315,000,000
In Ceylon and Eastern Islands		5,000,000
In West Indies		2,000,000
In Africa:		
Egypt	13,000,000	
East African Protectorate	4,000,000	
Uganda Protectorate	3,000,000	
Zanzibar	200,000	
Mauritius	115,000	
Nyasaland Protectorate	1,200,000	
Somaliland	300,000	
South Africa—		
Basutoland	400,000	
Buchuanaland	125,000	
Rhodesia	800,000	
Swaziland	100,000	
Province of Good Hope	2,500,000	
Province of Natal	1,200,000	
West Africa—		
Nigeria	18,000,000	
Gold Coast	1,500,000	
In Africa		44,440,000
In Ireland, the Roman Catholics outside of the Protestant counties, probably		3,000,000
Total number of political subjects held by Great Britain		370,000,000

The rulers of these vast millions are in numbers as follows:

England	35,000,000
Scotland	5,000,000
Wales	2,000,000
Protestants in Ireland	2,000,000
South African Union (white)	1,200,000
Australia	5,000,000
New Zealand	1,000,000
Canada	6,000,000
Newfoundland	250,000
Total	57,450,000

Or less than one-sixth the number of their political subjects.

FRENCH SUBJECTS.

In Algeria	5,000,000	
In Tunis	2,000,000	
In Morocco	5,500,000	
In West Africa	13,000,000	
In French Kongo	3,500,000	
In Indo-China	18,000,000	
In French Guiana	2,300,000	
Total		49,300,000
Frenchmen in France		40,000,000

ITALIAN SUBJECTS.

In Tripoli	600,000	
In Somaliland	450,000	
In Eritrea	450,000	
Total		1,100,000
Italians in Italy		33,000,000

JAPANESE SUBJECTS.

In Korea	17,000,000	
In Formosa	4,000,000	
In Kwantung	850,000	
In Sakhalin	60,000	
Total		21,910,000
Japanese in Japan		60,000,000

The Japanese lay claim to industrial control in Shantung, wherein are 40,000,000 Chinese.

UNITED STATES POSSESSIONS.

The United States has promised freedom to the people of the Philippine Islands, who number	9,000,000	
The people of Porto Rico are citizens, but they ardently desire independence. They number	800,000	
The people of Hawaii number	200,000	
Total		10,000,000

RÉSUMÉ.

British subjects	370,000,000	
French subjects	49,300,000	
Italian subjects	1,100,000	
Japanese subjects	21,910,000	
Japanese subjects in controversy	40,000,000	
United States possessions	10,000,000	
Approximately		500,000,000

Or more than one-fourth of the world's population.

VII. Summary and conclusion—Now is the time for the United States Senate to act.

We have shown the existence of an international contract for world settlement, including a declaration for freedom for subject States. And we also have pointed to a practical method for maintaining their freedom—for the backward people the protection by the league of nations and active assistance by mandatories. The need for international protection to end the selfish domination by alien rulers is extremely urgent. And the time has arrived to go forward, the United States Senate being the forum. Should the Senate become a party to the existing repudiation of contract for free peoples, then within the league of nations a single member in the council can actually veto an amendment. Therefore the existing contract, purchased by the death of 7,000,000 human lives, 100,000 being our fellow citizens, should be maintained. Furthermore, the idea of human freedom is our American birthright. Each Senator can conscientiously vote for it.

Respectfully submitted.

LEAGUE FOR WORLD FEDERATION,
By GEORGE H. SHIBLEY, *President*.

WASHINGTON, D. C., *November 6, 1919*.

Joint resolution (S. J. Res. 94) proposing as a war measure an international convention for the purpose of terminating international anarchy, establishing international government in lieu thereof, and coercing the Teutonic military conspiracy by the organized commercial, financial, military, and naval powers of the world.

"*Resolved, etc.*, That it is the opinion of the representatives of the people of the United States assembled in Congress that international government, supported by international force, should be immediately organized to take the place of the existing international anarchy; that competing armaments should be replaced by a noncompetitive international army and navy; that the Teutonic military conspiracy to dominate the world should be overthrown by the combined commercial, financial, military, and naval powers of the world.

"That international government should be based upon the following principles:

"First. Every civilized nation and informed people should have the unquestionable right of internal self-government, with exclusive control within its own territory over immigration, emigration, imports, exports, and all internal affairs, with the right to make its own political and commercial affiliations.

"Second. The oceans and high seas should be free and open under international rules. All international waterways, straits, and canals should be open on equal terms to the citizens of all nations. Equal terms should be arranged for fuel, repairs, and dockage in all ports for the ships belonging to the citizens of all nations.

"Third. All interior nations having no seaports should have the right of shipment of their goods in bond on equal terms and conditions, without tax, through any intervening territory to the seaports of any other nation with equal access to shipping facilities.

"Fourth. That there should be established by international agreement an international organization of all civilized nations with an international legislative council to draft rules of international law to be submitted to the several nations for approval. That when such rules of international law are approved by the parliaments, or law-making branch of the Governments of three-fourths of the member nations, representing three-fourths of the total population of all the member nations, such international rules should be binding on all member nations. Such rules should be limited to the powers expressly delegated to such international legislative council and strictly confined to international affairs.

"Fifth. The international legislative council should elect and define the duties of a representative international executive cabinet to execute and enforce the rules established as international law.

"Sixth. The international legislative council should have representatives from each member nation exercising a voting power according to relative population, relative wealth, and relative governmental development, to be determined by international agreement.

"Seventh. The international legislative council should establish and define the duties of an international supreme court, with power to pass upon all questions of international controversy incapable of diplomatic adjustment but with no power to pass on questions affecting the reserved rights of nations.

"Eighth. The international legislative council should formulate the method for raising an international army and navy and for establishing an international blockade and other means for enforcing the rights of member nations under international law, such army and navy to be provided and sustained by the member nations pro rata according to relative population and wealth.

"Ninth. With the conclusion of the present war the nations of the world should agree to reduce in progressive stages their land and sea forces to a point preferably not to exceed internal or local police purposes and the quota required for the international army and navy.

"With progressive disarmament and international peace safeguarded by world government dissatisfied nations now held captive by dominant nations for strategical purposes could be safely given their liberty.

"Tenth. That the international army and navy should not be authorized to exercise military force further than to prevent or suppress the invasion of the territorial integrity of any of the member nations and in the blockade and embargo to enforce international law.

"Eleventh. That it should be a violation of international law and the highest international crime for any nation on any alleged ground to invade the territorial limits of another nation. The penalty of such invasion should be immediate international blockade of the invading nation, embargo on all mail, express, and freight to or from such nation, and the suppression of such invasion by the international army and navy.

"Twelfth. That nations backward in education, industrial and economic development, and in the knowledge of the principles of government should have their rights safeguarded on the principles of freedom, humanity, and justice by international agreement with a view to future self-government.

"Thirteenth. It is clearly realized that the program of progressive disarmament or permanent world peace is impossible of attainment until the military forces now ruling the Teutonic people, first, either voluntarily acquiesce in progressive disarmament and international justice as the basis of world peace; second, are forced to do so by the Teutonic people; or, third, are coerced to do so by the combined powers of the world.

"Fourteenth. That in order to bring this war to an early termination the belligerent nations opposing the Teutonic powers should immediately cohere on a plan of international government pledging justice and peace to all member nations and the coercion of the military autocracy of Prussia by the commercial, financial, military, and naval forces of the world, giving assurance, nevertheless, to the Government of Germany and Austria of their willingness to admit the Teutonic powers as members of the proposed international union on equal terms with other nations when they shall have met the conditions and given satisfactory guaranties.

"Fifteenth. In our opinion no reliance should be placed upon the vague suggestions of peace of the Teutonic military autocracy, but that their obscure proposals should be regarded merely as a military ruse. The peace resolution of the Reichstag, while promising well for the attitude of the German people, when they achieve self-government, can not at present be regarded as a proposal binding on or capable of enforcement by the German people, because they do not control their own Government, but are mere subjects and puppets of a military autocracy which has long conspired and still dreams of conquering the world by military force and terrorism. The United States and the nations opposing militarism should strenuously prosecute the war with every available resource, and no separate peace should be made by any of them until the menace of the military autocracy of Germany is removed.

"Sixteenth. It is our opinion that if a world-wide agreement can be established on the above principles, and the men now engaged in slaughter and destructive activities can be returned to productive industry, the world could quickly recover the gigantic shock of the present war and would be able without serious difficulty to soon repair the material injuries and losses already suffered.

"Seventeenth. The United States does not enter this war for material advantage, for any selfish purpose, or to gratify either malice or ambition. The United States will not approve forcible annexations or mere punitive indemnities, but it will approve a free Poland, the restoration of territory wrongfully taken from France and Italy, and restorative indemnity to Belgium and Serbia, and the adjustment of other differences by international conferences. It will favor extending international credits for the restoration of all places made waste by war. The United States enters this war in self-defense; to protect its own citizens and the nations of the world in their present and future rights to life and liberty on land and sea. It does not wish the world to remain an armed camp.

"Eighteenth. No peace is desirable until the world can be safeguarded against a repetition of the present war. Competitive armaments must be ended and replaced by international cooperative armaments in order to assure permanent world peace.

"Nineteenth. That the President of the United States shall immediately submit the above resolution to the belligerent nations now defending themselves against Prussian military autocracy and invite them and all neutral nations by wire to an international convention for the purpose of considering the above principles and taking affirmative action for the early suppression of the Teutonic military autocratic conspiracy by the combined commercial, financial, military, and naval powers of all nations.

"Twentieth. The sum of $400,000 is hereby appropriated to meet the cost of promoting such convention."

Senate concurrent resolution 17.

"*Resolved by the Senate (the House of Representatives concurring)*, The United States declared a state of war existing between the Imperial Government of Germany and the Imperial and Royal Government of Austria and the United States because of their repeated willful violations of the rights of the people of the United States under the acknowledged principles of international law; the sinking of unarmed merchant vessels and of hospital and Red Cross ships; the destruction of the lives of unoffending American citizens on their lawful business on the high seas on many occasions, filling the United States with spies and secret agents; conspiring the wholesale destruction of American industries by arson, by explosions and murder; systematically promoting sedition and treason among our citizens, and the criminal violation of our laws by the German and Austrian aliens residing in the United States; endeavoring to incite the hostility and aversion of other nations against the United States, and to persuade Mexico and Japan to make war upon the United States, and many other wrongful acts contrary to the laws of nations and in violation of justice and of humanity; and for the further reason that it had finally become known to the United States from indisputable evidence that the military masters of Germany and Austria had deliberately and secretly conspired to bring about an elaborately prepared offensive war by which and through which they intended, first, to dominate Europe, nation by nation, and then to dominate the other unprepared nations of the earth and establish a military world dominion.

"For many years past the governing powers of Germany and Austria have by world-wide intrigue carried on a systematic attempt to disorganize public opinion in the United States and in the other nations of the world for the purpose of breaking down the powers of resistance of other nations against this conspiracy for world dominion by exciting nation against nation and internal disorders among the nations that might oppose this sinister design.

"The United States has not forgotten that the military rulers of Germany and Austria deliberately prevented international agreements at the various Hague conventions for arbitration of international differences, abatement of armaments, and world peace.

"The United States recognizes this war as an offensive war of the completely prepared German and Austrian military autocracies against the unsuspecting and inadequately prepared democracies of the world in pursuance of the policy laid down in the first and second articles of the secret treaty of Verona of November 22, 1822, in which the autocratic rulers of Prussia and Austria solemnly pledged their powers to each other to overthrow all 'representative' governments on earth, the consummation of which design the Prussian and Austrian autocratic group has steadily and secretly kept in view, and that this war had for its objects the premeditated slaughter and robbery of the innocent peoples of other nations for the sordid and base purposes of annexation, indemnity, robbery, and commercial profit by military force and terrorism and ultimate world dominion.

"The United States finally recognized the unavoidable necessity of meeting the forces of this military conspiracy on the battle fields of Europe in order to prevent the military rulers of Germany and Austria succeeding in the first step of mastering Europe as a means to mastering and robbing America.

"The United States can not be deceived by those military leaders of Germany and Austria who now, before their own people, pretend to be waging a war of defense and to desire an honorable peace, but whose every act has clearly demonstrated to the whole world that they deliberately planned and are still persisting in this unspeakably brutal war, with their sinister purposes unchanged, and which they are still attempting to carry out by terrorism, intrigue, and systematic falsehood and deceit at home and abroad.

"The United States can not confide in any statement or promise emanating from such a perfidious source until the German and Austrian people in fact and in sober truth can control the conduct of their agents and compel them to observe the rules of morality and good faith.

"The unbounded ambition and deceit of the Prussian military autocrats are again exposed in shameless nakedness before the German and Austrian people, their allies, and the world at large, in their present demands of annexation of adjacent Russian territory and other demands contemplating the domination of the Russian and Polish people, in flat violation of their own Reichstag's recent pledges against annexation and indemnity.

"The United States feels for the Russian people the liveliest sympathy in their great losses in life and property at the hands of the German and Austrian autocrats, as well as their magnificent and glorious struggles in behalf of freedom and democratic world peace.

"Having passed through many severe tests and trials in establishing popular government in America, the people of the United States, through their own directly elected representatives, desire to extend to the Russian people the cordial hand of fellowship in their new-found freedom and to assure their democratic brothers in Russia that we earnestly desire to render them, so far as possible, every assistance they may need and which they themselves desire.

"The United States did not enter this war for material advantage or for any selfish purpose or to gratify either malice or ambition.

"The United States will not approve of forcible annexations or mere punitive indemnities, even on the misguided people of Austria or of Germany, but demands the complete evacuation of all territory invaded during the present war by the German and Austrian troops, and the restoration and indemnity of Belgium, Serbia, Roumania, and Montenegro.

"The United States believes that righting the wrong done to the French people by the Prussian Government in 1871 in the matter of Alsace-Lorraine will remove long-pending grievances due to previous military aggression and will promote future world peace.

"The United States believes that a readjustment of the frontiers of Italy should be effected along clearly recognized lines of nationality; that an independent Polish state should be established over territory indisputably occupied by Polish people; that the peoples of Austria-Hungary, of the Balkans, and of the Ottoman Empire should have the right of autonomous development.

"The United States will favor recognizing and protecting by an international alliance the territorial integrity of all nations, great and small; the maintenance of the right of unembarrassed self-determination of all nations, and the right of such nations to manage their own affairs by internal self-government; and safeguarding the rights of backward peoples by international agreement.

"The United States will favor extending international credits for the restoration of all places made waste by war.

"The United States will insist that the oceans and high seas and international waterways and canals shall be open on equal terms to the citizens of all nations; that all nations shall have the untaxed right of access to the sea of their goods in bond, through any intervening territory to the seaports of other nations, with equal access to shipping facilities.

"The United States will favor the removal, as far as possible, of all economic barriers and the establishment of equal trade conditions among all the nations of the world consenting to peace and associating themselves for its maintenance without interfering with the right of any nation to govern its own imports and exports.

"The United States will insist that adequate guaranties shall be given and taken to the end that national armaments on land and sea should be reduced to the lowest points consistent with domestic safety.

"The United States will favor an open-minded and absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the claims of the Governments whose titles are to be determined.

"The United States recognizes that a general association of civilized nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to nations, great and small alike, and of maintaining world peace, and believes that under such a system dissatisfied peoples now held under subjection to dominating nations for strategical purposes could be safely given their liberty and autonomy as the rights of the dominant nation would be made safe by the general association of nations, and the subject nation would cease to be a coveted asset against future war.

"The United States believes that under such general association of nations it should be a violation of international law and the highest international crime for any nation, on any alleged ground, to invade by military power the territorial limits of another nation, and that the penalty for such invasions should be the immediate international blockade of the invading and offending nation, an embargo on all mail, express, and freight to and from such nation, and the suppression of such invasion by the combined forces of the general association of nations organized for the protection of world peace.

"The United States believes that all future international treaties should be made in the open, where all the world may know of the proceedings in the framing of such treaties, and that secret diplomacy and international intrigue should end.

"The United States desires to be on friendly terms, political, commercial, and social, with the people of every nation, including those now under the control of the German and Austrian military autocracies, and to restore as speedily as possible these friendly relations with the German and Austrian people as soon as they organize a Government responsible to the will of the people of Germany and Austria, and whenever they shall themselves demonstrate a willingness to deal with the other nations of the world on a basis of equality, justice, and humanity, and are willing to abandon the atrocious and detestable doctrine of making war for annexation, indemnity, and profit.

"The United States entered this war to protect the rights of its own citizens to life and liberty, to protect is own future, to make the world safe from the future menace of military despotism, dynastic ambitions, or competing armaments, to establish permanent world peace on a basis of international justice, righteousness, and humanity, and, in cooperation with the self-governing belligerent nations, will maintain these principles, whatever the cost, with firmness and resolution until these ends are fully accomplished."

ORDER FOR EVENING SESSION.

Mr. LODGE. I move that at not later than 6 o'clock p. m. to-day the Senate take a recess until 8 o'clock p. m.

The motion was agreed to.

Mr. LODGE. I now ask unanimous consent that at the evening session the Senate will consider the bill known as the District of Columbia police salary bill, and that no other business will be considered; and further, that at the evening session, upon the conclusion of the consideration of the bill named, the Senate will take a recess, as in open executive session, until 11 o'clock a. m. to-morrow.

The PRESIDENT pro tempore. Is there objection to the unanimous consent agreement asked? The Chair hears none, and it is so ordered.

Mr. LODGE. I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
WASHINGTON, D. C., *November 11, 1919.*

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence at the evening session.

ALBERT B. CUMMINS,
President Pro Tempore.

Mr. SMOOT thereupon took the chair as Presiding Officer at the evening session.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER. The Senate will proceed to the consideration of House bill 9821, Order of business 238.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That paragraphs 2, 3, 8, and 9 of section 1 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended by the act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906, as amended, are amended to read as follows:

"PAR. 2. (a) The commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force: *Provided*, That all officers, members, and civilian employees of the force, except the major and superintendent, the assistant superintendents, and the inspectors, shall hereafter be appointed and promoted in accordance with the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States: *Provided further*, That hereafter the assistant superintendents and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the commissioners so determine.

"(b) All original appointments of privates shall be made to class 1. Privates who have served one year in class 1 shall be transferred to class 2, and privates who have served two year in class 2 shall be transferred to class 3. Such transfers shall not be subject to the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof: *Provided*, That hereafter, in order that the full complement of the Metropolitan police force may at all times be maintained, as authorized by law, the Commissioners of the District of Columbia are authorized, when vacancies occur in classes 2 and 3 of said Metropolitan police force which can not be filled by transfer, to appoint privates in class 1 equal in number to the positions vacated in said classes 2 and 3; and the respective salaries specifically provided for such vacant positions may be reduced to pay the salaries of the privates so appointed in class 1.

"PAR. 3. The said Metropolitan police force shall consist of one major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also 2 assistant superintendents, 4 surgeons for the police and fire departments, 3 inspectors, 12 captains, 21 lieutenants, 1 of whom shall be harbor master, and such number of sergeants and privates of class 3, privates of class 2, privates of class 1, patrol drivers, mounted inspectors, captains, lieutenants, sergeants, and privates on horses and bicycles, and such others as said commissioners may deem necessary within the appropriations made by Congress: *Provided*, That patrol drivers shall not be rated above privates of class 2, and, if appointed since April 6, 1917, shall be subject to physical and other tests as new appointees: *Provided further*, That the inspectors shall perform the duties at present required of captains in the force; that the captains shall command precincts and perform such other duties in connection therewith as the laws and regulations of the said commissioners may prescribe.

"PAR. 8. (a) The annual basic salaries of the officers and members of the Metropolitan police force of the District of Columbia shall be as follows: Major and superintendent, $4,500; assistant superintendents, $3,000; inspectors, $2,500; police surgeons, $1,800; captains, $2,500; lieutenants, $2,000; sergeants, $1,800; privates of class 3, $1,660; privates of class 2, $1,560; privates of class 1, $1,460.

"(b) Members of the force who may be mounted on horses, furnished and maintained by themselves, shall each receive an extra compensation of $600 per annum; members of the force who may be mounted on motor vehicles, furnished and maintained by themselves, shall each receive an extra compensation of $480 per annum; and members of the force who may be mounted on bicycles shall each receive an extra compensation of $75 per annum.

"(c) The annual basic salaries of the civilian employees of the Metropolitan police of the District of Columbia shall be as follows: Chief clerk (who shall also be property clerk), $2,500; one clerk, $1,800; one clerk and stenographer, $1,700; one clerk (who shall also be assistant property clerk), $1,400; one clerk, $1,400; three clerks, $1,200; one clerk, $900; patrol drivers, $1,200; telephone clerks, $1,100; janitors, $900; laborer, $900; messenger, $900; matrons, $900.

"House of Detention: Clerks, $1,200; drivers, $1,000; guards, $1,000; janitor, $900; matrons, $900.

"Harbor patrol: Engineers, $1,400; firemen, $1,000; watchmen, $900; deck hands, $1,000.

"(d) Every officer, member, or civilian employee of the Metropolitan police at the time this act becomes law shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act, for a period of equal duration.

"PAR. 9. Whenever the Commissioners of the District of Columbia determine that any member of the Metropolitan police of the District of Columbia has become a member of any organization which is affiliated, directly or indirectly, with any association or organization which approves, counsels, advises, or consults with any other association or organization of or concerning a strike or cessation of service or work by said police or any of them, they shall immediately discharge such member from the force. Any member of the police who enters into a conspiracy, combination, or agreement with the intent or purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or by imprisonment of not more than six months, or by both.

"No officer or member of the said police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Co-

lumbia, unless he shall have given the major and superintendent one month's notice in writing of such intention."

SEC. 2. That one-half of the amount necessary to provide for the increased salaries and compensation of the Metropolitan police force is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the members and employees of the Metropolitan police mentioned in the act entitled "An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

SEC. 3. That the watchmen provided by the United States Government for services in any of the public squares and reservations in the District of Columbia shall hereafter be known as the "United States Police," and their annual basic salaries shall be as follows: Lieutenant, $1,900; first sergeant, $1,700; sergeants, $1,580; privates, $1,360: *Provided*, That every watchman employed for such service at the time this act becomes law shall, in addition to the salary received by him for the period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this section for a period of equal duration.

SEC. 4. That to provide for the increased salaries and compensation of the United States Police, so much as is necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for park watchmen mentioned in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. CURTIS. Mr. President, I wish to ask the chairman of the committee in regard to the item on page 7, line 2. When the District appropriation bill was being considered the committee in charge was asked to add after the word "clerk," as it appears in line 2, the words "who shall be a stenographer, $1,800." I see this bill only provides that the clerk shall receive $1,800 and does not provide that that clerk shall be a stenographer. I ask the chairman of the committee or the Senator in charge of the bill, with this item left as it is, if we are not paying an ordinary clerk regardless of qualifications more than we pay a clerk and stenographer as provided in the next line?

I will state, in addition, that a clerk who shall be stenographer at $1,800 was put in at the request of the commissioners. The committee also provided a clerk and stenographer at $1,500, and your committee has provided for a clerk and stenographer at $1,700. I am not objecting to the amount of the salary, but I do think that you are making a mistake in not adding after the word "clerk" in line 2 in brackets the words "who shall be a stenographer." As I stated, that was put in at the request of the commissioners when the bill was in the Senate before. I think if you do not do that you will be paying a clerk more than you are paying a clerk and stenographer.

Mr. CALDER. My recollection of the matter is that we followed the title of the clerical force now in the employ of the police department of the city. I have no objection to inserting the words "who shall be a stenographer," if the Senator wishes to have those words inserted.

Mr. CURTIS. I will read from the law:

Clerk (who shall be a stenographer), $1,800.

That was put in at the request of the commissioners when we had the District appropriation bill before us. Mr. President, I move to add after the word "clerk" in line 2 the words in brackets "who shall be a stenographer."

Mr. SHERMAN. I have no objection to it, Mr. President.

The amendment to the amendment was agreed to.

Mr. SPENCER. I should like to ask the chairman of the committee if on page 7 the last six words of line 22 and the first five words of line 23 were omitted as to whether the paragraph would not be stronger and fairer? As it now reads it would be quite possible for a member of the force to belong to an organization which itself believed in and counseled and advised strikes for policemen, because the only prohibition is that they shall not belong to any organization which is affiliated with an organization that believes in strikes. There is nothing which prohibits the individual organization itself from counseling and advising and believing in strikes. I do not see any great harm in the affiliation if the organization to which the policeman himself belongs does not believe or counsel or consult with regard to strikes.

Of course we all agree that policemen ought not to be in a position to tie up the public service by strikes, but I submit if the last six words of line 22 and the first five words of line 23 were stricken out the paragraph would be stronger and fairer.

The PRESIDING OFFICER. Does the Senator from Missouri offer that as an amendment to the amendment?

Mr. SHERMAN. Mr. President, this is intended to cover affiliation with the American Federation of Labor. The local union of policemen in Washington affiliated with the American Federation of Labor and received a charter. The American Federation of Labor does not call strikes; it disclaims to have the right, and does not exercise the power to call strikes. All strikes are called, in the event they are, by the local unions. All that the American Federation of Labor does is to consult with or advise with the local, either approving or disapproving the strike or cessation of service.

This is intended to cover that condition without naming the American Federation of Labor. It was not thought advisable to name any particular organization in the country, but only by general phrase to cover the condition that would make it impossible for the local union to affiliate with any outside body that in any manner consulted or advised the calling of a strike or the cessation of service. That was the purpose.

Mr. SPENCER. If the organization to which the individual policeman belongs was an organization which neither approved, counseled, advised, or consulted with regard to a strike, would not that answer every purpose?

Mr. SHERMAN. I think not. I think it much safer to have it cover the organization itself. It is a prohibition of the affiliation with any other organization, which in this particular instance is the American Federation of Labor, that disciplines by withholding or revoking a charter or by approving or disapproving a strike. It is intended to cover that.

Mr. SPENCER. I think it does cover affiliation, but I call the Senator's attention to the fact that it does not cover the local union itself. So far as this paragraph is concerned, a policeman could belong to a union that believed, counseled, and advised a strike.

Mr. THOMAS. I think, if the Senator will permit me, that the first complete sentence on page 8 would meet the objection which he makes to the phraseology to which he refers.

Mr. SPENCER. It might, because, of course, if the policeman was a member of the union he would have to join with the other members in the act.

Mr. THOMAS. My impression is that the second sentence of the paragraph is ample.

Mr. SHERMAN. I think the second sentence on page 8 covers it entirely.

Mr. CALDER. I may add that no member of the local police force, as far as I know, has objected to this language.

Mr. SPENCER. Is it satisfactory to them?

Mr. CALDER. They have not complained of it.

Mr. SHERMAN. The local police union has in its organization a prohibition of strikes. It is merely a fraternal association as it is now, and in the event strikes were included the Commissioners of the District of Columbia have full power over them to enforce such necessary discipline as the force needs.

Mr. KIRBY. Mr. President, I wish the chairman of the committee or some member of it would explain the general effect of the bill, the amount of salary increase, the necessary increase of appropriation to pay it, the amount of increase to the general classes or divisions of the police force, and whether that bears a reasonable or ratable proportion to the amount of increase in the salaries of other Federal employees in the District of Columbia.

Mr. CALDER. Mr. President, if I may reply to the Senator from Arkansas, the bill increases the pay of all the members of the police force here in the District. The committee believes that this increase is necessary. There has been no increase of any moment for a very long period. The members of the police force are required to be on duty every day in the year except during their vacation period; in fact, on many days they are on duty 24 hours of the day.

This bill increases the pay of the superintendent of police from $4,000 to $4,500; of the assistant superintendents from $2,500 to $3,000; of the inspectors from $2,000 to $2,500; of the captains from $2,000 to $2,500; of the police surgeons from $840 to $1,800; of the lieutenants of police from $1,600 to $2,000; of the sergeants from $1,400 to $1,800; of the privates of the third class from $1,320 to $1,660; of the privates of the second class from $1,200 to $1,560; and of the privates of the first class from $1,080 to $1,460.

Mr. KIRBY. Those are the amounts proposed to be fixed by the law for their pay. There is no additional of $140 or $240 a year for them, is there?

Mr. CALDER. Yes; they will get the $240 in addition to salaries indicated.

Mr. KIRBY. The salaries of these different officials and classes of officers are fixed at the amount indicated, and in addition to that they get $240 apiece?

Mr. CALDER. Yes; but the additional $240, of course, is only temporary. The men in the department receiving over $2,500 a year will not receive the so-called war bonus.

Mr. President, the committee has also provided in this bill a method of appointment to the police force somewhat different

from that which has existed in the past. There has been some complaint in the District through all administrations that men were often appointed on the police force through favoritism.

We have written into this bill a civil-service provision which will make it possible for every man to apply for appointment and to have an equal chance for appointment. This applies also to promotions up to the grade of captain. Men may be designated to act as assistant superintendents and inspectors from the rank of captain without taking the examination for the promotion, and may thereafter be reduced to the rank of captain.

The committee believes that these increases are very essential at this time. These men are required to pay for their own uniforms; and, as I said a moment ago, they are required to be subject to call at any moment, either night or day. The Senator from Arkansas [Mr. KIRBY] knows of the recent race difficulties here in the District, during the course of which one policeman was killed while performing his duty and several were severely wounded, from which wounds, perhaps, they will never recover. In these days of unrest and uncertainty, it seemed to the committee exceedingly important that here at the Capital city of the Nation there should exist good feeling on the part of our police force toward the Government itself. It seemed to us that the responsibility was quite up to Congress to see that the men who are the guardians of the Capital of this great Government under all the circumstances should be properly paid. The committee are strongly of this opinion; and we hope that there will be no objection to the enactment of the bill.

Mr. CURTIS. Mr. President, I notice that the only considerable increase in the bill is in the salary of police surgeons, who are now getting $840. The House bill allowed them $1,400, which would be a substantial increase, but the Senate bill makes their salary $1,800. That is an increase of nearly $1,000—more than double. Can the Senator give the reason for that great increase?

Mr. CALDER. Mr. President, the police surgeons also act as surgeons for the fire department. They are required to pass upon the physical qualifications of policemen and firemen when they are appointed, and they are also required to take care of them to a certain extent and to perform other service. Surgeons performing like duties in other cities are receiving from $2,500 to $4,000.

Mr. THOMAS. Mr. President, may I ask the Senator if these police surgeons have any outside practice of their own?

Mr. CALDER. Yes; I believe they have.

Mr. THOMAS. So that they have an income independent of their official salary?

Mr. CALDER. They have, Mr. President.

Mr. CURTIS. Mr. President, my recollection is that in the hearings before the subcommittee on the District appropriation bill the showing was that these men did have an outside practice, and for that reason the Committee on Appropriations in considering the District of Columbia appropriation bill refused to increase their salary over and above $840. I think if these surgeons are going to be permitted to have outside practice, the large increase here proposed is not justified; and, if it is in order, I am going to move to reduce the amount from $1,800 to $1,400, being the amount fixed by the other House.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. CURTIS. Certainly.

Mr. SPENCER. Under the House bill carrying a salary of $1,400 the surgeons were assigned only to police duty, while in the Senate bill they are assigned both to the police and fire department. Does not the Senator think that that makes some difference?

Mr. CURTIS. No; because they will only have to perform the same duties required of them heretofore. I understand there is nothing added to their duties. Of course, if it is proposed to reduce the number of surgeons and require them to devote all their time to the public service, then $1,800 is not too much; but if these surgeons—and there are four of them—are going to be permitted to enjoy outside practice, surely they ought not to be given this increase of nearly a thousand dollars, to which will be added $240, making the salary of each one something over $2,000 a year.

Mr. POMERENE. Mr. President, are they not required also to answer emergency calls throughout the city?

Mr. CURTIS. I can not say as to that.

Mr. CALDER. I will say the superintendent of police informs me that they were.

Mr. POMERENE. I have so understood; and there is very frequent occasions for their being called on such service.

Mr. CALDER. Mr. President, the present amount they receive hardly enables them to pay the upkeep of their automobiles; and it seems to me they ought to have the amount suggested by the committee.

Mr. SHERMAN. Mr. President, the testimony disclosed that last year it cost $600 for a police surgeon to provide automobile service alone; and the constant change in the medical and surgical force shows that it is only the young practitioner who is treating the policemen and firemen of this city. That ought not to be; for the men in the police and fire departments are entitled to as good medical and surgical service as is the private citizen, and they can not get it under the present rate of pay.

Mr. CURTIS. Mr. President, I agree with the Senator that that is so; but if we are going largely to increase the salary of the police surgeons, then let us give them the right kind of a salary and provide that they shall devote all of their time and attention to the work of the police and fire departments. All Senators know, I think, that where a man devotes part of his time to Government work and part of his time to private practice he is not going to neglect his private practice to take care of the work he is called upon to perform for the city.

Mr. SHERMAN. Mr. President, it amounts to this: If we ask them to devote all their time to the work, we can not secure the services of physicians and surgeons in Washington for this character of work unless we pay them from $6,000 to $8,000 a year. We are getting in many respects as good medical service as Washington affords, because of the fact that the police surgeons are allowed to engage in outside practice; they come in and give to the members of the police force and to the firemen just as conscientious and able service as the private patient receives; but the surgeons can only afford to do that for $1,800 a year when they are permitted to pursue their practice outside. I would not, however, make any especial contest over this matter, for I wish to get the bill through.

Mr. JONES of Washington. Mr. President, I will ask the chairman of the committee if it is not a fact that the surgeons give preference to the policemen and firemen?

Mr. SHERMAN. Yes, sir; they are required to do so.

Mr. JONES of Washington. And if they neglect any practice, they must neglect their private practice.

Mr. SHERMAN. That is true.

Mr. CURTIS. Mr. President, the subcommittee of the Appropriations Committee having jurisdiction of the District of Columbia appropriation bill has gone into this question a number of times. I served on that committee during my previous service in the Senate as well as during my present service, and never in my recollection has any member of the board of commissioners asked for any such increase for these officials. The members of the subcommittee, I think, will substantiate what I say that in this instance no showing was made to the subcommittee having charge of this bill that would justify the giving of more than what was carried in the bill as reported to and passed by the House of Representatives.

Mr. SPENCER. Mr. President, I fail to see how any city could expect to secure the services of competent physicians to care for over 900 policemen and in the neighborhood of 400 firemen, having a prior claim on their services, for less than $1,800 a year. I think the compensation at $1,800 is ridiculously small.

Mr. CALDER. Mr. President, if the Senator will permit me, in New York City to-day the police surgeons are paid $3,500; in Philadelphia, $4,000; in St. Louis, $1,800 to $3,000; in Pittsburgh, $2,670; in Detroit, $2,000 to $2,250; in Los Angeles, $1,650 to $2,400; in New Orleans, $2,300; and in Jersey City, $2,800.

Mr. BALL. And in Wilmington, Del., they receive $2,500.

Mr. CALDER. The Senator from Delaware says that in Wilmington they are paid $2,500, and Wilmington is a city much smaller than Washington.

Mr. WATSON. How many of them are there in this city?

Mr. CALDER. Four.

Mr. POMERENE. Mr. President, it seems to me from what I have heard that the "white wings" are paid as much as the police surgeons of this city; and I have a faint notion that where a man has prepared himself for the practice of medicine he ought at least to have a compensation in keeping with such attainments.

Mr. THOMAS. Mr. President, if the police surgeons were required to give all of their time to the police practice, there could be no question about the justice of the comment made by

the Senator from Ohio; but we have not yet ascertained what their outside incomes are. They may be very large. I am quite willing, for the purpose of getting this bill disposed of, particularly on account of the admirable arrangement it makes of the police force, to go as far as any man in supporting the bill that has been reported by the committee; but if it be true that these surgeons have a good practice outside, then surely the compensation which is provided by this bill may be more than generous. However, as to that I do not know; a great deal would depend upon the extent of their practice.

I think the Senator having the bill in charge made the statement that this work was being performed largely by the younger men. I should like to ask some member of the committee if he can give the Senate any information as to the approximate amount of the incomes of the police surgeons derived from their private practice.

Mr. CALDER. I do not think that information can be furnished by any member of the committee. I was chairman of the subcommittee which prepared the bill. We did not make that inquiry; but the chairman of the Board of District Commissioners and the superintendent of police informed us that they had difficulty in keeping good men; they thought that they were much underpaid; that they had private practice, of course, but they gave much of their time to the duties devolving upon their official position; and that it cost them alone nearly all they were receiving for their automobile expenses.

Mr. SHEPPARD. Mr. President, I suggest to the Senator from Kansas that he allow this matter to go to conference as it now stands, where it may be worked out satisfactorily and the points raised here can be thoroughly examined.

Mr. CURTIS. Mr. President, I do not like to oppose this measure, but it does seem to me that if the police surgeons had been entitled to this increase some showing to that effect would have been made before our committee previous to this time. I think that it is a very large increase. It seems to me that an increase from $840 to $1,400, to which would be added the $240 bonus, making $1,640 in all, is sufficient, and I am going to ask for a vote on my amendment to reduce the amount from $1,800 to $1,400.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas, on page 6, line 12, to strike out "$1,800" and insert "$1,400." [Putting the question.]

The amendment to the amendment was rejected.

Mr. MYERS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

> No organization of governmental employees shall affiliate with any outside organization which uses the strike or which assists any other organization in the use of the strike in the adjustment of grievances.

Mr. MYERS. Mr. President, the bill as reported I think effectively provides that members of the Metropolitan police force shall not be affiliated with any superior organization or union of labor, or any organization empowered to counsel or aid or abet in strikes.

I have examined the provision put into the bill by the committee, which covers that subject, and I am fairly well satisfied with it. I believe that it will be effective. In fact, the policemen of the District, I think, have done the graceful and proper thing by voluntarily severing their connection with the American Federation of Labor, and I give them credit for it. They appear to have been willing to do so and to have done so when advised by Members of Congress that it was against the sentiment of a large element of Congress, and when shown that it was in conflict with what Congress believed to be their paramount duty to the Government. I am well enough satisfied on that score. I think the committee has done its duty properly, and I think the policemen have yielded to the sentiment of the committee gracefully and properly.

My amendment, however, goes to the affiliation of any or all employees of the Government with higher organizations than their own unions, composed of their own associates. It goes to the question of any organization of Government employees affiliating with the American Federation of Labor or any other superior organization. I believe the same reasons which militate against that affiliation as to the policemen of the District in large measure militate against any character of organized Government employees affiliating with a higher body of organized labor which has claims upon them which may conflict with their duty to the Government and with the claims of the Government upon them. I believe the whole system is bad. I believe that all of the reasons which go to prevent policemen from affiliating in that capacity apply with some measure of force to all Government employees.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Illinois?

Mr. MYERS. I yield with pleasure.

Mr. SHERMAN. I will say to the Senator from Montana that I do not believe the amendment is necessary, in view of the wording, but I am willing to accept it.

Mr. HARRISON. Mr. President, I make a point of order against the amendment. My point of order is that it applies to employees of the Government service who do not belong to the Metropolitan police force who might belong to the Post Office Department or any other department of the Government.

This bill touches the Metropolitan police force. It has gone very far in safeguarding the Metropolitan police force; but it does not seem to me that we ought to go out into a field of speculation and apply something here that we are not applying to all the other employees of the Government.

Mr. MYERS. There is no speculation at all about it. The amendment is aimed at just what the Senator from Mississippi says it is apparently aimed at.

Mr. HARRISON. That is the reason why I make the point of order.

Mr. MYERS. That is its very purpose; but I contend that the point of order is not well made. This is not an appropriation bill. General legislation may be put upon this bill. It is not an appropriation bill, and I know of no rule which prevents general legislation being offered as an amendment to any bill other than an appropriation bill.

The PRESIDING OFFICER. The Chair is ready to rule upon the point of order. As this is not an appropriation bill, and as the title of the bill is broad in its nature, specifically stating "for other purposes," the Chair overrules the point of order.

Mr. MYERS. Then, I will address a few remarks to the amendment. I shall try to do so at not too great length.

Mr. THOMAS. Mr. President, the chairman of the committee has accepted the amendment.

Mr. MYERS. Then, I will leave it to the chairman, he having accepted it.

The PRESIDING OFFICER. The Senate will have to pass upon the amendment.

Mr. MYERS. Then, as the Senate has to act upon it, I should like to say a few words further. I shall try to do so not at any great length.

This is a subject which has attracted the attention of the heads of the Government departments for a long time. It has engaged their earnest thought and consideration. It has engaged the consideration of Congress to a very great degree; and I believe that the practice which has grown up of employees of the Government in the various departments forming themselves into a union or an association among themselves and then affiliating with the American Federation of Labor is a bad practice, bad in principle, and is detrimental to the best interests of the Government, and the best interests of the employees. It undoubtedly affords an opportunity to some extent for a dual allegiance. It undoubtedly affords a field for a divided allegiance by those who are employed by the Government, who owe all of their time and labor and efforts, within hours prescribed for them, to the Government, and owe all of their duty and their allegiance to the Government.

There is no doubt about the fact that the American Federation of Labor, or any other central or superior body of organized labor, claims some allegiance from the members of its subordinate branches. It not only expects it and requires it but in many instances, I am sure, exacts it; and, so far as Government employees are concerned, wherever it does, it is almost sure to go counter to the allegiance and the duty which employees owe to the Government. It is for the Members of Congress to say whether or not they want this widespread practice continued, and whether or not they approve of it. If they approve of it, if they believe it is right, if they uphold it, now is the time and here is the opportunity to give it their official sanction and approval.

I do not believe there is any valid objection to employees of a department of the Government forming an association of their own. Take, for instance, any department of the Government, say the Post Office Department. I do not believe there is any objection to its employees forming an association or a union of their own members, within their own department, and consulting together and meeting and devising plans for their own good and the advancement of their own interests, and in every legitimate way looking after their own welfare. I do not believe anybody has any serious objection to that. The time was when there was objection made to that privilege, but I do not believe the heads of the departments now object to it.

I believe it is a reasonable and legitimate sphere of action in which Government employees may act. I believe they have a right to meet once a month, or as often as they may desire, in a common meeting place, as an association or union, and to elect their officers, have by-laws, adopt resolutions, and to take other steps to look after their welfare and protect their interests; and, so far as I know, there is no longer any substantial objection to members of those associations or delegates from those departmental unions appearing before committees of Congress and urging increases of salaries, or better working conditions, or reasonable working hours, or urging anything that appertains to their interests.

I think by common consent it is admitted that Government employees may have that privilege. At any rate, they exercise it, and I see no objection to it. In industrial life I think that organized labor has its proper place. I believe that it may, within legitimate bounds, serve a good purpose, and has served many good purposes, and has accomplished much for its members. That is all right in the industries of the country, private enterprise, but when you come to say that Government employees should not only form their own departmental associations or unions, but that they should then affiliate with the American Federation of Labor or any other higher or superior or general body of organized labor, I think you are treading upon dangerous ground. The Government occupies a different sphere from private enterprise. If Government employees affiliate with a superior organization, they are bound to get to the point some time where there will be conflicting claims on those employees and conflicting interests.

It is said that the unions of Government employees which are affiliated with the American Federation of Labor have nonstrike charters, but there is nothing to prevent them from amending those charters and making them so that strikes would be permissible.

I have here a clipping from a recent issue of the Washington Post which I will read. It is as follows:

Mild rumblings of many months of a possible strike of union postal employees to bring about improved working conditions and increased wages were quieted finally yesterday when tabulation of the referendum vote of the members of the National Federation of Post Office Clerks resulted favorably for retention of the "no-strike" clause in the organization's constitution.

The result, which had been in process of polling since the middle of September, stood 9,460 against the clause—

Against the nonstrike clause—

and 10,389 in favor. A two-thirds vote is required to change the federation constitution.

There was only a small majority of less than a thousand which was in favor of keeping the nonstrike clause in the charter. Next time an election is held a majority may vote to take the nonstrike clause out of the charter, and at some subsequent election the required two-thirds may vote to take it out.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. With pleasure.

Mr. KING. I understood the figures just read by the Senator to indicate that a majority voted in favor of eliminating the nonstrike clause—10,000 plus as against 9,000 plus—but that the articles of incorporation, or their by-laws, or their constitution, or whatever you call it, required two-thirds in order to eliminate the nonstrike clause, and, not getting the two-thirds, of course, the proposition did not carry; but that a majority of the organization favored strikes.

Mr. MYERS. I do not get that understanding of it. It says the vote stood 9,460 against the clause and 10,389 in favor of it. I suppose that means in favor of keeping the nonstrike clause—a majority of less than a thousand. At another election, and I suppose they can always have another one, if not this year, some other year, a majority might vote to take out this clause, and some other time two-thirds might vote to take it out.

There is no need of going into any extended argument on this. It is an old question, and Senators certainly must have their minds made up, and if Senators want to give their stamp of approval to the affiliation of Government employees with the American Federation of Labor, or any other higher or superior body of organized labor, now is the time and here is the opportunity to put their stamp of approval upon it. If you do not choose to give it your approval, you have an opportunity of withholding that approval and registering your dissent.

I also read in the Washington Post in the last few days an item which said that the local labor organizations of the District of Columbia had taken up a collection of quite a considerable sum of money and sent it to Pittsburgh to be used for the benefit of the striking coal miners.

Mr. THOMAS. Coal miners or steel workers?

Mr. MYERS. I think it was the coal miners. It was only in the last few days that the article appeared. It may have been the steel strikers, but that is not my recollection. I have not the clipping with me. Whatever it may be, I have no doubt that some employees of the Government who are members of local organizations of the American Federation of Labor contributed, directly or indirectly, to these strike benefits. If they did not go right down into their pockets and get the money and give it as a direct donation, the money was undoubtedly taken out of the local treasury, and was contributed in the way of dues from all of the members, and went to the maintenance of a strike which has upset the industrial life of this country and worked incalculable harm. If it went to the coal strikers, as is my impression, then it went to those who were engaged in what the President of the United States and a court of this country have declared an unlawful combination against the law and against the welfare and interests of the country and of the Government from which these employees are drawing their wages and deriving their support.

I have here a clipping from this morning's Washington Post, which says:

Declaring a grave misunderstanding exists about the requests of the striking coal miners for improved conditions, the Central Labor Union meeting last night in Musicians' Hall, 1006 E Street NW., indorsed the attitude of the American Federation of Labor in opposing the injunction to restrain officials of the United Mine Workers from carrying out the strike.

The resolution recites that the injunction restrains "a movement which has for its object only improved conditions for the miners." Its effect is to lend the moral and financial support of the central body to the miners, expressed through the parent body of organized labor.

The central body is made up of delegates from 99 local unions, which include approximately 100,000 workers in the District. District and Federal Government workers are included in this number, but in their charters are included nonstrike clauses, so that they can not be counted in the number likely to withdraw from work in sympathetic strikes.

While Government employees may not be expected to withdraw from their labors and go on sympathetic strikes, yet they can contribute their money, if they are so disposed, to keep up a strike which the President of the United States and a court of the land have declared to be unlawful.

I was speaking of the postal employees of the Government. I understand that all the employees of the Post Office Department are not affiliated with the American Federation of Labor. The American Federation of Post Office Clerks, about which I have just read a newspaper clipping, is affiliated with the American Federation of Labor. The Association of Letter Carriers, I understand, is not. In the last few weeks a number of members of an organization which is not affiliated with the American Federation of Labor, the Association of Letter Carriers, have told me orally, and have written me in letters that I have received, that the American Federation of Labor for years past, through its agents, has made every effort to get the entire body of the post-office employees of the country to affiliate with the American Federation of Labor, and that its agents have promised the aid and assistance of the American Federation of Labor in getting higher wages and better working conditions and hours, and even have offered help in case of a strike, if it took that to get what the postal employees might demand of the Government.

I am told that members of the Association of Letter Carriers have resisted those overtures, but that the members of the other association of postal employees did not, and that the members of various departmental agencies have not resisted those overtures, and that most of them have affiliated themselves with the American Federation of Labor. I am told by Government employees, both orally and in writing, that the result of the demands of the railroad employees of three years ago, which secured the enactment of the Adamson law, has been held up to Government employees as an instance of what they could do by affiliating with a superior body of organized labor.

I have been told that the enactment of the Adamson law has been held up to nearly all of the Government employees who have formed local unions and associations among themselves as an inducement to affiliate with a superior body of labor, in order to get the force and influence of that higher body of labor behind all of their demands, and that the promise has been made that in doing so they would get the full power and force and influence of all organized labor in the United States back of their demands. They have been told, I am informed, that that force was so great that Congress dare not resist it, and that if they would affiliate with some of these higher and parent bodies they would in that way force Congress to give them whatever they might want, within any imaginable scope, in the way of increased wages.

This question has been before Congress for a long time, and I believe there are reasons now which are more acute than any

that have ever before existed why Congress should register its will in this matter. I believe it has been brought to the attention of Congress by events within the last few weeks with more force than ever before. I believe the main object of the affiliation of local unions and associations of Government employees with higher bodies of labor is to keep over Congress an implied threat of a strike in case Congress does not grant all of the demands made upon it by those associations.

As I say, unconnected with any higher association of labor, I can see no reasonable objection to these local associations of Government employees amongst themselves. I believe Congress is perfectly willing to have their delegates and representatives come to the committees of Congress and to have committees hear their complaints. But when you go higher and put a more powerful influence back of them, one not connected with the Government, it can have none other than a sinister meaning, an implication that if Congress does not grant demands there will some time be a strike of Government employees, with a vast power back of it, which may make the strike successful.

There have been strikes attempted in the Post Office Department in the last few years. They have not been unknown, and they have not been successful; that is, they have been of short duration. But they are merely evidences of what is in the minds of some of the moving spirits of organization among the post-office employees, and indications of what the Congress may look for in the future unless some check is put upon this tendency.

I do not care to detain the Senate any longer. I think every Senator here has his views about these matters. The hour is getting late, and the attendance is small. But I urge the adoption of this amendment. I believe it would serve a good purpose, and would be in the interest of good service to the Government and conducive to the welfare of the entire people.

Mr. HARRISON. Mr. President, I am opposed to the amendment proposed by the Senator from Montana to the amendment of the committee. I do not think it has any business in the consideration of this particular bill. This is a bill relating to the Metropolitan police force of the District of Columbia. It proposes to increase their pay. The committee very wisely placed a provision in the bill which covers the point argued by the Senator from Montana, so far as it touches the Metropolitan police force.

The amendment to the amendment is very far-reaching. It is a most important proposition. It should not be passed hurriedly, with about a dozen Members of the Senate on the floor. It provides that—

> No organization of governmental employees shall affiliate with any outside organization which uses the strike or which assists any other organization in the use of the strike in the adjustment of grievances.

I do not know why the Senator did not provide a penalty for violation. The amendment, so far as the wording goes, is merely an expression of Congress as to how it stands on Government employees belonging to some organization that might affiliate with some other organization that might some time employ the strike.

As to whether any Government employees ought to belong to a labor organization or not, I care not to discuss. The postal employees organized themselves for their own protection. I doubt whether they would have ever received the increased pay that they did receive recently in a bill which was passed through Congress if they had not organized and brought public sentiment, by the presentation of facts, to bear upon Congress, which gave them the relief. This amendment would affect those employees. It seems to me that it would have been more proper for the Senator from Montana to have offered an amendment touching the employees of the Post Office Department affiliating with labor organizations that might have caused a strike when the postal bill was up for consideration. If the amendment to the amendment is adopted it will affect all those employees. If it should be adopted it would affect every employee who belongs to labor organizations and affiliates with some outside organization, who works in a munitions factory that belongs to the Government, and every employee who works in a navy yard who might belong to one of these organizations; aye, it even goes further than that. It affects the men who are employed on the railroads of the country which are now under Government ownership or operated by the Government. It is far-reaching in its effect, and I think we ought to reject the amendment in the consideration of this particular bill. I hope the Senator will withdraw his amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MYERS] to the amendment of the committee.

On a division the amendment to the amendment was agreed to.

Mr. MYERS. I offer another amendment to the amendment.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which the Secretary will state.

The SECRETARY. To follow the amendment to the amendment last agreed to, and to be known as section 6:

> SEC. 6. That no woman shall be employed on or in connection with the Metropolitan police force in any other than a clerical capacity, or shall do in connection therewith any other than clerical work, and any woman working on or in connection with the police force contrary hereto shall receive no compensation.

Mr. MYERS. Mr. President, I understand that there has grown up in the District a system of putting a number of women on the police force, who are carried as policemen, with nothing to differentiate their duties from those of ordinary policemen. It is a practice in which I do not believe.

I know there is a belief throughout the country that every city ought to have a few women on the police force, that they should have peculiar duties assigned to them, but I do not believe in putting women on police forces. I do not believe it is a work for which women are fitted. I think it is a waste of money. I think it is a departure from a long-established idea, which has good reason behind it, that men only are fitted for police duty.

There is a tendency nowadays to have women do everything that men do, to invade every field of activity and industrial employment in which men are engaged. I believe that some discrimination should be used. I do not believe women should be barred from any field of activity for which they are fitted or from any employment which they can do as well as men, but I do not believe women can serve as policemen as well as men or that they are fitted for the duties. I think that God has created them for other purposes, to look after men in other ways than by being policemen.

A few weeks ago I clipped an article from the Washington Post which relates to women police here in the District, and I am going to read a part of it. It explains the ground of my objection to the service of women on the police force in the District. I read:

> Four policewomen are specifically authorized by appropriation, but there are at least 13 women serving not as policewomen but as policemen, and being paid from the appropriation for policemen, and if they continue to serve just that many men will be kept out of jobs on the force.
>
> Mrs. Mina C. Van Winkle, of Newark, N. J., who was made chief of the bureau on February 14, 1919, holds the rank and draws the pay of a first-class detective sergeant, and employs under her at different times special women investigators to visit the dance halls, theaters, parks, and other places of amusement and recreation.
>
> Among the involved duties of the members of this bureau drawing police pay but hardly available for riot duty as set forth by Mrs. Van Winkle may be cited:
>
> "Psychopathic and physical examinations with the view to securing proper disposition of the case and treatment.
>
> "Thorough investigation to find all negative and positive facts in the case in order to arrive at the inner mental life of the girl, so that intelligent help can be extended."
>
> An example of how this higher police duty works out was furnished recently by the case of Grace Raezer, said by her mother to be 16 years old.
>
> This girl, whose brother, Sergt. John Raezer, was killed in France, and whose father was serving as a lieutenant in the American Expeditionary Forces in France, was living with her mother, Mrs. Stella Buck, in the northwest section of the city. The girl drew $57 a month pension from the Government through the death of her brother and also received remittances from her father, while her mother, divorced and remarried, was employed as a housekeeper in the home of a prominent resident of the city and aided in the care of his two motherless children. The daughter frequently accompanied and assisted her mother in the care of the house and children.
>
> One night, as the daughter lingered downstairs after returning home with her mother, she was approached by a strange woman, who said:
>
> "You are under arrest, so come along quietly."
>
> The woman was Miss Ethel McQuiston, attached to the women's bureau of the police department.
>
> The girl called to her mother, who followed and demanded to know why her daughter was arrested. She was told that if she didn't keep quiet she, too, would be placed under arrest, and the daughter was warned against talking to her mother.
>
> Miss Raezer was taken to the house of detention, stripped of her rings and jewelry, and later taken to police headquarters, where she was brought before Mrs. Van Winkle and other members of the bureau for examination.
>
> There, according to her mother, she was subjected to a "third degree" of cross-examination that would have shocked the oldest offender in a prison for totally depraved women. The girl recoiled from the questions that were shot at her like blows from a whip and was in a deplorable state when finally told, without any word of explanation, that she was free to return to her home.
>
> Inspector Burlingame, who was on duty at headquarters at the time, said: "There is not a word against the character of the girl."
>
> Maj. Pullman, when asked about the case, was reported as saying:
>
> "I know nothing about it. It was one of those cases handled by the woman's division."
>
> Later, when pressed for some statement about the case, he is quoted as saying:
>
> "No harm has been done, and forget about it."

"My daughter has never been away from me for one night since she was born," said Mrs. Buck. "Her reputation is as sacred to me as my life. I propose to see this matter through and make it certain that the police can never again subject a child to such atrocious suffering without the slightest cause."

Former Senator Joseph W. Bailey, of Texas, who knew the girl's father, was appealed to, and is said to have failed to receive any satisfactory explanation of her treatment up to this time.

Most of the women who are filling policemen's jobs in the women's bureau have the rank of class 1 privates, and the monthly pay roll for the bureau is approximately $1,300. It is said that Maj. Pullman and Commissioner Brownlow are so well pleased with the work of the bureau that they intend to increase its personnel to 30 to do the work outlined by Mrs. Van Winkle, in part, as follows:

Preventive: Supervision and general survey of movies, dance halls, skating rinks, railway stations, parks, large public gatherings, welfare work by special workers, voluntary probation, finding positions for girls, advising as to associates, amusements, etc.

The corrective and general police work are along the same lines.

Mrs. Van Winkle offered her services free about October 1, she says, by advice of her friends, who instanced alleged conditions among women war workers here, as well as resident girls. She says she is not in the work for "amusement," but that it is her life work. She places her own car and chauffeur at the disposal of members of her bureau, and as she does not need the salary of $2,040 which she draws, is said to devote most of it to the work of the bureau.

There must be some truth in that article. I have never seen it denied. It was published in a reputable paper. If there were no truth in it, a responsible paper would hardly have dared to publish it.

This is only one of a number of articles of like kind and character that I have seen in the city press. I have seen recited a number of other instances of the women's bureau of the police force in the District which are very analogous to this, and I am opposed to all such doings. For that reason I offer the amendment to the amendment.

Mr. THOMAS. Mr. President, I supported the first amendment offered by the Senator from Montana, but I am obliged to vote against this one. The use of women upon the police forces of the different cities of the country is a somewhat recent innovation, but it has proven very beneficial. There are certain phases of lawbreaking, certain cases of delinquency, particularly among young girls, which can be reached and prevented by a vigorous policewoman in many cases where the interference of a man would be embarrassing, if not unsuccessful.

I have no doubt of the truth of the incident which the Senator has called to the attention of the Senate, but if a system is to be repudiated because of such an incident what would become of the police systems of America? In the administration of the duties of a policeman it is a common thing for private rights to be invaded and a great deal of offense given, and justly given. Unfortunately those things are inseparable from the enforcement of law and order; but there is always a remedy in the shape of a suit for damages against the offending officer, who may also be disciplined and removed if he or she is proven to have been guilty of any infraction of duty.

I think it would be a great mistake to deprive the authorities having charge of police affairs and also charged with the duty of enforcing the law and order in the city of Washington of the right to employ efficient women in such number as may be necessary for looking after such phases of police duty as are peculiarly within their province.

I may allude to a successful instance of the discharge of the duties of a policewoman as an offset to the case to which the Senator from Montana has called attention. About two months before the armistice a woman was employed as traffic policeman in the city of Washington and stationed at the intersection of Seventh Street with Massachusetts Avenue. She performed the duties of that place for about two or three months with unusual ability. She was a very attractive woman. She performed her duties so well that a great many of the owners of automobiles went out of their way for the purpose of subjecting themselves to her orders in order that they might obey them.

Mr. MYERS. May I inquire if the Senator from Colorado was one of them?

Mr. THOMAS. If I had had a machine, I should have gone by that intersection going and coming to my duties here every day. I availed myself of the invitation of a friend, who was an enthusiastic admirer of the efficiency of this woman, and accompanied him to the Capitol by way of that particular route, and I confess I took as much interest in her splendid administration of her duties as did the admiring throng which preceded and succeeded the machine which I occupied.

Indeed, the attraction was so great that I understand there was a substantial diminution of automobile service on Pennsylvania Avenue; that F Street also suffered, and Fourteenth and Fifteenth Streets as well. Unfortunately the armistice came, and, this woman being the wife of a prominent officer stationed in the city whose duties called him elsewhere, Washington was deprived of her valuable services.

Mr. President, I am serious in calling attention to the particular instance because, independent of any other consideration, the efficiency with which the crowds were handled and the traffic was conducted by this woman was unusual. It was equal to the best in the veteran service in New York City.

But I shall not detain the Senate upon the subject. I do not think we ought to place this limitation upon the power of the chief of police, and I should dislike very much to see the duties of women as policewomen circumscribed in this city as the amendment would circumscribe them.

Mr. CALDER. Mr. President, I hope the amendment of the Senator from Montana will not prevail. From my observation, while there may have been some rare cases which might justify criticism, in the main the service of women on the police force in Washington has been excellent. I live in the city of New York, where there are over 50 policewomen. The police commissioner there recently in discussing the matter with me said they were one of the best arms of the service. They are used to detect crime where men can not be sent. Every important dry goods store in the country has women detectives. They can detect crime on the part of women and also on the part of men in some instances quicker and better than can men. Here in the city of Washington we have eight police matrons, who would certainly be discharged if the amendment of the Senator from Montana [Mr. MYERS] should prevail. I think some women are excellently adapted to police work, and I think it would be a mistake for this amendment to be agreed to.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment of the Senator from Montana [Mr. MYERS] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. HARRISON. Mr. President, I merely want to ask the Senator from New York or the chairman of the committee a question touching the firemen of the District of Columbia. I notice that this bill provides increased pay for the members of the Metropolitan police force, and I desire to ask if it is contemplated to bring out a bill at any date in the near future providing increased pay for the firemen in the District of Columbia?

Mr. SHERMAN. Such a bill is now in the subcommittee, and at any early date it will, I think, be reported favorably, so far as I am authorized to state, I will say to the Senator from New York.

Mr. HARRISON. I have in my hand a bill which was introduced in the other House touching the pay of firemen.

Mr. CALDER. The bill has passed the House.

Mr. HARRISON. It has passed the other House?

Mr. CALDER. Yes.

Mr. HARRISON. And the subcommittee is now considering the question in the Committee on the District of Columbia?

Mr. SHERMAN. Yes; and it may be that within a week the bill will be reported to the Senate.

Mr. HARRISON. It would seem to me just as important to increase the pay of the firemen as to increase the pay of the policemen of this city.

Mr. KING. Mr. President, I desire to ask the chairman of the committee the reason for increasing the compensation of the superintendent of police from $4,000 to $4,500, particularly in view of the fact, as I am advised, that that official indicated by a letter and also stated before the committee that he did not solicit this increase? Is there any reason why the committee added this amount?

Mr. SHERMAN. It is true the superintendent of police did write the committee a letter, which is in our files, stating that he had no interest in the increase. I think, though, it is in accordance with the facts—and the chairman of the subcommittee will bear me out in the statement—that the compensation of the superintendents of police of the various cities of the United States exceeds either by a thousand or more dollars the compensation of $4,000, which is the present pay for the chief of police of this city.

Mr. CALDER. That is true, Mr. President.

Mr. SHERMAN. And we thought it proper to make this increase of $500, which will still leave the salary much less than that received in other cities which are the size of Washington. It is still, I think, not out of proportion.

Mr. CALDER. That is true. In Detroit, for instance, the chief of police is paid $7,500; in Boston the same amount; in Philadelphia, $4,500; and in Chicago, $8,000.

Mr. KING. Mr. President, I shall not move to amend the bill as it has been reported by the committee. I rose primarily, however, to state that this morning when unanimous consent was asked for the consideration of this bill at an evening session I ventured to object to its consideration, hoping that an

opportunity would be had of taking the bill up to-morrow morning at 10 o'clock. I understood that we were to have a very protracted session this afternoon in the discussion of the peace treaty, and I thought also that if any attempt were made to consider this bill this evening it would be abortive because of the long session devoted to the consideration of the treaty.

I am very glad that this bill has come before the Senate for consideration. I have given some little attention to the splendid work, generally speaking, performed by the policemen of this city, and I avail myself of this opportunity to pay tribute to the most excellent work which they have done.

I desire to express one other view. I think it would be a very wise thing if the Commissioners of the District of Columbia could see their way clear at some time to appoint the superintendent of police from the ranks. I think it is a mistake to place as superintendents of police men who have had absolutely no experience with the work involved in protecting the city and caring for policemen. I am not speaking at all with reference to Maj. Pullman, the present occupant of this position, but I think that, so far as possible, efforts ought to be made to select men for this responsible position from the ranks. The men who go in and work their way up ought to have an opportunity some day of becoming superintendents or, at any rate, they ought to feel that the opportunity is afforded them. From my information, however, the policy has been pursued in this city of importing somebody into this office, to take a newspaper correspondent or somebody who knows absolutely nothing about the work involved in the police department. I should like to see promotions from the ranks; and I should like to see men have the opportunity of reaching this highest station within the limits of this bill. I had hoped that the next appointment made would be from the ranks instead of from outside the ranks.

Mr. JONES of Washington. Mr. President, I wish to join in the hope expressed by the Senator from Utah [Mr. KING] in that respect. It seems to me that if there is any position that ought to be filled by promotion from the ranks it is that of superintendent of the police force. I can not conceive of better training for that position than that which is derived from service and experience in the ranks through the different grades. I repeat, I wish to join very heartily with the Senator from Utah in the expression of the hope that that course may be taken hereafter. My recollection is that when I first came to Washington Maj. Sylvester was chief of police of the District, and my impression is that he had served for a long while on the police force before he became chief of police. I am not sure about that, but, at any rate, he had a most excellent reputation as chief of police, and I think that was due largely to the service that he had had with the force.

Mr. MYERS. Mr. President, I take pleasure in joining in the commendation expressed by the Senator from Utah [Mr. KING] of the splendid service rendered by the police force of the District. I think the policemen of the District have rendered excellent and faithful service in the protection of the people and in behalf of the maintenance of law in the District, and I am glad to see them get some increase of compensation. They are a good lot of men and are, as a rule, faithful officers.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SHERMAN. I move that the Senate request a conference with the House of Representatives on the bill and amendment, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. SHERMAN, Mr. CALDER, and Mr. SHEPPARD conferees on the part of the Senate.

RECESS.

Mr. SHERMAN. Will it be necessary, before we take a recess, to return to open executive session?

Mr. SHEPPARD. Provision was made for that in the unanimous-consent agreement adopted before the recess was taken.

The PRESIDING OFFICER. The Chair is informed that it was included in the unanimous-consent agreement adopted before the recess this afternoon that at the conclusion of the consideration of the police salary bill the Senate would recess as in open executive session until 11 o'clock to-morrow morning. Therefore the Senate stands in recess until 11 o'clock a. m. to-morrow.

Thereupon (at 9 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, November 12, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *November 11, 1919.*

The House met at 10 o'clock a. m.

In the absence of the Chaplain, the Members, at the request of the Speaker, joined in repeating the Lord's Prayer.

The Journal of the proceedings of yesterday was read and approved.

THE FRANKING PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. BLANTON. I desire to present a privileged resolution.

Mr. WALSH. The gentleman must state his question of personal privilege first.

Mr. BLANTON. The question of personal privilege is this, Mr. Speaker: By being graciously allowed to do so by the House yesterday Mr. Victor L. Berger delivered a speech from the floor of this House which from the beginning to its end teemed with disloyal utterances against the Government and Constitution of the United States of America, and I am asking in this privileged resolution that the speech be not allowed the franking privilege.

I submit, Mr. Speaker, that this is a privileged resolution, a resolution of the highest privilege. This speech appears in the RECORD this morning. Under the usual franking privilege, this resolution not being adopted, it could be sent to the uttermost parts of this country under frank.

The SPEAKER. Can the gentleman cite to the Chair an authority that makes the franking privilege a matter of privilege of the House?

Mr. MONDELL. Mr. Speaker, I make the point of order that the gentleman's resolution is not in order under the rule.

Mr. BLANTON. I submit upon the point of order, Mr. Speaker, that every utterance on the floor of this House that goes into the CONGRESSIONAL RECORD, if permitted by the House to remain in that RECORD, is under the rules of the House entitled to the franking privilege, and that that privilege extends up to the very moment this House sees fit to take it from the RECORD. This House is the judge of everything that goes into the RECORD and which shall remain in the RECORD as a part of its proceedings, and can control what of same is entitled to the franking privilege. If it were a matter that went into the RECORD not under the graciousness of this House, this House would have no control over it; but it being a matter that appeared in the RECORD under the permission of this House, as a part of its own proceedings, this House has absolute control over it at any time and at all times.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Massachusetts?

Mr. BLANTON. In a moment. Then I will yield to the gentleman. And until the permanent RECORD is made up and printed and published this House certainly has control over everything that appears in it as a part of the proceedings of the House.

Now I will yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman contend that we can withhold the franking privilege about any matter simply by a House resolution?

Mr. BLANTON. As to the matter that appears in the RECORD, entitled to the franking privilege, matter that appears there by reason of being a part of the proceedings of this House, only the House has jurisdiction over it.

Mr. WALSH. But the gentleman seeks to withhold the franking privilege from something that has been uttered in the House. Of course, the franking privilege is a matter of law, and can only be limited by joint resolution.

Mr. BLANTON. The House certainly has control over every bit of its own proceedings.

Mr. WALSH. The House could strike out or eliminate.

Mr. BLANTON. The House could strike out or eliminate or circumscribe by limitation. It refused yesterday to strike out. It has a right to place any limitations it sees fit on its own proceedings.

The SPEAKER. It seems to the Chair that what the gentleman from Massachusetts says is unanswerable, that the House can not control the franking privilege, which is a matter of law.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 3844. An act for the relief of Della James.

UNANIMOUS-CONSENT REQUEST.

Mr. McCLINTIC. Mr. Speaker, I want to submit a unanimous-consent request.

The SPEAKER. The Chair does not think it would be in order under the rule.

Mr. McCLINTIC. It will take just half a second—not for to-day, but for a later day.

The SPEAKER. The Chair is in doubt whether, under the rule that has been adopted, the Chair has the right to recognize any request for unanimous consent. The Chair will consider that question, if the gentleman will postpone his request, and arrive at a decision to cover all requests.

Mr. CAMPBELL of Kansas. I submit, Mr. Speaker, that under the rule the House automatically, after the reading of the Journal and the disposition of such privileged matters as are on the Speaker's table and the disposition of conference reports, resolves itself into Committee of the Whole House on the state of the Union until the conclusion of the consideration of this bill.

The SPEAKER. That was at the beginning. The Chair was in doubt about whether later the action would be automatic. The rule said that on the adoption of this rule the House automatically resolves itself, and it would be a continuing order. The Chair would be disposed to think that after the first day it would require a motion to go into Committee of the Whole.

Mr. CAMPBELL of Kansas. But the motion to go into Committee of the Whole would be in order immediately following the disposition of the privileged matters referred to.

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10453, known as the railroad bill.

The motion was agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10453, known as the railroad bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10453, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

The SPEAKER. Under the rule the first reading of the bill is dispensed with. The gentleman from Wisconsin [Mr. ESCH] is recognized. [Applause.]

Mr. ESCH. Mr. Chairman, the bill that we present to the House for consideration to-day, known as the railroad bill, has been the subject of long deliberation and of careful consideration on the part of the subcommittee and the full committee.

In opening my remarks I respectfully ask that I may be permitted to proceed without interruption. [Applause.] If those who are here now will kindly pass that request along to Members as they come in the request will be complied with.

The task presented to the Committee on Interstate and Foreign Commerce in connection with finding a proper solution for the adjustment of the so-called railroad problem was one of great complexity and of infinite difficulty. We sought advice and facts from every possible source. The hearings began on the 15th of July and extended to the 27th day of September, running continuously mornings and afternoons without intermission.

During that long period scores of witnesses were heard, and these witnesses came not from a single section but from all parts of the United States. They represented not a single interest but many interests. They came representing various organizations, among them railroad organizations, financial organizations, commercial bodies, trade-unions, labor, agriculture. In fact, all interests presented their respective claims for consideration before the committee. They came voluntarily, for our committee did not ask of the House the power to subpœna witnesses, nor did we ask the House for an appropriation to pay counsel, accountants, or other experts. The only expense connected with this long investigation, outside, of course, of the official committee stenographers, was a small sum for telegraphing. Otherwise this investigation cost the Government not a single dollar. We did not need the subpœna power in order to secure witnesses. They came in abundance.

A remarkable thing about the testimony was the high average character of witnesses and of the facts and arguments they presented. For this reason these hearings are of particular value, and I commend them to you and to the country for most careful consideration.

When these hearings began there was only one bill pending before the committee, namely, H. R. 4378, introduced by myself on the 2d day of June. There was no other bill relating to the railroads, as a whole, introduced until after the hearings had been well started, when a bill was introduced by request by Judge SIMS, incorporating the so-called Plumb plan. These were the only bills that were presented in the House for consideration. But this does not mean that there were not other bills and other drafts of bills presented for the consideration of the committee, for there were two or three Senate bills incorporating certain plans, and these plans were explained by their respective exponents in great detail. By the time the hearings had been half concluded not less than a half dozen plans, as represented by bills introduced in Senate or House, or as represented by draft plans, were before the committee for its consideration. Besides these six or seven bills, or drafts of bills proposing plans, there were presented no less than 100 pages of amendments to the original bill—H. R. 4378. I state these facts merely to indicate the size and extent of the task that was imposed upon the committee in arriving at a solution of the question. With reference to these various plans the committee adopted this procedure, namely, that these should first be heard before we should give consideration to any particular feature of the general plan. As a result, we heard the proponents of these plans, namely, the transportation-conference plan, presented by a committee composed of members of the United States Chamber of Commerce; the so-called Warfield plan, proposed by owners of railway securities, presented by an organization of which Mr. J. Davies Warfield, of Baltimore, is the president; the so-called railway executives' plan, presented by Mr. Alfred P. Thom, general counsel of the Railway Executive Committee of the Railroads of the United States, which represents something like 90 per cent of the railroad mileage of the United States. Then there was the so-called Amster plan, presented by Mr. Nathan Amster, of Boston, and appearing in bill form in the bill introduced by Senator LENROOT. Then there was the so-called Rich plan, or the New England plan, presented by Edgar J. Rich, of Boston, dealing, however, more particularly with the feature of new loans for the corporations after Federal control ceases. Then there was the plan that is embodied in the pending Senate bill, known as the Cummins plan, and there was also the Plumb plan, as presented in the bill introduced by Judge SIMS by request. These are not all the plans, but they are the leading ones. There were others that varied from these six leading plans.

After the hearings had been concluded, a subcommittee was appointed, consisting of five members, to make a survey of the whole field and seek to put in concrete form the leading features of the proposed legislation. That subcommittee labored for four weeks and submitted to the full committee, less than two weeks ago, the results of its labors, which are very largely embodied in the pending bill.

There was at the beginning a question as to whether or not the committee should give serious consideration to the question of Government ownership. In view of the fact that the President, in his message delivered to the House early this year, had declared his intention to return the railroads by the first of next year; in view of the fact that the carriers themselves were eager to get out from under Federal control; and the further fact that the shipping world, as indicated by chambers of commerce, traffic clubs, and individuals, desired an end of Federal control, the committee came to the conclusion that it would give to Government ownership only cursory consideration, and such consideration as was necessary in connection with the bill introduced by Judge SIMS, which, by the way, was the only bill presented to the committee involving the question of Government ownership.

Notwithstanding our purpose not to devote much time to the question of Government ownership, we gave to the proponents of the Plumb plan six days of hearings. As a result of those hearings, and of the cross-examination of the advocates of the plan, the committee were more firmly convinced than ever that Government ownership is not and ought not to be the solution of the problem. [Applause.] But the Plumb plan goes much further than Government ownership. It involves the question of employee operation. Socialism, so far as it has manifested itself in the regulation of public utilities, goes no further than Government ownership and regulation of facilities through such agencies as the Government may prescribe, but socialism has not yet gone to the extent of demanding that there shall be employee operation. We therefore came to the conclusion that the socalled Plumb plan was impossible. [Applause.]

We next considered these various other plans with a view of seeing if they contained something of advantage and something that would enable us to meet the pending situation and to build upon that something a superstructure for the future.

I have had published in the report a comparative synopsis of the various plans to which I have already referred. The synopsis was prepared by Mr. Richard Waterman, the secretary of the railroad committee of the United States Chamber of Commerce. While it is not complete, it gives you the salient features of the various principal plans and at the same time enables you to discover the coincidences and differences. A cursory review of the synopsis will indicate at once that all the plans agree upon the return of the roads to private ownership and operation, with the exception of the Plumb plan. All of the plans, including the Plumb plan, favored giving to the Interstate Commerce Commission the power of regulating rates. All of the plans, including the Plumb plan, gave to the Interstate Commerce Commission the right of regulation of railroad securities, including stocks and bonds. But when you leave those three distinctive features you find much diversity in the several plans.

The bill we present to you agrees with these six or seven plans in that the pending bill gives to the commission power over the issue of stocks and bonds and gives to the commission the power to regulate rates, fares, and charges, so that the pending bill is in accord with all of these several plans in these two major respects.

One distinctive feature that stands out in several of these plans is the creation of a transportation board, a board separate and distinct from the Interstate Commerce Commission, with certain powers now exercised by the commission. The arguments that were presented to us in support of the transportation board run along these lines: As the Interstate Commerce Commission is a heavily worked body, it should be relieved of its tasks by taking from it certain administrative functions relating to the administration of the safety-appliance acts, the boiler-inspection act, the hours-of-service act, and other acts that have been passed and are being administered by the commission. With a transportation board which would be largely an administrative body, it could take over these administrative functions heretofore exercised by the commission. In addition, as the Interstate Commerce Commission is a quasi judicial body, it should not be burdened with administrative functions. That is the argument in support of the transportation board which can be met, in our opinion, by the statement that the administration of these various acts, like the safety-appliance act, the hours-of-service act, the boiler-inspection act, and so forth, have been satisfactory, and I have heard of no complaint that these acts have not been administered with complete success. For that reason it would not be a sufficient justification to deny the commission the exercise of these administrative functions which it has exercised ever since the several acts were enacted into law.

It is again asserted that the transportation board is necessary because it would have a broader, wider view of the whole subject of transportation by rail, by highway, and by water; that it could be a body that could look into the financial needs of the carriers as a whole, or by groups, or by systems or regions; that it could frame a budget based on the financial needs, by systems or by regions; and that it could then submit those budgets to the Interstate Commerce Commission with a mandate that the commission should fix such a level of rates as would meet the financial needs of the several carriers or groups. Our committee has not gone on any such theory. We do not believe that it is wise to divide the functions between the Interstate Commerce Commission and another body. We believe that there is no body of men in the United States that knows so well the financial needs of the carriers or knows their operating difficulties and their operating problems so well as the Interstate Commerce Commission. Your independent body, no matter how able it might be personally, would have to take years to acquire the information already possessed by the membership of the Interstate Commerce Commission.

I fear if we create a separate and independent body like the transportation board, we would divide the responsibility, and that is a thing we should avoid. It seems to me almost impossible to so differentiate the functions of the board and of the commission as to avoid misunderstandings and jealousies which would result in inefficiency and loss to the Government and to the people of the United States. I do not believe that a transportation board should be created, as was suggested by the distinguished representative of the railway executives' committee. His plan and theory was that you wanted a transportation board, another body which could exercise certain functions of control, and could say to the commission, "You must raise the rates to such a level." The commission could then say to any complainant or to a disappointed public, "We could not help it. The transportation board exacted its demand, and so we are fortified."

The Interstate Commerce Commission does not need to be fortified by the creation of an independent body like a transportation board. The action of the commission since its foundation has been fearless in the interest of the public and of the carrier, and the one most noteworthy thing running through the long array of testimony of over 3,500 pages is the uniform approval of the high character and efficiency of the Interstate Commerce Commission. [Applause.]

The transportation board is not found in the pending bill. I should say that the transportation board is a characteristic of the executives' plan, of the transportation-conference plan, and of the Senate bill plan. It is not, however, a part of the so-called Warfield plan, which contemplates the creation of an association, of which association the membership of the Interstate Commerce Commission should constitute a part.

The next feature which is prominent in some of the plans is so-called Federal incorporation. This is not a new suggestion by any manner of means. It was first prominently proposed by the railway executives in the hearings before the Newlands Joint Commission in 1916, and the fundamental purpose of presenting the idea of Federal incorporation by the railway executives at that time was the elimination of the so-called 48 masters, namely, the regulatory bodies of the several States. That was the same purpose shown by the representatives of the railway executives and others in presenting the testimony before the committee in the recent hearings. And why do they want to get rid of the 48 masters? I concede that some of the regulations of the States has proven unnecessarily burdensome to the carriers, without bringing compensating benefits. Especially is this true with reference to the State regulation of operation, of enactment of safety-appliance laws, of full-crew bills, and matters of that kind, and more particularly with reference to the issuance of stocks and bonds, as to which feature I shall speak more in detail a little later on.

There was justification on the part of the railway companies in seeking to be relieved from the conflicting and the varying enactments of the 48 sovereign States, but, so far as the exercise of police powers on the part of the several States is concerned, there should be no interference by Federal authority. The States have a field here peculiarly their own, and have occupied it and doubtless will be permitted to occupy it, but in a larger way the committee did not believe that the time had come to enact legislation that would practically wipe out the authority and control of the several States. It may come in time. It seems to me that the legislation of Congress in recent years, supplemented and possibly hastened by the decisions of the Supreme Court in the Shreveport, the South Dakota, and the Minnesota rate cases, is hastening the day when State control over common carriers will be vastly lessened. However, even though the trend is now that way, the committee felt that the natural processes should be permitted to have their course rather than that we should, by a revolutionary stroke and at a given time, wipe out the jurisdiction of the several States. The pending bill, therefore, does not embrace the doctrine of Federal incorporation.

There was grave doubt expressed by the witnesses who appeared before the committee and in learned briefs submitted to the committee as to the constitutionality of Federal incorporation. Learned counsel were to be found on each side of the proposition. I am not here to discuss that phase of the problem because it is unnecessary in view of the fact that the bill does not contain a provision for Federal incorporation. We were opposed to it because of the delay and the expense and the doubt as to law that would be involved if we adopted that as a part of our bill. Here are charters granted by States because of the sovereign power of the States to grant charters. Here are stockholders of that corporation enjoying the peculiar advantages and privileges which such State charters grant. Are they, or would they be, willing to surrender the privileges and advantages they are legally enjoying under the State charter and be compelled to surrender them and be practically forced into a Federal incorporation by the use of the right of eminent domain without objection? No. In every corporation chartered by the States there would be found recalcitrant stockholders who would say, "We will stand by our charter and by our State corporation, and you will have to compel us to surrender by the power of law." That would mean a lawsuit, and a lawsuit would not end in your district court but would have to run its weary length along to the Supreme Court, involving a delay of at least two years. We did not think it wise to incorporate in this bill a proposition that might involve such

delays, such expense, and such litigation. Hence it has been omitted.

Then, in that same connection there was involved the question of taxation. If under Federal incorporation you create a Federal entity the question might arise whether that Federal entity would be subject to a State tax. There would be no question about the right of the Federal Government to tax its own creature, but we have been very sensitive heretofore in seeing that nothing is done to deprive the States of the right of taxation of the common carrier. In fact in the Federal-control act we put in a specific exception to the effect that the State's right to tax these common carriers, even though they are interstate in character, should not be called in question. This, too, was another reason which induced us to eliminate from the provisions of the bill the matter of Federal incorporation.

Another characteristic feature of these several plans, which was found in practically all of them, was the question of consolidations or mergers with a possible resultant pooling of traffic, earnings, and equipment. The matter of consolidations or mergers as to carriers is rather a new doctrine in these days because, as you know, the original interstate-commerce act of 1887 made pooling unlawful. That provision was placed in that law because of the experiences of the country in connection with traffic associations which had wide sway and potency something over 30 years ago, and all these years we have strictly held to the letter of the law that there shall be no consolidations and mergers and no pooling. But our ideas have doubtless been changed with reference to consolidations and mergers as they have been changed with reference to many other things as the result of our war experience. No sooner had the Federal-control act become operative than the President, through the director general, exercised the powers we gave him of putting all of the railroads of the United States, interstate in character, under a common control and management, one vast merger, and at the same time the President exercised the power of pooling traffic, earnings, and equipment, to the end that there might be a unified system of control over carriers and over the business which they did, in order that we might win the war. While that power, exercised by the President through the director general, has given rise to much complaint on the part of the shipping public and of individuals, and while it has not worked out as one would like to have had it work out, nevertheless I think we all believe it was necessary to make the consolidation and permit the pooling in order to meet the emergency of war and to bring troops and supplies to all the ports along the Atlantic and Gulf coasts and to send troops from various parts of the country to their camps and cantonments.

But to-day the question is presented to us, "Shall we retain consolidations, mergers, and poolings when peace shall again be with us?" There are two ideas about the subject. There is one school that believes that the consolidation should be compulsory, pursuant to the mandate of an official body or board. There is another school that believes that the consolidations or mergers should be permissive, voluntary.

There are difficulties in connection with compulsory consolidation; the same difficulties, I fear, that are connected with compulsory Federal incorporation, difficulties which involve of necessity delays and costs. Our idea is not to have compulsory consolidations or poolings of traffic earnings or equipment, but rather to have permissive voluntary consolidations, subject to the control of the Interstate Commerce Commission, if the commission decides that such consolidation or merger or pooling was in the public interest and would result in more economy of administration and in every way be of greater service. That is the doctrine on which the pending bill is framed.

There are, however, two plans that were presented involving compulsory consolidation. These are the plans of the railway executives and the pending Senate bill after the lapse of seven years, during which time the merger may be voluntary. I do not know what the stronger roads would do to the weaker roads during those seven years.

It does not appeal to me to have these voluntary consolidations along the lines of systems or of regions. The plans are to divide the country up into systems or regions for administration and rate-making purposes. Gentlemen, there are very grave difficulties from the administrative standpoint in regional consolidation. The consolidation must, of course, be of average condition, so that your region would have average conditions, and make it possible for the administrative body more easily to administer the law. But how hard it would be to create a region where we would have such average conditions. I have in mind New England, which would, no doubt, be made into a group or a system. With the agriculture and timber interests of north Maine and the tremendous manufacturing interests in the densely populated cities of Massachusetts and Connecticut you would have to average conditions and you would put up that problem to your administrative body. But that is not the only difficulty. These regions are supposed to follow the lines of existing systems, so as to incorporate at least two competitive lines, and give our large centers a certain degree of competition. But these regions would naturally be framed along east and west lines, especially in official and western classification territory, where the trunk-line systems run practically east and west. What would you do with a system that is at right angles with the trunk lines east and west? How would you put the Rock Island, which runs through seven or eight States and from far north to far south? How would you put that through a region which would permit it to be regulated as to rates by any commission? How about the Illinois Central, running from Chicago down to the Gulf, and the Seaboard and the Coast Line and the Southern and the Louisville & Nashville with its connections? Those roads run north and south athwart the trend of commerce. I fear that the complexity of the problem of establishing regions or systems is so great that it would fall of its own weight. The rate-making system is difficult enough as it is now. This new method would make it insolvable.

We do not believe that there is the same feeling of objection to pooling that there was prior to the war. There can be pooling of traffic, earnings, and equipment under the regulation of the commission that should be of benefit to the carriers. It is in this way that we hope that the commission may be able to solve the problem of the weak sisters, the weak roads, and the so-called short-line carriers. By doing this they can be given a greater share in traffic; hence they have a greater share of earnings and certainly—and this is more in point—get a larger share of equipment. The one thing from which the short line suffers and always has suffered is because of the shortness of equipment. We believe that these provisions will in a large measure relieve the situation with regard to short-line carriers and will permit the consolidation of the short line and the trunk-line connections and in that way strengthen the transportation of the Nation.

After these three features have been eliminated from the pending bill, namely, the transportation board, and consolidation, merger, and pooling, and Federal incorporation, there is left one other feature that has characterized all these plans, and that is the creation of regional commissions or regional commissioners. The argument in behalf of these is based upon the necessity of relief to the commission, and the public was told that the creation of regions would expedite the hearings. We canvassed that situation with great completeness and heard all the witnesses who desired to express a view. The result was that we did not put in the bill any provision looking to the creation of regional commissions or regional commissioners. We proceeded in this course for the following among other reasons: We ascertained from the commissioners themselves that under the present practice it is not necessary, as urged by many, that the shippers or complainants are compelled to come to Washington in order to be heard, thus subjecting them to large expense. Under the existing practice the Interstate Commerce Commission sends to the field its attorney examiners, and they take the testimony on the ground and submit it for review to the commission or the appropriate division of the commission. All the testimony and recommendations made by the attorney examiners is submitted, so that the commission can act expeditiously upon the hearings presented before the attorney examiners, and this involves little expense. Moreover, an attorney examiner can be sent on a day's notice to any place in the United States and hold a hearing. But when you create a regional commission you have all the formalism of a board. You will have the necessary delays and do not have the mobility of your attorney examiner. And will it save delay? It will not. Your regional commission will have to have its hearing, and when it has finished the hearing and completed its findings you could not deny to the shipper the right of appeal from your regional commission or your regional commissioner. Then, where have you gained anything in point of time? You have not, for you have injected another cause of delay, another obstruction in the pathway to a final decision. So the committee eliminated from the bill the creation of regional commissioners or regional commissions.

There are no ways by which you can circumscribe the jurisdiction of your regional commission as you can circumscribe the jurisdiction of your district courts by a limitation of, say, $3,000. You can not do that in your regional commission dealing with rates, fares, and charges. It is not the amount involved before such regional commission which determines the jurisdiction. The amount may be infinitesimal, but a few dollars, though the principle involved in a rate case may be as far-reaching as the Nation itself. So I say, we have con-

cluded that we could not limit the jurisdiction of the proposed regional commissioners or commissions, and if this could not be done, and there was nothing to be gained by letting them have jurisdiction, but there was likelihood of more delay, we have not put them in the bill. They, too, are eliminated. We permit the jurisdiction to remain in the commission, where it always has existed, as well as the existing practices, but we have increased the membership of the commission by two, making it a commission now of 11 instead of 9 members. As to that, I will make reference a little later on.

But another and very serious objection which the committee found against regional commissions lay in the fact that in that way you could not secure uniformity of decision in rate making, for each regional commission might fix a different rate and build upon the rate a different rate structure. That would not be in the interest of business. Business, gentlemen, depends upon stability as much as upon the amount of the rate. If you have a dozen or more of these regional commissions scattered throughout the length and breadth of the land taking up rate matters and deciding them, each individually and without coordination one with the other, you would soon throw into the discard your entire rate structure. You might destroy the relationship of rates by so doing. Lack of uniformity is another cogent argument that persuaded us in eliminating the regional commissions, and, in that connection, I believe there was little or no dissent.

Another feature that characterizes the several plans is based on the idea of a guaranty. That is not a new notion. It has been adopted by many nations in times past, and it exists in some of them to-day. There are two forms of guaranty. There is what may be called a straight guaranty, where the Government guarantees to the owner of the railroad property a certain fixed rate of return. That form of guaranty has been used in New Zealand, in Australia, and in the countries of Europe—in Belgium, in France, and in Italy, and in other countries—with the inevitable result that a guaranty by government of a fixed return upon capitalization leads to extravagance, leads to waste, and inevitably leads to government ownership. We did not believe that Congress was willing to adopt a policy that had that trend.

But there is another form of guaranty that is more appealing and, on the face, less objectionable. It is the form that may be found in the so-called Warfield plan, and in the Senate plan, and in the transportation conference plan. What is it? The transportation board is to divide the country into certain regions or groups for rate-making purposes, and the roads in such groups or regions are to be valued, and they are to receive a certain fixed rate of return upon the averaged capitalization or valuation of all the carriers within the region or group. In the case of the Warfield plan it is a percentage upon the property investment account or the book cost. In the Senate plan it is to be based upon valuation when the valuation board finally determines valuation. When the transportation board or other agency has divided the country into regions and estimated the value of the railroads within the region and Congress has fixed the rate of return, say 6 per cent, then the transportation board says to the commission, "You have got to raise the level of rates in this region to such a point as will develop revenues enough to pay the 6 per cent minimum." That is the form of guaranty now being suggested for consideration by one branch of Congress. It is a form of guaranty, notwithstanding the fact that its proponents deny it is a guaranty, because the Government is not liable to suffer loss. True, the Government will not suffer loss, but it is a guaranty just the same, because your stockholder, your bondholder, says, "Why, I am all right; I am all secured, because the Government has got to fix such a level of rates as to produce such a rate per cent." It is certainly in essence a guaranty and we can not camouflage the fact.

We of the committee have not believed that any form of guaranty was wise or would be a safe, conservative plan for the solution of this most difficult problem. We believe that the rate-making power should remain where it now rests. I know through propaganda, very active in the last few years, it has been charged that the Interstate Commerce Commission has starved the railroads, destroyed their credit, and that now we have got to so adjust the whole law as to take from the commission the power to starve the railroads. Gentlemen, I have printed as a part of the report a statement made by Commissioner McChord showing the average dividend rate declared upon divided yielding stock for all the years from 1892 down to and including 1917, when Federal control began, was 6.19, a return that was higher than the return on municipal bonds in the great cities of the United States and a return higher than municipal or Government bonds in Great Britain and other nations of Europe.

The commission did not destroy the credit of the railroads. In my humble judgment, if there is any destruction of credit it is very largely due to the railroads themselves. For years they have proclaimed from the housetops that they had no credit, that they were on the verge of bankruptcy, and they used those arguments before the commission and before the State commissions by way of appeal to get an increase of rates. Do you think a banker could survive long if he got out on the street corner in front of his bank and said to the passersby, "My credit is gone; I am on the verge of bankruptcy"? There would be a run started on his bank within an hour. But that is not all. The credit of the carriers has been shaken by the action of some of the carriers and, as in all other things human, the innocent majority are compelled to suffer because of the guilty minority. I do not want to rehearse the awful financial stories that were brought out by the Interstate Commerce Commission's investigation of the Frisco and the Rock Island.

The CHAIRMAN. The gentleman from Wisconsin has consumed one hour. He is recognized for an additional hour.

Mr. ESCH. I need not relate the story of the Frisco, of the Rock Island, of the Chicago, Hamilton & Dayton, of the Pere Marquette, of the Pittsburgh Terminal, of the New Haven, or of the Chicago & Alton, and that whole long array. Financial wrecking was what largely drove the average investor from investing his earnings in the carriers, and it seems that the carriers have got a large responsibility on their shoulders in striving to restore the confidence of the investing public in their securities. I am sorry that it is so. The carrier is entitled to a fair return. I am willing to go as far as we possibly can in the present crisis to restore their credit and to put them on their feet so that they may again walk alone. But the facts can not be wholly forgotten, much less ignored.

Now, with reference to this matter of guaranty, it seems to me that it would be impossible for the commission or any regulatory body to maintain the level of rates in a region at such a point as would develop the rate per cent on a fair return. Rates fluctuate violently; they fluctuate from year to year; they fluctuate within the year. A drought over one of these regions may entirely change the operating revenues of that region, or a pest may destroy crops over a great area.

A flood that destroys railway property and bridges for a time will also have a serious effect upon the revenues of a railroad in that region. Fluctuations are bound to occur within the year; and yet under this rule of rate making the commission would have to maintain the level, and to do that it would have to shift that rate level from time to time, and this shifting of the rate level from time to time would beget uncertainty, and uncertainty, as I have already said, is detrimental to the business world. It unsettles business. It renders a contractor or a producer or a manufacturer unable to determine what price he shall charge three or six months in the future. We believe that that is also a difficulty which will be entailed if we establish the guaranty plan, as suggested in some of these bills.

Then this form of guaranty also provides as a sort of encouragement to the railroads and in order to preserve their morale a division of the excess over a fair return. That is a seductive proposition, as it has some merit; but we did not believe that Congress had any right constitutionally as a matter of law to say to a railroad company that was earning more than its fair retura under rates fixed by law and through the commission: "You must surrender a half or some other portion of that excess of earnings to your Government or to your employees or to somebody else." Being the output and the result of rates that were legal, fixed by a legal tribunal, has Congress the right to say that any portion of such excess shall not belong to the road that earned it, but that it can be taken away by the Government and preserved or kept by the Government or given to any other body? We have not felt that we would go to such an extent, and so we have not adopted that plan.

But, gentlemen, in my opinion, in studying the history of other nations which have adopted this division of excess earnings plan, there is no likelihood that there will be any excess any more than there was likelihood of there being any core to the apple in the case of the gamin. Other nations have tried this plan of dividing excess earnings. I think the State of New Hampshire had a law of that kind years ago, but it repealed the law, and it repealed it because it never got any excess earnings. The railroads saw to it that through their expenditures there would not be any excess. They tried it in the Republic of Brazil, and they are not getting any excess. Judge WATSON, of our committee, cited an instance with reference to one of the railroads in Brazil as showing what little likelihood there was of any railroad under such a plan developing any surplus. He stated that one of the railroads down there had two presidents.

One president would hold office for six months and then spend six months in Europe investigating the financial standing and operation of roads in Europe.

The other president of course would be holding down the job in Brazil, and when the first president returned then the second president went to Europe to investigate the financial operations of the railroads of Europe. There will not be any surplus under that plan. And so, gentlemen of the committee, we have not put it into the bill that is now before you.

I think that under the plan we have adopted we are able to take care in a large measure of the so-called short lines, and the provisions of the bill relating to them will be pointed out as they are reached.

There is another reason why our committee was persuaded not to establish this surplus-earning plan, this guaranty plan, based upon a certain level of rates, and that reason was based upon political grounds. Suppose, gentlemen, this year a law were in force whereby Congress said that 6 per cent was to be a fair return upon your capitalization or your book cost and that under it, on the level of rates the commission created in response to the mandate of the transportation board, the earnings were large. What would happen? What might happen? A political agitation throughout the United States; a political party might take up the shibboleth; a plank might be inserted in a platform to this effect: "Whereas the returns to the railroads during the year 19— having been so much, therefore resolved, that we favor an amendment to the law fixing the rate not 6 but 5 per cent." What would then happen? Immediately it would become a football of politics, and parties might vie with one another in appealing to the public by declaring, "Put us in and we will reduce the rate of a fair return to 5 per cent; the law fixes it now at 6."

I do not believe that it is wise for us to adopt any plan that will subject the rate-making powers of the commission, or that will subject the rate structure itself, with all its complications and complexities, to the whim of any political party.

I wish to take up briefly the pending bill and point out the more salient features contained therein. But to start with I wish to say that we did not incorporate in the bill new and strange features and untried plans. We thought it wiser to build upon a foundation already in existence and which we believed to have been well laid. We did not think that this was a good time for experimentation, a time when the world is in ferment and men's minds and thoughts are not crystallized. We thought this, above all times, should be the time when we should act conservatively and proceed step by step as experience leads the way. We might by the adoption of some experiments make the remedy worse than the disease.

So we stated in this bill that we would follow the interstate commerce act as existing, with certain amendments to meet existing and future conditions.

We also in the bill sought to retain whatever of advantages inured from Federal control. I have already enumerated some of these arising out of consolidations and mergers and pooling. But there are other advantages which the country concedes have been due to the consolidation of all our systems into one, and among these other advantages is the matter of the joint use of terminals. I will explain that a little further on. The joint use of terminals, with the proper compensation to the owner thereof, and operated under rules and regulations prescribed by the commission, will inure to the great advantage of the shipping and traveling public. The day has arrived when terminal property in the big and congested cities of the United States has reached a prohibitive level of value, so that if we are to continue to meet the increasing demands of traffic and we can not get new terminals, we must make a greater use of the terminals we now have, and we can do this most easily and most cheaply by requiring the joint use of such terminals.

Then there are other advantages in connection with Federal control that are patent to us all and that we seek to continue, and some of these arise in connection with the cooperation of rail and water traffic, but we will consider these matters later.

I want to call attention to an omission from this bill compared with H. R. 4378 as originally introduced. That bill covered the telegraph and telephone companies. This bill eliminates them. This does not mean that telegraph and telephone companies are not to remain common carriers. We do not change that, for they are common carriers. They are subject to the law and have to make rates that are reasonable and just and nondiscriminatory, and if they do not do that they are subject to the Interstate Commerce Commission, for the commission can determine what just and reasonable rates shall be charged. The telegraph and telephone companies must still file their reports annually with the commission on forms prescribed. Aside from that this bill does not give the commission further power over these wire systems.

Why did we eliminate them from the provisions of the bill? For this reason: There are 11,000 or 12,000 telephone companies in the United States. Most of these are small, independent lines with small capitalization, confined practically to counties or municipalities. If we had kept them under this bill, they would have been subject to the provision requiring these small companies to get a certificate of convenience and necessity if they wanted to make an extension of a line or to abandon a line no matter whether long or short. If they had been kept under the bill, they would have had to come here and get certificates as to the issuance of stocks and bonds.

We did not believe that we should subject these thousands of small companies to these harassments, in view of the fact that so doing would give to the public little or no advantage and would entail upon them enormous expense.

As there are only two considerable telegraph companies, the Western Union and the Postal, and as these two companies, as to their rates, are now under the jurisdiction of the commission, we also believed that it was unnecessary to incorporate them in the bill. So they are subjected to just as much control as they were before. We have eliminated them for these several reasons.

We also thought, as to telegraph and telephone or wire systems, that it would be better not to complicate a bill directed to railroads with provisions relating to the wire systems, and it was our thought that later, after fuller discussion and investigation, a bill could be reported that would deal wholly with the wire systems, and for that reason, among the others which I have given, we have eliminated them.

The original bill also puts water transportation under the provisions of this bill. That is to say, the commission was given power to regulate port-to-port traffic in the coastwise trade and on the Great Lakes and between the coasts and Alaska. This bill eliminates port-to-port traffic and does not give the commission power over water transportation. The majority of the committee thought best to eliminate all reference to water transportation. Personally, I believe that the time will come when there must be regulation of water lines if there is to be coordination of rail and water transportation. I for myself can not conceive how we can coordinate rail and water transportation and regulate only the rail carriers. If that can be done without law, I will yield my position; but I can not see how you can do it and say to water carriers: "You go scot free, do anything you want to, but as to the rail carriers we will regulate you to the limit."

We have, however, retained in this bill sufficient jurisdiction to continue the operation of the Government tows and barges that were placed, under the order of Director General McAdoo, on the Mississippi and the Black Warrior Rivers, and that are being placed upon the upper Mississippi and upon the Erie Barge Canal. It is evident that immediately upon the termination of Federal control the control of these tows and barges on inland waters would likewise cease; and, in view of the fact that the Government has already got an investment of something like $10,000,000 and is committed to $5,000,000 or $6,000,000 more, the committee felt bound to provide some legislation here that would declare the status of these Government tows and barges operated upon these inland waters. So the bill does provide that the operation of these tows and barges on the Black Warrior and Mississippi Rivers and on the barge canal shall be put in the hands of the War Department and operated through the Chief of Engineers.

Now, there may be some opposition to this plan. There may be some who would prefer that it should be given to the United States Shipping Board, because its duties are more akin to that line of work. But the Shipping Board act specifically eliminates inland-water transportation from its operations. It does include commerce on the Great Lakes, but not transportation upon the rivers and canals of the United States. So when we put the jurisdiction of these Government tows and barges on these rivers and canals in the hands of the War Department, we are taking nothing away from the Shipping Board.

It has been suggested that there might be some other governmental agency that might operate these tows and barges, but in the opinion of the committee no other agency is so well adapted, so well equipped, and has had so much experience in their operation upon the inland rivers and canals as the Corps of Engineers of the War Department; but as to the rates, fares, and charges we retain regulation by the Interstate Commerce Commission and we hope that this plan may work out successfully and that we may restore traffic upon the rivers and inland waters of the United States, for the time is coming when we must utilize every transportation agency—rail, highway, and water.

With reference to the framework of the bill, you will notice that we have changed somewhat the ordinary procedure in that

we have established titles and used 100 as the basis for each title, so that the number of a section immediately discloses the title in which it is to be found. Then, there are numerous provisions in the bill for the numbering of the paragraphs in the interstate-commerce act. They are not numbered now, and if you wish to amend a paragraph of the commerce act you must now say the sixth or the eighth or the tenth paragraph of section so-and-so of the act. In this bill we number the paragraphs so that hereafter every paragraph will have its number and can be cited by that number. The establishment of titles and the numbering of the paragraphs in the sections of the commerce act are for the purpose of brevity and clarity.

Title 1 of the bill contains practically nothing more than definitions. These definitions aid in the understanding of the bill.

Title 2 relates to the ending of Federal control, and you will notice that the title and that provision relating to the ending of Federal control are given in more or less detail. We have segregated out of the Federal control act all those grants of power which we desire to have the President relinquish when Federal control ceases and leave to him the exercise of those powers, contained practically in section 1 of the act, which he must continue to exercise for the final adjudication and settlement of all accounts between the several carriers and the Railroad Administration.

We have a provision under title 2 as to the continuing of existing rates, fares, charges, practices, regulations, and so forth, and existing differentials of rates and joint rates and aggregate of rates. It is apparent that unless we put in a provision of this kind, then as soon as the Federal control ended all the rates made under Federal control would cease and the rates would revert to their percontrol status—both interstate and intrastate. It is clear to all that that would be calamitous. If the rates of the railroads now existing as fixed by the director general should suddenly be brought to a precontrol level there would scarcely be a railroad in the United States that could begin to pay operating expenses.

What do we do? We say that all the rates, fares, and charges and differentials of rates and joint rates and aggregates of the rates existing during Federal control and at the time Federal control ceases shall continue in full force and effect until they are changed by authority of law, which would mean until they were changed by the proper regulatory body.

Under that section of the bill we feel that we have taken care of a very grave emergency. A United States district judge in Baker City, Oreg., several months ago decided that intrastate rates when Federal control ceases would immmediately revert to the same status as prior to Federal control. That decision has not been finally determined. I do not know what the outcome of it will be.

But there is no doubt as to the interstate rates—every one would revert to the precontrol status the day that Federal control ended. Imagine! These rates were increased 25 per cent by order No. 28 of June, last year, as to freight and 50 per cent as to passenger fares. That increased level of rates is in force to-day. If control ceases without this section in the bill the rates would be dropped 25 per cent on freight and 50 per cent on passengers, with the consequences I have already related.

Title 2 also contains a provision as to refunding. It is obvious that the Government under the Federal control act in its dealings with corporate property, capitalized approximately at $18,000,000,000 with a gross income annually of over four and one-half billion dollars, would have a vast amount of bookkeeping and would have many open accounts that would require adjustment. We therefore provide under title 2 the manner of funding the indebtedness of the carriers to the Federal Government, allowing the Government under the Federal control act and in accordance with the standard contract to offset, exclusive of certain reductions under the contract, the indebtedness of the Government to the carrier.

This matter of funding will be given more detailed consideration under the five-minute rule. Suffice it to say we permit the carrier at its option to extend the period of payment to the Government over 10 years, in annual installments, or with the right of paying the debt before the 10 years have elapsed, with a certain rate of interest agreed upon. There shall, however, be taken a first-mortgage security for this funded debt. If there is any other indebtedness it is to be represented by demand notes with whatever practical security the carrier may be able to give to the satisfaction of the President of the United States.

There is also contained in title 2 a provision as to guaranty. The guaranty provided in this bill is practically the standard return of the test period provided for in the Federal control act, but we try to differentiate the guaranty of six months provided for in the bill in order that it may be fair to the Government. Under the standard return or rental or compensation provided for in the Federal control act—I do not care what term you use, as they are used interchangeably—the Government pays the railroads under Federal control annually the average railway operating income for the three years which ended on the 30th of June, 1917. That will total for all Class I, II, and III roads approximately $963,000,000. The income by months is something like $76,000,000. This income, as you all know, does not amount to $76,000,000 every month, for the business of a railroad is seasonal, and the first six months of the year are, as a rule, the lean months, and the roads earn in the first six months only about 43 per cent of the total earnings of the entire year.

We therefore say, to be fair, that the six months guaranty period provided for in our bill, no matter when it occurs in the 12-month period of the year, shall be based upon the average during the test period for the same set of six months, so that the Government would not be mulcted, for instance, in paying a higher standard return than that to be paid when based upon the return on the months over which the guaranty provided in this bill extends. I believe this is a matter of fair dealing, which will commend itself to the membership of the House. This guaranty is fortified. I know it may be said that it is unsafe to guarantee the roads for six months after the Government has relinquished control. It might be so unless we carefully safeguard the situation, and we do this, because we say that the railroads should not be permitted to expend for maintenance of way and equipment and for operating costs more than the average for the corresponding months of the three years of the test period. We further protect the Government by saying that the Interstate Commerce Commission shall pass upon these expenditures for maintenance of way and equipment and operating expenses, and if there is an excess, or if the commission fears there may be an excess, an unwarranted excess, the commission is given power to demand a restatement of those expenses.

This bill holds the railroads to the level of expenditures during the test period, allowing a certain amount of discretion in the commission for increased costs of labor and materials during the guaranty period.

In another respect we fortified the Government by saying that no carrier shall get this guaranty unless within 60 days after Federal control ceases it shall apply for increases or changes in the rates. We do this because if we did not do it the carrier would simply lean back and say: "Why, we do not have to worry about increasing the rates, we are getting our standard return, we will take what the Government gives us, and then we will file an application for an increase just prior to the expiration of the six months." We provide in the bill that the carrier will have to make the application within 60 days after Federal control ceases, so that the burden of this will fall not upon the Government, as has been the case during Federal control, but upon the shipping public of the United States, where under private control and operation it should and ought to be. We believe we have so framed that section that the Treasury of the Government will not be endangered.

Realizing the financial straits of many of these roads, especially of the weak roads and some of the short-line roads, due to a shortage of cash, we allow them to borrow from the United States Government at a 6 per cent rate per annum, a rate that no doubt for these weak roads and perhaps some of the strong roads would be less than the average market rate which they otherwise would have to pay. We believe that this is necessary in order to maintain the financial status of many of the so-called weaker lines and in order to enable them to function properly and not bring on any large number of receiverships.

We allow these loans to stand for a period of five years, but we provide that they must be applied for within two years after Federal control ceases. We have extended the time to two years within which to make the application instead of one year, as we originally had it, upon the suggestion made to us that if we extend the period to two years many of these roads will be able to get along with the income they get from the rates and would not apply for relief at all if they had two years, whereas if we restricted the period of application to only one year all of them would feel as a matter of safety and as an assurance against hazard that they would have to apply within the first year.

We also create a revolving fund of $250,000,000 to take care of these loans. This figure was arrived at after conference with the Hon. Swagar Sherley, director of finance of the United States Railway Administration. He stated that the maturities for 1920 will amount to approximately $225,000,000, and that the railroads might need for additions and betterments and extensions during 1920 possibly $750,000,000, which is more than

the Government expended for this purpose during the two years of Federal control, and is somewhat more than the railroads themselves expended during the test period ending 1917. That would make practically a billion dollars. Mr. Sherley's idea was—and the committee agreed with him—that if the roads borrowed to the limit of $250,000,000, the banks, knowing that this was a 6 per cent proposition, would themselves be glad to loan the money, and therefore there might not be any demand upon the Federal Government for loans in excess of the amount of the revolving fund. I believe that his opinion in that matter will be justified.

I pass now to another feature of the bill, title 3, which deals with the labor proposition. Of course, we anticipate that this title will give rise to considerable discussion and offers of amendment. Your committee is not dogmatic. It does not herald a panacea for labor ills. It does not claim that it has found the absolute solution and that hereafter all will be peace and harmony. Not at all. Title 3 gave us as much concern and we devoted as much time to it as any other title in the bill, and it has given much concern to others who have investigated the subject matter. A labor conference was called here some time ago by the President. That conference labored for two or three weeks and finally threw up its hands and confessed that it had no solution to offer. Your committee, with all of the other problems that were thrust upon it in connection with the railroad problem, had this matter thrust upon it also, and it has presented to you this plan.

Our theory is that primarily, fundamentally, we must create such a tribunal for the ascertainment of facts and the decision of questions relating to wages and hours of service and working conditions as will commend it to the judgment of mankind. [Applause.] Unless we can do that there will be doubt as to the validity and the justice of the award and there will be those who will want to break from such an award. If we can create a tribunal so fair, so honest, so honorable that neither party to the controversy can cast aspersions upon it, have we not gone a long way toward begetting respect for the award of that tribunal not merely on the part of the parties interested in the dispute but on the part of the general public? It was this that inspired us to draft title 3 and to provide the machinery therein contained. I know some of you may say it is complicated, but you can not devise any system that will cover the situation carefully that will not be complicated. We had more than one plan presented to us which on final analysis had to be abandoned.

We have given you this plan and its fundamental thought is to create a panel, just as under the judicature of America and Great Britain we create a panel out of which we can draw the necessary men to decide any given dispute. On your panel you should place men who represent the various interests that may be effected by any controversy. We create the two great groups—the employer group and the employee group. They constitute the panel, and when a dispute arises between a union and the railroad and it is brought to the attention of this panel, which we call the railroad adjustment board, that board immediately draws from its own body the representatives of the employer group and an equal number of representatives of the employee group to constitute a nisi prius court as it were to try the dispute. In this we have retained the plan that is back of these adjustment boards that have been operating under Federal control. Why should these conference committees, taken from the panel, be equally divided as to the contending interests? They are to be equally divided in order to force an adjustment without seeking to go to an appeal board. This has worked pretty well with the existing adjustment boards, and we hope it will work well if this plan becomes a part of the final enactment.

From this conference committee, created out of the panel to decide nisi prius cases by hearing or trial, there shall be an appeal to an appeal board consisting of nine members, three of whom shall be appointed by the President out of sets proposed or suggested by the employer members of the panel, three are to be selected by the President out of sets recommended by the employee members of the panel, and three are to be appointed by the President as representing the public at large—one representing the industrial interests, another the agricultural interests, and the third unorganized labor. This appeal board makes the final award. That final award becomes impressed upon the contract between the employer and the employee. It is made a part, therefore, of a legal contract. Gentlemen, to my mind one of the grave situations connected with the labor problem to-day is the violation of contracts. Unless contracts can be lived up to, both by the employer and the employee, no system of award or arbitration or mediation or conciliation will avail much, if anything. We believe that the railroads should stick to the letter of the contract it makes with its employees, in union or brotherhood, and, per contra, we believe that labor in contracting through its representatives should also live up to its contract. [Applause.] The difficulty comes in the enforcement, a difficulty which is acknowledged by all. We seek to provide such enforcement in the pending bill by giving the right of action against a union or an organization, in case a member violates the contract, with right of damage against common property of such union or organization, except such common property as is represented by insurance, fraternal or other benefits, which all these organizations maintain. That is, in brief, what we have suggested.

We have not gone to the limit of putting in an antistrike clause. I know that this House is possibly swayed by the situation as it exists on the outside at this particular moment, and it seems that labor is not in such high standing as it was a few months ago; but it is not wise always to judge the future by a present emergency condition. I do not know what the future has in store. My own thought is that if we put in a provision here penalizing a strike that the only way we could reach the matter would be to penalize everybody who struck. Strikes are threatened which involve not merely hundreds of men, as strikes used to in an early day, but strikes are now pending that involve millions. Gentlemen, not as a matter of sentiment; not, if you please, as a matter of so-called justice; but as a matter of workability, how are we to enforce a law penalizing strikes when the strike may involve several hundreds of thousands of men? My fear is that if men are permitted to disregard a law and see that it is not to be enforced, they will be inclined to disregard other laws.

There are other features of this bill to which I desire to call attention briefly. We have amended the interstate commerce act in sundry and diverse particulars. I can only call attention to the most salient features, and they are the following: In section 400 we deal with a division of rates. Now, division of rates is a fundamental proposition in regard to the revenues of any carrier, whether it be a short or a trunk line. A short-line carrier can not live unless it gets a just proportion of the rate. We give in this bill to the Interstate Commerce Commission the power to determine the division of rates. Under the law as it exists the commission's power can only be invoked where there was a dispute as to the division of rates between the carriers. We provide now that the Interstate Commerce Commission has the right on its own initiative without complaint to determine a division of rates. In practice under the old law a short-line carrier did not want to complain because as a rule it was largely securing its revenue by sufferance of a trunk-line connection, so it endured the ills that it had and took the short end of a division of the rates. We wanted to liberalize this situation, and we think we have in the bill, by giving the commission the power to act on its own initiative. We believe this power in the commission will result in great good to the short-line roads, which have been so insistent in asking for relief at the hands of the committee.

Then we have in title 2, practically in this same section, a very material amendment of the car-service act. The car-service act was passed about May, 1917, just too soon to become fully operative before Federal control began, so that the act has never had a fair chance of demonstrating its efficacy in the matter of car service. In the form in which we passed the act some two years ago it related only to the exchange, interchange, and return of cars. We have enlarged that jurisdiction by saying that now the authority of the commission shall include the use—note the force of every word:

The term "car service" in this act shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives—

That was not in the old act—

cars, and other vehicles—

Which was not in the original act—

used in the transportation of property.

Further, it gives the commission power as to the supply, movement, and operation of trains by any carrier by railroad subject to this act. If that authority had rested in the commission prior to Federal control, it might not have been necessary to have given to the President the great powers we gave him by the Federal control act. One of the commissioners stated that if the car-service act as now proposed to be amended had been in force prior to 1917, we might not have had to enact the Federal control act at all. This section relates to the use, control, and supply of cars and to the control and movement of trains. Under it the commission will have the right to order a carrier to supply itself with cars.

In a decision of the Supreme Court, known as the Tank-Car case (United States *v.* Pennsylvania Railroad Co., 242

U. S., 208), decided, I think, three years ago, it was held that the commission in ordering the Pennsylvania Railroad Co. to supply itself with tank cars did not have such authority. I will ask the gentleman from Virginia [Mr. MOORE] if that is not right?

Mr. MOORE of Virginia. It was the tank-car case.

Mr. ESCH. Yes. This section would give the commission power to order the carrier to supply itself with cars.

I hope, gentlemen, that these provisions, which seem so insignificant upon first reading, may be studied and weighed. When they are, I think you will begin to realize to what extent we have enlarged the scope and power of the Federal authority in the great matter of transportation.

We also took into consideration the matter of coal supply and of coal cars and the distribution of coal cars. There are gentlemen on this floor who represent coal-supplying districts and they know the difficulties mine operators have had in years past with reference to the allotment of cars to the mines based upon output. We seek in this section 2 to give the commission power over the distribution of coal cars and to avoid the evil of the so-called "assigned" cars. We are putting in the law what the Interstate Commerce Commission has already decided to be the proper practice and what the Supreme Court has confirmed to be the proper practice.

We also give the commission greater power in cases of emergency. You know we have had an emergent condition throughout the country many times in recent years. We want the commission to have the power to act promptly on the spur of the moment in case of emergency in order to prevent congestion at terminals; in order to route traffic around a congested terminal so that it may reach its destination at the earliest possible date; in order to ship goods over the most direct route regardless of instructions contained in the bills of lading. We want all this power to be exercised by the commission in an emergency. The bill gives such powers to the commission. You know how the ports in New York, Boston, and Philadelphia were cluttered up with a vast congestion of freight during the summer of 1918 before the armistice was signed, and you remember how embargoes had to be issued way back to the interior where the commerce originated. This bill gives the commission the right of levying embargoes to prevent the goods moving to the port terminals and thus congest not only the port terminals but the sidings and tracks for a hundred miles from the harbor city. We give the commission the right to issue permits for shipments for similar reasons.

The CHAIRMAN. The additional hour of the gentleman has expired.

Mr. ESCH. Very well.

We also give the commission the right of treating each emergency as it arises and of also distributing cars and locomotives in order to meet such emergency. With these powers granted and duly exercised we think many of the evils from which the country has suffered in years past may in a large degree be eliminated.

In section 402 we treat of extensions and abandonments. We believe one main cause of the so-called "weak sister" has been the unrestricted right of railroads to be built wherever their projectors thought fit. As a result of this unrestricted right we find in all States of the Union cases where, after a road has been built and long maintained and has gotten its traffic well established, another road puts in a parallel line with the usual result that instead of having one strong road doing the traffic we have two weak roads, as they have to charge the same rate between competitive points, and we burden the public by compelling it to sustain two weak roads when one strong road would have been sufficient.

How does this bill stop that? In this way: Before a road or an extension thereof can be built it must get what is called in this bill a certificate of convenience or necessity from the commission as a condition precedent to the building of a single rod of the extension or of the new line. That means that the commission must first investigate the situation. It must first consult the communities that would be connected or would be located on the proposed line. It must consult the shipping interests and producing interests and all other interests that might be involved and then determine whether or not it should issue a certificate of convenience and necessity.

This is not new law. Several of the States have this same kind of law now, notably the State of New York and the State of Wisconsin and other States, and the law has worked successfully. It has prevented the construction of new lines that could not by any possibility have any hope of meeting operating expenses, not to say anything about profits. It would prevent the construction of some of these short lines which may have no hope of ultimate financial success. In every way we have felt that this provision would lessen the number of "weak sisters," would prevent the creation of any new ones, and would strengthen the existing lines. We can get better service by strengthening the existing line than by creating a rival or parallel line which would diminish the ability of the first line to make further improvements and betterments. We have also provided for abandonments.

Railroads sometimes desire to surrender the rights granted by their charter. The traffic is not what they expected, business conditions change, the natural resources they thought first to get out to the open market become depleted or become exhausted. There is no power now to restrain abandonment under Federal law. Railroads in many States can do as they will. We provide that there shall be some Federal control over the matter of abandonment, so that cities and villages that have been built up on these lines can be given due consideration by the regulatory body before the order for abandonment is issued. We give such control to the commission to investigate the situation and determine the facts. But neither provision, the building of new lines or the abandonment of old ones, affects spurs or switches or terminal tracks or interurban lines wholly within a State. These we leave to State control, where they already belong.

The section in this title as to terminals I have already discussed sufficiently. I therefore will not dwell longer on that, only to say that we give the commission the right of determining the just compensation for the use of these terminals. You can understand why a railroad which has an advantageous location and has extensive terminals desires to retain the exclusive advantage of its own foresight and expenditure. That is natural. But the public interest is a larger interest than that of any corporation so we provide in this bill that the commission shall have the right of ordering the joint use of terminals under certain conditions, providing for terms of adjustment and compensation.

There is another provision contained in Title IV, relating to consolidation and pooling, which I have already sufficiently discussed. It is found in section 407.

We amend the Panama Canal act in this bill and this amendment may be found in section 408. Under the original Panama Canal act, as you know, all railroads that had water lines were compelled to divorce the ownership between the rail line and the water line where use was made of the Panama Canal, the thought being that this divorcement was necessary so that a railroad should not be competing with itself. But that evil that we sought to remedy in the Panama Canal act became applicable to all of the United States, and so as a result of the Panama Canal act, primarily designed to cause a divorcement of ownership between rail lines and water lines using the Panama Canal, it has been made applicable to like conditions all over the United States, in consequence of which certain railroad lines operating in Maryland, for instance, had to sever their ownership in boat lines operating from port to port along the eastern shore of Chesapeake Bay, and, likewise, vessels owned by rail carriers operating in Long Island Sound were compelled to divorce the ownership, although those vessel lines were a great convenience to the public. For a like reason the rail carriers like the Erie, the Pennsylvania, the New York Central, the Lehigh, and the Delaware & Lackawanna, which own vessel lines operating on the Great Lakes extending beyond Erie and Buffalo, had to divorce ownership there, so that to-day there are only two vessels operating on the Great Lakes owned by a rail carrier, and those two are owned by the Lackawanna road.

What has been the result? Cities on Lake Michigan and the head of the Lakes have been injured by reason of this enforcement of the Panama Canal act, which necessitated this separation of joint rail and vessel ownership. We, in this bill, declare that the rail carrier can restore its ship lines or vessels, and that there can be new shipping under the provisions of this section, so that there may be again restored upon the Great Lakes that splendid traffic service which existed there for years and which is now practically ended. We feel that we have done something of a constructive kind by the insertion of this provision in the pending bill.

Section 411 contains matter relating to docks and rails. The original Panama Canal act authorized the physical connection of the rails of the carrier with the dock. This bill gives the commission the further power to order such physical connection between rail and dock. It also gives the commission authority to order the construction of a dock, the payment therefor to be made either by the water carrier or the rail carrier, or by both, and it is provided that such dock, when completed, shall be considered as a terminal and be subject to all the rules and regulations of terminals. We believe that unless we can have a

physical connection between rail and water carriage we can not coordinate the service, and can not, therefore, promote a water traffic that will endure. If we can get the two connected in this way, and then authorize the commission to establish joint rates and through routes, with joint bills of lading, we have gone a great way to reestablish water transportation upon the rivers and canals of the United States. I certainly hope that this provision of the bill may commend itself to your favorable consideration.

We also have a provision giving the commission the right to fix minimum as well as maximum rates, and minimum and maximum joint rates, and minimum and maximum proportional rates, and, in fact, the absolute rate itself. We give it all that power. There is an advantage in giving the commission authority to fix a minimum rate. The commission has never heretofore had that power since the original act was adopted in 1887. We give it the right of fixing the minimum rate in order that it may meet some of the problems arising out of the long-and-short-haul clause as contained in the fourth section. We give it the right of fixing a minimum rate in order that it may protect a water carrier against the destructive competition of a rail carrier. You know the story—you can read it upon every mile of every inland waterway of the United States—how the water carrier started, and then the rail carrier paralleled the river bank and made a rate so low that the water carrier had to abandon its line and its route, and after such abandonment the rail carrier raised the rate and the public was no better off and was, in fact, worse off than before. If the commission fixes the minimum rate, it can say to the rail carrier: "Thus far you can go, but no farther." The water carrier must be permitted to live. To do this we must provide for the minimum rate.

We also provide for the enactment into law of what is popularly known as the decision of the Supreme Court in the Shreveport case. Where intrastate rates constitute an undue burden, advantage, preference, or prejudice against interstate rates, such rates are declared to be unlawful. We have incorporated into law the decision of the court. When by reason of the low level of the intrastate rates an undue burden is cast upon the interstate traffic the citizens and the shippers of other States are compelled to pay higher interstate freight rates than they would have had to pay had that State enacted or put into force and effect proper intrastate rates. We give this power of determination to the Interstate Commerce Commission, but in order that the State commissions may have a proper hearing we provide that the State commissions may, to use a phrase of the street, "sit in" with the Interstate Commerce Commission. It can sit with the Interstate Commerce Commission; it can hear the testimony, and can present its full case through its legally constituted authority. It can present the full case, but the final adjudication is to rest with the Interstate Commerce Commission and not with the State regulatory body. We believe that this getting together of the interstate and State regulatory bodies will lessen the number of Shreveport cases, better the feeling between the interstate and the State commissions, and promote the commercial interests of the country.

In section 417 we provide a rule for rate making. There is a difference of opinion as to the necessity of putting a rule of rate making into this legislation. The committee deemed it wise to insert such a provision to the end, I assume, that the Interstate Commerce Commission might have some authority in the law to point to in case their decisions and findings should be criticised. There is danger in a rule of rate making in this that unless we include all the elements that enter into the problem we do not meet that problem and we may provoke litigation. This is the danger in any rule of rate making. My idea is that if there is to be a rule of rate making the commission should be authorized to examine into the economy and efficiency in the operation of the carrier who seeks an increase of rates.

We also provide for a suspension of rates. Under existing law, where an application for an increase of rates or rate structures is made, not less than 30 days are allowed for such notice. The commission, under existing law, can suspend the rates so filed for a period of 4 months and then can extend that period of suspension for an additional six months, making a total of 10 months of suspension.

The committee believe that is too long a period. If the railroad is entitled to its increase, it ought not to be denied that increase for a period of 10 months, and if the shipper is entitled to a less amount he should get his relief more speedily. This bill provides that the period of suspension, instead of being a total of 10 months, shall be a total of 120 days. If the commission does not file its decision when those 120 days have expired, the increased rates will go into effect nevertheless, with right in the commission subsequently to change or alter them in the same manner, as though the period had not elapsed. Should the commission finally decide that the increased rates were unjustified or unreasonable, the carrier is ordered to reimburse the shipper for such excess with interest. We believe that this provision, advocated strongly by the commission, will appeal to you.

We also changed the existing law which requires fares, rates, and charges to remain in existence for a period of two years after the determination of the commission. We provide no limit, believing that it is wiser to have no fixed limit. Some of the Shreveport cases were pending for practically two years. It is easy to conceive of a case that might continue for almost two years, and if the present law remained in effect it would mean that the rates established after long and expensive litigation might become operative for a period much less than the two years.

Mr. HARDY of Texas. Will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. HARDY of Texas. I understand and approve thoroughly of the idea of the committee in reducing the time within which the rate might be suspended to 120 days instead of 10 months, but where an application is made by a shipper for a reduction of rates has the committee done anything whereby he can get relief in less than the former time?

Mr. ESCH. Any way that the shipper can get relief in case the rate should be less?

Mr. HARDY of Texas. In less time than 10 months.

Mr. ESCH. I think that would be in the jurisdiction of the commission, anyhow, as I understand.

Mr. HARDY of Texas. As I understand it, a shipper may make application to the commission for a reduction of rates.

Mr. ESCH. Yes.

Mr. HARDY of Texas. And that hangs it up indefinitely until the decision by the commission?

Mr. ESCH. Yes.

Mr. HARDY of Texas. Is there any way by which the time for relief to the shipper may be reduced as you have reduced it to the carrier?

Mr. ESCH. I do not think this section would meet just the situation the gentleman presents. If the gentleman can think of any amendment that would meet his particular view, I think we will be glad to entertain it.

I have only a few more things to say. Of these one is in regard to loss by diversion which is found in section 419. Diversion of traffic by one carrier from another seems to have been a favorite outdoor sport of very wide participation in recent years; especially has it been practiced against the so-called short-line carriers. By diversion of traffic I mean this: A shipper says in his bill of lading, "Send my freight routed by certain carriers via certain junction points to destination." But an intervening carrier diverts that shipment of freight contrary to the directions in the bill of lading to the loss of the first carrier or, as is often the case, to the loss of a short line. We say in this bill: "For such diversion of traffic we give you the right to sue for damages for the full amount of freight charges which you would have earned had the traffic not been diverted." The diversion of traffic is a matter from which the short line has suffered more than have the trunk lines and we think that by putting in this sort of penalty provision we may stop such diversions or at least lessen the practice.

I wish to say a word with reference to the divisions of the Interstate Commerce Commission. As you know, by an act of Congress passed in 1917 we authorized the Interstate Commerce Commission to do business by subdividing its members into divisions of three members, in order to expedite the business and in order that there might be no delay in the handing down of decisions, and that the full field of their activities might be more completely and expeditiously covered. We made one exception, however, in that the division of valuation, to make the valuation called for by the physical-valuation act, was made to consist of five members.

Since that act was passed, the committee believes that we can now safely reduce the size of the valuation division to three members and thus make it harmonious with other divisions now existing in the commission. Nothing will be lost, because decisions of the full commission on all principles of valuation under the valuation act will still be assured. Although the division of three will first make the investigation and file tentative findings, the full commission will pass upon the work of the division.

In section 437 we cover what is known as the stock and bond features of the bill. The House is familiar with this part of the bill, because on three prior occasions it has adopted almost this identical legislation: First, in 1910, when we had this pro-

vision attached to the Mann-Elkins Act of that year; again, in 1914, when the House passed the bill containing provisions now contained in this bill; again, in 1916, when the gentleman from Texas [Mr. RAYBURN] presented in a bill the same provisions we are now about to consider. His bill was reported favorably by the committee and passed by an overwhelming vote. All three of these efforts of the House failed in the Senate.

If our bill of 1914—and perhaps of 1910, but especially of 1914—had been enacted into law, in my opinion we would not have had the shameful financial record of the Frisco, the Rock Island, the Pere Marquette, and the New Haven, had we given the commission the power we seek to give it now. Hereafter, under this bill, there shall be no issue of stocks or bonds without a certification from the commission that they are necessary and needful in the public interest. [Applause.] It is a strange thing that a provision that was buffeted about, assailed, and denied even a hearing a few years ago should to-day be accepted and put into every plan that has been presented to Congress. We feel that you will indorse this provision of the bill.

Again, we increase the size of the commission, as I have stated, by 2 members, making 11 in all, and while this will not permit, for instance, an equal division into divisions in the first instance, still we are advised by the commission that they can take one member off of an existing division and add him to the two new members and create what will be known as the division of security issues. We provide that the stock and bond provisions shall not go into effect immediately upon the enactment of the bill, because some time will be required for the appointment of the two new members and for organization of the new division of securities and getting it into working order before applications shall be filed with it. We therefore allow a lapse of 120 days before the stock and bond sections become effective. Control of securities is going to be a large task. It is going to be a task of great responsibility. We will have to have men of the highest character and financial experience upon this division.

Under all the circumstances we have felt that members of the Interstate Commerce Commission were entitled to the small increase of salary which we grant, $2.000 per annum. Even then it will be no more than the salaries that are being paid to the members of the Federal Reserve Board, and the duties and responsibilities of the Interstate Commerce Commission are no less than are those of this board.

Again, we have put in a provision in the last section of the bill giving authority to the commission to install automatic train control or stop devices. We had considerable testimony before us to the effect that even railroads that are equipped with the best kind of automatic block signals have frequent collisions upon their lines because of a momentary inattention on the part of the engineer or the trainman or of the towerman or of the electrical operator. We believe that the time has come when the commission can well be given the power, after full investigation, to authorize the installation over any part or the whole of an existing line of an automatic train control device. We do not compel the use of any particular device; the commission can fix the conditions, limits, and specifications of such train control device and the carrier can make the selection and install a portion or a part or the whole of his line with such device under the supervision of the commission. The cost is not prohibitive, and such devices have passed beyond the experimental stage. We therefore feel that we can ask of this Congress that authority be granted to the commission to install such device upon the railroads of the United States.

Now, gentlemen, I have talked almost three hours. I have wearied myself and I have no doubt I have wearied you. I would be glad to yield to answer any questions, but I hope a full opportunity will be given under the five-minute rule. [Prolonged applause.]

Mr. SIMS. Mr. Chairman, before I begin the discussion I would like to ask how much time the gentleman from Wisconsin used.

The CHAIRMAN. Two hours and 32 minutes.

Mr. SIMS. Mr. Chairman, I want to take as little time as possible to-day, as I can not do the subject justice in the time I shall consume. Therefore, I ask unanimous consent to extend my remarks in the RECORD for the purpose of printing some statistics and other matters that I do not want to take time to read. I did not put in a minority report, which I could have done, and in which I could have included these matters. Therefore, I make this request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, in beginning my statement, I want to give the reasons why I have filed no minority report. In many of its provisions I indorse the bill that has been reported. I served on the committee every day during its sessions, and I should say every hour of it, and on the subcommittee I missed only one day, and that was due to illness. To do justice to the gentlemen who served on that subcommittee, the chairman, Mr. ESCH, the gentleman from Michigan [Mr. HAMILTON], the gentleman from Massachusetts [Mr. WINSLOW], on the Republican side, and the gentleman from Kentucky [Mr. BARKLEY], on the Democratic side, I beg to say that I do not think that there ever was a more earnest effort, a more conscientious effort, made by any five men to try to serve the country's transportation needs in the best way that was possible to serve it through our efforts. [Applause.] I notified the chairman of the committee at the beginning that I was not going to play the rôle of a mere obstructionist. I tried to live up to that pledge, and I am going to try to live up to it now. This bill unamended, as compared to the Senate bill unamended, or as to any of the plans that have been proposed for private ownership and operation, I would accept most cheerfully this bill as reported in preference to any one of them. There are some features of the bill, however, that I wish to amend, because I think it would be better in the public interest that it should be so amended, but of course I shall take that matter up under the five-minute rule. The House has paid a compliment to the distinguished chairman of this committee, Mr. ESCH, equal to, if not exceeding, any compliment I have ever known to be paid to any member in the 23 years of my service in this House, not only by the great applause that he received at the close of his remarks, and the compliment that was paid him by every Member standing on his feet while we applauded him, but the highest compliment that could be paid to a man in charge of a bill was for the Members to sit so quietly as they did and listen to everything he said for nearly three hours.

I do not feel that I am worthy of such a compliment. I know that I shall not get it, but I do not care to waste any time here, and if gentlemen do not want to hear me say what I think ought to be said, I shall not blame any gentleman for leaving the Hall, but I hope that even with a smaller attendance I may receive at least good attention from those who remain.

This is a bill for the purpose of restoring the railroads to their owners for private operation. Taking the bill as a whole, it should be carefully considered in view of the objects sought and the purposes contemplated. As good a bill as this is compared with the Senate bill, in the main, I do not believe that it is advisable to return the railroads to private ownership and operation so early as the 1st of January next, and I will give my reasons for so believing. I do not say that in antagonism to the bill as an operating measure for the railroads when they are returned to private operation. The distinguished chairman put in some of his time, not much, however, in discussing the question of public ownership as presented in the Plumb plan. I want to say that I introduced that bill by request and I also offered to introduce any other bill proposing any plan of railway solution, in order that the committee might have jurisdiction and that we might have a hearing covering all of them. The chairman did give the proponents of plans all the hearing they asked for. None were ignored. If the Plumb plan is a good one, I am not entitled to any credit whatever, and if it is a bad one I am not responsible, unless merely introducing the bill by request makes me responsible for it. I have never been so narrow that I was not willing to give everybody a fair opportunity to serve the public as best he could. I do not believe that any of these plans or the present bill is or can be a permanent solution of the transportation problems of this country. There never has been a solution through private ownership and in my honest opinion there never will be, and why? Transportation should be furnished at its simple cost and nothing more. Private ownership can not function without profits on the part of the investor. It is nonsense to talk about private ownership if we do not couple with it profit upon the investment, because if you do not do that, then no person voluntarily is going to put any money into such a venture when he can put it somewhere else where he can make a profit. Transportation inherently, normally, and necessarily is a Government function, a Government duty, a Government obligation, and any private individual, corporation, or association of individuals that undertakes to discharge a public function, a Government duty, does so on his own initiative, voluntarily, and at his own peril, taking all chances for profit or loss. Why does he want to undertake such a service? The theory of private ownership and operation of railways has been based upon the idea that public ownership and operation would be less efficient and more expensive. If it is less efficient

and more expensive, that is just as good an argument and as cogent a reason as any man can give for not favoring it. If a private owner of a transportation system furnishes transportation at less cost than can the Government and more efficiently and make a profit upon his investment satisfactory to himself, why not let him do it? I am in favor of whatever will give transportation at the least cost to the public and in the most efficient manner. We have had in this country for about 75 years—I do not remember just when the first railway was built—private ownership and operation of railroads.

Nobody is against transportation by rail per se. He could not be. There was no Government control or regulation of railroads prior to the act of 1887.

I do not remember just when the first State legislation with reference to control and regulation was passed, but I want to say that before there was any attempt at Government control and regulation there were receiverships too numerous to mention. It was a common thing for a railroad company to fail to meet its obligations and go into a hospital for financial recuperation—a receivership. Now, we can not lay blame on the State or National Governments for what happened to the carriers before there was any law providing for regulation. Yet we had numerous receiverships, even after the law of 1887 was passed and the courts had more or less emasculated it by taking away the authority which Congress thought it was conferring on the Interstate Commerce Commission. Finally, when Mr. Roosevelt became President, by one of the largest popular majorities any man up to that time had ever received, and without any platform pledge or party obligation to do so, he advocated strengthening the interstate-commerce laws so as to give the Interstate Commerce Commission some real power. I know what was said at that time. I was here; I know the talk that was had. Gentlemen would not say it on the floor of the House at this end of the Capitol or at the other, but members of his own party were simply furious with him for advocating that which no platform of his party had committed him to. But nevertheless he stood like a stone wall and advocated in his messages to Congress at that time—and which will bear reading again and again—that real power should be given to the commission. Finally, by reason of the great popular majority which he had received he forced through the act of 1906. I was not on the Committee on Interstate and Foreign Commerce at that time. I attended the hearings held by the Senate committee upon the bill, which was afterwards known as the Hepburn bill. I heard everything that was said, and what I did not hear I read. That is the first act that put real power in the Interstate Commerce Commission. Now, I want to say from the time the original act of 1887 was passed that no man can point to any receivership of any railroad in which it was either alleged or proved or even attempted to be proved that the cause of the railroad's troubles or the reason for its going into the hands of receivers was due to either State regulation, State legislation, or the action of a State commission, or due to national legislation, national regulation, or the action of the Interstate Commerce Commission. Now, then, who was to blame for the receiverships, almost by the hundreds, that came before there was any legislation on the subject of public control or regulation, and who was to blame since the act of 1887 for the numerous receiverships? Not so long back, even before the European war and before Government control of railroads, there were at one time about 40,000 miles of railroads in the United States in the hands of receivers. Why? No stronger evidence could be furnished, irrefutable and undeniable, that private ownership was a failure, and if it had not been there would not be annually an increased number of railroad hospital patients. Did they afford transportation at the cost of service? No. They are not asked to do it. Gentlemen have an idea that there is something sacred about the dollar invested in railroads that is not sacred in any other form or character of transportation facilities. Why, look at the highways, look at your streets everywhere in this country—all means of transportation. They are paid for entirely by taxes at public expense, maintained at public expense, and the user furnishes only the vehicle or equipment at private expense. The great investment in the highway is absolutely free. If we had never had public ownership of highways or public ownership of the hard-surfaced roads except by way of corporation ownership, operated at a profit, and we were now proposing to abolish private ownership and operation of such facilities of transportation the same howl would go up that is going up now. Why? There would be much money invested in them upon which a profit was being made; there would be job holders that would desire to hold on to their jobs in all respects like the railroad. Job holders are howling against Government ownership at this moment. Public ownership never comes as a mere matter of academic theory or advocacy, and it is not going to come in response to any mere academic discussion. Do you know up to this time I have never read a book on public ownership?

I have read everything I could on the other side that I had time to read, but, of course, not all that has been published on that side. I am of opinion that private ownership of railroads in this country will never develop it in every nook and corner where it ought to be developed, because it can not be done with a profit to investors and therefore never will be done. This bill, good as it will be if proper amendments are adopted, will simply meet the fate of all former attempts that have been made with private ownership, because it is in the very nature of things that any man who invests a dollar in anything for what he hopes to get back in the way of profits is going to do everything that he can to get as large a profit on his investment as he can. Do you tell me that anybody who loans money to a railroad company or buys stock in a railroad company does it simply for altruistic purposes, simply to serve the public? Why should any man do anything of that kind? We voted $200,000,000 in the last Congress as aid to highway construction in the States out of the Treasury of the United States. Why did we do it? Because we regarded it as our obligation and duty to serve a common public interest. Why should not private capital for profit construct these transportation facilities as do those who invest in railroads? I have never reached the point to this hour where I am willing to advocate both Government ownership and operation as being absolutely necessary. Why? I have had it dinned into my ears so long that in order to secure efficiency of service private initiative was absolutely necessary. Before I ever heard of the Plumb plan or one like it in all its details, I had reached the conclusion that the Government of the United States would have to absorb all the immovable property of the railroads of the country.

Why do I think so? The Government can acquire the rights of way, the terminals, and all the real estate, all the immovable fixtures that belong to the railroad, which constitute about 75 per cent in value of all railroad property, and collect a rental for use of same that will reimburse the Government for every cent it will have to invest a small additional amount sufficient to amortize completely and fully any indebtedness incurred in a reasonable time. The Government can borrow money at a cheaper rate of interest than any individual or railroad corporation, and its property will not be subject to taxation. With 75 per cent of the total investment in railroads amortized and forever removed from the cost of transportation, transportation can and will be much cheaper. As such an amendment is not germane I will not offer it to this bill, as I know it would be ruled out on a point of order, but I believe Government ownership to this extent will become absolutely necessary before many years, while leaving the railroads as owners of all equipment and movable fixtures, but providing that the Government of the United States may lease to the present corporations, who will remain the owners of their equipment, or to any other private corporation for operation of the railroads under such conditions and restrictions stipulated in the lease contracts as will enable the Government to thoroughly control the commerce of the country and protect it from such exploitation as has been resorted to in the past. The rights of way, terminal grounds, and all other forms of real estate holdings by the railroads have grown enormously in value by reason of the growth of the country, and the railroads are, under the law as construed by the decisions of the courts, entitled to a return on the value of all property held or used for carrier purposes. They receive a return on the community value, the unearned increment due to community growth, the same as they do on new money invested in additions and betterments. This unearned increment value amounts to hundreds of millions of dollars.

I do not think there is any doubt at this time that the terminal facilities of the railroads of the United States equal in value all the rest of their properties. And it has been held by the Supreme Court of the United States, as I understand it, in the Minnesota rate case, that railroads are entitled to this enhanced value, unearned increment, and that such element of value must be considered in rate making. Therefore they are entitled to a rate based upon value which they themselves have not contributed in any way. Now, if the Government acquires this real estate, it will not further burden the commerce of the country by way of increase in value of the property due to unearned increment. It can not further be the basis of additional issues of stock and bonds upon which interest and dividends must be paid. If the real estate holdings of the railroads are not taken over by the Government, this element of unearned value will go on forever or as long as the country grows. Then, as to an

amortization fund, the Government must first pay itself out of rentals any interest which it has to pay on bonds that may be issued to acquire the property, then, in addition, a small amount, not over 1 per cent, perhaps, that will be used to amortize the property it has bought, and, when amortized, never thereafter to be considered in the making of a rate, fare, charge, or classification. With 75 per cent of the present value of railroads eliminated without increasing the burdens of the shipper or consumer over and above what they would have to bear if the roads continue in private ownership and continue to collect a profit on all its ever-increasing unearned values. Now, this amortization has got to come about. You may say what you please, but we face the inevitable. This country will not very much longer put up with what it has in the past.

Now, what is the condition existing as to the capitalization of railroads? Except in rare and isolated instances there has been absolutely no amortization of railroad investments since the beginning of railroad building, up to the present hour. All the capital that has ever been invested in the railroads in any form remains to-day wholly unamortized. And as a result we have a capitalization pyramid reaching to the skies, but it is an inverted pyramid. This capitalization pyramid is growing wider and wider and larger and larger, higher and higher, all the time, at its inverted apex. But under the present plans and present theories of private ownership and operation of railroads, nothing is provided for amortization. All the old capital remains in the pyramid and all the new capital is added to it. It is only a question of time when this inverted pyramid will topple over, and terrible will be the crash. We can not prevent it if we go on in the future as we have in the past. No man that owns a farm that has a mortgage on it, and never pays the mortgage off except by giving a new one, can ever be regarded as a successful farmer, although his neighbors around him may be successful farmers and build up the community, and in that way enhance values in the community to such an extent that this particular farmer may be enabled to continue to renew his mortgage so long as the community continues to grow, but when community growth ceases, this man must inevitably be sold out of house and home. But, my friends, it being a Government duty, a Government obligation, a Government function, to furnish transportation, the Government is not and must not be at the mercy of Wall Street. It is not and must not be at the mercy of a lot of investment bankers that want just as many so-called refunding operations as possible to go on continuously and forever. The Government can issue its bonds without maturity date, so that it may redeem any bond at any time when its revenues from the railroads will justify it. So in a comparatively little while, as the life of Governments go, this investment will be amortized. Then this investment will be free from taxation, as it ought to be.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. SIMS. I will.

Mr. GOODYKOONTZ. I was wondering what you would do for the States. Would you not rob the States of their greatest resources, namely, railroad taxes?

Mr. SIMS. Yes. But I would not call it robbery. The railroads have been robbed by everybody so far. I should rob the State, as you call it—using an offensive term—of taxing that facility, which in turn its own citizens have to pay, not only the tax but a profit on the tax. If that is what you call "robbing your State," the sooner it is robbed the better. This does not prevent the State from collecting a tax. This plan will take the real estate—75 per cent of the value of railroads—out of taxation, but it leaves the equipment and the gross earnings of roads, and many States to-day tax the gross earnings of a road instead of its fixed property. Where does robbery come in?

Mr. GOODYKOONTZ. If you are going to tax them in another fashion, how are you going to help your Government in maintaining a railroad system without taxation?

Mr. SIMS. I said to the extent of 75 per cent of the whole present value of the roads, their immovable and fixed property.

Why do you not tax your highways, your public school buildings, your courthouses, your statehouses, your National and State Capitols? They are nothing in the world but public facilities. What is transportation? Transportation is movement of persons and property. If you move the people and move the property, you perform the function. It is not necessary to move a man in a palace car in order to move him.

What do you suppose the lowest passenger fare is in India? Two-fifths of 1 cent a mile. In India, under government ownership, they have the finest palace cars in the world, and the entire fare paid by a passenger on a palace car, including rail haul and all else, amounts to 1½ cents a mile. But it is almost nonsense to talk about other countries. Other countries know what is best for themselves, and they are doing what they think is the best for themselves. France will own every railroad within her borders in 1940 and get all the earnings. Germany makes a profit out of her railroads. I do not think they ought to be run for a profit. I am not in favor of a profit or in favor of profit sharing in public service necessary and essential to the life of a country. It will not work.

Over in Wall Street—and I use that word in no sense of prejudice—they are everlastingly and eternally discussing the question of railroad credit. Who has destroyed that credit? I just want to show you a few facts about a little railroad in my State. It is not so little, either, but it has never been in the hands of Wall Street that I know of. I want to show you the facts about it, and then just a few facts about other railroads that have had Wall Street help. The Nashville, Chattanooga & St. Louis Railroad, in Tennessee running from Chattanooga, Tenn., to Hickman, Ky., with branches, in 1917 owned and operated 1,237 miles. Part of that railroad between Nashville and Chattanooga is of extremely expensive construction. There are tunnels on it of a mile in length or more through granite mountains. There is a bridge across a river with an island in it where the bridge crosses, making the bridge necessarily long, and then it runs through the mountains in Georgia, extremely expensive of construction. West of Nashville, toward Hickman, is the Harpeth River to bridge and the Tennessee River to bridge—expensive construction. What do you suppose are the outstanding stocks and bonds against this railroad per mile? The outstanding stock of the Nashville & Chattanooga Railroad, covering 1,237 miles, was on December 31, 1917, $16,000,000, total; per mile of stock, $12,935; bonds outstanding, $10,865,000; bonded indebtedness per mile, $10,400; total per mile, $23,335.

That road has been run from the beginning economically. Col. E. W. Cole, when I was a boy, was president of that road. He was a man who came up, I think, from the position of a section hand. When he ceased to be president J. W. Thomas, who was on the road at the time as general manager, was made president and general manager. He continued in the footsteps of Col. E. W. Cole, the first president in the management of that road, and when he died his son, J. W. Thomas, jr., was chosen president and general manager; and although the Louisville & Nashville bought a controlling interest in it many years ago the management and policy continued to be the same as it was through all prior years. At this time a son of Col. E. W. Cole is president of that road. A better railroad never served any people than that railroad. It has had no higher rates than any other road received for the same or like service. The management has always been and now is exceedingly accommodating, but the road has been managed so economically and in such a business-like way that they have amortized much of the investment as they went along instead of issuing more bonds and stock. Instead of going to Wall Street they amortized their debts for capital expenditures until to-day that road has only $23,000 per mile capitalization, both stock and bonds. No man who was president of that road ever received compensation as much as $20,000 per annum. Mr. Milton H. Smith, president of the Louisville & Nashville Railroad Co., was, I believe, general manager of it for many years prior to becoming its president. He is one of the ablest railroad men in the United States from a practical standpoint, in construction, operation, and in every other respect, and he never received at any time during his long years of service over $25,000 a year salary, and when the Government took over the railroads his salary was only $20,000 a year.

Now, look at some of the lame-duck roads and see how they compare with the Nashville & Chattanooga and the Louisville & Nashville. I do not call the Baltimore & Ohio Railroad a lame duck; I ought not to so designate it; but let me tell you it has got the disease of overcapitalization, and if not cured it is going to die. What is the capitalization per mile of the Baltimore & Ohio, one of the oldest and best railroads in the country? Ninety-eight thousand nine hundred and seventy-nine dollars in bonds or fixed indebtedness per mile, and stock, per mile, $44,625; total of both, per mile, $142,804—double as much bonds as stock.

Now, look at its stock quotations to-day; way below par, both common and preferred. What do you suppose the railroad paid its president as salary during the year 1917? Seventy-five thousand four hundred and eighty dollars. While this road is not in the hands of a receiver, it is suffering from the disease of overcapitalization. What caused the road to get in that shape? Why did it not economize and pay less in salaries and pay more of its maintenance and improvement expenses out of earnings?

Now, let us take a look at the New York Central! I am comparing our little Nashville & Chattanooga road with great roads. The New York Central is one of the best roads in the country.

and serves the best portion of the United States with great freight and passenger traffic. I now read from a publication by James H. Oliphant & Co., 61 Broadway, New York, entitled "The Earning Power of Railroads, 1918–19," as to the mileage of the system, its stock issue, and bonded and other fixed-interest obligations, as follows:

New York Central Railroad.

Year.	Average miles operated.	Gross.	Surplus.
1908	3,781	$83,927,354	$8,931,600
1909	3,782	93,171,861	13,695,420
1910	3,785	99,908,478	14,288,672
1911	3,790	103,954,883	15,304,449
1912	3,791	109,900,015	13,879,837
1913	3,753	116,904,304	13,243,558
1914	3,774	112,741,051	8,688,672
1915	[1]5,640	167,912,333	27,711,474
1916	5,689	201,585,049	45,659,217
1917	5,685	216,267,517	25,593,220

[1] On January 1, 1915, the New York Central & Hudson River R. R., the Lake Shore & Michigan Southern Ry., the Chicago, Indiana & Southern R. R., and several minor lines were consolidated as the New York Central R. R. This explains large increase in mileage, etc.

STOCK OUTSTANDING DECEMBER 31, 1917.

Common	$249,849,360
Stock per mile of road operated	43,949

BONDS OUTSTANDING DECEMBER 31, 1917.[1]

Fixed interest	632,081,000
Equipment	43,584,086
Notes due 1919 (5 per cent)	15,000,000

This statement shows that the New York Central in 1917 had a fixed indebtedness linbility of $690,665,086, equaling $121,489 per mile of road operated, and $43,949 stock per mile of road operated, constituting a stock and bond capitalization of $165,338 per mile of line. How does the stock and bond capitalization compare with the Nashville, Chattanooga & St. Louis Railway, with its total capitalization of $23,335 per mile of road, consisting of stock $12,935 per mile and bonds of $10,400 per mile? Its total mileage in 1917 was 1,237 and its total bonded indebtedness being $12,865,000 and its total stock being $16,000,000, total of both being $28,865,000.

Does the statement of the New York Central indicate good management? It presents an object lesson in private ownership and management with public regulation. Let us take a look at the Seaboard Air Line, more or less a lame duck. If I recollect aright, its president gets $40,857, and another distinguished gentleman who has been before our committee very often receives $50,000 for being chairman of the board of directors. Now, what under heaven is the duties and services of a chairman of the board of directors? What does a chairman of the board of directors do in the way of railroad operation? A number of railroads before Government control paid their presidents larger salaries than that received by the President of the United States, and some of the lawyers were paid as much as $60,000 a year. Such is the fruit of private ownership, initiative, and operation. Take the New Haven, the Boston & Maine, and the Maine Central—all lame ducks. These properties furnish a rather recent object lesson of Wall Street management, after the properties were all built up and were serving the country, and the stock of some of them exceeded $200 per share in market value. Now the New Haven stockholder gets something over $32 a share. That is scientific private management directed from Wall Street.

Gentlemen, I offered an amendment in committee, and I am going to offer it in the Committee of the Whole House on the state of the Union. Expense of operation is absolutely necessary. Therefore no expense as such should be incurred not necessary to operation of the railroads in its carrier functions. Coal or other fuel is absolutely necessary in running the trains. Therefore the cost of coal is an expense of operation. The cost of labor that keeps the tracks in condition and that operates the trains constitutes a necessary expense of operation. But show me what operative function any man can perform that is worth $75,000 a year.

One of these gentlemen, chairman of the executive committee of the board of directors of the Union Pacific, gets more than $100,000 a year. My friend, Mr. Kruttschnitt, a very able railroad man, chairman of the board of directors of the Southern Pacific systems, gets over $88,000 a year. There are no Southern Pacific lines in New York, nor east of the Mississippi River. How does it happen that the chairman of the board of directors has to live in New York, unless the directors live there and he must be close to them?

[1] Includes $100,000,000 6 per cent debentures due 1935, convertible into stock at 105 to Apr. 30, 1925.

I am going to offer in the Committee of the Whole an amendment that I offered in the Committee on Interstate and Foreign Commerce, providing that the compensation of no railway official in excess of $20,000 a year shall be charged to operating expenses. I have no objection to a man getting $500,000 a year if he gets it out of net income, out of the fund that would otherwise go to the stockholders. If they need $100,000 presidents, let them pay for them. The country does not need them. Now, look at the case of Mr. Hines. I want to compliment him. As an official and employee of the Santa Fe during the year 1917 he was receiving more than $75,000 a year, and was not president of the road. There is no question that he is one of the ablest railroad men in every way in the United States. But what did he do? He came here and worked for the Government throughout the war for $25,000 a year, which was $50,000 less than he was receiving from his corporation. He is still serving to-day for $25,000. He is operating all the railroads in the United States that have been taken over by the Government, and he is doing it efficiently, economically, and successfully. Could he have done any more for a privately owned road? While he gets only $25,000 as compensation, he is willing to continue the sacrifice he is making in the interest of the public. But some of the other gentlemen jumped their Government jobs just as quick as they could and went back to their old corporate service and, I suppose, at the old profiteering salaries. Now, I have no prejudice against these men. Many of them have come up from the ranks. But why should they receive such stupendous compensation and have it charged to operating expenses, and then complain that the railway laborers who actually perform the physical work, at least of operation, want more than they are getting? Why, my friends, if for no other reason than the effect that it would have on the morale of labor, this compensation should not be permitted to be charged to operating expenses or considered in any way a fair charge to operation in rate making by any regulatory body. I am going to give you an opportunity to vote on this amendment when the time comes, and if you do not vote for that, or some other amendment looking in the same direction, I will offer an amendment that you ought to vote for, and that is to pay the Interstate Commerce Commissioners $20,000 a year each. They have to represent the side of the whole public against all these high-salaried men, 208 of whom receive $20,000 and up to as high as $120,000 a year, charged to operating expenses. For the sake of consistency do not talk about putting felons' stripes and handcuffs on men who get $4 or $5 or $6 a day for extrahazardous physical and mental labor who may strike for higher pay and keep them off of men engaged in the same service whose compensation exceeds, in some instances, $75,000 to $100,000 a year. [Applause.] If the owners want to pay such salaries, let them in excess of $20,000 come out of the net earnings which go exclusively to the owners, as they are altogether responsible for the employment of these officials, and not saddle it on the consuming public under pretense that they are in any way necessary in operating the roads. A railroad official is a quasi public officer, because it is a public service that he is rendering. It is a Government function that he is exercising. The Attorney General of the United States represents the interests of the whole public, its 110,000,000 people, yet he gets only $12,000 a year. One of these railroad lawyers gets as high as $60,000 a year to represent a single system of railroads. Do you believe the stockholders would not be a little careful about these things if even a part of it had to come out of their "swag," to use a slang phrase?

Now, look at the difference in management. These railway officials are the direct employees of the owners, the stockholders. The bondholders have nothing to say unless they have the voting privilege. The stockholders elect the directors, and the directors employ the officials and fix their compensation, and the officials employ the wage earners. Therefore the stockholders have it absolutely in their power to stop this graft, for that is all it is. It looks like everybody thinks they must be turned loose on a railroad or its earnings in some way. The gentleman from West Virginia spoke about robbing the States. I want to call his attention to the way the States rob the railroads, and I am glad the gentleman is here. One State in this Union, the State of New Jersey, collects $3,500 per mile per year taxes on the railroads in that State, which is more than the net earnings per mile of line of a great many railroads.

Mr. GOODYKOONTZ. Does anyone demur to that procedure?

Mr. SIMS. I am going to discuss it in detail. What effect does it have? Several railroads run through New Jersey that go through a number of other States. Now, there are several railroads that run through New Jersey that also run through Pennsylvania or Maryland or Delaware or all these States. Now, if every State through which one of these railroads runs collected the same amount of tax that New Jersey collects, what freight

rate do you imagine they would have to charge the shippers in order to recoup these excessive taxes?

There has been the worst kind of discrimination in the taxation of railroads by many States as compared with taxes on other property in the same States. My recollection is that Texas, with the largest railroad mileage of any State in the United States, has a total of taxation of $300 a mile of line. Little New Jersey, which you can nearly jump across from east to west, taxes the railroads $3,500 a mile of line. What effect does it have on the people these roads serve other than the people of New Jersey? All the revenues of a railroad must pay all of its operating expenses and charges, including taxes.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. GOODYKOONTZ. I want to inquire how much the State of Tennessee collects in taxation of railroads?

Mr. SIMS. It is very little compared with some other States, I can not recall the exact amount. I do not think it exceeds $500 per mile of line. Some of these railroads run through three or four States besides New Jersey that do not collect the large taxes that New Jersey does. All these roads must charge the same rates and fares as those paid by New Jersey people. As all expenses of operation by any one of these roads must come out of all its earnings collected from all the shippers of all the States on its lines, and its rates must be made with reference to all its income and all its expenses as a whole, the excessive taxes collected by New Jersey and which are all spent in and for the benefit of New Jersey, in this way a part of New Jersey's local burdens are paid by people who do not live in New Jersey. But you may say, Why does not every State levy taxes equal to those of New Jersey? That is just what it is going to lead up to. They will say that if this great State of New Jersey gets $3,500 per mile of line in its territory, why should not we have the same rate of taxation? I want to say to you that taxes on railroads have increased in States, counties, and municipalities out of all proportion to taxes on any and all other kinds of property subject to taxation.

Mr. YOUNG of North Dakota. New Jersey is a kind of a toll gate, is it not?

Mr. SIMS. Yes; it enables New Jersey to get as a State what its people do not pay for in full as shippers. The taxes on railroads are increasing all the time, and why should they not? The temptation exists everywhere to soak them. The railroads are privately owned and operated for profit and therefore it is regarded by the taxing authorities that it is their duty to share in the profits by way of unjust and discriminating taxation.

What did the State of Illinois do? We have a member on the committee from Illinois, a good and faithful one. The New York Central wanted to mortgage its lines generally to get more money to use in its business, and it cost that railroad company not less than $250,000 just to record this mortgage in Illinois.

Mr. YATES. Three hundred thousand dollars.

Mr. SIMS. Three hundred thousand, the gentleman from Illinois, a former distinguished governor of the State, says. What operating transportation service was rendered by recording that mortgage? Was it not a pure, unadulterated rake-off simply because Illinois had the power? There may have been a kick by the railroad company, but it went along and paid the bill. It wanted to buy the balance of stock in the Lake Shore not owned by it, and in order to get the money had to give a mortgage covering all its lines of more than 5,000 miles, but less than 150 miles were in Illinois. That is one of the beauties of State regulation and control of privately owned railroads. It is a fine thing for a State to do such a thing when all the sum so collected was to be paid out in that State. No such a tax grab could be made by a State if the railroad had been owned by the Government.

Now, I know, as far as I am concerned, that it is nonsense to expect that Government ownership will be adopted by this Congress at this time because the railroad owners are not ready for it nor the investment bankers and other holders of stocks and bonds in the roads, and, as a matter of course, officials of the roads are not ready for it, as they expect to resume their old jobs at the old salaries.

Mr. MONDELL. Will the gentleman yield?

Mr. SIMS. I am always pleased to yield to our leader.

Mr. MONDELL. Does the gentleman think that the people are ready for it—just the plain, ordinary, common people?

Mr. SIMS. If the plain, ordinary, common people knew the extent to which they are being robbed unnecessarily, they would be for it. It is not a theory that confronts us; it is a condition. I am not for Government ownership simply in theory, but I believe it is inevitable as a public necessity.

Mr. MONDELL. My question was not what might be sometimes.

Mr. SIMS. The very moment the Plumb plan was flashed over the wire gentlemen who never read it yelled out "sovietism, communism, socialism, taking the railroads from the owners and giving it to the employees." Nobody ever heard of this Association of Railroad Executives being called soviets or unions. But what is it but a union? Nobody ever heard of the Association of Security Holders or the committee headed by my pleasant friend, Mr. Warfield, being called a soviet or a capitalist union. What is it but a capitalist union? They were united to try to grab all they can in connection with reconstructive legislation. What more are the Plumb plan advocates doing?

Now, I will read from the railroad statistics of the United States of America brought up to December 17 by Mr. Thompson as I find them in the Railway News and Statistics. He is a decidedly prorailroad man and the statictics he gives are official. The best way to have an idea of operating expenses is to know what ratio they bear to gross earnings. The table in the publication referred to for 1917 is as follows:

Summary showing proportion of compensation of employees to gross earnings and operating expenses, and operating ratio for 20 years, 1917 to 1895.

Year.	Ratio compensation of labor to gross earnings.	Ratio compensation of labor to operating expenses.	Ratio expenses and taxes to gross earnings.
	Per cent.	*Per cent.*	*Per cent.*
1917, Dec. 31 (bureau)	43.71	61.78	76.15
1916, Dec. 31 (bureau)	41.09	62.63	70.04
1916, June 30 (bureau)	40.60	61.99	69.95
1915, June 30 (bureau)	43.20	61.33	73.18
1914, June 30 (official)	45.09	62.37	1 73.81
1913, June 30 (official)	[2] 43.99	[1] 63.29	[1] 74.52
1912, June 30 (official)	44.05	63.49	74.02
1911, June 30 (official)	43.32	63.10	72.51
1910, June 30 (official)	41.58	62.75	70.06
1909, June 30 (official)	40.86	61.79	69.99
1908, June 30 (official)	43.26	62.02	74.28
1907, June 30 (official)	41.42	61.33	70.61
1906, June 30 (official)	40.02	60.56	69.24
1905, June 30 (official)	40.34	60.10	69.82
1904, June 30 (official)	41.39	61.07	70.91
1903, June 30 (official)	40.78	61.65	69.20
1902, June 30 (official)	39.16	60.56	67.81
1901, June 30 (official)	38.40	59.27	68.06
1900, June 30 (official)	38.82	60.04	67.90
1899, June 30 (official)	39.81	61.03	68.77
1898, June 30 (official)	39.70	60.52	69.04
1897, June 30 (official)	41.50	61.87	70.90
1896, June 30 (official)	40.77	60.65	70.68
1895, June 30 (official)	41.43	61.38	71.18

[1] Class I and II roads only. The commission did not report the taxes of Class III roads for 1913 and 1914.
[2] Class III roads wages estimated in 1913.

The above table shows that the ratio compensation of labor to gross earnings in 1895 was 41.43 per cent, and was even less in 1916, covering a period of 21 years, and was only 43.71 per cent for the year 1917, the last year of private operation, or only 2.28 per cent higher than it was 22 years prior thereto. The same table shows that the ratio of labor to operating expenses for 1895 was 61.38 per cent, and only 61.78 per cent in 1917, 22 years later, and we had been in war for nearly a year.

This table also shows that the ratio of expenses and taxes to gross earnings in 1895 was 71.18 per cent, and in 1916 was only 70.04 per cent, but rose to 76.15 per cent for 1917. This table shows that the expense of operation chargeable to labor, compared with gross earnings, has been practically the same for a period of 22 years prior to Government control of railroads.

Remember that gross receipts measure actual performance, actual transportation, while net is anything that the robber management and robber tax-grabbing States and municipalities leave after they get through. Now, let us take the ratio of compensation of labor to operating expenses. Let us see how that has gained. The ratio of labor compensation to operating expenses in 1895 was 61.38 per cent and in 1917 it was 61.78. Does that indicate that labor is trying to rob the people?

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. BLACK. Is it not a fact that the last year which the gentleman has read was 1917, a year when the Government did not have control?

Mr. SIMS. Yes.

Mr. BLACK. And that that percentage for the year 1918 is considerably larger than the figures which the gentleman gives?

Mr. SIMS. It may be, because the railroads were then under Government control and operation, and it was war time, expenses had to be paid of all kinds and at war prices.

Mr. BLACK. I am not criticizing the figures——

Mr. SIMS. But we are returning the railroads to private ownership and operation after the war, and I am only reading

statistics to show what they did before we were in war and when they were in private control.

Mr. BLACK. I merely called attention to the fact.

Mr. SIMS. Oh, certainly; that is all right. I am going to vote for this bill to turn them back, with proper amendments, and if I do not get the amendments I may vote for it anyway, as it is so much better than the Senate bill. This bill as a whole, unamended, is so far above the so-called Cummins bill as to be an angel of light in comparison with it. Therefore, I did not bring in a minority report, as I thought it might be better to accept it than a bill similar to the Senate bill. Let us take a look at the ratio of expenses and taxes to gross earnings as shown in the table I have read. In 1895 it was 71.18 per cent, and in 1916 it was even less—70.4 per cent. In 1917 it was 76.15 per cent after war expenses came on. We were in the war that year from April 6, but we did not take over the railroads until December 31, 1917. This table shows that the increase in expense compared with gross earnings was about on a parity, and that there was no foundation, so far as labor costs went, for a demand for increase in rates, but rates were increased 15 per cent prior to taking over the roads by the Government.

Let me show you the other end of the line, by comparing the pay of officials with the pay of employees who earn their living by the sweat of their brows—while the officials earn their living by the sweat of other people's brows. I use this same publication—comparative summary of average daily compensation of railway employees by classes, the years ending June 30, 1914, back to 1892. I am getting back to a period now when the war had no effect. Let us see how the increase in compensation of official employees compared with the increase in wages of all other employees. The average pay per day of railway officials in 1892 was $7.62, and was $16.06 per day in 1914, an increase of nearly 150 per cent. It gradually went up all of the time. These are the high-salaried officials that the directors actually employ themselves, including general managers and presidents. Their profiteering salaries are charged up to operating expenses, just the same as the laboring man's pay is charged to operating expenses. On page 65 of the same publication appears the following statement as to average daily compensation from June 30, 1914, back to 1892:

AVERAGE DAILY COMPENSATION 1914–1892.

With every innovation in the system of reporting the number, classification, and compensation of railway employees, it becomes increasingly difficult to get a proper perspective in regard to this very important feature of railway statistics. In the next statement is preserved the record for the 18 classes into which railway employment was divided from the date of its institution by Prof. Henry C. Adams until it was superseded, in 1915.

Comparative summary of average daily compensation of railway employees, by classes, for the years ending June 30, 1914, to 1892.

Year.	General officers.	Other officers.	General office clerks.	Station agents.	Other station men.	Enginemen.	Firemen.	Conductors.	Other trainmen.	Machinists.	Carpenters.	Other shopmen.	Section foremen.	Other trackmen.	Switchmen, flagmen, and watchmen.	Telegraph operators and dispatchers.	Employees account floating equipment.	All other employees and laborers.
1914 [1] [2] (official)	$16.06	$6.48	$2.54	$2.33	$1.98	$5.24	$3.22	$4.47	$3.09	$3.27	$2.66	$2.36	$2.20	$1.59	$1.71	$2.56	$2.35	$2.20
1913 [1] [2] (official)	15.67	6.44	2.51	2.28	1.96	5.20	3.13	4.39	3.04	3.26	2.63	2.31	2.14	1.58	1.70	2.52	2.37	2.15
1912 [2] (official)	13.13	6.32	2.50	2.20	1.89	5.00	3.02	4.29	2.96	3.21	2.55	2.24	2.09	1.50	1.70	2.47	2.37	2.10
1911 [2] (official)	12.99	6.27	2.49	2.17	1.89	4.79	2.94	4.16	2.88	3.14	2.54	2.24	2.07	1.50	1.74	2.44	2.34	2.08
1910 [2] (official)	13.27	6.22	2.40	2.12	1.84	4.55	2.74	3.91	2.69	3.08	2.51	2.18	1.99	1.47	1.69	2.33	2.22	2.01
1909 [2] (official)	12.67	6.40	2.31	2.08	1.82	4.44	2.67	3.81	2.59	2.98	2.43	2.13	1.96	1.38	1.73	2.30	2.31	1.98
1908 [2] (official)	13.11	6.27	2.33	2.09	1.82	4.45	2.64	3.81	2.60	2.95	2.40	2.12	1.95	1.45	1.78	2.30	2.38	1.97
1907 (official)	11.93	5.99	2.30	2.05	1.78	4.30	2.54	3.69	2.54	2.87	2.40	2.06	1.90	1.46	1.87	2.26	2.27	1.92
1906 (official)	11.81	5.82	2.24	1.94	1.69	4.12	2.42	3.51	2.35	2.69	2.28	1.92	1.80	1.36	1.80	2.13	2.10	1.83
1905 (official)	11.74	6.02	2.24	1.93	1.71	4.12	2.38	3.50	2.31	2.65	2.25	1.92	1.79	1.32	1.79	2.19	2.17	1.83
1904 (official)	11.61	6.07	2.22	1.93	1.69	4.10	2.35	3.50	2.27	2.61	2.26	1.91	1.78	1.33	1.77	2.15	2.17	1.82
1903 (official)	11.27	5.76	2.21	1.87	1.64	4.01	2.28	3.38	2.17	2.50	2.19	1.86	1.78	1.31	1.76	2.08	2.11	1.77
1902 (official)	11.17	5.69	2.18	1.80	1.61	3.84	2.20	3.21	2.04	2.36	2.08	1.78	1.72	1.25	1.77	2.01	2.00	1.71
1901 (official)	10.97	5.56	2.19	1.77	1.59	3.78	2.16	3.17	2.00	2.32	2.06	1.75	1.71	1.23	1.74	1.98	1.97	1.69
1900 (official)	10.45	5.22	2.19	1.75	1.60	3.75	2.14	3.17	1.96	2.30	2.04	1.73	1.68	1.22	1.80	1.96	1.92	1.71
1899 (official)	10.03	5.18	2.20	1.74	1.60	3.72	2.10	3.13	1.94	2.29	2.03	1.72	1.68	1.18	1.77	1.93	1.89	1.68
1898 (official)	9.73	5.21	2.25	1.73	1.61	3.72	2.09	3.13	1.95	2.28	2.02	1.70	1.69	1.16	1.74	1.92	1.89	1.67
1897 (official)	9.54	5.12	2.18	1.73	1.62	3.65	2.05	3.07	1.90	2.23	2.01	1.71	1.70	1.16	1.72	1.90	1.86	1.64
1896 (official)	9.19	5.96	2.21	1.73	1.62	3.65	2.06	3.05	1.90	2.26	2.03	1.69	1.70	1.17	1.74	1.93	1.94	1.65
1895 (official)	9.01	5.85	2.19	1.74	1.62	3.65	2.05	3.04	1.90	2.22	2.03	1.70	1.70	1.17	1.75	1.98	1.91	1.65
1894 (official)	9.71	5.75	2.34	1.75	1.63	3.61	2.03	3.04	1.89	2.21	2.02	1.69	1.71	1.18	1.75	1.93	1.97	1.65
1893 (official)	7.84	.....	2.23	1.83	1.65	3.66	2.04	3.08	1.91	2.33	2.11	1.75	1.75	1.22	1.80	1.97	1.96	1.70
1892 (official)	7.62	.....	2.20	1.81	1.68	3.68	2.07	3.07	1.89	2.29	2.08	1.71	1.76	1.22	1.78	1.93	2.07	1.67

[1] Pay of general officers in 1913 and 1914 out of proportion because returns do not include Class III roads. Other officers included under general officers in 1892 and 1893.
[2] Averages do not include returns for switching and terminal companies since 1908.

I invite your attention to this table, as it is very illuminating. It shows for the 22 years it covers, from 1892 to 1914, inclusive, that under private ownership and operation, with Government regulation, that the compensation of general officers has gone from $7.62 per day in 1892 up to $16.06 per day in 1914.

Other officers from $5.75 per day in 1894 to $6.48 per day in 1914.

General office clerks from $2.20 in 1892 to $2.54 in 1914.

Station agents, $1.81 per day in 1892 to $2.33 per day in 1914.

Other station men from $1.68 in 1892 to $1.98 in 1914.

Enginemen, $3.68 in 1892 and $5.24 in 1914.

Firemen, $2.07 in 1892 and $3.22 in 1914.

Conductors, $3.07 in 1892 and $4.47 in 1914.

Other trainmen, $1.89 in 1892 and $3.09 in 1914.

Machinists, $2.29 in 1892 and $3.27 in 1914.

Carpenters, $2.08 in 1892 and $2.66 in 1914.

Other shopmen, $1.71 in 1892 and $2.36 in 1914.

Section foremen, $1.76 in 1892 and $2.20 in 1914.

Other trackmen, $1.22 in 1892 and $1.59 in 1914.

Switchmen, flagmen, and watchmen, $1.78 in 1892 and $1.71 in 1914.

Telegraph operators and dispatchers, $1.93 in 1892 and $2.56 in 1914.

Employees, account floating equipment, $2.07 in 1892 and $2.35 in 1914.

All other employees and laborers, $1.67 in 1892 and $2.20 in 1914.

It appears in this summary that during the 23 years covered by it that the increase in the compensation of general officers had been more than 100 per cent, while in no class of other officials and employees had the compensation increased to the same percentage, while, as will appear by inspection, some classes had practically no increase. This period was one of undisturbed normal conditions, and demonstrated clearly that the tendency under private ownership and control is to give increases in the compensation of general officers out of all proportion to all other officers and employees.

If these railway officials, who are quasi public officials, would take their hands off the throats of the people, at least to the extent of not asking for all their princely compensation to be charged up to operating expenses, no doubt the effect on the morale of all other officials and employees would be very good and have a tendency to prevent any excessive demands on the part of all other officials and employees, who feel that they are being discriminated against in compensation.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. BLACK. I have not had the opportunity yet to read this bill thoroughly. Does it contain a provision that will permit some regulatory body to have control over some of the unreasonable salaries which unquestionably have been paid? If it does not contain a provision of that kind, it certainly ought to.

Mr. SIMS. It does not. I offered an amendment in the committee and it was voted down, and I will offer it again in the Committee of the Whole providing that not exceeding $20,000 per annum of the compensation of any railway official shall be charged to operating expenses or be considered in rate making. They can be paid what they please above that amount out of

net earnings; I do not care how much, even up to $500,000, so long as it is not included in expenses of operation or considered in rate making. You all know one New York Central official, a very distinguished man, chairman of the board of directors, who was getting $25,000 a year as chairman.

He used to be a United States Senator. He has made so many birthday anniversary speeches since he was 80 years old that I have forgotten how old he is. He is not like Uncle JOE, who never knew when to quit work; we could properly charge his salary to "expense of operation," as it is so meager in proportion to the benefit the Nation gets out of the work he does for his country. But here is a man who is paid $25,000 as chairman of the board of directors. Pray tell me what service he renders or can render at his advanced age that in justice to the shippers of the New York Central to charge to expenses of operation? If it is intended as an old-age pension, all well and good, but it should come out of net earnings.

Mr. Chairman, I do not understand why the directors of a railroad company have to have a chairman that receives a princely salary. I had supposed that a chairman of a board of directors of any corporation was one of the directors elected for the position more in the nature of a compliment than anything else. What service does he render that entitles him to receive a salary in excess of that paid the president of the same railroad? I have often heard that there was a custom that had grown up in New York City to pay $20 to a director of a railroad company and perhaps directors of some other corporations for each directors' meeting that he attended. I have also heard that directors' meetings are nearly always held at night, and that often directors, or some of them, by putting on high speed are enabled to attend a large number of meetings on the same night, thereby raking in a goodly sum of operating expenses without losing any time from their business in daytime. When I first heard of this custom I supposed it was intended as tips to the pauper members of the boards of railroad directors, who would not otherwise be able to pay street car fare and would have to walk, and that having to attend so many meetings in one night would impose too much walking on directors who might be 80 years old or older. I am told that some of the pauper directors never know when to die.

Now, I am thoroughly in accord with Mr. ESCH's program, with a few exceptions. I am not in favor at this time and may never be of amending or repealing the Sherman antitrust law so as to nullify the Supreme Court's decision in so many cases, especially the Northern Securities case. I am also opposed to permitting mergers, and also to repealing the antipooling laws. The only competition we now have left is competition in service, and now we are asked to let them merge their properties or pool earnings and thus destroy even the little service competition remaining. In 1912, I believe it was, when Mr. MANN, who never slacks on any job and who did more in the way of hard and slavish work that others will not do than any man I ever knew, was chairman of the committee, during the administration of Mr. Taft, there came in a bill introduced by then Representative TOWNSEND, now Senator TOWNSEND, backed by the administration and supported by Mr. Wickersham, a very able man, who was the Attorney General, that proposed to let railroads consolidate, which provided that the contract consolidating the roads must be submitted to a United States court in the form of a moot-trial proceeding, and unless found by the court not to be in violation of the antitrust laws it was not to go into effect.

Mr. GOODWIN of Arkansas. The gentleman means 1910.

Mr. SIMS. We were not in power then.

Mr. GOODWIN of Arkansas. Mr. MANN was not chairman of the committee then.

Mr. SIMS. The election was in 1912, was it not?

Mr. HARDY of Texas. In 1909 he submitted that.

Mr. SIMS. Mr. Taft was President. When did we win the Sixty-second Congress?

Mr. HARDY of Texas. The Democrats came into power in the lower House in March, 1911.

Mr. SIMS. Mr. Taft was President at the time I refer to.

Mr. GOODWIN of Arkansas. But Mr. MANN was not chairman of the committee.

Mr. SIMS. The gentleman is right, but the date means nothing. But it was proposed there that a suit in court on the facts or statement of facts should determine in advance that the merger did not violate the Sherman antitrust law. Now, by this bill we propose to repeal the railroad part of the Sherman law, that part which prevents mergers and pooling. We refused to repeal it at the time I referred to, or even to go as far in that direction as did the Townsend bill, although backed by the then Republican administration. Now, you want the Sherman antitrust law, in so far as the railroads are concerned, repealed directly, provided the Interstate Commerce Commission, that the railroads always have denounced because they could not use it, approves the merger. Now, I am opposed to that, and I am going to vote against it, and I am going to move to strike it out. I am opposed to the guaranty feature, and I am going to move to strike that out. What is the guaranty feature? It is to let the standard return continue for six months in behalf of all the railroads that make application and file a rate schedule for increases within 60 days from approval of this act. Now, my friends, if we are going to continue the standard return as a guaranty, we ought to continue Government control of all the roads. If some of them earn more than the rental charge, it will help to take care of the lame duck that does not make the standard rental. But under this bill it is only the railroads that make application and file schedules for rate increases that get the guaranty. What railroads will apply? The Union Pacific will not apply, because it is paying 35 per cent to the Government in excess of the standard return. As long as the Government continues control of the railroads we have the absolute assurance from the Railroad Administration that the rates will not be further increased by the Government.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SIMS. I will.

Mr. ALEXANDER. I understand the gentleman's position to be that if the guaranty continue—that is, the guaranty for a period of six months—that must be based on the earnings of all the roads and not simply on the raods that may apply?

Mr. SIMS. Yes.

Mr. ALEXANDER. Just as now the Government pools all the earnings and guarantees a standard return?

Mr. SIMS. Yes.

Mr. ALEXANDER. If it is limited to those who apply, those who make large returns will not participate in this guaranty?

Mr. SIMS. Yes; the Government stands all the loss and gets none of the gain. Is there any man in this House, Democrat or Republican, on an issue like that, will go before the people next year and defend his action to their satisfaction? It is a subsidy pure and simple, and not like the proposed ship subsidy, that was intended to build up a merchant marine that did not exist. We have the railroads now, and this subsidy has no excuse of the kind that was urged in behalf of the proposed ship subsidy. But now we must help the New Haven and the Boston & Maine and the Maine Central on account of their troubles that Wall Street got them into at a time when there was no excuse for it at all except greed. Do you remember what President Cleveland said? He said, in substance, "Good intentions and idle patriotic aspirations can not contend for the mastery against the combined efforts of avarice and greed." Never was a truer statement made on earth. Here is proposed a pure subsidy for six months. Well, I offered an amendment in the committee to strike it out. We provide for loaning money to them direct, if they need it. Now, we in this bill propose to pay them for six months a sum equal to the difference in what they make and the standard return, which is an absolute gift, an absolute donation; it is the worst form of subsidy; it is not done in aid of a new industry.

I am in favor, though, and shall offer an amendment along that line, of forbidding any foreclosure proceedings or the levying of executions or attachments upon any railroad property for 12 months following the release of the railroads from public control. I will offer a moratorium provision to prevent the enforced sale of any railroad property for one year. Let us protect them from the avarice of those who would foreclose mortgages on them at the very time they are least able to pay their indebtedness. I offered it in committee, but it was not adopted. I am opposed to any Government guaranty in any form or by continuing to pay a war rental with no war use of the roads. The war has been over 12 months to-day, so far as concerns hostilities.

What are you gentlemen from Iowa going to say? One gentleman from that State is on the committee, a fine man and an efficient Member. What is he going to say? The price of hogs has gone down $10 a hundred and the price of corn 50 cents a bushel. Is he going to vote for a law continuing war prices for and in behalf of railroads, to be paid by taxation, with the war prices of Iowa farm products going down every day? Will he do this in behalf of privately owned and operated railroads? What do you all from Iowa think of such a subsidy as this at such a time as this? You will hear from those Iowa farmers if you vote to pay a war-time subsidy 18 months after the war is over and after these privately owned and privately operated railroads are no longer performing any war service and the farmers have to pay war taxes in order to pay, after war purposes and neces-

sities no longer exist, in order to pay this subsidy, with ever-declining prices of their products.

Now, there are a few other minor amendments that I expect to offer. I hope we can depend on Republicans to save the Sherman antitrust law, as they claim it to be a Republican law. They have preached it from the housetops. Are they now going to take a backward step? But I want to say to all my friends on both sides that I think the best thing we can possibly do for the good of the whole country—and that is what we ought to favor—is to provide that Government control shall continue until December 31, 1921, or until Congress otherwise orders. We are not going to get any bill passed by the 31st day of December next unless the Senate takes up this bill and passes it with practically no consideration, which would not be a wise thing to do and not in keeping with the way the Senate does, by any means. Now, we ought to pass a little bill, which I introduced, to continue Government control and operation of railroads until December 31, 1921, with the present guaranty, which is the highest rate of net return the railroads ever had in any three years of their existence and receiving it after the war and with no war services to perform, or until Congress otherwise orders.

Now, why do I want to put it off that far? I know that Congress can not and will not pass this or any other comprehensive bill by the 31st of December, 1919.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. YOUNG of North Dakota. Would that cost more or less than the six months' guaranty you have just been speaking about?

Mr. SIMS. In just a minute. I want to show the impracticability of securing wise legislation in 1920. The States will be instructing delegates to a national convention by possibly as early as March, April, and May. We will have perhaps all national conventions not later than the month of June. Issues will be made upon these questions and then the whole problem will go into politics in spite of anything that anybody can do. When politics goes into business, business takes a back seat. To-day no railroad legislation can be had that will secure the best results. With the election of 1920 over, and with a new administration, be it Republican or Democratic, or mixed, and with a new President, with one-third of the Senate new, and all the House new, and the platforms of all parties having been considered and passed on by the voters, which will have its effect so far as public opinion is concerned, and then when none of us are candidates for reelection and none of the Senators are candidates for immediate election, let us have an extra session—and we will be sure to have it; if a Republican Congress and Republican President are elected there is no doubt about it—let it be called to meet just as soon after the 4th of March as possible, and then take up railroad legislation exclusively at a time when nothing but the country's conditions and the general public interest is to be considered and acted on. In the meantime there will no doubt be a tranquilization of labor disturbances so prevalent at this time. Labor will have passed through the reorganization stage, Wall Street will have passed through its reorganization period, the Members of the House and Senate will have passed through it. Then, if we are going to have private ownership we will have the time necessary to make the best of it that we can. If we are going to have public ownership we will have time to consider it and make the best of it that we can. What will take place between now and that time will be the greatest source of enlightenment. By passing my bill there will be no further general increases in freight rates for the farmer to pay during this period of falling prices for all he produces.

The Government made $22,000,000 clear in September in excess of the standard return. It will not make it each month, but for the next year it will no doubt make a large surplus with normal conditions. We know if we pass my bill and the President signs it, which I have no doubt he will be glad to do, we will have two years, if we want it and need it, in which to legislate. At least, we will not be working under pressure; not under forced draft. We are all anxious to go home, breathe a little fresh air out of Washington. This is not the way to rush through legislation like this, under special rule, with whip and spur. The committee has done its duty faithfully. I have no complaint to make against the committee, but I have the amendments that I have suggested to offer, and there may be some others that may be offered, and if the bill is amended as I think it ought to be I am going to vote for it as the best thing that can be enacted at this time. I told the chairman when it was first introduced that I thought it was the best solution for private ownership and operation that could be passed by both Houses of Congress by January 1, 1920. But general increases in freight rates would certainly come with the return of the roads to their owners, but would not come if Government control continued.

After this bill is discussed and amended in Committee of the Whole I will offer as a substitute the bill I have mentioned, if not subject to a point of order, as being the best thing that we can do that will not result in an increase of rates and without danger; at least with less danger of bringing about further labor trouble. Let us give the country time to become tranquil, and let us act after the elections of 1920 are over at a time when we can act solely and alone from what appears to be for the best interests of the whole country.

Mr. Chairman, under date of November 1, I addressed the following letter to the executive committee of the National Plumb Plan League, with headquarters in this city. A copy of that letter I now make a part of my speech:

EXECUTIVE COMMITTEE OF THE PLUMB PLAN LEAGUE,
Washington, D. C.

DEAR SIRS: As I introduced, by request, the bill now called the Plumb plan bill, I naturally have many inquiries as to just what is intended to be accomplished by its enactment. I do not feel entirely competent to reply to such inquiries on my own responsibility; therefore, I ask you to give me a succinct, but plain and easily understood, statement of what is expected to be accomplished by the enactment of the Plumb plan bill, as I want to use it in making replies to any and all inquiries along the line I have indicated.

Very truly, yours,

(Signed) T. W. SIMS.

I received the following reply to my letter, signed by our former colleague, Hon. Edward Keating:

THE PLUMB PLAN LEAGUE HEADQUARTERS,
MUNSEY BUILDING,
Washington, D. C., November 5, 1919.

Hon. THETUS W. SIMS,
House Office Building, Washington, D. C.

MY DEAR JUDGE: The members of the executive committee of the National Plumb Plan League have asked me to reply to your letter of November 1, in which you ask for an "easily understood statement" of what its sponsors hope to accomplish through the enactment of the so-called Plumb plan for democratic control of the transportation system of the Nation.

Perhaps the best way to get at the issue would be to ask ourselves a few frank questions and to endeavor to make equally frank replies.

Why did the Federal Government take over the railroads?

What is the status of the railroad problem after two years of Government control?

What is the Plumb plan, who are responsible for it, and what do they hope to accomplish?

WHY ROADS WERE TAKEN OVER.

The Federal Government took over the railroads in the winter of 1917–18, because private ownership had utterly collapsed. That may seem a strong statement, but an examination of the facts will reveal that it is entirely truthful and conservative.

The United States became involved in the World War in the spring of 1917. Our associates in Europe told us frankly that they needed food, munitions, and supplies of all kinds, and that unless we could meet their needs promptly and generously they could not hope to withstand the attacks of the German hosts.

The Government appealed to the railroads to do their part in getting the materials required to the seacoast, so they might be transported across the Atlantic. Private ownership was in complete control and was receiving the aid and encouragement of the Government; yet it broke down at practically every point.

Finally the President of the United States received an imperative cablegram from the premiers of the allied powers, stating that instead of making good on our promises we had only delivered about 50 per cent of the tonnage guaranteed.

They made it very clear that unless we could redeem our promises the allied cause was seriously jeopardized.

With this Macedonian cry ringing in his ears, the President took over the railroads, and almost instantly the stream of supplies for Europe grew in volume and eventually it surpassed the most optimistic estimates of those in authority.

Here is a fact that those who sneer at Government ownership should bear in mind: For the greater part of a century private ownership had control of the railroad systems of this country—it was the recipient of special privileges valued at billions of dollars—and yet when subjected to the supreme test of war it failed.

And here is another fact that should be borne in mind: While the National Railroad Administration has been guilty of many blunders, and some of the responsible officials of extravagances

that border on criminality, nevertheless, history will record that Government control succeeded where private ownership had failed.

WHAT RAILROAD OWNERS ASK.

What is the status of the railroad problem?

We hear a great deal of talk about returning the railroads to their owners, and undoubtedly many people imagine that the owners of railroad securities are merely asking that their properties shall be returned in the condition in which the Government found them.

Of course, you and I know that is not the case. If the Government were to throw the railroads back on their owners' hands, scores of systems would be in bankruptcy inside of 90 days, and this country would probably be convulsed by a most serious panic. This despite the fact that the Government had expended hundreds of millions for improvements and new equipment.

What is proposed is that the railroads shall be returned with a guaranty by the Government that the stockholders shall receive for a period of six months dividends at the highest rate known in the history of American railroading.

In addition, it is proposed that the Interstate Commerce Commission shall be instructed to fix rates so that those dividends may be continued, and in order to still further facilitate matters it is suggested that the Government open the Treasury of the United States for the purpose of assisting in refinancing the roads.

Nowhere is adequate provision made to squeeze the billions of "water" out of the securities with which the various lines are burdened, and undoubtedly the railroad interests intend that the people shall be taxed, through increased freight and passenger rates, so that exorbitant dividends will be paid not only on genuine investments but on the "shadow dollars" which represent the loot of the Morgans, the Goulds, and the other financial buccaneers who dominated the railroad world in "the good old days."

That this is true is proved by Wall Street's insistence that the railroads are worth $20,000,000,000. Even Members of Congress have fallen into the error of accepting those figures.

The Interstate Commerce Commission has for years been conducting an inquiry into the value of the roads, and the figures so far made public by the commission indicate that, instead of being worth $20,000,000,000, the roads could be reproduced for $12,000,000,000.

The quotations on railroad securities posted on the New York Stock Exchange every day confirm those figures. If the Government could step into the exchange to-day and buy every bond and every share of stock at the prices quoted, the total expenditure required would not exceed $12,000,000,000.

I remember in the old days we used to get red in the face denouncing Government subsidies for various enterprises, but the ancient ship-subsidy scheme and kindred projects were of little importance compared with this proposition put forward by the railroad executives in legislation now pending before Congress.

WOOLLEY PREDICTS INCREASED RATES.

Right here, in passing, may I call your attention to the statement from Interstate Commerce Commissioner R. W. Woolley, which recently appeared in the public press, in which that distinguished authority warns the American people that the return of the railroads to private ownership will mean an increase in freight and passenger rates of 25 per cent and may be more?

I need not tell you that this means an addition of almost a billion dollars to the freight bills of the shippers of this country, and that a billion dollars in freight charges, by the time it is finally passed on to the ultimate consumer, who pays all bills in this country, will expand to three to five billions. That would inevitably force a further increase in the price of the necessaries of life, and I think you will agree with me that our country is scarcely in a position to face that kind of a calamity.

PRINCIPAL FEATURES OF THE PLUMB PLAN.

And now as to the Plumb plan itself.

There are approximately 2,000,000 organized railroad workers in the United States. They belong to 14 national and international organizations.

From the very nature of things they are deeply interested in the solution of the railroad problem. They sat by while statesmen of all parties, the railroad executives, and committees representing railroad stockholders submitted plans for railroad legislation, and finally they decided to submit a plan of their own.

It is called the Plumb plan because the author is Glenn E. Plumb, the attorney for the affiliated railroad labor organizations and one of the great authorities on every question relating to the railroad issue.

The Plumb plan was submitted to the representatives of the 14 railroad organizations, and after months of study and many amendments was unanimously indorsed. Since then it has secured the support of practically the entire labor movement and many influential farm organizations. A bill embodying the Plumb plan was presented to Congress by yourself on August 2, 1919.

OWNERS TO BE COMPENSATED.

It provides that the Government shall retain control of all the railroads and that the owners of the roads shall be compensated for every dollar honestly invested.

The opponents of the Plumb plan are fond of charging that it is proposed to "confiscate" the holdings of the security holders. Nothing could be further from the truth.

Section 3 of your bill creates a railways board of appraisement and extension. This board is empowered to ascertain the amount of compensation to be paid by the United States to the owners of the several transportation properties. It is specifically provided—

The appraisement board shall ascertain the value of all the rights, property investments, powers, authorities, and privileges granted in and acquired under the charters of the several corporate owners, and the laws under which they operate and the grants made to individual owners owning or operating such properties.

That all values not included in the grants made in the charters of the corporate owners or the laws under which they operate, or in the grants made to individual owners, shall be regarded as values retained by the public in the public highways of the United States and not subject to compensation.

In the event that the appraisement board and the owners of the property can agree on a price, the Government will at once compensate the owners in cash.

CASH OR BONDS IN PAYMENT.

If an agreement can not be reached the owners have a right to appeal to the courts, and eventually to the Supreme Court of the United States.

At every point in the proceedings the owners' interests are safeguarded, and therefore there can be no question that they will receive every dollar to which they are entitled.

Payment for the property is to be made either through the issuance of bonds to the owners, or through the sale of bonds and the payment of cash to the owners.

Having secured control of the roads, it is proposed that they shall be operated by the national railways operating corporation. The bill says "the purpose of said corporation shall be for public service and not for private profit," and therefore the corporation will issue no stocks or bonds.

It is to be managed by a board of directors of 15 members. Five of these directors are to represent the classified employees of the railway lines, five the official employees, and five are to be designated by the President of the United States. The "official employees" will include all holding supervisory positions, while the rank and file of the workers will make up the "classified employees."

The board of directors thus made up will be authorized to operate all the transportation lines in the country.

All questions concerning wages and working conditions are to be disposed of by a central board of wages and working conditions, composed equally of representatives of the classified employees and the official employees. In case this board can not reach a majority decision an appeal may be taken to the board of directors.

RATES FIXED BY INDEPENDENT BODY.

Freight and passenger rates are to be fixed by the Interstate Commerce Commission, which will be independent of the national railways operating corporation, and which, as now, will be named by the President of the United States and will in no way be controlled by the railway employees.

The opponents of the Plumb plan say we are proposing to turn the railroads over to the employees without any restrictions, and that through combination between the official employees and the classified employees they could boost wages to any figure they saw fit, and compel the rest of the community to foot the bill.

There is nothing to this contention. In the first place the Interstate Commerce Commission has sole power to fix rates, and the commission would continue to be an independent body. Of course, wages could not be raised unreasonably without an increase in rates, and there the commission would have the veto power. Then Congress, representing all the people, would be in a position to intervene, and public sentiment would undoubtedly compel it to act if any such holdup were attempted.

We think we have safeguarded this provision by providing that all surplus earnings, resulting from increased efficiency of employees, shall be divided equally between the Treasury of the United States and the employees. The portion set aside for the employees shall be divided between the classified employees and

the official employees, but every official employee is to receive at least twice the rate of dividend that is given to the classified employee.

A BARRIER AGAINST COLLUSION.

As there are a hundred times as many classified employees as there are official employees, it can be seen at once that it would be mathematically impossible to figure out any scheme by which the official employees could go into a conspiracy with the classified employees to secure a salary increase without sacrificing their own financial interests. In other words, it is demonstrable that the official employees can get more through their share of the savings than they could get from any possible division with the classified employees. This method of sharing dividends sets up a natural barrier against collusion.

Of course, it is conceivable that some better scheme for regulating wages may be suggested. If so, I want to assure you we are prepared to give it consideration, because the railroad workers of this country have no desire to gouge their fellow citizens.

Another criticism directed at the Plumb plan is that we propose to take the management of the lines from those who have demonstrated their ability and vest it in workers who lack managerial experience.

Let us examine that objection for a moment.

Who "runs" the railroads of the United States to-day?

First, we have in Wall Street a number of gentlemen who by devious methods remain in control of the railroads, but they do not run the roads in the sense of operating them. They have no technical knowledge of the railroad business, and confine themselves exclusively to the work of financing the roads. In many instances they use this power to finance in such a way as to exploit the roads to the detriment of the stockholders and of the community at large. Is it necessary for me to remind you of the New Haven scandal and countless other deals of the same unsavory character?

The real work of operation is carried on by the official employees and the classified employees—2,000,000 of them.

HOW WALL STREET WOULD BE ELIMINATED.

Now, under the Plumb plan there would be no need of retaining the services of these Wall Street gentlemen, because no one would be permitted to either finance or exploit the railroads of the United States. The financing would be taken care of when the Government took over the roads and compensated the owners. Exploitation would become a matter of ancient history.

Under the new dispensation the sole duty of the board of directors would be to actually manage the railroads of the country.

That being true, where could you secure more efficient managers than from the official employees and the classified employees? Add to these five distinguished business and professional men, selected by the President of the United States, and you would have such a board of directors as no railroad has had in the history of the industry.

What do we hope to accomplish by the enactment of the Plumb plan?

First, we hope to place this great industry, which is so essential to the happiness and well-being of our people, in a position where it will be operated for service and not for profit. This means that industry everywhere will be stimulated; that one section or one city will not be developed at the expense of another section or another city, but that every part of the country will receive the same treatment as every other part.

WORKERS NO LONGER MERE COGS.

Second. Two million American workers will cease to be mere cogs in a machine and will become full partners in their country's greatest business enterprise. Such a change will have the same effect on them that political liberty had on their fathers more than a century ago. Before 1776 governments were run like railroads were run in this country prior to 1917. A few kings, princes, and dukes "financed," "exploited," and "directed," and the great mass of the people paid the bill.

And then America laid down the proposition that governments derived their just powers from the consent of the governed and every citizen over 21 who was not in a jail or an insane asylum became a partner in the Government.

Of course, a great many good people wagged their heads and said the thing could not be done; that these rough, uneducated men would destroy government and plunge society into the vortex of anarchy. These fears were never realized, and now all over the world even kings are accepting the "American" idea.

The Plumb plan proposes to do for the railroad business what the Declaration of Independence did for the business of government. Surely the workers who are permitted to participate in the election of public officials from constable to President of the United States should be capable of selecting a member of a board of directors of a great industry which furnishes them with their bread and butter.

WOULD AMERICANIZE RAILROADS.

Some people speak of the Plumb plan as an attempt to socialize the railroads of the country. Others say it means nationalization, but, to my mind, it contemplates the Americanization of the railroads. It is an American plan, formulated by an American, and sponsored by organizations whose Americanism can not be questioned.

If we are not careful, however, America will not be the first to adopt this American plan. The cables tell us that the British Government has submitted to the railway workers and the latter have accepted a proposition which looks to the adoption of the essential principles of the Plumb plan. If this scheme goes through—and it undoubtedly will—the railroads of the United Kingdom will be managed by a board of directors of 12, 4 to be selected by the owners of the roads, 4 by the employees, and 4 by the Government. Two of the Government's representatives, however, are to be members of organized labor. Thus organized labor will have 6 members, while the public and the owners will have an equal number.

This probably gives the organized workers greater power than they would have under the Plumb plan, but the railroad men of of America, as represented by the railroad organizations, are not seeking power, but industrial freedom.

ONLY PLAN WHICH REDUCES RATES.

Third. The Plumb plan is the only suggestion now before the American people which guarantees a decrease in freight and passenger rates. All the other plans call for increases. The Plumb plan directs that whenever the net earnings of the roads shall exceed 10 per cent of the gross operating revenues the Interstate Commerce Commission shall automatically order a 5 per cent decrease in rates.

In practical operation this scheme would work as follows: Let us suppose that the gross operating revenue amounted to $4,500,000,000 and that the profits, or net earnings, totaled $500,000,000, or more than 10 per cent. One-half of this latter sum, or $250,000,000, would be divided between the employees, official and classified. The other $250,000,000 would be turned into the Treasury of the United States and the Interstate Commerce Commission would at once order a 5 per cent blanket decrease in freight and passenger rates.

EFFECT OF DECREASED RATES.

See what would follow: Without new economies or new business the profits the next year would be only $250,000,000, and the employees and the Government would receive only half the amount of the year before. But decreased rates mean more business; and also, the reduction in dividends would stimulate the employees to improve their operation by applying better methods. So the tendency would be to assure constantly decreasing rates, to add to the volume of business, and to give the most efficient service human ingenuity and devotion could provide.

Decreased rates mean cheaper commodities; and so, through the effectiveness of the railroads, the purchasing power of money would be increased not only for the railroad man but for every wage earner and every purchaser.

The Plumb plan provides still another method by which rates may be reduced.

The Government can secure the money to purchase the lines at 4½ per cent. Under private ownership the public will be taxed to pay not less than 6½ per cent and in all probability more.

Under the Plumb plan the "water" will be taken out of railroad securities, and 4½ per cent will be paid on $12,000,000,000.

Under private ownership the "water" will not be taken out, and at least 6½ per cent will be paid on $20,000,000,000.

Under the Plumb plan the interest charge would be $540,000,000, and under private ownership $1,300,000,000.

The difference would remain in the pockets of the American people in the form of reduced freight and passenger rates.

RAILROADS OUT OF POLITICS.

Fourth. The Plumb plan would take the railroads out of politics forever and thus remove one of the most pernicious influences in public life.

Fifth. The Plumb plan would develop American waterways to the European standards. The railroads have strangled water transportation in this country and will continue to do so under private ownership. In Europe the canals and rivers carry the greater part of the bulky freight, and the railroads remain free to perform their legitimate functions.

Sixth. The Plumb plan will end speculation, stock jobbing, and Wall Street gambling so far as railroad securities are concerned.

The importance of this can not be appreciated unless one is familiar with what congressional investigations have revealed concerning the manipulation of railroad securities.

You will recall the Pujo report made to Congress in 1913. It showed that while 700,000 people owned railroad stocks and bonds, four great banks in New York controlled all the important lines of transportation in this country.

They ruled like feudal barons, not because they actually owned the stock of the roads but because they were in a position to manipulate the cards according to Wall Street's rules.

In that way they secured power such as no citizen, or combination of citizens, should possess in a republic.

Seventh. The Plumb plan would solve our industrial problem, so far as one great basic industry is concerned. Men do not strike against themselves, although they have the right to do so. Assured of wages which would enable them to live according to American standards, and guaranteed a share in the savings produced by their skill and industry, the railroad workers would have a compelling interest in the uninterrupted operation of the great lines of transportation.

AS THE WORKERS VIEW IT.

In conclusion, my dear Judge, may I say that one of America's greatest writers caught the spirit of this movement for industrial democracy when he quoted a railroad worker as making the following reply to the question, "Why the Plumb plan?":

It means that I will work for myself; I will work for my neighbors; for the public. It means that I will no longer work for Wall Street; for the banking syndicate that rules the railroads for private profit; for speculation; for robbery; it means that I am to be a free man, as was my father, who carved out his own fortune in free America.

This is what the Plumb plan means. It is a declaration of independence for 2,000,000 workingmen. It means that we will use our brains as well as our hands; that we will put 100 per cent of ourselves into our jobs. We will do this not because we will share in the savings due to our own efficiency but because we are working at a common undertaking that we want to make a success.

This is the Plumb plan. It means freedom—freedom for you; freedom to the manufacturer from discriminatory rail rates; freedom to the farmer to bring his produce direct to the consumer. It means transportation at cost. And it means to me that I become a servant of the American people in the best sense of the term. Under the Plumb plan I will work for my country and for myself as well.

This is true Americanism.

Assuring you of my high regard, I remain,

Sincerely,

(Signed) EDWARD KEATING,
Manager Plumb Plan League.

Mr. SIMS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has left seven minutes.

Mr. SIMS. How much time has been consumed by the gentleman from Wisconsin?

The CHAIRMAN. Two hours and 32 minutes.

Mr. SIMS. Mine lacks 27 minutes of an hour and a half?

The CHAIRMAN. Yes.

Mr. SIMS. Does the gentleman from Wisconsin desire that I shall yield the other hour to this side?

Mr. ESCH. If the gentleman likes; yes.

Mr. SIMS. Mr. Chairman, I yield an hour, or so much of it as may be desired, to the gentleman from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Kentucky is recognized for one hour.

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I appreciate, as I am sure you do, the impossibility and the difficulty connected with the effort of any man to discuss this measure in detail in the space of one hour, and if there were no such difficulty confronting me I should be dissuaded from attempting to do it by the very excellent and admirable address delivered this morning by the gentleman from Wisconsin [Mr. ESCH], the chairman of the committee, in which he gave an outline of the provisions of this bill and the reasons which have actuated the committee in its formation.

I desire to say that the Committee on Interstate and Foreign Commerce has had this legislation under consideration since the 15th day of July. On that day the committee started the hearings which resulted in the framing of this bill. Those hearings were continued all through the latter part of July, all through August, and all through the month of September, comprising nearly two and one-half months, during which time nearly everybody in the United States representing the railroads, representing the railroad employees, and various commercial, agricultural, and other organizations throughout the country were permitted to appear before the committee and offer any solution that they had of the railroad problem.

At the outset it was recognized by the committee, as it has been recognized by everybody, that the railroads which were taken over by the President during the war could not be turned back to their private owners without remedial legislation. I think everybody who has had anything to do with railroad legislation or railroad operation, or who is at all familiar with the condition of the railroads and the country, will admit that it would be disastrous to the country, because disastrous to the railroads, to return the railroads to their owners under the same laws and conditions which prevailed prior to their being taken over by the Government. Therefore the committee started out in the beginning with the recognition of the fact that it would not be possible under present conditions to return the railroads to their owners without making not only provision for temporary relief to be granted to them, and temporary arrangements that might be entered into between them and the Government, but that, if the committee should present a bill that would give a broad and comprehensive treatment to the transportation problem, it was necessary to revamp the entire laws on the subject which had heretofore been in operation.

The gentleman from Wisconsin [Mr. ESCH] has outlined the various plans which were presented to the committee, and I shall not undertake to cover that ground which he has already gone over so well. One of the first problems that the committee had to determine was the relationship that should exist between the railroads and the Government after their return to their owners, and how far the committee and Congress might be justified in extending the power of the Federal Government over the regulation of railroads or over their control and operation after their return.

The committee has framed this legislation upon the theory, without regard to the possibilities that lie out in the distant future, but recognizing the situation only as it presents itself now—the committee has framed this bill upon the theory that the roads would be returned at the end of this year, as announced by the President, and that the people desired them to be returned under conditions somewhat different from those which existed prior to the time when they were taken over by the Government. So far as I am individually concerned, at the outset I was somewhat impressed with the view presented by the former Director General of Railroads, Mr. McAdoo, and by his successor, Mr. Hines, during the last Congress, when they submitted a proposition that Federal control should be continued for a while in order that we might gain better information with reference to the final disposition of the railroad question. But it has been apparent to me, as I think it has been to every Member of this House, that Congress has not been disposed to adopt that suggestion. There have been certain inconveniences of operation and management, certain little details which had crept into the matter of Federal control and operation, which had not rested very lightly upon the sensibilities of a great many people, and there was a sort of impatience on the part of the public to unload the roads back onto their owners in order that the public and the Government might get rid of the burden as soon as possible.

So, recognizing what appears to be the overwhelming sentiment of the country at present, the committee, without regard to politics, applied themselves assiduously to the solution of the problems presented. I desire to say that there has not been a single political division in the committee or in the subcommittee on any proposal that has been considered in connection with this legislation. The committee from the very beginning has handled this legislation in a purely nonpartisan spirit. Anybody observing the conduct of the committee would have been unable to discern whether the members were Democrats or Republicans or which party was in the majority, so far as the action of the committee has been concerned, and I trust that in the consideration of this bill until it shall have been finally enacted the Members of the House, as I am sure they will, will consider this measure in the same nonpartisan spirit which has actuated the committee bringing it here for your consideration. [Applause.]

It is not a partisan question. There can not by the most imaginative flight be brought into the consideration of this measure anything that may be either to the advantage or disadvantage of one political party or another, and I am sure that this House will consider the measure purely from the standpoint of the welfare of the country, because that is the spirit in which we are seeking to deal with the transportation problem.

Now, I am sure that in the minds of many Members there is a question or query with reference to the reason why this bill proposes certain things with respect to the roads. When we decided to turn them back, and after the President in May issued the very cryptic statement that he intended to turn them back on the 1st of January, the House first began to realize the necessity of preparing this legislation for enactment before that time, because unless this or some other measure shall become a law as permanent legislation before the President returns the roads at the end of this calendar year, it will be necessary for the Congress to pass some sort of temporary legislation, or if

that is not done the President will have to postpone the returning of the roads, because it is inconceivable to me that the President will feel justified in returning the railroads to their owners under present conditions without some kind of legislation providing for the transition period that will exist between their return to their owners and the readjustment of railroad conditions which must take place in the near future. One of the great problems presented to the committee and to the railroads, and which presents itself to this House, is the question of railroad credit, and that has been the burden of the song of the railroads before the committees from the very beginning of the consideration of this legislation. As the gentleman from Wisconsin [Mr. ESCH] very forcibly outlined this morning, the railroads, even before the Government took them over, were complaining of the fact that they had lost their credit, and at the time the Government took the roads over and began to operate them in 1917 it was generally admitted by the railroad officials themselves that it was a good thing for the roads that the Government did take them over, because they were unable to finance themselves; they were unable to obtain that credit which is necessary in order to pay their fixed charges and make necessary expenditures for enlargements and betterments and additions. Of course, if that condition existed prior to the operation of the roads by the Government to any degree it would obtain very much more extensively with reference to the credit of the roads after they had been turned back from Government operation, unless there is some legislation that will enable either the Government or the roads themselves to bridge over this chasm that is supposed to extend between the return of the roads to their owners and the proper readjustment of the rates and transportation conditions.

So, in order that we may take care of that situation, and recognizing the fact that during Government operation the expenditures of the roads have increased to a larger extent than their revenues have increased, the question has arisen in the minds of the committee, and especially in the minds of those who were charged with attempting to adjust the financial arrangements between the Government and the roads, as to what is the moral obligation or the legal obligation of the Government, in view of the fact that these expenditures have been brought about not necessarily by reason of Government operation but during the continuation of Government operation.

It is a well-known fact that the Government of the United States lost during the two years of Government operation and control, beginning January 1, 1918, and ending December 31, 1919, something like $625,000,000. Over and above receipts which have come in during the two-year period, in addition to the standard return amounting to $936,000,000 a year, the loss of the Federal Government will be a little over $600,000,000. We must wipe that amount off the books as a war cost. There is no way in which the Government can ever recover, because under the Federal-control act the Government obligated itself, and it has been carried out for the most part under contracts with the roads, that they should receive the standard return fixed in the law. Some of the roads have not entered into that contract with the Government, and those roads may have their remedy in the Court of Claims, but under the Federal-control act that was provided for. So we may dismiss that from consideration.

During Federal control the President increased the freight rates about 25 per cent and the passenger rates about 50 per cent. We recognize the fact that during the two years of the war the cost of the material which went into construction and reconstruction and extension and betterments of roads increased all the way from 50 per cent to more than 100 per cent. I think it may be conservatively stated that the increase in the cost of material during the two-year period while the Government has had control of the roads has been somewhere between 60 and 75 per cent.

In addition to that, the Director General has increased the rates of pay of railway employees. It is idle to say that those wages would not have been increased if the Government had never taken over the roads. Everybody recognizes the fact that whether the Government took over the roads or did not take them over, the laboring men who worked for these transportation companies were demanding and were entitled to a large increase in their wages.

Mr. HUDSPETH. Will the gentleman yield for a question there?

Mr. BARKLEY. Yes.

Mr. HUDSPETH. Can the gentleman give us the amount of the increase in round numbers in dollars and cents?

Mr. BARKLEY. I may be mistaken about the figures, but my understanding is that, exclusive of the recent increase granted by the Director General, which was to date back to May of this year, for certain shop employees and others, which amounted to about $45,000,000, the total increase in wages during the two-year period has amounted to something in the neighborhood of $1,000,000,000 a year, which would, of course, in the two-year period amount to about $2,000,000,000 increase of wages over and above the wages they were drawing and would have drawn but for these increases. Of course, you must take into consideration the fact that by reason of the operation of the eight-hour law, which went into effect just before the Government took over these roads, and by reason of the fact that employees who theretofore had done more than eight hours' work could not do as much work in the eight hours as they had formerly done in longer hours, there was necessitated an increase in the number of employees over and above those who were necessary under the old law. Taking into consideration the increases that have been made, I think I am conservatively correct in saying that there has been an increase of about 140,000 persons in the number of employees of railroads during the two years.

Mr. GOODWIN of Arkansas. Can the gentleman state the percentage of increase in this period over the wages received prior to the Federal-control act?

Mr. BARKLEY. I can not give it to you definitely, because the increases for different classes of employees are different, and have been worked out upon such a scale of detail that it is very difficult to get the percentage for each class of employees, but my recollection is that the total increases which have been made during the two years aggregate a little more than 40 per cent.

Now, we are confronted with this situation: Nobody who is in his right mind believes that these employees will consent or that they ought to be compelled to consent to a reduction of the wages granted them by the Federal Government. Certainly they can not undergo such a reduction until there has been a proportionate reduction in the cost of living. I think it may be fairly said that with the large increases that have been made by the Federal Government in the expenditure for employees alone, notwithstanding the increase, the increase has not kept pace with the cost of living. While the increase of wages on the average may in some individual case be too large and it may be in an individual class of employees, the increases have not been larger than the increase of the cost of living. It is generally admitted that during the last two or three years the increase of cost of living to the average family of American people has been about 82 per cent, whereas the increase of salary and wages of railroad employees has been between 40 and 50 per cent. So I think it is fair to assume that there could be no substantial reduction in wages of the railroad labor within the next few months or few years.

Mr. SEARS. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. SEARS. Is it not a fact that in a certain class of railroad employees, like the depot agent and the telegraph operator, their wages have not been increased, except a few months ago, when there was a small increase given?

Mr. BARKLEY. That is true; they did not have a wage increase until a few months ago, and I think it is true that their increase is not in proportion to the increase granted some other employees.

Mr. CARSS. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CARSS. Have the wages of the railroad employees been increased in proportion to wages in private industry?

Mr. BARKLEY. I do not know whether I can answer that question or not, because I do not have with me the figures with reference to all classes. But I should say, taking the situation as a whole—and I am only able to state in a general way from general information, because the committee has been so thoroughly engrossed in the consideration of railroad legislation since the middle of July that we have not had an opportunity to investigate scales that are being paid in other private industries, but in a general way I think the gentleman is correct—that the increases on the average of railroad employees have not kept pace with or at least have not exceeded the increases granted in very many private enterprises.

Mr. HASTINGS. Will the gentleman yield?

Mr. BARKLEY. Yes; for a question.

Mr. HASTINGS. As to the wages of the different classes of railroad employees, I wonder if the gentleman could give us the average wage now paid?

Mr. BARKLEY. No; it would be very difficult to get the average amount paid per month or year of all railroad employees, and if you get the average it would be an unfair basis to judge a proper and reasonable wage received. The gentleman will understand that there is a wider field of difference in the various classes of railroad employees than exists in any other line of industry in the United States.

Mr. SEARS. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. SEARS. I do not know about the average wage, but the wage of an operator under a $6,000 bond in a town of 5,000 or 6,000 inhabitants up to three months ago was $98 a month. This man had to receive all train orders, and yet he only received $98 a month.

Mr. OLNEY. Will the gentleman yield?

Mr. BARKLEY. I will yield for a question.

Mr. OLNEY. Is it not a fact that the increases in freight and passenger rates have not been commensurate with the increase in wages and cost of material, and would not that be a question to be considered in the future by the Interstate Commerce Commission?

Mr. BARKLEY. That is what I was leading up to when I began the discussion of the increase of wages for the laboring men on the roads. The increase of wages, as I have stated, has been between 40 and 50 per cent—I think nearer 40 than 50. But the increase in freight rates has been only 25 per cent and the increase in passenger rates approximately 50 per cent. You will understand, however, that very few roads make any great profit out of the passanger traffic; the great income comes from shipment of freight and not by reason of the passenger traffic. So I think on the whole it may be said that the actual increase in the revenue of the roads for the two-year period is limited to 25 per cent over their former rates.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BARKLEY. For a brief question.

Mr. HUDSPETH. I understand the gentleman to say that there has been an increase in the railroad employees of 250,000.

Mr. BARKLEY. One hundred and forty thousand.

Mr. HUDSPETH. That was due largely to the transportation of troops during the war.

Mr. BARKLEY. Yes; partly to that; but under the eight-hour law they had to have more employees.

Mr. HUDSPETH. How many additional employees could be cut off in these times?

Mr. BARKLEY. I think but very few of them. The testimony of the railroad brotherhoods, and of the executives of the railroads themselves, was that there might be a little economy by laying off a man here and there, but taking the whole 140,000 there would be very little opportunity to decrease the number of employees so as to have any appreciable effect on the expenditures of the roads.

Now, all this has transpired under Government control. We can not speculate about what would have happened if the Government had not taken over the roads. As I said a moment ago, I think it fair to assume that the wages of labor would have increased, even if the roads had not been taken over.

I think it is also fair to assume that the rates charged for hauling freight and passengers would have increased if the roads had not been taken over. Whether there would have been a nearer approximation to the proportion of increases of expenditures to revenues if the roads had not been taken over no one can answer, because that is a matter purely in the realm of speculation. Here we have a situation where, through the operation of the Government and by direction of the President and the Director General, the expenditures of the roads have increased more than the revenues have increased, notwithstanding the fact that everyone has recognized and the committee has recognized and the Railroad Administration has recognized that if the present proportion of expenditures and income should continue the Government itself will be compelled to increase the rates. Nearly everyone in the United States expected two or three months ago that there would be an increase in the rates, in order that the deficit that was piling up against the Government every month, by reason of the operation of the roads, might be either decreased or entirely obliterated; but the Director General announced that in view of the proximity of the time when the President would return the roads to private control he did not feel justified in increasing the rates, and he made that announcement almost simultaneously with the announcement of an increase in the wages of shop and other employees, which amounts to about $45,000,000 a year and which would date back to May of this year. So that we will turn the roads back to their owners with an increased expense account and with a decreased proportional revenue. There was a little surplus in the Government operation during the month of July of about $2,000,000. There was another small surplus during the month of August, but that surplus was calculated without taking into consideration the $45,000,000 increase in wages, and when the $45,000,000 is put back to May 1 of this year, and divided into 12 parts, it more than wipes out the little surplus of $2,000,000 that was in the Treasury during the month of July as a result of the operation of the roads.

Turning back the roads with an increase of expenditures out of proportion to the increase of revenues, whether brought about by reason of Government control or not, confronted the committee with this situation: Waiving the question of any legal obligation that we might be under to the roads by reason of this difference in the cost of operation and income, which has been brought about by Government order, is there not a moral obligation resting upon the Government to turn them back either under conditions that will enable them to make the same proportionate income to outgo which obtained before the Government took the roads over; or, in the absence of that, is it not our duty to provide some means of bridging the roads over this chasm until the regular processes of the law have an opportunity to work and bring about a readjustment of rates that will meet the situation which confronts the roads when they are turned over?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. FESS. Is there not another element to be considered here? What about the condition of the roads in respect to deterioration as to rolling stock and roadbeds?

Mr. BARKLEY. The Government in the Federal-control act obligates itself to turn the roads back to their owners in as good condition as when the Government took them over.

Mr. FESS. Has the gentleman taken into consideration what amount that would require?

Mr. BARKLEY. I would say to the gentleman I think it is fair to say that the Government will turn the roads back in practically as good physical condition as they were when they were taken over. I am speaking now of the financial end of it. I think the testimony of the Interstate Commerce Commission and of the railway operators themselves is that, with few exceptions—of course, you can not have exact perfect conditions at any given time—taking the roads as a whole, they will be turned back to their owners in practically as good condition, physically, as they were when taken over, but there may be a very decided difference so far as their financial situation is concerned, and that is what I am addressing myself to now.

There are three ways by which we undertake in this bill for the Government to carry out its moral obligation, because our legal obligation ends when we turn the roads back in as good physical condition as they were when they were taken over; but in order that the Government may not be charged with having neglected even its moral obligations to these roads we provide three ways by which this period may be cared for while regular processes of the law are being put into operation to readjust rates and expenditures according to the needs of the roads. In the first place, we provide that the standard return which we have been paying the roads during the last two years shall be continued to them for a period of six months after the Government control ceases, and that a test period of three years ending June 30, 1917, and the corresponding six months of each one of those years is to be taken as an average, and that average is to be applied to the first six months after the roads are turned back to their owners. Of course that is purely an arbitrary figure that the committee has adopted, and it can not be otherwise than an arbitrary figure. Some standard must be set up. If the Government is to guarantee these roads any particular returns during the transition period, as we call it, there must necessarily be an arbitrary figure, and we have taken the figure which was put in the Federal-control act covering the compensation of the roads by the Government during the period of Federal control. I think that is a fair figure, although it is arbitrary, if there is to be any guaranty of the return. If the Interstate Commerce Commission was equipped to put into effect on the first day that the Government control ceases a scale of rates that would be sufficient to pay expenses of the roads and enable them to meet their fixed charges and other obligations that they have incurred or will incur, there would be no necessity for this six months' guaranty. This guaranty was put into the bill only because the testimony of the Interstate Commerce Commission itself showed that it would take at least six months for them to adjust the rates and schedules and classifications applicable to these rates, in order that the items of expense and income might more nearly approximate each other.

Then we provided also that the present rates fixed by the Director General, which will be in effect when the Federal control terminates, shall become the legal rates until otherwise changed by operation of law, which means, of course, until the various State commissions and the Interstate Commerce Commission can go through the necessary routine of having the schedules filed with them and make their investigations to determine whether or not the increases applied for by the roads ought to be granted. Now, we make it a condition that before any road under Federal control shall be permitted to enjoy the benefits of this six months' guaranty it must give evidence

of its need of it by filing a schedule of the increases of rates. Upon first blush, on reading that sentence, casual observation might lead one to believe it was mandatory that the road should immediately file a schedule of increases of rates. But that is not the object of it and that will not be the effect. That merely is evidence of the fact that the railroad needs the guaranty. It amounts to a guaranty for those who do need these increases of rates; but in order to show that a road needs this increase of rates and this guaranty it must, within 60 days after the turning back to private owners, file with the Interstate Commerce Commission a schedule of increases of rates, and if it does not do that it is not permitted to increase the rates, and if it does not need it it does not need the guaranty, and therefore will not receive it. Now, these are two ways in which we have attempted to bridge over the transition period of six months that will be necessary, according to the commission itself and according to all the State commissions, in order that the rates may be readjusted throughout the United States. We do one other thing. We provide that the railroads under certain conditions shall be permitted to borrow money from the Federal Government at any time within two years to run for a period of not exceeding five years, and in order that they may borrow this money they must make application to the Interstate Commerce Commission. They must state the amount of the loan, they must state the purposes for which it is intended to be expended, the character of the security that will be offered to secure the Government against loss, and then the commission, after considering all these things, makes its report and recommendation to the Secretary of the Treasury, who is finally to determine the question as to whether the amount shall be advanced and the kind of security, the commission only making its recommendation to the Secretary of the Treasury after a full investigation of the application made by the roads. So that the committee, after consideration, not in order that the railroads may be guaranteed against loss that other men in their industries might sustain, but in order that the Government might be sure to have performed to the last iota all of its obligation to the roads, both legal and moral, we simply provide that they may be financed and that necessary credit may be accorded to them during the six months necessary for the commission itself to adjust rates so it will bring about the necessary revenue. I think it is fair to say—we need not keep back anything—that the Interstate Commerce Commission recognizes the fact that on the whole there must be an increase of the rates in the United States. Either that or there must be a decrease in wages or a decrease in the other expenditures, cost of materials, and other things going into the operation of the roads. Now, nobody believes that wages ought to be decreased; nobody believes that the cost of material will be decreased except as a result of the natural processes of readjustment after the war, so we did not feel justified in hoping that there would be any material reduction in the cost of operating these roads in the next few months or in the next few years, and, recognizing that situation, we have undertaken to give to the Interstate Commerce Commission full authority, and at the same time, with the necessary safeguards to the interests of the people and the shippers and the consumers of the United States, we have clothed the commission with full authority to take into account the entire railroad transportation situation as to the rates after the roads are turned back to their owners—have clothed them with full power and authority to meet and deal with the necessities which may exist. Now, there is the guaranty for six months, there is the continuation of the present rate for six months, and there is the power to borrow money from the Government.

Mr. TILLMAN. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. TILLMAN. Does the gentleman believe there will be a more economical operation of the roads under private management than there has been under Government operation?

Mr. BARKLEY. Well, I do not know that my belief will be worth anything, but I presume that now and then some employee who felt that he was working for the Government and not for private employers may have been a little more slack by reason of Government operation than he would have been under private operation. That might have been true in isolated cases, but taking the employees as a whole, I doubt very seriously if there will be any appreciable increase in the economic operations so far as labor is concerned. I believe the employees of the roads on the whole have been just as willing and zealous during Government operation as they were before the Government took over the roads. In some isolated cases, I say, there may have been men who laid down on the job. But taking the two and a half millions as a whole, I am unable to say that they have deliberately neglected their duty while under Government control to cause delay or make some trouble to the Government because it was operating the roads during the war. Of course, the gentleman will recognize the fact that during the war hundreds of thousands of railroad employees were taken out of the service. The railroad service was to some extent demoralized, because the Army took many of their employees and they were compelled to take on new employees to take their places, and in that way there was more or less loss of energy and time.

Mr. TILLMAN. What prompted me to ask the question was that it often has been asserted that private individuals could conduct the Post Office Department, for instance, at very much less expense than the Government conducts it. I wanted to get the gentleman's opinion of whether or not he believed that private individuals could conduct the railroad systems better than the Government could.

Mr. BARKLEY. They might do this; they might drive their employees harder and get more work out of them, or some of them, in a day, but on the whole I doubt very seriously whether there can be any economies practiced in the labor situation when the roads are turned back to their owners.

Mr. ALMON. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. ALMON. Did not the committee in considering the right or a provision for a loan take into consideration that it would be in the interest of the public to prevent failure and receivership?

Mr. BARKLEY. Of course, that was the moving cause.

Mr. ALMON. You refer to the fact that it was a moral obligation in addition to the one suggested?

Mr. BARKLEY. I suggested at the outset that it would have been disastrous to turn the roads back to the owners without necessary remedial legislation. I think it is not going too far to say that if we on the 31st of December were to turn the roads back to their owners without remedial legislation, it would result in the most disastrous financial panic that this country has ever seen.

Mr. EVANS of Montana. The bill now provides that a six months' guaranty shall be given or furnished to such roads as make application. Will it not be the effect that those roads that are not earning as much as the normal returns would make the application and those that are earning more would not make the application for this guaranty?

Mr. BARKLEY. That might be the result. If a road is earning more money than it had been earning or is earning sufficient money to pay all of its expenses and provide a fair return, as they thought, on the value of their property, there would be no reason for making the application. And there would be no reason in that case for an increase of rate.

Mr. EVANS of Montana. Then what would you say as to the justness of the Government taking from those roads that earned in excess of the standard returns to compensate itself to pay railroads that earned less?

Mr. BARKLEY. Our bill does not provide that.

Mr. EVANS of Montana. I know it does not; but what is your opinion on that?

Mr. BARKLEY. I do not think the Government has any legal right to take money out of the treasury of a prosperous road and give it to one that is not prosperous, and I doubt seriously if, under the Constitution, we have the power to do that. We might take it for taxes and put it into the Federal Treasury under the power of taxation, and expend it in any way the Government might see fit as a part of the general revenues of the Government, but I very seriously doubt the power of Congress to penalize a prosperous road by taking all over a certain per cent and giving it to a road that does not make anything, aside from the moral question that enters into the equation.

Mr. BANKHEAD. Is it the gentleman's intention to discuss the short-line feature of the bill in his remarks?

Mr. BARKLEY. If I get the time.

Mr. BANKHEAD. Unfortunately I did not hear the gentleman from Wisconsin [Mr. ESCH] or the gentleman from Tennessee [Mr. SIMS] on that feature.

Mr. BARKLEY. My understanding is that when the Government took over the roads they took over a lot more than they intended to. They sent a blank order that was served on all the roads from a list furnished by the Interstate Commerce Commission. The result was that they took over about seventeen hundred little roads that they did not need, and they turned them back just prior to the 1st of July. Now, those were largely made up of short-line roads. They have insistently contended, and they have with a good deal of force contended, although they were taken over and were turned back almost immediately, that the operation of Federal control over the big roads was to their disadvantage in this respect, that they have been compelled to pay the same rate of wages to their employees as the wages fixed by the Federal Government on the roads under Federal

control. And the reason they were compelled to do that was because they had to meet the scale of wages paid on the other roads or lose their employees. And there is a great deal of force in that contention. They also claim that traffic has been diverted from these smaller roads by reason of the Government desiring to send freight over the most direct routes, and in many cases freight has been diverted from the small to the trunk-line roads, and their earnings have thereby been cut down. We provide in this bill that the guaranty shall apply to the roads thus situated, just as it has to the roads that were operated by the Government during the period of Federal control.

And we provide also in connection with these roads that the guaranty and division of rates shall apply just as it does on other roads. Of course, you realize the fact that we could not go the whole length that the short-line roads desire. But we have given to them the right of this guaranty which we give to the larger roads, for the period of six months, and the right to borrow money, and in the meantime various State commissions and the Federal commissions will have opportunity to readjust their rates just as they do the rates of the larger roads.

Mr. BANKHEAD. Is there any provision for the extension of credits of the short-line railroads?

Mr. BARKLEY. Yes. I think there is provision in certain cases where they may be given credit, if they are subject to the commerce act.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. GOODWIN of Arkansas. Does the bill provide in the event the road earns more than a reasonable return on its investment, say 6 per cent, it may retain all the excess earnings regardless of the amount of earnings?

Mr. BARKLEY. There is no provision in this bill limiting the earnings of any railroad to any particular per cent. We assume that a road that is making more than 6 per cent, or making 6 per cent, will not need the guaranty. And certainly if it made the application for that and investigation developed the fact that the road was making all of its expenses and a return of 6 per cent the Interstate Commerce Commission would not be justified in recommending to the Secretary of the Treasury that any money be advanced to that kind of a road.

Now, we provide, in addition to the standard return to these roads, where they make an earning over and above the standard return, they, of course, keep it, but when there is no return during the test period we provide that the amount of the guaranty shall be an amount whereby the deficit for the next six months exceeds that for the test period prior to the war. In other words, we pay back to them the amount they have lost by reason of the Government operation during the six months.

Mr. GOODWIN of Arkansas. The Cummins bill, I understand——

Mr. BARKLEY. That bill provides for a guaranty of return of 5½ per cent on the roads and one-half of 1 per cent for insurance and other things.

Mr. GOODWIN of Arkansas. All excess earnings to be collected and covered into the Treasury?

Mr. BARKLEY. Yes. And then paid out to roads that do not make that much.

Now, I desire to discuss the other features of the bill. How long have I, Mr. Chairman?

The CHAIRMAN (Mr. TIMBERLAKE). The gentleman has 10 minutes remaining.

Mr. BARKLEY. There are two features of this bill that I object to. They were not in the bill as framed by the subcommittee. They were put in by the full committee. I desire to discuss them, and I shall offer amendments later on to cover them.

Heretofore there has never been any statutory rule of rate making. The rule of rate making which the Interstate Commerce Commission has always been guided by is that the rate shall be reasonable and just. In the first process of framing this bill the subcommittee felt that that rule still ought to apply, because it had been interpreted time and time again by the commission and had been interpreted by the Supreme Court in innumerable decisions, so that as the result of the operation of the interstate-commerce act since 1887 there has been built up around the rate-making clause a line of decisions by the commission itself and by the courts which governed the commission in the fixing of rates. But the committee wrote into the bill a provision of this sort:

The commission shall be charged with the duty and responsibility of observing and keeping informed as to the transportation needs and the transportation facilities and service of the country, and as to the operating revenues necessary to the adequacy and efficiency of such transportation facilities and service. In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice, the commission shall take into consideration the interest of the public, the shippers, the reasonable cost of maintenance and operation (including the wages of labor, depreciation, and taxes), and a fair return upon the value of the property used or held for the service of transportation.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. HUDDLESTON. What part of the bill is that found in?

Mr. BARKLEY. That is section 417 of the bill, page 65.

Now, my objection is, in the first place, that I think it is very unwise, as the chairman of the committee himself suggested this morning, to write into the law a statutory rule of rate making, because there are so many elements that go into the decisions of the Interstate Commerce Commission as to the reasonableness and justness of any rate proposed by a railroad that it is practically impossible to write into the rule all the things that will enter into the equation. For instance, there are many roads in this country which have never earned any return on the value of their property, and the reason why they have never earned anything is because, in the first place, many of them were injudiciously constructed; many of them ought never to have been built. If wise foresight and business judgment had entered into the reasons that prompted their construction, they would not have been constructed. In the next place, many of the roads have been very uneconomically and inefficiently managed, and by reason of such uneconomical and inefficient management and operation they have been unable to earn any return on the value of their property.

Now, I am very much afraid that the language which the committee has written into the bill, compelling the Interstate Commerce Commission to take into consideration the entire expense of running the road, and on top of that to bring about such a rate as will give to the road a fair return upon the value of its property, may compel the Interstate Commerce Commission to fix rates at such a high level that roads that heretofore have never earned a dollar on the value of their property may receive such rates as will bring a return to them, regardless of the character of the management, whether economically and efficiently or otherwise managed and operated; and therefore I believe it would be better to leave out of the law entirely any statutory rule for making rates, leaving it to the commission to see that all rates, fares, and charges shall be just and reasonable, and allowing them to take into consideration every element in the management and operation of the road to determine whether it is entitled to a fair return upon the value of its property. But if this language shall remain in the bill, certainly it ought to be amended so as affirmatively to give the commission the right and to charge it with the duty of considering at the same time whether the property has been economically and efficiently managed, so that they may survey the whole field upon the application of any carrier for an increase of rates.

Another thing that I object to is a provision in the bill with reference to the funding of the debts due the Government from the roads.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. In a moment. Can I get a few moments more time? Well, I will yield to the gentleman, anyway.

Mr. HUDDLESTON. I would like the gentleman to explain the meaning of the phrase "value of the property." Does it mean market value or value in transportation and use?

Mr. BARKLEY. Well, of course, we have now in operation and process of making a valuation of the railroads of the United States. The Interstate Commerce Commission has been engaged in the last two or three years in fixing a valuation of the physical property of the railroads. That valuation has not been completed, and I assume it will be two or three years before that valuation shall have been completed by the Interstate Commerce Commission. If that valuation had been made there might be some basis upon which to fix the value, and, of course, that would be the valuation of the roads as fixed by the Interstate Commerce Commission. But until that valuation is completed and the commission makes its report I am unable even to imagine a valuation that the commission may fix upon the property in ascertaining a fair return, and I may say that perhaps the commission would be compelled to take the valuation as represented by the roads themselves—the book valuation of the roads that make the application for the increase of rates.

Mr. HUDDLESTON. The railroads have insisted upon having their property valued for business and other purposes similar to the adjacent property. Others have insisted that it shall be the value for transportation purposes. Has the Interstate Commerce Commission reached any conclusion on that point?

Mr. BARKLEY. No. There has been no final conclusion with reference to the valuation of the property. There is a subcommittee, as the gentleman knows, now at work on this valua-

tion, and the estimate is that it will be three years before that is completed.

Mr. HUDDLESTON. So that in adopting this language you do not know what it means?

Mr. BARKLEY. You do not.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. PLATT. Would it be possible in all cases to give a net revenue on some roads?

Mr. BARKLEY. I think it would be necessary to raise the rates so high on the unprosperous roads that the prosperous roads that did not need the higher rate would get all the business.

Mr. PLATT. That is the point, that higher rates may mean less net revenue.

Mr. BARKLEY. Yes. Take two roads which compete in the same territory. One of them is well managed and economically operated, and it gets a fair return on its property. It may not need this guaranty. It may be it can already make a fair return. The other road is not very well managed. It may be that its operators have been speculating with it a little on the money market and it has made no return of any kind on the value of the property. It makes application to the commission for an increase of rate that will enable it to get a fair return on the value of its property. The other road does not make the application. Suppose the commission grants the increase. It would not do the road any good at all, because its rates would be so high in order to guarantee it a return that the business would all go to the other road with the cheaper rate. Therefore you might have one road with one rate and another with another, and the result would be that the traffic would go where the cheapest rates prevailed. So even a small, unprosperous road would derive no benefit by reason of this provision.

The other thing to which I object is the provision for the funding of the debt. When the roads are turned back to private ownership the Government will owe the roads a certain amount of money for compensation under the standard return, and the roads will owe the Government a certain amount of money that has been advanced by the Government to the roads for the purpose of making additions, betterments, and extensions. Under the bill as originally drawn, it provided that these two accounts should be offset one against the other. In other words, the amount that the Government owed the roads for compensation should be set off against the amount that the roads owe the Government, and the roads permitted to fund the difference, the balance that the roads owe the Government over and above what the Government owes the roads. I think everybody will admit that that is good business. If I owe you $100 and you owe me $200, and we decide that we are not going to do business together any longer and we begin to square accounts, you need not pay me the $200 you owe me, but you can pay me the difference—the $100 over and above what I owe you. In other words, we would square our accounts, and you pay me the $100 that you owe me over and above what I owe you. It seems to me that same rule ought to be applied to the railroads. When these roads are turned back to their owners, the Government will owe them perhaps nearly $1,000,000,000. At present I think it is about $800,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. May I have 15 minutes more?

Mr. SIMS. I yield to the gentleman from Kentucky 15 minutes more.

Mr. BARKLEY. The roads have been advanced by the Government during Federal control about $1,250,000,000 in order to enable them to make additions and betterments in their equipment and in their tracks, and in order to meet certain fixed charges which it was necessary that they should meet during Federal control. Under the standard contract which has been entered into between the Government and these roads some of these obligations extend over a period of 10 years or longer. It depends entirely on the contract made between the roads and the Government. We, of course, do not propose to violate that obligation. We do not propose to compel them to violate the contract they have made with the Government, but certainly if the roads owe the Government $1,250,000,000 when they are turned back, and the Government owes them $800,000,000, or whatever the amount may be, those two accounts ought to be offset the one against the other and allow the roads to fund the difference that they owe the Government, even if after they do it they have to make application immediately for the borrowing of new funds from the Government, because in that way you wipe the slate clean of the Federal-control transaction. You square accounts, and I would rather the roads would be compelled to offset their accounts against the Government and square the account of Federal control, even if the next day they have to come back to the Government and borrow some money on a new account made under the provisions of the bill, under which they can borrow this money for five years at 6 per cent if the Interstate Commerce Commission permits it to be done. Now, under the present language of the bill a road that may not need to fund its debt, a road that may have enough money to pay its obligations to the Government and not borrow any, can fund its debt to the Government for 10 years. If the road does not need it, it ought not to be given an opportunity so to fund its debt, and the Railroad Administration ought to be given the power in such cases to compel the road to offset its debt to the Government against the debt that the Government owes it, and fund the difference, if there is any, between those accounts.

At the proper time I hope to offer an amendment that will care for that situation.

Now, I desire briefly to discuss the labor provisions of this bill.

Mr. BUTLER. It would be very interesting to know the argument that was used before the committee which induced the committee to report what it did report. What was the argument that was used? I am impressed with the fairness of what the gentleman says. Why not offset one account against the other?

Mr. BARKLEY. The argument that was used was this: It was represented that of course these advances that have been made by the Government during Federal control, which are chargeable to capital account, have gone into additions and betterments. Now, ordinarily the railroads under private control and management borrowed the money necessary to make these additions in betterments on long-time paper—5, 10, 15, or 20 years, as the case might be. The contention made by those who favored the provision of the bill was that if we compel the roads to offset their indebtedness against the Government, it will compel them practically to pay cash for these additions in betterments which otherwise they might have obtained by borrowing money from private sources upon long-time paper. That was the argument that was made by those who favored the provisions of the bill.

Mr. BUTLER. I thank the gentleman.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. BARKLEY. I yield to the gentleman from Nebraska.

Mr. ANDREWS of Nebraska. Will you kindly state the amount due from the roads to the Government and the amount due from the Government to the roads?

Mr. BARKLEY. The Government, according to the report, has advanced to the railroads $775,551,000. That is exclusive of the allocated equipment, where the Government bought a lot of equipment and allocated it among the different roads and charged them with it. On the 24th of last month the amount that the Government owed the roads as compensation amounted to $885,000,000.

Mr. DENISON. Will the gentleman yield?

Mr. BARKLEY. For a question.

Mr. DENISON. I know the gentleman wants to make a correct statement, and I think the gentleman has made an unintentional misstatement as to the amount.

Mr. BARKLEY. I would be very glad to be corrected.

Mr. DENISON. The total amount that the Government has advanced to all the railroads during the period of Government control is $1,147,151,000.

Mr. BARKLEY. Yes; but I have subtracted from that the amount expended for new equipment, which is not to be funded.

Mr. DENISON. From that amount $372,000,000 is to be taken care of by means of the equipment car trust, which is now pending before the House.

Mr. BARKLEY. Yes.

Mr. DENISON. That would leave $775,551,000 as the capital-expenditure amount.

Mr. BARKLEY. That is what I am talking about—the amount to be funded is $775,551,000.

Now, Mr. Chairman, I desire in the time I have remaining to take up the labor provisions in the bill. I wish I had time to discuss them in detail. I recognize the fact that there is an insistent demand in certain quarters that Congress should pass legislation incorporating compulsory arbitration in railroad disputes among the employees in the United States and the railroad transportation companies, and that in addition to that we should penalize the strike that is called or entered into by the railroad employees.

In the first place, if there is to be any antistrike legislation in the United States, or any penalizing, or any compulsory arbitration, by which I mean a law that will compel men to go before an arbitration or mediation board, and after they have gone before it to compel them to obey its awards, or penalize the strike on their part, it certainly ought to be made to apply to all the em-

ployees in the United States. If there is to be any such legislation, it should apply to all.

So far as I am concerned, I am not convinced that it is wise or practicable to enact such legislation for the employees of the United States as a whole. I wish during the time I have I could go into detail with reference to legislation of this character in every country in the world. There has been in some countries antistrike legislation, and there is no country in the world to-day where antistrike legislation was ever enacted where it was enforced except by draft into the military service of men who went out on a strike and penalizing them for violating their oath as a member of the military establishment. Take Italy, France, and Spain, countries of Europe; wherever they have had legislation for compulsory arbitration and antistrike legislation they have never been able to enforce it except at the point of the bayonet. I am not prepared to vote for a law in the United States that will draft into the Military Establishment of our country men who go on a strike as a remedy against conditions, where they have a grievance, and I do not think the people of this country would indorse any such legislation.

They have a law in Canada known as "the industrial disputes investigation act." There have been about 191 cases, I suppose, altogether, submitted to that tribunal set up by the Canadian act. Out of those 191 cases submitted to that Canadian tribunal there have been 20 strikes among the employees in Canada, notwithstanding the law. Six of them were railroad strikes.

Now, men may inveigh against violation of law by great bodies of men, and yet we are confronted by a practical situation. The law against strikes and providing compulsory arbitration in no country has ever been able to be enforced. Great Britain sent a commission to Canada in 1916 to investigate the working of the Canadian act. The Department of Labor has issued a bulletin of 150 pages giving the operation of the Canadian act up to 1918, and the report of the commissioner shows that while the act itself has been in force since 1907, it has not prevented strikes and has not even reduced strikes.

Now, I think it is fair to say that the railroad employees of the United States are among the highest class of employees in our country. I think on the whole they are just as jealous of their honor, just as patriotic, just as loyal, as the average man, because the railroad employees of the United States come from the firesides of the average family among the American population. I think in intelligence, patriotism, loyalty, integrity they will measure up well with any other class of men in the United States. I do not think there is any class that excels the railroad employees in the average of character and intelligence.

There has never been any serious trouble on the railroads of the United States by lack of compulsory arbitration or antistrike legislation. The first difficulty was immediately prior to the Adamson Act. There have been numerous demands on the part of labor for an increase in wage, and during the Government operation of roads these demands have been in practically every case met by the Railroad Administration, recognizing the justice, at least in part, of the demand the men have made.

There have been established in the Railroad Administration boards of arbitration to pass on wages and conditions of labor, and the representatives of labor and of the Railroad Administration have gotten together around the table, and in ninety-nine cases out of a hundred—and I believe I am justified in saying a hundred cases out of a hundred—where the men have gotten together around the table they have been able to settle their troubles without serious difficulty. We are passing through a very critical period, through a period when not alone laboring men are the ones who are agitated. Laboring men are excited, but everyone else is excited. Business is excited, politicians are excited. Everybody in the United States is more or less in a state of confusion, and now, because of this state of confusion and chaos, as a result of the reorganization and reconstruction of our economic system because of the results of the war, there are labor disputes and troubles throughout the country. But these are only temporary. They are transitory. I have great faith in the belief that when the war is ended and the period of reconstruction and transition is passed, labor and capital, industry, and everyone else will get on a normal basis, and we will be able to readjust our national life along the lines we followed during our previous history before the war. [Applause.] I sincerely hope Congress will not be swept off its feet into rushing through legislation that will be unwise economically and impractical from every standpoint, because we now happen to be in a temporary state of mental excitement and agitation because of disputes that are now in progress. In time it will all iron itself out and simmer down to a normal condition.

I think we have provided in this bill a fair tribunal, where men can go voluntarily, and not by the spur and whip, to settle their troubles; where laboring men and men who employ them can, under the supervision of a tribunal which we have set up here, made up equally of employees and employers, compose their difficulties. There is an advisory board of three representing the public, but they have no voice in the determination of the difficulties. The effort of this bill is to make it easy for the men and the roads to compose their own differences in a friendly way.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. SIMS. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BARKLEY. If we will exercise foresight, a little good judgment, and patience, as we ought to exercise it, if we set up a tribunal that will inspire confidence on both sides, I have an abiding faith that our industrial troubles, so far as they relate to railroads, may be adjusted and settled without the necessity of compelling men to go before boards or compelling them to continue in work after conditions have arisen which they feel justified in protesting against.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. NEWTON of Minnesota. The gentleman mentioned an advisory board of three, I think, sitting in the appeal board?

Mr. BARKLEY. Yes.

Mr. NEWTON of Minnesota. Will the gentleman explain why they have not been given a voice in the decision to be arrived at by the board? It seems to me that these three, representing the public, should not only have the privilege of advising, but should also have some voice in the decision of that board.

Mr. BARKLEY. The reason why that was not done was this: What we are seeking to do here is to have the employees and employer get together and encourage them to settle their own difficulties by their own representatives. We thought that for the purpose of information and advice and publicity it was wise to have a commission of three representing the public, so called, on hand, to counsel with the others representing the employees and employer, but that when it came to a decision of the difficulties between the employer and the employees it ought to be left to the employer and the employees or their representatives, especially in view of the fact that we do not compel them to abide by any award made by the board.

Mr. NEWTON of Minnesota. Assuming that plan to be carried out, does not the gentleman think that there is grave possibility, or at least a possibility, of this appeals board not coming to a decision? The employee and the employer groups may disagree. Surely there is a moral advantage, if nothing else, in having announced in a decision, whether it be made compulsory or not, the viewpoint of the three public advisers.

Mr. BARKLEY. Of course there is a possibility of a deadlock between the three representatives of labor and the three representatives of the employers. There is always that possibility, but if there were very many cases of deadlocks, and the group representing the public took sides with one side or the other, ultimately there might be created a suspicion on the part of one or the other that they had not gotten a fair deal, and we felt that it was best to leave these difficulties to the parties to the dispute, even subject to a deadlock.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. COOPER. I would like to say to my colleague on the committee that that was one of the great troubles in the steel strike. The steel manufacturers maintain that the men who came before them and wanted to negotiate the questions relative to the hours of labor and wages, and so forth, were not representatives of the men or did not work in the steel industry themselves; and this bill provides that these men shall be actual employees of the railroad and members of the management.

Mr. BARKLEY. Yes; so that difficulty is obviated.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SMALL. The gentleman has been discussing the wisdom of making strikes by railroad employees unlawful. Are we to understand the gentleman to say that he makes no distinction between railroad employees and employees of other public utilities and the employees of private industrial corporations?

Mr. BARKLEY. I do not mean to say that I make no distinction between them, because there is a distinction to this extent: One of them is working for a quasi-public corporation and the other is engaged in a private industry, and therefore it may be said that the public has a greater interest in the continuation of transportation facilities than in the continuation of a private industry.

But so far as the principle is concerned, I can not see the difference between a railroad strike and strikes in any other great industry that may affect the public to great disadvantage. But so far as the principle is concerned, I do not believe, even con-

ceding that antistrike legislation ought to be enacted—which I do not concede—that railroad employees, who are among the most patriotic and intelligent of our country, should be singled out for such action where other employees are not subject to provisions of this kind. [Applause.] It would not be fair or just to penalize one class of employees because they work for transportation companies that cover the whole country. [Applause.]

Mr. HAMILTON. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WATSON of Pennsylvania. Mr. Chairman, previous to my remarks I wish to pay a tribute to the chairman of our committee, who labored for weeks and months in order to report a bill releasing the railroads from Government control and at the same time provide for them under private ownership, that they may not only meet their financial obligations but give adequate service to the public. In this I believe Mr. ESCH was successful.

Under the powers of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, the President of the United States "took possession and assumed control at 12 o'clock noon on December 30, 1917, of certain railroads, systems of transportation, including the railroads and transportation systems of the companies and the appurtenances thereof, and directed that the possession, control, operation, and utilization of transportation systems thus taken should be exercised by and through William G. McAdoo, appointed Director General of the Railroads."

The President in a proclamation stated that it is his purpose to release Federal control of railroads on January 1, 1920. Thus the present bill has been reported for your immediate consideration.

The clause of the section that empowered the President to take possession and assume control of all the transportation systems of our country, contained only nine lines, but it necessitated a bill of 86 pages to release that control with the incidents thereto.

Previous to the war there was a growing sentiment in favor of nationalization of railroads, but after two years of forced trial of Government control, though under most unfavorable circumstances, the opinion of the public has materially changed to the contrary.

A number of plans were outlined to the committee favoring the Government guaranteeing the principle and interest of railroad bonds and stock under a readjustment. This measure is free from the tincture of state stewardship, save section 208, which appropriates the sum of $250,000,000 as a revolving fund for the purpose of making loans to railways as therein provided, thereby enabling them to facilitate their improvements to meet the needs of the public.

The mileage of the steam railroads of the world is 713,120 miles, of which 237,010 miles are owned or controlled by the several Governments.

The United States has in operation 257,700 miles, one-third of the railway mileage of the world.

I ask unanimous consent to extend in the RECORD this table, showing the mileage owned or controlled by the various countries of the world.

Mileage owned or controlled by the various countries of the world.

[Source: Bulletin published by the National City Bank of New York, 1917.]

Country.	Year.	State railways (miles).	Total railway mileage (miles).	Per cent mileage owned or controlled by Government to total mileage.
Argentina	1916	4,136	22,688	18.23
Australia	1915	20,062	22,263	90.11
Austria-Hungary	1914	24,000	29,328	81.83
Belgium	1914	2,700	5,451	49.53
Brazil	1916	2,930	16,294	17.98
Canada	1915	1,763	35,582	4.97
Chile	1915	3,238	5,013	64.57
China	1916	.....	9,467	.....
Denmark	1915	1,250	2,455	50.92
Egypt	1916	2,401	4,391	54.80
France	1915	5,600	31,958	17.52
Germany	1914	36,550	39,600	92.30
India	1916	29,500	35,833	82.33
Italy	1916	8,526	11,635	73.28
Japan	1915	5,698	7,131	79.74
Mexico	1913	12,324	16,088	76.60
Netherlands	1915	1,120	2,073	53.98
New Zealand	1916	2,960	2,989	99.03
Norway	1916	1,685	1,973	85.40
Peru	1915	1,100	1,800	61.11
Roumania	1914	2,350	2,382	98.66
Russia	1916	37,800	48,955	77.21
Spain	1914	.....	9,377	.....
Sweden	1915	3,045	9,228	33.00
Switzerland	1916	3,537	3,571	99.05
Turkey	1914	1,200	4,576	26.82
Union of South Africa	1915	7,634	8,986	87.18
United Kingdom	1915	.....	23,701	.....
United States	1917	.....	265,218	.....
All other	.....	3,710	36,120	10.27
Total	.....	237,010	713,120	33.24
Europe	.....	118,000	217,000	54.38
North America	.....	15,000	323,000	4.64
South America	.....	16,000	52,000	30.77
Asia	.....	47,000	69,000	68.12
Africa	.....	19,000	29,000	65.52
Oceania	.....	22,000	23,000	95.65

The total capital outstanding of the railways of the United States is $20,247,659,406, composed of the following forms of securities:

Bonds	$10,761,145,441
Stock	9,003,796,550
	19,764,941,991

to which should be added $482,717,411, the obligation of the switching and terminal companies, making a total of $20,247,659,402 invested in the railroads of the United States.

I ask unanimous consent to extend in the RECORD the following table, showing the capital of the railways of the United States actually outstanding on December 31, 1917:

Railway capital actually outstanding on Dec. 31, 1917: Railways of the United States.

Class of companies.	Total railway capital outstanding	Stock.			Funded debt.					
		Total.	Common.	Preferred.	Total.	Mortgage bonds.	Collateral trust bonds.	Income bonds.	Miscellaneous obligations.	Equipment obligations.
Class I carriers	$16,355,802,833	$7,247,809,288	$5,603,642,522	$1,644,166,766	$9,107,993,545	$6,770,847,031	$823,230,494	$300,555,885	$875,287,907	$338,072,228
Class II carriers	108,894,797	248,975,262	220,075,062	28,900,200	159,919,535	238,906,140	1,248,935	8,708,532	4,306,344	6,749,584
Class III carriers	142,913,827	89,268,849	83,905,942	5,362,907	53,644,978	51,199,234	1,800	1,830,000	230,500	374,454
Nonoperating companies (subsidiary to Classes I, II, and III carriers)	2,657,330,534	1,317,743,151	1,174,435,506	143,307,645	1,339,587,383	1,136,636,189	48,779,548	22,977,580	126,728,641	4,465,425
Total, all classes	19,764,941,991	9,003,796,550	7,182,059,032	1,821,737,518	10,761,145,441	8,197,582,594	873,275,777	334,071,997	1,006,553,392	349,661,691

Not including switching and terminal companies, whose outstanding securities were as follows:

Total	$482,717,411
Stock:	
Common	136,555,257
Preferred	9,329,000
Total	145,884,257
Funded debt:	
Mortgage bonds	316,371,819
Collateral trust bonds	9,125,000
Income bonds	
Miscellaneous obligations	7,142,335
Equipment obligations	4,194,001
Total	336,833,154

Amount and per cent of capital stock upon which dividends were declared; and amount and rate per cent of dividends declared for the year ending Dec. 31, 1917: Railways of the United States.

Class of companies.	Per cent of stock yielding dividends.	Amount of stock yielding dividends.	Amount of dividends declared.	Average rate on dividend-yielding stock.	Ratio of dividends declared to all stock.
Class I carriers and their nonoperating subsidiaries	64.73	$5,539,378,650	$376,518,349	6.80	4.40
Class II carriers and their nonoperating subsidiaries	18.05	63,797,350	4,860,931	7.62	1.38
Class III carriers and their nonoperating subsidiaries	8.20	7,598,033	472,268	6.22	.51
Total, all classes	62.32	5,610,774,033	381,851,548	6.81	4.24

When the Government assumed control of the railways, 62.3 per cent of the earnings of the carriers yielded dividends at an average rate of 6.81 per cent. To provide for the permanent termination of Federal control of railroads, in a way to enable them to earn their operating expenses and fixed charges, is a very difficult problem to solve.

I am opposed to Government ownership of railways, and favor Federal control only so far as legislation is needed for their proper management. It has been well established that employees of railways under Government ownership are less proficient; their individualism under restraint; and the absence of responsibility creates a stigmatism of character.

The freight charges per mile are less in the United States than in any other country save India, where the wages are very low. In Japan the rates of transportation are higher than in the United States, although the average compensation of railway employees is $116.96 per annum, while with us it is $825, in accordance with the table of 1914. The present average of the railway employees in the United States has been increased to $1,200 per annum.

A noted example of the inefficiency of Government operation was demonstrated after the French Government purchased the Western Railway. The company filed with the director of finance an application for additional capital, which was needed for its increased traffic. The Government refused to approve the request. The private railway companies in France may guarantee a fixed rate of interest on their stock, backed by a guaranteed arrangement with their Government that it will loan the railways the necessary funds at 3 per cent to pay the dividend thus guaranteed. It was under these conditions that the State acquired the franchises of the Western Railway on January 1, 1909. The last report, published in 1914, indicated that the operating railroads under Federal control increased 27.2 per cent and the total operating expenses had increased 93.3 per cent, and the taxpayers were required to meet an operating deficit of $14,752,237 for the year 1914.

The number of employees and their aggregate wages were very much increased, their efficiency perceptibly declined. One-half of their employees suffered from ill-health. The explanation of the malady is quite clear. In case of sickness, the men received full pay. The Western Railway of France is a concrete example of Government ownership. Ninety per cent of the French railway capital is in the form of bonds, which are practically guaranteed by the State. But few of the private companies meet their dividend obligations without the aid of the Government.

The reports that I have been able to obtain from all countries of the world indicate that accidents occur more frequently under Government control than under private ownership.

Title 3 of the bill contains provisions regarding the settlement of disputes that may arise between carriers and their employees. While I voted to retain the title, I did not consider it of great value, because it failed to provide sufficient penalties. A law without punishment to enforce it is weak by nature. I want a law to guard the rights of the American citizens, or a foreigner while working under the protection of our flag. [Applause.] The liberties of the employees should be protected with the same care as their employers. I want a law to punish any man, or a collection of men, who interfere with the rights of any one legitimately earning what he may for himself and his family. [Applause.] There have been but few serious strikes in the railroad world. The Pennsylvania Co. employs over 200,000 men. It is the oldest railway company in America. Its employees never attempted to stop the operation of the line. My experience as an employer of railroad men during 20 years has been such that warrants me to praise and honor them. They are loyal, intelligent students of their work, and willing to meet any emergency in reason when in the interest of the public. The very general spirit of knowledge through our public school systems "has broken down the exclusiveness of the educated classes," and thus extended to the workingman the power of meeting his employer with intelligence and judgment. If the development of the human mind does not advance civilization, then universal compulsory education will be a failure.

When the railroads are returned to private ownership, I hope the laws will be so adjusted that Federal control will not be needed to continue their operations.

Two things are essential to prevent receiverships:

Rates—the function of the Government.

Economy—the function of the railways.

The clause on page 65, commencing on line 9, reads as follows:

> The commission shall be charged with the duty and responsibility of observing and keeping informed as to the transportation needs and the transportation facilities and service of the country, and as to the operating revenues necessary to the adequacy and efficiency of such transportation facilities and service. In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice, the commission shall take into consideration the interest of the public, the shippers, the reasonable cost of maintenance and operation (including the wages of labor, depreciation, and taxes), and a fair return upon the value of the property used or held for the service of transportation.

This is the crux of the continuation of private ownership.

Railways can not meet the requirements of the many statutes, the rules, and regulations adopted by the Interstate Commerce Commission, obey its mandates, unless this commission provides a schedule of rates that will enable the railways to meet their operating expenses, including the fixed charges. The question of control at this time would not influence rate making, for rates must be increased if adequate service is to be maintained.

The American people are accustomed to an unexcelled system of railway transportation, and if they continue to demand palaces for terminals and ask to be carried over the rails at a speed of 60 miles an hour, riding in de luxe coaches, sleeping, and dining cars, they must pay for these privileges through increased rates. I believe the traveling public and the shippers will favor higher fares and charges when they understand the financial condition of the railways; when they are apprised of the fact that nearly $2,000,000,000 of railroad securities are part of the assets of life-insurance companies, and that railways, like other industries, can not continue operations when expenditures are greater than the revenues.

The rate-making clause to which I have alluded is unquestionably the one saving clause by which the railways may hold their properties. It will establish a credit basis in order that funds can be raised for additions and betterments; that new territory may be opened and new industries created, thus increasing our commerce with the world.

May individualism, the very foundation and strength of our Republic, be not superseded by nationalism, the road to inefficiency and public decay. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TEMPLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3332. An act authorizing the board of county commissioners of the County of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River between Windsor Locks and East Windsor at Warehouse Point, in said county and State.

THE RAILROAD BILL.

The committee resumed its session.

Mr. BARKLEY. Mr. Chairman, I yield one hour to the gentleman from Louisiana [Mr. SANDERS], a member of the committee.

Mr. SANDERS of Louisiana. Mr. Chairman and gentlemen of the committee, after listening, as I have, to the praise of this

bill it may be that I am going to stand alone, but I am opposed to its passage.

Mr. BLANTON. Mr. Chairman, in view of the fact that the gentleman is going to give us the other side of the case we ought to have a quorum here to hear him. It is one of the most important bills this House has considered. I make the point of no quorum. The gentleman from Louisiana would like to have a quorum, would he not?

Mr. SANDERS of Louisiana. I am perfectly willing to speak to those who are willing to hear.

The CHAIRMAN. The Chair will count. [The Chair proceeded to count.]

Mr. BLANTON (during the count). Now, Mr. Chairman, that we have about 75 men in here, I withdraw the point of no quorum.

The CHAIRMAN. The point is withdrawn, and the gentleman from Louisiana [Mr. SANDERS] is recognized.

Mr. SANDERS of Louisiana. Mr. Chairman, I am opposed to this bill in its present form, and I can not and will not vote for it unless it is materially amended. Before discussing this bill I would like to call the attention of the committee for a moment to the situation that at present confronts this House.

Congress met on May 19. The President had already stated to the people that the railroads would be returned to their owners by the first of the year. There was introduced in this House on June 2 the foundation of this bill. Day after day was consumed in hearings, and the testimony is so voluminous that I am of the opinion that practically not a Member of this House, save the membership of the committee, has in any way been able to follow the testimony adduced before that committee.

After about five months of hearings this bill was referred to a subcommittee consisting of five members, the three ranking Republicans and the two ranking Democrats. This subcommittee had this bill before them some five weeks, and they reported it to the full committee week before last. The full committee, therefore, had it before it some 10 days, and now it is before this House to-day, and under the rule adopted yesterday general debate will close to-morrow at 12 o'clock, and it is expected and presumed that this bill will be passed by this House before we adjourn on Saturday.

Now, this bill did not get into the hands of the membership of this House until yesterday—Monday. There is no man here able to inform himself in that short time as to what it contains. And I believe if they were able to inform themselves as to what is contained in this bill, it would get but very few votes in this House.

I listened this morning to the magnificent speech of our chairman, and I never heard a better presentation of a case in my life than he made. But he knows, and I know, that there are provisions in this bill that he is just as bitterly opposed to as I am; and he knows, and I know, that there are clauses contained in this bill which are of such a radical departure from all that we have heretofore known and held in regard to transportation, and I know that they were put in there over and above his protest and over and above the protest of practically half of the committee, and some of them above the protest of all the subcommittee who have so ably handled this measure.

When I state that I can not support this bill I am doing it without any reflection whatsoever upon the subcommittee or the committee itself. I believe that we in this Congress and in this House ought to deal absolutely frankly one with the other. I appreciate as fully and as completely as any man in this House the problems that confronted that committee. I appreciate their earnestness and their work. I appreciate their zealousness, their honesty of purpose, and their sincerity of conviction. But that does not, and will not, control my judgment or influence my vote.

There are many things in this bill that I approve of, but if, in order to get things that I approve of, I must vote for things that I know are wrong, then that is asking me to do something that I will not and can not do. [Applause.]

Fundamentally this bill is wrong. It makes no difference whether it was written with that view in mind purposely or not, for the effect will be the same. This bill does not take one drop of water out of the stock of a single railroad, but it drains every river and every lake in this country dry, because if it becomes law you will never hear the whistle of a steamboat upon river or lake unless that whistle and that sound is controlled, dictated, and dominated by the railroad interests of America. It makes no difference with me, gentlemen, whether the bill is written designedly for that purpose or ignorantly; the effect upon the body politic is the same. I know what is going to be the answer to that. I have heard it time and time again. The answer is going to be "we have no water transportation now."

That is true. The railroads have killed water transportation in the past. This bill gives the corpse a decent funeral; that is all. The railroads have been able to prevent water transportation. This bill gives them the power to forever prevent water competition. Pass this bill and every dollar that Congress has voted for river improvement might as well have been dumped into the middle of the Atlantic. Pass this bill and the dream of the utilization of our waterways will never come about. Pass this bill and you have placed water transportation at the mercy of an enemy that has never known mercy.

The most remarkable thing to me about the railroads of America is that, unable themselves to do the business of this people, admittedly unable to furnish us with the transportation facilities we need, yet in season and out they seek to prevent the utilization of the greatest system of waterways with which God has ever blessed a country. The railroads can not perform the functions to-day that they ought to perform. The railroads to-day can not give us the transportation facilities that we are entitled to, that our needs demand, that our industries require, and that the growth of this Nation and this people absolutely must have. Yet, unable as they are to give it, by hook and by crook, by every device known to the human mind and human ingenuity, they have worked to prevent any competition whatsoever by water.

This bill that is before you to-day is not the bill that was considered by our committee. This bill has been so worded and amended, sometimes to its benefit, sometimes to its disadvantage, that it is practically not even the bill in any shape that the subcommittee reported to the full committee. If you will turn to page 58 of this bill, paragraph 6, you will find incorporated in there certain language known as the Rich amendment. It begins on line 10 and ends on line 22. The Rich amendment was urged upon our committee by Mr. Edgar Rich, a lawyer of Boston, and the effect of the Rich amendment is to do away with that part of the Panama Canal act which prohibited a railroad line from competing with itself by water.

Do you gentlemen know what that means? If the railroads have the right, the legal right, to compete with themselves by water, as proposed here by this gentleman from Boston representing certain interests, then that means simply this, and nothing more, that they will see to it that nobody else competes with them by water. That is all that it can mean.

Here is a river paralleling a railroad. You and I put our money into a steamboat. There is enough freight originating along that stream to make our venture profitable, and yet every ton of freight that we carry we take from the railroad, and the process to ruin us is as old as the history of rail itself. It is this: When that happens the railroad puts a boat into that trade, too. Now, there is not enough trade there for two boats, or if there is the railroad manages to get it. It can run its boat at a loss until it has driven the independent boat off the river, and then when the independent boat disappears, the next act in the tragedy is the disappearance of the railroad boat. And yet, on page 58, in the amendment proposed by Mr. Rich, you write the proposition that you not only will permit that kind of business, but you authorize it and legalize it.

Why, my friends, the chairman of the committee [Mr. ESCH] made a talk this morning about this benefiting lake transportation, and he spoke about the disappearance of the boats off the Lakes. We have heard the gentleman from Wisconsin; you would have thought that nothing had driven them off the Lakes save and except the provisions of the Panama Canal act. And yet I distinctly remember seeing pictures in the papers not long ago, when in the eagerness to get bottoms lake vessels were actually cut in two in order that the two halves might be taken through the canal to the ocean. You have seen them.

They say there are no boats now. No; and how have boats been prevented from being on the Lakes and on the rivers? There is not a man who does not know of what I am speaking when I speak of potential competition. There is not a man who lives on lake or river or bayou or navigable stream of any description who does not know what is meant by potential competition. It has not been practiced in the last few years, I admit, but it was practiced long enough by the railroads and permitted by the commission to absolutely destroy

river competition throughout the length and breadth of this country, and to practically destroy the use of the Panama Canal itself.

Here we have millions of dollars invested in the Panama Canal, and yet we have permitted rates to be made that absolutely prevented the use of the Panama Canal, and prevented the tonnage tolls from flowing into the Treasury of the United States. It was done for whom and at whose suggestion? The railroads! All through this bill, all through Title IV, runs the control of water and water transportation, tied up in this bill in such a manner that you can not disconnect one from the other; tied up so that the bill is almost incapable of being amended.

Take the dock provisions. You will find those on page 60—beginning on page 59, section 411. I have not the time in my hour to read it. Read it for yourselves. Study what it means. Is it in the interest of water carriers? There is not a line in it that the water carriers have ever asked for. There is not a line in this bill in regard to water transportation that a shipper by water, real or potential, has ever asked for. There is not a line in this bill that any man who has ever used the water of this Nation—canal, river, lake, or coastal boat—there is not a line in this bill that any one of those men who ever used or expects to use the waters, coastal or inland, of this Nation has asked for. There is not a provision in this bill that was not submitted by every railroad interest to our committee. Therefore if every railroad interest asked for these restrictions, and not the user of a boat, not the owner of a boat has asked for it, nor a shipper by water, nor one hoping to be a shipper in the future, am I not justified in saying that it was written for the railroads, and against the water transportation systems of this Nation?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SANDERS of Louisiana. I want to conclude my argument, because I am pressed for time, and then I will yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SANDERS of Louisiana. May I call the attention of this committee to this one fact in regard to section 411? Turn to page 60, line 1, and look at the words. Nothing escaped them. They passed nothing up. Look at the words:

Irrespective of the ownership of the dock.

What was that put in there for? Because not all the docks in this land are owned by individuals. Not all the docks in America are owned by railroads or by steamboat companies. A great many of the docks along the great rivers and in the great cities are owned by the municipalities thereof. They have taxed themselves to build their terminal facilities for boats and water transportation.

Down in my State we have great docks at the city of New Orleans. They were not built by any steamboat or railroad company. They were not built by the municipality of New Orleans. They are owned by the people of the sovereign State of Louisiana, controlled by and through a State agency. Bonds have been issued for the building of those docks. The revenues of those docks are pledged to the payment of the interest and the principal of the bonds. Under management of this State institution we have built up a port business there until New Orleans to-day is the second port in the United States of America. Those are our docks, built with our money. Back of the obligations that built them is the honor of the State. Yet under the provisions of this bill, and if the courts should uphold it, the Interstate Commerce Commission could take over the control and operation of those docks and could fix the terms and conditions under which a ship or steamboat could tie up at them.

Then, connecting those docks with every railroad that enters New Orleans is a belt railroad, owned by no railroad company and by no steamship company; but owned, operated, and controlled by the municipality of New Orleans itself, operated by the city. Yet under this bill and the verbiage thereof the Interstate Commerce Commission, a Federal agency, could run that belt road and prescribe the terms and conditions under which it could be used. Gentlemen, a condition of that kind is absolutely unthinkable. It is so repugnant to every thought of government, it is so repugnant to every principle of this Government, that we should vest in the Interstate Commerce Commission, a Federal board, the control of a public utility of the State and of the city, that it seems to me inconceivable that it should commend itself to anyone here. The National Government has never contributed one cent to the construction of this utility in the past, and never will in the future.

Gentlemen argue that that is a power conferred by the bill which will never be exercised. That was the argument I met with in the committee. Gentlemen said it was a power granted that will never be exercised. That is the most foolish lullaby to sing yourself into security with that has ever been sung. There never was a power granted to any governmental agency that was not exercised sooner or later, and generally sooner. I remember here in this House when we passed the Federal control act I opposed granting to the Director General the right to fix rates. I opposed it on this floor, and we heard the same song then: "Oh, it is a power that is granted unto him, but he will never exercise it."

I stated before the committee and here upon this floor that if you gave him the power he would have to exercise it. I was not a prophet, but I knew human nature. I knew the exigencies of the situation. And lo and behold, we woke up one morning and found that freight rates had been advanced overnight 25 per cent. I am not complaining at the advance. I am merely stating that we conferred the power and that the power was exercised.

I have cited my own great city, but there are other gentlemen whom I see in this House right now whose municipalities and communities have voted bonds and have built their own terminal facilities. Before you vote for this bill I want you to understand that the Interstate Commerce Commission can dominate and control and fix rates, fares, and charges for every terminal, every dock, every belt road, irrespective of its ownership.

I could go on with a recitation of these provisions. The whole bill is full of the control vested, not for but against water transportation. If it did not do anything in the world except—innocently it may be—to prevent water transportation, this bill ought never to pass.

Do you know that we have here in this country the greatest unused asset that any people on earth ever had? That is our water transportation, which is the greatest asset that any nation on earth to-day has or that any nation ever has had. We have stretching out through this land great highways builded by the hand of God Himself, placed there in order to meet our wants, in order to enhance our progress and our prosperity. Millions on top of millions of dollars have been spent by this Congress to make these waterways safe and navigable. Yet while those appropriations were being made and those laws were being passed, on the one hand, laws were being enacted, on the other hand, the effect of which has always been to prevent water transportation. This bill does what, clearly and concisely? As I said a moment ago, it gives water transportation a decent funeral, because the railroads of the country have killed it already in the past.

Mr. CLEARY. May I ask the gentleman a question?

Mr. SANDERS of Louisiana. Yes.

Mr. CLEARY. Does not the gentleman think that the transferring of goods from rail to water and from water to rail is conducive to the best interests of the country?

Mr. SANDERS of Louisiana. I do not think anything about it. I know it.

Mr. CLEARY. As long as it does that, is it not a benefit?

Mr. SANDERS of Louisiana. I do not think anything about the proposition. It is just as true as that two and two make four that whenever you facilitate transportation between water and rail you are developing the transportation interests and the other interests of your country. But I am not going to be fooled, sir, into voting for a bill that, while it pretends to do that, actually slaughters, knifes, destroys, and annihilates what little water transportation we have now and forbids it for all time to come in the future.

Mr. CLEARY. May I ask where the bill does that?

Mr. SANDERS of Louisiana. When did the gentleman get this bill?

Mr. CLEARY. It has been lying around since last night. But we all want to know about it. I know that it has been useful through my life. The connection between water and rail has been very useful. I have shipped millions of tons in that way, and I am wondering where this bill interferes with it.

Mr. SANDERS of Louisiana. I am not disputing the fact that the gentleman has done that. It is a good thing. On the contrary, I agree with everything the gentleman said, but I say to you that you got that bill yesterday, and it is utterly impossible, gentlemen of the committee, for any man on earth to understand what that bill says and what that bill does by a mere reading of it.

Mr. CLEARY. Will not the gentleman point out in the bill where it does this damage?

Mr. SANDERS of Louisiana. I have been speaking along that line for 35 minutes. I am sorry I have not been able to

furnish the gentleman with the information. I have stated what the Rich amendment would do, and I can only judge the future by the past. I know what railroad competition has done in the past, and if the gentleman does not know it he ought to. Every man who has lived on a navigable stream or a navigable lake knows that the railroads of this country have strangled water competition. That is as well known as another fact, which I do not propose to argue, that the sun rises in the East and sets in the West. I also know that if you give the railroads the power that this bill confers on them in the Rich amendment, on page 58, they will strangle water competition in the future as they have strangled it in the past.

Mr. CLEARY. If the gentleman will yield, I am asking these questions in good faith. There are thousands and tens of thousands of tons of freight being shipped from the Jersey shore delivered by rail to the water. Hundreds of thousands of tons come over the Pennsylvania Railroad for transport by water.

Mr. SANDERS of Louisiana. I do not doubt it, but I shall have to decline to yield further to the gentleman. I can not convince anyone that there is no such thing to-day in America as some water transportation. We do have some. I could not and would not undertake to convince any man in this House that not a ton of freight moves over the water. It does so move, but there is a fraction of an ounce that does move by water in comparison to what we ought to move. And if it is not a well-known fact that the railroads have strangled river competition and water competition in this country of ours, then there is no fact known to the American people.

Mr. EMERSON. Will the gentleman yield?

Mr. SANDERS of Louisiana. I will.

Mr. EMERSON. I am very much interested in water transportation on the Great Lakes. Most of that transportation is of iron ore. How would this bill affect that?

Mr. SANDERS of Louisiana. Here is my idea about that, if I may be permitted to say so. The contention that is made by gentlemen who favor this Rich amendment is that no capital will go into boats except railroad capital, and I think that contention is absolutely untenable for this reason: That if capital can make money out of boats, capital will go into boats whether it is railroad capital or outside capital. This bill gives the Interstate Commerce Commission the right to make rates when the haul is partly over water and partly over rail. They ought to have that power. They have that power, and this bill continues that power. If the transportation of iron ore on the Lakes is profitable, then outside capital will build the boats just as quickly as railroad capital will build the boats for that transportation, provided the outside boats are treated as squarely by the railroads as the railroads treat their own boats. That is the only reason why it might not otherwise work.

Mr. O'CONNOR. Will the gentleman yield?

Mr. SANDERS of Louisiana. I will.

Mr. O'CONNOR. How could the Interstate Commerce Commission by taking over the administration of the docks in New Orleans, now managed by the dock commission, impair the port facilities of Louisiana or the revenue?

Mr. SANDERS of Louisiana. I do not know. I do not know how they could impair them, but I do know—the gentleman means legally—legally I do not think they could do anything at all in connection with impairing the revenue; but when it comes to the administration of our docks, when it comes to stating what vessels shall land at the docks, when it comes to the internal administration of those docks, I contend that they must be managed by the State of Louisiana, controlled by the State, and that the Interstate Commerce Commission has nothing to do with them, and must not have anything to do with them.

Let us get to another amendment—the amendment known in our committee as the Merritt amendment. The only reason that I call it that is not that I want to pass any encomiums upon it, but because that is the name of its author. I was taught at the very beginning of my legal career that when two men met to adjust their accounts one could not compel the other on an open account to pay what was owed him without giving that other the right to set up and prove offsets and compensations. If that is not Hornbook law and Hornbook justice, nothing ever was. Yet the committee bill has been amended so that that could be done. The subcommittee reported a bill where that would be done in the settlement of our accounts with the railroads, but the bill that comes before us prevents that. The bill that comes before you, stripped of its beautiful verbiage, laid bare of all of its technical phrases, means this, that when we come to a settlement with the railroads we must pay them on the mail, dollar for dollar, whatever we owe them, but the railroads—ah, they belong to a consecrated class of people—that is not true of them. Oh, no! We can not say to the railroads when we come to settle the debt, "We owe you $50,000,000, but you owe us $30,000,000, and we will pay you $20,000,000." If you pass this bill, they say, "You must pay the $50,000,000," and the railroad will then be able to say, "After a while we will get together and we will figure on the $30,000,000, and then we will give you our note for it, and you can collect it if God is willing and the property is solvent." Why, it does not even prescribe in this bill that the amount that is owed to the Government shall be first mortgage. Oh, you throw a sop to public opinion by stating that it shall be a first mortgage wherever practicable.

If I have a man's cash in my possession and he sues me for a settlement, I am going to say, "Yes; I owe you $600, but you owe me $300, and we will settle on that basis, and I will plead my compensation and set-offs." There is not a man in the Union who can not do that to-day, and the only thing in all America, the only person, real or natural, who can not take advantage of that law will be the United States of America if you pass this bill. You will pay the railroads dollar for dollar, cash on the mail what you owe them, and you will take their obligations for what they owe you.

Mr. LARSEN. Where is that set out?

Mr. SANDERS of Louisiana. It is on page 9, beginning on line 25 and running all through page 10 and all through page 11, down to and including line 6, on page 12; and that is all those three pages mean—that the Government must pay the railroads dollar for dollar when they settle, but that the Government must take the railroads' obligations for what the railroads owe the Government.

Another provision that I seriously object to is found on page 65, lines 9 to 21, inclusive. That is a provision that sets up for the first time in the history of rate legislation in America a rule of rate making. What does it mean? You and I form ourselves into a corporation and we build a railroad where it ought never to have been. The railroad has never made a dollar, and the chances are that it never will make a dollar. We absolutely overturn the rule that has existed for all time, that a rate must be just and reasonable, and we write into the law that the Interstate Commerce Commission must make a rate so that you and I may make money on our railroad. No matter how dishonestly the road may have been run and is run, no matter how inefficiently the road may have been run and is run, no matter how wastefully the road has been run and is run, if you vote for that provision the Interstate Commerce Commission in fixing its rates must not only remember that the rates must be just and reasonable but they must also fix a rate that will pay a return on investment, real or fictitious. Why, you overturn the entire structure of rate making as it has been known in this country from the very beginning.

Then, to cap the column that has been erected to the memory of Government control for the last two years, you have done this. You have reached out and saved from destruction the standard return, against which I protested at the time it was passed, for I said it was too much and I voted against it. You save it from the wreck of the Federal control act, and you breathe the breath of life into its nostrils for six months longer, but with this glorious, shining exception: Under the Federal control act, if a railroad made more than its standard return, that excess went into the Treasury, and if it made less than the standard return you made it up; but under this wonderful provision the roads that make more than the standard return during the six months put it into their pockets, while the road that does not make the standard return presents its voucher at the Treasury and its loss is made up. Can you beat it? Can you justify it? Here is a railroad that makes 30 per cent. That is fine business. They take it and put it into their pockets. Here is another that makes less than the standard return and we say, "That is all right; that will be made up out of the pockets of the taxpayers." What I contended for in the committee and what I contend for here is that if you are going to project this standard return for six months after the passage of this act, there is but one fair and just way of doing it. Do not exempt the prosperous and take in only the poor. Take them all in for six months just as you did under the Federal control act. Let the Government get the advantage of what the rich roads are going to make, as the Government will have to make up the deficit of the poor roads.

This bill just reeks from cover to cover with that kind of inconsistency. No man can discuss this bill and do it justice in the length of time that has been assigned to me. I might take the word "discuss" and strike off the first syllable, and then no man could render it justice in an hour. There is not a line in the provisions that I have discussed that is placed there for the benefit of anybody in the world except the great transportation systems of America.

And if this bill becomes a law, you put the transportation facilities of America forever under the domination of these great railroads. As far as I am concerned, I never will vote for a bill I am honestly and sincerely convinced means that and nothing but that. Transportation is the greatest question we have to solve. We must solve it; we will solve it some time.

I want in closing to say one word of warning, gentlemen, and it is a solemn word of warning. If this bill—now, mark you, I am telling you, and men will live to see what I say come true—if this bill is the best that the brain of men who believe in private ownership of railroads can do, then the answer to this bill by an indignant and outraged people is going to be Government ownership. [Applause.] If that is the best that you can do, then God save the mark.

Mr. COOPER. Will the gentleman yield?

Mr. SANDERS of Louisiana. I will.

Mr. COOPER. Does this bill take away from the Interstate Commerce Commission any of their regulatory powers they had previous to the war?

Mr. SANDERS of Louisiana. Not a bit.

Mr. COOPER. Does it not give more power?

Mr. SANDERS of Louisiana. All the power in the world, practically.

Mr. COOPER. Does not the gentleman believe that the Interstate Commerce Commission has been a pretty fair body and handled the railroads pretty well in this country?

Mr. SANDERS of Louisiana. Yes; I do. I think they have handled them fine. I am talking about water. Its vision has never so far included transportation by water.

Mr. COOPER. I understood the gentleman was talking about railroads rather than water.

Mr. WILSON of Louisiana. Will my colleague yield?

Mr. SANDERS of Louisiana. I will.

Mr. WILSON of Louisiana. About the water proposition. As I understood the section my colleague was discussing, this bill gives the Interstate Commerce Commission authority to come in where there is competition between railroad and water rates and fix a proper rate so as to protect the water traffic and to prevent it from being driven away—that it puts this power in the Interstate Commerce Commission to investigate and adjust the rates and fix the minimum or the maximum that must be charged both for rail transportation and water transportation?

Mr. SANDERS of Louisiana. Yes.

Mr. WILSON of Louisiana. Well, if the Interstate Commerce Commission have that power, could they not protect the water transportation from being driven off?

Mr. SANDERS of Louisiana. I do not think so. Now, the Interstate Commerce Commission—I do not attack the commission; it is a splendid body of men trained along the lines of the development of rail transportation of this country. But the Interstate Commerce Commission has never done anything, as the gentleman from Louisiana well knows, to encourage river transportation, lake transportation, or coast-to-coast transportation, and by their acts under the provision of section 4 of the commerce act they have utilized the power and stretched it into a potential competition until they have discouraged and driven off river transportation.

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Mr. WILSON of Louisiana. I know that.

Mr. SANDERS of Louisiana. That is true everywhere.

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The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Chairman, I yield 20 minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

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Some years ago a distinguished railway man went from America to assume the post of chief commissioner—in other words, president—of one of the most important Australian State systems. After he had been in charge for a year or two he sent to a railway friend at home statistics showing the improvements and economies effected under his management. The friend, in acknowledging the receipt, pointed out that the figures furnished did not include the ton-miles of traffic and therefore neither receipts nor cost could be worked out on a ton-mileage basis, and asked whether it was possible that a railway man accustomed to American methods failed to keep statistical records in this form. The answer was, in effect, as follows: "I have the ton-mileage figures. I dare not publish them. If I did publish them, they would show a ton-mile rate so excessive, as compared with other countries similarly situated, where the traffic is mainly in agricultural products carried long distances, that public opinion would enforce a sweeping reduction in rates and bankrupt the undertaking." It may be added, as proving that the chief commissioner in question had good reason for desiring to avoid a comparison, that two—New South Wales and South Australia—out of the seven Australasian State railway systems do publish ton-mileage statistics. They show ton-mile earnings of 2.20 cents and 2.12 cents, respectively. The corresponding figures for the private railways of Canada is 0.75 cent, and for the private railways of the United States 0.738 cent.

Mr. Acworth, the great English expert, for purposes of service compares New South Wales with Texas, the type of the country being substantially the same, although Texas has a much greater population. He finds that the freight rate per ton-mile is more than double in New South Wales what it was in Texas in 1915, and states that the private railways of Texas perform for the Texas public nearly four times as much work as the railways of New South Wales perform for the public of that State. And he finds further that if the Texas railways had been operated as expensively as the New South Wales railways they would have had no net revenues at all.

The operation of the Australian railways has been a source of infinite perplexity to the country and Governments involved. They have gone through all the phases of direct Government operation through an executive minister, and, when that proved unsatisfactory they tried operation by commission, and Mr. Acworth states that the last year he was in Victoria they were looking about to make their fifth change.

And in Victoria, in the effort to prevent constant political pressure and interference, they have passed an act, which I believe is still in existence, which provides substantially as follows:

That if anybody "employed in the public service, either in the railway service, the police service, or the State rivers and water-supply department, shall, either directly or indirectly, take any part whatsoever in or in relation to election of members to the legislative council or the legislative assembly, or directly or indirectly in any way take part in the political affairs of the State of Victoria otherwise than by recording a vote at a parliamentary election," he shall be dismissed, etc.; and "no person or class of persons so employed shall, directly or indirectly, use or attempt to use any influence in respect to any matter affecting the remuneration or position in the public service of either himself or any other person," and the penalty for that is that "such person may be fined in a sum not exceeding £10, and may be reduced in class, subdivision, grade, or status, and salary, or he may be dismissed or his services may be dispensed with, provided that such person shall not be dismissed or have his services dispensed with for any contravention of this section without the consent of the governor in council."

The uniform result of all Government ownership of railroads has been to deaden initiative and to repress invention. Mr. Acworth states that it would be difficult to point out a single important invention or improvement the introduction of which the world owes to a State railway, and I think that what he says about the public management of railways will strike a responsive chord in the breasts of many Members of this House who have to deal with Government departments:

The railway management is essentially a commercial business. You want all the commercial qualities of planning ahead and being ready to take up any new technical improvement, and desire to cut down expenses at any point, and things of that kind. And he has to keep his work going. It is quite clear that you do not get as prompt service from public officials. I do not know what it is in this country, but it is a matter of regular knowledge in England that if one writes to a Government department it takes a very long time to get an answer; it takes a week to get an acknowledgment and two or three weeks often to get any real answer. If you write to a railroad company, you get an acknowledgment by return of post and an answer in two or three days. There is no question as between public service, where you can compare them in England, and private service. There is no question about the commercial alacrity of one as compared to the other.

And so I submit that the few instances and figures which I have given above, and which may be easily multiplied and elaborated, demonstrate the thesis set forth by President Hadley which I quoted at the beginning.

If the railroad business is a commercial business, it must to be efficient be managed on commercial lines and with commercial incentives to efficiency and initiative and with proper rewards therefor. It must not be subject to political influence either as to personnel or management or rates.

Another proposition for the conduct of the railroads would need no attention except that by persistent propaganda through certain organizations, who would have a direct interest in and benefit from the plan, it seems to be attracting more or less attention.

And owing to the fatal facility with which many classes of people are attracted by pleasant sounding words, and the fatal habit of not taking pains to find out what plan such words really cover, the so-called Plumb plan seems to be favorably regarded by certain well-meaning people.

And if this bill becomes a law, you put the transportation facilities of America forever under the domination of these great railroads. As far as I am concerned, I never will vote for a bill I am honestly and sincerely convinced means that and nothing but that. Transportation is the greatest question we have to solve. We must solve it; we will solve it some time.

I want in closing to say one word of warning, gentlemen, and it is a solemn word of warning. If this bill—now, mark you, I am telling you, and men will live to see what I say come true—if this bill is the best that the brain of men who believe in private ownership of railroads can do, then the answer to this bill by an indignant and outraged people is going to be Government ownership. [Applause.] If that is the best that you can do, then God save the mark.

Mr. COOPER. Will the gentleman yield?

Mr. SANDERS of Louisiana. I will.

Mr. COOPER. Does this bill take away from the Interstate Commerce Commission any of their regulatory powers they had previous to the war?

Mr. SANDERS of Louisiana. Not a bit.

Mr. COOPER. Does it not give more power?

Mr. SANDERS of Louisiana. All the power in the world, practically.

Mr. COOPER. Does not the gentleman believe that the Interstate Commerce Commission has been a pretty fair body and handled the railroads pretty well in this country?

Mr. SANDERS of Louisiana. Yes; I do. I think they have handled them fine. I am talking about water. Its vision has never so far included transportation by water.

Mr. COOPER. I understood the gentleman was talking about railroads rather than water.

Mr. WILSON of Louisiana. Will my colleague yield?

Mr. SANDERS of Louisiana. I will.

Mr. WILSON of Louisiana. About the water proposition. As I understood the section my colleague was discussing, this bill gives the Interstate Commerce Commission authority to come in where there is competition between railroad and water rates and fix a proper rate so as to protect the water traffic and to prevent it from being driven away—that it puts this power in the Interstate Commerce Commission to investigate and adjust the rates and fix the minimum or the maximum that must be charged both for rail transportation and water transportation?

Mr. SANDERS of Louisiana. Yes.

Mr. WILSON of Louisiana. Well, if the Interstate Commerce Commission have that power, could they not protect the water transportation from being driven off?

Mr. SANDERS of Louisiana. I do not think so. Now, the Interstate Commerce Commission—I do not attack the commission; it is a splendid body of men trained along the lines of the development of rail transportation of this country. But the Interstate Commerce Commission has never done anything, as the gentleman from Louisiana well knows, to encourage river transportation, lake transportation, or coast-to-coast transportation, and by their acts under the provision of section 4 of the commerce act they have utilized the power and stretched it into a potential competition until they have discouraged and driven off river transportation.

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That if anybody "employed in the public service, either in the railway service, the police service, or the State rivers and water-supply department, shall, either directly or indirectly, take any part whatsoever in or in relation to election of members to the legislative council or the legislative assembly, or directly or indirectly in any way take part in the political affairs of the State of Victoria otherwise than by recording a vote at a parliamentary election," he shall be dismissed, etc.; and "no person or class of persons so employed shall, directly or indirectly, use or attempt to use any influence in respect to any matter affecting the remuneration or position in the public service of either himself or any other person," and the penalty for that is that "such person may be fined in a sum not exceeding £10, and may be reduced in class, subdivision, grade, or status, and salary, or he may be dismissed or his services may be dispensed with, provided that such person shall not be dismissed or have his services dispensed with for any contravention of this section without the consent of the governor in council."

The uniform result of all Government ownership of railroads has been to deaden initiative and to repress invention. Mr. Acworth states that it would be difficult to point out a single important invention or improvement the introduction of which the world owes to a State railway, and I think that what he says about the public management of railways will strike a responsive chord in the breasts of many Members of this House who have to deal with Government departments:

The railway management is essentially a commercial business. You want all the commercial qualities of planning ahead and being ready to take up any new technical improvement, and desire to cut down expenses at any point, and things of that kind. And he has to keep his work going. It is quite clear that you do not get as prompt service from public officials. I do not know what it is in this country, but it is a matter of regular knowledge in England that if one writes to a Government department it takes a very long time to get an answer; it takes a week to get an acknowledgment and two or three weeks often to get any real answer. If you write to a railroad company, you get an acknowledgment by return of post and an answer in two or three days. There is no question as between public service, where you can compare them in England, and private service. There is no question about the commercial alacrity of one as compared to the other.

And so I submit that the few instances and figures which I have given above, and which may be easily multiplied and elaborated, demonstrate the thesis set forth by President Hadley which I quoted at the beginning.

If the railroad business is a commercial business, it must to be efficient be managed on commercial lines and with commercial incentives to efficiency and initiative and with proper rewards therefor. It must not be subject to political influence either as to personnel or management or rates.

Another proposition for the conduct of the railroads would need no attention except that by persistent propaganda through certain organizations, who would have a direct interest in and benefit from the plan, it seems to be attracting more or less attention.

And owing to the fatal facility with which many classes of people are attracted by pleasant sounding words, and the fatal habit of not taking pains to find out what plan such words really cover, the so-called Plumb plan seems to be favorably regarded by certain well-meaning people.

It may be worth while, therefore, to devote a very few minutes to a broad analysis of the plan and to show by figures where the plan would land the country.

I hope that many Members of the House will take the trouble to read from page 2045, in the hearings before the Interstate and Foreign Commerce Committee, the testimony of Mr. Earl H. Morton, who is president of the Order of Railway Station Agents, and who states that he gives his testimony so that the committee may not think that all railroad employees believe in Government ownership of railroads.

The avowed object of the Plumb plan, as stated by its author, is "public ownership and democracy in the control of the railroads."

This statement is correct so far as public ownership is concerned, because the plan is for the United States to buy every railroad in the country. The democracy of the plan comes in, however, solely from the fact that the people of the whole country will foot the bills, and then, in current phrase, would "get off" and hand over the management of this $18,000,000,000 or $20,000,000,000 of property to 15 men, two-thirds of the 15 being elected by the employees of the railroads, who would then control this $18,000,000,000 to $20,000,000,000 of property, would control their own wages and salaries, would profit if there was any profit, while all the loss would be borne by the taxpayers.

But worse than the financial side of the matter is that these 15 men would have in their control the entire business structure of the United States, which depends on the operation of the railroads.

The arguments put forth in favor of the plan are perhaps on their face alluring, in that they propose to furnish railway service at cost. But we have seen that in Government-operated roads this cost is many times that under private operation, and under the Plumb plan I see no reason to doubt that the cost would be even greater than under straight Government operation. It is claimed that there would be incentives to efficiency, because under the plan a certain portion of the profits would go to the employees.

Let us examine this claim in the light of actual figures. Suppose the employees should make demands on the directors of the railroads, when operating under the Plumb plan, for an advance of 25 per cent in wages. As two-thirds of the directors are elected by the employees, the chances are that they would get it. Then a man with a wage of $2,000 would get an increase of $500, whether the road made any profit or not. Suppose, however, he waited, under the theory of the Plumb plan, for his dividend from profits. Even under the impossible supposition that the roads would make $500,000,000 clear profit in a year, if there were 2,000,000 employees, the share of the $2,000 employee would be $125. The question then is whether a sure $500 raise of wages or a possible, but doubtful, $125 at the end of a year of waiting would have the greatest attraction. In other words, would it be easier to have the directors vote an increase of wages and be easy-going and get $500 or to be industrious and efficient for a whole year for a possible $125 which might not materialize?

As a matter of fact, the speciousness of this argument for efficiency needs no further statement than that the operating expenses at the present time are five times the capital charge. The Plumb plan advocates claim that if the Government buys the railroads the capital charge would be reduced, but if it were reduced as much as they claim, which is not possible, there could be no appreciable effect on rates unless the operating expenses were reduced, and the probability of that when the men fix their own salaries can easily be understood. The Plumb-plan advocates stop at no claim, however preposterous, stating, as they do, that under the Plumb plan it would be possible to reduce passenger rates to 1½ cents per mile and freight rates 40 per cent.

Now, on the basis of present traffic a reduction of passenger rates to 1½ cents per mile would reduce passenger earnings $640,000,000 a year, and a reduction of 40 per cent would reduce freight earnings $1,800,000,000 a year, making a total reduction in earnings of $2,440,000,000 a year. After this reduction, on the present basis, the earnings left to the railroads after present operating expenses would only be about $2,600,000,000 a year, but the present operating expenses are $4,200,000,000, so that after these reductions the earnings of the roads would be $1,600,000,000 less than enough to pay operating expenses and taxes. If you add to this the money necessary to pay interest upon the bonds issued to buy the railroads, which would be $900,000,000, you would produce an annual deficit of $2,500,000,000 a year, which the public would have to pay in taxes. This is where the public ownership of the railroads and their operation under the Plumb plan would leave the country, and there is no possible escape from these figures.

Mr. Morton, of the Railway Station Agents, points out and gives the reasons for showing that there would be tremendous internal politics in the railway organizations to elect directors, and that the result of this politics would not be to elect the best brains, but those who would be most subservient to the electors. I can not do better than to conclude this short review of the Plumb plan by quoting the conclusion of Mr. Morton's testimony on this subject:

> The unavoidable conclusion is that the directors elected by the officers and employees would not necessarily be fit men to serve as directors, but that, on the contrary, the chances are many to one that they would be unfit men for this most important work. The directors selected in this way would, in turn, select the men who would have direct charge of the operation of the railroads. Since the directors would be anxious to keep their jobs, they would be pretty sure in selecting the men who were to operate the railroads to appoint men who would use their influence to help reelect the directors. Since the wages and salaries of the officers and employees would not depend at all upon how efficiently they did their work—because the wages and salaries would be fixed by the board of directors which the officers and employees had selected—there would be no incentive to appoint men to the chief operating positions on the railroads because of their fitness for their jobs. But if the ablest men in the railroad service were not given the most important position in the service, they would inevitably leave the railroad business, thus depriving it of its brains. It is necessary, however, to have men of experience and to give them positions of the greatest responsibility and authority if efficient operation is to be secured.
>
> The Plumb plan is the best plan which has ever been devised to drive the brains out of the railroad business, to completely destroy the efficiency of operation, to cause a tremendous increase either in passenger and freight rates or in the deficit the public would have to pay, and to wreck the railroad system of the United States physically and financially. It is so preposterous in every respect that it would not merit serious discussion but for the fact that the so-called Plumb Plan League seems to be securing the support of large numbers of railroad employees who have not really informed themselves as to what the plan is and as to the way in which it would actually work.

Now, gentlemen, I have referred to these matters, not because I think they are live questions, as I know there is not a handful of men in this House who would favor either Government ownership or the Plumb plan, or anything like it; but I refer to them to show that any reasonable and generous treatment of the railroads of this country, to put them squarely on their feet and start them off under private ownership, so that they can live, would be very much more economical than any other plan, because if you do not put the railroads into the hands of their owners in a good, sound condition to start with, and with a good, sound rate system to go on with, you will certainly bring them into bankruptcy. And, if you do, you are bound to get Government ownership, and the consequent mounting costs, mounting inefficiency, and political corruption.

Now, I do not mean to go into details in this direction, because the masterly speech of our chairman this morning has given you what the committee thinks is the proper method of producing the results to which I allude. But when you come to consider the bill and some of the provisions which may be said by some here to be too favorable to the roads, just bear in mind, if you please, the conditions.

The conditions are that these roads, not by their own desire but by the exigency of war and by the operation of law, were taken over by the United States and have been run by the United States for about two years. I do not say this by way of criticism, but the fact is that the operation of the railroads by the United States has produced a great deficit. There is a continuing deficit to-day. The personnel of the roads has been disturbed. The property of the roads, in the shape of cars, is all over the United States, and it will take a large amount of time and a great amount of expense for each road to get its property together, to get its personnel together, and to go on running as a separate entity.

That is the reason why the committee has allowed this period of six months under the present guaranty, so that the roads may get new rates before the commission, and get their business started under these new rates, so that when the guaranty ends they may be on their own feet and may go on in a self-supporting way.

Now, gentlemen, something has been said here about the lack of credit of the roads. I do not mean to blame anyone if there is blame about it, but I do not believe there is any man who is familiar with finance in any way who will say that before the war the credit of the roads had not practically disappeared. Even the most prosperous of them had to raise money in the most onerous way and at a great expense. I submit to you, gentlemen, that this is not wholly a matter of statistics. The Interstate Commerce Commission produces figures to show that under their management the receipts of the roads were better than they had been before. I think those figures, while accurate in a way, do not state the whole story. But, irrespective of that—and this is what I think is the important thing for us to consider—the matter of confidence is not a matter altogether of statistics, perhaps not primarily of statistics, but

what the investing public of this country see and what the general public see is that the great transportation system of this country is under the iron rule of an Interstate Commerce Commission. They saw, in the Adamson bill, the United States Congress passing a law fixing the wages and fixing the expense under which the roads must operate.

They see this expense kept on by this legislation. They see the Interstate Commerce Commission having control over their rates, so that unlike the ordinary merchant whose costs run up and who can put up his prices at once, the railroads can not promptly advance the price of their only commodity, which is transportation, and we all agree that it should not be done without supervision. But the public sees the situation. They know that politics works in devious ways sometimes, and that people and Congresses change from time to time, and they do not know to what law their investments may be subjected, and nothing is so wary as capital, whether in the hands of the large or small investor.

It seems to me that our job now is to endeavor to help this psychological situation, to legislate so that the roads may retain enough cash to go on with, and after they get started provide a proper rate structure which alone will enable them to give the public adequate service. I do not believe that there is any danger of any road being too prosperous. Gentlemen will talk about some roads paying large dividends and being very prosperous, and that these are the roads represented by the railway executives. But, gentlemen, those are the roads that carried over 90 per cent of all the ton-mileage of this country. They are the roads that do need now our fostering care. I do not believe that any man who had a large farm would say that he must neglect the good part of his farm on which his crops depend and cultivate solely the bad part. The short-line roads need our care and the bill aids them much, but the great roads on which the great transportation system of this country depends need our attention most; and I hope when this bill is passed it will be passed just as it is, and you gentlemen will feel and know that you have done to this country a great service, and have passed a great constructive piece of legislation, not primarily for the benefit of the roads but for all the people of the United States.

Mr. TILSON. Mr. Chairman, will my colleague yield?

Mr. MERRITT. Yes.

Mr. TILSON. The gentleman from Louisiana [Mr. SANDERS] referred to section 205 and made an implication that the Government stood to lose in the matter of accounting between the Government and the railroads. If the plan proposed in section 205 is adopted in the bill, is there any real danger that the Government will stand to lose anything by reason of the proposed method of settlement?

Mr. MERRITT. On the contrary, I think the Government will gain, because I think that this legislation is necessary to set the roads up; and, with the rule of rate making provided by the bill, the roads can go on and pay the Government and pay everybody else. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HAMILTON. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. SANDERS].

The CHAIRMAN. The gentleman from Indiana is recognized for 20 minutes.

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen of the committee, I think this is the most important piece of legislation that has been before the Congress of the United States since it had up the consideration of the war resolution. We are entering now into the period of reconstruction, and this is one of the first great reconstruction measures. We had rich prairies and rich valleys waiting to be cultivated when the Pilgrims landed, but they were not cultivated until railroads came into use and the lines of railroads began to pierce those great areas, and as those railroad lines found their way across the prairies immediately villages were found all along the railway lines and the great farms began to be cultivated.

Just as England, because of her geographical location and her imperialistic government, is a great maritime nation, just so the Republic of the United States, because of its vast contiguous territory, because of its diversified industries and the necessity for a transportation system, is a great transportation country. We have one-third of the railroads of the entire world. We give the best railroad rates and we give absolutely the best service of any transportation system in all this wide world, and it has all been built up and developed by private initiative, by private capital, by private ingenuity, and private genius. And so far as I am concerned, as we enter into this reconstruction period, I want to do what is necessary to retain this great transportation system which has made us the mighty people that we are, and I do not want to adopt a policy that might lead to the destruction of its efficiency. [Applause.]

When we met in committee there were many plans proposed to us. The Plumb plan has been discussed. I do not want to rehash that plan; but, gentlemen, we ought not to pass lightly over a proposition which is seriously made to us, backed up by the considerable propaganda that is behind the Plumb plan, without letting the country know just what it means. It is not Government ownership. It proposes by some method, which I think, by the way, is unconstitutional, to take $18,000,000,000 worth of property, paying part of it by Government money, out of the hands of certain individuals and to put that property and its value into the hands of other individuals without payment on the part of the individuals into whose hands it passes. Under the plan by which these railroads are to go to this corporation for a period of a hundred years the employees and the Government are to have equally divided between them any profits that are to be made, and the profits that are to be made are the only value which the property has. The United States Government is not to get any taxes, and all the amount that it could possibly get through that plan would not amount to what it gets in taxation now, so that the beneficial interest of all that $18,000,000,000 worth of property is to be taken and turned over to somebody else.

That is not Government ownership; that is the soviet control of industry.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. SANDERS of Indiana. Yes.

Mr. MADDEN. That plan also provided that if there were any losses the Government of the United States should pay them?

Mr. SANDERS of Indiana. The Government of the United States, of course, would have to pay them.

I want at this point to read a telegram and letter in which I have briefly given my reasons for opposing the Plumb plan:

INDIANAPOLIS, IND., *August 26, 1919.*

HON. EVERETT SANDERS,
Washington, D. C.:

District No. 72, International Association of Machinists, in convention assembled, direct me to urge you to support the Plumb plan for the control and management of the railroads.

GEO. W. GREENLEAF, *Secretary.*

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., August 30, 1919.

MR. GEORGE W. GREENLEAF,
Secretary District No. 72,
International Association of Machinists,
Indianapolis, Ind.

DEAR SIR: Your telegram, as secretary of District No. 72, International Association of Machinists, relative to the Sims bill, embracing the Plumb plan of nationalization of railroads, reached me in due course, but I have not replied because the proponents of the bill had not completed their arguments in its behalf. I want to express my appreciation of your courteous telegram, for it is quite helpful to receive the views of one who has given the subject some study. In its essentials the Plumb plan is as follows:

All of the railroad properties of the country, estimated at $12,000,000,000 to $18,000,000,000, are transferred for a period of 100 years from the ownership of the present holders to a corporation known as the National Railways Operating Corporation. Those of the present owners who can not be legally squeezed out are to be paid in cash, which is to be raised by means of bonds of the Government. The corporation is to be controlled and managed by a board of 15 directors, 10 elected by the classified and official employees and 5 appointed by the President of the United States. The operating income is to be applied toward the payment of the usual railroad operating expenses, including amortization and interest on the bonds. The net surplus, if any, shall remain, to be equally divided between the Government and the employees.

I might say, in passing, that the railroads and the bonds are to be entirely free from taxation, and that one-half of any amount of remaining profits will not amount in one year to as much as the Government is now receiving by way of taxation, and hence the Government will not receive as much as it is now receiving. It is expected that the lease will be renewed ad infinitum.

The mere statement of the substance of the bill is a condemnation of it. Congress may have the power by eminent domain to take the railroad properties over for the benefit of the Government, but certainly there can be no power by a roundabout way to transfer the property from one group of individuals to another group. This is not government ownership but the Russian soviet plan with slight variations. Of course the nationalization of railroads would merely be the opening wedge. Street railways, coal mines, steel mills, automobile factories, lumber mills, leather factories, clay plants, and every large industry would have to follow as a natural law of economics. In fact, the proponents of this measure recommended that this nationalization scheme be used as to other like industries whenever the employees desire.

The boards to determine the hours of labor and the amount of wages and all other kindred questions will be composed entirely of employees, one-half representing official employees and one-half representing classified employees. There is no appeal therefrom except when there is no majority decision.

There is no power in Congress under the Constitution to enact such legislation. If we had the power and should exercise it, the whole structure of the Government would fall. If $15,000,000,000 in new Government bonds are to be thrown on the market every Liberty bond

would be reduced at once in value, and the holders would lose in the decreased value a billion dollars. Such an increase in credits would cause an immediate inflation; the cost of living would shoot upward with accelerating speed, and hunger, want, and untold suffering would follow. With the absolute power in the hands of employees to raise their own wages at will the cycle of high wages would immediately start. The employees of the different nationalized industries would race with each other in raising wages, a useless process, for the cost of living would always be a neck ahead. The whole Nation, with all its intricate social and economic relations, would become "jangled and out of tune" and chaos would reign supreme. I haven't the slightest doubt that a repetition of the Russian disaster would be upon us within 18 months, and the employees of the nationalized industries would, of course, be included in the mass of suffering and confused humanity.

The railroad problem is a complex and difficult one, and the rights and interest of the splendid American manhood represented by the employees constitute a prime essential in the solution. A constructive plan must be developed. We must perfect such plan upon recognized principles of equity and justice, carefully analyzing the practical effect of the legislation not only upon the hundred millions of the American people but also its effect upon the structure of the government of the great Republic under which we live.

Very sincerely, yours, EVERETT SANDERS.

Mr. Chairman, I do not want to unduly criticize Mr. Plumb. I have the greatest respect and admiration for the hundreds of thousands of loyal, efficient railroad employees in this country. Mr. Plumb was employed to represent them. There was put into operation what is called "the Plumb Plan League." This league was organized, according to Mr. Plumb (hearings, p. 677), about July 1, 1919. It provided for two classes of membership. One class, consisting of local lodges and organizations, who pay $10 per year for their membership. The other class is composed of those who have individual memberships of $1 each. Mr. Plumb in his testimony said that there was probably at that time, August, 1919, an income of between $125,000 and $150,000 per annum, and that he hoped to reach $500,000 per year. The funds so raised, largely from the railroad men of the country, were used to finance his propaganda in favor of the Plumb plan.

I think it fair to assert that not 1 employee in 500 had ever thoroughly read the bill introduced embracing this plan. I do not believe that any fair-minded railroad employee who carefully read the bill and appreciated its economic effect would favor it. I have been personally told by different railroad employees that they were not in favor of the plan.

There was held out as an inducement to the employees that one-half of the profits remaining after payment of the operating expenses should be divided among the employees. This was used as a persuasive argument to enlist their support. Yet in the testimony Mr. Plumb urged, in order to induce public support, the proposition that if his plan were inaugurated railroad transportation could be carried at cost with no profit.

The great difficulty of the Plumb plan is the difficulty which attaches to any plan by which millions of employees are engaged in an occupation the benefits of which from a wage standpoint are immediately dependent upon governmental policies. To illustrate what I mean, this plan would convey to a corporation for a period of 100 years all the railroad properties of the country. It provides, however, that the employees are to have one-half the profits; by action of Congress that one-half of the profits could be changed to three-fourths or nine-tenths. Revenue could be increased from the shipping public and wages of employees could be equally increased, all dependent upon legislation passed by Congress. On the other hand, it is possible for wages to be reduced if under the Plumb plan revenues were cut down or other steps taken which would bring about that result. The effect in sum total of this scheme would be to make every railroad employee determine any action he might take as a voter upon the single standard and from the single viewpoint of his own individual interest.

This great Republic of ours has endured longer than any other Republic on the face of the earth. Those of us who found the present Government here, who found our institutions as they are, are very likely to consider our present Government with its institutions a thing to be had in perpetuity, without reference to the course the individual citizen may pursue. It must be remembered that this is a Government by the consent of the governed. The high state of governmental efficiency, which has made the Republic endure for almost one and one-half centuries, did not merely happen, but was brought about because of the high character of the individual citizen, who gave his mite as one of the governed, who shaped the destinies of the Nation.

While he has done this frequently with an eye to his individual interest, nevertheless his connection with other activities and the great diversity of his interests has made that individual citizen for these many decades add his part in the representative government in an unselfish and public spirited way. But put before the employee who is receiving $1,200 per year the proposition that by concerted action his salary may be brought up to $1,500 per year, and though he may have decided views on many other economic questions involved in a political campaign, which is the forum for determining the policy of the Government, yet no one will say that the average employee will not shape his course with the viewpoint alone of the advancement of such interests.

An illustration of this is found in the hearings on the railroad question. Mr. Plumb, in his zeal for his cause, told the committee over and over again that if the plan were not adopted the hundreds of thousands of employees interested would center their efforts in electing a Congress that would adopt those plans, and there is not one time in all the testimony of the advocates of this plan in which it ever occurred to any of the witnesses that these employees had any other interest in the great Government which has brought to them their happiness and prosperity. Mr. Plumb even went to the point of declaring that unless Congress acted in accordance with his desires that there would likely be a revolution. It is true in the hearings, after he was pressed about the matter he hedged and modified his language so as to give him a means of escape. Yet, nevertheless, everyone who was present and heard him testify knows that what he meant to convey to our committee was that there was danger of an actual revolution in the event we did not adopt the Plumb plan. I quote the following colloquy between myself and Mr. Plumb to illustrate my point and hope that you will note the different positions Mr. Plumb took on the matter, and yet I believe that no one hearing this testimony will doubt the meaning he intended to convey:

Mr. SANDERS of Indiana. You think that the Plumb plan is desirable for the railroad industry, and that the time is now opportune for the adoption of that plan with reference to the railroad industry?

Mr. PLUMB. I do. It is desirable, and I believe the time has come when it should be presented to the public for their consideration, because I believe it meets the demands of this occasion.

Mr. SANDERS of Indiana. And then, in your personal opinion, that same plan is desirable for the coal industry?

Mr. PLUMB. There are many difficulties in the coal industry that distinguish that industry from this, that would make it much more difficult of application. I have not submitted and worked out a way in which it can be worked out and applied. All I can say is that I believe the principles of democracy in industry, and perhaps Government ownership should be applied to the mining industry, if those employed in the industry and the public want it so applied; but the machinery for working it out I can not possibly suggest how it should be done, because the nature of private rights in mines are so vastly different from the rights which have been granted to corporations owning the public highways.

Mr. SANDERS of Indiana. Would you subscribe to this doctrine, that all forests, mines, and waterways having national importance, should be declared national properties?

Mr. PLUMB. I subscribe to that doctrine personally, and I should like to see it subscribed to by all the people of the United States.

Mr. SANDERS of Indiana. Have you ever read the Russian Soviet constitution?

Mr. PLUMB. I have not.

Mr. SANDERS of Indiana. That quotation that I just gave you is an extract from the Russian soviet constitution, taken from a photographic copy, which was procured by the State Department. Do you not think that the Plumb plan, rather than being a Government ownership plan, is a soviet plan?

Mr. PLUMB. I do not know what a soviet plan is. I know what the popular misconception, or conception, of it may be, but I do not know what it is.

Mr. SANDERS of Indiana. What is the popular misconception of it?

Mr. PLUMB. Well, as it is buried about in the newspapers, it seems to me the idea is that some workmen get together and go out and grab some property and divide it up between themselves.

Mr. SANDERS of Indiana. And you think that is a misconception?

Mr. PLUMB. It must be.

Mr. SANDERS of Indiana. If that is a misconception, what is your standard of a proper conception?

Mr. PLUMB. I would have to have information on that. I do not know.

Mr. SANDERS of Indiana. It is pretty difficult to tell what is a misconception unless you know what the proper conception is.

Mr. PLUMB. Unless you knew human nature. It is inconceivable to me that any society could believe in the right of a group—any society that was sane—could believe in the right of a group to go out and seize property and divide it up between themselves without regard to law. I can not conceive that there are people of any civilization that have such a belief.

Mr. SANDERS of Indiana. Referring for a moment to your testimony of yesterday. In response to interrogatories propounded by Mr. BARKLEY, you explained in your testimony about a speech you made at St. Louis. What was the approximate date of that speech? My recollection is you said it was about two weeks ago.

Mr. PLUMB. I am trying to get the exact date. I think it was the 18th or 20th of July.

Mr. SANDERS of Indiana. To what class of persons was the address delivered?

Mr. PLUMB. It was a picnic held in some grove outside of St. Louis by several of the labor organizations.

Mr. SANDERS of Indiana. Railroad men?

Mr. PLUMB. Yes.

Mr. SANDERS of Indiana. Any others?

Mr. PLUMB. I was introduced to a great many men, and my recollection is that some of them were not railroad men.

Mr. SANDERS of Indiana. You explained to them the Plumb plan at that time?

Mr. PLUMB. Yes, sir.

Mr. SANDERS of Indiana. You explained that you had a plan by means of which you would take the railroad properties of the United States, amounting in actual value, in accordance with your definition of value, to about ten or twelve billions of dollars; that you would squeeze out all the holders of paper title to the property which did not represent actual

value, as you defined it; that then you would make the Government purchase these properties by issuing bonds; that then you would provide under the Plumb plan to turn over for 100 years, which is a period of years longer than the lifetime of any of those employees to whom you were talking, turn this property over to a corporation, which would be, by a majority in every tribunal, controlled by them, and give them, those railroad employees, the right to a majority control, to determine the amount of their wages that should be paid, the hours of labor that they should be employed, the conditions of the labor, and that for a period of 100 years, through that corporation, they should control by majority representation the entire operation of the railroads; and that then, whatever net earnings should be left should be equally divided between them on the one hand and the Government on the other hand. And then, when you had concluded your address, had gotten through speaking, according to your testimony yesterday, crowds of men came up to you, and one of them, representing one group, said, "By G——, if we can not agree on this plan, then there is going to be revolution:" and his sentiment was echoed by all the others there.

Is that practically an accurate statement?

Mr. PLUMB. No; that is quite a long way from an accurate statement. You have paraphrased a part of the address in words which I did not use with meanings which I did not convey, and you have omitted parts which would greatly modify that paraphrase which I did use. As to the expression of the man who came to see me, as I remember it, it was "By G——, if we can not get something like this, there will be revolution."

Mr. SANDERS of Indiana. Of course I do not personally recollect just what was said, but according to the reporter's notes the person came up to you and said "By G——, if we can not agree on this plan, there is going to be revolution."

Mr. PLUMB. Well, my impression is that what he said was, "We have got to get something like this; this is a way out on which we can agree, and if we do not get something like this, then we are going to have revolution."

It was an exclamation, and it was the meaning that impressed me rather than the exact words. I tried to convey that meaning to you yesterday.

Mr. SANDERS of Indiana. It was a vigorous exclamation?

Mr. PLUMB. Yes.

Mr. SANDERS of Indiana. He used the term "revolution"?

Mr. PLUMB. Yes.

Mr. SANDERS of Indiana. What did you understand to be the meaning of the term "revolution" as used by the person who was speaking to you?

Mr. PLUMB. Well, a change in the existing order of things. There was a great deal of conversation, with a large group standing around. In my speech I told them how this plan merely carried us back to the foundations of our Government; how it restored to individuals the freedom of opportunity guaranteed by the Constitution; that it made a new order of things by evolution under the form of government established; and it drew us away from revolution. And it was in that meaning, I think, that he made this exclamation, that "here was a way out which prevents revolution."

Mr. SANDERS of Indiana. What I am anxious to know is how you interpreted his language when he said, "if we can not agree on this plan, there is going to be revolution." I want to know how you interpreted the meaning of his use of the word "revolution"?

Mr. PLUMB. An overturning of the existing industrial order and the establishment of a new one.

Mr. SANDERS of Indiana. In other words, the overthrowing of our present form of government?

Mr. PLUMB. No. They believe that the present form of government is the means of establishing the new.

Mr. SANDERS of Indiana. You are trying to do that by appearing before this committee and having this plan adopted, but he said the other alternative would be "revolution." You are using the peaceable plan by trying to get a plan that you think is a proper plan adopted through the regularly constituted machinery of the Government. He suggested the other plan, which was revolution. Now, how do you think he meant to accomplish that?

Mr. PLUMB. Well, I presume that these men use language forcefully. They believe in direct action and direct expression. I would not wonder very much if the revolution that we think of is the same threat that our friend from Washington believes he has received.

Mr. WEBSTER. You agree it was a threat?

Mr. PLUMB. Yes, sir.

Mr. WEBSTER. And I certainly received it.

Mr. PLUMB. That those who are now administering the law, which these people believe is not in conformity with the Constitution, shall be replaced by men who will act in the way in which they believe the Constitution should be enforced.

Mr. SANDERS of Indiana. You believe that is what he meant when he used the word "revolution"?

Mr. PLUMB. Oh, you will have more than that, too.

Mr. SANDERS of Indiana. Don't you think he meant by direct action?

Mr. PLUMB. What do you mean by direct action?

Mr. SANDERS of Indiana. What do you define as direct action, in the meaning that you give it?

Mr. PLUMB. I think the first direct action would be the use of the ballot, and that is as far as I can see it, and I hope I never will have to look beyond that.

Mr. SANDERS of Indiana. Do you think he meant to convey to you by that expression that if we did not adopt this plan by using the ballot they would have it adopted?

Mr. PLUMB. They would have what?

Mr. SANDERS of Indiana. They would have it adopted by another Congress.

Mr. PLUMB. I think so. I am going to come a little closer to it, to what you have been trying to get, than I have given you.

Mr. SANDERS of Indiana. What I am trying to get is this: You have gone out among these people and talked with them?

Mr. PLUMB. Yes.

Mr. SANDERS of Indiana. And you said you wanted to bring us a message from them?

Mr. PLUMB. Yes.

Mr. SANDERS of Indiana. What I am trying to get is what that message is.

Mr. PLUMB. It is this: We have come to a new day; we have spent our lives and our money to attain liberty; and we find that without liberty in industry we have only the shell of actual liberty to live; and they are going to get that liberty to live through the Constitution and through the lawful forces, and I hope to God it may come that way. But if the powers of reaction prevent the opportunity for that expression, then it will come in another way.

Mr. SANDERS of Indiana. What other way?

Mr. PLUMB. In the way it always comes, through history, when reaction prevented progress.

Mr. SANDERS of Indiana. Well what do you mean by that?

Mr. PLUMB. I do not think there is any doubt in your mind as to what I mean.

Mr. SANDERS of Indiana. There is no doubt in my mind as to what you meant yesterday. The adoption of the Plumb plan, through Congress, would be one way that you have described; revolution would be the other way.

Mr. PLUMB. No, Congressmen, not for a moment. The adoption of some plan that involves the new order, be it what it may. I do not care whether it is the Plumb plan or what plan it is, but some means must be devised, and we have tendered this as a possible way; and if a better way can be devised by law, accomplishing the result, you will find the most patriotic support from these same men that you could possibly ask for.

Mr. SANDERS of Indiana. You can see the difficulty of our understanding what you mean when you use such a term as "revolution," which should not be lightly used, and I want to call your attention to the fact that Mr. BARKLEY, yesterday afternoon, asked you what you understood to be the man's meaning when he used the word "revolution," and you replied, "I think that in that man's mind and in the minds of millions of others, they feel they have reached the point of diminishing level of existence where they can not stand any more, and rather than continue to serve for diminishing returns they will cease to serve." In other words, you interpreted the word "revolution" yesterday to mean a strike, although you give it another meaning, a different interpretation, to-day. You said this: "That sentiment was echoed by all of the others." What I want to know is what the sentiment was of that body at the conclusion of your address.

Mr. PLUMB. The sentiment, as I gathered it, was that here was a real constructive effort to have established, under our Constitution, the things that they hoped for, and that a way must be shown for realizing that hope.

The CHAIRMAN. The committee will adjourn at this point until 10 o'clock to-morrow morning.

(Whereupon, at 3.30 o'clock p. m., the committee adjourned until Saturday, August 9, 1919, at 10 o'clock a. m.)

Irrespective of the conclusions you may have as to what was intended to be conveyed by Mr. Plumb, it nevertheless clearly illustrates that he had in his mind that these men already were going to determine their course of political action solely upon their private interests in the railroad legislation.

Mr. Plumb made a speech on September 13, 1919, at Cleveland, Ohio, at the convention of the United Mine Workers of America, in which he used the same adroit plan of saying things to convey one impression and later putting in other words to give him a loophole of escape. Listen to the language of a part of the speech he delivered there:

Now I will tell you about the plan—

Speaking of the Plumb plan—

The plan is based on those principles. We say we are going to have the Government buy these railroads. That is loose speaking. We don't have to buy the railroads, because they are already ours, and yet we have to talk in the language that is understood.

He later gave his hearers to understand that it was expected the Government would pay something of value for the railroads.

In that same speech before the miners' convention Mr. Plumb further illustrated the point I am making—the destruction of unselfish citizenship. He says:

Now, if the Congress dares deny this principle—and they will—we will have another Congress after the next election that will voice the demand of the people of the United States. Don't let that worry you.

Even the period of Government operation of railroads brought out clearly the evils of making a great body of employees directly subject to the action of governmental officials. I quote the following newspaper report of the statement by Director General William G. McAdoo, in speaking to railroad employees at a mass meeting on April 17, 1918, at El Paso, Tex.:

"The railroads must function 150 per cent, for we are not employees of the railroad companies but of Uncle Sam, enlisted in the great legion of liberty," Secretary McAdoo said. He asked the men not to become impatient because of the delay of the fixing of the new wage schedule, adding that if a raise was granted to the railroad men it would be retroactive, and they would then be able to buy Liberty bonds.

"You are all my boys, and I don't intend to let anyone kick you around, for I will defend you to the limit when you are right, and you won't go wrong, I am sure," he said.

Mr. Chairman, we have listened to a very able address by my very genial namesake from the great State of Louisiana [Mr. SANDERS], who has pointed out time after time and place after place in this legislation in which we have done something of a helpful nature for the railroads, and he holds up his hands in holy horror. I might say to the gentleman that I think the great merit of this bill lies in the fact that we recognize that this Congress and the country do not want Government ownership; we know that America wants us to enact such legislation as is necessary to make private ownership a success. Why, we find these railroads with rates producing such revenue as causes a deficit of a million dollars a day. We are going to turn them back into private control. Shall we immediately put those railroads out into the market for a great deal of money in order to

meet the capital expenditure that the Government has made for them, whether they wanted it or not, amounting to $1,135,000,000 altogether? Are we going to make no provision that the rates already in effect shall remain in effect until changed? If we do not, they will immediately go back to the prewar status. It will mean bankruptcy to the railroads. It will mean an industrial depression and a panic and a destruction of the financial structure of the entire country, unless we deal justly with the railroads.

I have no objection whatever to anybody criticizing this bill by saying, "Here, you are doing something which will be of benefit to the railroads of this country."

"But," says the gentleman from Louisiana [Mr. SANDERS], "you are letting the railroads get control of the water transportation." Originally the subcommittee bill did have a provision for the control of water transportation by the Interstate Commerce Commission, and the gentleman from Louisiana [Mr. SANDERS] made a very able speech, in which he said he wanted water transportation let alone. We struck it all out of the bill, except merely a provision where there was a joint rail and water rate. We left water transportation scot free, with no hand of regulation upon it. The steamboats can run, so far as port-to-port trips are concerned, without a single regulation with reference to rates. They can run even where they compete with the railroads. If two railroads run through competitive territory, they are regulated by the Interstate Commerce Commission, but the water lines running from port to port, competing in the same freight regions, are not touched at all.

Personally I am in favor of just the provisions that are in this bill, but if there is any criticism to be made against it with reference to water, it is that we leave the water transportation scot free while we put the railroads under regulation. I was in favor of doing that, because I want now to do everything we can to encourage water transportation, but I thought maybe we would give water transportation a little the edge of it.

The problem that confronted the committee, of course, was a simple one, so far as general outlines were concerned. It was our duty to prepare for your passage whatever legislation was necessary for the transition period between the time the railroads go back under private control and the time when a readjustment can be made.

Mr. BRIGGS. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes, with pleasure.

Mr. BRIGGS. Has it been computed by the committee just what the Government loss has been since the Government took over the operation of the railroads?

Mr. SANDERS of Indiana. I think Mr. BARKLEY stated that it was something over $600,000,000.

Mr. BRIGGS. That does not include, however, the loss of interest on the revolving fund and other expenses?

Mr. SANDERS of Indiana. No.

Mr. BRIGGS. That had to be met by the increase in costs, and so forth.

Mr. SANDERS of Indiana. No. I could not say just what items went into it; but we have had a big loss, and I am not going to discuss that proposition.

We provided in this bill that the present rate structure shall remain until changed. It is presumed that will take a period of six months, and the commission will have to work pretty fast to cover this whole matter in six months. During that time we proposed to continue paying the railroads by means of a guaranty the amount which they are paid at present. That is not quite an accurate statement of it. You take a six-month period for the same time of year during the three years of the test period, add the three together and divide by three, and that will be the length of your guaranty and the amount of your guaranty. During that time the State commissions can go to work on the State rates and the Interstate Commerce Commission can go to work on the interstate rates. A rate structure will then be made by the Interstate Commerce Commission and the State commissions to meet the situation.

Many members of the committee know that personally I am rather inclined to think the Interstate Commerce Commission ought to run all of them. My work on this committee has taught me that there will never be a piece of legislation of any importance go through the House where we will all agree as to all of its provisions. After all, what we must hope to get is the best consensus of opinion about what is right and proper, and that is what we have given you in this bill; and I feel that as the committee examines it and improves it with any amendments that may be made, it will then be the expression of the consensus of the opinion of the Members of the House, and that is the best legislation which we can hope to get. It may have some inaccuracies, but we have given careful study and have made these provisions for the purpose of making private operation of the railroads a success.

We provided for refunding for a period of 10 years. That is to keep the railroads from immediately having to go into the money market. Of course, they will owe the Government. I think that was a very wise provision. We wisely provided for a $250,000,000 revolving fund for loans. We provided a manner for suits to be brought on claims growing out of Federal control. All these provisions I have enumerated are simply for the purpose of taking care of the situation which we find at the termination of Federal control.

A further part of the measure deals with an enlargement of the powers of the Interstate Commerce Commission with reference to regulation. We have Government control by means of strong governmental regulation. If you will read the part of this bill which amends the commerce act you will find that not a single carrier can take an important step in the railroad industry without the approval of the Interstate Commerce Commission. The carriers can not put in new switches and tracks, they can not abandon tracks, they can not issue securities without the approval of the commission. The commission can upon complaint compel them to equip themselves with the facilities for transportation. It can compel one railroad to permit another railroad to use its transportation facilities.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. ROBSION of Kentucky. I notice that the bill provides that the Interstate Commerce Commission can require the railroads to furnish cars and other equipment. Many of the short-line railroads in the country have not the cars and have not the means to get the equipment. They depend very largely on the trunk lines. Does this bill reach the short lines, and can you force them to get cars and equipment?

Mr. SANDERS of Indiana. Yes; but, of course, the matter lies within the discretion of the Interstate Commerce Commission, and I should say, taking it by and large, that it is in favor of the short lines. The commission recognizes that all roads have not at all times the facilities, and gives them the means to get facilities.

Mr. CLEARY. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CLEARY. Does not the gentleman think that the regulation is intended to treat all shippers alike?

Mr. SANDERS of Indiana. Yes.

Mr. CLEARY. Some people would get all the cars and others would get none.

Mr. SANDERS of Indiana. We have a provision in the bill for equal distribution.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. NEWTON of Minnesota. Does this plan provide for the car-pooling system?

Mr. SANDERS of Indiana. No; this bill does not. There is a separate bill for that. This bill has some provisions, however, for pooling arrangement.

Mr. NEWTON of Minnesota. This particular measure does not attempt to dispose of that phase of the matter?

Mr. SANDERS of Indiana. This bill contains a very wise provision giving the Interstate Commerce Commission control over the issuance of securities. This control is exclusive and affords an adequate preventive of any watering of stock in the future.

Mr. Chairman, there are some controversial points in this bill, notably the question of a rule of rate making, the question of the adjustment of the financial relations between the carriers and the Government, and the question of added powers given to the Interstate Commerce Commission, which I shall not discuss here, but shall discuss under the five-minute rule, when amendments are presented.

We have the question as to what labor provisions shall be retained in the present bill; personally I favor a provision for the machinery for voluntary adjustments between the employees and the railroads, much the same as now exists between the Railroad Administration and the railroad employees, and since I know that an amendment will be presented embracing these provisions I shall support such amendment.

I can not let this opportunity pass without emphasizing the importance of retaining the present rate structure until modified in accordance with the provisions of the law. The State rates, in my opinion, would immediately return to their prewar status unless a provision otherwise is left in this bill. The great inequality between State and interstate rates appears from the following comparison of commodity rates and class rates in Minnesota and North Dakota. I also show the comparison of class rates in Illinois and Indiana:

Comparison of class rates.

(a) Director General's present interstate rates in Minnesota and North Dakota. (b) Minnesota commissioners' rates.
(c) North Dakota legislative rates (act of Feb. 19, 1919).

Miles.	First class.		Second class.		Third class.		Fourth class.		Fifth class.		Class A.		Class B.		Class C.		Class D.		Class E.	
	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)	(a)	(b)and (c)
25	25	15.9	21	13.3	17.5	10.6	15	8	11	6.4	12.5	7.2	9	5.6	7.5	4.8	6.5	4	5	3.2
50	37.5	20.8	32.5	17.3	25	13.9	19	10.4	15	8.3	15	9.4	14	7.3	11.5	6.2	9	5.2	7.5	4.2
75	45	25.7	39	21.4	30	17.1	22.5	12.9	17.5	10.3	17.5	11.6	16.5	9	14	7.7	11.5	6.4	9	5.1
100	51.5	30.6	44	25.5	34	20.4	26.5	15.3	20	12.2	20	13.8	17.5	10.7	15	9.2	12.5	7.7	10	6.1
200	75	50.2	64	41.8	50	33.5	37.5	25.1	30	20.1	30	22.6	26.5	17.6	22.5	15.1	17.5	12.6	15	10
300	99	60	84	50	65	40	50	30	40	24	40	27	35	21	30	18	24	15	20	12
400	122.5	69.8	105	58.2	82.5	46.5	62.5	34.9	49	27.9	49	31.3	42.5	24.4	37.5	20.9	30	17.5	25	14

Comparison of commodity rates.

(a) Director General's present interstate rates in Minnesota and North Dakota. (b) Minnesota commissioners' rates.
(c) North Dakota legislative rates (act of Feb. 19, 1919)

Miles.	Grain.				Cement.			Lumber.		
	All grain. From stations on main line of Nor. Pac. Ry. to Minneapolis and Duluth.	Wheat.	Coarse grain.	All grain.	From Duluth, Minn., to main line stations on the Nor. Pac. Ry.	(b)	(c)	From Minneapolis and Frazee, Minn., to main line stations on the Nor. Pac. Ry.	(b)	(c)
	(a)	(b)	(b)	(c)	(a)			(a)		
100								14.5	6.6	6.6
200								20.5	8.8	8.8
300	17	10.9	10.1	9.6	19	11.6	10.5	21.5	10.5	10.5
400	20	12	11.1	10.6	25	13.8	12.1	28.5	12.1	12.1

Miles.	Live stock. (Rates in dollars and cents for 36-foot 6-inch car.)									Coal.			
	Hogs in single-deck cars.			Cattle, carloads, also goats and sheep in double-deck cars.			Sheep or goats in single-deck cars.			From Duluth, Minn., to main line stations on Nor. Pac. Ry. in North Dakota. (a)		(b) and (c)	
	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)	Hard.	Soft.	Hard.	Soft.
100	35.70	21.76	21.59	41.80	26.40	25.30	32.30	16.20	15.24				
200	46.75	29.75	28.05	52.80	35.86	33.00	40.80	22.08	19.80				
300	56.95	33.66	32.30	61.60	40.70	37.40	47.60	24.96	22.80	3.20	3.10	2.07	1.69
400	66.30	38.57	35.70	70.40	45.54	41.80	54.40	27.96	25.20	3.50	3.30	2.31	1.87

NOTE.—Rates for shorter distances not shown for the reason that there are comparatively few interstate movements for lesser distances.

Comparison of class rates in Illinois, Indiana, and interstate rates before and after General Order No. 28.

(a) Illinois State scale in effect prior to June 25, 1918.
(b) Indiana State scale effective Nov. 20, 1917, being 115 per cent of the Disque scale (45 I. C. C., 254) prior to General Order No. 28.
(c) Director General's interstate scale effective June 25, 1918.

Miles.	First class.			Second class.			Third class.			Fourth class.			Fifth class.			Sixth class.		
	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)
25	16.5	23.0	29.0	15.0	19.5	24.5	12.0	15.5	19.5	9.0	11.5	14.5	7.2	8.0	10.0	6.8	6.5	8.0
50	23.3	29.0	36.5	18.8	24.5	31.0	15.8	19.5	24.5	11.3	14.5	18.5	9.0	10.0	13.0	8.7	8.0	10.0
75	27.1	31.5	39.5	22.6	27.0	33.5	18.8	21.0	26.5	13.2	16.0	20.0	10.2	11.0	14.0	10.2	9.0	11.0
100	30.8	34.5	43.0	24.8	29.5	36.5	19.9	23.0	29.0	15.0	17.5	21.5	12.0	12.0	15.0	11.7	9.5	12.0
125	34.2	38.0	47.5	26.7	32.5	40.5	21.1	25.5	32.0	16.5	19.0	24.0	13.2	13.5	16.5	12.7	10.5	13.5
150	36.1	40.5	50.5	28.6	34.5	43.0	22.2	27.0	34.0	18.1	20.5	25.5	14.4	14.0	17.5	13.6	11.5	14.0
175	37.7	43.5	54.5	30.1	37.0	46.5	23.3	29.0	36.5	18.8	22.0	27.5	15.0	15.0	19.0	14.5	12.0	15.5
200	39.1	46.0	57.5	31.6	39.0	49.0	24.4	31.0	38.5	19.6	23.0	29.0	15.6	16.0	20.0	15.2	13.0	16.0
300	44.4	52.0	65.0	36.1	44.0	55.5	28.2	35.0	43.5	22.6	26.0	32.5	18.1	18.0	23.0	17.0	14.5	18.0
400	48.1	57.5	72.0	39.9	49.0	61.0	31.6	38.5	48.0	24.8	29.0	36.0	19.9	20.0	25.0	19.1	16.0	20.0
500	50.0	63.5	79.5	41.4	54.0	67.5	33.5	42.5	53.5	26.3	32.0	40.0	21.1	22.0	28.0	20.6	18.0	22.5

I am going to support the provision of this bill permitting intrastate rates to be determined primarily by the State commissions of the several States. I want to make the prediction now, however, that the time will come in the not distant future when this united country of ours will recognize the transportation question as a National and not a State question, when a closer study of the railroad rate problem, of the necessary revenue to be derived from all the roads of the country, will con-

vince all thinking men that an adjustment of rates can not be made by 49 different tribunals, and I want to quote from Fuller on Interstate Commerce, page 57, a statement which meets my approval:

Interstate commerce has acquired a volume and importance never conceived by the authors of the Constitution. To-day interstate transactions comprise a very large proportion of the business of the country. Although the power to regulate commerce was granted chiefly as a means of protection against commercial hostilities and reprisals between the various States of the Union it remained practically dormant until comparatively recent years. It has, however, now come to be recognized as a most potent affirmative and constructive power constitutionally capable of effective development along many lines. Indeed it may be said to be the greatest power lodged in the National Government, with almost unlimited possibilities of expansion in the constantly growing field of commercial and industrial intercourse. The latest decisions of the Supreme Court point to the conclusion that whenever the Federal authority is ready to undertake the entire regulation of transportation rates it will have the power to do so, so closely interrelated are intrastate and interstate traffic. The signs point to a not distant date of unified control of the whole subject.

I hope this measure will soon pass; I hope action will soon be taken in the Senate on the bill now pending before it, and that out of the two measures there shall be evolved such legislation as will properly solve the railroad problem.

The settlement of the great areas of our country from the Atlantic to the Pacific and from the Dominion to the Gulf has been determined year after year and decade after decade by the location of the lines of transportation, until to-day they form a network of arteries through which courses the lifeblood of the Republic. The beneficent influence of our transportation system unites the areas underlaid with great beds of coal with the ore deposits of other sections. Its magic touch brings the tropical fruits of the Pacific coast and the sunny South into every village and hamlet in the land. It translates the great forests into the houses that dot the treeless prairies and make solid the long line of residences in the densely populated cities and towns. It winds through the coal fields, and before many hours have passed lighted fires bring the welcome glow to many hearthstones in far distant parts of the land. It makes possible the varied and manifold activities of our industrial business and social world.

Let us so legislate that our railroad system, the marvel and wonder of civilization, shall be brought up to the highest point of efficiency and sustained in all its vigor, and we shall then have done the greatest single act that can be done to bring to America prosperity, comfort, and happiness. [Applause.]

Mr. HAMILTON. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I appreciate, and we all appreciate, that this is one of the most important pieces of legislation with which this or any Congress in the near future will have to do. In considering it I think it most important that we not only do our level best in reference to the turning back of this property to private ownership, providing the best machinery possible for the operation for the benefit of the public in the future, but I also think it is our bounden duty to provide as best we can against all possible contingencies that may have to do with hindering the operation of this property or preventing its operation.

Title II of this act attempts to deal with labor disputes and provides in a way for their consideration and settlement. It strikes me in reading the provision proposed by the committee that too little attention has been given to the interests of the public and that too much attention has been given to the operators and to the employees. The largest factor in a great measure has been entirely ignored. The interests of the public, to my mind, should be the controlling, the paramount factor in the consideration and determination of this measure.

I am not one of those ready to admit that it is impossible to find a way to settle the disputes arising between common carriers and their employees without resorting to a strike. I think that is the last measure that should be invoked for the purpose of settling these labor disputes. It will be admitted that whenever there is a strike there is a wrong, or a supposed wrong, somewhere, either on the part of the employer or on the part of the employee. We certainly can find a way better than recourse to the strike to right that wrong.

This Government thus far has been able to meet all of these great questions and to settle them satisfactorily to the great majority of those concerned. It would be a confession of weakness in our Government for us now to say that it is impossible to find a way to meet this troublesome question. I think it can be done; I think the great mass of the American people are looking to this Congress to find some way. I believe the majority of the laboring men of this country, with here and there an exception, are looking to this Congress to find some means whereby this trouble may be determined. I believe that it is to the best interests not only of the railroads but their operation in the future, and to the future interests of the public, who depend in the main upon these arteries of trade to supply their wants, that this question be determined as a part of this railroad legislation.

Now, what is the best way? Upon that proposition there may be a very great divergence of opinion. Some time ago I introduced in the House a bill, H. R. 9062, which reads as follows:

A bill to provide for the investigation of all disputes and controversies threatening the operation of the Government, intercourse between the States, or the distribution of the necessities of life.

Be it enacted, etc., That in order hereafter to more fully protect the public from actual or threatened injury arising from a want of the proper distribution of the necessities of life, whenever there shall arise a controversy or dispute respecting hours of labor, wages, or working conditions between a common carrier and its employees engaged in and providing means of commercial intercourse by rail, water, telephone, or telegraph between the States or Territories of the United States, or said States or Territories and the District of Columbia, by reason of which controversy or dispute there is in the judgment of the President of the United States good reason to believe that such controversy or dispute threatens to affect, interrupt, or prevent the civil or military functions of the United States, the movement of the mails, or the movement of food, feed, grain, produce, meats, fruits, coal, wood, or other fuel, including fuel oil, or other necessities of life, or the free and lawful movement of commerce among the several States or with foreign nations, the President may in his discretion investigate the cause and circumstances of such controversy or dispute: *Provided*, That nothing in this act shall be construed to apply to street railroads.

SEC. 2. That for this purpose the President may appoint a special commission of not to exceed five persons who, in his opinion, are eminently qualified to conduct such inquiry.

SEC. 3. That such commission shall effect its organization immediately and proceed to investigate the causes and circumstances of said controversy with all reasonable dispatch. They shall give reasonable notice to the parties to the dispute and proceed with the conduct of their inquiry at whatever place shall in their judgment be most expedient for their purpose.

SEC. 4. That the commission may adopt such rules and regulations as may seem appropriate for the direction of its inquiries, but its forms of process and the service of the same shall conform as nearly as possible to those in use by the courts of the United States.

SEC. 5. That the parties to the dispute shall be entitled to be present in person or by counsel during the conduct of the investigation and entitled to be heard, subject to such reasonable rules of procedure as the commission may adopt. The commission shall, however, be empowered to hold executive sessions for deliberative purposes and the consideration and formulation of its opinions.

SEC. 6. That in the conduct of its investigations the commission, or any single commissioner authorized by it, shall have power to administer oaths or affirmations, to sign and issue subpœnas, to require the attendance of witnesses and the taking of testimony in person or by deposition, to require the production of such books, records, and other documentary evidence as may be material and relevant for the proper determination of the subject of inquiry; whenever in the opinion of the commission it shall be necessary, the commission, or any single commissioner, or a duly authorized agent of the commission, may examine, inspect, or for that purpose require the operation or visit the place of operation where the service which is the subject matter of dispute is performed; for these purposes the commission may invoke the aid of district courts of the United States to compel the attendance and testimony of witnesses, production of books, documents, and records, and may exercise in these respects the same powers to the same extent, under the same conditions and penalties, as are now vested in the Interstate Commerce Commission by the act to regulate commerce, approved February 4, 1887, and the acts amendatory; it shall be the duty of the district courts of the United States to render said commission the same aid which, under like conditions, it is required to extend to the said Interstate Commerce Commission; and witnesses testifying before said commission shall be subject to the same obligations and entitled to like immunities as is provided in said acts.

SEC. 7. That having concluded its inquiry, the commission shall formulate its report thereon. It shall, so far as it can, declare the causes of the dispute, the parties or circumstances responsible therefor, and shall make such specific findings and recommendations as in its judgment will end the controversy and prevent its recurrence, and if, in its opinion, a legislative remedy is required, it shall make appropriate recommendations.

SEC. 8. That the report of the commission shall be made in writing to the President and by him made public and transmitted to Congress for its information and action, together with such comments and recommendations as in the opinion of the President are appropriate. At the same time, or at such time prior thereto as in the opinion of the President is advisable, said report shall be supplied to the principal parties to the controversy.

SEC. 9. That the President may fix a reasonable compensation to be paid to the members of the commission from the Treasury at such times and in such manner as he shall direct, and the commission, subject to his approval, shall have authority to employ and fix the compensation of such employees as it may find necessary for the proper performance of its duties. The commission is authorized to provide itself with suitable offices and supplies, and all expenses of the commissioners, including transportation for themselves or their employees, in conducting any inquiry authorized under this act, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman and secretary of the commission.

SEC. 10. That no commission authorized under this act shall continue for a period of more than 60 days from the date of its appointment unless its continued existence is directed by Executive order.

SEC. 11. That pending the conduct and conclusion of any investigation by a commission herein authorized, the submission of its report to the President and publication of the same by him, any combination, agreement, or conspiracy by or between either or both of the parties to the controversy or dispute, or between two or more persons acting on their behalf, with their knowledge and consent, or at their instigation, to strike or lockout, or to do or refrain from doing any act or acts the necessary purpose or effect of which is to prevent, interrupt, obstruct, or interfere with the operation of a common carrier, the employees and employers of which are parties to the controversy or dispute, is hereby

declared to be a felony. Any person convicted of the same shall be subject to a fine of not more than $5,000 or imprisonment for not more than three years, or both fine and imprisonment.

It consists of 11 sections. The first and the last sections set forth the meat of this proposition. The other 9 sections, as you will observe, provide the machinery whereby it is to be put into effect. I tried to cover as nearly as I could the interests of the public, as well as the interests of the employee and the employer, providing as best I could the machinery that would settle these difficulties wisely and equitably between employer and employee and the public, thinking it would be a means whereby these troubles in the future might be ended.

I was prompted to do this first by reason of the experience this country had a number of years ago at the time Theodore Roosevelt was President of the United States, when there was a threatened strike and tie-up of the great anthracite mines in the United States. President Roosevelt, realizing that suffering would be entailed, took the matter into his own hands, and without warrant of law or statute, and said the people of this country are vitally interested and must not suffer. He sent for the mine owners and told them that the mines were not to be closed, and if they refused to operate them, if they insisted on a lockout, he would take hold of them. He sent for the workingmen and said to them that these mines must be operated, and "if you will not operate them you must get out of the way and permit somebody else to operate them that the coal may be supplied to the public."

What was the result? He appointed a commission of disinterested men for the purpose of inquiring into the disputes existing between the operators and the miners. The result was that before that commission had finally come to its determination the strike was settled, and people were supplied with all of the coal that they wanted, and it was settled, if you please, to the satisfaction of the great mass of those concerned. I have in mind that for the purpose of settling these disputes in the future the President of the United States should be empowered to appoint a committee of five men, eminently qualified for the purpose, to make an investigation into the facts and the surrounding circumstances causing that particular dispute or controversy, and that that commission shall have all of the powers of the courts, all of the powers of the Interstate Commerce Commission, for the purpose of making the completest possible investigation; that during that period of time it shall be unlawful either for a strike or a lockout to occur, upon the theory that if the operator is wrong that wrong would be discovered and righted; and, upon the other hand, if the wrong lay with the workmen, that wrong would likewise be discovered and righted. In the meantime the people of the United States would not be made to suffer.

Take the bill that we have before us now; there is no reason why this sort of operating machinery should not be inserted into it. There is nothing in this bill that prevents the possibility even of a strike. If they had added, after all of the machinery, cumbrous though it may be with reference to mediation, with reference to the investigation—if they had added a clause providing that during the time that this investigation is being made, and until the report is made back to the President of the United States, the work shall continue and no strike or lockout shall be had, there would never be a strike and never a lockout, for the men appointed, even under the machinery of this bill, eminently fair, with the power to make inquiry, going to the bottom of the dispute, with the determination of doing exact justice to all, would seldom have to finish the investigation, because public opinion would decide the question before the investigation was completed, and public opinion is the deciding power after all in these great questions. We have seen evidence of that within the very last few days.

Who would be benefited by a proposition of this kind? Who would be hurt, if there was such a thing invoked? All people of this country certainly would be benefited. I maintain that the laboring men themselves who are interested would be most benefited, and in no event could they be harmed.

The only one who possibly could be damaged by reason of machinery of this character is the professional agitator. That gentleman would soon be out of a job. I know that the American workingman, whether he is engaged in a shop, a factory, or on the farm, is interested in having some kind of process whereby these labor difficulties may be determined. I believe that the great mass of the miners who were ordered out on this strike, without having any voice or vote in determining that proposition, would gladly welcome the day when there would be some kind of machinery whereby they knew that their rights would be protected to the uttermost, and whereby they would be saved from the wastefulness of these strike operations. I see by the paper that this strike, just ended so happily to-day, lasting only eight days, has cost the miners—the men who work down deep in the earth in these mines, $20,000,000—$40 apiece. What would this waste have amounted to had the strike continued for a month or two months? Not alone is the waste to the men who are thus deprived of their opportunity to work and earn but tenfold more waste may result to the producing activities of this country by reason of their being deprived of their product.

Here we are at a time when the whole world is looking to the United States for the purpose of affording the greatest possible production, at a time when the President of the United States is appealing with all of the power of his being through all of his administrative agencies for every man, woman, and child in the country to produce and keep producing more and more all of the time, and yet we are sitting here and permitting the opportunities of waste not only to continue but to grow more and more. I say that it is unbecoming in the Congress of the United States, that has with such diligence met the great problems of the past, and it is a confession that we should not subscribe to, to say that it is impossible for us to meet this thing now. I believe that if there ever was a time in the history of the legislation of the United States when the opportunity was ripe for us to provide a means whereby this wastefulness shall be saved for all the future, and whereby not only the bloodshed and riot and destruction of property that constantly is entailed by reason of these strikes may be prevented, it is now. I know whereof I speak when I speak about the wastefulness of the strikes. We have had them in my district very nearly this entire year. First the steel strike and then other strikes and then the steel strike again, when millions and millions of dollars were wasted in the idleness enforced in those mighty factory towns, when millions and millions of dollars were kept away from the men once employed in these factories, because by reason of somebody's wrong they are not permitted to work.

I have letter after letter coming to me from men in the steel industry in my district who say that they had no complaint to make either as to wages or labor conditions, but that they were forced out in obedience to this strike call. I say that such a condition is unfair to the men themselves, it is infinitely unfair to the American people, and it is unfair to the public, which we are supposed to represent here, and in whose interest we are supposed to act. We have been proclaiming that government is established for the benefit of all the people, and we have been legislating or professing to legislate for the masses and not for the classes. A great many years ago the autocracy of capital asserted itself in this country, when the owners of the railroads of the country sought to exploit them and did exploit them for individual gain. It remained for the Congress of the United States, after a long trial, to enact laws to convince the men who were the owners of these railroads that they were mere agents serving the public and that their instrumentality was an instrumentality that belonged, for use at least, to the public, established for the purpose of serving the public, and that it would be controlled in the interest of the public.

It is just as essential, it occurs to me, to provide for the operation of these railroads uninterruptedly as it is essential for us to provide the manner in which they shall be operated and the conditions under which they shall be operated. It is just as essential for the American people, who are so vitally interested in this legislation, to know not only that the engines are to be supplied for the purpose of running and the tracks are to be kept in good condition, but also that the men who are on the engine and cars, who are attending to the track or wherever they may be, shall function, and also to know and rest serene in the satisfaction of knowing that there is a measure provided by law where exact justice will be done to the laboring man who works upon the track, that exact justice will be done to those who are engaged either in its operation, in its maintenance, or in the furnishing of capital to it. Provision should be made so that the man who invests a dollar in the capital stock of the railroads of this country will not lose it. The public is likewise interested in knowing that when a laboring man is doing his work that he is getting a just return for his labor and that he will be permitted to work under labor conditions that should be provided for human beings. We are likewise, and the public is, vitally interested in knowing that when those conditions are furnished this work will be done, and that in the event that there is a dispute or in the event that there is a controversy that there is some machinery of law without reference to a mob or riot whereby these disputes may be determined for the benefit not only of those who are immediately concerned but for the benefit of the entire public.

Mr. STEELE. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. STEELE. The gentleman is striking what to my mind is one of the weak points in this present bill. The gentleman's con-

tention practically is in favor of compulsory arbitration. As against that contention it is stated that it would be unconstitutional to restrict the right to strike by compulsory arbitration. What does the gentleman say in answer to that contention?

Mr. WOOD of Indiana. I do not take any stock in that contention. I am of the opinion that if the United States Government has the right and authority to take over an agency that it has the right and authority to take and operate that agency, and in doing so to use such means as may be necessary for that purpose, and that under the police power they have the right to do that thing. This is not private property, it is a quasi public property, operated, if you please, with the sanction of the Government and can only be operated by the sanction of the Government and for the purpose of serving the public. It is therefore surrounded by this police power and authority that is directly given to the Government for this purpose of protecting its sovereign rights.

Mr. STEELE. In support of the gentleman's view, is not that substantially what the Supreme Court stated in settling the Adamson law?

Mr. WOOD of Indiana. Absolutely the same thing, not only in settling the Adamson law but in the Debs case as well, so there is no validity in that contention. Now, then, gentlemen, it strikes me that now is the time, not to wait until after a while when it may be too late for us to act before dire calamity may fall upon the country. I believe that the laboring men of this country are just as patriotic as the capitalists of this country. I believe they are just as desirous of doing their full measure of duty as anybody else is. I say it would be a slander and a reflection upon a man who handles the throttle upon an engine or who works anywhere else to say that he is not actuated with the same patriotism and honest impulses that the man who owns that railroad is actuated by, and therefore I believe that here is a possibility whereby the American Congress through its judicious action can take and forever settle this question and bring about a better understanding, a better feeling among those who are the employed and those who are the employers. It is up to us, and the time is now ripe for such action. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON. Mr. Chairman, I move that the committee do now rise pursuant to the rule.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10453, had come to no resolution thereon.

CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I present for printing under the rule a conference report.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

Conference report on Senate 425, an act to establish the Zion National Park in the State of Utah.

The SPEAKER. Ordered to be printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to an act (S. 425) to establish the Zion National Park in the State of Utah having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress"; and the House agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
JAS. H. MAYS,
Managers on the part of the House.

REED SMOOT,
ALBERT B. FALL,
HENRY L. MYERS,
Managers on the part of the Senate.

STATEMENT.

The effect of the change agreed upon in conference is to strike from the House amendment the following language: "provided alienated land shall be acquired in the discretion of the Secretary of the Interior at a cost of not more than $5 per acre."

There are only 80 acres of alienated land in the proposed park.

It is not desired to purchase said land.

N. J. SINNOTT,
ADDISON T. SMITH,
JAS. H. MAYS,
Managers on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent Mr. GALLIVAN was granted leave of absence for five days on account of the death of his brother.

EXTENSION OF REMARKS.

Mr. WELLING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by Mr. LEA of California at the dedicatory services held to-day in La Fayette Park at the planting of some California redwood trees.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks on a nonpolitical subject, on the subject of the anniversary of the signing of the armistice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LARSEN. Mr. Speaker, I ask the privilege of extending my remarks on the industrial situation in the South.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair designates to preside this evening Mr. MONDELL, of Wyoming.

Mr. GARRETT. Is the Speaker prepared to take up the matter?

The SPEAKER. There is on the calendar by accident a report from the investigation of the election in the fifth Missouri district that contains a report that required no action. The Chair thinks it is improperly on the calendar, and, without objection, it will be stricken from the calendar and laid on the table.

There was no objection.

The SPEAKER. The hour of 6 o'clock having arrived, under the rule the House stands at recess until 8 o'clock this evening.

Accordingly (at 6 o'clock) the House stood in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by the Speaker pro tempore, Mr. MONDELL.

FILING OF MINORITY VIEWS.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT. I desire to inquire whether a report has gone into the basket during the day on House resolution 381, introduced by the gentleman from Illinois [Mr. GRAHAM], chairman of the Special Committee on Expenditures in the War Department?

The SPEAKER pro tempore. The Chair is informed that such a report has been deposited in the basket.

Mr. GARRETT. Mr. Speaker, I do not know just precisely what course to pursue under that statement. The rules of the House provide that reports of a committee, together with the views of the minority, shall be printed. It was my understanding that the report of the committee before being introduced would be submitted to me. I may be in error in my recollection, but that was my understanding. So, it seems the only thing I can do now is to ask unanimous consent—which was not submitted—for a certain time in which to file minority views.

The SPEAKER pro tempore. If the Chair may suggest, will the gentleman be good enough to withhold his request until a little later and submit it again this evening?

Mr. GARRETT. I will be very glad to do that, except I do not wish to lose my right to file minority views. I am embarrassed in this matter, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will not lose his rights, and it is possible that in the meantime we can have an explanation of the situation, which does not appear to be clear to the gentleman. The Chair knows nothing of the circumstances.

Mr. GARRETT. I realize that.

The SPEAKER pro tempore. The gentleman will be recognized before adjournment, if he desires to be.

THE RAILROAD BILL.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10453, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; and for other purposes.

Mr. SIMS. Mr. Chairman, may I inquire how the time stands now?

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] has used 3 hours and 47 minutes, and the gentleman from Wisconsin 3 hours and 52 minutes.

Mr. WINSLOW. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, the Committee on Interstate and Foreign Commerce has held extended hearings on the railway problem that confronts the country. Many plans for the reorganization of the method of operating and maintaining our great lines of transportation were submitted for our consideration. The men who presented and argued the plans displayed great ability, and I am sure it was evident to every member of the committee that they had spent an unusual amount of time in careful and painstaking research and study in their preparation.

These plans embrace almost every phase of the stupendous questions involved in the varied relations between capital and labor, private and Government ownership of property, private and public management of property, and the policy to be pursued by our Government with reference to the great transportation systems of the country.

I believe it is plain to every thoughtful man that we are at the threshold of a new era in the economic, industrial, social, and governmental life of the Republic.

Things are in a chaotic condition throughout the world, and whatever plan or method is finally adopted by Congress will probably be in operation for the next half century.

The adoption of a wrong policy might eventually threaten the existence of the Republic. The rights of the wage earner, the investor, and the general public should receive due recognition and protection. In my judgment the adoption of a definite policy by the Government toward the transportation lines of the country is not only desirable, but is mandatory, and would in a great measure do away with the universal unrest throughout the country, and have a tendency to steady and stabilize all business conditions.

In approaching the subject before us, then, it might be well at the outset to examine into the fundamental principles involved in these important questions, as set forth by the framers of our form of government and which we find embodied in the Constitution of the United States.

Many writers on government have confounded property rights with the principles of free institutions. While they are somewhat involved, they are different. The one relates to the ownership of property—its possession and its transfer. The other relates to the individual and the duty of one to the other.

The one has to do with the affairs of business. The other with the responsibilities of government.

The one pertains to our wants. The other to our security.

The one tends to safeguard our means of existence. The other insures our freedom and preserves our liberties.

The one pertains to the restraint of our greed and avarice. The other gives scope to our individualism, ideals, and better impulses.

The one relates to material things in which individual possession is possible. The other relates to things which can not be possessed by any individual but which all persons share and enjoy alike, such as good will, spirituality, mental operations, freedom.

The one springs from the promptings of our baser natures, and is of the earth earthy. The other draws inspiration from and finds its counterpart in the laws of the universe. These distinctions run through all nature.

The one finds exemplification in the life of John D. Rockefeller. The other is typified in the life of Abraham Lincoln. The one spent his life accumulating property and protesting against the restraints of government. The other dedicated his services to the cause of humanity and was a careful interpreter of the principles of free institutions.

If the principles of free institutions are in the ascendency, if the rights of the individual are kept uppermost by the people, then the tendency is toward a democratic or republican form of government, the ultimate purposes of which are the greatest good to the greatest number. If the acquisition of property gains a mastery over the minds of men, then the tendency is toward greed, tyranny and oppression and a monarchial form of government, where the rights of the many are subservient to the domination of the few.

We as a free people are tending one way or the other. Nothing in this world can pause or stay. There is unceasing change everywhere.

The question naturally arises, Which way are we tending as a people? Have we thus far observed the foregoing distinctions in the conducting of our business relations and in the administration of the affairs of our Government?

Shall we as a nation embark on a policy of managing and operating business, or shall we continue to control and regulate it?

Shall we turn our Government into a great business concern in the modern acceptance of that term?

Shall we cling to the fundamental principles of free institutions which guided the framers of our Constitution or in the present extremity shall we depart therefrom?

I shall not discuss the foregoing questions separately, but I shall treat them as a whole, for, in fact, they all pertain to one proposition.

Our fathers, when they founded the Government under which we are living, recognized the foregoing distinctions and understood these questions as well and better than we do now.

The framers of the Constitution treated the following propositions, among others, as fully established:

1. Every man is free in the exercise of his religion. The eternal divorcement of church and state.

First amendment to the Constitution:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

2. Free speech and liberty of the press.

First amendment to the Constitution:

Congress shall make no law abridging the freedom of speech or of the press.

3. The rights of property being inviolable and sacred, no one ought to be deprived of it, except in case of evident public necessity, legally ascertained, and on condition of previous just indemnity.

Fifth amendment to the Constitution: "No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

Fourteenth amendment to the Constitution: "Nor shall any State deprive any person of life, liberty, or property without due process of law."

As stated before, the above propositions were considered as established by the framers of the Constitution. The first two propositions are simply cited here for the purpose of comparison. They have been faithfully observed by Congress and stand as the unquestioned law of the land, as set forth in the Constitution of the United States and the amendments thereto.

The third proposition recognizes beyond question the right of the individual to own and enjoy property and the fruits of his toil, and make such disposition of his possessions, capital, income, and industry as he chooses.

It recognizes the right of every citizen to engage in any kind of labor, commerce, or agriculture; he can manufacture, sell, and transport every species of production.

When the Constitution and the first 10 amendments were adopted all the property located in the several States was owned and controlled by the several States or the people. All questions in regard to property and property rights were left to the several States, or the people, except in so far as it might be necessary to acquire property in the ways and for the specific purposes enumerated in the Constitution.

What are the provisions in the Constitution in regard to the acquisition of property?

1. The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States.

2. The Congress shall have the power to borrow money on the credit of the United States.

3. The Congress shall have the power to coin money, regulate the value thereof, and of foreign coin.

4. The Congress shall have the power to establish post offices and post roads.

5. The Congress shall have the power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, and arsenals, dockyards, and other needful buildings.

6. The Congress shall have the power to dispose of and make all needful rules and regulations respecting the Territory and other property belonging to the United States.

7. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

8. The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

The laws of the several States are supreme as to property and property rights, except as to the powers granted to Congress as set forth above.

It must be observed that the framers of the Constitution in granting the above-mentioned powers to the Federal Government did not contemplate the purchasing of property except for the purpose of exercising the functions of government and promoting the general welfare through the powers specifically granted to Congress.

To levy and collect taxes, duties, imposts and excises, to borrow money, to coin money, to establish post offices and post roads, to accept cessions of particular States as a location for the seat of government, and to exercise authority over all places for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, to make all needful rules and regulations respecting the territory and other property belonging to the United States, to lay and collect taxes on income from whatever source derived, are all "Government functions."

While borrowing money is not exclusively a Government function, yet as used in the Constitution it pertains wholly to governmental affairs as distinguished from ordinary business.

It is plain that the framers of the Constitution did not in any manner contemplate the purchasing of property for the purpose of operating, conducting, managing, and establishing a "business concern."

There was no thought of profit or the accumulation of property for property's sake. They were dealing solely with the necessities of government, viewed from the standpoint of the general welfare of the people as manifest through the proper exercise of governmental functions.

The word "business" is here used in the modern acceptance of that term as applied to financial and commercial enterprises.

I lay down this proposition, then, that the framers of the Constitution did not in any manner contemplate the establishment of a "business concern" when they drafted the Constitution and gave us the form of government under which we live.

In other words, they rigidly adhered to the doctrine, render unto business the things that pertain to business and unto government the things that pertain to government. [Applause.]

What other evidence have we that this proposition is in harmony with the views of the makers of the Constitution?

Let us turn to the preamble:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

You will observe that the Constitution is for the United States of America; not of the United States of America.

There is no such thing as the idea of a compact between the people on the one side and the Government on the other. The compact was that of the people with each other to produce and constitute a government.

There is nothing in the preamble which refers to managing and conducting and operating a business. The handling, carrying on, operating, and management of business was left to the several States or to the people thereof.

The United States Government only has the powers granted it by the several States.

The Constitution and the amendments thereto are the embodiment of all the powers and authority that can be exercised by the United States Government. All other powers were reserved to the States or to the people.

The tenth amendment to the Constitution:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

The framers of the form of government under which we live were not organizing a "great business concern" but a Republic. Let me repeat, they were organizing a Republic and not a democracy.

I am aware that to many this will be a startling assertion, due to the fact that for the last 20 years or more the word "democracy" has been indiscriminately and improperly used by many men of note in referring to our form of government.

Lincoln in his letters and public utterances in discussing governmental affairs seldom, if ever, used the word "democracy." In his Gettysburg address he stated, in part, as follows:

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

In another part of the address he stated—

and that government of the people, by the people, and for the people shall not perish from the earth.

He referred to it as being a government of the people, and the manner in which it was conceived and formed by our fathers, but he did not refer to it as a democracy.

The Constitution also in express language guarantees to every State in the Union a republican form of government. Article IV, section 4, of the Constitution is, in part, as follows:

The United States shall guarantee to every State in this Union a republican form of government.

The government of every successful business enterprise is, in fact, if not in form, a monarchy or oligarchy. It is constructed from the top downward. It has for its objects the accumulation and the management of property. It has to do with property rights. The executive, legislative, and judicial powers are vested in one man or set of men. This, of necessity, must be so in order that there may be efficient business management. This thought has been crystallized in the organization of private corporations for pecuniary profit, all of which derive their power and authority from the several States, except in a few instances corporations have been authorized by an act of Congress.

Examine into any great business and you will find somewhere a master mind—a king, if you please—directing and managing its affairs. You will find it under one supreme will, or the supreme domination of a few kindred spirits, who are autocrats in their line.

The fathers constructed our Government from the bottom upward. It was based on the consent of the governed. They violated all the principles which underlie the organization of a successful business.

They were dealing with the principles of free institutions and not with property rights, only in so far as they might affect the general welfare of the people. The ownership of property and property rights were reserved to the States or to the people except in so far as it might be necessary to exercise the functions of government.

Our Federal Government consists of three branches—the legislative, the executive, and the judicial. These three branches were to be kept as distinct as possible.

Jefferson said:

That instrument—

The Constitution—

meant that its coordinate branches should be checks on each other.

If they had been organizing a business concern, they would not have made these divisions. A successful business organization is a monarchy in form, and these three branches must be vested in one man or set of men acting in unison and harmony. There must be concentration of power in order to have effective business management. That which is everybody's business is nobody's business. Successful business will not tolerate delays. Promptness of action and decision is absolutely necessary to efficient management. This, of course, does not of necessity preclude an arrangement whereby a person or persons employed by a business concern may share in the profits or earnings, if any, growing out of a business, and thus receive the compensation to which they are justly entitled by reason of their cooperation, skill, and industry.

When the framers of the Constitution organized our Government they were not looking to the acquisition of property for a business concern. In fact, they did not have any property to begin with; neither did they have in mind the acquisition of property—only in so far as it might be necessary to exercise the true functions of government.

Business, fundamentally, stands on three legs—capital, labor, and management. Experience has demonstrated beyond all cavel that the Government can obtain capital and employ labor, but it can not furnish efficient management. Business concerns can obtain capital, employ labor, and can furnish proper and efficient management.

Capital, labor, and management—and the greatest of these, viewed from a successful business standpoint, is management. If any one of these three is lacking, the structure must inevitably fall. Some writers have asserted that 95 per cent of business success is dependent upon management.

The organic structure of free institutions precludes the securing of competent and efficient management, for, primarily, it

has to do with the government of peoples whose consent must be first obtained through slow, devious, and uncertain methods.

The organic structure of a successful business concern inherently contains all the essential elements of good management, for it primarily deals with property, and the will and commands of the financial head must be obeyed.

These two forms of government are in irreconcilable conflict and have been since time began.

The one pertains to property rights, the other to the principles by which a free people are governed. If it is our purpose, then, to turn our Government into a great business concern, we must organize along business lines. If the Government is to be swallowed up by business, we must retrace our steps along the dusty highway over which our forefathers marched in triumph and with popular approval. We must resort to taxation on a more extensive scale to make up deficits created by slothful Government management. If we wish to keep it a republic, if we wish to preserve the Constitution, we must cling to the fundamental principles enunciated and adhered to by its founders.

Do not misunderstand me. We must regulate and control these so-called business monarchies. We must not allow our Government to become imbued with the spirit of these institutions and thus gradually merge into an autocracy. We must not allow creatures of the laws of the several States to become greater and more powerful than the Federal Government. They must not be superior to their creators.

In our desperation we must guard against acting unwisely, for we can not afford to even compromise with them, when a fundamental principle of government is involved. Our forefathers compromised with slavery and it took a Civil War to right the wrong.

The Government of the Republic and the management of great business concerns must each remain in their own appointed spheres, as precisely and constantly as the planets keep to their orbits. We exist under government; we live by industry.

At all times and under all circumstances we should keep in mind the purposes for which our Government was organized, as set forth in the preamble to the Constitution—

> To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

The history of this country has shown that these business monarchies are of short duration. They have usually been built up and around the life of an individual or a number of kindred spirits. When the king dies, so to speak, the property he has accumulated is usually dissipated or divided among those who are legally entitled thereto. In this country we have no primogeniture.

Most of the men who have accumulated fortunes in this country started poor, and their grandchildren usually spend that which their grandfathers accumulated through great industry, perseverance, and self-denial. It is usually accomplished in three generations. The coddled sons of the rich are not a match for the aggressive sons of the ordinary man.

Monarchies in government, as well as in business, usually die with the reigning house. Republics are a happy medium between tyranny and chaos, and so long as they exercise only the functions of government and keep in mind the principles of free institutions we have every reason to believe their existence will be perpetual. All nature sanctions this conclusion, for it is the doctrine of the happy medium.

When George Washington died he was the richest man in the Republic. It is estimated that his fortune amounted to about $500,000. It has been distributed. It is not intact to-day.

Business fortunes in this country are continually being accumulated and dissipated. The careers of many of our successful business men are now but a tradition while our Republic has survived unimpaired, and in my judgment it will continue to do so if we rigidly adhere to the principles promulgated by its founders as set forth in the Constitution. [Applause.]

In order that I may not be misunderstood, I wish to state that I am not one of those who contend that the Constitution should not be amended at times. To do so would be to deny that progress can be made and conditions bettered. A people always have the right to review, reform, and change their constitution. Our Constitution provides for amendments. One generation has not the right to subject future generations to its laws.

Our Government has been in existence for over 130 years, and has served as a model for many peoples striving to work out improvements in governmental affairs. It has been admired by the lovers of liberty everywhere.

My contention is that a government that has worked so well and has been so beneficial to mankind should not be fundamentally changed, unless the evidence for the proposed change when fairly weighed is clear and the argument in its favor convincing and logical.

Thus far the discussion has largely been confined to the construction to be placed upon the Constitution and the amendments thereto.

I shall now review briefly our history for the purpose of ascertaining, if possible, whether as a Nation for over 130 years we have pursued the policy mapped out by the fathers for the administration of governmental affairs. In doing so I shall ask you to keep in mind at all times that our Government was not organized for the purpose of conducting, operating, and managing a "business concern" in the modern acceptance of that term. Have we kept faith with the fathers of the Republic? Has the Constitution been to us a pillar of fire by night and a cloud by day?

When we declared our independence the Confederacy did not own any country. The several States owned all the country. Their boundaries were not where they are now. The first territory owned by the Federal Government came from the State of Virginia and was known as the Northwest Territory.

The first Congress in 1789, which sat under the Constitution, passed laws for its government. A policy was immediately instituted for the settlement of this Territory, and people from the thirteen States were encouraged to go there. Congress from time to time made provision for the admission of new States into the Union. The States of Michigan, Indiana, Wisconsin, and part of the State of Ohio were formed out of this Territory. The land and all its resources, generally speaking, were divided among the people, and each State was guaranteed a representative form of government. These States were placed upon the same basis as the thirteen original States, so far as property and property rights were concerned. The public domain was distributed among the people without reservation and for nominal sums. The Federal Government did not do this for profit or as a business concern, but for the purposes set forth in the preamble to the Constitution.

The State of Kentucky was formed out of territory ceded to the Federal Government presumably by the State of Virginia. The State of Tennessee was formed out of territory ceded to the Federal Government by North Carolina. The States of Mississippi and Alabama were formed out of territory ceded to the Federal Government by the State of Georgia. In all these instances the land and the resources were distributed among the people, and each State was granted a republican form of government.

The individuals who obtained this land derived absolute title from the Government. The taxes paid by the owners went to the municipalities, townships, counties, or States, and not to the Federal Government. The Government was not running or managing a business concern in dealing out all of this land.

In 1803 the Federal Government purchased from France what was then known as the Louisiana Territory. It included the present States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska, all of Oklahoma, part of Montana, Wyoming, and Colorado. At the time of its purchase a grave question arose as to whether or not the United States had authority under the Constitution to purchase territory from a foreign power.

The language of the Constitution in regard to territory belonging to the United States is, in part, as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

In other words, the Government did not have express power to purchase territory from a foreign power because the authority granted in the Constitution simply referred to "territory or other property belonging to the United States."

President Jefferson realized that in negotiating for this territory—Louisiana Territory—and making provision for its purchase he, as President, had no express constitutional authority.

In a letter addressed to Mr. Breckinridge, who was Attorney General in President Jefferson's Cabinet, in discussing the purchase of this territory, he made the following statement:

> But I suppose they must then appeal to the Nation for an additional article to the Constitution, approving and confirming an act which the Nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The legislature in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, I did this for your good; I pretend to no right to bind you; you may disavow me and I must get out of the scrape as I can. I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and

their act of indemnity will confirm and not weaken the Constitution by more strongly marking out its lines. (Jefferson's Works, vol. 4, pp. 500, 501.)

The land within the borders of the State of Florida was ceded to the United States by Spain in 1819—100 years ago.

The land comprised within the borders of the State of Texas was annexed to the United States in 1845.

The Oregon Territory, the title to which was established in the United States in 1846, now comprises the States of Washington, Oregon, Idaho, and a part of Wyoming and Montana.

In 1848 Mexico ceded to the United States the territory out of which was carved a part of the States of New Mexico, Colorado, and Arizona and the States of California, Nevada, and Utah.

In 1853 we purchased of Mexico the territory which is now included within the borders of the States of Arizona and New Mexico. This was known as the Gadsden purchase.

In all these instances, in acquiring this property, it must be observed that the object and purpose of the United States Government was not to establish a business concern.

All this territory once owned by the United States has been formed into separated States, and each State has been granted a republican form of government. The land and the resources of all this territory has been largely divided among the States or the people thereof.

Large tracts of our western land were turned over to certain railway companies in order that our transportation facilities might be improved, but the Government has never attempted to permanently operate the railways because of that fact.

The land was given to them outright, with perhaps the exception in some instances of reservations in regard to minerals and oil.

It may be contended that we are now operating a railroad in Alaska, which, in a measure, is true. And yet in the act to locate, construct, and operate railroads in the Territory of Alaska it is provided for the leasing and disposition of the same.

The Government has not inaugurated a permanent policy toward the railroads of Alaska, and if Alaska ever becomes a State of the Union I venture the assertion that the railways of Alaska will be turned over to private ownership, operation, and management.

The whole trend of our history has been to guard against the Government of the United States engaging in business. Congress has studiously avoided embarking upon any business enterprise. The management and operation of business concerns has been left to the States or the people thereof.

The present railway bill that we are now considering is constructed in accordance with the traditions of the Republic and in harmony with the provisions of the Constitution, thus keeping in mind that the framers of that instrument never in any manner contemplated that the United States Government should ever be turned into a great business concern. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, I yield 30 minutes to the gentleman from Maryland [Mr. COADY], a member of the committee.

Mr. COADY. Mr. Chairman and gentlemen, I was pleased beyond expression when I read in this afternoon's paper that the miners' strike had been called off, and I was especially pleased at the statement issued by Mr. Lewis, the acting president of the United Mine Workers, which I want to read into the RECORD, as follows:

> Gentlemen, we will comply with the mandate of the court. We do it under protest. We are Americans. We can not fight our Government.

What stronger evidence than this can there be, Mr. Chairman and gentlemen, of the loyalty and patriotism of the workers of this country? [Applause.] Unquestionably, they have respect for law and authority. I believe we have treated them fairly in this bill. We have sought to be fair not only to them but to the employers of labor.

One of the distinguished members of our committee, my colleague [Mr. WINSLOW], himself a large employer of labor, said that whenever he had any difficulties with the men in his employ he never failed to iron out and settle those difficulties when, as he expressed it, "He got them around the mahogany and rubbed noses with them." That is what we want to do with the laboring men of this country to-day—get them around the table, rub noses with them, and talk with them. Good results are sure to flow from an honest and frank interchange of opinions.

There are radical elements in some of the organizations, but I do not believe such elements are in control. Radical elements in every organization, as a rule, are composed of the loud-mouthed men, the men who make the most noise. But, after all, I have an abiding faith in the common sense and good judgment of all of the people of this country, the workers as well as the employers.

I listened with a great deal of interest to-day, and a great deal of pleasure, to the eloquent speech made by my friend and colleague on the committee, Gov. SANDERS, of Louisiana. I think he is unduly alarmed about the effect of this bill on water transportation. If you will read the bill you will find that such transportation is specially exempted. I shall not attempt to answer him any further, because his namesake, the gentleman from Indiana [Mr. SANDERS], I think answered his argument completely.

The railroads were taken over by the Government only because of the emergencies growing out of the war. The Federal control act expressly declared that it was emergency legislation, and it was not to be construed as either expressing or prejudicing the future policy of the Government regarding public ownership of the railroads.

Every thinking man knows, however, that their economical and successful operation would have resulted in a demand for Government ownership and operation, not only from those who always favored it, but also from the general public, who are interested in obtaining such plan of control and operation that promises the best results.

The overwhelming sentiment of the people is for the immediate return of these vast properties to their owners for their private operation, due to the failure of the present operation. This failure, however, is not due to any inefficiency of management, but to the inherent weakness of governmental operation. I do not believe that the people ever wanted public ownership, and their experience since the roads were taken over has strengthened their conviction in this regard.

Government ownership and control are not in the real interest of the shippers, employees, or general public. They tend to destroy private enterprise and initiative. Private ownership and management, with strict but fair governmental supervision and regulation, will conduce to the best interests of the people and the railroads, provided, of course, the roads are accorded and encouraged by better treatment than they have heretofore received. Experience has demonstrated the wisdom of such a policy.

The bill, H. R. 10453, presented by the Committee on Interstate and Foreign Commerce, has been framed only after extended hearings and after a full and exhaustive discussion by the committee of all phases of the important questions it seeks to settle. I believe it is a good bill, and I shall support it.

In addition to the section dealing with disputes between the carriers and their employees there are two other important matters dealt with, namely, the refunding of the indebtedness of the railroads to the United States and the matter of rate making.

The provision written in this bill for refunding the indebtedness of the roads to the Government arising out of transactions during Federal control is not only fair to the carriers, as it should be, but it is absolutely necessary if we do not want to see some of them badly crippled and others driven to the wall.

It would be unfair and would seriously impair the stability of the roads to force them to pay at once to the Government the money advanced for additions and improvements. It is out of the question for them to do this and to meet their ordinary operating charges and expenses.

And to cripple the roads would be a serious thing for the country and its industries.

In this connection we must not lose sight of the fact that when the roads go back to those who own them they will be burdened with expenses far in excess of those under private control, due to increased wages and the high cost of materials.

Now, as to rates and rate making, the railroad companies are entitled to a fair and adequate return for the service they perform; and the shipper and people are entitled to good service and the assurance that they are to be charged for such service only what it is reasonably worth. The provisions of this bill take care of both these matters. We want to see the carrier prosper. Unless it does, it can not give good and efficient service to the public and the shippers and pay its employees the wages to which they are entitled. I believe the public is willing to pay rates adequate for this, and I am convinced all this can be accomplished without imposing more than fair and equitable rates.

Rates must be sufficient to enable the railroad to continue, to keep its credit, to attract new capital, improve, and expand. The public interests require this.

America has the greatest and best railroad system in the world. The roads of no other country are in the same class with ours.

Let us maintain their high standard of service, and this we can do only by passing legislation designed to help and not destroy them.

The Cummins amendment to the commerce act changed the law affecting the liability of a water carrier. This law had been on our statute books for many years. I was told by Senator CUMMINS it was not his intention to repeal this old statute which confines the liability of the carrier to the value of the vessel and the money derived from the freight. In this bill we amend the Cummins Act so as to restore the old marine statute I have just referred to.

We have been fair to the so-called short-line railroads, which have complained that they have not received fair treatment from the trunk-line roads in a division of through rates.

We give to the Interstate Commerce Commission power to fix such a division on its own initiative. These small roads should get fair and considerate treatment in division of joint through rates. They should be encouraged. They help in the development of the country and they stimulate traffic. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SIMS. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. DEWALT], a member of the committee.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 20 minutes.

Mr. DEWALT. Mr. Chairman and gentlemen, it undoubtedly sounds like a truism to say that the bill now under consideration is perhaps one of the most important that this Congress will have in contemplation of passage. The importance of the bill arises from various circumstances. When the Government took under its control the transportation systems of the country, it was a matter of urgent necessity, and even then it was a matter of doubtful expediency, so far as profit was concerned, and the result has shown that instead of being profitable, it was a dead loss to the Government. Therefore, from a financial point of view, it is absolutely necessary that something be done either to keep on with Federal control under different circumstances and perhaps enlarged supervision, or it becomes necessary to return these roads to private ownership with increased supervision on the part of the Government through the Interstate Commerce Commission. That feature of importance, of course, we all recognize. Then there are other matters of great necessity which must impel every thinking man in the consideration of this bill to take them under consideration. The transportation system is akin to the arteries and veins in the human body, these lines are the circulating medium of commerce; and if they be impeded or broken, commerce either stops or is so impeded that the great public is damaged thereby, and therefore the interests of 110,000,000 people are at stake with regard to this piece of legislation.

Now, those 110,000,000 people consist of various elements. The public at large, of course, includes them all. But we have 2,000,000 workmen on these railroads, and this constant demand for higher wages by the employees of the various transportation lines constitutes a question which is constantly agitating the Congress, and constantly disturbing the business interests of the country. That should be settled, and settled definitely, if we are to have business prosperity and business soundness. Then the shippers of this country, almost countless in numbers, have their great interests to be considered, and correlative with the shippers are the consumers of the products which they ship.

Then added to that is the Government itself. Regardless of the fact that it represents the great population of 110,000,000, the Government itself, through the Interstate Commerce Commission, has regulated and supervised this transportation system for a number of years, and the question has always been and is now whether that supervision should be extended, revised, made more lax, or made more imperative. And then added to all these features that I have tried to suggest to this committee is another great feature, and that is the financial interest of this country. And when I speak of the financial interests I do not mean Wall Street; I do not mean those engaged strictly in the buying and selling of railroad securities. I mean the people who own the stock and bonds of the various railroads, because in large measure the prosperity of the people in this country is dependent upon the stability of those very issues of stocks and bonds, and therefore it becomes necessary in the consideration of this measure to determine if possible how this stability can be secured, and if it has deteriorated how it can be promoted and made more secure.

Now, this bill, in my humble judgment, meets in large measure these various circumstances that I have tried to portray to you; and in passing let me say this—and I am quite sure, although I am a member of the minority side of this committee, that I voice the unanimous sentiment of the committee in the opinion—that the labors of the chairman and of the gentlemen who collaborated with him as members of the subcommittee have been so urgent, have been so sincere, not only as to time but as to energy, and the results to the committee itself have been so satisfactory, that unbounded, unstinted praise should be given to Chairman ESCH and the gentlemen of the subcommittee. [Applause.]

There are certain features of this bill that do not meet the unanimous approval of the committee. There is room for honest difference of opinion. But, taken as a whole, the structure, whilst it may not be a complete and satisfactory solution of the problem, goes in great measure to establishing what I believe to be the soundness of purpose and stability in regard to the management of the railroad transportation of the country.

In order that one might lucidly explain the provisions of this bill, more time should be given than I have requested, and I know too well the temper of this House to endeavor in any way to tire it by a prolix or a lengthy discussion either of the merits or of the supposed demerits of the bill. But there are certain outstanding features in the bill which to my mind are the pivotal things in it—those which should command, and I think will command, the most earnest attention of the House sitting in the Committee of the Whole.

Now, what are those outstanding features? First, we establish in this bill what is called a guaranty fund. What do we mean by a guaranty fund, and why should there be a guaranty? Anyone who knows anything about the situation, although he may perhaps be blind to the present emergency and necessity, if he has read and studied and observed with an impartial mind, must come to the conclusion that the transportation systems of the country, if they be returned on the 1st day of January next, are bound of necessity to require help. That arises from the fact that their organization has been disturbed; their transportation system has been diverted; short lines have been mingled with trunk lines; traffic has been diverted from one system of short lines to another, occasioned by the necessities of the Government during the war period; the official forces of the various railroad companies have been changed from time to time; superintendents of this or that division have been relegated to a different portion of the country, or perhaps to a different portion of the system itself—and all this requires reorganization. We know, too, that great betterments and improvements have been made from time to time at the behest and dictates of the Government, occasioned by the war necessity, and this has entailed a large amount of expense upon the railroad companies themselves. And therefore it becomes absolutely necessary, unless there be an immediate change of the rate system—enlarging the rates, increasing them—that these railroads shall have something to depend upon during a period, perhaps, as we stated, for at least six months after the termination of Federal control.

Therefore we have established in this bill what we call a guaranty fund. Now, what is the guaranty fund? It provides that for a period of six months after the termination of Federal control there shall be paid to the various railroad companies, if they desire to avail themselves of it, the standard return as established during the test period, which time, however, expires on June 30, 1917, being the years during which the test period, as we call it, is to be formed. Now, the test period consists of three periods of six months, which are the corresponding six months severally mentioned, in the time during which the guaranty is to be sought or obtained by the various railroad companies. Therefore we start out with this proposition, that when Federal control ceases, if it does cease on the 1st day of January, 1920, these railroad companies will be assured, if they desire to avail themselves of it, of a guaranty of the standard return as fixed by the test period of three several six months, corresponding to the time during which they request it, of the standard return as established during the time prior to June, 1917. I take it that nothing could add more to the stability of business; nothing could assure the public more earnestly of the intent of Congress to make certain that the railroad companies will not be obliged either to go into the hands of receivers or to labor under distressing circumstances during this preliminary

period of six months. Some of the gentlemen in the committee argued and some of the railroad officials argued that the time was not long enough. Others, again, argued that it was too long, and others took the ultra view that there should be no guaranty at all. The committee, either in their wisdom or perhaps in their discretion, if we call it by a milder name, sought the middle ground and established this guaranty during the period of six months, as I have tried to detail to you.

We have another very important feature in the bill, which is called the refunding feature. What do you mean by refunding?

As I said a few moments ago, there was a vast amount of betterments and improvements which were made for the various railroad companies at the demand of the Government itself necessitated by the war period. These betterments and improvements are charged up to the railroad companies. The railroad companies have certain moneys to obtain from the Government on account of the standard return. The railroad companies in turn owe the Government money for these betterments and improvements, and some of the gentlemen on the committee said, "Let there be a casting of the account, a striking of the balance, and if the Government owes more to the railroad companies than the railroad companies in turn owe to the Government, let the balance be struck, and then let the accounting be had in that way." Others, again, took the view that these betterments and improvements were of such great amount that it would be a hardship and almost an impossibility financially for many of these companies to raise the money to pay for these betterments and improvements immediately.

What, then, was the solution of the problem? If gentlemen during the reading of this bill will turn to page 9, section 205, they will find the following:

The indebtedness of any carrier corporation to the United States existing at the termination of Federal control incurred for additions or betterments made during Federal control or for advances made by the United States or incurred to pay off any carrier's indebtedness, and properly chargeable to capital account, shall, at the request of the carrier, be extended for a period of 10 years, or a shorter period, at the carrier's option, with interest at the same rate per annum as that fixed by the President as reasonable under section 4 of the Federal control act.

The original provisions of the bill were that these carriers should pay 6 per cent for this extension of time so to be had, but we found that under the provisions of the Federal control act the President had the right to fix the rate of interest, and that he had fixed the rate of interest in some specific cases at 5 per cent. He has the undoubted right under the authority of law to fix the rate of interest at 4½ or 5½ or 6 per cent or more if he so chooses. Therefore the committee, in its discretion, thought it was no more than fair to say that if the railroad companies owed the Government for these betterments and improvements, and they received this extension of time for a period of 10 years, or a shorter time if they so desired, they should pay the same rate of interest to the Government that the Government paid to them for any amount of money which the Government owed.

Mr. OLIVER. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. OLIVER. How is that balance secured; and what steps have been taken by the committee to give priority to that balance over existing or subsequent mortgages?

Mr. DEWALT. In short, the provision is this: The Secretary of the Treasury and the Interstate Commerce Commission have the right to examine, first, the stability of the road, and things of that kind, in all their minutiæ, and then to demand securities which are to be approved by him in regard to these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. May I have 10 minutess more?

Mr. SIMS. I yield to the gentleman 10 minutes.

Mr. DEWALT. I know you will pardon me for asking for additional time, not because I flatter myself that you have any desire to listen to me, but because when one becomes interested in a subject of this kind and attempts, even in the meager way in which I am attempting, to explain some of the provisions of the bill, the time glides by so rapidly that 20 minutes expire even before you have time to take your breath.

Mr. DENISON. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. DENISON. I refer the gentleman from Pennsylvania to line 15, page 10, which gives the answer to the question propounded by the gentleman from Alabama [Mr. OLIVER].

Mr. DEWALT. Yes—

Such indebtedness shall be evidenced, if practicable, by the first-mortgage bonds of the carrier; but if this is impracticable, then in such practicable form as shall be prescribed by the President.

Now, I was about to refer to this question of rates. One of the mooted matters in the committee—and I am not disclosing any committee secrets—was this question of the supervision and regulation of rates. Some of the membership of the committee went so far as to say that the initiation of rates should be lodged in the Interstate Commerce Commission. That in itself would have been a complete subversion of all the prescribed forms and rules of rate making that we have established for a great number of years.

The initiation of rates properly, in the judgment of the committee, should be lodged in the companies themselves. And the reason for that is this: That the needs of different transportation lines, be they large or small, be they regional or transcontinental, or be they only short lines, are best known to the management of the companies themselves. Therefore the initiation of the rates should be lodged in the companies. But after the initiation takes place, then the regulation or supervision, either by complaint or by application, should be under the supervision of the body constituted for a great number of years and which has given great satisfaction, to wit, the Interstate Commerce Commission.

But the complaint from a great many people is and has been that the Interstate Commerce Commission, while it has an inflexible rule, as they call it, namely, that all rates shall be just and reasonable and shall not be unjust or discriminatory, nevertheless this same body, according to the allegations of some, has never taken into consideration some of the constituent elements that should go to make up the rates.

In other words, it has been the complaint of men who worked upon railroads that when they go to the superintendent or the management of the railroad company and say that they desire a larger wage, the management in times of peace has said that they would be very glad to do that, but they are bound by the Interstate Commerce Commission, and the Interstate Commerce Commission, although it says that it does take into consideration the scale of wages of the employees, nevertheless never has done so, and therefore we can not raise your wages.

Now, be that true or untrue, be it just or unjust, the complaint has been made, and therefore this committee again, in its discretion, perhaps not in its wisdom—because no committee, in my opinion, claims to be all wise, and I know the modesty of the chairman and the modesty as well of the members of the subcommittee—I know they do not claim to be all wise, and we have established in this bill not only the general rule that rates shall be just and reasonable, and they shall not be unjust and discriminatory, but we have said in making up this rule in regard to rates, the Interstate Commerce Commission shall take into consideration what? Turn to page 65, and you will find the language, as follows:

In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice the commission shall take into consideration the interest of the public, the shippers, the reasonable cost of maintenance, and operation (including the wages of labor, depreciation, and taxes), and a fair return upon the value of the property used or held for the service of transportation.

Not all property that is held by the companies, not the rights of way that are not used, not hotels which are built for railroad companies to use for hotel purposes, not for property that is held by railroad companies in perpetuity, perhaps, and never to be used for transportation purposes, but a fair valuation upon the property used in transportation service. That, coupled with the needs of the shipper, the needs of the public, with a fair allowance for wages and taxes and just depreciation, in the judgment of the committee or a majority thereof was the rule by which this rate-making should be fixed. With that I leave the bill with you. [Applause.]

Mr. WHITE of Maine. Will the gentleman yield for a question?

Mr. DEWALT. I will if I have the time.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. WHITE of Maine. I want to ask if there is any legal definition anywhere of what constitutes property used or held for service of transportation?

Mr. DEWALT. I suppose that is a technical term in railroading. The meaning of it was this, as I tried to state: There is a great deal of property held by railroad companies which is not being presently used for transportation purposes; what we mean is engines, cars, roadbed, and so forth, terminals, stations, and things necessary in transportation service.

Mr. WHITE of Maine. Of course, in the latter years railroads, under the direction of the State commissions and other regulatory bodies, have made an expenditure of one kind and another. They have built elaborate stations, and approaches to these have been included.

Mr. DEWALT. Yes; they naturally go into the transportation service. You can not transport freight and passengers unless you have terminal stations from and to which you carry them.

Mr. WHITE of Maine. Yes; and on the other hand a railroad station which costs the carrier $50,000 will bring in as much business as one that costs $500,000.

Mr. DEWALT. That is true. A striking example can be called to your mind. You know that under the land grants given the railroads—20 miles on each side, in order that the railroads might be built—those companies in a large measure yet own a portion of these lands. They are not used for transportation service, and therefore you could not include them in fair valuation.

Mr. GALLAGHER. Is it not a fact that these terminal companies are organized with a different class of stockholders entirely?

Mr. DEWALT. Many of them are, but not all of them.

Mr. RAYBURN. Mr. Chairman, I yield one minute to the gentleman from New Jersey [Mr. McGLENNON].

Mr. McGLENNON. Mr. Chairman, I rise to announce that we have in the gallery to-night a distinguished visitor, Governor-elect Edwards, of New Jersey. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield 30 minutes to the gentleman from Washington [Mr. WEBSTER].

Mr. WEBSTER. Mr. Chairman, after the masterly analysis and explanation of the measure now under consideration, by the distinguished chairman of the committee having it in charge, followed by the other excellent remarks submitted by more experienced Members, it would involve presumption on my part to undertake any general discussion of its provisions. Speaking broadly, I may say that I am in accord with most of the salient provisions of the bill. In voting for the measure in committee, however, it was with a distinct understanding that I might, without exposing myself to any charge or suspicion of impropriety, oppose the provisions of Title III dealing with disputes between carriers and their employees, and offer something in their stead.

In the vast amount of thinking upon the problem of what shall be done with these ever-increasing disputes there seem to have been developed two general lines of thought. One has as its central idea the constitution of certain tribunals fairly, impartially, and honestly made up, to which the parties must go with their differences and to whose arbitrament they must submit. Accompanying this plan is the thought that, having established a fair and impartial tribunal, the right to strike should be denounced as unlawful and that the employees should be subjected to the penalty of a violated law if they see fit thereafter to exercise that claimed privilege. The other general line of thought has as its fundamental principle the establishment of tribunals to which the disputant parties may, if they please, submit their controversies, and whose award may or may not be accepted, as the parties may elect.

I am constrained to believe that in this instance, as in most cases, the truth is to be found in the medium between extremes, and I have endeavored hurriedly to outline the provisions of a substitute, which I propose to offer at the proper time, for Title III of the bill as reported by the committee.

When one comes to discuss the theory involving compulsory arbitration and denying, limiting, or qualifying the right to strike, he is at once confronted with the argument advanced by the brotherhoods and others that such a measure would be violative of the Federal Constitution. They rest this contention primarily upon the provisions of the amendment written into the Constitution of this country as the result of the war of sections, and they assert with great vehemence that it is not within the power of Government to deny to any individual the right "to cease work."

There can be no clear thinking upon this problem, Mr. Chairman, unless you bear in mind the fact that there is a vast distinction between the right to cease one's employment and the right to strike. The right to cease one's employment means just what the words imply—the right to quit work whenever it suits the individual for any reason or for no reason at all; but a strike, Mr. Chairman, is where a body of men engaged in common employment cease work at or about the same time pursuant to a previous agreement expressly or tacitly entered into for the purpose of coercing compliance with their demands, but with the intention all the while of returning to their employment when their object is attained.

No constitution, State or Federal, with which I am familiar either expressly or impliedly guarantees to any man the right to strike. However, we do find in the organic law of the Nation a guaranty of the right to life, liberty, property, reputation, and happiness. Yet we see the Government establishing tribunals limiting those rights, and I ask the question, What halo is there about the head of this claimed right to strike not mentioned in any constitution that removes it from the sphere of governmental regulation? [Applause.] If you or I violate the law of our land, and the penalty for that violation is that we shall forfeit our life, there is a tribunal of government established to which we must go, and we are not permitted to choose any one of its members. They are chosen rather because they have no interest in and no knowledge of the case. You go to that tribunal not voluntarily but by command of the Government. You submit that important right to that tribunal, and you are bound by its decree. If you are engaged in some unlawful enterprise which violates a criminal statute, the punishment for which is confinement in prison, your constitutionally guaranteed freedom is involved, and yet you are compelled to go to organized tribunals of government and have your right to liberty passed upon by your fellows.

If the shelter that protects your wife and offspring is about to be taken from over your head upon some claim or other that your title is defective, do you assert your right of property at the end of a shotgun or by the use of a bludgeon? No; you go to established tribunals of the Government with your case, and you abide by their decisions. If the sanctity of your home is invaded, if your own honor or the honor of a member of your family is called in question, you are compelled to seek relief in a court of justice and be bound by its judgment. If there is one thing that inheres in nature, it is that a man should have the control and direction of his own offspring. Yet the Government, exercising its powers for the protection of the general welfare, sets up a tribunal the power of which may extend to the point of taking from you your only child and putting it in stranger hands, even denying you the right of visitation. Yet when it comes to the right to strike, the exercise of which may involve misery and suffering in every home in this land, we are told by the specious advocates of the doctrine of the right to quit work that the power of Government has ceased; that we are impotent to do anything in the way of limiting this sacred privilege; that we must stand mute and helpless while innocent women and children starve to death on hearths that are cold in order that this hideous monster may have its brutal will!

I say to you, my colleagues, that if you have $10,000 and you are pleased to invest it in a farm, the Government does not undertake to tell you how you shall sow, when you shall reap, what crops you shall cultivate, or what you shall do with your produce. The public interest is sufficiently protected in that case by the intuitive desire of the individual to get the best possible results from his efforts.

But if you take that $10,000 and invest it in railroad securities it immediately becomes impressed with a trust in the public interest. By virtue of that fact the Government lays the hand of the law upon it and undertakes to and, in fact, does regulate it with due regard for the general welfare. You are told what your rights shall be. You are given directions in great particularity of detail, and your property to many intents and purposes is beyond your individual control. I assert that by the same token when men voluntarily seek employment in the interstate transportation of this country they, too, should be impressed with a trust in the public interest, and they should not be permitted to have a strangle hold upon the throat of the American people. [Applause.] Neither does it meet the case to shout involuntary servitude—slavery! Any man engaged in railroad employment may cease his work when he pleases. But if the Government defines the laborer's rights in that employment, and he willingly and of his own accord embarks upon or continues in such service, how can it be said that he is compelled to submit to involuntary servitude? I submit, Mr. Chairman, that this Government is not impotent in this situation. The general welfare, the public interests, are paramount, and whenever any class of individuals undertakes to go counter to the public interests or the general welfare that class must be restrained, else you must subscribe to the doctrine that a part is greater than the whole. [Applause.] I am willing to stake what meager reputation I may have as a lawyer upon the proposition that there is not one line, not one suggestion, not one intimation, to be found in the Federal Constitution denying to the Congress the power to regulate or, if it pleases, to deny the right to strike to men engaged in interstate transportation service. Is this the time and the occasion for the exercise of such power? I am firmly convinced, Mr. Chairman, that the great masses of the American people are expecting something of this Congress in this respect.

It is my belief that if we undertake to deal with this question in some milk-and-honey way, we will disappoint these expectations. Yes, more; we will fail in the discharge of our duty and will expose the Congress to the just charge of cowardice.

Let us remember in this great crisis that the paramountcy of public interest, the protection of the rights of the Nation, must be the dominating factor in the solution of this problem. We are told, Mr. Chairman, that if we define a crime arising out of the exercise of this privilege to strike and attach a penalty, it will be impossible to enforce the law. Well, if that be true, the Government of the United States of America is impotent and worse than a failure. If there is anything to prevent the enforcement of such a law, it will be the great number of law violators involved; but out of consideration for the views of some of my colleagues with whom I have discussed this question I have undertaken to eliminate that factor from the amendment which I shall propose. But if it is impracticable to enforce a law making it criminal to strike, surely it is not impracticable to require the members of these organizations who defy the laws of their country, and in so doing violate their contracts of employment, to answer in damages to the party aggrieved for the harm and injury they have wrought. When I come to the consideration of the provision of the committee bill I find myself lost in a labyrinth.

> They wind me in and wind me out
> And leave me wandering round in doubt
> As to whether the snake that made the track
> Was going home or coming back.

The machinery is cumbersome, impracticable, unwieldy, and unduly expensive. But if that were the only criticism I should be pleased to pass it by and say "a matter of detail rests largely in judgment." But the next thing we encounter in this bill is that it overlooks the fundamental principle that the public interest is paramount. In making up the personnel of the board of appeals the representatives of the public are denied the privilege of voting. Such a defect needs no comment. But this is not all. The decision rendered by this tribunal is of no binding force and no means are provided by the act to carry the judgment into execution and make it effective. The chairman in discussing this aspect of the measure said that, of course, a member of organized labor or other employee should be held to the observance of his contractual obligations, but to announce that principle and stop there is merely to announce a self-evident truth. If he should be held answerable for the violation of his contract, why not take the logical next step and devise some effective means whereby he may be made answerable? Surely it is not impracticable after strikes are over and ended, when you have time without limit to adjust your differences, to bring men to account in the civil courts for a violation of a contract.

Not only is that true, Mr. Chairman, but I predict that the machinery set up by the committee will fail to satisfy the laborers themselves. As generous to their interests as I believe it to be, as unmindful of the public interests as I know it to be, it will fail to satisfy labor. Any attempt on the part of the Government to say to these men, "You shall have some regard for the public welfare, you shall not go counter to the interest of the masses," will be resented as an invasion of their right to strike. The question therefore for this Congress to answer is, Will we meet this situation like red-blooded Americans and write a statute in the book that will have some teeth in it; that will protect human life; that will prevent misery and suffering; that will make property secure; that will violate the rights of no man and cause no inconvenience to any law-respecting citizen, and that will guarantee the peace, quiet, and tranquillity of the Nation?

You suggest, How may this be done? But before going to that there is one further observation I wish to make. Bear in mind that the effect of the decision reached by this unwieldy, cumbersome machinery is to define a term which is to be included in the contracts between the employer and the employee, or which is to be construed as a term in the contract. It is elementary law that courts of equity will not grant specific performance of contracts for personal services. A man has the power, as distinguished from the right, to violate his contractual obligations and be held answerable for the damages that ensue. A strike detrimental to the public interest or which prevents the movement of interstate commerce is not denounced as unlawful, and no provision in the committee bill would be the basis for injunctive relief in a court of equity.

What, Mr. Chairman, has vitalized the proceedings instituted and maintained by the Federal Government in its effort to deal with the unthinkable coal strike? What element vitalizes those proceedings, I ask? Is it not the element of illegality arising out of a violation of the provisions of the Lever Act, which characterizes the act in which these men are engaged as unlawful? And I feel that I would fail in my Americanism if I did not take advantage of this opportunity to say that my unbounded admiration and respect goes out to the present administration for the courageous American stand it has taken in this important crisis. [Applause.]

In dealing with problems of this sort we should be above politics. When an assault is made upon the Government we should be Americans first and Democrats and Republicans afterwards. It has been stated that Mr. Lewis, the leader of the striking coal miners, sent a very beautiful message to the Department of Justice; but what was that message?

We are Americans. We can not fight our Government.

Had it not been for the provisions of the Lever Act they would not have been fighting their Government. Let us not forget, Mr. Chairman, that the Lever Act is a war measure and will terminate when peace is concluded. Shall we leave the American people helpless in time of peace? Shall we sit here and have the executives of the railroad brotherhoods tell us, "Unless you grant our demands we will tie up the railroads of this country so tight they will never run again?" yet take no action providing against such a calamity? Remember, my colleagues, the responsibility for such a situation will rest upon your shoulders and mine if we fail our country in this important hour. We must enact some law which will enable the Government to protect the people in the event a nation-wide railroad strike should be called, or the public will hold us accountable for our delinquency. In addition to that, when an act is characterized as a crime or is branded as unlawful, any man or any set of men committing that act immediately will encounter a hostile public opinion, the force of which will be almost irresistible.

The provisions of the committee bill are not sufficiently far-reaching to lay a predicate for relief in a court of equity, and they wholly overlook the element of public opinion.

Finally, the judgment contemplated by the bill can be satisfied only out of the common property of the union. The common property of the union? What union would be so simple as to provide a fund out of which you might compel them to answer for their strikes? There will be no common fund. There will be nothing out of which to secure satisfaction of the judgment. Like the historic apple, "There won't be no core."

The provisions of the bill, in my judgment, and I say it with no purpose of offending, do not meet the situation in any important particular.

Again, Mr. Chairman, I believe that it is in the interest of orderly government—I believe it is in the interest of the general welfare—that all human controversies should be subjected to the arbitrament of duly constituted tribunals.

Of course, no law dealing with this subject would have any claim upon the masses of the people which did not at the time it denounced the strike as unlawful substitute some procedure whereby disputes between employer and employee might be adjusted. There must be established some board, some commission, some institution, to which these men may go, have that institution fairly, justly, and honestly constituted, and compel them to submit their controversies to it. If human beings are to be trusted in dealing with your life and mine, with your happiness and mine, with your property and mine, I say to you that there is no reason why we should recognize the rights of a class of individuals as being too sacred to be trusted to human tribunals. I have endeavored in a very short time and under adverse conditions to outline the measure which I shall offer; and, in order that the Members may have it before them for consideration, I shall read it at this time. I know that my amendment has one advantage over the committee bill, whatever defects it may have in other respects. It will not keep you up until the wee small hours to read it. It is brief. I will read:

TITLE III.—DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES.

SEC. 300. There is hereby created a board composed of nine members, to be known as the Board of Railroad Wages and Working Conditions, hereinafter referred to as the board. The members of the board shall be appointed by the President in the following manner: Four members shall be selected from a list of nine names submitted to the President by the executives of the railroad labor organizations; four members shall be selected from a list of nine names submitted by the executives of railroad companies. The eight members thus named shall meet within 10 days from the date of their appointment and shall at once proceed to elect a chairman who shall constitute the ninth member of the board. If within 10 days from such meeting the members fail to elect a chairman as aforesaid, the President shall appoint a chairman, who shall serve for seven years, and who shall hold office until his successor be named and qualified in the same manner as heretofore provided. Two other members shall be appointed for a term of seven years each; the other members shall be appointed for terms of six, five, four, three, two, and one years as the President may designate, and all appointments or reappointments thereafter shall be for seven years, and each member shall hold his office until his successor be named and qualified. All vacancies shall be filled in the same manner as original appointments. Not more than five members of the board shall be members of the same political party. The chairman shall receive a salary of $12,000 and each member shall receive a salary of $10,000 per annum, together with the necessary traveling expenses while on the discharge of official duties, to date from his taking the oath of office.

SEC. 301. The board is hereby authorized and empowered, in all cases of disputes between any common carrier by railroad engaged in interstate commerce, subject to the act to regulate commerce, and its employees as to wages, terms, and conditions of employment, hours of service, or working conditions, after full hearing to prescribe what is, or may be for the future, the just and reasonable wages, terms, and conditions of employment, hours of service, or working conditions, and to issue an order to such carrier to comply with such decision of the board; and such carrier shall conform to such order or requirement and shall not depart from the conditions so prescribed; such order to remain in effect until further order of the board. The board may, upon complaint of any interested party or upon its own motion, suspend or modify its findings and order after giving notice thereof to the interested parties in person, if practicable, otherwise by publication.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WEBSTER. Mr. Chairman, may I have a brief extension so that I may finish the reading?

Mr. WINSLOW. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. WEBSTER. It provides further:

SEC. 302. The board shall have power to make its own rules of procedure, summon witnesses, administer oaths, order the production of documents deemed necessary by it in any dispute, and employ a secretary, attorneys, and other persons necessary to the execution of its power; and the board is authorized to use and continue the services and authority of the boards heretofore organized by the Director General of Railroads, known as Railway Adjustment Boards, Nos. 1, 2, and 3, and the Board of Railway Wages and Working Conditions. The records, rules, and regulations made and promulgated by the said boards and their services may be utilized, and their rules, regulations, and duties may be altered, changed, or modified by the board created by this act, and until so altered, changed, or modified, and, in so far as they may be deemed applicable, the rules and regulations promulgated by said boards, heretofore approved by the Director General of Railroads, may be continued in full force and effect.

SEC. 303. When a wage or labor dispute is brought before the board hearing shall be held at the time, place, and manner to be determined by the board. The board shall speedily and without delay make its findings in writing and shall serve them on the parties in interest. The findings of the board shall be final and the parties thereto shall be bound thereby.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. WEBSTER. I can finish in five minutes.

Mr. WINSLOW. I yield to the gentleman five minutes more.

Mr. WEBSTER. It says further:

SEC. 304. It shall be unlawful for any group of employees to enter upon a strike before its controversy with the employer common carrier or carriers has been submitted to the board and until the board has made a finding thereon. If the employer common carrier or carriers conform to the findings of the board, the right of such group or groups thereafter to strike in order to obtain their demands in issue in the controversy thus decided by the board is hereby prohibited and such act shall be unlawful.

SEC. 305. If after such hearing and finding of the board an employer common carrier or carriers shall fail or refuse to abide by such findings, such carrier or carriers shall be liable for the full damages to any employee, or group of employees, whether members of any labor union or organization or not, arising from such breach. Any labor union, or any employee, or group of employees, may commence and prosecute an action for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of any employee, union, organization, or group of employees the costs of the action, including a reasonable attorney's fee, which, when recovered, shall be paid to the employee, group of employees, union, or organization as the case may be.

SEC. 306. Any employee, group of employees, labor union, or organization which authorizes any member to strike or break any contract of hire fixed or approved by the board, or aids, abets, counsels, commands, induces, procures, or consents to, or in any manner conspires to effect any breach of findings and conclusions of the board, shall be liable for the full damages to the railroad company or companies, arising from such breach. For the purpose of enforcing such liability (1) service of process or notice may be made upon any employee, employees, chief executive officer, or other official of any labor union or organization; (2) no action for such damages shall abate by reason of death, resignation, removal, or legal incapacity of any official or member of a labor union or organization, or of any change in the membership thereof; (3) such action if brought against any labor union or organization may be prosecuted in its recognized group name; (4) the action, however, shall run against the union or organization jointly and severally against it and the members thereof, or against the employees individually as the carrier or carriers may elect—

There will be something out of which to satisfy the judgment under my law. There will be nothing under the law which I oppose.

Further—

(5) satisfaction of any judgment rendered shall be made from the property of the union or organization or any member or members of the offending union, or from the property of any offending employee or group of employees sued by name: *Provided*, That no insurance, pension, or sick benefit fund shall be subject to the satisfaction of any such judgment.

SEC. 307. Wherever the word "group" is used herein it shall be held to mean two or more employees, and where the word "strike" is used it shall be held to mean the abandonment of employment by such group pursuant to an agreement, an understanding, or by concert of action: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.

SEC. 308. There is hereby appropriated for the fiscal year ending June 30, 1920, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary, to be expended by the board of railroad wages and working conditions for defraying the expenses of the establishment and maintenance of such board, including the payment of salaries as provided in this title.

You have laid here, Mr. Chairman, a predicate for injunctive relief. These men will confront the same situation that confronted the coal miners and will submit to their Government.

Mr. BEE. Will my friend yield for a question?

Mr. WEBSTER. In just a minute. I have so little time.

It also provides an efficient means of civilly penalizing men who insist upon asserting the right of being superior to their Government. It protects them by a tribunal that is fair and impartial. Is not the President of the United States capable of appointing a commission that will meet all of the requirements of justice and fair play? It will stabilize industrial conditions. It will guarantee an uninterrupted transportation service. It will bring peace. It will prevent great economic waste. It will establish, as it should be established, that the law is supreme and that no class shall be superior to the law. And unless I mistake the temper of the American people, nevermore will they consent to play the inconspicuous rôle of doormat for the shuffling feet of capital and labor as they struggle for individual gain at the expense of the general welfare. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. WEBSTER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request.

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] is recognized.

Mr. RAYBURN. Mr. Chairman, I yield 25 minutes to the gentleman from North Carolina [Mr. SMALL].

The CHAIRMAN. The gentleman from North Carolina is recognized for 25 minutes.

Mr. SMALL. Mr. Chairman, I had not intended to speak until the morning, but learning that this was the only opportunity, I gladly avail myself of it. At this hour I shall only detain the committee to present one phase of transportation.

This bill affords an opportunity to Congress to enlarge the instrumentalities of transportation for the country. We have had many striking lessons during these past few years of the necessity of increasing transportation facilities. Not only do we realize the need of enlarged railroad facilities, but there is to-day a Nation-wide movement for the construction of better highways, and the prophecy is freely made that the introduction of the motor truck upon hard-surfaced roads will, in large degree, increase the facilities of transport over the highways. But there is a natural highway which is, as yet, largely untouched—the waterways of the country. [Applause.]

It is the duty of Congress by legislation to correct any evils which may exist, and to provide remedies by law for increasing water transportation. The opportunity, as I said in the beginning, was afforded in this bill. Has it been availed of by the committee in its report to the House? I do not in the slightest degree disparage the work of the committee. They have indeed had a difficult undertaking. They have given it conscientious thought and labor, and they have brought in a bill in many respects admirable; and never was a bill more clearly analyzed and presented than was this one by the distinguished chairman [Mr. ESCH] in the magnificent introductory address which he made this morning.

And yet in so far as it affects water transportation, it is subject to some criticism. When we have had river and harbor bills before the House in the past, the critics have complained because here and there upon rivers and canals it was said there was no commerce. That is true upon some rivers, and it will be true so long as present conditions continue.

What are some of the existing evils which brought about this situation? First are the ruinous competitive rail rates with water lines. Beginning many years ago, when there were no restraining influences, railroad managers reduced those rates competitive with water, and with few exceptions they yet remain and accomplish the purposes for which they were originally intended.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SMALL. Yes.

Mr. DENISON. Does not the gentleman think that the committee has gone a long way in preventing that ruinous competition by giving the commission the power to establish a minimum rate on the railroad?

Mr. SMALL. I will come to that in a moment. I think there are features in the bill which are corrective, and the point which I shall endeavor to make is that they do not go far enough.

Let us take this subject of competitive rail rates made by railroads competitive with water. There is not a line in the bill which attempts in direct and positive terms to correct that evil. Why, pray, should a railroad competitive with a canal or waterway maintain ruinously low competitive rates and 50 or 100 miles in the interior maintain rates very considerably higher? There is no economic justification for any such condition; and wherever it exists, and wherever legislation will remedy it, it ought to be remedied. We thought, in the Panama Canal act of 1912, where railroads were prohibited from increasing low rates competitive with water except by the consent of the Interstate Commerce Commission, that some remedy had been afforded, but in not a single instance has any railroad applied to the Interstate Commerce Commission for a readjustment or an increase of those rates.

I believe there should be a provision in this bill directing in mandatory terms the Interstate Commerce Commission to investigate and readjust all rail rates competitive with water, and for several reasons. First, that it is unjust to a natural highway, that ought to be used in the interest of the public; and, second, because of the injustice it works to interior points. I have never found fault with the criticisms of gentlemen who objected to appropriations for rivers the improvement of which was simply intended to secure lower competitive rail rates, and particularly when such lower competitive rail rates worked an injustice to interior sections, because they were compelled to pay the normal or the higher rates; and not until this injustice is corrected and waterways are left to work out their own salvation, and railways shall be compelled to establish and maintain rates which shall be normal and equal throughout the country, will we have a just application of rail rates and will an act of simple justice be done to the waterways of the country.

A committee consisting of some Members of the House and Senators and a number of other gentlemen throughout the country met recently here in Washington for the purpose of drafting some amendments to be submitted to this bill. We did draft several amendments, and one of them sought in a mild way to correct this evil which I have endeavored to describe. Within the limited time at my command I shall not undertake to read the amendment now, but I shall insert it as a part of my remarks, for the information of the House. I ask gentlemen of the committee, when we come to the consideration of this bill for amendment, to give heed to any amendment which may seem to be wise and effective which will cure this old-time evil.

There is another evil which this bill ought to correct. We can never have a healthy condition of water transportation until there are complete facilities for the interchange of traffic between the water lines and the rail lines, such as exist to-day between the different rail lines throughout the country.

Mr. BEE. Will the gentleman from North Carolina yield for a question?

Mr. SMALL. Yes.

Mr. BEE. Does this bill undertake to deal with water transportation and its control at all?

Mr. SMALL. Only in so far as it is associated in one way or another with railroads. For instance, the bill gives the Interstate Commerce Commission jurisdiction of transportation partly by rail and partly by water, and it also attempts to give the commission jurisdiction to establish interchange of traffic between rail lines and water lines.

Mr. BEE. Knowing the gentleman's wide experience in that matter I ask him, what is to-day the regulation or the law with reference to the control of waterways similar to that which the Interstate Commerce Commission exercises over railroads?

Mr. SMALL. The only jurisdiction of the Interstate Commerce Commission over water transportation is in regard to the interchange of traffic with the railroads.

Mr. DENISON. Will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. DENISON. I want to ask the gentleman if he does not think that the most important thing to-day to promote river navigation is the proper provision for terminals and for joint traffic arrangements with the railroads?

Mr. SMALL. I think the gentleman has well stated the proposition.

Mr. DENISON. And this bill provides that?

Mr. SMALL. Let us see. In the Panama Canal act of 1912, which is brought forward as section 6 of the interstate-commerce act, the Interstate Commerce Commission are given jurisdiction to effect the interchange of traffic between rail lines and water lines. I will not take the trouble to read it. Gentlemen are familiar with that provision. Under that jurisdiction the Interstate Commerce Commission have not been active. Upon the contrary, they have been either purposely or inadvertently inactive, and although many applications have been made for a regulation providing joint and proportional rates between rail lines and water lines, very few of those applications have had consideration and action by the commission.

The committee in this bill amend section 6 of the interstate-commerce act, and they improve it; but they still leave it optional with the Interstate Commerce Commission to effect this interchange of traffic when application shall be made to them. One of the amendments which I submitted to the committee for their consideration, and which I submit should be incorporated in the bill, is to make that provision mandatory upon the commission, so that upon proper conditions—that is to say, where a water line is reputable and responsible—they shall be compelled to establish interchange of traffic and joint and proportional rates between it and the connecting railroads. The pending bill also goes too far in conferring jurisdiction over docks and water terminals upon the Interstate Commerce Commission.

As the gentleman from Illinois [Mr. DENISON] well said, interchange of traffic between the railroads and water lines upon fair terms is one of the essentials for the building up of water transportation. Everyone knows that this magnificent railway system which we have in the United States is predicated largely upon the system of prorating or interchange of traffic between the different lines, so that a shipper at any one railroad point can obtain a through bill of lading and a through rate to any other point in the United States situated upon a line of railroad, no matter how many different lines of road are traversed between the point of origin and the point of destination. And the Interstate Commerce Commission should be required to institute and establish and maintain the same kind of prorating and interchange of traffic between water lines and railroads as are now required and maintained between different lines of railroad themselves. And the defect in the bill which the committee have presented is in not having amended the paragraph preceding (a), (b), and (c) in section 6 of the interstate-commerce act by making it mandatory upon the Interstate Commerce Commission. At the proper time during the consideration of the bill I hope to offer an amendment to that effect.

Another essential for water transportation is the establishment of some Federal agency having jurisdiction to investigate problems of water transportation, collect data, and make recommendations for the promotion of water transportation. Water lines at present have no friend at court. There is no agency of the Federal Government to whom they can go for advice, for information, and for assistance as intermediaries between them and the Interstate Commerce Commission or other administrative departments of the Government in order to obtain what they may conceive to be their rights under the law. The voluntary committee of which I had the honor to be a member drafted and submitted to the Committee on Interstate and Foreign Commerce a provision empowering the Bureau of Interstate and Foreign Commerce of the Department of Commerce to do these things. The committee have substantially adopted the language which we presented to them, but they have imposed that duty upon the Secretary of War through the Chief of Engineers. I fear the committee have make a mistake. No one entertains a higher opinion of the engineering skill, the integrity, and the capacity of the Corps of Engineers than I do.

As a member of the Committee on Rivers and Harbors for years I have come in close contact with them. I admire them, and within the scope of their training and experience they are unexcelled. But they are not by training or experience familiar with commerce, nor in the discharge of their public duties have they had occasion to become skilled in transportation problems. I believe that this section on page 21 of the bill which imposes that duty on the Secretary of War, through the Chief of Engineers, is an error, and that it ought to be in the Department of Commerce. I have before me the act creating the Department of Commerce, which in plain and explicit terms confers on that department jurisdiction of transportation and the features of it which are concerned in industry and commerce. This investigating bureau would be more appropriate, in my opinion, in the Department of Commerce.

In the provision for Government-owned boats which are now under the jurisdiction of the United States Railroad Administration, there was submitted to the committee an amendment which sought to transfer those boats to the Shipping Board. In our opinion the transfer should be either to the Shipping Board or to some bureau in the Department of Commerce. The bill which the committee has presented transfers them to the Secretary of War, to be operated through the Chief of Engineers. With the greatest deference to the skill and ability of these officers, I sub-

mit that nothing in their training or experience fits them in any peculiar way for the operation of water lines as a part of the transportation system of the country.

Mr. DENISON. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. DENISON. I want to ask if it was the gentleman's thought that the Government was going to continue to operate the boats as a permanent policy?

Mr. SMALL. No.

Mr. DENISON. It is only a temporary policy?

Mr. SMALL. Certainly.

Mr. DENISON. Does not the gentleman think that this provision meets the demand of the situation in turning these boats over to the War Department and the Chief of Engineers until they can finally be disposed of? The Government does not intend to remain in the boat transportation business.

Mr. SMALL. I do not understand that it was in the thought of the committee or the thought of Congress that they should be operated indefinitely, but they ought to be operated for a term of years in order to demonstrate by actual experience their efficiency and capacity to carry commerce for the benefit of the public and with profit to themselves.

Mr. CLEARY. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. CLEARY. I might say that the experience of the people up through New York, where the Government has undertaken to manage canal boats and such things, has resulted in failure, and the only proper thing to do with these boats is to do just what you agreed to do with the ships, sell them for the best obtainable prices to men who know all about them and who have learned the business.

Mr. SMALL. I suggest to the gentleman from New York that different conditions prevail on the Mississippi River and on the Warrior system than prevails on the waterways of New York.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. BLAND of Missouri. In the bill under consideration there is no provision for the sale or purchase of new boats if the old ones are worn out. There is no adequate provision for the operation even for a temporary period of time. Is that true?

Mr. SMALL. That is true.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Inasmuch as we are not compelled to adjourn at any stated time, will the gentleman give me five minutes more?

Mr. RAYBURN. I yield five minutes more to the gentleman.

Mr. SMALL. Mr. Chairman, while I live on the Atlantic seaboard, I conceive it my duty, as it is the duty of every other Member, to consider these questions from a national viewpoint. There is no more pressing problem before the country than the establishment of commerce on the rivers of the Mississippi Valley between St. Paul and New Orleans. [Applause.]

It is the duty of the Government to make whatever expenditures for experiments that may be necessary in order to rehabilitate and reestablish that commerce, not alone for the benefit of the great Mississippi Valley, but for the welfare of the country. In the operation of these boats for four or five or more years, in order to demonstrate their practicability and profit of operation as well as public benefit, they should be operated by men who are familiar with that class of work, who are skilled in it by training and experience.

Mr. Chairman, I can not proceed at any length along these lines, but when we come to the consideration of this bill under the five-minute rule, I hope that the membership of the House will not lose this opportunity to afford some remedy for these two evils connected with water transportation. One is to stop the cutthroat competition, not only in justice to the waterways but in justice to the interior section, and the other is to provide by directing the Interstate Commerce Commission for the establishment and maintenance of interchange of traffic between the water lines and the railroads to just as full an extent as now exists between the different lines of railroads.

Mr. WILSON of Louisiana. Is it the opinion of the gentleman that the provisions of this bill which authorize the fixing or establishment of the maximum and minimum rates in competing water and rail points is an improvement of the conditions we have now?

Mr. SMALL. A very great improvement.

Mr. WILSON of Louisiana. Is it the opinion of the gentleman that that will encourage river traffic?

Mr. SMALL. It will, but if you have an inactive Interstate Commerce Commission who conceive that their chief purpose is to administer the railroads without regard to the rehabilitation of the water lines, any provision of law which you make will be nugatory.

Mr. WILSON of Louisiana. This places the matter entirely under the Interstate Commerce Commission.

Mr. SMALL. As to interchange of traffic, yes.

Mr. WILSON of Louisiana. And the fixing and adjusting of these rates?

Mr. SMALL. Yes.

Mr. WILSON of Louisiana. Is it the opinion of the gentleman that that is not the proper body that should be charged with it?

Mr. SMALL. I think it is the proper body. The point I make is that the law should be directory and not simply give them jurisdiction or place it within their discretion. This is the point I am trying to emphasize, that we have had since 1912 a provision in the law giving the Interstate Commerce Commission jurisdiction to establish interchange of traffic between water lines and rail lines, and I ask the gentleman if he knows of an instance where they have established it?

Mr. WILSON of Louisiana. No; the complaint has been always that the Interstate Commerce Commission took no interest in traffic on the waterways.

Mr. SMALL. Is it not time we compelled them to do so, or get some agency of Government that will do it?

Mr. WILSON of Louisiana. I agree with the gentleman, if there is any practical way of doing it.

Mr. SMALL. I think we can propose an amendment in such terms as will make it mandatory.

Mr. DENISON. Does the gentleman know of any specific instances where they have refused to do so on application?

Mr. SMALL. I can not recall where they have directly refused, but in a number of instances they have taken no action whatever in response to applications.

When the pending bill is under consideration for amendment I shall offer the following amendments:

On page 46, after line 7, insert the following as subsection (8):

Where there is an existing line of water transportation, or one is proposed to be immediately established, it shall be unlawful for any railroad which operates between points competitive to said water line to reduce its existing rates with a view to meeting the difference between water rates and the rail rates, unless after full hearing the commission shall find that such reduction of rail rates is justified in the public interest. In determining the question of public interest the commission shall consider the rates charged by the water line as presumptively reasonable and shall also consider the advisability or necessity of maintaining increased facilities of transportation: *And provided further*, That the commission shall not permit any railroad to reduce its existing rates as between points competitive with the water line or lines unless such railroad maintain such reduced rates as the maximum at all intermediate points on all lines between the points of origin and destination.

On page 60, lines 1 and 2, strike out the words "irrespective of the ownership of the dock."

One page 60, line 7, strike out the words "construct a suitable dock and."

On page 60, lines 9, 10, 11, and 12, strike out the words "such dock shall be considered," etc., and ending with the words, in line 12, "in other sections."

On page 60, line 14, strike out the words "docks and."

On page 60, line 16, strike out the words "docks and."

On page 61, strike out lines 1 to 5, inclusive.

On page 64, lines 22 and 23, strike out the words "or the maximum or minimum, or maximum and minimum" and insert in line 22, after the word "case," the words "as the maximum."

On page 65, lines 6 and 7, strike out the words "or less than the minimum."

On page 67, line 3, strike out the words "or the maxima or minima, or maxima and minima" and insert in lieu thereof the words "as the maximum."

On page 58, strike out the words from lines 7 to 25, inclusive, and, page 59, strike out the words in lines 1 to 3, inclusive.

On page 59, line 25, strike out the words "to establish" and insert in lieu thereof the following words: "they shall establish."

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. MONDELL having assumed the chair as Speaker pro tempore, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10453, the railroad bill, and had come to no resolution thereon.

FILING OF MINORITY VIEWS.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the minority may have three days in which to file minority views

on House resolution 381, introduced by the gentleman from Illinois [Mr. GRAHAM].

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the railroad bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by discussing a matter in reference to the return of the bodies of our soldier boys across the seas.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SWEET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Wednesday, November 12, 1919, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, to which was referred the resolution (H. Res. 381) requesting the Secretary of War to review the settlement of certain claims arising out of war contracts, reported the same without amendment, accompanied by a report (No. 463), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 9583) for the relief of Edward A. Purdy, postmaster of the city of Minneapolis, Minn., for postage stamps, postal-savings stamps, war savings stamps, war-tax revenue stamps, and cash for money orders stolen from the branch post office at Minneapolis, Minn., commonly known and described as the traffic station, and located at Nos. 621 and 623 First Avenue north, in said city, reported the same without amendment, accompanied by a report (No. 462), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 10480) authorizing the Secretary of War to donate a captured German cannon or fieldpiece to the city of Saratoga Springs, N. Y.; to the Committee on Military Affairs.

By Mr. LEE of Georgia: A bill (H. R. 10481) making an appropriation to be expended under the provisions of the act of March 1, 1911 (36 Stats., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 10482) authorizing the Secretary of War to donate to the Rennerdale Civic Club, Rennerdale, Allegheny County, Pa., one German cannon or fieldpiece, to be placed on the front lawn of the Rennerdale public school; to the Committee on Military Affairs.

Also, a bill (H. R. 10483) to provide for the construction of a waterway from the Ohio River to Lake Erie; to the Committee on Railways and Canals.

By Mr. HERSMAN: A bill (H. R. 10484) to provide for an examination and survey of San Luis Obispo Harbor, Calif.; to the Committee on Rivers and Harbors.

By Mr. HICKEY: A bill (H. R. 10485) to establish a fish-cultural station at some point in the State of Indiana on Lake Michigan; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 10486) granting an increase of pension to Samuel H. Rodeheaver; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 10487) granting an increase of pension to Archibald F. Bottoms; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 10488) granting a pension to Ella C. Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10489) granting a pension to Anna B. Detwiler; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 10490) granting a pension to James Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10491) granting a pension to James H. DeVore; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 10492) to remove the charge of desertion against George Hull, alias John Buchanan; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10493) granting an increase of pension to Mary C. Haskins; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 10494) granting a pension to James A. Stine; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10495) granting an increase of pension to Hans Halvorson; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10496) granting a pension to Frank M. Preston; to the Committee on Pensions.

Also, a bill (H. R. 10497) granting a pension to Charley Salyers; to the Committee on Pensions.

Also, a bill (H. R. 10498) granting an increase of pension to Rissie Swords; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10499) granting an increase of pension to Stephen Marcum; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 10500) granting a pension to Frank S. Schmidt; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 10501) granting an increase of pension to William H. Sumption; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 10502) granting a pension to George W. Burke; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10503) granting an increase of pension to Walter C. Hathaway; to the Committee on Pensions.

By Mr. SWOPE: A bill (H. R. 10504) granting a pension to Virginia Zachary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10505) granting an increase of pension to George Hines; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10506) granting a pension to Tom Presley; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10507) to remove the charge of desertion against John R. Butler; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 10508) granting a pension to Samuel C. Pryor; to the Committee on Invalid Pensions.

By Mr. CANNON: Resolution (H. Res. 385) to pay Arthur Lucas for special janitor services; to the Committee on Accounts.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 386) for the immediate consideration of House resolution 381; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, favoring House bill 9369; to the Committee on Military Affairs.

By Mr. CULLEN: Petition of sundry citizens of Brooklyn, N. Y., favoring additional pay to soldiers and sailors who participated in the Great War; to the Committee on Military Affairs.

Also, petition of American Bankers' Association, presenting resolutions adopted at the forty-fifth annual convention, held at St. Louis, Mo.; to the Committee on Banking and Currency.

By Mr. HERNANDEZ: Petition of Taxpayers' Association of New Mexico, favoring transfer of public lands of the United States to the several States in which they are located in order that the States may utilize such lands for internal improvement, and for other purposes; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Protest of Railroad Lodge, No. 1179, International Association of Machinists, of

Providence, R. I., against antistrike clause of Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Rhode Island Branch of the American Legion, affirming adherence to the American's creed, Hon. William Tyler Page, author, and subscribing to the principles of patriotism and loyalty to the United States embodied in it; to the Committee on the Judiciary.

Also, resolution of Rhode Island Branch of the American Legion, pledging its members to use all lawful means to check and prevent extension of dangerous doctrines of Bolsheviki, anarchists, I. W. W., or kindred organizations; to the Committee on the Judiciary.

Also, resolution of Rhode Island State Branch of the American Legion, demanding enactment of legislation deporting all persons who withdrew their first naturalization papers to avoid performance of military duty in the recent war; to the Committee on Immigration and Naturalization.

Also, resolution of Rhode Island Branch of the American Legion, favoring granting of Federal and State bonuses; to the Committee on Military Affairs.

Also, resolution of Rhode Island Branch of the American Legion, protesting against the development of Bolshevism and urging the Government to take such steps as may be necessary to curb this menace to free institutions; to the Committee on the Judiciary.

Also, resolution of Rhode Island Branch of the American Legion, urging investigation and passage of legislation to enable the children of deceased and disabled veterans to acquire a suitable preparation for life; to the Committee on Military Affairs.

Also, resolution of Rhode Island Branch of the American Legion, recommending passage of legislation for increase of pay for officers and men in the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

Also, resolution of Rhode Island Branch of the American Legion, urging that a clause be placed in all contracts made by Federal, State, city, and town governments making provision for veterans of the Great War to be given preference on employment eligibility tests; to the Committee on Reform in the Civil Service.

Also, resolution of Rhode Island Branch of the American Legion, favoring Federal legislation enabling veterans of the war to borrow from the Government 100 per cent of the value of a building to be used personally as his home in any part of the United States at a low rate of interest payable over a long period of years; to the Committee on Military Affairs.

By Mr. MICHENER: Petition of Women's Foreign Missionary Society of the First Methodist Episcopal Church of Adrian, Mich., favoring House bill 8063; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of the American Bankers' Association of New York, forwarding resolutions adopted at annual convention held at St. Louis, Mo.; to the Committee on Banking and Currency.

Also, petition of Associated Fruit and Vegetable Industries of Eastern and Western New York, protesting against House bill 9521; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *November 12, 1919.*

(Legislative day of Monday, November 10, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	La Follette	Phipps
Ball	Harding	Lenroot	Pittman
Brandegee	Harris	Lodge	Poindexter
Calder	Harrison	McCormick	Pomerene
Capper	Henderson	McCumber	Ransdell
Chamberlain	Hitchcock	McKellar	Reed
Colt	Johnson, Calif.	McNary	Robinson
Cummins	Johnson, S. Dak.	Moses	Sheppard
Curtis	Jones, N. Mex.	Nelson	Sherman
Dial	Jones, Wash.	New	Simmons
Dillingham	Kellogg	Newberry	Smith, Ariz.
Edge	Kendrick	Norris	Smith, Ga.
Elkins	Kenyon	Nugent	Smith, Md.
Fall	Keyes	Overman	Smith, S. C.
Frelinghuysen	King	Page	Smoot
Gay	Kirby	Penrose	Spencer
Gronna	Knox	Phelan	Stanley
Sterling	Townsend	Walsh, Mont.	Wolcott
Sutherland	Trammell	Warren	
Swanson	Underwood	Watson	
Thomas	Wadsworth	Williams	

Mr. CURTIS. I wish to announce the absence on official business of the Senator from Maryland [Mr. FRANCE].

Mr. REED. I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is detained at his home by illness.

Mr. UNDERWOOD. My colleague the senior Senator from Alabama [Mr. BANKHEAD] is detained by illness.

Mr. SHEPPARD. The Senator from Rhode Island [Mr. GERRY], the Senator from Massachusetts [Mr. WALSH], the Senator from Oklahoma [Mr. GORE], and the Senator from Florida [Mr. FLETCHER] are absent on official business.

The PRESIDENT pro tempore. Eighty-one Senators have answered to their names. There is a quorum present.

THE RACE PROBLEM.

Mr. SPENCER. If there is no objection, I ask to have printed in the RECORD certain recommendations of the Southern Sociological Congress with regard to the race question. The question is one of such exceeding importance that I am sure these suggestions and recommendations will prove of great value.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Editorial in the Outlook of Sept. 10, 1919.]

THE RACE PROBLEM.

"The race problem is national in scope, but its final solution must be locally determined. It is a problem of human relationship, and this human relationship is reducible in the final analysis to the one white man, face to face with one negro. The national race problem is really only a multiplication of the problem of this individual relationship.

"This is why the Outlook has always insisted that the negro problem of the South could be solved only by the South. The North can advise and aid, and that is all. Now that the North is becoming acutely aware of the fact that it possesses a race problem of its own, while the situation is reversed, the principle still remains the same. East St. Louis—an Illinois, not a Missouri, city, we ask our readers to observe—and Chicago, Washington, Knoxville, and Atlanta, to each its peculiar problem, to each its own solution. But the intensely local character of the race problem should not prevent the broadest national consideration of its causes and effects. The North can learn from the South and the South from the North. But upon each section and locality must rest the responsibility for putting into effect the conclusions reached in general discussion and study.

"It is this dual character of the problem in its local and national aspects which lends peculiar interest to the proposal recently put forward by the Southern Sociological Congress, of which Bishop Theodore D. Bratton is president.

"This proposal, at the suggestion of President Wilson, was laid before the conference of the governors of the several States recently in session at Salt Lake City, Utah. The governors' conference broke all precedents in permitting Bishop Bratton to speak at one of its sessions. The resolution which Bishop Bratton proposed was made a part of the official records of the conference, and received high praise from many of the governors present.

"The resolution laid before the governors' conference and the program called for therein are of such merit and importance that we republish them here in full. The resolution reads:

"'Recognizing that the negro is a permanent and increasingly important factor in the development of our national life, the Southern Sociological Congress considers the solution of the problem of race relations as the most delicate and difficult single task for American democracy. We believe that no enduring basis of good will between the white and colored peoples in this country can be developed except on the fundamental principles of justice, cooperation, and race integrity. The obligations of this generation to posterity demand that we exert our utmost endeavor to preserve the purity of our democratic ideals expressed in the American Constitution, as well as the purity of the blood of both races. With this belief the Southern Sociological Congress has worked out a program for the improvement of race relations which we respectfully submit to the conference of governors in the earnest hope that this body of distinguished leaders may lend its beautiful influence toward making this program effective throughout the Union.

"'The program is—

"'First, that the negro should be liberated from the blighting fear of injustice and mob violence. To this end it is imperatively urgent that lynching be prevented—

"'1. By the enlistment of negroes themselves in preventing crimes that provoke mob violence.

"'2. By prompt trial and speedy execution of persons guilty of heinous crimes.

"'3. By legislation that will make it unnecessary for a woman who has been assaulted to appear in court to testify publicly.

"'4. By legislation that will give the governor authority to dismiss a sheriff for failure to protect a prisoner in his charge.

"'Second, that the citizenship rights of the Negro should be safeguarded, particularly—

"'1. By securing proper traveling accommodations.

"'2. By providing better housing conditions and preventing extortionate rents.

"'3. By providing adequate educational and recreational facilities.

"'Third, that closer cooperation between white and colored citizens should be promoted (without encouraging any violation of race integrity)—

"'1. By organizing local committees, both white and colored, in as many communities as possible for the consideration of interracial problems.

"'2. By the employment of negro physicians, nurses, and policemen as far as practicable in work for sanitation, public health, and law enforcement among their own people.

"'3. By enlisting all agencies possible in fostering justice, good will, and kindliness in all individual dealings of the members of one race with members of the other.

"'4. By the appointment of a standing committee by the governor of each State for the purpose of making a careful study of the causes underlying race friction with the view of recommending proper means for their removal.'

Resolution on lynching adopted by the Southern Sociological Congress in annual session at Knoxville, Tenn., May 12, 1919.

"The Southern Sociological Congress strongly condemns lynching and mob rule, which are un-American and subversive of law and order. We pledge ourselves to do everything possible to prevent lynching, and we call upon the editors of the public press, the ministers, the teachers, and other leaders responsible for creating public sentiment to proclaim against this practice, which constitutes both a disgrace and menace in our own land and also discredits American democracy abroad, and we urge the immediate exercise of all possible State and Federal power to put a speedy end to these outrages throughout the country."

RAILROAD STATISTICS.

The PRESIDENT pro tempore, as in legislative session, laid before the Senate a communication from the chairman of the Interstate Commerce Commission acknowledging the receipt of Senate resolution 222, directing the Interstate Commerce Commission to investigate and report to the Senate the facts in connection with the present or prospective ownership or control by the Government of the Dominion of Canada of any line or lines of railway, or part thereof, situate within the territory of the United States, which was ordered to lie on the table.

UNITED STATES SHIPPING BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Shipping Board, acknowledging receipt of Senate resolution 226 requesting certain information with respect to the requisitioning of ships under construction in American shipyards for Norwegian citizens and the amount of claims accruing out of such requisitioning, which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I ask unanimous consent to have printed in the RECORD resolutions adopted by the Pennsylvania Federation of Labor, affiliated with the American Federation of Labor, relative to the so-called Sterling bill establishing a department of education.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

PENNSYLVANIA FEDERATION OF LABOR,
Harrisburg, Pa., November 10, 1919.

Hon. Senator GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: By order of a special convention of the Pennsylvania Federation of Labor, held in Pittsburgh recently, I forward to you a copy of a resolution there adopted:

Resolution 8, introduced by resolutions committee.

"*Resolved*, That the Pennsylvania Federation of Labor, in convention assembled, protests most emphatically against United States Senate bill No. 3317, introduced by Senator STERLING, which, ostensibly, aims to punish with heavy penalties any advocacy of a change of government by violence or violent resistance to Government authority, but which may readily be construed, as was the espionage act, to apply to any vehement protest against existing conditions.

"The orderly forces of Pennsylvania labor realize the sinister menace of this bill to the American liberties of the working people; therefore be it further

"*Resolved*, That we call upon the Congress of the United States to defeat this bill; and be it further

"*Resolved*, That copies of these resolutions be sent to Senators PENROSE, KNOX, FRANCE, MCCORMICK, CAPPER, LA FOLLETTE, GRONNA, and NORRIS."

Thanking you for giving it your fullest consideration, I am,

Very truly, yours,

C. F. QUINN, *Secretary.*

Mr. GRONNA. I also present resolutions adopted at the national convention of the American War Mothers, assembled in Washington, D. C., September 29 to October 2, 1919. These resolutions have been sent to me by Mrs. Siver Serumgard, of Devils Lake, N. Dak., and I ask that they may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

The American War Mothers in national convention assembled in Washington, D. C., from September 29 to October 2, 1919, adopted the following resolutions:

"*Resolved*, That we ask Congress to select the most remunerative of the many soldiers' bonus bills now before them and adopt it quickly."

The officers of the American War Mothers met with the Gold Star Mothers during the national convention in Washington and adopted the following resolutions:

"*Resolved*, That a request be sent to our Congressmen to grant the wishes of the parents in regard to the burial of the bodies of our sons and daughters who died in the cause and return to them the bodies of their dead if they so desire; and be it further

"*Resolved*, That Congress be requested to cause the return to this country of all the American dead, to be buried together in one cemetery near the center of the United States, except in individual cases where parents wish the body to remain on foreign soil or be buried in private plats; and be it further

"*Resolved*, That a suitable monument in such a cemetery be erected to our beloved dead, to be paid for by voluntary subscriptions, Congress to appoint a commission of five, two War Mothers and three war fathers, representing the North, South, East, and West, and center of the United States, to receive donations, this fund to be known as the memorial monument fund; and be it further

"*Resolved*, That the State which shall be selected to have the honor of being the last resting place of our dead heroes should donate the space."

Mrs. ALICE M. FRENCH,
National War Mother.
Mrs. RICHARD M. COLEMAN,
Secretary.

Mr. GRONNA. I present resolutions adopted by the National Federation of Construction Industries in relation to the needs of the construction industry, which I ask to have printed in the RECORD.

There being no objection the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF CONSTRUCTION INDUSTRIES,
Philadelphia, Pa., November 3, 1919.

Hon. ASLE J. GRONNA,
Committee on Banking and Currency,
United States Senate, Washington, D. C.

SIR: I beg to call your attention to the attached memorial of the National Federation of Construction Industries in relation to the needs of the construction industry, to the Senate and House of Representatives of the United States of America in Congress assembled, and to the attached resolution of the National Federation of Construction Industries relative to bill S. 2094, Sixty-sixth Congress, first session.

Copies of this memorial and resolution have been sent to the Vice President of the United States, the Speaker of the House of Representatives, and to the members of the Senate Committee on Banking and Currency and the House Committee on Ways and Means.

Respectfully,

JOHN C. FRAZEE,
Executive Secretary.

Memorial of the National Federation of Construction Industries in relation to the needs of the construction industry.

To the Senate and the House of Representatives of the United States of America in Congress assembled:

Your petitioners respectfully represent that they are an association of persons and national and local organizations concerned as manufacturers or contractors or otherwise in the building or construction industry of the United States.

That the present condition of shortage in building and structures has been largely brought about through the curtailment of the construction industry by the Government during the war.

That the tendency of the Federal Reserve System, admirable in its general effect upon the business of the country, has been to promote the use of capital upon short-term loans, made through national and other banks.

That the attraction of capital to such loans has drawn capital away from long-term loans based upon mortgages on real estate.

That the erection of the required dwellings and manufacturing buildings, by increasing the plant facilities of the United States, will tend to increase production and decrease prices.

That there is a need at the present time in the United States for from 600,000 to 1,000,000 new dwellings as homes for workmen and others, and of many other buildings for business and other purposes, which constitute cumulated requirements caused by the nearly complete cessation during the war of building for other than war purposes.

That the preference created by the Federal reserve law for the investment of capital in commercial discounts and other like forms of investment has resulted in withdrawing large sums of money from availability for loans on building and real estate, and has thus greatly hindered the construction industry and increased the difficulty attendant upon the restoration of normal conditions in the construction industry.

After careful consideration of the situation, as above outlined, the National Federation of Construction Industries is convinced that a comprehensive study should be made of the sources of capital available for home and other building purposes, the recent withdrawal of capital from long-term mortgages on real estate, the causes of such action, the unfortunate results to the construction industry and to those who desire to own and occupy buildings for production or for dwelling purposes, and the possibility of legislative correction of the evils unintentionally created by otherwise beneficial legislative action.

The National Federation of Construction Industries therefore respectfully memorializes the Congress of the United States that a subcommittee of the Committee on Banking and Currency of the Senate and Ways and Means of the House of Representatives, or a joint committee of both Houses of Congress, be appointed to make an investigation of the matters above outlined, to the end that there may be developed a modern system of long-term banking, complementing but not conflicting with the Federal Reserve System, so that the Nation's wealth may be more completely mobilized both for times of peace and for times of emergency, and so that national development may be promoted during the period of reconstruction.

ERNEST T. TRIGG, *President.*

Attest 31st October, 1919:

JOHN C. FRAZEE,
Executive Secretary.

Resolution of the National Federation of Construction Industries relative to bill S. 2094.

Whereas the operation of the revenue and banking laws of the United States has caused a steady withdrawal of capital available for loans upon real estate and has thus seriously interfered with the progress of building construction and national development; and

Whereas it is highly important not only to the construction industry but to the welfare of the Nation at large that the erection of homes and other needed buildings shall be speedily resumed; and

Whereas loans upon real estate should be at least as attractive as other forms of investment if the erection of homes and other needed buildings is to continue: It is therefore

Resolved, By the directors of the National Federation of Construction Industries that they heartily indorse the purpose of and earnestly recommend the passage of S. 2094, introduced by Senator WILLIAM M. CALDER, of New York, entitled "A bill to encourage the building of homes by providing for exemption from taxation of the income from mortgages on real estate," modified as Congress in its wisdom may deem necessary, because the passage of this bill will tend to restore the balance in attractiveness to investors between loans upon real estate and other forms of investment, which balance has been destroyed through the operation of the existing laws, and because such restoration will encourage the construction of homes and other buildings now requisite to the happiness and prosperity of the people of the United States.

Resolved further, That the executive secretary be requested to communicate to Senator CALDER, Representative NOLAN, and Representative MCLAUGHLIN the appreciation of the directors of their interest in this important matter, and that a copy of these resolutions be laid before them.

Resolved further, That a copy of these resolutions be sent to the Committee on Banking and Currency of the Senate and to the Committee on Ways and Means of the House.

ERNEST T. TRIGG, *President.*

Attest 31st October, 1919:

JOHN C. FRAZEE,
Executive Secretary.

Mr. GRONNA. I have received resolutions adopted by the Friends of Irish Freedom at a mass meeting of over 10,000 citizens and voters of Detroit, Mich., relative to the independence of Ireland, which I ask to have printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *November 6, 1919.*

Senator ASLE J. GRONNA,
Washington, D. C.

MY DEAR SENATOR: Inclosed you will find a copy of resolutions adopted at a mass meeting of over 10,000 citizens and voters of the city of Detroit.

Will you be good enough to acknowledge receipt of these resolutions, and advise what disposition has been made of them?

Respectfully, yours,

FRIENDS OF IRISH FREEDOM,
JAMES F. MURPHY, *Secretary.*

Resolutions adopted by the Friends of Irish Freedom at Detroit meeting, October 16, 1919.

Whereas we hold, with the signers of our own Declaration of Independence, that Governments derive their just powers from the consent of the governed, a principle reiterated by the United States on our entering the World War, and later confirmed by President Wilson, when he said:

"No peace can last or ought to last which does not recognize and accept the principle that Governments derive their just powers from the consent of the governed."

And

Whereas Ireland, by a vast majority of its people, has determined itself as an independent Republic, by ballot in orderly election: Be it

Resolved, That we, citizens of Detroit, Mich., in mass meeting assembled, request our Government to act in accordance with America's declared principles and officially recognize that Republic of Ireland and its duly elected Government; and

Whereas the ratifying of the proposed covenant of the league of nations in its present form, without the previous recognition of Ireland's independence, would be, in effect, to disregard Ireland's rights, to admit Britain's claim to rule Ireland as a part of her legitimate possessions, and to commit the United States to the maintenance of Britain's rule in Ireland by pledging our strength as a Nation to Britain against any nation which might seek to assist Ireland to regain her liberty; Be it further

Resolved, That we call upon our Senate, in particular upon Michigan's Representatives, Senators TOWNSEND and NEWBERRY, to oppose and vote against the said covenant; and

Whereas England is expending, approximately, at the rate of $60,000,000 per year on her army of occupation in Ireland alone, not to mention the still larger sums spent in maintaining armies of occupation amongst other subject peoples: Be it further

Resolved, That we call upon Congress to withhold further loans or financial accommodations to Great Britain until she withdraws her army of occupation from Ireland.

Copies of these resolutions to be sent to the President of the United States, to Senators TOWNSEND and NEWBERRY, all other Members of the Senate, and all Members of the House of Representatives.

Mr. KNOX presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the so-called Edge bill, providing for an international banking exchange, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the establishment of a Federal home-loan board, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Robert Emmet Branch, Friends of Irish Freedom, of Houtzdale, Pa., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Grange No. 1733, Patrons of Husbandry, of Fawn Grove, Pa., praying for the enactment of legislation prohibiting strikes among railroad employees, coal miners, and sympathetic strikes, and for the enforcement of the present laws against illegal and unjust labor agitators, rioters, and inciters to violence against men who wish to work, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of the boroughs of Mount Olivet and St. Clair, in the State of Pennsylvania, remonstrating against the establishment of a department of education, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. NEW, from the Committee on Foreign Relations, to which was referred the bill (S. 2782) for the purchase of the embassy building and grounds of the United States at Santiago, Chile, reported it without amendment.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3187) to dispose of a certain strip of public land in Waterville, Me., reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3417) to authorize the Railroad Administration to determine by arbitration the rental value of the Cape Cod Canal; to the Committee on Interstate Commerce.

By Mr. CALDER:

A bill (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Commerce.

WITHDRAWAL OF PAPERS—JOSEPH C. BOGGS.

On motion of Mr. SWANSON, it was—

Ordered, That the papers accompanying the bill S. 1418, Sixty-third Congress, for the relief of Joseph C. Boggs, be withdrawn from the files of the Senate, there having been no adverse report thereon.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Montana [Mr. WALSH] to reservation No. 3, proposed by the Senator from Massachusetts [Mr. LODGE] on behalf of the Committee on Foreign Relations.

Mr. REED. Mr. President, yesterday when we approached the hour of 5 o'clock, anticipating that a recess would be taken, I discontinued my remarks with an argument half completed. I am sorry that the Senator from Arkansas [Mr. ROBINSON], my very good friend, did not wait until I had completed the subject, because I think if he had he would not have found much occasion to disagree with me.

I am not interested in any controversy or discussion with my friend further than this: I am unwilling that my position should be wrongly stated to the country. In the impetuosity of debate, and particularly when feeling is tense, we are all very likely to be impressed with some particular statement to the exclusion of its context. I think that is the occasion for nearly all the criticism of the Senator. Very briefly now I desire to refer to his remarks merely for the purpose of setting the record right.

In the first place he accused me of bitterly assailing the Senator from Nebraska [Mr. HITCHCOCK] and of charging that

he had said that merely because ex-Senator Root had made a statement that statement bound the United States.

Mr. President, the words are in the RECORD. I shall not consume the time of the Senate to reread them, but taking all that I said together it amounted to this: I was repudiating the doctrine that any man, even the President of the United States himself, except when acting within the purview of his official authority duly granted by the Constitution and laws of the United States, could bind the Government of the United States to any policy or commit it, and as an extreme illustration of the doctrine which had been announced I said that four times it had been stated with great emphasis, indeed those who were here will remember with great vehemence, that Elihu Root had said we ought to stay over in Europe for five years.

Mr. McCORMICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. McCORMICK. As I was compelled to leave the Chamber yesterday, I wondered if it developed who Mr. Root represents, if anybody, at this time, that he should declare the public policy of the United States?

Mr. REED. There was nothing said about it. Of course, we all know that ex-Senator Root is a distinguished citizen of the United States, formerly a Senator; he is a very able lawyer; and it appears that he was handed the German treaty for examination some weeks before the Senate of the United States was favored with it, and that it passed into his hands through an international banker, who is now advocating the organization of a great corporation to refinance Europe and control the shipment of goods to Europe.

Mr. McCORMICK. The same international banker who has been nominated by Stephen Lausanne for viceroy of Constantinople.

Mr. REED. I am not attacking former Senator Root; I do not care what his connections are; whether his connections are with financial interests or whether he has no such connections or whether his utterance was the patriotic voice of his soul or whether it was not. I prefer to assume that it was his opinion honestly expressed; but the point I make is that no individual can bind the Government of the United States or its people. The people speak through representatives whose power to commit this Government is limited by the authority granted to them by the people in the Constitution.

Regarding the next proposition that I call attention to I am much more seriously concerned. I refer to the declaration of the Senator from Arkansas, in effect, that I had argued that the United States ought not to have entered this war at all; that we should have remained neutral. I read what the Senator said:

> The whole course of the Senator's argument was to the effect that the doctrine of neutrality was the right doctrine, and that the United States ought to have stayed out of the war.

Again, he said:

> But, Mr. President, the whole course of his argument—
>
> That is, my argument—
>
> was to the effect that from the beginning of the war Germany had been disregarding our rights, and that we ought to have entered the war, if we were going to, sooner than we did enter it, in the interest of civilization.

Mr. President, neither of those statements is accurate. I shall not take the time of the Senate to read at length what I said regarding this matter. I shall content myself with the reading of a paragraph or two and with a simple word of explanation.

What I stated was that, if the doctrine now asserted that it is the duty of the United States to establish democracy throughout the world, *if the allegation now made that it is the business of the United States to go into Europe and to stay in Europe* and to compel Europe to live according to our ideas is true, that if it be true to-day, as is now alleged, that it was our duty to enter the war to save the world for democracy, and, therefore, that it is our duty to stay in Europe forever, then it was true long before we entered the war. I am denying that it is true to-day, as I am denying that it was true then. I am asserting that we did the proper thing when we stayed out of the war up to the time we entered it; and I am asserting that we should upon the conclusion of the war and upon having vindicated our right have returned to our home.

I do not say there may not be certain things that we ought to desire to have accomplished; I am not combating details; I shall discuss that question a little more at length. What I am asserting is that this broad doctrine that it is our business now to engage in setting up a supergovernment of the world and to pledge the lives and fortunes of our people to the maintenance of that government is contrary to every word that was written before we entered the war.

Now, what did I say? I am going merely to read a paragraph or two to show how unfair the criticism of the Senator was.

In commenting upon the devastation of Belgium, I said:

> I believed in the doctrine of neutrality. Yet I say, if we ever were to commit ourselves to the philosophy that it is our business to protect the world and to rescue the people of the world, then Theodore Roosevelt was right in what he said, and we should have acted then.

Again, I said, after the *Lusitania* had been sunk that—

> If we never knew before, we knew then that democracy was in peril. If we did not know it then, there was nothing that ever happened afterwards to show it to us. If it was our duty to interfere on behalf of the democracy of the world and the civilization of the world, those things that are rolled now in platitudinous volume from the lips of orators, were then apparent to all the world. Yet, sir, we did not enter the contest. We maintained neutrality in thought and deed as nearly as we could. Although the American people were being killed in that way, yet we adhered to these policies.

Again, I said:

> But, sir, if the doctrine that it was our business to enter to make the world safe for democracy; if the doctrine that it was our business to enter in order to set up new governments; if the doctrine that it was our business to establish in the world a new order of things is true to-day, it was just as true then, for Germany's fell purpose and hellish appetite was as well manifested then as it ever was. It was not our doctrine, as I shall show you. It was not the doctrine of the President.

Then I proceeded to read numerous quotations from the President, one of which I omitted and will put it in at this point.

In a speech before the New York Federation of Churches on January 27, 1916, the President said:

> *The passion of America is to be permitted to live her own life according to her own principle. The only thing that she profoundly resents or will ever profoundly resent is having her life and freedom interfered with.* These are the terms of self-respect upon which to deal with one another as individuals, and those are the terms of self-respect upon which nations deal with one another.

So, Mr. President, while it is not very important, I think I ought to say so much in order to clarify the situation. I have no quarrel with the Senator from Arkansas, although he seems to be particularly irritated when I say anything on this subject.

Mr. President, I called attention on yesterday, not from any light purpose or for any partisan reason, to the fact that we all cheered the wonderful speech for neutrality that was made by Gov. Glynn in the Democratic convention. I said, turning to my colleagues on this side of the Chamber, that they cheered—I do not remember the exact words I used in describing it—I cheered, we all cheered, sir, we all indorsed that doctrine; and we indorsed it, as I said on yesterday, when the German heel was upon the breast of France and of Belgium and when her sword was at their throats. We indorsed it for the reasons that were given in the nominating speech, for reasons that were given in other speeches made in the convention, and for reasons given by the President in accepting a second nomination. The whole point that I am arguing is this, that the doctrine "of saving Europe" and "saving democracy" and setting up "a government to rule the world" is a thing that was born, so far as the President is concerned, after we entered the war. Yet the occurrences that pointed the fell purpose of Germany had occurred before that time, with the single exception so far as we were concerned that just before we declared war she threw the glove squarely in our face and challenged us to mortal combat.

Let me pause here to say, lest I may forget it later on, that the intimation that I stood for neutrality at that time I know my friend from Arkansas did not mean to make, for he will remember, I think, that before the President asked permission to arm our merchant ships, when he came here to the Capitol much agitated because of the change in the German policy, and told us of their repudiation of the agreement with regard to submarine warfare, when the President called in Senators to consultation in a semipublic way in his room but a few yards from where I stand, I was one of the Senators who, along with the Senator from Arkansas, said that I believed the time had come for serious action, and that if the President thought he needed congressional legislation I was ready to stand for it, and I did stand for it; and, Mr. President, when we could not get a vote on the measure providing for the arming of merchant ships because the bill was brought forward in the last days of the session and speeches consumed the time, I was one of the 75 Senators who signed the round robin, along, I think, with my friend from Arkansas, for I know he signed it if he was here.

Mr. ROBINSON. I wrote it.

Mr. REED. And I signed it. We signed it because we wanted to certify to the world that there was a solidarity of sentiment; that the time had come when this Government would no longer tolerate a violation of its rights.

I made a speech for the war, I voted for the war, I voted to give the President every soldier he asked, every ship he asked, every dollar he asked. The Senator did not mean, of course, to impute any other motive to me than that I was ready to go on

with the war when the time came. I changed my mind about the question of staying out of the war, I guess, at about the same identical time that all of us did, because Germany did a particular act.

I am leading up to that, but I want to call attention to the further events of the convention, because I want to settle for all time that it was our policy to remain out of this struggle until the moment that Germany forced us in by the act to which I have already referred and to which I shall refer again.

Let me see if I can not further emphasize what I said yesterday by the words I am about to read. This is the speech of the great Senator who presided over the Democratic national convention, made at the convention. I refer to our lamented friend, Senator Ollie James:

No President during the life of this Republic has ever had to deal with so many delicate and dangerous problems as those which have confronted President Wilson during the last two years of his incumbency in office. [Applause.] With more than half of the world in arms in Europe, with Mexico in revolution at our border, these difficult and complicated international problems have confronted him almost daily, and he has handled them as becomes a patriot and a statesman. [Applause.] When the *Lusitania* was sunk the militant voice of Theodore Roosevelt cried out for war, and if he had been President of the United States at that time to-day 500,000 brave American sons would be contending around the forts of Verdun in this mighty maelstrom of blood—thousands would have been buried in the ditches. Our President, patient, patriotic, far-sighted, the real statesman, handled this question with the greatest ability, and won for America its greatest diplomatic victory. [Applause.]

We all joined in that applause.

Some gentlemen in Congress undertook to take out of the President's hands the right of handling our foreign situation. Congress met that quickly, decisively, and said that they stood, as every American should stand, back of the President of the United States. [Applause.] When the President sent his ultimatum to Germany he was criticized by two elements—one contending that he was seeking to force the country into war and the other that he was too cowardly to engage in the conflict. There are happily two kinds of courage—the courage of the man who is willing to undertake the danger himself and the courage of the man that sends others to the conflict.

The latter is the kind of courage we are manifesting when we ratify this league of nations.

The courage of the man who wishes himself to enter the conflict may be rash, for he alone is to suffer, but the courage to take a nation into war, where millions of lives may be sacrificed, is another kind of courage. [Applause.] It is a courage that must be able to stand bitter abuse; a courage that moves slowly, acts coolly, and strikes no blow as long as diplomacy may be employed, the honor of the country upheld, the flag respected, and the lives of Americans protected. [Applause.] Woodrow Wilson has both kinds of courage—the courage of conflict and the courage to act coolly and sensibly when he is dealing with the lives of others—the fate of a nation. [Applause.] It was no time for divided counsel. The interference of Congress would have created chaos in this country, contempt for our honor and our country abroad, and would have destroyed the power of America to either maintain its honor or protect the rights of the neutrals of the world. [Applause.]

Then the Senator proceeded to discuss our conduct in the Mexican situation.

There are other statements of this great orator which I might read, but I pass on. It was another one of the great speeches of the Democratic convention which determined the policy of that convention.

Mr. President, the same orator, Senator James, was the head of the delegation sent to formally notify President Wilson of his renomination; and the President in his address in response, carefully written, carefully prepared, certainly wrote the thing that was in his heart; he surely must have expressed the honest sentiments of his soul. I repeat, so that I may not be misunderstood, the point I am arguing now is "that this doctrine that it is our business to save the democracy of the world and to impose our will upon mankind is a new doctrine, born after the war occurred."

Let me read what the President said:

In foreign affairs we have been guided by principles clearly conceived and consistently lived up to. Perhaps they have not been fully comprehended because they have hitherto governed international affairs only in theory, not in practice. They are simple, obvious, easily stated, and fundamental to American ideals.

We have been neutral not only because it was the fixed and traditional policy of the United States to stand aloof from the politics of Europe and because we had no part either of action or of policy in the influences which brought on the present war, but also because it was manifestly our duty to prevent, if it were possible, the indefinite extension of the fires of hate and desolation kindled by that terrible conflict and seek to serve mankind by reserving our strength and our resources for the anxious and difficult days of restoration and healing which must follow when peace will have to build its house anew.

The rights of our own citizens, of course, became involved; that was inevitable. Where they did, this was our guiding principle: That property rights can be vindicated by claims for damages when the war is over, and no modern nation can decline to arbitrate such claims, but the fundamental rights of humanity can not be. The loss of life is irreparable. Neither can direct violations of a nation's sovereignty await vindication in suits for damages. The nation that violates these essential rights must expect to be checked and called to account by direct challenge and resistance.

That is exactly the ground on which we afterwards entered the war.

The nation that violates these essential rights must expect to be checked and called to account by direct challenge and resistance. It at once makes the quarrel in part our own. These are plain principles, and we have never lost sight of them or departed from them, whatever the stress or the perplexity of circumstances or the provocation of hasty resentment. The record is clear and consistent throughout and stands distinct and definite for anyone to judge who wishes to know the truth about it.

The seas were not broad enough to keep the infection of the conflict out of our own politics. The passions and intrigues of certain active groups and combinations of men amongst us who were born under foreign flags injected the poison of disloyalty into our own most critical affairs, laid violent hands upon many of our industries, and subjected us to the shame of divisions of sentiment and purpose in which America was contemned and forgotten. It is part of the business of the year of reckoning and settlement to speak plainly and act with unmistakable purpose in rebuke of these things in order that they may be forever hereafter impossible. I am the candidate of a party, but I am above all things else an American citizen. I neither seek the favor nor fear the displeasure of that small allen element amongst us which puts loyalty to any foreign power before loyalty to the United States.

It is important in considering these words, Senators, to remember that the President at that time had in mind the outrages that had been perpetrated within our own borders, the conspiracies of the German Government that had already been unearthed, manifest wrongs that had been perpetrated upon our commerce upon the seas, the wickedness of the sinking of the *Lusitania*, the cruelties and brutalities that had defaced the world and placed an indelible stain upon the character of the German Government. All these passed in review before his mind, and yet he announced the doctrine of neutrality, and declared that unless we were directly assailed it was our business to abide the day of settlement subsequent to the war. This I say in reply to some remarks made yesterday to the effect that it was because of the discovery of German intrigue in this country that we were forced into the war. That was known to the President when he accepted the nomination, and the fact is proven by his address of acceptance, which I have just read.

Mr. President, as we proceeded with the campaign we assured the American people that the traditional policy of noninterference with the affairs of Europe, the traditional policy that we would not entangle ourselves in alliances, would still be the guiding principle of those occupying the Government if they were continued in power.

The Democratic convention was held in June, 1916. A few days before the convention sat and on April 13, 1916, the President in an address at the Jefferson Day banquet at Washington declared:

Gentlemen, are you ready for the test? *God forbid that we should ever become directly or indirectly embroiled in quarrels not of our own choosing and that do not affect what we feel responsible to defend.* But, if we should ever be drawn in, are you ready to go in *only where the interests of America are coincident with the interests of mankind and to draw out the moment the interest centers in America and is narrowed from the wide circle of humanity?* Are you ready for the test?

During the campaign the President continued to advocate the doctrine of noninterference. In a speech at Shadow Lawn on September 30, 1916, he said:

The certain prospect of the success of the Republican Party is that we shall be drawn, in one form or other, into the embroilments of the European war.

On January 22, 1917, the President delivered to Congress his celebrated message, "Peace Without Victory," in which he demanded or suggested that war ought to cease in Europe without anybody being victorious, although Germany had then invaded France and had her battle line within a few miles of the capital of the French Republic.

I think it will be serviceable if I attempt to set forth what we understand them to be.

They imply first of all that it must be a peace without victory. It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. *Victory would mean peace forced upon the loser, a victor's terms imposed upon the vanquished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit.* The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

That was on January 22, 1917, only a few months before we entered the war. Countless atrocities had then been committed. The black page was spread before the world. The danger to the democracy of the world, if it was ever manifest, was manifest now, and yet the President, adhering, as he had the right to adhere, to the doctrine of neutrality, was advocating "peace without victory." I did not then think the address would do any good. I did not think peace without victory was possible. Living in this practical, work-a-day world, I was sure, if somebody was not whipped in the war, and soundly whipped, a peace would

only be but an armistice, soon to be broken, certain to again engulf the world in the horrors of war.

I am seeking for the present merely to show and to show by the record that we entered this war in self-defense. I want to dissipate, if I can, the false claims that are now being made that we entered this war for a multitude of reasons, those reasons being limited only by the vain imaginings of men whose fertile brains seek to conjure up reasons to sustain their present desires.

A brief résumé of the facts appears to be necessary. The German Navy had almost from the beginning of the war been sinking our ships on the high seas. On May 8, 1916, Mr. Lansing had sent a note to the German Government in which he called attention again to these wrongs and replied to the German note of May 4. In that note the German Government had declared that it—

Is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents.

Mr. Lansing construed it as meaning that the German Government is determined to impose upon all the commanders at sea the limitations of the recognized rules of international law upon which the Government of the United States has insisted. Mr. Lansing went on to say:

Throughout the months that have elapsed since the Imperial Government announced on February 4, 1915, its submarine policy, now happily abandoned, *the Government of the United States* has been *constantly guided and restrained by motives of friendship in its patient effort to bring about an amicable settlement of critical questions arising from that policy.*

Accepting the Imperial Government's declaration of its abandonment of the policy which has so seriously menaced the good relations between the two countries, the Government of the United States will rely upon a scrupulous execution henceforth of the new altered policy of the Imperial Government, such as will remove the *principal danger* to and interruption of the relations existing between the United States and Germany.

The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 14th instant might appear to be susceptible of that construction

In order, however, to avoid any possible misunderstanding the Government of the United States notifies the Imperial German Government that it can not for a moment entertain, much less discuss, a suggestion that respect by the German naval authorities for the rights of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and combatants. Responsibility in such matters is single, not joint; absolute, not relative.

That note was sent on May 8, 1916, and everybody remembers that the world was suddenly startled on the 31st day of January, 1917, by the announcement of the German Government that after the 1st day of February, to wit, the very next day, it would adopt a policy with regard to the use of submarines against all shipping seeking to pass through certain designated areas of the high seas over which, under the law of nations, every vessel had the right to proceed. It was because of that fact that the President appeared before Congress.

The notice of Germany was plain. She had mapped out the ocean in lanes. She had told us that she would graciously permit our vessels to pass through those certain lanes under certain conditions, and that if they went outside they would be liable to be sunk in a moment. And yet, sir, with that insult directly leveled at us, with the repudiation of its pledge thrown at our feet by Germany, with the notice that we were warned from the seas ringing in our ears, we still did not abandon our policy of neutrality. *We had not yet discovered the new doctrine that it was the business of the United States to save Europe and make the world safe for democracy.* We stood squarely upon the old rock that the fathers had occupied, that it is the business of this country to remain outside of European conflicts until and unless we have exhausted every honorable means to escape entering. So the President sought to exhaust the last of those means. Did he come to us and ask us to make war? He did not. He still hoped for peace. In his address to the Congress, after reciting the things that had transpired, he declared:

I have therefore directed the Secretary of State to announce to his excellency the German ambassador that all diplomatic relations between the United States and the German Empire are severed, and that the American ambassador at Berlin will immediately be withdrawn; and, in accordance with this decision, to hand to his excellency his passports.

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assurances given this Government at one of the most critical moments of tension in the relations of the two Governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own, or to the solemn obligations which have been exchanged between them, and destroy American ships and take the lives of American citizens in the willful prosecution of the ruthless naval program they have announced their intention to adopt. *Only actual overt acts on their part can make me believe it even now.*

And so, sir, we waited for the overt act. As a protest clearly indicating what our action would be if Germany carried her threat into execution, we gave, and we properly gave, to the German ambassador his passports; but with full notice of all the atrocities, I repeat, that had occurred, with the bloody page before our eyes, with the smoke of burning cities ascending to heaven to warn us of the German menace—with all these things, and with the repudiation of Germany's promise to us heaped on top of them, we still adhered to the policy of the Democratic convention, the policy of the fathers, the policy to which we were committed.

The President said, in substance, "we will wait your overt act," and we did. He continued:

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose should unhappily prove unfounded, if American ships and American lives should be in fact sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less. I take it for granted that all neutral Governments will take the same course.

We do not desire any hostile conflict with the Imperial German Government. We are the sincere friends of the German people and earnestly desire to remain at peace with the Government which speaks for them. We shall not believe that they are hostile to us unless and until we are obliged to believe it; and we purpose nothing more than the reasonable defense of the undoubted rights of our people.

Let me read that last clause again:

And we purpose nothing more than the reasonable defense of the undoubted rights of our people. We wish to serve no selfish ends. We seek merely to stand true alike in thought and in action to the immemorial principles of our people, which I sought to express in my address to the Senate only two weeks ago—seek merely to vindicate our right to liberty and justice and *an unmolested right.* These are the bases of peace, not war. God grant we may not be challenged to defend them by acts of willful injustice on the part of the Government of Germany.

Do you find anything there about making the world safe for democracy? Do you find anything in those words that can be construed into the voice of God calling the American people to regenerate the earth, to change the Governments that have existed? Is there aught in all this language to indicate anything except that, notwithstanding the horrors of the European conflict, we still would remain out, although Germany had by her manifesto or by her statements thrown the glove in our faces yet she had not followed that with a blow at the heart, and we awaited that blow?

This brings us, sir, very near the time of the struggle—February 3, 1917. Then, on February 26, 1917, 23 days afterwards—three weeks of fateful time—the President came before Congress. Did he then demand war? No. Did he then say we must make the world safe for democracy? No. Did he say that Germany's outrages on the world can no longer be borne, that the German atrocities cried to high heaven and we of the earth must hear the voice? No. Even then, three weeks having passed, and German submarines during all the time being engaged in sinking the vessels of other nations, Germany having refused in the slightest degree to modify her policy toward us, the President did not yet demand war. The overt act had not yet come. So, on February 26, he again addressed Congress. He referred to the unexpected action of the Imperial German Government in declaring its intention to disregard the promises she had made to our Government in April last—April a year before—and he said, and I think I ought to read it here:

On the 3d of February I officially informed you of the sudden and unexpected action of the Imperial German Government in declaring its intention to disregard the promises it had made to this Government in April last and undertake immediate submarine operations against all commerce, whether of belligerents or of neutrals, that should seek to approach Great Britain and Ireland, the Atlantic coasts of Europe, or the harbors of the eastern Mediterranean, and to conduct those operations without regard to the established restrictions of international practice, without regard to any considerations of humanity even which might interfere with their object. That policy was forthwith put into practice. It has now been in active execution for nearly four weeks.

Its practical results are not yet fully disclosed. The commerce of other neutral nations is suffering severely, but not, perhaps, very much more severely than it was already suffering before the 1st of February, when the new policy of the Imperial Government was put into operation. We have asked the cooperation of the other neutral Governments to prevent these depredations, but so far none of them has thought it wise to join us in any common course of action. Our own commerce has suffered, is suffering, rather in apprehension than in fact, rather because so many of our ships are timidly keeping to their home ports than because American ships have been sunk.

I presented the President's February 26, 1917, message for the purpose of showing that at that late day the President was not in favor of making war for the democracy of the world; that at that late day his policy was still the policy he had adhered to

throughout, that the United States would remain out of this conflict unless forced to enter by direct insult or attack.

I continue reading:

Two American vessels have been sunk, the *Housatonic* and the *Lyman M. Law*. The case of the *Housatonic*, which was carrying foodstuffs consigned to a London firm, was essentially like the case of the *Frye*, in which, it will be recalled, the German Government admitted its liability for damages, and the lives of the crew, as in the case of the *Frye*, were safeguarded with reasonable care. The case of the *Law*, which was carrying lemon-box staves to Palermo, disclosed a ruthlessness of method which deserves grave condemnation, but was accompanied by no circumstances which might not have been expected at any time in connection with the use of the submarine against merchantmen as the German Government has used it.

In sum, therefore, the situation we find ourselves in with regard to the actual conduct of the German submarine warfare against commerce and its effects upon our own ships and people *is substantially the same that it was when I addressed you on the 3d of February, except for the tying up of our shipping in our own ports because* of the unwillingness of our shipowners to risk their vessels at sea without insurance or adequate protection, and the very serious congestion of our commerce which has resulted, a congestion which is growing rapidly more and more serious every day. This in itself might presently accomplish, in effect, what the new German submarine orders were meant to accomplish, so far as we are concerned. We can only say, therefore, that the overt act which I have ventured to hope the German commanders would in fact avoid had not occurred.

But, while this is happily true, it must be admitted that there have been certain additional indications and expressions of purpose on the part of the German press and the German authorities which have increased rather than lessened the impression that if our ships and our people are spared it will be because of fortunate circumstances or because the commanders of the German submarines which they may happen to encounter exercise an unexpected discretion and restraint rather than because of the instructions under which those commanders are acting. *It would be foolish to deny that the situation is fraught with the gravest possibilities and dangers.* No thoughtful man can fail to see that the necessity for definite action may come at any time, if we are in fact, and not in word merely, to defend our elementary rights as a neutral nation. It would be most imprudent to be unprepared.

What are we calling for here? Power to defend our elemental rights as a Nation; power to defend our shipping; power to see to it that citizens of the United States can sail the seas without being sent to the bottom.

The President continues:

I can not in such circumstances be unmindful of the fact that the expiration of the term of the present Congress is immediately at hand, by constitutional limitation; and that it would in all likelihood require an unusual length of time to assemble and organize the Congress which is to succeed it. I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever it may become necessary for me to do. We are jointly the servants of the people and must act together and in their spirit, so far as we can divine and interpret it.

No one doubts what it is our duty to do.

Now, here is our duty outlined. Let us see if it was to democratize the world. Let us see if it was to make new maps. Let us see if it was to stay in Europe indefinitely and organize a society to control all other nations. Let us see if it was to pledge our sons to die in the quarrels of other countries, as is solemnly provided in article 10:

No one doubts what it is our duty to do. *We must defend our commerce and the lives of our people in the midst of the present trying circumstances, with discretion but with clear and steadfast purpose.* Only the method and the extent remain to be chosen, upon the occasion, if occasion should indeed arise. Since it has unhappily proved impossible to safeguard our neutral rights by diplomatic means *against the unwarranted infringements they are suffering at the hands of Germany*, there may be no recourse but to *armed neutrality*, which we shall know how to maintain and for which there is abundant American precedent.

Armed neutrality as a last resort; not war to regenerate mankind, not war to control all peoples, nations, kindreds, and tongues, but, at that late hour, armed neutrality to protect our commerce, our ships, and our people; and if that had been successful there would have been no entrance into this war.

The President continued:

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action. The American people do not desire it, and our desire is not different from theirs. I am sure that they will understand the spirit in which I am now acting, the purpose I hold nearest my heart and would wish to exhibit in everything I do. I am anxious that the people of the nations at war also should understand and not mistrust us. I hope that I need give no further proofs and assurances that I have already given throughout nearly three years of anxious patience that I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war or any steps that need lead to it. I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

It appears that afterwards the President changed his mind.

At a meeting of the Foreign Relations Committee of the Senate with the President, on August 19, 1919, the subject under discussion being the league of nations, the following colloquy between Senator McCUMBER and the President took place:

Senator McCUMBER. Would our moral conviction of the unrighteousness of the German war have brought us into this war if Germany had not committed any acts against us without the league of nations, as we had no league of nations at that time?

The PRESIDENT. I suppose it would eventually, Senator, as things developed.

Senator McCUMBER. Do you think that if Germany had committed no act of war or no act of injustice against our citizens we would have gotten into the war?

The PRESIDENT. I do think so.

Senator McCUMBER. Do you think that we would have gotten in anyway?

The PRESIDENT. I do.

But, this, I repeat, was not his opinion before we entered the war. That has already been sufficiently demonstrated.

A little further on in his address of February 26, 1917, the President said:

I am thinking not only of the right of Americans to go and come about their proper business by way of the sea but also of something much deeper, much more fundamental than that. I am thinking of those rights of humanity without which there is no civilization. My theme is of those great principles of compassion and of protection which mankind has sought to throw about human lives, the lives of noncombatants, the lives of men who are peacefully at work keeping the industrial processes of the world quick and vital, the lives of women and children and of those who supply the labor which ministers to their sustenance. We are speaking of no selfish material rights but of rights which our hearts support, and whose foundation is that righteous passion for justice upon which all law, all structures alike of family, of State, and of mankind must rest, as upon the ultimate base of our existence and our liberty. I can not imagine any man with American principles at his heart hesitating to defend these things.

Mr. President, the armed-ship bill failed, but the President proceeded to arm the ships under his general authority.

Then, only a few days later, on March 5, came the President's inaugural address, and I find this in it:

We stand *firm in armed neutrality, since it seems that in no other way we can demonstrate what it is we insist upon and can not forego.* We may even be drawn on, by circumstances, not by *our own purpose or desire*, to a more active assertion of our rights as we see them and a more immediate association with the great struggle itself. But nothing will alter our thought or our purpose. *They are too clear to be obscured. They are too deeply rooted in the principle of our national life to be altered.* We desire neither conquest nor advantage. We wish nothing that can be had only at the cost of another people. We have always professed unselfish purpose and we covet the opportunity to prove that our professions are sincere.

In this address he outlined the desire for limitation of national armaments, and so forth, and then said:

That the community of interest and of power upon which peace must henceforth depend imposes upon each nation the duty of seeing to it that all influences proceeding from its own citizens meant to encourage or assist revolution in other States should be sternly and effectually suppressed and prevented.

That brings us, Mr. President, up to the 4th of March. Congress was speedily assembled after that, and on the 2d of April, 1917, the President made an address before Congress. I am coming now to the address in which the Senator from Arizona [Mr. ASHURST] is so interested. I will read any parts of it to which he calls my attention. I do not intend to read the entire address, not because it is not a splendid state paper, but it is a public document, and need not all be repeated. He said:

I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making.

On the 3d of February last I officially laid before you the extraordinary announcement of the Imperial German Government that on and after the 1st day of February it was its purpose to put aside all restraints of law or of humanity and use its submarines to sink every vessel that sought to approach either the ports of Great Britain and Ireland or the western coasts of Europe or any of the ports controlled by the enemies of Germany within the Mediterranean. That had seemed to be the object of the German submarine warfare earlier in the war, but since April of last year the Imperial Government had somewhat restrained the commanders of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk and that due warning would be given to all other vessels which its submarines might seek to destroy, when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats. The precautions taken were meager and haphazard enough, as was proved in distressing instance after instance in the progress of the cruel and unmanly business, but a certain degree of restraint was observed. The new policy has swept every restriction aside. Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of identity, have been sunk with the same reckless lack of compassion or of principle.

I was for a little while unable to believe that such things would in fact be done by any government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meager enough results, indeed, after all

was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except these which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people can not be. The present German submarine warfare against commerce is a warfare against mankind.

It is a war against all nations. American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. The choice we make for ourselves must be made with a moderation of counsel and a temperateness of judgment befitting our character and our motives as a Nation. We must put excited feeling away. Our motive will not be revenge or the victorious assertion of the physical might of the Nation, but only the vindication of right, of human right, of which we are only a single champion.

When I addressed the Congress on the 26th of February last I thought that it would suffice to assert our neutral rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence. But armed neutrality, it now appears, is impracticable. Because submarines are, in effect, outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attacks, as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea. It is common prudence in such circumstances, grim necessity indeed, to endeavor to destroy them before they have shown their own intention. They must be dealt with upon sight, if dealt with at all. The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has proscribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend. The intimation is conveyed that the armed guards which we have placed on our merchant ships will be treated as beyond the pale of law and subject to be dealt with as pirates would be. Armed neutrality is ineffectual enough at best; in such circumstances and in the face of such pretensions it is worse than ineffectual; it is likely only to produce what it was meant to prevent; it is practically certain to draw us into the war without either the rights or the effectiveness of belligerents. There is one choice we can not make, we are incapable of making; we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

What this will involve is clear. It will involve the utmost practicable cooperation in counsel and action with the governments now at war with Germany, and, as incident to that, the extension to those governments of the most liberal financial credits, in order that our resources may so far as possible be added to theirs. It will involve the organization and mobilization of all the material resources of the country to supply the materials of war and serve the incidental needs of the Nation in the most abundant and yet the most economical and efficient way possible. It will involve the immediate full equipment of the Navy in all respects, but particularly in supplying it with the best means of dealing with the enemy's submarines. It will involve the immediate addition to the armed forces of the United States already provided for by law in case of war at least 500,000 men, who should, in my opinion, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training. It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well conceived taxation.

Now I omit a part, interesting as it is. He continues:

While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world, what our motives and our objects are.

My own thought has not been driven from its habitual and normal course by the unhappy events of the last two months, and I do not believe that the thought of the Nation has been altered or clouded by them. I have exactly the same things in mind now that I had in mind when I addressed the Senate on the 22d of January last; the same that I had in mind when I addressed the Congress on the 3d of February and on the 26th of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles.

Mr. ASHURST. Will the Senator permit an interruption?

Mr. REED. I yield.

Mr. ASHURST. I have been following the Senator; I do not wish to flatter him, but I am following him with interest. If that language does not clearly imply that after having assisted the other civilized nations of the world in terminating this menace to civilization that we are going to continue to assist them until they are on their feet what does the language mean?

Mr. REED. It does not mean either of the things——

Mr. ASHURST. What does it mean?

Mr. REED. It does not mean either of the things that the Senator draws from it. The thing with its context and with all that precedes is his declaration that he has not changed his views from what they were, and simply means this, that Germany has violated the law of nations, and having violated the law of nations and injured us, we and all other nations had a common interest in vindicating the principles of justice in the life of the world. In other words, Germany had violated that law and knew that we were coming to war with Germany to fight for it. If any man can get out of that language the idea that we proposed to go over in Europe and change the map and stay there, then he has a power of construction that I do not possess. To my mind the question is not debatable. Taken in connection with its context, it does not mean what the Senator from Arizona thinks it means.

He goes on to say:

Neutrality is no longer feasible or desirable where the peace of the world is involved.

In other words, he says that Germany has been at this war all these years and had been perpetrating these outrages all of these years and had finally violated our rights. The President was summoning the nations of the world to whip Germany, and it was very adroitly and splendidly done, but it pledged us to nothing. If he had attempted to so pledge us he could not have done it. The President by making a speech in Congress can not pledge this Nation. I say that with all the respect in the world for him. The King of England by making a speech to Parliament can not pledge the British Nation. The Emperor of Germany could not pledge the German Nation by making a speech.

Mr. ASHURST. Mr. President——

Mr. REED. What did he ask us to do? He asked us to declare that Germany had made war on us. I have already read that——

Mr. ASHURST. Will the Senator yield at that point?

The PRESIDING OFFICER (Mr. GRONNA in the chair). Will the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. Yes; I yield.

Mr. ASHURST. Of course, I know the Senator does not mean to infer that I even harbor such a fantastic idea as that anybody's speech, be he President or Senator or private citizen, could make any pledge that would bind the people. The President's address, as I conceive it, upon that occasion was simply an argument——

Mr. REED. Certainly.

Mr. ASHURST. One of the many arguments as to why we should go to war.

I call attention at this point to the fact that the President said upon that occasion, in the line which the Senator just read:

Set up amongst the really free and self-governed peoples of the world such a concert and purpose of action as will henceforth——

Mr. REED. Oh, yes.

Mr. ASHURST (reading)—

henceforth insure the observance of those principles.

Mr. REED. Of course.

Mr. ASHURST. And if the Senator does not object, I would like to call his attention to another paragraph.

Mr. REED. I do not object, of course.

Mr. ASHURST. It is a paragraph some 20 lines below and which reads:

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion.

Mr. REED. Is that what you are getting up now—a partnership of opinion?

Mr. ASHURST. I am not getting up anything.

Mr. REED. Oh, is that what the league of nations is—a mere partnership of opinion?

Mr. ASHURST. Of course, if the Senator wants to have my opinion, if it is worth anything, I would be glad to give it. I simply say this: I was trying in my feeble way to point out that in the President's address of April 2, 1917, which was only an argument that the President had the constitutional right to make, the President was pointing out, or at least trying to point out, that in order to preserve the peace of the world a concert of free nations was to be brought about, and that there must be a community of thought and opinion as to how the peace of the world should be preserved.

I respectfully assert that nobody was entrapped, after the war had begun, in the idea that we were making the world safe for freedom, because in the President's message of April 2 he

used that phrase, "We are going into the war to make the world safe for democracy."

Mr. REED. Oh, no. Where is that?

Mr. ASHURST. The world must be made safe for democracy.

Mr. REED. Where is that? I want to get the context.

Mr. ASHURST. I would not be so unfair in debate as to wrench one sentence from its context——

Mr. REED. Oh, I am not thinking that at all. The Senator must exculpate me from that.

Mr. ASHURST. I am interested in the Senator's address because the charge has been reiterated over and over again with considerable force and considerable eloquence in various places that after we got into the war and after the soldiers were in the field and after the enormous expenditure was brought about, then suddenly, just like Minerva from the brow of Jove, there sprung from the President the idea that now I repudiate all that I have formerly said and we are going to work to make the world safe for peace.

I assert here that if a Senator had risen in the Senate when we were debating the war declaration and said, "Mr. President, I do not believe in making war for Serbia; I do not believe in making war for Belgium; I believe in making war simply and solely in order to protect American rights," that that Senator could stand up to-day and argue. But having, when one of his colleagues objected to the war declaration, stated that his colleague went perilously near to treason, the Senator was so earnest for war himself; he knew what the message was; he knew that we were not only going into this war to protect American rights but we had announced to the world this was a war to protect liberty and civilization, whether it be in the antipodes or in America. Surely nobody was deceived as to that.

I am trying if I can to break the force of the Senator's argument. He is trying to make the point that the President suddenly shifted his bearings, suddenly shifted his course from one direction to another. The Senator is one of the ablest lawyers in the country. He can not, in my judgment, however, with his great eloquence, his superb eloquence, and his ingenuity, convince the country that we went into the war simply and solely and only to protect American rights. The President said at the time, and said in numerous speeches after we went into the war, that we were not only in to protect American rights but to protect all civilization as well. I thank the Senator.

Mr. REED. The Senator has absolutely proven my case. If there is any difference between us, it may be a difference of 10 days in time.

I have gone through the records and have shown that the President, as late as the 26th day of February, had reiterated that our purpose was to defend our own rights, and brought the matter up to the very day that Congress adjourned. I have shown that to have been his position without the least shadow of turning.

Mr. ASHURST. Mr. President——

Mr. REED. Let me conclude what I was saying.

Now comes the President and calls Congress to declare war, in that he asserts, and I read the language, *that our purpose is no different than the purpose as outlined in his previous message, namely, to defend our rights and vindicate our honor*, but in the course of his argument he goes on then to denounce the Imperial German Government, the purposes of the Imperial German Government, to say that it is assailing the rights of men everywhere, and to call upon the democracies of the world to assist. Of course, if we were going into the war, the President very properly would want to bring in everybody else he could on our side, as is shown by the messages I have just read. He had already consulted with other neutral powers and asked them to join with us. As the Senator knows, they failed to join with us to any extent that made any difference, and we carried the war along.

Of course, the President did utter some language here which, taken from its context, could be twisted into a declaration by the President at that time that he had some other object in view. But I repeat that if he had it in view and if he made his speech, it bound nobody; it did not bind——

Mr. ASHURST. Mr. President——

Mr. REED. Let me continue for a moment, please.

Mr. ASHURST. The Senator has been very kind; I realize that.

Mr. REED. It did not bind me and it did not bind the Congress, no matter what he recommended, no matter what views he expressed.

Let me show you to what a foolish extent we would go if we were to take that view of it. Did we bind ourselves to this expression of opinion?

Does not every American feel that assurance has been added—

I am reading now immediately after the part that has been read by the Senator from Arizona—

to our hope for the future peace of the world by the wonderful and heartening things that have been happening within the last few weeks in Russia? Russia was known by those who knew it best to have been always in fact democratic at heart, in all the vital habits of her thought, in all the intimate relationships of her people that spoke their natural instinct, their habitual attitude toward life. The autocracy that crowned the summit of her political structure, long as it had stood and terrible as was the reality of its power, was not in fact Russian in origin, character, or purpose; and now it has been shaken off, and the great, generous Russian people have been added in all their naïve majesty and might to the forces that are fighting for freedom in the world, for justice, and for peace. Here is a fit partner for a league of honor.

Did we bind ourselves to that, when Russia had broken her honor, when Bolshevism had reared its ugly head, and assassins were gaining control and anarchy was unfolding its red flag? Of course, the President did not know that at the time. If he had he would not have said this. But did that bind the American Nation or the world? Congress does not act in that way; the American people do not act by virtue of some man's argument. That is what I am talking about. The President's message was entitled to great consideration by us; we ought to have weighed every part of it; and we did. We were not called upon to stand here on the floor at a time like that and cavil at anything that was said. It was our business to act; and what did he ask us to do? He asked us not to declare war, but to declare that Germany had made war on us. That was the sum total of it. So, up to the very time I am speaking of our policy had been one of neutrality, and then of armed neutrality. Finally the President said to us the fateful hour had come; that Germany had violated not only her agreements but had followed that violence by overt acts; and that it was clear that the hour had come when we must go to our defense. Then he summoned the kingdoms, the nations, and tongues—and he did right when he did it—and tried to get every aid which he could. I do not agree with the part of it——

Mr. ASHURST. Mr. President, will the Senator from Missouri yield at this time?

Mr. REED. I will yield for a question.

Mr. ASHURST. Will the Senator read the last paragraph of the President's message? I know he will be glad to do so.

Mr. REED. Of that particular message?

Mr. ASHURST. Yes.

Mr. REED. I will read that when I come to it.

Mr. ASHURST. Before the Senator reads that, if he will let me say it again, I desire to repeat that while I have great respect for anything any President may say, I again assert that what an Executive may say is only an argument, as a Senator might argue; but I do assert, if the Senator will pardon me, that the President in his message of April 2 reiterated that we were going to war to protect the rights of smaller nations as well as our own rights.

Mr. REED. Of course.

Mr. ASHURST. Will the Senator read the last paragraph of that message?

Mr. REED. I will read it. I am willing to read the whole message; I am willing to have it blazoned on the dome of the Capitol. Among other things, I read this:

We enter this war only where we are clearly forced into it because there are no other means of defending our rights.

That was our only reason for entering the war. The Senator from Arizona will not get much consolation for his theory out of that sentence.

Mr. ASHURST. I am not looking for consolation.

Mr. REED. Well, for his theory. The President continues:

It will be all the easier for us to conduct ourselves as belligerents in a high spirit of right and fairness because we act without animus, not in enmity toward a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck.

We entered in opposition, and only in opposition, to that.

We are, let me say again, the sincere friends of the German people, and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us—however hard it may be for them, for the time being, to believe that this is spoken from our hearts. We have borne with their present government through all these bitter months because of that friendship, exercising a patience and forbearance which would otherwise have been impossible. We shall, happily, still have an opportunity to prove that friendship in our daily attitude and actions toward the millions of men and women of German birth and native sympathy who live amongst us and share our life, and we shall be proud to prove it toward all who are in fact loyal to their neighbors and to the Government in the hour of test. They are, most of them, as true and loyal Americans as if they had never known any other fealty or allegiance. They will be prompt to stand with us in rebuking and restraining the few who may be of a different mind and purpose. If there should be disloyalty, it will be dealt with with a firm hand of stern repression; but, if it lifts its head at all, it will lift it only here and there and without countenance except from a lawless and malignant few.

I come now to the last part of the message which the Senator from Arizona asked me to read. I read the former part of the message for the sake of the context:

It is a distressing and oppressive duty, gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

Now, I say to the Senator from Arizona frankly that in the words I have just read there is a statement that we are going to fight for small nations; there is a statement that we are going to fight for liberty; but, taken in connection with what precedes it, I give it no other construction, and I gave it none other then, and the Senator ought not to give it and the Senate never gave it any other construction than that we were entering the war to vindicate our own rights, and, of course, to help smash the great autocratic machine that was devastating the world and threatening us along with the remainder of the world.

Mr. ASHURST. Mr. President——

Mr. REED. I do not think there can be very much use of spending time upon it. The whole message has been read and is here for construction; but, of course, I will yield to the Senator.

Mr. ASHURST. I will merely observe that the Senator has made, as I thought he would, a frank and manly statement, which does him credit, that the President's address does say in terms that we were going into the war to fight for democracy and for the rights of the smaller nations.

Mr. REED. Oh, no; I do not think the message says that. I do not get that construction out of it at all. I say that the President indicated there that we expected——

Mr. ASHURST. Will the Senator let me read this?

Mr. REED. The trouble with the Senator from Arizona is that he wants to take one sentence alone. I say that the President uses this language:

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—

He has told us what that was—

for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

Those are the first words that I have ever read from President Wilson that indicate that he had in his mind any other object; that he then was taking the view that if we got into this thing we would lick Germany, and that we might go further than the whipping of Germany. You can get that out of those words taken alone, but taken in connection with the context I gave them at that time no such sinister meaning as is now put upon them.

Mr. ASHURST. The Senator——

Mr. REED. Just a moment. I gave them the construction, the country gave them the construction, that we were summoning to our aid all the nations of the world; we were going to fight against the great power which was menacing us; we were entering the war to protect our own rights; but I ask again, what difference does it make? Suppose the President at that time had outlined his league of nations. It would not have bound this country, and no Senator was required to get upon his feet and repudiate it. It was a time for silence, a time when we would throw no apple of discord into our councils; and when the Congress came to act the official declaration of the Congress was the yardstick by which to measure America's purpose in entering the war, and I am about to present that.

Mr. ASHURST. Mr. President, if the Senator will yield at that point, I could agree with all the Senators says; but I insist that the only point I have to make is that the last expression the President ever made by way of argument in public urging Congress to declare war was the last paragraph of his address.

Mr. REED. Very well.

Mr. ASHURST. Wherein he said:

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

The argument may not have been listened to by any Senator; no Senator may have considered that part of the argument; it may not have been binding upon the vote or the voice of any Senator; the argument may have been rejected; but, nevertheless, I consider my point made when I assert that at least before we declared war the President made that argument. That is the only point I have ever made or tried to make.

Mr. REED. Very well; it is a very unimportant point whether he said that on the 2d day of February or whether he said it within 30 days——

Mr. ASHURST. If the Senator will yield, it is a very important point. The Senator's able speech is all directed along the theory that suddenly—I will not say clandestinely, but suddenly—the President shifted the scene and said, "We are now fighting for the rights of other people, and we are fighting for civilization"; and the Senator wishes, or, at least, as I gather his argument he has tried, to make out that the President asserted, or pretended to assert, that before we declared war we were fighting only for the rights of America, but that after we got in he suddenly said we were fighting for the rights of other people.

Mr. REED. Very well; it is a difference between tweedledee and tweedledum. My argument has been that the President adhered to the policy of neutrality; that he subsequently came to armed neutrality; and that finally, as the President said, the United States did not declare war, but declared that Germany had made war upon us, and that the doctrine that we were fighting to make the world safe for democracy was a thing that did not exist at first. I have contended from the beginning that it appeared a short time after war was declared.

The Senator found a loose expression in one of the President's speeches 10 or 12 or 13 days earlier; but what difference does that make? What I have been trying to show is that we did have an adherence to the American policy, and we had it the very day when war was to be declared.

Now, I will read to the Senator a statement I have already referred to in which the President outlined his policy as late as April 13, 1916, which, in my opinion, was the correct policy for us to follow. He was speaking at the Jefferson Day banquet of the Common Council Club and said:

Gentlemen, are you ready for the test? God forbid that we should ever become directly or indirectly embroiled in quarrels not of our own choosing, and that do not affect what we feel responsible to defend; but if we should ever be drawn in, are you ready to go in only where the interests of America are coincident with the interests of mankind, and to draw out the moment the interest centers in America and is narrowed from the wide circle of humanity? Are you ready for the test?

Mr. ASHURST. The Senator does not contend that that utterance was made in 1917?

Mr. REED. I said that it was delivered in 1916.

Now, I will tell you something that was said in 1917. It was said on the 12th day of May, in an address at the dedication of the Red Cross Building in Washington:

It is plain enough how we were forced into the war. The extraordinary insults and aggressions of the Imperial German Government left us no self-respecting choice but to take up arms in defense of our rights as a free people and of our honor as a sovereign Government. The military masters of Germany denied us the right to be neutral—the war was begun by the military masters of Germany, who proved to be also the masters of Austria-Hungary. These men have never regarded nations as peoples—men, women, and children of like blood and frame as themselves—for whom governments existed and in whom governments had their life. They have regarded them merely as serviceable organizations which they could by force or intrigue bend or corrupt to their own purpose.

That is how we got in.

Mr. President, what did Congress do? Now, I am coming to what binds this country; and when it did what I shall show it did do, it acted strictly in accordance with the recommendation of the President. He did not recommend that we should declare war, but that we should declare that war had been made upon us. Congress declared—

Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

That was our declaration. It was the official act; it declared the purpose of our Government; and it is the only thing that binds us.

Later, in the same language, we declared a state of war to exist between ourselves and Austria-Hungary.

Thus, Mr. President, we are brought to this situation:

We entered this war to *defend ourselves against attacks being made upon us, upon our commerce.* We entered on the 6th day of April, 1917, by declaring that Germany *had made war upon us;* and on December 7, 1917, we, for the first time, *made the same declaration with reference to Austria-Hungary.* It was on January 8, 1918, that the President, in an address to Congress, set out his 14 points.

Let us inquire, now, who is bound by the 14 points? Clearly the President, but whom else? Whenever you admit that because the President stands up in Congress or sends a message to Congress declaring a certain thing to be his opinion, that thereby binds this Nation, you end the legislative authority in this Government: you terminate Congress. All he has to do is to send down a decree, and we would simply register it. The President makes no such contention. He never has made such a contention. He has, with tremendous force and marvelous skill, presented his views from time to time to the Congress, and frequently he has used the Congress as a forum through which he could address the world.

A notable instance of that is found in his address that he delivered here on woman suffrage. He walked into the Senate one day and proceeded to make a speech, I believe on September 30, 1918. He told the Congress that to pass the woman-suffrage resolution was vitally necessary to the winning of the war. Did that bind the Congress? Did that bind the country? Did that commit us to woman suffrage, or did it commit the world not to win the war because we did not pass the resolution?

At that time, sir, we had 2,500,000 American troops in France. Only 500,000 of them had been employed upon the battle line, and yet those 500,000, one-fifth only of our troops, had stiffened the British line until its retreat was stopped, had stiffened the French line until its retreat was stopped, had given them the force so that they had begun winning skirmish after skirmish and battle after battle, and had rolled the Germans back from the Marne. It had given courage to the entire body of the Allies. Then had come Chateau-Thierry, in which the German military wave broke upon the rock of American courage; then St. Mihiel and Belleau Wood. Bulgaria had thrown down her broken sword. Her army was surrendering by regiments; her cities were yielding to the Allies. The Crown Prince of Germany had unofficially asked for terms of armistice. The German was in full retreat. Every day was bringing its victory. We were within 40 days of the final surrender; yet the President told us that the adoption of the woman-suffrage resolution was vitally necessary to the winning of the war!

I did not rise in my place to repudiate that. Was I therefore bound to his conclusion? I think one Senator argued the question out with him, the Senator from Alabama [Mr. UNDERWOOD]. We did not pass the woman-suffrage resolution, and we did win the war. We had it already won.

What a monstrous doctrine it is to claim that every time the President speaks the world trembles and nature yields from the womb of fate the child that answers to his word! I have the utmost respect and kindest regard for the President. I differed from him on many important questions. I probably will differ many times in the future. The President of the United States is a human being, occupying a very exalted position, possessed of a great intellect and a high responsibility. But, sir, there are at least 10,000 men in the United States who are capable of making good Presidents of the United States, and each of those 10,000 men may solve the problem that may have puzzled the mind of the occupant of the White House, whoever he may be. Indeed, it is the common experience of men, however wise or learned they may be, to find that an old farmer sitting in front of his door in the eventide may have solved some problem of state that has puzzled their minds and confused their intellects. So the fact that the President expresses an opinion or Elihu Root expresses an opinion does not bind the Congress or settle the fate of this Nation or of the world.

Mr. PENROSE. Mr. President, I have been listening to the Senator's remarks very attentively, and as the Senator is speaking at some length I would like to call his attention to an admirable editorial from a well-known English magazine speaking highly of the action of the Senate in this connection and bearing out the Senator's argument. It will not take long to read it, and I think perhaps it would help the argument, if the Senator would permit it to be read now.

Mr. REED. I have no objection to it, although I have not seen the article.

Mr. PENROSE. The Senator from Massachusetts [Mr. LODGE] tells me that the writer, L. J. Maxse, is a well-known and prominent writer of England. I hope the Senator will listen to this. It is an editorial by Mr. L. J. Maxse in the National Review, a leading magazine published in England.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Considering that the league of nations would not have been so much as mentioned at the peace conference but for President Wilson, to whom it is a sort of "King Charles's head," to be brought into every discussion, Englishmen are entitled to resent the suggestion of American propagandists that the covenant is a Machiavellian British trap into which crafty John Bull has lured the guileless gentleman from Washington. The more we think of it, the more convinced we become that the league of nations must have originated in a Boche brain, because it is so admirably calculated to promote Boche interests; but its place in the peace terms is manifestly American handiwork, for which President Wilson is entitled to all the credit as to any detriment. To ascribe it to Gen. Smuts, Lord Robert Cecil, or any other British statesman is not "playing the game." They worked at the draft covenant to please the President and because they were told and believed that the American people had set their heart on a league of nations, the creation of which was alleged to be the main cause of their being in the war. Had Col. Roosevelt happened to represent the United States in Paris in place of President Wilson it would never have been heard of. We can not, therefore, consent to have this abortion fathered upon us, and it is unfair of the Republican opponents of Wilsonian policy to thus arouse prejudice at the expense of Great Britain. On the other hand, the British have every reason for gratitude toward the Republican Party for refusing to buy a pig in a poke and for insisting that this question be discussed. In this respect the Senate has done infinitely better than our House of Lords. The House of Representatives is setting a good example to the House of Commons. We can assure Americans that outside our front benches, whose occupants are, generally speaking, "back numbers," and pacifist circles, the league of nations has no visible following in these islands. It is impossible to mention it anywhere in public or in private without provoking a smile. It is a portentious piece of political humbug which would not survive one serious discussion. Therefore it is undiscussed at Westminister. Unfortunately for the league's prospects, the Republican Party in the United States not only insist on discussing it but are in a position to destroy it. At the outset Mr. Wilson elected to ignore the Senate when he went to Paris, and his journalists gave us to understand that the Senate was a negligible factor and that the President was, so to speak, "It." Kaiser Wilhelm's autocracy was a joke to that of "Kaiser Wilson," as he has been called by angry Americans. It is time the British press showed more discernment in discussing the politics of Washington and abandoned the delusion that every Anglo-American problem is solved by chanting "Great is Diana of the Ephesians." At this moment, to use an expressive Americanism, Diana cuts little enough ice abroad and still less at home.

Mr. REED. Mr. President, on account of a lamentable occurrence that will be announced to the Senate in a few moments—the death of Senator MARTIN—I intend to conclude what I have to say on this branch of the case by asserting that unless it can be found in the language in the President's message asking for war, to which the Senator from Arizona [Mr. ASHURST] called attention, and which I think he misconstrued, there is not to be discovered anything from the President, as far as I know, that in any way could be said to have indicated this broad desire to democratize the world, until we come to the announcement of his 14 points. Those 14 points were given to us on January 8, 1918, nearly one year after we entered the war. I would not be misunderstood as asserting positively the statement that I make, but I am not aware of any such declaration.

At this point, and for reasons that will be obvious in a moment, I yield the floor.

DEATH OF SENATOR THOMAS S. MARTIN.

Mr. SWANSON. Mr. President, it is with profound sorrow and regret that I announce the death of my colleague, Senator THOMAS S. MARTIN of Virginia. He died at 1.30 o'clock to-day at Charlottesville, Va. He met death with that calm composure and courage with which he faced all the problems that presented themselves to him in life.

In his death a strong, sturdy character of heroic proportions disappears from public life. For more than 24 years he served as one of the most influential and potential Members of this body. Few Senators possessed in so high a degree the esteem, affectionate friendship, and good will that Senator MARTIN possessed, irrespective of political divisions. All appreciated his courteous consideration, his manly character, his kindly heart and feelings.

As majority leader and as chairman of the Appropriations Committee during the late war he assumed burdens and responsibilities that far exceeded his strength. Despite repeated warnings of his physician, despite the urgent suggestions of friends, he remained at his post of duty in the perilous and troublous times, and his death was a sacrifice on the altar of public service and public duty.

In his death the Senate loses one of its most influential, esteemed, and worthy Senators, the country one of its wisest and most sagacious legislators, and Virginia her most distinguished citizen, her most highly esteemed son, and her most beloved Senator. At a more appropriate time I shall ask the Senate to set aside a day to pay tribute to his achievements and record as a Senator and to his worth as a man.

Mr. LODGE. Mr. President, I have been in the Senate with Senator MARTIN for nearly a quarter of a century. This is not

the time, for it will come later, to speak of his long and distinguished service as it deserves. He was a high-minded, honorable man, who devoted all his strength, all his abilities, I may say all his life, to his public duties, for he wore himself out in the service. At this moment I can only think of the personal loss which comes to me in the death of an old friend whom I so much valued, and I am sure that feeling is shared by everyone who had the honor and satisfaction of serving with Senator MARTIN in the Senate.

Mr. SWANSON. Mr. President, I offer the resolutions which I send to the desk and ask for their adoption.

The resolutions (S. Res. 229) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. THOMAS STAPLES MARTIN, for more than 24 years a Senator from the State of Virginia.

Resolved, That a committee of 18 Senators be appointed by the President pro tempore to take order for superintending the funeral of Mr. MARTIN, to be held in Charlottesville, Va.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The PRESIDENT pro tempore appointed as the committee under the second resolution Mr. SWANSON, Mr. LODGE, Mr. CUMMINS, Mr. HITCHCOCK, Mr. SIMMONS, Mr. KNOX, Mr. FLETCHER, Mr. NELSON, Mr. OVERMAN, Mr. BANKHEAD, Mr. ROBINSON, Mr. SMITH of Arizona, Mr. SMITH of Maryland, Mr. UNDERWOOD, Mr. WALSH of Montana, Mr. WARREN, Mr. SMOOT, and Mr. WILLIAMS.

Mr. SWANSON. Mr. President, as a further mark of respect to the memory of my deceased colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, November 13, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *November 12, 1919.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Father in heaven, our hearts go out in gratitude to Thee that the great coal strike which threatened untold misery to our people is at an end, in obedience to the mandates of law and order; that the new spirit of Americanism will have its rightful place in the vexed questions between labor and capital; and we pray that justice and equity may find its way among all concerned.

We thank Thee that armistice day was celebrated throughout our country with appropriate ceremonies—a day which brought joy and happiness to millions and struck the death blow to autocracy and militarism, brought the Hun to his knees in supplication; that our brave soldiers, led by their gallant officers, turned defeat to victory and received the encomiums of the liberty-loving people of all the world; that the living soldier is home among his friends and loved ones, that his dead comrade lives in the hearts of a grateful people, that the wounded and maimed will be cared for by a generous Republic, that the widow and orphan will be succored and comforted by a loving people; that democracy, liberty, truth, justice, and righteousness are the jewels which crown the victor with a diadem of imperishable glory.

"Hail with songs that glorious era,
When the sword shall gather rust;
And the helmet, lance and falchion
Sleep at last in silent dust."

And songs of praise we will ever give to Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, and pending that I ask unanimous consent for a reprint of the bill and the report to the extent of 2,000 copies each, the supply being entirely exhausted.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that 2,000 copies of the bill H. R. 10453 and report be reprinted. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, the morning newspapers have brought the information that four veterans of the great World War were shot down in cold blood at Centralia, Wash., in the district which I have the honor to represent, while marching in a parade to celebrate armistice day. They are the victims of a long premeditated conspiracy to bring about an armed revolution in the United States. I have sent the following telegram to the mayor of Centralia:

WASHINGTON, D. C.,
November 12, 1919.

Mayor ROGERS,
Centralia, Wash.:

Kindly express to relatives and friends of those young men who were assassinated in Centralia on armistice day by the enemies of the United States Government my profound sympathy. History will record these heroes as among the first to fall in an attempt at armed revolution against the United States, and for which every man who has been preaching syndicalism, communism, and class hatred is responsible.

[Applause.]

This is the attempt at revolution with bullets and rifles that these enemies of law and order have been calling for these years past. We of the Pacific Northwest have long seen it coming. We have been patient, have avoided bloodshed under every provocation, only to see these young men murdered in the streets of Centralia.

Their death will arouse the loyal people of the United States as nothing else could have done. This country must be purged of its seditionists and revolutionists to the last one, and if this means war, then the quicker war is declared on them the better.

ALBERT JOHNSON.

[Applause.]

These soldiers, marching on armistice day, were shot down from the windows and roofs of the I. W. W. headquarters in the city of Centralia. They were murdered for the purpose of bringing on class hatred. For a dozen years, Mr. Chairman, we of the Pacific Northwest have seen this thing coming. We have been patient in the extreme. We have avoided bloodshed. We have known just what Victor Berger and men of his stripe have meant when they have preached revolution to be fought with bullets and not with ballots, and when they have urged workers to have rifles and ammunition in their homes. Out in the third congressional district of Washington we have avoided bloodshed and summary action against these enemies of the Government. We have endured much—destruction of property, practice of sabotage, burning of buildings, and interference generally—but when our soldier sons are singled out and shot down from ambush during a patriotic parade and celebration of the ending of the World War, while bands are playing and flags flying, we have come to the limit. Every man who preaches sedition, advocates or practices revolution, must be run down and given summary punishment. If our laws are not sufficient, they must be made so. Every alien agitator who is here working might and main for the overthrow of this Government must be sent out of the country. There is no time for further delay. I have received the following telegram:

HOQUIAM, WASH.,
November 11, 1919.

HON. ALBERT JOHNSON, M. C.,
Washington, D. C.:

Wanton and deliberate murder of four comrades of the American Legion by lawless I. W. W.'s occurred at Centralia to-day. We demand immediate and final action by Congress in curbing all enemies of our country and flag. A vascillating program can no longer be tolerated in dealing with the murderers of our comrades. Hoquiam Post, No. 16, American Legion, requests that you do your utmost to hasten through needed deportation and citizenship legislation. In this connection we pledge our support.

(Signed) HOQUIAM POST, No. 16.

That telegram reflects the spirit of all soldiers and sailors and all law-abiding citizens throughout my district and throughout the United States. The time for a clean-up is here. For years these plotters and schemers have been at work, and now they are breaking out in open defiance of law here, there, and everywhere.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I will yield.

Mr. BLANTON. In the face of all this, why are we now sidestepping on this railroad bill? Why do we not stand up and write a provision into the bill that will prevent the recurrence of such happenings in our country?

Mr. JOHNSON of Washington. I am glad to answer the gentleman. Let all understand that revolutionists, socialists, syndicalists, dynamiters, bomb throwers, I. W. W.'s, and all of such classes have been for 20 years engaged in a persistent and determined effort to break down honestly organized, contract-keeping labor. The I. W. W. and honest federated labor can not live in the same community. Should the former break down the latter, it will be a sorry day in the United States. I have seen these traitors "boring in" for years. I have warned the people over and over again. I have warned the labor unions. I have seen the spread of I. W. W.'ism, and know how destructive it is to everything that the people of the United States hold dear. My contention has been that that branch of labor which is organized and orderly should be sustained and encouraged, for sooner or later we must all stand together against the element which demands mob rule, chaos, and destruction.

Mr. BANKHEAD. Will the gentleman yield?

Mr. JOHNSON of Washington. I shall be glad to yield in a moment. The time has come to deal with those who are determined to have revolution, and, my friends, I beg to assure you that the great bulk of laboring men in the United States are with us and against any form of disorder, anarchy, Bolshevism, soviet, or any kind of a government other than that of the United States under its Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. May I have five minutes more?

Mr. ESCH. The time is all allotted.

Mr. SIMS. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. RAYBURN]. [Applause.]

Mr. RAYBURN. Mr. Chairman, I should not have taken any time in general debate if it had not been for the fact that some of my friends in the House were partial enough to me to say they would like to know what I thought about the bill in general and in some particulars. That I shall undertake to state, and, contrary to my usual course, I hope that I may say what I have to say without interruption. This bill, as has been so well stated on the floor of the House by the chairman of the committee and by those who have followed him, had the longest and most painstaking consideration by the members of the full committee in the hearing, by the subcommittee in this work, and by the full committee. No piece of legislation, where there are 21 members on a committee, is entirely satisfactory to every member of that committee. It could not be in the nature of things. This bill is not in every particular what even the chairman of the committee, who so ably presented it yesterday, desires or desired that it should be. I take it that in our compromises not only in the subcommittee but in the full committee we were all to some extent disappointed in what went into the bill. For the simple reason I object to some provision in the bill is no reason why we should make a tirade against the whole bill. If I object to some minor provisions of a bill I shall take potluck with my colleagues and try to correct that, as long as the bill is in the jurisdiction of the body of which I am a Member. As far as this bill in its general tenor goes, as far as it being an improvement upon the present system of the regulation and control of interstate commerce, I will say that it meets with my entire approval, and the bill in general, I think, is one of the greatest and most constructive ever presented to the Congress of the United States. It may be the gentlemen who are interested in water transportation find some things to criticize in this bill. The subcommittee was criticized because it put water transportation under the jurisdiction of the Interstate Commerce Commission, thinking that we would iron out that difference and that we would be able to satisfy those who were interested in water transportation, so we struck all of that out of the bill, and my opinion at that time was that those who advocated transportation by water and represent that interest were well pleased with the bill, yet I find my friend from Louisiana [Mr. SANDERS], a member of the committee, on account of that and a few minor provisions, thought if this bill, containing 84 pages, is the best that this committee can give birth to, then Government ownership is the solution.

I do not agree with the provision in the bill for a statutory rule of rate making. I am against guaranties to railroads, and that is one of the reasons why I am so intensely and unalterably opposed to Government ownership of railroads. It seems to me that it is fundamental that when you rob the railroads of this country of the incentive of competition and service, you have taken away from the railroads the greatest incentive to perform a great public service to the people.

A statutory rule of rate making, it seems to me, is the next thing to a guaranty, and is the very kind of a guaranty we should not have. When we start out to name the things that should go in and be considered by the Interstate Commerce Commission in arriving at what they will consider in setting a just and reasonable rate, we are likely to leave out some things that ought to go in, and we are likely to put in some things that ought to stay out. We have had the question of the reasonableness and fairness of rates passed upon by many courts of this land. It is my opinion that now, if we in this bill establish a statutory rule of rate making and say what the Interstate Commerce Commission shall take into consideration in setting a rate, we are laying ourselves liable for every rate adjustment that comes out of the Interstate Commerce Commission to tread the long and weary path from court to court to the Supreme Court of the United States. [Applause.] And I say that in this I am not criticizing the subcommittee that drew this bill, for the simple reason that every member of the subcommittee unanimously opposed the statutory rule of rate making placed in this bill. I believe that the House can do nothing better, when it comes to consider this proposition, than to strike that provision from this law.

Another feature that is contained in this bill, put in in the full committee over the protest of the subcommittee, is the settlement that shall be made between the railroads and the Government. It is my opinion that the rule laid down by the subcommittee, that had the indorsement of the Railroad Administration and those in charge there who were going to have to make the settlement of the railroads in the future, is a provision that should have remained in this law, and that the provision placed in it by this full committee should be stricken from the bill.

I believe, my friends, that the labor provision in this bill, on the theory that the subcommittee acted and upon the theory that the full committee acted——

Mr. OVERSTREET. Will the gentleman yield?

Mr. RAYBURN. I can not yield. I do not have the time.

Mr. OVERSTREET. For just one question?

Mr. RAYBURN. No; I can not yield. If I yield to the gentleman, I must yield to others.

That theory on which they wrote it is as good as could be had. I am firmly of the opinion, though, that the country expects and is entitled to expect of this Congress a law that will go further than the provisions of the House bill with reference to strikes. After the bill was considered in the subcommittee and then in the full committee, and after many weary months of hearings before the committee, I must say my views upon this question were somewhat modified. I believe that in this hour of unrest and discontent, when it seems that the world is in turmoil, and we are trying to get back to normal conditions, it would be a mistake to pass a drastic strike provision which would take in and penalize every member of the railroad brotherhoods. And one of the reasons for that is that I believe it will be practically impossible of administration and execution. But I do believe that this House should go far enough to put out of business, if it can, the men whom I believe are not only the enemies of this country, but the worst enemies of organized labor. [Applause.] I refer to the walking delegate, who can never be satisfied at all, for the simple reason that if he is satisfied, and says he is satisfied, he is out of a job. The agitator is the one that I try to reach by an amendment that I presented to the full committee, and which I will present here. I believe that the boards constituted in this bill are as fair and as just as boards could be. I believe they should have the support of the people of the United States as a whole and not as a class. I believe that a tribunal is set up here where labor and capital and the public may be heard fully, and that a just and impartial decision may be rendered. I believe that prior to the submission of a labor dispute to the adjustment board, while it is pending before the adjustment board, while it is before the labor appeals board, when the men who labor are willing for the Government to handle their case, that any officer, agent, or representative of one of these unions who during that period of trying to adjust the differences between the laboring men and the railroads in any way conspires to bring about a strike and a tie-up of the commerce of this country should be subject not only to a heavy fine, but he should be placed, in the discretion of the court, behind prison bars. [Applause.] I shall, therefore, at the proper time offer this amendment:

Prior to submission of a dispute to the adjustment board, or during the pendency of a dispute before such board or before the board of labor appeals, it shall be unlawful for any officer, agent, or representative of any union which, or a member of which, is a party to the dispute to aid, abate, counsel, command, induce, procure, or consent to a strike, or in any manner to conspire to bring about a strike. Violation of this provision shall be punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment for a period of not less than 30 days or more than 6 months, or by both such fine and imprisonment, in the discretion of the court.

It seems to me this course ought at least to protect the public and to protect the honest laboring man upon the railroads of this country from this agitator who goes around to disseminate his doctrines among peaceful, law-abiding, and satisfied men, in order to collect a fee and keep up his work. It seems to me that that provision is as mild a one as could be written, and certainly if this House and this Congress is not willing to adopt one of that character, then it is not willing to adopt any. I am frank to say that I would like to see a provision go further than that. I am trying to get results and not trying to appeal to the grand stand.

I am very happy to note also another provision in this bill, a provision in which the House of Representatives has been a pioneer, and, I might say, a provision in which my State of Texas has been a pioneer. That is a provision for the regulation of the issues of securities by common carriers. Many years ago my State passed a law that before any railroad company operating in that State should issue new securities for any purpose they must come before the proper regulating tribunal of the State, lay their case before it, and prove that they needed the money they applied for.

In 1910 a bill for the regulation of securities was before the Congress, offered by the present author of this bill and of the provision in this bill. In 1914 I had the honor of sponsoring a bill for the same purpose. That bill passed the House of Representatives by practically a unanimous vote. The bill at that time, as upon former occasions, died in the Senate. The bill that came from the Senate Committee during this session contains practically, word for word, the provisions of the bill that I sponsored in 1914 and which is incorporated in toto in this bill.

As was so well said by the chairman of the committee [Mr. ESCH], this provision of the bill will cause a house cleaning among the railroads of this country. If it had been in operation in the last 10 years, we would not have the disgraceful proceedings of a Rock Island, of a Pere Marquette, of a New Haven, and other railroads. The railroads of this country have stood before the country for the last 20 years and preached against the constituted authorities of this Government. They have announced it from the housetops that the Interstate Commerce Commission has destroyed the credit of the railroads; they have preached it from the housetops that the railroads have no credit. And then they complain, after making those admissions and those assertions, that when they go out into the market to borrow money they can not borrow money. Is there a business institution in this land that would stand for 30 days if it went out before the public and admitted that it was facing absolute bankruptcy? I know that the credit of the railroads of this country is bad.

I know that the public looks with suspicion upon the acts of railroads in general, and the reason for that is that the public heretofore has had the awful and the criminal example of these railroad wreckers who were able under the laws of the States through which they operated to issue spurious securities, based upon wind and water, and which when sold to a trusting public represented in their hands nothing but a hope, but that was a vanishing hope.

Of course the credit of the railroads has been destroyed. But if we write into the law of the land a statute to the effect that before a railroad can issue new securities, before it can put them on the market, it must come before the properly constituted governmental agency, lay the full facts of its financial situation before that body, tell that body what it intends to do with the money derived from the sale of the issue of securities, and after it has received the approval of that regulating body and it goes out and puts those securities on the market, then the Interstate Commerce Commission by this law is empowered at any time to call it to account and have it tell to that regulating body that it expended the money, the proceeds of the sale of securities, for the purposes for which it had made the application. Then we shall have railroad securities that will stand for value in the markets of this country and in the markets of all the world. That is what they should stand for—railroad security based upon value, and not upon wind and water; not upon a criminal hope of some man to wring from the public unjustly that which he should not have, but security that will create confidence in the mind of the investing public that it represents value and represents a hope of some man that there will be an honest return upon that investment in the future.

The railroad problem is a great one. We do not hope to settle it with this bill. It will not be settled this year. It will not be settled next year. But I do not despair on that account at all. This Government was at one time a small Government. No great enterprises were in it. No great railroads spanned this continent. It was easy to conduct the Government then. You could operate the Government with few laws at that time. But with our expanding population, with our expanding wealth, the Congress of the United States may not hope to settle any question at any time for all the future.

I do not despair because we can not settle this question in a day and therefore say that we must go off after the wild vagaries of the disordered mind of some theorist. I do not think that because criminals have been in the railroad business, because men have mismanaged this property, we should plunge this Nation into the chasm of socialism by taking over the railroads to be owned and operated by the Government. [Applause.] That would do more to unsettle the question than any other issue that has ever vexed this country. It would do more to place the question in politics than anything else that could be done.

You can see how that could be so when we add 3,000,000 men to the civil pay roll of this Government, when their political influence and political force would be exerted in every presidential and every congressional campaign; when each party, as it has too much done in the past, would go around electioneering, trying to trade with one special interest and another in order to get the votes. And when I say "special interests" I do not mean the moneyed interests, I do not mean the railroad interests, I do not mean any one interest alone; I mean any special interest, be it capital or be it labor, that hangs around the legislative halls of this Congress and of every State in this Union asking, and too often getting, special favors. [Applause.]

I hope when this law is passed it will in some degree take this question out of politics. I had also hoped that the labor question would be solved in a way that would take it out of politics to a degree. But I am convinced, I am sorry to say, that the labor question is almost beyond solution; that it will always be with us to fret us; that it will never be settled finally. But it is the duty of this Congress, representing the great people of this land fearlessly and conscientiously and justly, to the best of its ability, to solve it as best it can in the light of present conditions. It is to be hoped that the fullest and freest debate will be given upon all of the provisions of this bill. The committee, I am sure, has no false pride of authorship in this legislation. Every one is anxious that this bill shall be improved if the brain of this Congress is able to improve it.

This, in my opinion, is the best bill upon the railroad question as a whole ever presented to this Congress, and one of the reasons why I indorse it and am happy to vote for it is that it does not seek to uproot all that we have done in the past, it does not seek to overturn and to wipe out every statute that we have had in the past and every landmark that we have set up in the past, but it takes the broad foundations of the general act to regulate commerce and builds upon that what we believe is a structure that will be beneficial to all the people of this land. You may hope to get out of the conference a better bill than is presented here. If the people of the other body and of the country would listen to the many and unanswerable, it seems to me, objections to the bill presented in the other body, outlined by the gentleman from Wisconsin [Mr. ESCH] yesterday, it would be an easy matter to lay aside many of the things that are contained in that bill. But men do not look at these questions the same. They view matters from different angles.

Still I hope that when this bill shall come out of this House it will be even a better bill than it is now. But if it is not improved and remains as it is, even with some of the objectionable features, to my mind, which I have called attention to, I shall cheerfully support it as being much better than what we have at the present time, and it is a bill that will not plunge the railroad question deeper into politics, as a transportation board would, as a separate body to fix rates and wages would, or as a secretary of transportation placed in the Cabinet would, to be changed every four years at the whim of any political party. This bill is so much better than many of us hoped to get that I say to my friends in this House that I trust they will look upon its main features at least with sympathy, and I hope with approbation. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON] is recognized for 15 minutes. [Applause.]

Mr. DENISON. Mr. Chairman and gentlemen, as a member of the committee I want to express, for myself at least, appreciation of the hearty approval and response with which the bill has been received by the Members of the House, as far as we have been able to discover from expressions by the Members.

I do not see how any measure could have received more careful and conscientious and industrious consideration by any committee of Congress. As explained by the chairman [Mr. ESCH], we began hearings on this bill early in July, and all

during the rest of the summer and this fall, up to the day it was brought into the House, the committee have sat mornings and afternoons; all during the long, hot days of summer, when some of us wanted to go home, or when we wanted to be on the floor of the House or answer roll calls, we could not do so, because we had to stay and hear those who were testifying upon this bill. So the members of the committee neglected their personal interests, and their desire to participate in the discussions on the floor of the House, and even to vote upon bills that were before the House, in order that we might conclude the hearings on this bill and report it in time for it to be enacted at this session of Congress.

The hearings on this bill, in my judgment, constitute the most valuable discussion of the principles of railroad economics that has ever been published, and it will pay any of the Members of the House to secure a copy of the hearings for your own libraries and for future reference. The colleges of the country are sending for them to be used in their studies, and all who are interested in railroad legislation ought to have them. All of the best railroad economists, men who have had the most valuable and longest experience in practical railroad operation, came before the committee and testified. So I do not see how there could possibly be a more complete and thorough presentation of the various phases of railroad economics than will be found in the hearings on this bill.

I had expected, gentlemen, to have at least an hour in which to present what I wanted to say about this bill, but now I find through later developments that I have only 15 minutes. Therefore I am not going to attempt to present my views upon the bill. I can not do so in that short time; so I am going to eliminate practically all I had intended to say to the committee and confine myself to a few brief references to the proposed amendment that is going to be offered on that section with reference to the refunding of the railroad debt. I believe something ought to be said upon that question.

There was adopted in the committee an amendment to the bill that was reported by the subcommittee, and I believe it has been referred to here as the Merritt amendment. It has reference to the refunding of the debt which the railroads of the country owe to the Government. As I understand it, this amendment will be offered on the floor, and if adopted it will put the bill back into the condition in which it was reported by the subcommittee.

The difference between the two propositions presents a question that is to the laymen almost insoluble. It is a question of intricate railroad financiering. I do not know whether I could explain it to you satisfactorily or not. I am not going to attempt to do so, because I can not do it in the time I have. I can only show you the difference in the results of the two propositions. If I can make that clear to you, I will be satisfied, and then the Members of the House can determine which proposition they want to approve.

In presenting this important question I will endeavor to give you briefly the results of two years of Government operation of the railroads. I know that the Members of Congress and the country are interested in knowing concretely what are the results of this experiment in Government operation, which is generally conceded to have been a war necessity.

During the time of Government operation the Government has made a great amount of expenditures for what are known as additions and betterments to the railroads of the country. Those expenditures are ordinarily made by the railroads by the issuance of securities, so-called capital expenditures, as distinguished from current expenses. For instance, when a railroad replaces an old bridge with a new steel or concrete bridge, the additional expense over and above the cost of the original structure is charged to capital expenditure. In the same way, when they build a new station or any other expensive improvement of that kind, that part of the expenditures over and above the cost of the old structure is charged to capital expenditures, and they do not ordinarily pay that out of current revenues, but by an issue of new securities. It is a capital expenditure.

Now, the total expenditures made by the Government during this period of two years for betterments and improvements on all the railroads amount to the tremendous sum of $1,147,551,000. That amount has to be paid back by the railroads in some way.

There is $372,000,000 of that amount that has been paid out for new equipment, cars and locomotives by the thousands and thousands that the Railroad Administration has bought and allocated to the different railroads. That $372,000,000 they have arranged to pay for by the organization through certain bankers of the country of what is called a national equipment trust, which is going to take over the financing of that amount, and pay to the Government $200,000,000 in cash and give to the Government their securities for $172,000,000, or the balance. That is going to be done by this national equipment trust plan, provided Congress passes the necessary enabling act, which has already been passed by the Senate, and is now pending before the House, and ought to be passed before we adjourn.

If the enabling act for this national equipment trust plan is passed and becomes a law, the Government will finance the $372,000,000 which has been expended for cars and locomotives. This will be done by the acceptance of $200,000,000 in cash from the equipment trust and $172,000,000 in approved securities. That amount subtracted from the $1,147,551,000 which the Government has expended for betterments and improvements will leave $775,551,000 of so-called capital expenditures that will have to be funded when the railroads are turned back to their owners.

If the amendment to the bill which will be offered either by myself or some other member of the committee is approved and made a part of the bill, there will be deducted from that amount whatever the Government owes the railroads on their standard return, less certain exemptions, the sum of $415,016,000, leaving the balance of $360,535,000 that will have to be funded by the railroads by giving to the Government their secured notes. According to the plan embodied in the proposed amendment these notes will be payable in 10 annual installments, beginning five years after the return of the railroads and ending 15 years thereafter.

Under this plan there will also be due the Government from all of the railroads on open accounts, which will have to be evidenced by demand obligations, the sum of $105,646,000.

There will also be due the Government from certain railroads—namely, the New York, New Haven & Hartford and the Boston & Maine—for money which the Government advanced on long-time loans to take care of obligations which matured about the time the Government took over the railroads, the additional sum of $68,375,000.

There will also be due the Government for certain additions and betterments to other properties and on open accounts which will have to be funded the sum of $53,000,000.

Mr. HUDSPETH. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. HUDSPETH. Will the gentleman state how the notes are to be secured?

Mr. DENISON. They are to be secured, according to the provisions of the bill, by first-mortgage liens, if they can be obtained; otherwise by the best security that the President can get.

Mr. HUDSPETH. In my State there are certain debts which are made first liens by statute, and therefore the roads in my State could not give a first mortgage.

Mr. DENISON. Under those circumstances the bill provides that the President must accept the best security that will be practicable.

In addition to the above amounts, which will be due the Government from the railroads for expenditures made by the Government, there is an additional amount of $14,342,000, which the Government has expended for equipment to be used on the inland waterways, purchasing and building boats, barges, and so forth, and which the Government will have to realize on as best it can by the sale of such equipment.

In addition to these amounts, which may be considered obligations of the railroads on which the Government hopes to realize full payment in time, the Government has sustained an actual loss in the operation of the railroads in the sum of $646,777,000. That amount represents the difference between what the Government has had to pay to the railroads for standard return, in excess of the amount which the Government has realized in actual earnings while it was operating the roads. In other words, the roads have earned $646,777,000 less than the amount which the Government has had to pay to the railroads in standard return, as provided for in the Federal control act. That at least is the actual loss to the Government.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. I will.

Mr. RAMSEYER. Is there any hope of the Government being reimbursed for that amount?

Mr. DENISON. No; that amount must be charged off as the Government's first loss in the experiment of Government operation of the railroads.

Mr. KELLER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. KELLER. Is that estimate up to January 1 of next year?

Mr. DENISON. As accurately as could be estimated, up to January 1.

Mr. KELLER. What is the amount from July to the 1st of January?

Mr. DENISON. I can not give that to the gentleman.

Mr. KELLER. These figures are high; have they not been reduced during that time?

Mr. DENISON. I am giving the figures of the Railroad Administration itself, and I assume that they are not too high. I have assumed that the roads will be returned the 1st of January.

Now, if you add this $646,777,000, which the Government has actually lost in the operation of the railroads, to the other amounts which the Government has expended for the railroads and for which the Government will have to accept the obligations of the railroads, you will have the total sum of $1,421,026,000, which represents the amount that the Government will have invested in the railroads if the amendment that will be proposed is approved by the House and embodied in the bill.

You will remember, of course, that the Federal control act appropriated the sum of $500,000,000 as a revolving fund to be used in connection with the operation of the railroads. Since then Congress has made additional appropriations for this revolving fund of $750,000,000, making the total amount which Congress has appropriated for the Railroad Administration of $1,250,000,000.

Now, by subtracting this $1,250,000,000 which Congress has already appropriated from the $1,421,020,000 which is the amount that the Government has lost and expended for the railroads, you will have left the sum of $171,020,000, which will represent the deficit, as nearly as can now be estimated, for which Congress will have to make an appropriation in December if this bill is amended as I have mentioned.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Under the bill you provide for guaranteeing the roads the standard return for six additional months; how much is the Government going to lose by that?

Mr. DENISON. That I do not know.

On the other hand, if the amendment that will be offered to the refunding title of the bill is not approved, and if the bill is passed as reported to the House, the accounts will stand as follows:

As stated above, there has been expended by the Government $1,147,551,000 for betterments and improvements, of which, as I have stated, $372,000,000 will be provided for by the national equipment trust plan that I have already mentioned. This will leave $775,561,000 in capital expenditures which will have to be funded.

Under the present provision of the bill only a part of the amount due from the Government to the railroads on their standard return can be set off or deducted from this amount. Deducting the amount that can be set off, $133,911,000, from the $775,551,000 leaves $641,640,000, which the railroads will have to fund by giving to the Government their notes maturing annually, beginning five years after the return of the railroads and ending 15 years thereafter.

Under the present provision of the bill there will be due from the railroads to the Government on open account the sum of $16,876,000.

The other items of indebtedness I have mentioned above will, of course, be the same under both plans. Therefore, the total amount of both funded and demand indebtedness of the railroads—excluding the $372,000,000 of allocated equipment—will be $779,891,000 under the provision of the bill as reported, or will be $587,556,000 if the amendment that will be proposed is approved.

Accordingly, the total amount of money that will be required by the Government to complete the financing of the railroads under the plan proposed in the bill will be $1,613,355,000, as against $1,421,020,000 under the plan of proposed amendment.

Deducting the amount already appropriated—$1,250,000,000—from this first amount will leave $363,355,000, which will represent the deficit under the plan of the bill as reported, and for which an appropriation will have to be made by Congress during the coming December.

Stated briefly, the practical effect of the amendment that will be offered will be that the funded and demand indebtedness of the railroads to the Government will be $587,556,000, as against $777,891,000 under the provision of the bill. And Congress will have to appropriate $171,020,000 more for the Railroad Administration as against $363,355,000 under the provision of the bill.

The expenditures of the Government have been so tremendous, and the Government has invested so much money in operating and financing the railroads, it seems to me that Congress should hesitate to approve legislation here that will necessitate this additional large appropriation simply in order that some of the wealthiest of the railroads may collect from the Government what the Government owes them when they themselves owe the Government for betterments and improvements and other advancements such a tremendous amount of money.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SIMS. Mr. Chairman, I understand that the gentlemen on the other side are to use the balance of their time in one speech.

The CHAIRMAN. The gentleman from Tennessee has 26 minutes remaining and the gentleman from Wisconsin 32 minutes remaining.

Mr. SIMS. The gentleman yielded back 1 minute and that made me 27 minutes.

The CHAIRMAN. General debate closes at precisely 12 o'clock, and the gentleman from Tennessee has used up one minute in deciding which gentlemen shall use the time.

Mr. SIMS. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. ELLSWORTH], a member of the committee.

Mr. ELLSWORTH. Mr. Chairman, much has been said—and especially by those who believe that this bill is a great achievement—about the prowess of America, about our wealth, about what we can and ought to do to sustain our transportation system. I sometimes wonder whether or not Members on the other side of the aisle do not see in the future a fundamental principle involved here. When I say that I say it not in a spirit of criticism but with the feeling that at this time in our history we ought to proceed with caution where fundamental principles are involved. When the Constitution was framed, Jefferson, whom they love to look to as the great leader in the history of their party, rushed back from Europe to prevent centralization of power being given in the Constitution.

And for many administrations there was a contest constantly between the two parties, one seeking to secure a more centralized power in the Government, and the other striving to keep from drifting toward it. This bill will vest in a governmental agency extreme power. It vests in the Interstate Commerce Commission the power to adjust railroad rates, freight and passenger, almost arbitrarily and based upon a purely artificial basis.

I sometimes wonder whether or not upon our side of the House we Republicans who are so solicitous because you on the other side during an emergency expended billions, and might have been extravagant in the letting of war contracts, or in some of the shipbuilding yards, or in France, in the conduct of the war—I sometimes wonder whether or not in the days to come, in the campaigns in which our party must meet the other in the conflict of debate, we may not be accused of extravagance along a different line in this bill. The sum of $250,000,000 is authorized in this bill for new loans. We have taken over the railroads and we are about to turn them back. We propose to offset accounts, as between indebtedness for equipment and additions and extensions, amounts owing the Government, against amounts which the Government owes the railroad companies for the unpaid guaranteed standard returns. We propose for six months after Federal control ceases to pay a further guaranty based on a three-year test period. In addition, we then propose to make new loans to the railroads. The railroads at the time we took them over were practically bankrupt.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. Not now. I prefer to proceed without interruption until I finish my statement, then I would be pleased to yield. They were bankrupt at that time and they are bankrupt now, and they probably will be for years to come. What I fear is that this bill will establish a wrong permanent policy, and I do not have in mind now whether they are entitled to a guaranty for six months or not, for I regard that as a trifling matter in principle, even though it may mean a lot of money, for it is temporary. But in the establishment of a permanent governmental policy, in the matter of the performance of a duty of Congress toward the people of the country, I feel deeply concerned. As I regard our duty at this time, it is that the Congress should insure to the country a proper transportation system. And when I say that I do not mean simply a proper railroad transportation system, but a transportation system of all facilities of transportation, whether it be rail, water, or motor. When I say that I believe it is the duty of Congress at this time to insure to the people, to the commercial business of the Nation, which from interstate commerce and from foreign commerce must make the incomes from which they pay taxes into the Treasury—the money which we will dispense in this bill for the upkeep of that same transportation system which enables them to transact the business

out of which they make the taxable profit—when I say I believe that we should keep up and maintain and insure to the people of this country a transportation system, I am looking to the future.

Looking ahead 15 or 20 years—and certainly that ought not to be a long time for us to project our minds into the future if we desire to legislate and establish fixed principles in legislation—I would predict the following conditions: Some of the railroads will have been granted money time and again. The Government will have taken their bonds or the best securities it can get under the provisions of this and other future legislation. Finally, there will come a time, as there has repeatedly in Italy, when the individually owned railroads will be taken over and operated by the Government, just as purchasers at receivers' sales of railroads have done in the past. And notwithstanding we do not determine a Government policy, the Government will be forced to embark upon the system of Government-operated if not both Government owned and operated railways. And right here let me say that in preference to a system of fostering financial dependency, of granting practically a subsidy, through direct loaning or preferential rates, with the result of stifling water and motor transportation development, I would prefer Government ownership and Government operation. This bill will, in my opinion, launch us on the policy of sustaining an exclusive railway trunk-line transportation, which will demand a complete abandonment of any and all other facilities. It will result in a double undue burden on the people of our country through the maintenance of an artificial rate structure coupled with an increased tax burden to supply constantly increasing deficits to the favored system.

I can not subscribe to the establishment of a principle of special assistance and exclusive rights to be granted by the Government to one form of transportation in preference to all others. It is true that we have one-third of all the railway mileage in the world. Yes; but we had also at the commencement of the war in Europe some 60,000 more automobiles than all of the rest of the civilized world in its entirety. This wonderful industry, now going into the most intensified motor-truck development, and a proper and free development of our great inland waterways and coastwise shipping, ought to give to America the best and cheapest universal transportation service that it is possible to secure. Any other system is but the imposition of an undue burden which means wasted energy, tribute to selected private interests, and handicap in competing in the world's markets without corresponding benefit to the producer of the raw material or the worker in the industrial establishment.

The proponents of the bill answer, "But we have given water transportation and motor transportation a free hand." To that I say it was proposed and strenuously maintained that the Interstate Commerce Commission should be given the power to regulate water transportation rates, and some even proposed that motor-truck transportation be regulated. The launching of the policy contained in this bill will mean the subjecting of all other forms of transportation to regulation whenever it appears that competition from other forms threatens railway transportation.

I object to providing for emergencies exactly as we did during the war and not looking ahead to the future in any respect. I regard it the duty of Congress to provide the best possible and the cheapest and the most universal transportation system that can be provided. I believe it is our duty to so adopt principles in our railway legislation that they may be safely followed by future Congresses, because the example of this bill, the creation of the relation of guardianship which exists in this bill, the paternal proposition involved in making new loans to the railroads, and fixing rates on the basis proposed, will invite those railroads to come back to Congress again and again for financial assistance as they go down into a condition of worse bankruptcy than exists now, or than existed before there was Government operation or during Government operation. I say that it is our duty to establish a permanent Government policy and not to follow a sentiment resultant from artificial and temporary conditions.

There is nothing in the present situation which points to any certain determination of a permanent future policy as to operation or ownership and operation of the railroads, whether by the companies or by the Government, except that the provisions of the pending bill will not solve the problem. If you will talk with any railroad employee—any engineer, fireman, conductor, brakeman, or yardmaster—you will find that railway management was in a state of abeyance so far as the requirements in the actual operation of trains was concerned during Government operation of roads. The spirit of officials in management during Government operation, as demonstrated in contact with the employees, approached the status of farce comedy during the Government's operation, and it is an open secret that the delicate hand of officialdom was little feared or little felt during such period. So that while deficits and constantly depreciated service causes sentiment to demand flying from one extreme to another I do not believe a return to any such system or policy as this bill contemplates is justified. I would not enter upon a policy of subsidy to trunk-line railroads. I would not embark upon discrimination against other forms of transportation. I would not tax the people of the United States to sustain an artificial rate system for trunk-line railroads, or railroads in general upon the basis of insuring "necessary operating revenues" or a "fair return," as provided in the bill, with the inevitable result that it means the embarking upon a policy which must stifle water and motor-truck transportation and the consequent denial of cheaper transportation and the sustaining of an artificial system of rate structure to give "a fair return" to the system which stifles our natural facilities. It is burning the candle at both ends. The American people ought not to be burdened with such a system. I do not think they will be burdened with it long, and my prediction is that in a very few years Congress will be compelled to reverse the policy which it is now about to adopt. [Applause.]

The CHAIRMAN. The gentleman from Tennessee has 6 minutes and the gentleman from Wisconsin has 32 minutes.

Mr. SIMS. I yield six minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Chairman, I sat here yesterday forenoon and closely listened to the able and eloquent address delivered by Mr. ESCH on this bill.

Last night I talked with and listened to the representatives of over 2,000,000 railroad men who are affected by this bill, and every one of the representatives of the men were fearful of the provisions of this bill where it governed them; these men believed, and I am of the same opinion, that with the creation of such boards and the powers granted them by this bill the hands of labor are tied; that labor is shut off from further advancement, further progress; and that even a new contract or agreement would be a thing of the past. For the first time in history by legislation it is proposed to put a club in the hands of corporate interests to use over labor organizations to the extent that it can reach into the treasury of the organizations and seize their funds.

The bill provides for the welfare of the railroads; it proposes to finance them, to see that they are in position to successfully operate when returned to private ownership; it protects property rights but it destroys human rights. If the roads are to be returned to private ownership, then the least thing this Congress can do is to return the roads the same as they found them when they took them over, with free men in the service. It is an injustice, a crime, to shackle the railroad men, to fasten upon them restrictions, to violate the privileges and rights they have always had, and which they have never abused. It is a poor return for their loyal and patriotic service.

Another thing, with the great unrest existing it would be a greater wrong for this Congress to add to this unrest by creating a law that would only make worse the existing state of discontent. You can not destroy the rights of citizens of this country; you can not make slaves of freemen and expect the people to accept the condition without protest. Injustice breeds resentment.

Congress should exert every effort and energy to bring about a feeling of stability and security in the country—to restore confidence in the hearts of the people. This can never be accomplished by unjust, unwise legislation. The bill before us has been in the hands of the committee for 10 weeks, and yet yesterday morning I gleaned from the remarks made by Mr. ESCH that that part of the bill dealing with the formation of the board he was not quite sure himself about its features. This bill has only been in the hands of Congress a little over 24 hours; it consists of 86 pages, and I believe it is too important a piece of legislation, too far-reaching in its effects, to be railroaded through here at the closing days of this Congress. In the interest of the people it affects, and in order that every Member should have ample time to study the bill and familiarize himself with its features and their consequences, it is my conviction that the wisest, safest, and best thing to do is to place it on the calendar, and when Congress meets again in December take up the bill and strip it of the provisions that are unjust, harmful, and injurious to the railroad employees.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts [Mr. WINSLOW] is recognized for 32 minutes.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WINSLOW. And also that I may proceed without interruption.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed without interruption. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PLATT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and for other purposes," had requested a conference with the House of Representatives on the bill and amendment, and had appointed Mr. SHERMAN, Mr. CALDER, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1229. An act to amend an act approved August 22, 1914, entitled "An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States."

THE RAILROAD BILL.

The committee resumed its session.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, my purpose is not to make any argument for or against any provision of this bill, but to explain the mental processes which controlled the subcommittee and the full committee in respect of the provisions which they have set forth in the bill.

I have been told by those of long experience that it is not quite in the line of House etiquette to speak too freely of what takes place in committee. In order, however, that everybody here may understand the situation, I wish to tell you that the full committee agreed unanimously that the best thing to do was to bring out the final conclusions of the majority of the committee in respect of this, that, and the other provision, but with the full understanding that each member was free to disagree in respect of any provision, and to make his views known on the floor without any prejudice as to his good faith in the matter and without any reservation.

The reason for that is simple enough. Everybody who worked on this bill learned very shortly that it was a tremendous undertaking, and the more we worked on it the more we realized that fact. We realized that there were a number of points, all important, on which men differed. The full committee was almost evenly divided on several important features of the bill. On one or two provisions we had a change of opinion, as expressed by vote of the committee, due to the fact that on one occasion there was one set of men present, and on another the personnel shifted just enough to carry the other way, but still always in good faith and in good feeling. When, therefore, I make an explanation to you of the measure it will be in no sense out of accord with the determination of the committee.

There are many headings which might be taken up, but it seems to me, after listening to the debate here for the greater part of two days, that there are two which I ought to speak of especially, and I am sure I will no do more than that in the time that is at my command.

We had weeks of hearings, long, interesting, and very complete. No man who had a right to be heard or who asked to be heard was shut off. The committee members were long-suffering. The temptation at the outset was to get through as soon as possible. The argument, however, was that we had better learn all we could, and we became convinced of that more and more as we went on, because it was very apparent to most of the members that the more they heard the more they realized they had much yet to learn. We finally got through the hearings, and the subcommittee was appointed to draft the bill.

That subcommittee, before undertaking to go into the bill, from a technical viewpoint, decided to determine what its purposes really were, and we concluded that we must tackle this job with the idea of doing the best we could for this country, from one corner to the other, and from every confine to every other confine; that we must be just to the Government of the United States; that we must be fair; yes, generous, with the railroads of this country. And on that platform we went at our business. At no time in the meetings of the subcommittee did the question of locality interest ever arise. Locality considerations were represented by people from outside, and influences of an entirely proper order brought to bear in the interest of locality, but the committee never wavered from the general trunk-line route of heading on to what would be a national railroad policy, and the establishment of a railroad institution for this country which would be best for all the country. Unfortunately, I think—and I will not dwell long on this now—we have had a little touch of local consideration in this debate; but later, under the five-minute rule, we can get after that. We have proposed that at no stage of the game should the tail wag the dog.

Now, in the consideration of the railroad interests, which, by the virtual elimination of water carriers, has come to be the important interests in the bill, although no more important for the well-being of the country than the water interests, we felt obliged not to consider particularly the well-being of the very prosperous railroad, nor to bear in mind as a primary consideration the well-being of all the most impoverished and most impossible railroads, but to try to work along in the interest of the average road, yielding a little of the time in favor of the poorer road, which by virtue of generosity on the part of the Government might be helped on its way and headed on toward business prosperity. When you bear in mind that there are 2,000 railroads, more or less, in this country, running all the way from the highly successful to two streaks of iron rust across the country, you will realize that general legislation is quite impossible which the owner of each and every road thinks is entirely fair to his road. We can not do it in this bill.

While I am not a prophet, as one of my colleagues on the committee is, as to what will happen in the future, it seems to me quite likely we can never legislate here in one bill for 2,000 roads with almost 2,000 different conditions. The best we can do, I think, is to strike an average along the line, by virtue of which the strong road will look out for itself, the road which can not get along will be cared for, and so along down to the standpoint where we will help every road that is entitled to help as we can see the means to do it.

The two particular points that I wish to speak of are the refunding proposition and the financial provision, and if I have an opportunity I would like to say a little on the labor question, but I would rather make the refunding proposition clearer, because I expect that will be more difficult for the Members to understand than the labor proposition.

I wish to set forth a comparison, without argument, of two plans which affect the financial interests as covered by this bill. The plan proposed by the subcommittee was based on the line of thought that, first of all, we must get the roads out of the hands of the Government, so far as Federal control is to be considered. In order to do it, they must square accounts or otherwise provide for them. In short, they must make an accounting. So, then, the first thing we said to ourselves was, "What is necessary to consider in the way of accounting to close the books and end the contract, so far as that part of it goes?" We realized that we must have a refunding of some sort, and we squarely made up our minds that that refund, caring for the debts, must be divided into two classes—one which you would call permanent funding; the other a funding of a floating nature, in the order of notes.

The next thing was, having turned the railroads loose, should we turn them loose without a home, without any care, without any help, but simply say "Go forth and do your best"? We concluded, on the whole, bearing in mind the interest of the great majority of the railroads approaching the average line of prosperity, that it was only fair to give them a guaranty. That provision was in the bill. Then, the next question was, "What will we do for those roads for working capital?" And that provision is in the bill and will be duly explained later.

Then came on the consideration of the provision of funds with which to extend and make their improvements, betterments, and so on, for the future. All those points were taken up. The bill was brought into the full committee, and there arose an entirely proper and reasonable difference of opinion as to the method of procedure in respect of the refunding. In every other way we were in accord, with no difference whatever, so that, so far as this House is concerned, in respect of the immediate discussion of the two plans, you can bear in mind that the refunding scheme proposed is the only one which is under discussion, so far as the committee knows.

The refunding proposition is divided into two parts—what you might call the more or less permanent funding, and then the funding which is evidenced by notes. The discussion comes between the two sides to the contention in respect of the permanent funding and the interest rate. I do not think it is worth while to take very much time now in respect of the interest rate. That will come out fully in the consideration of the bill under the five-minute rule.

We are, then, brought down to the real difference between the two sides on this discussion. I shall not go into figures unless you call for them, with the single exception of the

mention of one sum, because I am well aware that the figures and their size and variety as they exist in the accounting commission would simply dazzle the observer. It is difficult, at the headquarters of the Railway Administration, to get them to tell you the same exact story on two successive days. In fact, they can not do it, because the financial conditions are changing from day to day. The railroads owe the Government, we will say, $1,100,000,000. The provision is to take care of a part of that through a car trust. The Government will get its money there. That will all be explained. There is no difference of opinion in respect to that. That will be explained in debate under the five-minute rule. The Government is supposed to owe—and we will say it does owe—the railroad companies a certain amount. We approach this point.

Now mark this; it is the whole story: We agree as to the amount that these railroads owe the Government, subject to funding, as provided in the bill. We all agree that the Government owes the railroads. Now, the question is—and I will illustrate it in smaller figures, which some of us will be able to comprehend—the railroads owe the Government, say, $100. Those small amounts are strange words here in these days, but they are comprehensible, perhaps. The railroads owe the Government $100. The Government owes the railroads $25. Query: Shall we offset the $25 against the $100, and fund that under the subcommittee's plan, or shall we not? If we do not, how do we take care of the $25 that the Government owes the railroads? Under the bill as now presented the proposition is that the Government shall pay the $25, and give it to the railroads to do what they want with; that it shall not make an offset.

Now, the argument, as I understand, then falls on the question of the wisdom with respect of providing a working capital for the railroads. The subcommittee felt that the working capital would be provided through other means in the bill which I will explain. Those who held other views as represented by the bill now before the House said, "No; they can not get that working capital so conveniently, so easily, and so thoroughly as they ought to if there is an offset." The subcommittee felt that if the Government offset and funded the balance—if they allowed the railroads to finance their floating indebtedness, betterment account, and other accounts, which could not be charged to capital account; if they furnished the railroads an opportunity for a guaranty of six months and the chance to get advances from the very beginning if they indicated a desire for higher rates and the need of more money; if they provided a method for the railroads to borrow money needed for extensions in the future; and if they furnished them, as they have to-day under the contract now in existence under the Federal control act, with the money to take care of all debts outstanding for current expenses, the railroads would be well provided for as to a means for getting necessary working capital.

Now, the broad theory of the subcommittee was that our purpose is to get the Government's hands off the operation of these railroads. But that is not all. Our purpose is to make these railroads go out in the world and be real railroads and hustle like other people hustle who do business. We do not want to pamper the railroads, the dubious and doubtful roads which run into the hundreds so that they will lie down and not have any incentive to get out from under the Government. We feel that we have provided to the railroads the means of obtaining sufficient working capital on favorable terms, and they can start out free from current debts, a thing which has not happened to them before within the memory of man.

If the other plan as proposed in this bill is adopted, some of the roads might get easy money, which they did not need; some of them might get some that they needed very much; some might get less than they need. The only difference between the two plans is as to the method; whether you want to fund to the greatest extent or whether you wish the Government to keep a controlling hand on its loans and watch the railroads and be able to say to them at any time, "We do not like your ways; we want you to do business more wisely," and so forth.

I believe that everybody on the committee is of the mind that the railroads can be run under either system and that the Government will be virtually as secure under one system as under the other. The only question comes as to the pressing needs of the railroads and the extent of the generosity of the Government.

There is nothing more, perhaps, that I need to say about that subject now; but as the provisions of the bill are read and we consider them under the five-minute rule, I shall hope to take part in that debate on the different sections.

Now, the other subject that I want to talk about is the labor question. Intricate and troublesome as the financial proposition has been to everybody, both on the subcommittee and on the full committee, I am sure it has not tried the souls of the members as has this labor proposition. That was the subject entering into the discussion of every phase of the construction of this bill. We were never without it. Its shadow was over us from the beginning to the end. We referred to it from time to time, and finally got down to the point where we had to consider it specifically, and for four days and a half we worked on that labor problem, and I think every member was dreaming of it every night. We had all sorts of suggestions, all the wild-eyed schemes you could think of, every sort of ism and squism that you could imagine. [Laughter.]

They were all brought in before the committee. We had the suggestion of the man who would "eat 'em alive." We had the suggestion of the man who would not pay any attention to them at all, God bless them, and there we were. Everybody of that subcommittee had the feeling in his soul that if any operative of a railroad did anything nasty or mean or willful or disloyal or unpatriotic, to the extent of creating an interference with the public good, he ought to be handled in some way, and that if anybody willfully did anything that was reprehensible and rotten, he ought to be taken by the throat and squeezed back on his job. That is the inner heart of every man in this House, and it is the inner heart of every man outside. It is the inner heart of the inside of the labor organizations, if in any particular case a man's toes or the toes of his family are stepped on. [Applause.]

And so on down the line. It gets down to every man for himself. In this recent trouble in Boston nobody was so much down on those rotten policemen as the laboring man who had a brick go through his window and hit his wife in the face, or spill the soup on the kitchen stove. [Applause.] That is not guesswork. It was worked out. When we came to test it out in Massachusetts we had no politics in the campaign, and I do not bring it up on that point. It was a clear case of law and order against disloyalty and rowdyism. [Applause.]

What is the result? We know and can demonstrate, as well as you can demonstrate anything of the kind, that thousands and tens of thousands of members of labor organizations voted for the champion of law and order. I will not even call him by a party name, so as to keep politics out of this discussion. They voted that no set of fellows could endanger the well-being of the public. And, mind you, every man who belonged to a labor organization found that he was one of the public about the time these outrages were going on. [Applause.]

So we realize that everybody has it in for the man who is doing the wrong thing, if it can be established that it is wrong. Up there in Massachusetts we treated it by moral suasion, by having the State Guard march up and down the streets for drill, and they gave an imitation of what they would do if there was a mob, but the mob never came out for practice purposes. [Laughter.] So they finally got up to public opinion. And, mark you, I believe nothing of that kind will take place in Massachusetts for many a day, because they have learned there the lesson that this whole country ought to learn, and that is, that at the last call those who have long been asleep, the Rip Van Winkles of the time, will come to the front when law and order and common decency are at stake. [Applause.] We took courage in our committee from that fact. Just at the time when we were at the height of the consideration of this matter they had the unhappy outcome of the council to adjust labor matters here in Washington. We were in the midst of several turmoils and troubles.

As time is fleeting, I will boil it down. We analyzed the situation as well as we could, and there were some in that subcommittee who did not give up the idea of putting long, hard second molars into the bill—not milk teeth, but real molars that might be expected to stay for a while. But the more we tried to apply the principle of coercion by force, the more we tried to work out penalizing provisions, the more we realized that the task was difficult. Legal objections came up on this side, practical objections born of experience on the other. The great human element that must be considered in this matter above everything else, before we will ever work it out, all seemed to tend to the establishment of a conclusion that, no matter what we did about eating 'em alive, no matter what we did about shooting them at sight, first of all we must be righteous, we must be decent, and give every man in this country a chance in the beginning to discuss his troubles and settle them like men and gentlemen. [Applause.] So then we said, "We will go to work on that line, and if the teeth business has to come along and we have to make a set, we will do that after we have tried the peaceful and friendly proposition."

Now, when we got to the establishment of the friendly method which has been set up in this bill and which we can discuss

in detail later, we all agreed that there was only one real weapon with which we could vanquish the foe, and that was the great public opinion of the country, and we framed that bill so that the contenders could rub their noses together at a different stage of the game, force them right into the pit, rat and pup, without regard to which is which, and let them go at it. If they can learn to live and eat out of the same saucer, well and good; they will find it out and it will be easier for them to do it the next time, and the generations to come will have no trouble about it. But the very minute it becomes a fight to the finish, we know the results, because we have been living in that atmosphere. So in the subcommittee we never got to the point of applying a penalty in the sense of having teeth in it, and when it came into the full committee the rest of them finally came to feel the same way.

Some Members felt that we ought to be firmer, that we ought to be stronger, and some of them, I fancy, will so express themselves on this floor; but the majority of them came to feel that after all the subcommittee were right, so we left the bill as it is. That is the reason for it. That is the argument. And I want to tell you, my friends, if any of your neighbors tell you that the committee, or you if you support the committee, are lacking in moral courage in not putting in a provision with teeth in it, you just tell them for me—and I have had more of it by a darned sight than I wish I had had—that it takes a great deal more courage to stand up and extend the right hand to a fellow you are against, and say, "Well, now, God bless you, let's see if we can't get together," than it does to square off and hit him if you think you are big enough to get away with it. [Applause.]

The CHAIRMAN. The gentleman yields back two minutes.

Mr. ESCH. Mr. Chairman, I ask the Clerk to read the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc.—

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "commerce act, 1919."

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, the account of this bill and of its passage through the House as it will probably be given will be a reminder of the renowned nursery rhyme which gives an account of the birth, life, and death of one "Solomon Grundy."

This bill was introduced on Saturday night after everybody had gone to bed. It became available to Members on Monday and was reported by the committee on the same day.

Taken up on Tuesday; debated on Wednesday; amended on Thursday, Friday, and Saturday; and probably finally passed on Monday.

"And that was the end of Solomon Grundy."

And the victim of this farcical haste is the long-suffering public—always despoiled, always neglected, always cheated and discriminated against.

I believe that in the history of Congress there has never been a measure of similar importance of which the membership of this House was given such a meager opportunity for consideration. If it were parliamentary and I felt that it would be good manners to do so, I would like to ask the Members of this House who are present now in the Chamber, how many have read this bill—have even so much as read it, not to speak of having studied it? Then, having brought out what I imagine would be not over half a dozen outside of the members of the committee which reported the bill, I would like to ask that half dozen if there be a man among them who has the boldness to say that he fairly understands all the terms and provisions of the bill?

Oh, of course the committee has held long hearings, but of what benefit are those hearings to other busy Members of the House, who have many other important matters to consider and to attend to? We have not read the hearings; no one has read them. The committee has given much consideration to provisions later incorporated into the bill, but of what benefit is that to those not on the committee, unless we are willing to accept the opinions of the committee without having any convictions of our own on the subject? There is a wide variance of opinion even among members of the committee. Many important provisions of the bill are favored by a bare majority of the committee only. I have my own responsibility in this matter. I must have some convictions of my own. I can not shift my burden to the shoulders of the committee. The fact is, gentlemen of the House, we are considering this bill without any adequate knowledge of its provisions being possessed by the body of the Members of the House.

The bill to me is impossible even with the little I know about it. It is impossible for a number of reasons pointed out by various members of the committee themselves. I can not under any circumstances support it for a dozen reasons, and I have no doubt there are dozens of other reasons hidden in the bill in the form of jokers, obscure provisions, and equivocal phrases and things that can not be readily understood which would forbid me from voting for it on final passage.

To me the bill is impossible, because of the method of accounting which is provided for between the railroads and the Government. There is such a discrimination against the people of the United States and in favor of the owners of the railroads in that manner of accounting that I can not support it or even find it tolerable. I will not agree that the Government shall not be permitted to set off against a railroad the debt which it owes the Government against what the Government owes it, and that the Government must wait 10 years for what the railroad owes it, yet must pay in cash what it may owe the railroad.

But more, the bill is intolerable to me as capitalizing and making good all the billions of dollars of water injected into the securities of the railroads of this country by dishonest speculators and promoters. It is proposed not merely by this bill to make this water good to the owners, but to tax the people of the United States—those who are now here and children yet unborn—to pay interest and remuneration to the roads on all the water injected into their stock.

The bill is impossible because it contains the unjust and intolerable guaranty of remunerative income and rates to the railroad.

It is intolerable because it lends the credit of the United States, your credit and mine, and that of our humble constituents far away in Alabama, in Illinois, in Montana, and throughout the country—it lends their credit to private enterprise. It enables private parties who are in the business of owning railroads for the money they can get out of it, to use the credit of all the people of the United States for their private gain. It grants a subsidy to the railroad owners in the most vicious form. I can not vote for the bill because of that.

Why, just let me say it all in a few words. We took over the railroads because their owners were unable to run them. They could not meet the emergency; they did not have the money nor the credit; they did not have the brains and character to run the roads under the stress of the circumstances of the war. We took over the railroads because the men who owned the railroads wanted us to do it as a favor to them. They could not run them. They would have been in bankruptcy long ago had we not taken them over. We took them over and spent the money of the people of the United States in rehabilitating them.

Mr. MADDEN. Will the gentleman yield?

Mr. HUDDLESTON. I have but little time, and——

Mr. MADDEN. We will get the gentleman more time.

Mr. HUDDLESTON. If the gentleman will get me more time, I will answer the gentleman in that time.

Mr. MADDEN. I would like to have the gentleman state a few facts in his remarks. [Laughter.]

Mr. HUDDLESTON. I could not hope to get any help from the gentleman from Illinois along that line. [Laughter.]

Mr. Chairman, we took over the railroads, we have rehabilitated them, refurnished them, rebuilt them, and recquipped them out of the Treasury of the United States. We have paid their owners an extravagant compensation for their use. And now we are turning them back to the owners, and paying them to take them back, and lending them the credit of the United States. That is the situation. That is rank and vicious class legislation, legislation in behalf of a very small minority—the people who own the railroads of the country.

When the railroad employees brought out the Plumb bill, the reactionaries of the country hooted, and their newspaper organs called it "Bolshevism," because they said it was class legislation. Now, I ask, How can you discriminate between legislation for the benefit of employees and legislation for the benefit of the owners of the roads. The only difference, as far as I can see, is that in one case you legislate for the benefit of a great multitude of men who toil and in the other you legislate for the benefit of a few soft-handed gentry who sit in swivel chairs clipping coupons in the back rooms of the banks. What is the

difference in principle, assuming that the charge that the Plumb plan is class legislation? If the Plumb plan is Bolshevism, then what is this that you are doing here to-day?

As bad as the bill is, I congratulate the committee for having done even as well as it has. God knows they were up against influences such as never confronted a committee of Congress in this country before when they undertook to hold even-handed the scale of justice between the people of this country and the vast domineering interests that own the railroads of this country. Oh, they did well. Think what they were up against. In the first place, here were a lot of men fighting to capitalize some eight billions of water. Here were a lot of men playing for a stake of $8,000,000,000, trying to validate fraudulent stock and guard it and make it safe for all time to come.

They have had their lobbyists in Washington for a year, the strongest and best financed lobby ever in Washington, for they were playing for the biggest stake. They have had the best brains that money could buy, the ablest lawyers that could be induced for a price to work against the public interest. They have collected astute representatives from every quarter of the country. They have used every art known to political and financial influence and of social prestige. The committee has been besieged from day to day by these representatives of selfish interests. They are not inexperienced men. They are men trained in the railroad school. The interests which have besieged the committee are the same interests which through all these weary years have corrupted the politics of the States and swayed courts, legislatures, and executives. They are old and seasoned in this work. They are apt in deception, in the framing of jokers in legislation, in the injection of phrases not easily understood.

The wonder, then, grows that the Committee on Interstate and Foreign Commerce have been able to bring out a bill which in any measure protects the public interest. Again I congratulate the committee, for evidently they have withstood many of the influences brought to bear. I respect the judgment of the members of the committee. They are splendid gentlemen, but the fight was unequal. They were handicapped. It is too much for my credulity to believe that they have come as victors out of this conflict with these vast and invincible selfish interests.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I would like to have five minutes more in which to answer the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last two words for the purpose of asking a question suggested by the remarks of the gentleman from Alabama [Mr. HUDDLESTON]. The gentleman from Alabama objects to the consideration of this bill at this time on the ground that he does not understand it, and I think perhaps his remarks indicate that he does not understand it. He says that because he does not understand it, he will vote against it. I suggest that if every gentleman here took that ground we would never pass this or any other legislation. But I want to be quite certain as to the necessity, the pressing necessity, for action on this subject at this time. My understanding is that the President of the United States has declared that with or without legislation he proposes to return the railroads to their owners on the 1st of January. I should like to ask the chairman of the Interstate Commerce Committee what, in his opinion, would be the effect upon the railroads and the public if the railroads were returned, as the President indicates he intends to return them, on the 1st of January in the absence of legislation, and I yield to the gentleman to answer the question.

Mr. ESCH. Mr. Chairman, in the first place, on, say, the last day of December of this year it would put the railroads in the status they occupied on the 30th day of December, 1917, at which time they did not have the increase of 25 per cent in freight rates and 50 per cent in passenger rates. A return of the railroads at that time, without legislation, would put them back to the precontrol status in respect to revenues, and in the meantime the cost of labor would remain as it is to-day, because probably under no circumstances would the present wage scale go back to the precontrol status; hence receiverships would be likely to result.

Mr. LONGWORTH. And what would be the consequent effect upon the public of such a condition?

Mr. ESCH. You can not jeopardize the financial standing of the greatest industry in the United States, outside of agriculture, without jeopardizing the financial standing of all the industries. [Applause.]

Mr. LONGWORTH. What the gentleman has said shows beyond question the pressing necessity for this legislation, and his answer justifies, in my opinion, its passage as speedily as possible.

Mr. BLANTON. Mr. Chairman, I move to strike out the last three words. I was not able to use the time allotted to me a short while ago in general debate, as just at that moment a constituent called me out of the Hall on important business. If I could, I would supplement the splendid speech of the gentleman from Washington [Mr. WEBSTER] on this bill, as I thoroughly indorse some of his criticisms. Like him, I am in favor of such a bill in the main, but certain parts of it I would like to see changed.

If it were necessary to follow a text, I would take the one, applicable alike to the carriers and to the employees, in the admonition of one of the greatest expounders of the law in the history of mankind, which I want to read to you—something I do not often do—and I read from the third verse of the third chapter of First Timothy, wherein St. Paul says:

> Not given to wine, no striker, not greedy of filthy lucre; but patient, not a brawler, not covetous.

On the 15th day of July, 1913, this Congress foisted upon the general public——

Mr. MONAHAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I would gladly yield, but I have only five minutes. If the gentleman will get me more time, I will yield.

Mr. MONAHAN of Wisconsin. I was just going to ask the gentleman whether that Epistle from St. Paul was addressed to him. [Laughter.]

Mr. BLANTON. It was addressed to every human being who walks the face of the earth from now until eternity. St. Paul never made an idle admonition. It was addressed to every man who lived then, who exists now, or who comes hereafter. Mr. Chairman, I was about to say that on the 15th day of July, 1913, Congress foisted upon the general public one of the most farceful acts that has ever been kept from a movie screen, when it inaugurated what we call the Board of Mediation and Conciliation, which has been productive of nothing except expense to this Government, a tribunal without decision, a tribunal without the authority of making its decisions good. Show me a business man who has ever come in contact with the Board of Mediation and Concillation and I will show you a man that will tell you that it is a farce. He will tell you that every conciliator who has attempted to settle disputes of the various branches of industry has had but one purpose and has been influenced by but one desire, and that has been to make those branches of industry comply with the demands made upon them by organized labor. This board has been under the absolute influence and domination of the Secretary of Labor, who is an avowed advocate of unions. We are proposing now to have a second board of mediation and conciliation. One is not enough, because it is impotent, and we are asking for another one with stronger impotency, if there could be such a thing. How are these two boards provided for in this bill to be inaugurated and created? I will pass the adjustment board, because we know that it will mean nothing. We know that it will mean nothing to the people of this country, but let us get down to the proposed board of labor appeals. How is it to be created and how is it to be inaugurated? First, we have to have nine members on this board, each one of them to draw not the $7,500 salary of a United States Senator or a Representative in Congress. That is too small for him. He is to draw $2,500 more than a United States Senator or a Representative in Congress. We are to have nine members on this board, each drawing $10,000 a year, and how are they to be selected? Three representing the unions, three representing the carriers, and three representing the general public. So far so good, but it does not stop there. The wings are clipped with respect to one part of this triumvirate. The three representing the public are members in name only, having neither vote nor participation in any decision to be reached. Let me show you further. Every one of those three representatives of the carriers, before he can sit on that board and render a decision——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Every one of those representatives of the carriers before he can sit on that board and render a decision

must cut loose from every bit of railroad stock that he may have owned theretofore.

He must cut loose from every position which he occupied connected with the carrier. If he owns railroad stock, he has got to sell and give it up before he can sit on the board; but the union man, the union man who represents the employees, all he gives up is just to separate himself from the union temporarily, and being separated he will not lose any of the old-time feeling that he had with regard to the union any more than the Secretary of Labor has lost his for the United Mine Workers of America, of which he was formerly a ruling officer. What about the decision? Is it to be rendered by these three interested parties—the carrier, the union men, and the public? Oh, no! The public representatives can sit and hear the testimony and talk in meeting, but they can not take part in, vote, or help render a decision. They have not any voice in the final outcome of the transaction. In other words, they just simply sit and draw their salaries. Can we expect any good to come out of such a tribunal as that? Even if they have the power of decision we could not expect anything. Why? Because yesterday morning we were advised that there was an all-night session in the city of Washington night before last to decide what? To decide not whether organizations would carry out the recommendations of a labor appeal board. No. But to decide whether or not organizations would obey the law of the land. If they will first arrogantly threaten not to obey the law of the land, as was done by President John L. Lewis, President Alexander Howat, and even by the so-called conservative Samuel Gompers, and then if they sit up all night to decide that one question—whether or not they will obey the law—how can we expect them to carry out the recommendations of a tribunal that has no power of mandatory decision, no power to impose a penalty, or to make their decision effective? Can we expect it when they have ignored and disobeyed the appeals of the President? I want to say it is just adding another expensive board of mediation and conciliation that will be meaningless to the people of this country, except to saddle upon them an immense additional burden of expense. Are you colleagues ready to sidestep again? Are you ready to evade this issue again? Are you ready to shunt it over to the other side of the Capitol again, like it has been shunted back and forth for years past until the present time? This issue must be faced and finally decided some time. Why not now? I want to say to you that the people of this country are expecting you to see to it that there is a proper wage-dispute tribunal established in this country that shall do justice to every man—do justice to the employers, do justice to the employees, and, above all, to do justice to the 110,000,000 people of the country of the United States whose interests have been so vitally affected. Shall we wait until every railroad in the land is tied up before we act? I want to say that I am not going to shirk my duty. I am going to stand up here and vote to carry out the suggestion made by that splendid young Congressman [Mr. WEBSTER], who made a magnificent speech here on this subject last night. I want to say that so far as they go I am in favor of the suggestions made by my colleague [Mr. RAYBURN], but they do not go far enough. We ought to face and properly decide this momentous issue now and for all time while we have this opportunity. Do you know how expensive it is? Let me show you what this ineffectual compromise measure is to cost the people. There are not only nine men drawing $10,000 a year, but, on page 37, it is provided that each one of these boards is to appoint a secretary at $5,000 a year, to be paid by the people. Each one of them is to have the power of appointing and removal of such officers, employees, and agents, and to make such expenditures for rent, printing, and telegrams, telephones, law books——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. May I have one minute more?

Mr. BURKE. Mr. Chairman, let him have five minutes more. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. I am sincerely glad that the House has so unanimously applauded the gentleman from New York [Mr. LAGUARDIA], who has just entered the Hall, and who will shortly leave us for other honorable duty. I am always willing to suspend and take a back seat in the presence of any man who wore the uniform of our country. [Applause.] I want to thank the distinguished gentleman from Pennsylvania for acquiescing in extending my time and also thank my other colleagues. Now, what else does this bill provide? That these boards each shall have the power not only to appoint all of these employees whose names I have read, but they shall have the power to fix their salaries, assuming another function of Congress, if you please, in that respect. What else do they expend? They are authorized to make expenditures for rent, printing, telegrams, telephones, and law books. What do they want with more law books? Why, every time we provide for any kind of a board we have to give them law books. God knows that probably they never look into one—law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses not itemized, including these salaries, and providing they can fix the salaries. I am not ready to give up all the functions of Congress with respect to fixing the salaries of employees of this Government. I want to say that we ought to amend this bill. If we are going to do something for merited relief of the people of this country, if we are going to provide such a board, we ought to so arrange this law that it shall be absolutely fair and square to every single person interested, the employers, the employees, and the public, and when it decides the question, let this board have the power to make that decision good and to force the controversial parties to abide by it, and then the interests of the people of this country will be protected. Why, you take the biggest multimillionaire Member of this House and let him have a financial difference with the biggest multimillionaire Member of the Senate at the other side of the Capitol involving millions of dollars. Can they settle that difference under the laws of this country in a way that will menace the safety of every individual in this land? No. The law compels them to go into the courthouse and submit their differences to a jury and a court, and when that verdict is rendered, no matter how unfair it appears to any one of them, they have got to obey the law of the land. [Applause.] I want to say that we ought to provide a sure-enough labor appeal tribunal. We ought to establish this tribunal and clothe it with proper functions and powers in a way that it will mean something to the parties to the controversy and also to the people of this country. Let us adopt the amendment that is to be offered by the distinguished gentleman from Washington [Mr. WEBSTER] and let us put teeth in it. Let it mean something both to the carriers and the employees. One thing further. They say, "Oh, but we are going to enforce the contracts which the railroads and the brotherhoods may make with each other." The railroad's contracts do not have to be enforced. If they violate their contract, the employees injured go into court, sue, and recover a big judgment and take, if necessary, every bit of property they have in satisfaction of the judgment, but when in this bill the committee has sought to provide for the satisfaction of a judgment against any of these organizations, they exempt every bit of property such organizations usually own, hence how can the judgment be satisfied? What would the judgment be worth against them? There is nothing whatever in this bill to force the brotherhoods to do anything more than they are compelled to do now under present law. There is nothing in this bill that will prevent railroad strikes. After this proposed law is passed, and we expend hundreds of thousands of dollars more of the people's money, railroad employees will still be able to strike and absolutely tie up every railroad in the United States.

Why, practically the only property that such an organization has is the benefit funds that are paid in by all the members. When you exempt those benefit funds you absolutely fix it where, if you had the biggest judgment in the world against any of the brotherhood organizations, you could not collect a cent. If you are going to have a law that is fair and square to the employee, why not have one that is fair and square to the carrier? I never represented a corporation in my whole life. I have always been on the other side of the question in the courthouse, and in several hundred cases have represented citizens suing railroads. I have never ridden on a railroad pass in my whole life, and I never expect to. I have never owned one dollar's worth of stock in a corporation. My sympathies have always been with the man who labors. But the general public must be protected by the assurance of law and order at all times.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I wish to take issue with the one assertion of fact made by the gentleman from Alabama [Mr. HUDDLESTON], namely, that this bill recognizes and would pay dividends upon $8,000,000,000 of watered stock—wind and water, I think he said, to use his exact words.

I got this bill last Sunday. I have made, I think, a careful study of its provisions, sufficient so that I can assert that there is not a line or a syllable in it that could by any means be tortured into a recognition of any requirement to pay dividends

or interest upon watered stock or inflated values. The only provision there is in the bill to regulate these matters provides for the payment of rates that are just and fair, and provides also what may be taken into consideration in estimating those rates. The items that are set forth are those that are absolutely necessary in determining what would be just and fair.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GREEN of Iowa. I can not yield. I have only five minutes.

Mr. Chairman, I have had occasion heretofore to examine and study at some length the matter of watered stocks and fictitious securities. It fell to me to institute the investigation against the Rock Island Railway Co. and, in a humble way, to assist its being carried out by the Interstate Commerce Commission. That investigation showed that the Rock Island Railway had been robbed of millions of dollars, but that robbery did not cost the public at large one cent. The consequences of it, as well as the results of robbery of such railroads as the New Haven, the Frisco, and others, fell upon the unfortunate stockholders and bondholders who had invested their hard-earned money in the securities of those railways. Those were the people who had to make up the difference or suffer the loss. In the case of the Rock Island, a heavy cash assessment was levied upon the stockholders in order that the railroad might go on with its proper functions. In other cases, such as have been mentioned in debate by the distinguished chairman of the committee presenting the bill, the stockholders, instead of receiving dividends, have gone for years without a penny of return. Whether they will ever see any returns upon their money is another question. But this bill makes no provision for the payment of anything more than a fair and just rate for the services which are to be rendered by the railroads.

Now, where the gentleman from Alabama got his idea that watered stock was to be recognized by this bill, I can not imagine.

Mr. HUDDLESTON. If the gentleman will yield, I will tell him.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. GREEN of Iowa. The gentleman had 15 minutes, and failed to tell us where he got that idea. I have much less time, and must leave him to state it hereafter, if he can.

The credit of the railroads is gone. We all admit that. We may disagree as to why it has gone. I think myself that the railroad officials are largely responsible for its disappearance, because they have been for years claiming that a sufficient rate was not authorized by the Interstate Commerce Commission in order to have them keep the roads in proper condition, notwithstanding the fact, as stated by the distinguished chairman of this committee, that the last three years before the Government took over the railroads were the three most prosperous years they ever had in succession. Moreover, the cases of the railroads which have been looted have made the public suspicious of all railroad securities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that I may have three minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Will the gentleman yield now?

Mr. GREEN of Iowa. No; I want to finish this line of remarks.

As a consequence of the propaganda that has been carried on, I think, by the railroad officials the credit of the railroads has disappeared, and if we pass them forth now, turn them loose, without giving them any assistance from the Government, there can be but one result—they will simply fail to give the public the service necessary, because they do not have a credit and standing which will enable them to obtain funds for proper operation.

I know of no more dangerous proceeding than it would be to simply cast the railroads loose, without making any provision for their credit, for means to obtain additional cars and equipment, to provide for the maintenance of their way—in short, for means to carry on the business of this country, for which they have at this time, as everyone concedes, insufficient resources at their command. That would invite a disaster such as was never known before in the business history of this country if we should undertake it. On the other hand, we are in no danger of loss by extending credit to the railroads. All of them have property in large amounts. It is easy to make these loans that may be made to them first liens upon some of their property or other revenues and make them secure. I see no occasion for the Government ever losing a dollar on the extension of these loans, unless it be in some isolated case where the road was bankrupt when taken over and can not be operated at a profit. The rate of interest provided for in this bill, it seems to me, is a rather high one, but this will insure payment as early as possible. For these reasons, Mr. Chairman, it seems to me the provisions in the bill in this respect ought to be approved. [Applause.]

Mr. DENISON. Mr. Chairman, I rise in opposition to the pro forma amendment.

I rise particularly, gentlemen, to express for myself as one of the committee, and I think perhaps for the other members of the committee, a regret that the gentleman from Alabama [Mr. HUDDLESTON] made the remarks here that he did a few moments ago. Whether they were intended to do so or not, of course, I am not going to say, but they might have the effect of discrediting the work of the Committee on Interstate and Foreign Commerce and of discrediting the bill not only here but before the country.

Now, I shall be glad to have every Member point out any specific objections that they may have to the bill and offer any amendments they may wish, and let them be considered in the regular way; but I hope these general impeachments of the committee, these general abuses of the bill, will not be indulged too freely, as they only tend to unjustly discredit us in the eyes of the country. I have sometimes heard speeches like that made in industrial communities by agitators who were attempting to arouse the public against some supposed abuses, and so forth, but I regret to hear remarks of that kind made on the floor of this House in the consideration of a serious and important measure of this kind. Now, I presume the gentleman from Alabama [Mr. HUDDLESTON] is in favor of the so-called Plumb plan. If he is, he is the only one of the House whom I know or of whom I have heard that is in favor of it. And, judging by the way he attacked this bill, I presume if the committee had reported the Plumb plan here the gentleman from Alabama would have gotten up and made a general attack upon that.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DENISON. Not now, but in a moment.

Mr. HUDDLESTON. The gentleman makes a reference to my views, which is very unfair without yielding to me.

The CHAIRMAN. Does the gentleman from Illinois [Mr. DENISON] yield?

Mr. DENISON. If I made any misstatement of fact, of course I will yield.

Mr. HUDDLESTON. The gentleman has just made one.

Mr. DENISON. What is it?

Mr. HUDDLESTON. By saying that I favored the Plumb bill. The gentleman does not know anything about what I favor.

Mr. DENISON. Does not the gentleman favor the Plumb bill?

Mr. HUDDLESTON. I would say, if I had the time, that as between this vicious bill and the Plumb bill, I would take the Plumb bill.

Mr. DENISON. That is what I say.

Mr. HUDDLESTON. But I do not have to take either one.

Mr. DENISON. I am glad to know that the gentleman favors the Plumb bill.

Mr. HUDDLESTON. I have not expressed my views. I prefer to express my own views on this floor. The gentleman has undertaken to express my views for me. The gentleman has not enough facts before him.

Mr. DENISON. The gentleman stated this bill is providing a great income on $8,000,000,000, as I understood him to say, of water or wind, or whatever it was.

Now, gentlemen, no man can come on the floor of this House and make any proof whatever of that fact. In the year 1918 the amount of property of the railroads, the property investment accounts of all the railroads of the country, amounted to $18,574,297,873. In 1906, when the railroads began accounting to the Interstate Commerce Commission for every dollar of cash that was put into the railroads in the form of capital investment, the property investment of all the companies in the United States was $12,420,287,938. So that since that time, when actual accounting began under the law and under the rules of accounting of the commission, there has been the difference between $12,420,287,938 and $18,574,297,873, or more than $6,000,000,000, put into the roads in actual cash, which is accounted for with the Interstate Commerce Commission.

Now, the gentleman says that of the $12,420,287,938 that all the railroads had invested before that time there was $8,000,000,000 of water. Under an act of Congress the Interstate Commerce Commission for several years past has been making

an investigation of that subject, and actually valuing the physical properties of the railroads. Until they have completed their work, until they have made an actual physical valuation of the railroads——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. I ask unanimous consent for four minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for four minutes more. Is there objection?

There was no objection.

Mr. DENISON. Until they have completed that work, I do not think anyone can properly go before the public with a statement like that which the gentleman from Alabama [Mr. HUDDLESTON] has made, to the effect that there is $8,000,000,000 of their value that is water. We all know that it is not true. It is unreasonable. It could not be true, because we know that all the money that has been expended on railroads in this country prior to 1906 was more than $4,000,000,000. Now, we hope that the Interstate Commerce Commission will continue its work rapidly and conclude it soon, and have all the physical properties of the railroads of the country valued according to their actual value; then the country will know what their physical properties are actually worth, and if the valuation as shown by their books is found to be incorrect it can be corrected. In the meantime we can only take the best evidence we have, which is that shown by the records of the railroads themselves and by the records of the Interstate Commerce Commission.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. DEWALT. Does the gentleman bear in mind the further fact that the issuance of all securities now in the shape of bonds and stocks by the railroad companies is under strict supervision, not only by State authorities, but under the Federal Government, and is especially provided for in this bill?

Mr. DENISON. Yes. The gentleman from Pennsylvania is right. Of course, I think in the early days there may have been here and there improper issues of stocks and bonds and so-called water put into the railroad securities. But if so, it did not amount to a great deal, I think, in comparison with the entire amount of money invested in all the railroads of the country. Not only that, but there has been a great deal of money put into the railroads in the form of betterments and improvement that were paid for out of current revenues and that is not reflected in their stocks and bonds. And further than that, the property of the railroads has increased in value since the money was invested, so that any water put into them during the early days may have been more than absorbed by the general increases in values since that time.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HOWARD. Has the gentleman got an estimate of the total valuation of the railroads up to this time?

Mr. DENISON. Yes. In 1918 it was $18,574,279,873. That has been increased to some extent since the Government took control over the railroads.

Mr. HOWARD. That was the capitalization when we took them over?

Mr. DENISON. Yes. As I showed here a while ago, in my remarks under general debate, the Government has increased that amount by over $1,000,000,000 since the Government took possession of the roads, so that now the property investment account of all the railroads amounts to over $19,000,000,000. And I do not think there is any justification at all for the criticism of this bill made by the gentleman from Alabama.

The CHAIRMAN. The time of the gentleman from Illinois has again expired. All time has expired on all amendments.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Alabama moves to strike out the section.

Mr. HUDDLESTON. Mr. Chairman, in response to the question of the gentleman from Iowa [Mr. GREEN] as to my authority for saying that the "book value" of the railroads must be taken into account in fixing rates which are supposed to give fair and remunerative returns to the railroads, I refer Members of the House to page 65 of the bill, lines 9 to 21, inclusive, and to the clause which extends the standard return provided by the Government-control law to this bill. I venture to believe that not a single member of the committee will read over those lines, study the situation presented, and then put his reputation for intelligence at stake by saying that "book values" are not to be taken into consideration. Here is the law proposed:

> The commission shall be charged with the duty and responsibility of observing and keeping informed as to the transportation needs and the transportation facilities and service of the country, and as to the operating revenues necessary to the adequacy and efficiency of such transportation facilities and service. In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice, the commission shall take into consideration the interest of the public, the shippers, the reasonable cost of maintenance and operation (including the wages of labor, depreciation, and taxes), and a fair return upon the value of the property used or held for the service of transportation.

Now, the gentleman from Illinois [Mr. DENISON] complained that I made general criticisms. Members of the Committee on Interstate and Foreign Commerce bringing out this bill have taken all the time for general debate, practically. Within the little time I am able to get under the five-minute rule I could not and can not go more fully and further into details.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. The gentleman will excuse me. I have only five minutes, and the committee will not extend my time. If the gentleman can get me an extension of time, I will be glad to yield to him in the extension, but I do not want him to take up the little time I have.

Mr. MONTAGUE. I have not taken any time at all.

Mr. HUDDLESTON. Did the gentleman ask for time?

Mr. MONTAGUE. We have consumed the time here.

Mr. HUDDLESTON. The gentleman, if he had asked the committee for time, being a member of the committee, of course, would have gotten time. The committee took all the time it wanted. Let us not quibble about that.

Now, as I say, I do not know how much water there is in the railroads. Nobody knows. That is what I am complaining about. I am complaining of validating this water and giving it the value of real money without knowing how much water there is.

Experts have estimated that there is something like $8,000,000,000 of water in the railroads. I am not a statistician, and I do not know. I have introduced a resolution, House resolution 243, to investigate that matter. That resolution is now pending before the Committee on Rules. I have done the best I could to get hearings, and the committee has been kind enough to give me a couple of hours, but we have never been able to get a quorum of the committee together; three members is the most we could get. In that little time I have been able to lay before the Committee on Rules facts and statements which, in my judgment, amply justify the statement I made a moment ago, that there is a vast volume of water, perhaps $8,000,000,000 of water, in the securities, stocks, and bonds of the railroads.

The gentleman from Illinois [Mr. DENISON] apologizes and says all the water has been squeezed out. How has it been squeezed out? That is what I would like to know. Why, so far as it has been squeezed out, to that small extent it has been squeezed out by the railroads capitalizing the gifts that the Government made to them of all the vast millions of acres of land by which the Government subsidized them and by plowing into railroad assets the fruits of the excessive charges and rates that they have taxed the people of this country to pay. I want to say to you that I for one ho'd that no such assets, no such gifts, and no such excessive rates and charges should ever or can ever justly become the basis of a tax upon the people of the United States in order to pay interest upon investments and remunerative returns.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on the motion to strike out the section.

Mr. HUDDLESTON. I withdraw the motion.

The CHAIRMAN. Is there objection to the gentleman withdrawing his motion?

There was no objection.

The Clerk read as follows:

> SEC. 2. When used in this act—
>
> The term "commerce act" means the act entitled "An act to regulate commerce," approved February 4, 1887, as amended;
>
> The term "commerce-court act" means the act entitled "An act to create a commerce court, and to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910;
>
> The term "Federal control act" means the act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, as amended; and
>
> The term "Federal control" means the possession, use, control, and operation of railroads and systems of transportation, taken over or assumed by the President under section 1 of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, or under the Federal control act.

Mr. SANDERS of Louisiana. Mr. Chairman, I move to strike out the last word. As a member of the committee I do not want the membership of the House to get the impression that all of

the committee spoke through the mouth of the gentleman from Illinois [Mr. DENISON] when he spoke of what the gentleman from Alabama [Mr. HUDDLESTON] had said.

Gentlemen may contend that this bill does not breathe the breath of life into valueless securities of the railroad companies, but the bill does; and when gentlemen state that their opinion is that it does not, they merely admit that they have not had time to read understandingly the provisions of this bill since its introduction day before yesterday. It is in evidence and undenied that the securities, good, bad, and indifferent, bonds, stocks, and shares of the railway companies of America, approximate between $18,000,000,000 and $19,000,000,000. That includes all. The standard return paid by the Government under the Federal control act was over $900,000,000, approximating $1,000,000,000, and that is at the rate of 5 per cent on every share of stock and every bond, whether it is good, bad, or indifferent, and that guaranty has been projected for at least six months in this bill, with the difference that I spoke of yesterday that it only guarantees the road that does not make that much. The road that makes more than the standard guaranty pockets it. So, therefore, in so far as that is concerned, the gentleman from Alabama [Mr. HUDDLESTON] was absolutely correct when he said that this bill does breathe the breath of life into all railroad securities, good, bad, and indifferent.

Mr. DUNBAR. I move to strike out the last two words. I do this for the purpose of asking a question for information as to how the building of railroads in the future will be affected by this bill. The bill deals with the refunding of the debt due to the Government. It deals with the adjustment of the labor situation and other provisions which it is thought must be adjusted before the railroads of the country can successfully function as intended by their organization and as expected by the people of this country. Under the provisions of the bill, as has just been stated by the gentleman from Louisiana [Mr. SANDERS], there is to be an endeavor to stabilize these securities so as to enable their holders to receive a return upon their investment, but I submit that it is a fact that securities which have honestly come into the hands of holders will not be realized upon to the extent to which their holders are entitled under business conditions and business regulations. I will ask the chairman of the committee in what way will the provisions of this bill affect the construction of railroads in the country? Suppose it is thought desirable, in order to develop territory, to build a railroad 500 miles long or 1,000 miles long. What encouragement will any investor get from the enactment of this bill that will cause anybody to invest the necessary capital sufficient to construct a 500-mile railroad or a 1,000-mile railroad? Is it not a fact that under the provisions of this bill the rates will be regulated by public-service commissions and the return on the investment limited to such an amount that there will be no opportunity for investors to realize more than what could be obtained by loaning money at regular rates of interest? If there is any time left to me, I would like to have some member of the committee answer that question.

Mr. ESCH. The bill does not give any guaranty, I will say to the gentleman.

Mr. DUNBAR. Then, judging by past experience, would a new railroad ever be built?

Mr. ESCH. Yes; and thousands of miles of railroad have been built under the rule of rate making that has been in effect up to this time, and dividend-paying roads prior to Federal control have averaged 5.61 per cent. I understand, of course, that hereafter there may not be the large development of new lines as prior to Federal control, because the trunk lines of the country are now practically established. The new construction will be more in the nature of short lines—to extend and develop and connect with the trunk lines.

Mr. DUNBAR. Then you do not anticipate that railroads will be built in the new territory where railroads are not now in existence?

Mr. ESCH. I think they will be built if there is traffic enough to justify their building. The trouble with many of our short-line roads is that they were constructed in territory where the commerce and business did not justify their construction. Hereafter communities so situated may doubtless be supplied by motor trucks at a cheaper rate.

Mr. DUNBAR. Then you expect that under the provisions of this bill there is not much opportunity or hope for new railroads to be constructed?

Mr. ESCH. I hope that under the administration of this bill, with the powers granted to the Interstate Commerce Commission and with the increased level of rates likely after Government control ceases, there will be developed a reasonable rate of return on legitimate railroad investment.

Mr. SIMS. Mr. Chairman, in my time I ask unanimous consent to have printed in the RECORD a communication from the National Live Stock Shippers' League and the American Live Stock Association, signed by Mr. S. H. Cowan.

The CHAIRMAN. The gentleman asks unanimous consent to print in the RECORD the communication referred to. Is there objection?

There was no objection.

The communication is as follows:

H. R. 10453. Objections to requirements of section 417, paragraph (1), page 65, lines 14 to 21, specifying matters to be taken into consideration by the commission in determining matters of justness and reasonableness.

The sentence containing the requirements is as follows: "In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice, the commission shall take into consideration the interests of the public, the shippers, the reasonable cost of maintenance and operation (including the wages of labor, depreciation, and taxes), and a fair return upon the value of the property used or held for the service of transportation."

This provision should be stricken out, because it is an attempt on the part of Congress to place a limitation upon the facts to be considered and the results arrived at, or it is nothing; if the latter, why should it be inserted; and if the former, it should be sufficiently comprehensive to include all of the matters to be considered. Neither proposition can be supported, because the commission has never, except in the Import case, limited its decisions so as to in any wise exclude hearing the evidence and giving due consideration to each and all of the matters specified in the quoted section to which this objection is directed, together with all other pertinent facts.

In the case of Texas & Pacific Railway v. Interstate Commerce Commission (166 U. S., 197), the commission refused to consider the fact that traffic from New Orleans to California was imported and certain traffic originating at New Orleans destined to California was domestic. In determining whether a lower rate on the import traffic, as compared to domestic traffic, was unreasonable the Supreme Court, on page 219, thus states the rule respecting matters to be considered.

"The very terms of the statute, that charges must be reasonable, that discrimination must not be unjust, and that preference or advantage to any particular person, firm, corporation, or locality must not be undue or unreasonable, necessarily imply that strict uniformity is not to be enforced, but that all circumstances and conditions which reasonable men would regard as affecting the welfare of the carrying companies and of the producers, shippers, and consumers should be considered by a tribunal appointed to carry into effect and enforce the provisions of the act."

Thus no defined limitations should be attempted.

There are innumerable cases before the commission which by right the complainant is entitled to invoke the judgment of the commission; sometimes the complaint may involve an extensive and substantial part of the railroad traffic like lumber or coal and affect the system of rates thereon wherein these specified matters or part of them should be considered; in other cases the given controversy applies to a single commodity between certain points only which can not be judged at all by consideration of all of these comprehensive matters applicable to cases covering the bulk of the traffic. To place these restrictions upon the discretion of the commission in performing its function is to deprive the shipper of a fair consideration of his case by requiring a consideration of matters which can not for the most part affect the ultimate correct conclusion respecting his rights.

A fair return on the value of property is a right which a carrier may exact only on condition that the rates collected to produce it are just, fair, and reasonable. What is fair in turn depends on a multitude of matters, location, volume of business, management, waste, improvidence, and the like. It is universally held that the measure of that rate can not be predicated upon the mere necessities of the carrier. (Smyth v. Ames, 169 U. S., 466; Reagan case, 154 U. S., 366; Gill case, 156 U. S., 649.) This doctrine is firmly established by the Supreme Court, universally recognized. If it is not intended by the provisions of this bill to change that rule it should be so stated; if it is intended to change it, then it has no advocate and would be a piece of reprehensible legislation.

We assert with absolute confidence that Congress can not specify in advance the facts that are to be considered by the commission or by the courts in order to determine what is reasonable in the multitude of cases and complexity of the varying conditions affecting the shippers, public, and carriers in cases to arise. This is demonstrated in the thousands of decisions rendered by the commission.

This provision has the distinction of being, so far as we are advised or have been able to ascertain, the first attempt to specify by statute the matters which the commission is to take into consideration. It is a tribunal appointed to exercise its expert judgment after ascertainment of pertinent facts. Let it do that.

The inclusion of taxes in connection with labor costs as an operating expense, which would cover war tax, if purposely included, is wrong; if by inadvertence, it only indicates how little consideration the public is to receive when everybody else must pay his share of the war tax and leave the carriers free; in neither case is it an operating expense like labor costs.

In behalf of the shipping interests and a fair and workable law to secure the ends of justice, we urge that this provision be stricken from the bill.

NATIONAL LIVE STOCK SHIPPERS' LEAGUE,
AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
S. H. COWAN,
CLIFFORD THORNE,
GRADDY CARY,
Attorneys.

WASHINGTON, *November 11, 1919.*

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BEE. Are we proceeding under the bill for amendment by sections, or discussing the general bill without regard to the sections?

The CHAIRMAN. The bill is being read by sections for amendment.

Mr. HERSEY. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that he may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. HERSEY. Mr. Chairman, I have taken no part in the general debate. I have asked for 15 minutes that I may express my views on the pending bill. I approve of the bill as one written very comprehensively and clearly for the return of the railroads of the United States to private ownership, for the settlement of all matters arising out of Federal control, and for the refunding of the carriers' indebtedness to the United States. Also for continuing the existing rates, for the guaranty to the railroads after termination of Federal control, for new loans to the railroads, for the settlement of disputes between carriers and employers, first, by a railway labor board, and, second, by a railway court of labor appeals. Also for the settlement of car service, for the use of terminals and connections, for the consolidation, merger, and pooling, and for the issue of stocks and bonds.

I listened, as you all did, perhaps, to the very interesting explanation given by the chairman of the Committee on Interstate and Foreign Commerce yesterday. The bill is very plain, easily to be understood, and I believe it should be enacted as it comes from the committee. The bill does not stand for further Government ownership by the Government of the United States. During the past two years the railroads, while under Government control, have been virtually under Government ownership.

On February 23, 1918, speaking upon the railroad bill providing for Government control, I said:

> When the war is over the question of Government ownership will have been settled forever, for I am sure that the future operation of the railroads by the Government during the war will result in such a failure to better our conditions that we shall be only too glad to return those roads to their rightful owners.

Mr. McAdoo, who took charge of the railroads for the administration under Government ownership, was glad after a few months to relinquish and abandon them. The President, who had charge of the railroads and stood once for Government ownership, was very pleased to say to Congress a few days ago that on the 1st day of January next he would return the roads to their owners.

The history of Government ownership in the United States of the railroads of the United States during the past two years, when written and understood, will disclose great extravagance of the Nation's funds, reckless and incompetent methods of administration, and must forever settle the question of Government ownership of railroads. I have not time in the few moments given me to discuss the absolute and utter failure of Government ownership for the last two years.

Mr. RANDALL of California. Will the gentleman yield for a question?

Mr. HERSEY. For a brief question.

Mr. RANDALL of California. In view of the statement that Government ownership has resulted in a failure, what does the gentleman say about the fact that the expert railroad men of the railroads of the country were brought here to run the railroads after the Government took control? Why has it been a failure?

Mr. HERSEY. There is a great difference between experts running a railroad owned by the Government and running a railroad owned by themselves.

Mr. RANDALL of California. What is the difference?

Mr. HERSEY. One great difference is the matter of incentive to make the roads better.

Mr. RANDALL of California. Then the experts wanted it to be a failure.

Mr. HERSEY. They did not care; they had no responsibility.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. ANDREWS of Nebraska. Could anybody have violated the trust without the permission of Director General McAdoo, and if he had violated a trust, would not the director general have the right and the power to dismiss him at once?

Mr. HERSEY. I am not spending my time defending Mr. McAdoo. Now, Mr. Chairman, I wish to insert as a part of my remarks the very clear statement of our able Speaker, Mr. GILLETT, on the failure of Federal ownership or control of railroads during the past year, given by him recently before the Republican Club of Massachusetts.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to insert as a part of his remarks the matter indicated. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, I want to ask the gentleman if it was a political speech?

Mr. HERSEY. No, sir; there is no politics in it.

The CHAIRMAN. Is there objection?

There was no objection.

The statement follows:

GILLETT DENOUNCES FEDERAL OWNERSHIP—WARNS THAT UNDER IT RAIL EMPLOYEES WOULD CARRY WAGES INTO POLITICS—CLASS RULE IS FOSTERED—WANTS ROADS TURNED BACK AND GIVEN LEEWAY TO UNITE UNDER CONTROL.

Opposition to Government ownership of the railroad and telegraph lines was voiced at a Republican club luncheon yesterday by Representative FREDERICK H. GILLETT, of Massachusetts, ranking Republican member of the House Committee on Appropriations and mentioned for Speaker.

"As a rule," Mr. GILLETT said, "I do not think operation of a business by a republic is efficient. It has a tendency to check initiative and invention, to locate improvements on the principle of the pork barrel rather than on real necessity, and to charge part of the cost of operation to the taxpayers rather than to the patrons. Our experience of the last year has not made Government ownership more popular.

WAGES ENTER INTO POLITICS.

"But there is another angle from which a member of an appropriating committee is forced to view it. All Government employees look to Congress to determine their scale of wages, so that becomes a political question. To the men interested it is the most important political question. And the opinion of each Member of Congress on that question, regardless of his other qualifications, is likely to determine the vote of those constituents who are interested.

"When the number of such constituents is small it is not important, but when they become numerous and organized they might profoundly affect elections. And a class is created (every one a voter, as Mr. McAdoo said) who have an interest in the election quite separate from others and of a nature so personal and vital to them as to be apt to control their vote.

"When some great and overshadowing issue sweeps the country, when our emotions are appealed to, as by the recent war, such questions of salary may be disregarded. But in normal times the Congressman who is seeking election will always have the selfish incentive to promise his vote for increased salaries and privileges quite irrespective of their merits, and the larger that class of Government employees becomes the more difficult will it be for a man to be elected who does not pledge himself to regard the interests of one class of his constituents first and the interests of the people as a whole second.

NO REMEDY DISCERNIBLE FOR THIS.

"That is a danger inherent in Government ownership for which I see no remedy. No one would advocate here the plan once adopted in England of disfranchising Government employees because they could not cast a disinterested vote.

"And so this is, to my mind, another practical argument in favor of turning back the operation of the railroads to their owners, give them a free hand to make such combinations and restrictions as tend to economical traffic, and then prevent them from exploiting the shipper and traveler by Government supervision.

"We ought never to go back to the preposterous and expensive condition which prevailed before the war, with numerous conflicting jurisdictions and authority and responsibility separate, but I trust we shall as soon as possible escape from the dangerous condition which prevails to-day."

Mr. HERSEY. Mr. Chairman, I have not the time to call your attention to only one or two other things. In view of the able discussion of the gentleman from Illinois [Mr. DENTSON], who presented, a few moments ago, the figures showing the utter failure of Government ownership of railroads, I want to say that down in my State the Maine Central Railroad is one of the best-managed railroads in the Nation, and it has been so in the past. Their rolling stock, their equipment, and everything was complete at the time the railroads were taken over by the President. And yet, after a billion dollars had been given the railroads by the Government, these Government railroad managers came down in my State and went to the president of the Maine Central and wanted to give him a lot of this money. He told them that the road was complete, that they did not need any stock or equipment. But, in spite of that they sent to the Maine Central, during Government control, locomotives and box cars of the latest pattern, the best from the shops, to the amount of $3,215,392.48.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HERSEY. I can not at this time. The Maine Central refused to receive those cars and locomotives, which they did not need at all, but they have been delivered and charged up to the Maine Central, as they have in the case of many other railroads throughout the country. Railroads have been robbed and ruined by the Government in time of war by sending them equipment which they did not need, and charging it up to them, for which they must settle and pay in the days to come.

I wish to call attention, in passing, to something that happened here last evening. The very able and eloquent gentleman from Washington [Mr. WEBSTER], a new Member of the House, presented in a lawyerlike manner his views upon this bill in regard to an amendment to be offered by him placing an anti-strike provision in this bill, something like that in the Cummins bill in the Senate. I am opposed to that. I think any anti-strike provisions whatever placed in this bill making a strike unlawful, which would call for an injunction, would be not only an injury to the bill but to the industries of the country, and would widen the breach between capital and labor instead of healing it. Labor to-day in this country is in the hands of the radicals; it is in the control of the lawless foreign element.

The best part of the labor organizations have lost control. I want to see them get control again. You can not get that by making labor strikes unlawful in legislation. You can accomplish it better by an arbitration board, such as this bill provides, where labor and capital can get together, and where the decision of that board will meet the approval of the public, and public opinion will settle the matter after arbitration, and there will be no strike.

Mr. Chairman, when this House, a Republican House, cheers a Democratic Attorney General for his stand for law and order, when a Democratic President sends congratulations to a Republican governor elected in Massachusetts for his stand for law and order, when this House with but one dissenting vote expels from membership an anarchist, it is no time for us to widen the breach between capital and labor. [Applause.]

I wish, in closing, to call attention to my position in this House. I stand with the New York Commercial. In an editorial in that paper a few days ago headed "A call for real statesmen," it expressed opinions with which I fully agree, and I want you to listen to every word of it while I read it:

[From the New York Commercial.]

A CALL FOR REAL STATESMEN.

We may be approaching a crisis in our domestic affairs, if it has not already arrived. Judging by the hysteria manifested in official circles, one would think that there was no doubt on that score, and unless there is more poise shown in responsible quarters there certainly will be a crisis. Yet there need not be. Statesmanship of a high order can avert it. Radicalism has tried to seize control of affairs, and the attempt is sure to be harmful if it is not met with calmness and courage. Both in the administration and in Congress there are men who have made a keen study of economics, and they must know, and do know, how impossible are the proposals now being made or how destructive any attempts would be to put them in operation.

There should be no swerving from the course to be pursued. If it is right, it should be plainly stated and then adhered to. Because the radical element is making a loud noise is no reason why those who have the responsibility of action should cower and run or even compromise. The radicals have charted a wrong course, which should not be followed. It may come to a showdown. It may be that the issue will have to be met. If so, then we must meet it.

A knife applied to a cancer at its inception can cure it. If, through fear of giving pain, it is allowed to grow, it results in long-drawn-out suffering and death. The radical proposals now stirring Washington must be treated as they deserve. The best interests of the entire country must be considered, and not those of any particular class. The people of this country are naturally conservative. In times past they have been swept off their feet, temporarily, by unique proposals, but in the end they come back to common sense. In the present circumstances yielding, even to a degree, will be productive of harm that can not be undone by any subsequent change of opinion or policy. Is there not enough wisdom and courage in Washington to hold the ship of state steadily to its course?

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. Yes.

Mr. MADDEN. I merely want to call the attention of the gentleman to the fact that the oldest Member of this House, the gentleman from Illinois, Uncle JOE, became a great-grandfather this morning, and he was seriously disappointed because his grandchild is not a boy. [Applause.]

Mr. HERSEY. I envy my colleague from Illinois.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. Yes.

Mr. BLANTON. The gentleman has read into the RECORD a statement from our distinguished Speaker asserting the utter failure of the Railroad Administration to properly function. May I ask the gentleman whether since May 19 our distinguished Speaker, who has been in absolute charge of legislation in this House, has done a single thing, or whether his party has done a single thing, to properly remedy that failure?

Mr. HERSEY. Yes.

Mr. BLANTON. What?

Mr. HERSEY. I have not the time in the minute remaining me to go through the record.

Mr. BLANTON. I wish the gentleman would take two hours and try to tell us.

Mr. HERSEY. I wish I had two hours, and I will get them some day if I can on that point.

Mr. SANDERS of Indiana. The Senate and House passed Senate bill 641, which materially aided the situation.

Mr. HERSEY. Oh, a great many bills have aided the situation.

I wish to say again, in conclusion, that this is no time to widen the breach between capital and labor. This is a time to bring back what labor once wanted, a court of arbitration in labor matters. Establish a court like that provided for in this bill, perfectly impartial to both sides, and you will settle labor troubles on the railroads of this country, and the same principle can afterwards be extended to other labor troubles. I think if you remove from labor its one weapon—the strike—and give it nothing in its place you will have revolution in this country. I believe labor should be treated fairly, and we should not follow Mr. Lewis, nor Mr. Foster, nor even Mr. Gompers, but we should follow the men who stand for Americanism and not internationalism in this Nation.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. The bill provides for a quasi court of arbitration. I am content with that provision, but pending that arbitration should a conspiracy to strike be lawful?

Mr. HERSEY. I will answer the gentleman. I consider under the present laws of this land, that a labor strike under certain circumstances can be made a conspiracy and be punished accordingly.

Mr. CANNON. The bill ought, then, to so provide. One other question. The gentleman, I think, with all of us, is delighted that the Federal court enjoined that conspiracy? [Applause.]

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. Yes.

Mr. COOPER. In answer to the question of our good friend from Illinois [Mr. CANNON] I would like to say to him that I do not know of any strike that the railroad employees have developed while they have been considering the question in dispute. I do not believe they have had a strike of any magnitude since 1894.

Mr. CANNON. May I take just one minute?

Mr. HERSEY. I yield.

Mr. CANNON. I do not recollect whether the gentleman was present in 1916, when we passed the Adamson bill. I stand by the recommendations of the President made at that time.

The CHAIRMAN. The time of the gentleman from Maine has again expired.

Mr. HERSEY. Mr. Chairman, I ask for one minute, in order to make a further statement.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HERSEY. Mr. Chairman, I wish to say this in answer to the questions propounded, that I am in favor of an amendment to this bill in the matter of the arbitration court, providing that if labor does not abide by the arbitration decision that a strike then would be an unlawful act [applause], and then the strike would be enjoined.

Mr. CANNON. What does my friend say pending the arbitration—I am for the arbitration part of it—but pending that time, should labor which has resorted to arbitration be permitted to strike?

Mr. HERSEY. No. [Applause.]

Mr. CANNON. I agree with the gentleman.

Mr. BURKE. Mr. Chairman, I ask unanimous consent to address the House for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SEARS. Mr. Chairman, reserving the right to object, I would like to know what the policy of the House will be. On several occasions I have permitted my colleagues to speak as long as they desired. The House has listened to them patiently, and I enjoyed their speeches, but when I ask unanimous consent to proceed for 10 minutes or some Member on this side asks consent to proceed, the House becomes impatient. I desire to ask if it is the policy of the chairman of the committee to be just and liberal and not shut off debate; and if so, I will not object. I have ever since we met at 10 o'clock this morning and started the debate tried to get the chairman's eye, but it has been deflected to his left, and I have been unable to do so. I am not complaining, but I wish to know of the chairman of the committee what his policy will be. This is the third Member on the majority side who has spoken. However, I will not object.

Mr. BLANTON. Mr. Chairman, reserving the right to object, I will not object; but may I say to the gentleman from Florida that notwithstanding the fact I have objected to the gentleman from Pennsylvania speaking, he was kind enough and magnanimous enough to ask that my time be extended, and I hope the gentleman from Florida will not object.

The CHAIRMAN. Is there objection?

Mr. SEARS. Mr. Chairman, reserving the right to object, the gentleman from Pennsylvania does not have to buy me off, and I am glad he is not doing it.

The CHAIRMAN. Is there objection?

Mr. ESCH. I shall object to 15 minutes, but I will not object to 10 minutes. The gentleman will have to make it 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Pennsylvania may speak 10 minutes. Is there objection?

Mr. KEARNS. Mr. Chairman, reserving the right to object, I do not intend to object to the gentleman from Pennsylvania

proceeding for 10 minutes, but I want to serve notice here that whenever I am in the House from now on or until Saturday evening—and I will not be in the House a great deal of the time because of committee work—I am going to object whenever I am here to anyone proceeding for more than five minutes. [Applause.]

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. BURKE. Mr. Chairman, I want to thank the gentleman from Texas [Mr. BLANTON] for his fairness in asking for the 10 minutes' time for me. I also want to answer a challenge made by the gentleman from Texas [Mr. BLANTON] this morning as to what good results have been obtained by the mediation and conciliation boards. Right here, running into Washington when the men on a certain railroad property were about to leave the service, the management of that property asked for mediation and the railroad organization bowed to it and accepted mediation, and a settlement was effected that was agreeable to both sides, and in my opinion mediation is the only solution and the only way to settle differences. [Applause.] If I have a grievance and you do not agree with me, the only thing to do is to have somebody that will bring us together so we can consult, and when we do agree, then it is satisfactory to all concerned. That is the only method. [Applause.] Now, speaking again of what good the mediation and conciliation board has done, in answer to my good friend from Illinois [Mr. CANNON], I will say, in 1916 the railroad organizations, while meeting in New York and representing all the railroad men in transportation service, were within a few hours of sending out notices withdrawing the men from the service because no settlement could be effected with the managers' committee. Again they bowed to mediation and the request of the President of the United States, and two hours after the President's request was made to the brotherhoods the representatives were on the way to Washington.

I have sat here day after day listening to Members of Congress blanching and accusing other Members of Congress with truckling to the railroad organizations. That is not the fact. The organizations, if anything, truckled to Congress when they obeyed the demand made by the board of mediation and the President and came here, although it is my opinion that one of the wisest things President Wilson ever did was to head off a great calamity, which was not of the railroad men's making. [Applause.] Now, again, the gentleman from Texas [Mr. BLANTON] said this morning that organized labor sat up the night before last talking about the strike, and I presume the position taken by the Attorney General. If this was done, the result was that once more organized labor put its Government above itself and bowed to that Government. [Applause.]

Almost since the beginning of this session of Congress I have sat here and listened to abuse heaped upon the workingmen of my country and upon the leaders of organized labor, and I have previously remarked upon the floor of this Chamber that this is not the place to air hatred and hostility to the working classes, that this is not what Congress is here for, and it is not what is expected of this Congress.

On Tuesday evening, October 28, 40,000 American men and women, residents of this great city, held a demonstration of welcome in honor of that "grand old man," President Gompers, of the American Federation of Labor. The demonstration was a sincere and voluntary tribute of love and confidence, and yet on the following day, October 29, the gentleman from Texas [Mr. BLANTON] tells this Congress that these 40,000 men and women were forced to march in the parade or pay a fine of $5. Another incorrect statement.

On the same evening that this parade was held I sat with other Members of Congress on the platform and listened closely and attentively to Mr. Gompers addressing an audience of nearly 10,000 people, and in all the words Mr. Gompers uttered there was not one word of abuse, not one uncharitable thought, not one un-American sentiment, only a plain statement of facts and a request for a square deal for the workingmen of this country.

Mr. KEARNS. Will the gentleman yield? What audience was that, what date was that?

Mr. BURKE. To 10,000 of the 40,000 American men and women who paraded.

Mr. KEARNS. When was that?

Mr. BURKE. On October 28. And in all the words Mr. Gompers uttered there was not one word of abuse, not one uncharitable thought, not one un-American sentiment, only a plain statement of facts and a request for a square deal for the workingmen of this country.

On Saturday afternoon, November 1, in this Congressional Chamber, for over an hour I listened to an argument about the hanging of the working people and the hanging of labor leaders, and one would have thought they were going to start right out on the hanging crusade. While all this was going on I thought of the great army of working people who served their country so loyally during the war, of the sacrifices they made for democracy. While Mr. BLANTON was making his talk my memory was busy recalling pictures of some of the men close to me who are in the labor movement. I thought of one of the leaders, James A. Nee, general chairman of the trainmen's organization on the Baltimore & Ohio Railroad, with four sons serving their country during the war, one of them now filling a soldier's grave; Mr. John Clair, another leader, and former general chairman of the Brotherhood of Locomotive Engineers on the Baltimore & Ohio system, with four sons in service; innumerable men in all crafts of labor whom I know personally, who are active organization men, whose sons have been in service, some of them now lying in foreign graves, some of them returned home crippled for life. Twenty years ago a young sister of mine, dying, left her little family in my care; four of these boys, sons of a locomotive engineer, served their country; two of them are crippled for life, and one of them, 22 years of age, lies in a soldier's grave. Two boys of another deceased sister, their father a telegraph operator, served their country, but, fortunately, returned home safe.

There is hardly a time now that I make a railroad journey by night that I am not awakened by some one pulling the curtains of my berth, and I find some member of the crew, a heartbroken father, saying to me, "Bill, my boy lies in France. Is there not some way we can get his remains over here?"

Hardly a workingman's home but has felt the heavy hand of sorrow and care, either due directly to the war or to the epidemic of influenza that swept this country and which has been attributed to the war.

This is the reconstruction period of our country, the transition time from war to peace.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURKE. Mr. Chairman, can I have five minutes more?

Mr. BLANTON. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

Mr. VARE. Mr. Chairman, I ask that the gentleman may have five minutes.

The CHAIRMAN. Is there objection?

Mr. ESCH. Mr. Chairman, in the interest of expeditious action on a bill that the Members of the House desire to have passed, I shall hereafter have to exercise my right in making objections.

The CHAIRMAN. Does the gentleman object now?

Mr. ESCH. Not now.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. BURKE. Never before in the history of our Nation was there greater need of level heads, sober judgment, and sane thought from the national representatives of the people as at the present time. [Applause.] Prejudice and biased feelings should be obliterated and every energy bent in an effort to bring about a feeling of stability and security in the country.

We are confronted with a wave of dissatisfaction and industrial unrest sweeping over the country—not confined to one class of workers in particular but to all classes in general, and this applies not only to the organized worker but to the unorganized.

There is some undercurrent at work, some hidden hand, some unseen and powerful force which is subtly getting in its work, using whatever means and power it can command to further its interest and procure its end. In my mind the fault is not with the working people of the Nation, but it is with that sinister, unseen power and force, representing the corporate power and wealth of the country, which has brought every pressure to bear to dishonor labor, and which has deemed this the opportune time to attempt to put the chains of slavery on the working people and destroy their organized effort.

What are the working people of this country confronted with? Attempts made on all sides to oppress them; criticism and abuse heaped upon them because they had the manhood to ask for an adjustment of grievances and relief from the exorbitant cost of living. Wages have not kept pace with the cost of living, the necessities of life are beyond the reach of many a workingman and his family, but he must suffer, his children must want, they must go without sufficient nourishment so that the profiteers may continue their profiteering and the dollars pile up at the cost of humanity.

I want to say to this Congress that I have sat here and listened to some Members who have taken advantage of this critical time to throw off the mask and show themselves in their true colors, the archenemies of labor, the foes of the

working people. My blood has boiled with indignation at some of their absurd statements, their incorrect statements, their bitter and venomous attacks on the working people; and the only ray of comfort I could find was in the fact that if the people made the mistake of sending such men to Congress to protect their interest and to preserve the welfare of the Nation the mistake will never occur again, for they have showed in unmistakable terms that they are not representative of the people but of the special interests. And let me say here, too, that the special interests of the country are the instigators of the present industrial conflict. It seems to me that there is a well-defined movement on the part of organized capital started to destroy organization of the workers.

The power to strike is the only weapon labor has for the betterment of its condition in dealing with the combined power of corporate wealth and greed. No individual can protect his rights in dealing with organized capital, and it is a hard struggle and uphill work to do it collectively. And yet we hear talk of antistrike laws; in fact, bills carrying this feature have been presented for action. Everything and anything is being done to strip the workingman naked of any power of redress, of any means that will help him secure justice and enable him to live as an American workingman should live. You can not enact into law any bill that will make slaves of freemen. The people of the country will not stand for it. Instead of a Nation of law-abiding citizens we would have a Nation of lawbreakers. Compulsory servitude has no place in this Republic; the American people will not tolerate it, and the American people will not wear the chains of slavery.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. BURKE. Just one minute, and I will have finished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE. Just one minute.

The CHAIRMAN. The Clerk will read.

Mr. BURKE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I shall not object so long as the gentleman from Pennsylvania does not go beyond what he has written here.

Mr. BURKE. There is only one page.

Mr. BLANTON. I will not object if there is only one page.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. Mr. Chairman, I would like to ask the gentleman from Wisconsin if he is willing now to take up the suggestion that I made a moment ago. The amendment involves the suggestion that the word "commission" in the bill be made to mean the "Interstate Commerce Commission," and so save using the term "Interstate Commerce Commission" throughout the bill.

Mr. ESCH. Very well.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MOORE of Virginia offers the following amendment: Page 2, line 17, after the word "act," insert a new paragraph, as follows:

"The term 'commission' means the Interstate Commerce Commission."

Mr. ESCH. Mr. Chairman, if that be done, we ought to strike out the word "and," in line 10, and insert it after the word "act," in line 17.

Mr. MOORE of Virginia. Yes, sir.

The CHAIRMAN. Without objection, the amendment will be modified as suggested by the gentleman from Wisconsin [Mr. ESCH]. The Clerk will report the modified amendment.

The Clerk read as follows:

Mr. ESCH moves to modify the amendment: Page 2, line 10, after the word "amended," strike out the word "and" and insert the same word after the word "act," in line 17.

Mr. ESCH. Changing the period after the word "act" to a semicolon.

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none. The question is on agreeing to the amendment as modified.

The question was taken, and the amendment was agreed to.

Mr. ESCH. Mr. Chairman, I move that the Clerk be authorized to change the words "Interstate Commerce Commission" to "commission" wherever they occur in the bill subsequent to this provision here.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the Clerk be authorized to change the words "Interstate Commerce Commission" and substitute the word "commission" wherever appearing in the bill subsequently to the amendment just adopted. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

GOVERNMENT-OWNED BOATS ON INLAND WATERWAYS.

SEC. 201. At the end of the last day of the month in which this act is passed all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways (hereinafter in this section called "transportation facilities") acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act (except the transportation facilities constituting parts of railroads or transportation systems over which Federal control was assumed) are transferred to the Secretary of War, who, through the Chief of Engineers, shall utilize or operate such transportation facilities and assume and carry out all contracts and agreements in relation thereto entered into by or through the President in pursuance of such paragraph prior to the time above fixed for such transfer. All payments under the terms of such contracts shall be made out of moneys available under the provisions of this act for adjusting, settling, liquidating, and winding up matters arising out of or incident to Federal control. Moneys required for such payments shall, from time to time, be transferred to the Secretary of War as required for payment under the terms of such contracts. All other payments after such transfer in connection with the construction, utilization, and operation of any such transportation facilities, whether completed or under construction, shall be made by the Secretary of War out of funds now or hereafter made available for that purpose.

The utilization and operation of such transportation facilities shall be subject to the provisions of the commerce act, as amended by this act or by subsequent legislation, and to the provisions of the "shipping act, 1916," as now or hereafter amended, in the same manner and to the same extent as if such transportation facilities were privately owned and operated; and all such vessels while operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels, whether the United States is interested therein as owner, in whole or in part, or holds any mortgage, lien, or interest therein. For the performance of the duties imposed by this section the Secretary of War is authorized to appoint or employ such number of experts, clerks, and other employees as may be necessary, for service in the District of Columbia or elsewhere, and as may be provided for by Congress.

Mr. ESCH, Mr. MADDEN, and Mr. MONTAGUE rose.

The CHAIRMAN. The gentleman from Wisconsin, the chairman of the committee, is recognized.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 4, lines 18 and 19, strike out the words "at the end of the last day of the month in which this act was passed" and insert in lieu thereof the words "on the termination of Federal control, as provided in section 200."

Mr. ESCH. Mr. Chairman, section 200, providing for the termination of Federal control, was inserted by the committee, but through some oversight we neglected to make a like limitation in section 201. So this amendment is offered to make the same day of termination, if possible. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The question was taken, and the amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia, a member of the committee, is recognized.

Mr. MONTAGUE. I hope the distinguished chairman of the committee will accept the amendment I now suggest. I move to amend on page 5, line 1, by striking out the word "War" and inserting the word "Commerce." In other words, that the operation of the transportation of these boats, barges, and tugs be transferred to the Secretary of Commerce rather than to the Secretary of War.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MONTAGUE: Page 5, line 1, strike out the word "War" and insert in lieu thereof the word "Commerce."

Mr. MONTAGUE. Mr. Chairman, there is no possible reason, that I can conjecture, for concluding that the War Department has any special fitness for the operation of ships or water craft, to conduct the operation of barges and other floating craft upon canals and other waterways of our country. It is contended that the Engineering Corps of the War Department is best qualified. But the amendment I suggest does not interfere with the work of the Engineering Department, and the Engineering Department of itself has no special qualifications to deal with the actual operation of water craft.

Indeed, I think if you would search the Government over you would not find a department of the Government whose inherent qualifications more unfit it for this particular task than the War Department. I do not make that as a criticism of the War Department, but simply as a statement of the conditions inherent in the nature, object, and work of the War Department itself. There is no reason why a soldier should know how to operate water craft. The Navy Department might natu-

rally be considered, but I do not think that department would be specially qualified for the particular marine work incident to the operation of barges. It is a commercial undertaking, and it seems more appropriate and more in keeping with the purposes of the act that the Department of Commerce should do this work rather than the War Department.

Mr. ESCH rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. ESCH. Mr. Chairman, I hesitate to oppose an amendment offered by the gentleman from Virginia, or to oppose his judgment in matters of this kind. But the committee and the subcommittee, after full consideration, thought it wise to give this jurisdiction over operation on inland waters and canals, through the War Department, to the Chief of Engineers. The amendment of the gentleman from Virginia merely substitutes the word "Commerce" for the word "War," but that would still leave untouched the language in the bill, namely, that this power that you confer upon the Secretary of Commerce should be exercised through the Chief of Engineers. That, it seems to me, would be rather incongruous.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Certainly.

Mr. MONTAGUE. My purpose was, if this amendment were agreed to, to propose a similar change in subsequent paragraphs of the bill to comport with it.

Mr. ESCH. I am glad to note that; but that does not go to the objection that I mentioned. I do not think there is any agency in the Government up to the present time that has had more to do with the inland water transportation than the War Department, through the Chief of Engineers. They have jurisdiction of the improvements of inland navigation upon the inland waters. They have large experience in transportation matters, because they have their fleets in every district along these rivers, and they have an equipment already of boats, barges, towboats, house boats, and so on, and they, therefore, have had some experience in operation.

But the main thing is that we, by the rivers and harbors act of 1914, put in a provision for $500,000 to be expended by the Chief of Engineers in the construction of experimental tows and barges to be operated on the Mississippi River, and that work has been going on under the auspices of the Secretary of War, through the Chief of Engineers, so that they have had that experience. The Chief of Engineers sent officers to Europe to find out the best plans for tows and barges. They have investigated various types of tows and barges and the loading and unloading devices to be found in every city and every port of any importance in Europe. They have had a vast fund of experience, and therefore it seems to me there is no other agency in the Government to which we can designate these duties of operating these Government fleets upon the inland waters than the Corps of Engineers.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time on the amendment has expired.

Mr. SMALL. Mr. Chairman, I move to strike out the last word.

Mr. ROWE. Mr. Chairman, I want to speak in opposition. I ask unanimous consent to proceed for five minutes. Does the Chair say that all time has expired?

The CHAIRMAN. Yes.

Mr. ROWE. Then I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. ROWE. Mr. Chairman, I speak in behalf of the Committee on the Merchant Marine and Fisheries of the House, and I would like to ask that all amendments to this paragraph, in so far as they are related to the instrumentality for the operation of these ships and boats on inland waters, be passed over for the day, inasmuch as the Committee on the Merchant Marine and Fisheries has called a special meeting for to-morrow morning at 10 o'clock to consider this very paragraph and other paragraphs in the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that action on the amendment to this paragraph transferring jurisdiction from the Secretary of War to other parts of the Government be passed over until to-morrow. Is there objection?

Mr. OLIVER. I object.

The CHAIRMAN. The gentleman from Alabama objects. Does the gentleman from New York desire to use the remainder of his time?

Mr. ROWE. I do.

It is true, Mr. Chairman, that the Secretary of War has operated, through the War Department, a large number of ships during this war; but now many of the ships on the ocean operated by the Secretary of the Navy, and a large proportion of those operated by the Secretary of War, have been turned back to the United States Shipping Board. The Shipping Board has a department of operations. They are better qualified to-day to take over this work than any other department. They are the one organization in the whole Government that is equipped to operate ships from the commercial point of view. It seems to me that the Shipping Board should have the opportunity to make this operation and to control these ships and boats on the inland waters.

I therefore offer a substitute for the gentleman's amendment, that in place of the Secretary of War we substitute the words "United States Shipping Board."

The CHAIRMAN. The gentleman from New York offers an amendment by way of a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. ROWE for the amendment offered by Mr. MONTAGUE: Page 5, line 1, after the word "of," strike out "Secretary of War" and insert "United States Shipping Board."

Mr. SMALL. Mr. Chairman, I think either the amendment of the gentleman from Virginia [Mr. MONTAGUE] or the amendment of the gentleman from New York [Mr. ROWE] is preferable to the provision in the bill reported by the committee.

The War Department is inappropriate for the operation of these boats. What boats are referred to in this paragraph? Under section 6 of the Federal control act the President was authorized to build certain boats and operate them upon the inland waterways of the United States. Under that authority the United States Railroad Administration are engaged in building boats for operation on the lower Mississippi between St. Louis and New Orleans, and on the Warrior system of rivers, and are also constructing and operating boats on the Erie Barge Canal. The President, out of a fund which he controlled, early in the war authorized an allotment out of that fund for construction of boats on the upper Mississippi River between St. Louis and St. Paul, but it is my understanding that the necessary funds were subsequently allotted by the Shipping Board. They represent attempts to operate water lines upon very important waterways of the country. The country is very much interested that the demonstration which is being made shall be successful. Success depends upon training, skill, and experience; and while yielding to no one in my admiration for the Corps of Engineers in their particular sphere, I submit that neither by training nor experience are they skilled as transportation operators.

Now, I think the chairman [Mr. ESCH] is mistaken about the operation of towboats on the Mississippi by the Chief of Engineers of the War Department. They were authorized, in a river and harbor act some years ago, to investigate and experiment for the purpose of devising the best type of towboats and barges, and they have made a valuable and voluminous report, and are probably studying the matter further. Now, as between the amendment of the gentleman from Virginia and the substitute of the gentleman from New York, I prefer the substitute of the gentleman from New York; that is to say, that they be turned over to the United States Shipping Board.

At a conference held here in Washington between some Senators and Representatives and a number of other gentlemen throughout the country who considered this matter, after careful deliberation they determined that the United States Shipping Board was the best Federal agency to whom to turn over these boats; and if the amendment of the gentleman from Virginia shall not be adopted, I hope that the substitute of the gentleman from New York will receive the approval of the committee.

I have no purpose in this discussion except to contribute to the success of water transportation upon these very important waterways of the country.

The CHAIRMAN. The time of the gentleman from North Carolina has expired. All time has expired.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent that the time of the gentleman from North Carolina be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from North Carolina be extended five minutes. Is there objection?

There was no objection.

Mr. MONTAGUE. I ask unanimous consent that I may be permitted to withdraw my amendment and accept the amendment of the gentleman from New York. It is very satisfactory to me.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. SMALL. I yield to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. I understood the gentleman from North Carolina to say that the very boats he mentioned here have actually been turned over by the War Department to some other authority and are now being operated by others than the War Department.

Mr. SMALL. I was referring to the upper Mississippi River between St. Louis and St. Paul, and I said it was my understanding that the original fund for the construction of towboats and barges to operate on the upper Mississippi was allotted by the President out of a fund at his disposal, but that subsequently the Shipping Board took independent action and allotted money out of their own funds for their construction, and that they are engaged in the construction of those boats. As to that I am not entirely sure. It may be that the War Department is constructing the boats, but the money is furnished by the Shipping Board. I am quite sure that is correct. But the point I am endeavoring to emphasize is that this is not an engineering matter. It is a question of operation of common carriers by water, and we need skill and experience in order to demonstrate that they can be successfully and profitably operated in the interest of the public. We have an opportunity to rehabilitate commerce upon the great Mississippi River and to use the Warrior system, one of the most important systems of rivers upon the Gulf, upon which Congress has expended millions of dollars. We have an opportunity to help duplicate the success of the Erie Canal. Let us have these boats operated by men who are familiar with the needs of commerce and the operation of these boats.

Mr. BEE. I want to ask the gentleman from North Carolina whether the Shipping Board at this time is undertaking any control of inland-waterway transportation, or whether this is the first time it has come within its jurisdiction?

Mr. SMALL. I am very glad the gentleman asked that question. Under the act creating the Shipping Board they were denied jurisdiction of inland transportation, and the distinguished chairman of the committee so stated in his introductory speech; but that constitutes no reason why we may not now confer upon the Shipping Board authority to operate these boats upon inland waterways, and I think we made a mistake in excluding jurisdiction of inland waterways from the United States Shipping Board at the time the original act was passed.

Mr. OLIVER. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Alabama.

Mr. OLIVER. I wish to ask the gentleman if the Engineering Corps of the War Department has not now representation on the Inland Waterways Committee, and if they have not been intimately acquainted with the operation of boats on the Warrior River as well as on the Mississippi, and is it not a fact that the most friendly governmental agency to the development of water transportation is the Engineering Corps of the War Department?

Mr. SMALL. The operation of these boats on the Warrior and other systems is by the United States Railroad Administration. The gentleman is assuredly correct in stating that the Army Engineers, many of whom are devoting a large portion of their time to river and harbor work, are, of course, in sympathy with the improvement of the rivers and harbors and their successful demonstration for the purposes of commerce.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from New York.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last four words. I feel like apologizing to the committee for taking up any time on this amendment, but, in view of the fact that there ought not to be any controversy between the War Department and the Shipping Board, I feel justified in saying this: The river barges and boats now being operated by the Government are operated under the provision of the railroad-control act authorizing the President to invest a certain amount of money in the experimental operation of boats and barges upon the canals and waterways of the country. As was stated by the gentleman from Wisconsin [Mr. ESCH] and the gentleman from North Carolina [Mr. SMALL], the act creating the Shipping Board did not give them jurisdiction over inland waterways, and the Shipping Board has not exercised any such jurisdiction during its existence.

Therefore it has built up no organization within itself for the accumulation of information with reference to inland waterways, and knows no more about the situation of canals or rivers than any other Government body that has had nothing to do with them.

The Railroad Administration soon after its organization created an inland waterways division for the operation of boats, and in the management of that division they drew together a crew of experienced men on the inland waterways of the United States. The Railroad Administration is to cease when the roads are turned back and could not any longer operate the boats or barges.

When the committee considered to what agency they ought to be turned over, we found ourselves confronted with this situation: That there had to be created a new agency in place of the Inland Waterways Division in the Railroad Administration or to turn these over to some other agency already created. Nobody knows how long they will be necessary, because Congress can come in with a law at any time directing the Government to dispose of the boats and barges to some private purchaser.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. BANKHEAD. Can the gentleman inform us what provision there is in the Senate bill as to this matter?

Mr. BARKLEY. The Senate bill provides that they shall be turned over to the Shipping Board. There is no bureau of the Shipping Board that is authorized to operate boats. They do not even operate the vessels on the ocean; they have created within the Shipping Board an Emergency Fleet Corporation to operate ships which the Shipping Board constructs. There is no bureau of the Shipping Board for the operation of boats. So if the Senate provision should prevail and the Shipping Board should be given jurisdiction, they will have to create an independent agency within the Shipping Board to operate the boats, because under the law they have no jurisdiction to do that.

In view of the fact that the Corps of Engineers is better acquainted with the traffic, that they have had charge of river and harbor improvement, we felt that they were better qualified to manage the operation of boats and barges until some permanent policy should be adopted by Congress than any other agency.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. WHITE of Maine. While the gentleman is correct in the statement that the Shipping Board as such does not now operate the vessels, but that this is done by the Emergency Fleet Corporation, the original shipping act contemplated that the Fleet Corporation should go out of existence and that its functions should be taken over by the Shipping Board, and the legislation passed by the House last week reinforced and emphasized this and clearly provided that the Shipping Board should in due course of time take up the work.

Mr. BARKLEY. Nobody can predict whether that will become a law or not, and we are trying to meet the present situation.

Mr. GREENE of Massachusetts. Mr. Chairman, I rise in opposition to the amendment. It will be recalled that on Saturday last the House of Representatives nearly unanimously passed the first merchant marine act, and in that act it was provided that certain measures should be carried out by the United States Shipping Board. I am in full accord with the proposition that they should take up this part of the work, and I favor the amendment offered by the gentleman from New York. I think the amendment should prevail in the interest of what will be best for the merchant-marine interests of this country. I hope that the amendment will be adopted.

Mr. ESCH. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, the amendment offered now is to put the operation of these Government boats on inland waters into the hands of the Shipping Board, and it will not in my opinion bring about the result desired because in the Shipping Board act there is no power given the Shipping Board to operate vessels. It is not an operating agency or instrumentality of the Government. The operating agency is the Emergency Fleet Corporation. I do not believe that we should give control over operation to the Shipping Board.

Mr. OLIVER. Mr. Chairman, I rise in opposition to the amendment. The Engineering Corps of the Army is now fully acquainted with all present plans and methods for the operation of barges on the Mississippi and the Black Warrior Rivers. They have had much to do with the construction of these barges and have been associated with the Inland Waterways Commission in the operation of the same, and much of the work of the Inland Waterways Commission has been performed by the Army Engineers. I have yet to hear complaint from friends of these waterways against the Engineer Corps of the Army. If you wish to feel absolutely assured that the operation of these barge lines are in hands friendly to water transportation, leave it to the Engineer Corps of the Army. They have in the past fought the battles of water transportation, and it would be a

serious mistake on the part of those friendly to inland waterways to suffer any change in the recommendation of the committee that this work be transferred to the Secretary of War, acting through the Chief of Army Engineers. I happen to know that the Army Engineers are intimately acquainted with almost every phase of this work on the Black Warrior River, and there is no waterway promising a better demonstration of the success of water transportation than does this river.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Not now. A number of improved barges are now in course of construction to be operated on the Black Warrior and the Mississippi. The Engineer Corps of the Army is thoroughly familiar with what has been and is now being done. They have been associated with the Waterways Commission in all of its work, and are equipped and prepared to carry on this work. They have officers stationed at New Orleans, Mobile, and St. Louis who are thoroughly familiar with the entire project. You can thus make no mistake in adopting the recommendation of the committee in this matter, and only in this way can you know that no one unfriendly to river transportation will be intrusted with this important work during its experimental test.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 21, noes 61.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 4, line 10, strike out lines 10 to 16, inclusive, and insert——

The CHAIRMAN. The Chair would suggest that that paragraph has been passed.

Mr. MADDEN. Mr. Chairman, I desire to say to the Chair that I was ready to offer this amendment when the Clerk started to read the first line of the next section, but I did not get the opportunity to do so. I rose in my place to do it, but the Chair did not recognize me. There was no intention upon his part not to do that, but I ask unanimous consent now to return to that section for the purpose of offering this amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to the previous section for the purpose of offering the amendment. Is there objection?

Mr. HUDDLESTON. Mr. Chairman, reserving the right to object, I want to call the attention of the gentleman from Illinois to the fact that I do not object.

Mr. MADDEN. I do not care, if the gentleman wishes to do so.

The CHAIRMAN. No objection is heard, and the Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 10, strike out lines 10 to 16, inclusive, and insert:
"(c) So much of section 1 of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, as authorizes the President in time of war to take possession and assume control of any system of transportation, or part thereof, and utilize the same, is hereby repealed."

Mr. MADDEN. Mr. Chairman, the President took over the railroads of the United States under the act which I seek by this amendment to repeal. Under Government control we find the country in this condition: Railroad rates were increased to yield an additional revenue of about $1,100,000,000 a year. For the two years of Government control $2,200,000,000 will have been collected in excess freight and passenger rates. Five hundred million dollars were appropriated by Congress when the roads were turned over to the Government. Two hundred and thirty-eight million dollars were reported at the end of the first fiscal year as a deficit, making in all $1,838,000,000 of expense to the people of the United States for the experiment.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In one moment, when I have finished my statement. At the beginning of the present fiscal year, or rather since this session of Congress began, Congress appropriated $750,000,000 more, and the reports from the Railroad Administration indicate that for the first three months of the year there was a loss of $250,000,000. The $750,000,000 and the $250,000,000 added to the $1,100,000,000 which the Government will collect as excess freight and passenger rates, if no other loss follows, will make $2,100,000,000 for this year, and that, with what we have expended during the past year, will make an expense to the American people of $4,000,000,000, substantially, for the Government experiment in the operation of the railroads.

I do not believe that the law under which the President was permitted to take the railroads over should be allowed to stand. If another emergency shall arise in the future, the Congress of the United States could authorize the President at that time to do whatever may be needed under the circumstances. To say that because the President did take over the railroads by authority of Congress when an emergency arose before is reason why that authority shall continue forever, can not be justified. The Congress will be in existence as long as the country lasts, and I assume that Members of it will be as patriotic in the future as they always have been in the past. They will be ready to accord to the President any power that may be needed to meet any emergency that may arise, whenever that emergency may come, but until the emergency does arise there should be no power in the President of the United States to take over the property of the people, whether it be in railroads or anything else. If the Congress of the United States declares war, and it is the only body of the country that has that power, when it does so, the emergency is here.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. KEARNS. Mr. Chairman, I object.

Mr. DEWALT. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Illinois [Mr. MADDEN], for several reasons. First, the gentleman's amendment is based upon the assertion, which is in large measure true, that the taking over of the railroads by the Federal Government under the provisions of the act, now existing, made it extremely expensive to the public, and he cited figures to show that that assertion is correct. There is no denying that fact, but what is one of the potent reasons why that expense was entailed? One of the reasons why the expense was entailed was because there was no act existent at that time authorizing Federal control of the railroads during the emergency. In other words, the Congress passed the act after considerable labor and study, and after it was passed the administration thereof necessarily was in part defective by reason of its newness, and therefore this large expenditure, waste, and extravagance, if any there was. Therefore if we have upon the statute books an existing law permitting the Government in time of crisis and in a period of impending war to take over the railroads, we necessarily, in my judgment, avoid a large proportion of this expense of which the gentleman complains. Now, let me state another reason. History has shown that England passed a law years and years ago giving the Government power to take over the roads in the very instant that war was declared or whilst war was imminently impending, and the consequence was that when this war was declared on the other side of the ocean England was ready at once to take possession of the railroads and its transportation facilities as a means to the advancement of the prosecution of the war. One of the great delays we had in preparing for the war, in getting our munitions to the seaboard, in transporting troops, in making the necessary arrangements for transportation to get into the war, which we knew was to come certainly, arose from the fact that we did not have then an existing law similar to that of England, namely, that instanter there should be a conversion of the railroads for war purposes——

Mr. MADDEN. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. MADDEN. I would like to have the gentleman tell the committee, if he will, whether or not it might not be wise to repeal this for the reason that in the passage of another act we may provide different terms than the terms we now provide, namely, that payment shall be made to the railroads for the period of Government control based on the average earnings for three years, whereas we might not do that the next time?

Mr. DEWALT. I grant you, my dear sir, that possibly this act now upon the statute books is in part defective, but we can remedy that by amendment instead of by repeal.

Mr. BLACK. Will the gentleman yield for a suggestion?

Mr. DEWALT. Certainly.

Mr. BLACK. The provision which the gentleman from Illinois seeks to strike out is only that section of the national defense act passed in 1916 that enables the President to take over the roads in time of war and does not have reference to the details of compensation that we fix in the emergency act of 1918.

Mr. DEWALT. Another thing is to be said, if there be defect in the existing law in regard to taking over the railroads in time of emergency by the President of the United States and the director general, all those defects can be remedied from time to

time as they become apparent, and it seems to me it would be suicidal to repeal now an existing law, because we may have an emergency at any moment.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. KELLER. Mr. Chairman, I move to strike out the last word. I want to ask one question. The gentleman from Illinois made the statement here awhile ago that we have lost about $4,000,000,000 in our transactions with the railroads under Federal control. The committee states it at $600,000,000. Now, the gentleman from Illinois is an old Member here and he is probably correct. If he is, I would like to know how he accounts for the difference between the $4,000,000,000 and the $600,000,000?

Mr. MADDEN. Does the gentleman ask me?

Mr. KELLER. Yes.

Mr. MADDEN. I wish to call the attention of the committee to the fact that in any statement made by the committee reporting this bill that they always overlook the fact that the Railroad Administration has collected $2,200,000,000 in excess freight and passenger rates and have expended it all, and, while it does not come out of the Federal Treasury, it has come out of the pockets of the American people, which is the same thing. Then they overlook the fact that we are not going to get, in my judgment, any money back we appropriated for any losses that have been sustained by the Railroad Administration, in which case there will be an item of $4,000,000,000 rather than $600,000,000 as the committee reported.

Mr. KELLER. Mr. Chairman, the gentleman from Illinois, of course, puts an entirely different light in regard to the amount of money that has been expended in connection with the Government-managed railroads. Now, the committee also tells us that if the railroads are returned to private ownership again we are going to have a reduction in rates, or at least the same rates we have now, and also that we are going to have efficient management of the railroads. But, in the opinion expressed by one of the men connected with the railroads, he said that if the conditions next year are the same as they are now in regard to operating expenses that they have to have a 25 per cent increase in freight rates. Now, that does not quite clear up the situation. If we are going to return these roads to private ownership, we then ought to have the assurance we are going to have the same rates we now have or possibly a reduction and not a substantial increase.

Mr. SIMS. Mr. Chairman, I rise in opposition to the amendment. Gentlemen, there is no use now in using language that misleads or deceives anybody or is likely to do it. Now, let us look the question fairly and squarely in the face. When we use the word "deficits" in ordinary use, it means a deficit in expenses of operation; that is, that the railroad has not paid its way. Now, the meaning of deficit referred to here is that the Government lacked that much of having made operating expenses and the rental due the roads. Now, last year my recollection is that the net earnings of the roads that could have been used in payment of dividends were as large or larger under war control than they were prior thereto.

But Congress authorized the making of an extravagant contract of the rental, and did it purposely. We gave them a rental equal to the average net earnings for the three best years the roads ever had since railroading began in the United States. Now, do you suppose, if we had not taken them over, they could have made such a return under war conditions? I do not think so. The rental was severely criticized on this side and on the Republican side of the House. It was severely criticized in the Senate as being extravagant. But, as I said, we had to take the railroads over. The very necessity of operating them in a way to win the war made it necessary to take them over. It will be some time after the war is over before ordinary conditions will return which have been disturbed by reason of war operations. And the deficit was not a deficit at all in the ordinary sense. We lost on our rental contracts. That is all there is of it. Talking about the deficit in the first year means that we did not make the rent contract in addition to expenses of operation. To whom does this extravagant rent go? To the owners of the railroads. Who are they? The people of the United States—the stockholders and bondholders. It is not a loss at all to the whole country. It may be a loss to the Treasury, but all the people put the money in the Treasury, and it is paid back to a part of them. It was no loss at all; that is, no loss to the Nation as a whole.

Mr. BUTLER. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. BUTLER. You say they took the money away from me, and will pay it back to me. They increased my railroad fare, and I have no railroad bonds. Where do I get my money back?

Mr. SIMS. Where would you have gotten it if the railroads had increased the fares, as it would have been absolutely necessary if the roads had not been taken over?

Mr. BUTLER. Well, I have traveled for 2 cents a mile.

Mr. SIMS. The roads increased rates 15 per cent before being taken over, and may have increased rates much more than they have been. They could not have gotten along without it.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

I oppose this method of meddling with the military legislation of this country. We have been treated time after time to a situation such as is about to be presented here now. The Military Committee of this House has been in continuous session and has produced a line of military law the like of which no country in the world has ever enjoyed before. And when the Military Committee of this House finds that it can not hold its sessions during the time that this House is in session, but must get permission from this House to continue in session while the House is in session, while all of the Members of that body, that is making a special study of the military plans of this country, are absent, attending to the military affairs of this Nation, men come into this House and propose amendments to the military law which sets at naught——

Mr. MADDEN. Will the gentleman yield?

Mr. CALDWELL. In just a minute. That sets at naught the labor of this committee that has been appointed by this House to do that particular kind of work.

Mr. MADDEN. Will the gentleman yield to me now?

Mr. CALDWELL. Yes.

Mr. MADDEN. Does the gentleman from New York know that the legislation which my amendment proposes to repeal did not emanate from the Military Committee?

Mr. CALDWELL. If the gentleman would have waited about two minutes I would have told him that thing. It so happened that we passed in this House a national-defense act, reported by the Military Committee of the House of Representatives, in which a clause very similar to the one now sought to be repealed, that was put into an appropriation bill by the Senate committee on a general military appropriation——

Mr. BLACK. It was your own appropriation.

Mr. CALDWELL. It was, but it was put on by the Senate and the members of the Military Committee were here and agreed to it, and it went on the bill then. And to repeal this act now only destroys half of the legislation that is now on the statute books, because the Hay bill provision has never been repealed, and should not be repealed, for this reason: When we were taking over the various properties of the United States for war purposes, among them factories and buildings of all kinds, it was found that we could go to men who otherwise would not part with their property or the possession or control of it for anything like a reasonable figure and show them the Hay bill that carried this provision; then if they did not let us have it for a price we thought was fair we would put an appraisal upon it, and if they did not let us have it at the appraised value we could pay them 75 per cent of it and let them sue in the courts for the balance. On almost every one of those occasions the propositions made by the Government were accepted, and the people were glad to get what the Government offered them as being a fair value, and profiteering was at a minimum. The same thing was expected to be done here. But that was not accomplished to a full extent. We passed the railroad measure, and, as the gentleman from Tennessee [Mr. SIMS] said, the criticism on that side of the House was that we were paying too much, but the Members of this House and of the Senate realized it was necessary to take these transportation facilities and take them at once; and, to keep out of the courts, decided that if it was necessary to pay too much to buy our peace, we would pay it and get a peace with the arms of our country from the enemy abroad and after that we would settle with the railroads. That is what we are doing now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last two words.

I do this, Mr. Chairman, for the purpose of correcting what I think is an erroneous statement of the provisions of the Federal-control act with reference to compensation to the carriers. The gentleman from Tennessee [Mr. SIMS] and the gentleman from New York [Mr. CALDWELL] have said that the bill was criticized at the time it passed the House because it carried a provision for too much compensation for the railroads. I desire to recall to the attention of the House the fact that the provisions of the Federal-control act did not cover the definite amount of compensation, and the only thing that that act did was to provide that the executive department

should not pay beyond a certain maximum fixed in the Federal-control act. And that act has this provision:

SECTION 1. That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission that during the period of such Federal control it shall receive as just compensation an annual sum, payable from time to time in reasonable installments, for each year and pro rata for any fractional year of such Federal control, not exceeding a sum equivalent as nearly as may be to its average annual railway operating income for the three years ended June 30, 1917.

If there is any criticism coming to any branch of this Government with reference to overpayment to the carriers, that criticism should be directed to the executive department of the Government. I am not making the criticism. It is a matter which would have to be investigated before anyone would have any opinion of value, but it is not accurate to undertake to make any criticism against Congress for fixing a definite sum which was excessive in payment for the use of the railroads.

Mr. BLACK. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. All time has expired on the amendment—upon the pro forma amendment.

Mr. BLACK. Have I not the right to oppose the amendment?

The CHAIRMAN. The gentleman can move to strike out the last three words.

Mr. BLACK. Yes; I move, Mr. Chairman, to strike out the last three words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLACK. Mr. Chairman, I am glad that the purpose of this bill is to provide for the early return of the railroads to their owners and for private operation thereafter under a more effective and comprehensive public control than has heretofore been the case. I have no disposition to criticize the Railroad Administration in its management and operation of the roads while they have been under Government control. Criticism is always easy to indulge in, and especially is this true as to activities during a great war when conditions are so abnormal. There have been large increases in freight and passenger rates since the Government took control, and heavy additional expenditures for wages, materials, and other elements which enter into railroad operation, and on account of the fact that these expenditures have increased in a greater ratio than the rate increases a large deficit has ensued and has been met by payments from the Public Treasury; but when we stop to consider the decreased purchasing power of the dollar which the war brought about and the consequent rise in the value of all materials that go into the cost of operation, and also the necessary increases in wages, we are forced to admit that a large increase in the expenditures of the railroads under Government management was to have been expected, and that much of it may justly be charged off as a war loss.

But, even so, making allowance for all these things, and entirely free from any feeling of hostility and criticism of the Railroad Administration, I think that the experience has been a convincing one that Government ownership and operation would not be wise and that private ownership and operation, under effective public control, will bring out a greater degree of individual initiative and enterprise and will render a large and more satisfactory service to the public than any other system. There is nothing new or novel about this experience, and it only conforms with that which events have demonstrated to us time and time again in the past.

Under a system of government which has given approval and encouragement to private initiative and individual ability, our Nation has far outstripped other countries where greater socialistic tendencies have prevailed, and nowhere on earth, in Europe, Asia, Africa, or far-away Australia, is prosperity so generally distributed and the standards of living so high as here in the United States of America. Of course, these standards are not as high as we want them to be, and are not as high as we are, in fact, going to have them to be as time goes on, but it would be the height of folly for us to throw away the machinery and tools which have made possible our achievements in the past and take up some of the visionary and untried experiments which are being urged at the present time.

Under our system of private ownership of railroads capital has had a better encouragement and a safer return than in any nation in the world; labor has received higher wages and has had better working conditions than in any other country; and, most important of all, the public has received a better service at a lower cost over what is admittedly the greatest system of railway transportation in all the world than is given anywhere else. Therefore we would be foolish to abandon it for the more socialistic experiment of Government ownership under the Plumb plan or any other guise.

Ever since the war began we have had a considerable number of theorists and political tinkers press on to Washington proposing that every field of private endeavor shall be invaded by the Federal Government. Railroads, mines, telegraph and telephone systems, schools, land, and almost everything else has been the object of their solicitude and care, with the end in view to own and operate them from Washington by functionaries and huge armies of Government employees. Under their system some fifteen-hundred-dollar clerk would be more powerful than the governor of a State, for he would write an order and some bureau chief would sign it, and the citizens of the country would disobey it at their peril. The American people expect us to be on guard and see to it that this country is not transformed into a bureaucracy.

John Fiske, the great historian, said: "If the day should ever arrive—which God forbid—when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, on that day the progressive political career of the American people will have come to an end and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever." There does not seem to be any impending danger of any calamity like that happening to our Government at least during the present generation. For the heart of the American people is evidently sound to the core and determined to protect itself from foes within and foes without.

The cause of excessive costs when governments undertake business activities is simple. All the activities of any government are necessarily carried on by political machinery, and that machinery is wholly unsuited to the economic field. The field of government and the field of business are dissimilar and separate. The proper field of government is mainly the regulation of conduct and the protection of the rights of the individual. The field of business is the production and the utilization of material things. The principles, the methods, and the machinery of government are wholly different from those of economic activities and are not adapted nor adaptable to the latter. To say this is in no way to criticize and belittle the Government in the exercise of its legitimate functions. It is true that Government operation of the railroads has been, at least prior to the Great War, measurably successful in Germany, but the very reasons which under the Prussian system made it fairly successful in that country are the reasons why under our form of government, with the spirit and traditions of the American people, I think it would be unsuccessful here. Here in this country we have government by political parties, with the power to change President every four years and the power to change the complexion of Congress every two years, and it would be little short of disaster to get the whole great question of transportation, freight rates, wages of railroad employees, and other related questions tied up in political controversies and made the football ofpolitics. I can not conceive of anything which would be more likely to array one section of the country against the other or one group of citizens against the other than this would. It would be impossible to prevent it under our policy of party government and political contests.

I think we have the best Government in the world, and will continue to have so long as we confine our activities to governmental functions, but when we branch out beyond that we are liable to meet with failure. Mr. Glenn E. Plumb, the author of the Plumb plan, admitted the weakness of Government ownership in his recent testimony before the Committee on Interstate and Foreign Commerce, where he appeared in advocacy of the Plumb plan. Mr. SWEET, of Iowa, a member of the committee, asked him this question:

If the United States Government is to put up the money to buy the railroads, then why should the United States Government not operate them itself instead of adopting your plan?

To which Mr. Plumb replied:

Because we do not believe in operation by any Government body. We do not believe this great industry can be conducted by a political autocracy. If we leave operation in the hands of political appointees, we would place the railway system ultimately in the hands of politicians, and that, we submit, can not safely be done.

I think there is much force in this statement, for the very reason which I have already given, but I do not agree that Mr. Plumb's plan would be any better, because there would be just as much danger from the system he suggests as the one he criticizes, and even more so, for under our system of government the party politician is responsible for his acts to the entire public, while under his plan the members of the board which he would put in control would have the strong temptation of regarding themselves responsible only to their own particular constituencies. But I will not enter into any comprehensive discussion of Government ownership at this time, because the

mind of the public seems to be pretty generally made up on that question, and therefore I shall content myself with what I have just said and what I have said on other occasions in the House on this particular subject.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MADDEN. Mr. Chairman, a division.

The CHAIRMAN. The gentleman from Illinois demands a division.

The committee divided; and there were—ayes 22, noes 67.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 203. The President shall have the right, at all reasonable times until the affairs of Federal control are concluded, to inspect the property and records of all carriers whose railroads or systems of transportation were at any time under Federal control, whenever such inspection is necessary or appropriate (1) to protect the interests of the United States, or (2) to supervise matters being handled for the United States by agents of the carriers, or (3) to secure information concerning matters arising during Federal control, and such carriers shall provide all reasonable facilities therefor.

Such carriers shall upon the request of the President, or those duly authorized by him, furnish all necessary and proper information and reports compiled from the records made or kept during the period of Federal control affecting their respective lines.

Any carrier which refuses or obstructs such inspection, or which willfully fails to provide reasonable facilities therefor, or to furnish such information or reports shall be liable to a penalty of $500 for each day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action to be brought by the United States.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. Mr. Chairman, far be it from me to criticize the committee that had this bill under consideration. I have had many letters from my district, asking me to tell them how I stood upon what is known as the Esch bill, and I have written back to the writers stating that the bill was in subcommittee, and from the subcommittee I could secure no information, and therefore I did not know what the bill would contain.

I find in the report the following: "The bill was introduced June 2, 1919." Then "The committee, after giving notice that hearings would begin on a given date, being delayed because of the necessity of giving consideration to and securing the passage of important measures, began hearings on July 17. These hearings continued with morning and afternoon sessions continuously until September 27. Some 3,500 pages of testimony have been printed. Exclusive of the printed hearings, numerous exhibits were filed. Proponents of various plans were first heard. These were followed by witnesses," and so forth.

Mr. Chairman, the "important measures" that we passed were for a bridge across the Susquehanna River; another one for a bridge across the Susquehanna River; another one for a bridge across the Susquehanna River; one for a bridge across the Snake River; another for a bridge across the Mississippi River; another for a bridge across the Pend Oreille River; one for a bridge across the Sulphur River; and several others, and the appropriation bills which were left over from the last session because of the filibuster. I do not criticize the committee because they could not take up this important bill in view of these important measures which were before the House; but I would like to state that this committee began its hearings on July 15 and continued them until September 27, or more than two months. The subcommittee had the bill under consideration from September 27 until about November 1, more than a month. The full committee considered the bill for 10 days, and while it was unanimously requested that the bill be published in the RECORD last Saturday night, in order that the country might know what it contained, the bill was not published in the RECORD and was only placed upon the desks of Members on Sunday.

Mr. ESCH. Will the gentleman yield?

Mr. SEARS. I yield to the gentleman.

Mr. ESCH. I tried to get the bill printed in the RECORD of Sunday morning, but I had only one copy, and that was used to have it printed in bill form.

Mr. SEARS. I am making no criticism at all of the chairman of the committee.

Mr. ESCH. But I did get the bill printed in bill form, and had copies put in the post office on Sunday morning.

Mr. SEARS. I am simply stating the fact that it was not published in the RECORD, and the country did not know what the bill contained. On last Monday morning this House received for the first time the report issued by the members of the committee.

Now, Mr. Chairman, I submit that this is the most important piece of legislation that has been before this House or that will come before this House for consideration. Senator CUMMINS, a distinguished Republican, made the statement a few days ago in the Senate, and I heard him make it, that the President nine months ago called the attention of Congress to the fact that on the first of the year the railroads would be turned back to their private owners and demanded of the majority that they give due consideration to some bill that would properly regulate and control the return of the railroads. It is all right for us to take up the bill, but since last June, until last Monday, no such bill has been before this House for consideration, and although we have a good many Members present there are 435 Members of this House, and I know that they have not had a chance to study the hearings or the report on the bill, because I myself have not had the opportunity to give this bill the consideration that I would like to give to it. We have confidence in the members of the committee, but I want to call the attention of the House to the further fact that on the budget bill, to which there was no opposition, and which was carried unanimously, 12 hours of debate were given to the membership of this House. Those 12 hours could well have been spent in arguing this railroad bill. I simply state these facts, because I believe the country should realize and know that this bill is being "railroaded" through Congress to keep the pledge of the majority leader that some constructive measure would be passed before Congress adjourned, however half-baked it might be. I make the further assertion that the bill that we are now considering will not be the bill that will go upon the statute book, but that the Senate, giving it the careful consideration that they usually give to bills, will substitute their own bill, and that much of the Senate bill will be agreed to by the conferees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. LAYTON. I object.

The CHAIRMAN. The gentleman from Delaware objects. The Clerk will read.

The Clerk read as follows:

CAUSES OF ACTION ARISING OUT OF FEDERAL CONTROL.

SEC. 204. Actions at law, suits in equity and proceedings in admiralty, based on causes of action arising out of the possession, use, or operation by the President of the railroad or system of transportation of any carrier (under the provisions of the Federal control act, or of such act of August 29, 1916) of such character as prior to Federal control could have been brought against any such carrier, may, after the termination of Federal control, be brought against such agent or agency as the President designates to adjust, settle, liquidate, and wind up matters arising out of Federal control. Such actions, suits, or proceedings may, within the periods of limitation now prescribed by State or Federal statutes and within two years from the date of the passage of this act, be brought in any court which but for Federal control would have had jurisdiction of the cause of action had it arisen against such carrier.

Process may be served upon any agent or officer of the carrier operating such railroad or system of transportation, if such agent or officer is authorized by law to accept service of process in proceedings brought against such carrier and if a contract has been made with such carrier by or through the President for the conduct of litigation arising out of operation during Federal control. If no such contract has been made, process may be served upon such agents or officers as may be designated by or through the President. The agent designated by the President to adjust, settle, liquidate, and wind up matters arising out of Federal control, shall cause to be filed, upon the termination of Federal control, in the office of the clerk of each district court of the United States, a statement naming all carriers with whom he has contracted for the conduct of litigation arising out of operation during Federal control, and a like statement designating the agents or officers upon whom process may be served in actions, suits, and proceedings arising in respect to railroads or systems of transportation with the owner of which no such contract has been made; and such statements shall be supplemented from time to time, if additional contracts are made or other agents appointed.

Mr. LANHAM. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LANHAM: Page 8, line 24, after the word "carrier," insert:

"*Provided*, That the period of Federal control shall not be computed as a part of the period of limitation in actions against carriers or in claims for reparation to the Interstate Commerce Commission for causes of action arising prior to Federal control."

Mr. LANHAM. Mr. Chairman, a provision somewhat similar to that proposed by this amendment was recently enacted in Senate bill 641, which was a bill to amend section 10 of the act entitled "An act to provide for the operation of transportation systems while under Federal control," and so forth.

The process of litigation has necessarily been in a somewhat chaotic state during the period of Federal control. Litigation has been held in abeyance, and litigants in many cases, ignorant of their rights, have failed to proceed, and it seems but a fair and just provision properly to safeguard their interests, to provide that the period of Federal control shall not be computed as a part of the period of limitation in causes of action arising before the Federal control began.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I want to ask a question of the gentleman from Texas.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. GRAHAM of Pennsylvania. The gentleman's amendment, as I understand it, is intended to take the period of Government control out of the running of the statute of limitations?

Mr. LANHAM. Yes; it is.

Mr. GRAHAM of Pennsylvania. In reading this paragraph and in conversation with the chairman of the committee, I find that the paragraph is intended to fix an absolute limitation of two years, and those two years would not begin until after the date of the passage of this act.

Mr. LANHAM. That is to sue the agency which the President appoints in accordance with the provisions of the act, in cases in which the causes of action arose during Federal control, and this amendment is for matters arising prior to the operation of Federal control.

Mr. RAYBURN. Mr. Chairman——

The CHAIRMAN. All time on the amendment has expired.

Mr. RAYBURN. I want to prefer a request. I think this amendment would go better at the end of section 204, and I ask unanimous consent that it be offered at the end of line 22 on page 9, instead of at the end of line 24 on page 8.

Mr. LANHAM. That is agreeable to me.

The CHAIRMAN. The gentleman asks unanimous consent to transpose the amendment to the place indicated. Is there objection?

Mr. SANDERS of Indiana. Reserving the right to object, why is it not more appropriate at the place where it was offered, which deals with limitations of actions?

Mr. RAYBURN. It still applies to the same section.

Mr. SANDERS of Indiana. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. EVANS of Nebraska. Mr. Chairman, I would like to ask the gentleman from Texas [Mr. RAYBURN] a question. If I understand the statement made, this provision is to extend the statute of limitations as to claims existing prior to Government control?

Mr. RAYBURN. That is correct.

Mr. EVANS of Nebraska. Attached to this section, does the gentleman think it would have that effect?

Mr. RAYBURN. This is a new paragraph added to the section, and I think so.

Mr. EVANS of Nebraska. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The amendment as modified will be again reported.

The Clerk again reported the amendment.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word. I think this amendment as offered should be adopted. The reason is because during the period of Federal control these claimants had no right to levy on the carriers' property, and many claimants were confused as to just how action should be brought. I think the chairman of the committee agrees with me.

Mr. ESCH. Mr. Chairman, I will state that practically this provision was incorporated as an amendment in S. 641, restoring to the Interstate Commerce Commission its prewar powers, but that would only pertain to the small remainder of time under Federal control.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. BANKHEAD. On page 8, line 21, it says "within two years from the date of the passage of this act." Is that intended to extend generally the period of limitation of two years in all States?

Mr. SANDERS of Indiana. That is a restrictive provision.

Mr. WHITE of Maine. If the gentlemen please, I want to offer an amendment which I think will make that clear.

Mr. SANDERS of Indiana. I want to answer the gentleman from Alabama.

Mr. BANKHEAD. In my State the period of limitation is 12 months for a tort against corporations.

Mr. SANDERS of Indiana. The language is:

Such actions, suits, or proceedings may, within the periods of limitation now prescribed by State or Federal statutes and within two years from the date of the passage of this act, be brought in any court,

And so forth.

Mr. BANKHEAD. Why not strike out "within the period of two years"?

Mr. SANDERS of Indiana. I will say that that was put in at the very earnest request of the Railroad Administration—that these actions should all be brought at least within the period of two years, irrespective of the general statute of limitations that might obtain in different places, and it is only a restriction in case some statute should provide a period longer than two years.

Mr. BANKHEAD. Does not the gentleman fear that it means an enlargement of the period?

Mr. SANDERS of Indiana. I think not.

Mr. WHITE of Maine. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas has a pending amendment, which will first be disposed of.

Mr. ESCH. Mr. Chairman, will the gentleman strike out the word "provided" in his amendment?

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the word "provided."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. WHITE of Maine. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, line 21, strike out the words "and within" and insert in lieu thereof the words "but not later than."

Mr. WHITE of Maine. Mr. Chairman, as has been suggested, this language was intended to be a limitation on the right of action. I have been somewhat confused as to the wording of the paragraph as it is in the act. I think this suggestion of mine clears the matter up and makes it certain that without any regard to what the statute may be the right of action is limited to not later than two years from the termination of Federal control.

Mr. ESCH. Mr. Chairman, the committee has no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine.

The question was taken, and the amendment was agreed to.

Mr. JEFFERIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 9, line 22, after the amendment already adopted, insert:
"All actions, suits, or proceedings of the character above described pending at the termination of Federal control shall not abate by reason of such termination, but may be prosecuted to final judgment, substituting the agent or agency designated by the President to adjust, settle, liquidate, and wind up matters arising out of Federal control."

Mr. ESCH. Mr. Chairman, will the gentleman offer his amendment to precede the amendment of the gentleman from Texas adopted a moment ago, making the amendment of the gentleman from Texas a separate paragraph?

Mr. JEFFERIS. I will accept that.

The CHAIRMAN. The gentleman from Nebraska modifies his amendment so that it shall be inserted preceding the amendment of the gentleman from Texas just adopted, so that the amendment of the gentleman from Texas will be a separate paragraph. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, would the gentleman yield for a suggestion? I suggest that he eliminate from the amendment the word "all," the first word of his amendment.

Mr. JEFFERIS. I accept that suggestion.

The CHAIRMAN. The gentleman asks unanimous consent to so modify his amendment as to eliminate the word "all." Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, I think there are two or three other words in that amendment and in several other places in this section that ought to be eliminated. I refer to the words "and wind up." It seems to me that is inappropriate language in a bill of this kind.

Mr. BUTLER. It sounds like winding up a clock.

Mr. BANKHEAD. Or a ball of yarn. I think they ought to be eliminated. I merely call this to the attention of the chairman of the committee.

The CHAIRMAN. Is there objection to the elimination of the word "all"?

There was no objection.

Mr. JEFFERIS. Mr. Chairman, I think the criticism of the gentleman from Alabama [Mr. BANKHEAD] does not apply to the amendment that I have offered. The reason for this amendment, as it appeared to me, was that section 204 had reference to the bringing of suits, whereas we know that there are a number of suits already pending against the railroads or the administrator in charge of them, and in order that their rights may be continued definitely and certainly I offered the amendment.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. PARRISH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 14, after the word "States," insert "and of the several States."

Mr. PARRISH. Mr. Chairman, I offer the amendment for the purpose of putting the information as to whom it will be necessary to sue and serve within the reach of the bar of every trial court of the United States, so far as possible, the public generally, if the President should designate an agent or agents to close up the litigation that would be pending against any particular road arising out of Government operation and control. In my section one of the chief objections to the present bill has been that during Federal control it was very difficult to get promptly the rules and regulations of the Railroad Administration as same were passed and consequently were at a great handicap in trying to handle the business of our clients, often not knowing just how to proceed. This bill provides that amendments or additional contracts shall be filed or may be filed from time to time by the agent. In some sections of the country the district clerk is two or three hundred miles away from the United States district court, and I feel that it would not be an unreasonable thing to require that the agent file the information contemplated under this section of the bill not only with the clerk of the district court of the United States but also with the Clerk of the district courts of the several States in the Union or the trial courts having highest general jurisdiction.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. PARRISH. Yes.

Mr. TILSON. In many States there are no such courts as "district courts." Courts of the several States are known by all sorts of different names, and it seems to me that the gentleman's amendment might serve a purpose in those States where there is such a thing as a district court, but that in other jurisdictions, where there is not such a thing, it would not.

Mr. PARRISH. I would be glad to modify the amendment so as to say in the district courts of the several States or in the highest trial court of record in each county, and I will modify my amendment so as to cover that.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PARRISH. Yes.

Mr. SANDERS of Indiana. I assume that the objection the gentleman has is that there are some States that do not constitute a district. That is, it takes more than one State for a district?

Mr. PARRISH. Oh, we have five districts in the State of Texas.

Mr. SANDERS of Indiana. Is it really the gentleman's purpose to have all of this information and data filed in each county?

Mr. PARRISH. Yes; that is our purpose. In some places we are some two or three hundred miles away from the clerk of the district court of the United States.

Mr. SANDERS of Indiana. I think there would be no objection—and I do not pretend now to be speaking for the committee—if the purpose of the gentleman was just to require the Director General, or whoever winds up the affairs under Federal control, to file this data, in addition to the provisions of the act, with the highest court in the State; for instance, with the clerk of the supreme court in the State.

Mr. PARRISH. But that would not help any.

Mr. SANDERS of Indiana. In fact, that would afford the same opportunity for the litigants to determine whom they should serve as is afforded in most States with reference to foreign corporations.

Mr. PARRISH. I would like to say in reply to the gentleman that there are districts in our State that are larger than several of the States of the Union, and that the object of this amendment is to put this information as near as we can into the hands of the general public and of the lawyers of the bar.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MOORE of Virginia. Mr. Chairman, I desire to be heard on the amendment. I think the view expressed by the gentleman from Texas [Mr. PARRISH] is correct. There is this, among other practical reasons, in support of his view: If the statement is filed only in the Federal court or filed only in the highest court of the State, then it would be necessary for everyone who wishes to use the fact expressed in the statement to pay for a certificate of the statement, and undoubtedly this would involve expense, which would be particularly prejudicial to people who have small claims.

While I am on my feet I would like to refer to another point which I think should receive the attention of the committee. On page 9 the provision is that process may be served upon any agent or officer of the carrier operating such railroad or system of transportation "if such agent or officer is authorized by law to accept service of process in proceedings brought against such carriers."

There will be a great many cases in which there is no State law that authorizes the acceptance of process, and it strikes me that there should be substituted this simple provision: "Processes may be served upon a carrier owning or operating such railroad or system of transportation." Then leave it to the Federal or the State law, as the case may be, to determine how process shall be served. While I am up, there is one other feature I would like to mention. Going back to the first paragraph of section 204, there seems to be an omission there of any right to assert causes of action, accrued heretofore, arising from torts committed by or the loss and damage to property involved in the operation of vessels owned by the Government and conducting business upon inland waterways. Now, as I understand, while Federal control is in effect such a suit can be brought against the Director General pursuant to orders issued by him, but upon the cessation of Federal control no such suit will lie against anybody unless this act provides for it, and this particular bill does not provide for it. This paragraph provides for a suit against any carrier whose system of transportation has been taken over, but does not cover cases where the Government has bought vessels and put them in operation. In those cases there may be valid claims which can not be asserted unless authority is given by this bill. Here is apparently an omission which I respectfully suggest to the distinguished chairman of the committee that ought to be taken care of at some stage or other.

The CHAIRMAN. The question is upon the amendment of the gentleman from Texas.

Mr. BEE. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. All time has expired.

Mr. BEE. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to follow the suggestion of the gentleman from Texas by calling attention to the situation in the western portion of Texas in reference to limiting it to the clerk of the Federal court. I think if you would make it the clerk of the district Federal court or courts of like general jurisdiction in the States it would fill a long-felt want for our people. While I am on the floor I want to ask the committee a few questions about section 204. As I understand, all these actions at law referred to here are such suits as personal injuries, suits on shipments, and matters of that kind which are now pending in various courts against the Railroad Administration. Am I correct in that?

Mr. SANDERS of Indiana. Yes.

Mr. BEE. Here is what I desire to ask the committee: Would it be possible, in behalf of the litigants, in behalf of the parties who have been injured by this corporation and who have brought suits against them and whose suits are transferred out of the general run of legislation, to transfer these suits by congressional enactment back from whence they come or from where they would have been had there not been Federal control? As I understand, this provision creates an agency to be appointed by the President, whose duty it shall be to adjust, settle, liquidate, and wind up matters arising out of Federal control. Now, then, this agency, as I understand it, to be appointed by the President for the purpose of adjusting, settling, and liquidating these matters, will not be the court in which the suits are brought, but will be a separate tribunal, and now I want to ask——

Mr. SANDERS of Indiana. The agency will no doubt be some one like a director general—that is, the agency for winding up affairs.

Mr. BEE. That is the agency that is contemplated.

Mr. SANDERS of Indiana. That will be the party defendant.

Mr. BEE. Then I understand the agent will be the party defendant substituted for the railroad administrator and will not be a separate agency set up, but the cases will continue in the court in which they were brought as originally instituted. Am I correct in that? Then may I ask the committee, Why do you not permit these suits brought by citizens against the railroad corporation temporarily under Government control when the Government control ceases to go back again as they were before Government control and let the litigants proceed in their own vicinage and before their own tribunals?

Mr. SANDERS of Indiana. I think rather than to have to answer specifically the questions the gentleman has asked I will state what this section provides as I understand it. This section deals in the first place with causes of action growing out of Federal control.

Mr. BEE. Torts?

Mr. SANDERS of Indiana. Yes.

Mr. BEE. Personal injuries?

Mr. SANDERS of Indiana. Yes.

Mr. BEE. Shippers' contracts?

Mr. SANDERS of Indiana. Yes.

Mr. BEE. Just the same as it was before Federal control?

Mr. SANDERS of Indiana. To be sure. Now, that will be part of the operating expenses; that application is part of the operating expenses.

Mr. BEE. Just like a receivership?

Mr. SANDERS of Indiana. Yes. Under Federal control the director general issued an order requiring all of these suits to be brought against him notwithstanding the provision in the Federal-control act. Now, then, the purpose of this section is to provide that these suits may be prosecuted, that the claims that have not yet been brought may be brought just the same——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. SANDERS of Indiana. Those causes of action which arise through Federal control are provided for in this section, and by an amendment pending actions are provided for, and this provides that a suit can be brought against the United States Government at any place in the country. It is a very liberal provision for suing the Government. The Government took over these railroads and operated them, and torts and contract obligations arose, and they are really actions against the Government, and in pursuance of that idea the director general provided that suits should be brought against him. This carries it on further and makes liberal provision that the United States may be sued in any jurisdiction of the land where he could have been sued.

Mr. BEE. Would it be feasible to insert in the law a provision directing the clerks of the various courts to transfer the suits thus directed against the Government back as against the owner?

Mr. SANDERS of Indiana. No; I think that would be an entirely wrong procedure, because this is a part of the operating expenses. It is the Government's obligation in practically every instance. While the Government was operating these railroads a tort occurred, a carrier is not liable. The Government is liable, and that is the procedure which they have pursued. The director general would be sued and that would be paid out of the operating expenses.

Mr. BEE. Would it be the same as if you had a receivership proceeding, and the judgment recovered would be paid out of the receivership fund and not out of the general fund of the corporation?

Mr. SANDERS of Indiana. They will not pay it out of the funds of the corporation. This will be a Government obligation and will be paid by the revenues that come in, or out of the revolving fund, or by appropriation.

Mr. BEE. And not by the general carrier?

Mr. SANDERS of Indiana. No.

Mr. GREEN of Iowa. For information in reference to this procedure, now, as I understand it, the Government is authorized through the President to make a contract with any of the carriers he sees fit to do so, and have them paid under this legislation?

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. As I understand the gentleman, it is expected the Government will in the long run pay all the expense in case the litigation is unsuccessful, or the expenses of the investigation, in any event, that are usually paid a party in any case?

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. Why did not the committee simply provide, in line with what the gentleman from Texas [Mr. BEE] said, that these cases should be transferred directly against the original railroad company, but that the Government should pay whatever the cost or the expense might be?

Mr. SANDERS of Indiana. It would be this situation: Suing the railroad company, they could get a verdict against the railroad company and the railroad company would not be liable under the law.

Mr. HUDSPETH. Where will the venue lie under this section? In the Federal court or a district court?

Mr. SANDERS of Indiana. A Federal court or a State court.

Mr. HUDSPETH. Or State court either?

Mr. SANDERS of Indiana. You can sue the Government in a justice-of-peace court under this section.

Mr. JONES of Texas. What is the purpose of having lines 3 and 4, on page 9, and requiring that the agent be such as is authorized to waive service of process? Could not those lines be cut out?

Mr. SANDERS of Indiana. Wherever the Government could make an arrangement with the carrier we wanted the suit to be brought, so that they could serve the agent in the same way as if they did not have it.

Mr. JONES of Texas. You provide that in the second part of this paragraph, but in the first part you require not only that the agent be an officer of the corporation, but you require that he shall be such agent or officer as the law permits to waive process. In our State a man can not waive process unless he is authorized by an act of the corporation.

Mr. SANDERS of Indiana. Where is the provision that says he shall waive process?

Mr. JONES of Texas. Lines 3 and 4, on page 9——

Mr. SANDERS of Indiana. That says "accept service."

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. That term says "accept service"; not waive service.

Mr. JONES of Texas. "Accept service" is the same thing.

Mr. PARRISH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PARRISH. I ask unanimous consent to modify the amendment I offered just a few moments ago.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment. Will he state the modification?

Mr. PARRISH. On page 9, line 14, after the word "States," insert "and all nisi prius courts of the several States having the highest general jurisdiction."

The CHAIRMAN. The Clerk will report the modification proposed.

The Clerk read as follows:

Modified amendment offered by Mr. PARRISH: Page 9, line 14, after the word "States," insert "and all nisi prius courts of the several States having the highest general jurisdiction."

Mr. GOODYKOONTZ. Mr. Chairman, I object.

The CHAIRMAN. Objection is made to the modification. The question is on the amendment of the gentleman from Texas [Mr. PARRISH], which the Clerk will report.

Mr. PARRISH. Mr. Chairman, I offer that as a substitute for my amendment, if I may.

Mr. GOODYKOONTZ. Mr. Chairman——

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment by Mr. PARRISH: Page 9, line 14, after the word "States" insert "and of the several States."

The CHAIRMAN. The question is on the amendment.

Mr. SAUNDERS of Virginia. Did the gentleman ask leave to submit a substitute for his original amendment?

Mr. PARRISH. I did not ask that.

Mr. SAUNDERS of Virginia. Do you want to vote on the original amendment?

Mr. PARRISH. I left it as it is, as the gentleman objects to making a correction.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. PARRISH].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ESCH. Mr. Chairman, I ask for a division on that.

The committee divided; and there were—ayes 50, noes 57.

So the amendment was rejected.

Mr. BANKHEAD and Mr. PARRISH rose.

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] is recognized.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment to cover the suggestion I made a while ago.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

Mr. BANKHEAD. In line 18, page 8, after the word "settle," insert the word "and"; and, after the word "liquidate," strike out the words "and wind up," so that it will read "adjust, settle, and liquidate matters arising out of Federal control." I do not care to discuss the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 8, line 18, after the word "settle," insert the word "and"; and, after the word "liquidate," strike out the words "and wind up."

Mr. ESCH. Mr. Chairman, that would involve a change in several other parts of the bill. The attention of the committee was called to the use of those words "wind up" when we were considering the bill both in the subcommittee and in the full committee, and while some objection was made to the phrase because it may not have a legal standing, we retained it because it has a well-known meaning in the business and financial world, and no other two words could more clearly and fully express the thought of closing up than the words "wind up."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

The question was taken, and the amendment was rejected.

Mr. GARRETT. Mr. Chairman, I offer an amendment to follow the Lanham amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to follow the amendment offered by the gentleman from Texas [Mr. LANHAM], previously adopted.

The Clerk read as follows:

Amendment offered by Mr. GARRETT, to follow the amendment offered by Mr. LANHAM: Page 9, line 22, insert: "*Provided*, That hereafter no suit against a railroad company, brought in a State court of a State in which the cause of action arose, shall be removed to any court of the United States on the ground that the parties are citizens of different States, if the suit is brought in the county where the cause of action arose or is in the county where the defendant is served with process or the plaintiff resides."

Mr. SANDERS of Indiana. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SANDERS of Indiana. Mr. Chairman, this section deals with actions against the Federal Government. This proposed amendment deals with the question of removal of Federal causes of action, an entirely different subject matter, and the amendment is not at all germane to the general provisions of this section.

Mr. GARRETT. Mr. Chairman, except for the fact that the Lanham amendment has been adopted, I am not sure but that I should agree with the gentleman from Indiana [Mr. SANDERS]. If I understand his point of order, it is that it is not germane to this section. This section does deal with the causes of action arising out of Federal control, and I am prepared to concede that this amendment would not be germane to the section of the bill as reported by the committee. But an amendment has been adopted by the committee, offered by the gentleman from Texas [Mr. LANHAM], which goes outside this section. The Lanham amendment provided that the statute of limitations—that is, in cases generally, not with reference to Federal control cases, but any cause of action that existed on the part of any citizen, if I understood the Lanham amendment, prior to the time of Federal control, may now be tried—the statute of limitations being extended. In other words, the Lanham amendment goes entirely beyond the subject matter of the bill as reported by the committee, and I have proposed this as a proviso to be added to the Lanham amendment. For that reason I respectfully submit that it is in order.

Mr. SANDERS of Indiana. Mr. Chairman, I do not think that the amendment that has been added to the section changes the situation. There were some provisions in here generally with reference to limitations of action, and the other amendment may have been germane for that reason. That amendment dealt with the question of Federal control and excluded the period of Federal control, the very subject matter with which we were dealing, from the statute of limitations. But this has nothing to do with Federal control. There is not anything here with reference to Federal control. It is merely a separate and independent proposal, as follows—I call the particular attention of the Chair to it:

That no suit against a railroad company—

It does not matter whether it was under Federal control or had ever been tried under Federal control—

brought in any State court in the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties belong to different States.

That goes to the general question of procedure and would revolutionize our laws with reference to procedure and the removal of causes of action. If we could suddenly thrust that question in here it would certainly bring a novel and important question out of this question of actions arising during Federal control.

Mr. DENISON. Mr. Chairman, I desire to be heard on the question of order.

Even if the position of the gentleman from Tennessee [Mr. GARRETT] were correct, even if the amendment offered by the gentleman from Texas [Mr. LANHAM] does enlarge the scope of the bill, which I do not think is the case, still the amendment of the gentleman from Texas pertains merely to the question of limitation of actions. The question of removal of causes of action proposed by the amendment of the gentleman from Tennessee is in no sense germane to that proposition. Therefore, in either case the latter proposal is not germane and is out of order.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] offers an amendment which, in effect, provides that hereafter no suit against the Federal Government brought in State courts can be removed to United States courts on account of diversity of citizenship if the suit is brought in the county where the cause of action arose or within the county where the process was served and the plaintiff resides. That amendment is offered to a section of the bill dealing with causes of action arising out of Federal control. The amendment of the gentleman from Texas [Mr. LANHAM], to which the gentleman from Tennessee [Mr. GARRETT] refers, was to the effect that the period of Federal control should not be considered as a part of the statute of limitations in actions against carriers or claims against the Interstate Commerce Commission for causes of action arising prior to that.

That amendment sought to eliminate the period during which carriers have been under Federal control from the statute of limitations against actions on claims. The amendment offered by the gentleman from Tennessee, however, deals with an independent and entirely different subject, namely, the removal of causes of action from State courts to the United States courts on the ground of diversity of citizenship. The Chair thinks there is nothing in the language of the paragraph or section now under consideration which deals with the removal of causes of action in any way, nor is there anything in the section as thus far amended which would make an amendment of this sort germane. Therefore the Chair sustains the point of order.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 9, line 3, strike out all of lines 3 and 4.

Mr. JONES of Texas. Mr. Chairman, under the provisions of the first part of this paragraph, which deals with causes of action arising during Federal control or operation, in order to secure the service of process upon any defendant it is necessary not only to find an agent or officer of that corporation but also to find an agent or officer who is authorized by law to accept service of process in proceedings brought against such carrier. Now, I think, the first part of the provision is wise, to wit, that service of process must be had on an agent or officer of the corporation, but in some of the States, at least, there is no agent or officer of any corporation who is authorized by law to accept service. In such States it would be impossible to secure service under the terms of this bill. There is no agent or officer of any corporation in the State of Texas who is authorized by law to accept service, unless he is authorized by his own corporation to accept service.

Mr. BARKLEY. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BARKLEY. This does not mean that the agent must be authorized to waive the formalities of service, but he must be an agent whom the law says may be served.

Mr. JONES of Texas. That is not the way it reads. If the gentleman will change it to read in that way, I will withdraw

my amendment. It says that process may be served upon any agent or officer if such agent or officer is authorized by law to accept service. I want to call the particular attention of the chairman of the committee to that. I am sure it is not his intention to deprive anyone who has a just claim against a railway company of the right to sue. Yet, if such provisions are placed in the bill as to make service of process impossible in certain jurisdictions, that will be the effect of it.

Mr. MOORE of Virginia. Does the gentleman think that to amend it in the way I now suggest would express his view—to make the paragraph read in this way:

Process may be served upon the carrier owning or operating such railroad or system of transportation—

And so forth.

Mr. JONES of Texas. Perhaps that would reach the same end, but I think it would be better to designate the agent or officer.

Mr. MOORE of Virginia. Is that not the way in which a statute ordinarily prescribes the method of service of process?

Mr. JONES of Texas. In my State it provides that it shall be an agent or officer of the corporation. I do not think that makes any material difference.

Mr. MOORE of Virginia. An important feature of the matter is that the right of service should not be confined to the carrier operating the railroad, but should be extended to the carrier owning as well as the carrier operating.

Mr. JONES of Texas. I think the gentleman's suggestion is a good one. That is apart from my amendment, however.

Mr. MOORE of Virginia. I think that point should be considered.

Mr. JONES of Texas. I think that might well be covered.

Mr. MOORE of Virginia. I offer a substitute for the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia as a substitute for the amendment of Mr. JONES of Texas: Page 9, line 1, after the word "upon," strike out the words "any agent or officer of," and the words "if such agent or officer is authorized by law to accept service of process in proceedings brought against such carrier and," and after the word "carrier," in line 3, insert the words "owning or," so that the paragraph will read "process may be served upon the carrier owning or operating such railroad or system of transportation."

And so forth.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Virginia [Mr. MOORE].

The question being taken, the substitute was rejected.

Mr. MOORE of Virginia. I ask the attention of the chairman of the committee for a moment.

The CHAIRMAN. The question now is upon the amendment of the gentleman from Texas [Mr. JONES].

Mr. DENISON. Has all debate on that amendment closed?

The CHAIRMAN. It has.

Mr. DENISON. I should like to be heard on it, and for that purpose I move to strike out the last word of the amendment.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. DENISON. Gentlemen, I think the purpose of that amendment is simply to comply with the State law. The gentleman from Texas states that in his State nobody is authorized to accept service on a railroad. I think the gentleman is mistaken, although you can not get service upon a railroad by serving a paper on a wiper or some employee of that kind. You have got to serve a recognized agent who is authorized to receive service.

Mr. JONES of Texas. We have in Texas a provision which designates the person upon whom service may be had, but that person is not authorized by law to accept service. You can serve any agent or officer of a corporation in Texas, but that officer can not accept service unless his corporation authorizes him to accept it.

Mr. DENISON. That is what I understand the amendment to mean. It means to limit the right to bring suit by service on those officers who are authorized by law to be served. That is what I understand it to mean.

Mr. STEVENSON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. STEVENSON. The term "accept service" has been defined by nearly all courts to mean an agent who is authorized to sign an acceptance of service. "I hereby accept service in behalf of the railroad company." An officer in the State of South Carolina is not authorized to accept service, but the statute says that service on certain officers shall bind the corporation. The term "authorized to accept service" means limiting it to this officer to whom authority had been committed by the railroad company to accept service generally. There is only one officer authorized to do that, and that is the officer of a foreign corporation whose authority is filed with the secretary of state. This is the rule in many States, but not in all States.

Mr. DENISON. If the position of the gentleman from South Carolina is correct, then the proper way to get at it would be to substitute the words "to be served with process" instead of the amendment offered by the gentleman from Texas.

Mr. STEVENSON. Authorized by law to be served with process.

Mr. SAUNDERS of Virginia. Mr. Chairman, I wish to say that the meaning given by the gentleman from South Carolina, according to the law of his State, of "accept service" is precisely the meaning given to it in the State of Virginia.

Mr. DENISON. I think the gentleman is right about that.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. JONES of Texas. Mr. Chairman, I will accept the modification suggested.

Mr. DENISON. Mr. Chairman, I will offer a substitute for the amendment of the gentleman from Texas.

The Clerk read as follows:

Page 9, line 3, after the word "law," strike out the words "to accept service or" and insert in lieu thereof "to be served with."

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, another reason why I find this bill impossible is found in the labor sections. These sections are confused, uncertain, and misleading. After considerable study I find them almost unintelligible. But gathering the best meaning I can out of them, I can not escape the conclusion that they are intended to give the railroad companies a chance to get at the funds of the labor organizations for any damages which may result on account of strikes.

I will not take up the time of the committee to discuss these provisions in detail. I object to them as a whole and to the details also. I object to the principle on which they are based, so there is no need to point out objections to details.

I can not understand why the committee presenting this bill should assume that it is necessary or proper to bring in a bill with labor sections, providing for a scheme of labor control, which did not exist before the Government took over the railroads. Why is it necessary now to hand back to the owners these railroads under different laws applicable to their employees from those under which the railroads were taken? What has happened since the Government assumed control of these roads that makes it necessary or proper that we should change the conditions of labor?

Some members of the committee seem to take credit because there is no clause in this bill providing for a jail sentence for a striking railroad employee. I want to say to the committee that the railroad employees find the provisions of this bill more offensive and more objectionable from their point of view than the antistrike provision of the Cummins bill. They would rather you would make a frank provision of law sending a man to jail for striking than to fix it so that the arm of the railroads may reach into the treasuries of the organizations of laboring men and strip them of the savings that they have been accumulating throughout the years. They realize full well that you can not imprison 2,000,000 railroad employees. They realize that you can not bring an indictment against a great multitude of people like that, for public sentiment would never tolerate it. But they know also that if it becomes merely a matter of financial considerations the railroads may be permitted to reach in and get their funds that they have laid up for a rainy day.

What has happened during the past two years? We have fought a successful war, which we said was for the purpose of promoting the cause of democracy, for making the world safe for common men, ameliorating the condition of the poor, the humble, the weak, and the oppressed. We have brought that war of idealism to a successful conclusion, and I am not amazed that we find men coming out of it unwilling to go back to the same harsh labor conditions that we had before the war. I would expect them to want better conditions, not worse.

What has happened during the two years of Government control to now justify a change in public policy toward the men who work for the railroads? They have been loyal. They supported the war with their blood and their earnings. They stood like a stone wall. They made their sacrifices upon the battle field and in their humble homes. They showed themselves patriotic and loyal Americans, both as soldiers in the field and as workmen in the shops. What have they done to excite suspicion or hostility? No just man can bring an accusation against them.

What, then, is the reason for discriminating against the railroad employees, for tying them hand and foot and turning them over to the railroads? Why should we now embark on a change of policy? Some may answer that it is because of the strike of the Boston policemen; but this is not a true answer. Policemen struck in Cincinnati, and yet no such coercive measures were then proposed. Policemen are public servants. Their situation is entirely different. Railroad employees when Government control is ended are employees of private interests. Besides that, the drastic antistrike provisions of this bill were proposed and urged long before the Boston strike.

Some may answer that it is on account of the steel strike. We have had steel strikes and great labor disturbances for many years in this country. Drastic laws against strikes did not follow, and, besides, the drastic antistrike provisions reflected in this bill were proposed long before the steel strike was heard of.

No; it is not because there have been recent strikes; it is not because of any misconduct of men who toil. No such excuse for the labor sections of this bill can be found. It is because a general drive is being made against labor all over this country. A nation-wide propaganda has been carried on by the employers ever since the armistice was signed, and even before that. The employers, nearly all of them, made fortunes out of the war. Millions of war profits are in their pockets, and with the added strength of these tainted millions they propose now to make a drive against labor, to crush labor, and to thwart its fair aspirations.

The workingmen of America fought the Great War upon the basis of idealism, with the hope in their hearts for better and higher lives to come out of victory. They hoped not to have to go back to the old struggle between employer and employee, the old struggle of strikes and contentions over wages and hours of labor. They hoped some new, more humane, and more enlightened way might be found for the settlement of labor complications. The leaven of this idealism touched the breast of nearly every worker. It inspired the deeds of valor of our soldiers on the fields of France. It has, indeed, caused new aspirations and kindled new hopes. These aspirations the hard-fisted employer would crush, these hopes he would destroy. The campaign is being made not merely against public employees like policemen, not merely against men connected with public utilities, like railroad employees, not merely against men working in the great basic industries like steel and coal. It is a campaign against common men—wage earners everywhere and in all grades.

The truth is that the employers and financial class and those affiliated with them, and their parasites and hangers-on, are frightened by conditions in Europe. They fear the workers. They dread the aspirations of the people toward nobler lives and things more worth while. They talk in their corners of "Bolshevism" and "anarchy" and look at each other with blanched faces. They see spooks in broad daylight, and shiver with fear when danger is far away. In their stupid terror they answer aspiration by seeking to crush it. Their remedy for the boiler strained to bursting is another weight on the safety valve. They would crush labor with an iron hand early and before it has had time to ferment. Their epithets of "red," "anarchist," and "agitator" are flung like stones, not only at workingmen who seek better wages but at any who may be bold enough to speak for them. It is the old story.

The exploiting classes, the employers and their kind, are unnecessarily alarmed. Laboring men are as good Americans as they are, love our institutions more than they do, and have a more intelligent understanding of what Americanism is. Disappointed though he may be to find that the employer holds to old notions and has failed to grasp the idealism of a new and better day, the worker will go back to his old task of fighting the battles of labor in the old orderly and lawful way. He will take up the struggle, if need be, where it was left off when he went to war. He will do this if the employer class will fight fair, if they will not resort to unjust means, if they do not drive him too hard, if they do not carry oppression too far. Let not the employer by his dominating influence, his prestige, wealth, and opportunity call the instrumentalities of government, the courts, executives, and legislatures, to aid him in crushing the reasonable hopes of labor. Let him not be so foolish as to overreach himself and for the sake of mere temporary advantage impair the confidence of the great mass of the people in their judges and governors and other public officers. It is only when the people believe that their Government is fair and just and is equally the government of rich and poor that they can and will support it.

I am hoping that the employers will forbear in their campaign against labor. I am hoping for a new vision for them. Their interests, as well as the public welfare and the safety of our Nation, require concessions, justice, humanity, and reasonableness in their dealings with labor and moderation in their demands for governmental interference in their disputes with their employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. I ask for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to speak for five minutes. Is there objection?

Mr. KEARNS. I object.

Mr. PARRISH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 9, line 14, after the word "States," insert "and of the nisi prius courts of the several States having highest general jurisdiction."

Mr. PARRISH. Mr. Chairman, I feel that this amendment as it now reads ought to be adopted. The reason for asking for the adoption of the amendment is that it will put this important information in the hands of practically every bar in the United States.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. PARRISH. Yes.

Mr. BARKLEY. Why does the gentleman use the phrase "nisi prius," which, of course, we all understand, but which is not usually put into the statutes that are enacted. Why would not a provision for filing this statement with the clerks of the courts of general jurisdiction suffice instead of using the words "nisi prius courts of the highest general jurisdiction"? Courts of general jurisdiction are understood to be courts that have jurisdiction for trying actions of all sorts, and using the words "nisi prius" seems to be unnecessary.

Mr. PARRISH. I used the phrase because it referred particularly to trial courts—trial courts having the highest general jurisdiction.

Mr. BARKLEY. Any court of general jurisdiction is a trial court.

Mr. PARRISH. Yes. I have no objection to changing the wording, if the words are objectionable.

Mr. BARKLEY. They are not objectionable, but they seem unnecessary.

Mr. PARRISH. They mean the same thing as the gentleman would have them mean.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. PARRISH. Yes.

Mr. ESCH. Would it meet the needs of the situation if it read—

Shall cause to be filed * * * in the office of the clerk of each district court of the United States and of the secretary of state of each State.

Mr. PARRISH. No; that would not meet the situation.

Mr. ESCH. You would find it there, and anybody by telegram or telephone could get the information sought.

Mr. PARRISH. In reply to the chairman of the committee, I would say that that is the very thing that we are seeking to avoid. We feel that this is a public business, a public undertaking, and it will only cost a very little additional expense on the part of the Railroad Administration to put this information into the hands of the bar of practically every court in the United States, whereas if you do not adopt the amendment I have offered you will force the bar and the public to send telegrams for certified copies, and since your bill provides that additional contracts may be filed the public would not have notice of the filing, and since in many instances the courts are many miles away it will work a particular hardship. The result would be that the public would have to expend thousands of dollars in telegrams, whereas the Railroad Administration or the agent that is in charge of closing up this business could have a few extra copies filed with the clerk of the trial courts of the various counties of the States, and the essential information would be put within the reach of the bar and the public. I believe that it would be a great saving and that it would put the information in the hands of the people generally, and would not require them to send for certified copies and to be continually sending telegrams to the clerk of the district court of the United

States for information. I think the amendment ought to be adopted.

Mr. SAUNDERS of Virginia. Mr. Chairman, I would like to ask the gentleman from Wisconsin [Mr. ESCH] with respect to the suggestion that he makes to lodge this information with the secretary of state of the individual States. Is it a fact that every State in the Union has a secretary of state?

Mr. ESCH. I had supposed that all did.

Mr. SAUNDERS of Virginia. The gentleman will observe that by using the specific words "secretary of state" he might cause to be left out some States, which did not happen to have such an officer, just as the amendment of the gentleman from Texas [Mr. PARRISH] in its original form, would not have applied to the State of Virginia, because we have no district courts in Virginia.

Mr. ESCH. We have none in Wisconsin.

Mr. SAUNDERS of Virginia. Whereas the language used by the gentleman from Texas is language that will apply to every State in the Union.

Mr. ESCH. Does the gentleman know of any State that has not a secretary of state?

Mr. SAUNDERS of Virginia. Personally I do not.

Mr. ESCH. I was not aware of a single State that did not have a secretary of state.

Mr. SAUNDERS of Virginia. But I see no reason why it is necessary that every State should have a functionary carrying this particular title.

Mr. ESCH. And I suppose a nisi prius court would be found in practically every county.

Mr. SAUNDERS of Virginia. Those are general words that would be easily understood, and which would apply to every State in the Union.

Mr. ESCH. But it ought to be also understood that there are some four or five thousand counties in the United States, and this would involve large expenditures.

Mr. SAUNDERS of Virginia. It would be merely a question of some additional copies. The administration would find it necessary to print the information required to be lodged with the clerks of the district courts of the United States. As soon as the type for this purpose is set up it would be a very small additional expense to have the necessary number of additional copies printed for lodgment with the clerks of the nisi prius courts of the several States.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. EVANS of Nebraska. Under the proposed amendment would it not require to be filed in every county in the Union all of the railroads which were appointed? For instance, a railroad appointed in Florida would under this amendment have to be filed in every county in Oregon, and so on, and I do not think that is what the gentleman has in mind.

Mr. SAUNDERS of Virginia. If it is conceded that your suggestion is well taken, the amendment would simply cause this information to be made much more convenient for the litigants, the courts, and the general public at a very small additional expense.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, what has happened during the past two years that we should change our policy with reference to labor——

Mr. DENISON. Mr. Chairman, I make the point of order against the gentleman that he is not discussing an amendment to the section.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DENISON. The gentleman is discussing another part of the bill which is not now before the House. He is not talking upon an amendment pending, and I object to the delay——

Mr. HUDDLESTON. Will the gentleman withhold his objection for a moment?

Mr. DENISON. No; I am sorry——

Mr. HUDDLESTON. I would like to make a plea to the gentleman. Is not the gentleman, in the interest of fairness, willing to let somebody here say a word on behalf of these employees? We have not had any time in general debate; the committee got it all. Why not give at least a little time to somebody who wants to say something for them. That is nothing but fair. The gentleman sat here this morning and allowed labor to be attacked for 15 minutes.

The CHAIRMAN. The gentleman will suspend. The gentleman from Illinois makes the point of order that the gentleman from Alabama is not discussing the amendment which he proposes. If the gentleman from Illinois insists upon his point of order, the Chair will be compelled to sustain the point of order.

Mr. DENISON. Mr. Chairman, I will say to the gentleman from Alabama I always enjoy hearing him make a speech, and when we come to the labor question I will be glad to hear him as long as he wants, but I want to expedite the bill as much as I can and I make the point of order.

Mr. HUDDLESTON. I ask the gentleman why he did not make the point of order when the Member was attacking labor?

Mr. DENISON. That was in general debate.

Mr. HUDDLESTON. No; it was under the five-minute rule.

The CHAIRMAN. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the ayes seemed to have it.

Upon a division (demanded by Mr. ESCH) there were—ayes 33, noes 60.

So the amendment was rejected.

Mr. PELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 9, in the Lanham amendment, before the words "against carriers," insert "by or."

Mr. ESCH. So it will read——

The Clerk read as follows:

So that the amendment will read:

"That the period of Federal control shall not be computed as a part of the period of limitation in action by or against the carriers."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that the gentleman can not offer an amendment to an amendment that has been adopted.

The CHAIRMAN. The Chair sustains the point of order. The amendment has been agreed to, and it is now too late to amend it.

The Clerk read as follows:

REFUNDING OF CARRIER'S INDEBTEDNESS TO UNITED STATES.

SEC. 205. The indebtedness of any carrier corporation to the United States, existing at the termination of Federal control, incurred for additions or betterments made during Federal control or for advances made by the United States or incurred to pay off any carrier's indebtedness, and properly chargeable to capital account, shall, at the request of the carrier, be extended for a period of 10 years, or a shorter period, at the carrier's option, with interest at the same rate per annum as that fixed by the President as reasonable under section 4 of the Federal control act or under paragraph (d) of section 7 of the "standard contract" on the cost of additions and betterments, less retirements, and upon the cost of road extensions to the property of such carrier made by such carrier with the approval or by order of the President while such property was under Federal control, which interest shall be payable semiannually on the 1st days of January and July of each year. Such indebtedness shall be evidenced, if practicable, by the first mortgage bonds of the carrier; but, if this is impracticable, then in such practical form as shall be prescribed by the President.

Any other indebtedness of any carrier to the United States which may exist after settlement of accounts between the United States and the carrier shall be evidenced by notes payable on demand, with interest at the rate of 6 per cent per annum, and secured by such practicable security as shall be prescribed by the President.

The President may, in his discretion, set off against any indebtedness of such carrier to the United States any sum due to the carrier from the United States, to such extent as set off is permitted currently under any contract now or hereafter made between such carrier and the United States, or, where no such contract exists, to such extent as such set off would be permitted by the terms of paragraph (b) of section 7 of the "standard contract" between the United States and the carriers relative to deductions from compensation. Such set off shall be made first upon the class of indebtedness fundable hereunder in notes payable on demand, any remainder to be applied on the class of indebtedness fundable hereunder for 10 years.

No such set off shall be made of any sum so due to the carrier unless there shall have been paid to the carrier such sums due it as shall have been necessary to enable such carrier to pay the charges as defined in paragraph (b) of section 7 of the "standard contract" and dividends at the regular rate of dividends paid during Federal control (such fixed charges having accrued and such dividends having been declared during the period of Federal control), and such sums as may be necessary to provide the carrier with working capital in amount not less than one month's operating expenses, or due on account of material and supplies not returned in kind. If the President and the various carriers, or any of them, have entered or shall enter into an agreement for funding, through the medium of car trust certificates, or otherwise, the indebtedness of any such carrier to the United States incurred for equipment ordered for the benefit of such carrier, such indebtedness so funded shall not be refundable under the foregoing provisions.

With respect to any bonds, notes, or other securities acquired under the provisions of this section or under the provisions of the Federal control act, the President shall have the right to make such arrangements for extension of the time of payment, or for the exchange of any of them for other securities, or partly for cash and partly for securities, as may be provided for in any agreement entered into by him or as may in his judgment seem desirable.

Mr. DENISON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 9——

Mr. MERRITT. Mr. Chairman, I desire to offer a perfecting amendment, simply to correct the text. On page 12, line 3, after——

The CHAIRMAN. The Chair does not know what the amendment of the gentleman from Illinois is until it has been reported.

Mr. MERRITT. But he will not object to this. After the word "certificates," page 12, line 3, there are two commas, and I move to strike out one comma.

The CHAIRMAN. If the gentleman thinks that serious enough to be disposed of before the amendment of the gentleman from Illinois is disposed of, very well. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 3, strike out the second comma after the word "certificates."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 9, lines 24 and 25, and page 10, lines 1 to 25, inclusive, page 11, lines 1 to 25, inclusive, and page 12, lines 1 to 14, inclusive, strike out, and insert in lieu thereof the following:

"SEC. 205. As soon as practicable after the termination of Federal control the President shall ascertain the amount of the indebtedness of each carrier to the United States, incurred for additions and betterments made during Federal control and properly chargeable to capital account, which may exist at the termination of Federal control; and (2) the amount of the indebtedness of the United States to such carrier arising out of Federal control. The amounts so ascertained shall be set off against each other to the extent permitted under any contract now or hereafter made between such carrier and the United States in respect to the matters of Federal control, or, where no such contract exists, to the extent permitted under paragraph (b) of section 7 of the standard contract between the United States and the carriers relative to deductions from compensation.

"(b) Any remaining indebtedness of the carrier to the United States in respect to such additions and betterments shall, at the request of the carrier, be funded into not exceeding 10 equal parts, one of such parts to be payable annually, beginning at the expiration of five years after the termination of Federal control, with interest at the rate of 6 per cent per annum from the date of the funding, payable semi-annually, subject to the right of such carrier to pay, on any interest-payment day, the whole or any part of any such installment before it is due. Any carrier obtaining the funding of such indebtedness as aforesaid shall give, in the discretion of the President, such security, in such form and upon such terms, as he may prescribe.

"(c) Any other indebtedness of any such carrier to the United States which may exist after the settlement of accounts between the United States and the carrier shall be evidenced by notes payable on demand, with interest at the rate of 6 per cent per annum, and secured by such collateral security as the President may deem it advisable to require.

"(d) With respect to any bonds, notes, or other securities acquired under the provisions of this section or under the provisions of the Federal control act, the President shall have the right to make such arrangements for extension of the time of payment or for the exchange of any of them for other securities, or partly for cash and partly for securities, as may be provided for in any agreement entered into by him or as may in his judgment seem desirable."

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The amendment offered by the gentleman from Illinois strikes out the entire section and proposes a substitute section. Ordinarily a perfecting amendment to the original section would be in order prior to the submission of this amendment. Would the consideration of and the action upon this amendment as a whole be regarded as a waiver hereafter to the right to offer a perfecting amendment to the original section?

The CHAIRMAN. If the amendment is agreed to, it would leave no opportunity. If it is rejected, it would leave an opportunity. If any gentleman has a perfecting amendment, the Chair would suggest that it be offered at the present time.

Mr. BANKHEAD. That was the purpose of my inquiry, in order to put the Members on notice.

Mr. DENISON. Mr. Chairman, I want to explain briefly the meaning of this amendment, and in order to do so sufficiently, so that you can understand it, I would like to ask unanimous consent for 10 minutes.

Mr. HUDDLESTON. Reserving the right to object, I am very much interested in what the gentleman has got to say, but there is no other course for me to take except to object. I am sorry to do it, but there is no other way that I can do.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for 10 minutes upon the amendment which he has offered. Is there objection?

Mr. HUDDLESTON. I object.

Mr. DENISON. I have offered this amendment, gentlemen, as a substitute. And as a preliminary statement I want to say that I do it with an apology, if that is necessary, to the gentleman from Connecticut [Mr. MERRITT]. I voted to report the bill out in the form in which it is reported, but since then I have made a more careful investigation of the full meaning of this provision of the bill as compared with the meaning of the provision of the subcommittee bill, for which this provision was substituted, and I have become convinced that the provision of the subcommittee bill would be the wiser of the two and ought to be embodied in the bill. And therefore I feel it my duty to offer the original provision as a substitute for the refunding provision of the present bill.

Now, what I wanted to do was to explain the difference in the results of the two provisions. It is a question of refunding. The Government owes to certain of the railroads, particularly the wealthy ones, the most prosperous roads, several hundred millions of dollars on what is called the standard return, that the Government has not paid them, because they have not needed it. It still has this money and will have to pay it to them as soon as we turn the roads back to their owners, unless we allow the Government to offset it against what the railroads owe the Government. It amounts to several hundred million dollars. Now, the roads owe the Government an immense amount of money—$1,147,551,000. The question involved in the amendment is whether or not we are going to offset the amount that the Government owes to these railroads on standard return against the immense amount which the railroads owe the Government and which the Government has expended for additions and betterments.

Now, under the plan, as I started to explain under general debate, if this amendment that I have offered is accepted, the Railroad Administration—as far as can be estimated at this time—will have to come to Congress and get another appropriation of $171,020,000 to complete its work with the railroads. If the bill is passed as reported, Congress will have to make an appropriation of $363,355,000, and that will have to be done soon. Now, under the amendment I have offered the amount deducted from the total amount that has been expended for betterments and additions will be $415,016,000, whereas under the present provision of the bill there will only be $133,911,000 deducted. So that the substance of it will be that if the bill is passed as the committee has reported it, without this amendment, we will immediately have to make an additional appropriation to the Railroad Administration of at least $363,355,000. Now, that is in order that we may turn over to these railroads several hundred million dollars which the Government owes them, and we just let them take that amount and keep it, and then they can make notes to the Government for the millions which they owe to the Government. We have made such vast appropriations here that I do not think we ought to appropriate these other hundred millions in order that the railroads may get in cash what we owe them on standard return, when they merely give their notes to the Government for such an immense amount of money that they owe to the Government.

Now, the argument in favor of the other proposition is that we ought not to strip the railroads of the cash so that they will have nothing to operate on.

But the answer to that is that the Railroad Administration, the Government, owes a great deal of money on current accounts, several hundred million dollars, which it is going to pay for the railroads.

The Government will advance to all the railroads, the rich ones and the poor ones alike, an amount equal to one month's current revenues. That will give them all a working capital to begin with. Then the Government will pay all past-due bills as they are presented, and the railroads, for the first time in their history, will start out with a clean slate, not owing one dollar on current accounts. And I do not at all fear that their daily receipts, together with what the Government advances to them in cash, will not be sufficient to enable them to meet all their urgent obligations. If this should happen not to be the case the bill provides that they can apply to the Government for temporary loans.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Chair will recognize next the gentleman from Connecticut [Mr. MERRITT], a member of the committee.

Mr. MERRITT. Mr. Chairman, of course, in five minutes——

Mr. SMITH of Michigan rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. SMITH of Michigan. I rise to ask unanimous consent that the gentleman from Illinois [Mr. DENISON] may have a little more time in which to explain his position.

The CHAIRMAN. Does the gentleman from Connecticut [Mr. MERRITT] yield?

Mr. MERRITT. I do.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Illinois [Mr. DENISON] may have additional time. Is there objection?

Mr. HUDDLESTON. I object.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield to allow me to make a motion?

Mr. MERRITT. Yes.

Mr. CHINDBLOM. I move that the gentleman from Illinois [Mr. DENISON] may have five minutes more in which to finish his statement.

Mr. SAUNDERS of Virginia. Mr. Chairman, I make a point of order against that.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. MERRITT] be allowed to proceed for 15 minutes, or so much thereof as he desires to use. He is one of the chief exponents of this position, and he knows more about it, perhaps, than anybody else, and it is very important that Members on both sides of the House should have a full explanation of his views.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Connecticut [Mr. MERRITT] may proceed for 15 minutes. Is there objection?

Mr. HUDDLESTON. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. HULINGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULINGS. I desire to know if it would not be in order and if it would not be entirely proper to pass over this section, with the amendment, until to-morrow or next day, when the Members of this House can know something about it? It seems to be a very important feature that nobody here seems to know anything about.

Mr. SANDERS of Louisiana. Mr. Chairman, I make the point of order that that is not a parliamentary inquiry.

The CHAIRMAN. The gentleman's point of order is well taken. It is not a parliamentary inquiry. The gentleman from Connecticut [Mr. MERRITT] is recognized for five minutes.

Mr. MERRITT. Mr. Chairman, of course with only five minutes at my disposal I can not go into a detailed explanation of section 205. It is, however, in my opinion, fundamental to the bill and to the successful return of the railroads to their owners. The reason why I think it is fundamental is that only under this section will the railroads be returned with the working capital which I think, under the existing contract, belongs to them.

You will be told that it is a mere casting up of accounts, a crediting of one against the other. But bear in mind when that is said to you that there are two very distinct classes of accounts between the roads and the Government, one being current account and the other being capital account. It has never been possible for any road, however prosperous, to pay for its permanent betterments out of the current account, and if the United States, having the power, should demand that from the roads, they still would not have proper working capital.

You will be told on that point that the Director General of Railroads proposes to leave in the treasuries of the roads sufficient working capital. But those who believe in this section think that while the effect in that particular might not be very different, it ought to be put in here as a matter of law and not as a matter of favor or chance on behalf of the director.

You will also be told that even if the roads should be stripped, as I believe they will be stripped, of their working capital, under the provisions of this bill the Government can loan them sufficient money for working capital. But obviously the distinction between the two is that they will have in the one case the money that I claim belongs to them, and they will have it for 10 years, whereas under the other provision, under the amendment, they will owe it on demand.

Now, it was said this morning that the object of the committee report was to get the roads away from the Government. The way to get the roads away from the Government is not to load them up with demand loans, so that if some official of the Government does not like what the roads are doing, or if he wants to coerce them, he can say, "Pay up those demand loans or do what we tell you." I do not think that would be fair or tend to good management.

Now, the roads do not ask that the Government shall not be allowed to set off whatever is due on current account. I can not read a whole tabulation of figures in the two or three minutes that remain to me, but I will say to you this, that under the plan of this bill there will be set off against the Government account over $550,000,000 which the roads owe the Government, and all that will be retained will be enough for their working capital and enough to meet their bond interest, their taxes, and other provisions which are in the standard contract. I say that aside from the policy of this thing, this bill in substance and in equity simply calls for the carrying out of the contract between the railroads and the Government and the fulfillment of the spirit of the railway control act.

Now, the notion that these roads are rich and do not need the money, and the idea that you have got to make them hustle, it seems to me, is not at all in accordance with the facts; because, as everybody admits, the credit of these roads has been injured, and they can not go into the market and get the money they need.

If we put these roads back we should do it on a proper basis and with a rate structure such that the public will know that the roads will not only start off with an adequate working capital, but also that their income will be large enough to give them credit, so they can get their new capital from the investing public.

The CHAIRMAN. The time of the gentleman has expired. All time on the amendment has expired.

Mr. PARKER. Mr. Chairman, I move to strike out the last word. Before I begin I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may be permitted to proceed for 10 minutes. Is there objection?

Mr. KEARNS. I object.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. SANDERS of Louisiana. Mr. Chairman, I move to strike out section 205.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, beginning with line 23, strike out all of section 205.

Mr. SANDERS of Louisiana. Mr. Chairman, section 205 as reported by the committee is simply this, that whatever the Government owes the railroad the Government must pay, but when the railroad owes the Government we must take their promissory note, with no security, no first mortgage, just take such security as the roads give us. That is all that section 205 means as it is presently written. We must pay the roads the last cent we owe them on the nail, dollar for dollar, but what they owe us, ah, that is a different question.

Now, the proposition the gentleman from Illinois [Mr. DENISON] offers is what the subcommittee recommended. The Denison amendment should be adopted, because under its provisions the accounts are settled up at the end of Federal control, the Government and the railroads rendering their accounts and making a final and full settlement.

If you adopt section 205 as it stands, be prepared to vote hundreds of millions of dollars to wind up the Federal control act. If you adopt the Denison substitute, then you will only be giving to the railroads what the railroads ought to get and not a dollar more.

Never before in all the history of the world have ever I heard that in any settlement of open accounts one party to the settlement is not permitted to offer as compensation set-off to his debt what the other party owes unto him. I will say that the chairman of the committee [Mr. ESCH] and every member of the subcommittee was opposed to the Merritt amendment as it stands to-day in section 205, but they all supported the Denison amendment as it is offered, because that was the original proposition which was defeated in committee. Gentlemen, you can not get away from it. You can not pay the railroads what you owe them and then take their security or what they may be willing to give you for what they owe you. Make the settlement when Federal control is over. Make it complete. Let us pay them what we owe them, but in the name of the taxpayers of this country make them pay us what they owe us. [Applause.]

Mr. HASTINGS. Will the gentleman yield?

Mr. SANDERS of Louisiana. If I have time.

Mr. HASTINGS. I want to ask the gentleman if there is not this difference, that under the rate fixed by the President under the standard contract they pay less than 6 per cent, whereas under the other provision the railroads would pay 6 per cent? I would like to ask what is the rate fixed by the President in the standard contract? Is it not about 5 per cent?

Mr. WINSLOW. It has never been fixed.

Mr. HASTINGS. I had an impression that it was about 5 per cent.

Mr. WINSLOW. Mr. Chairman, I rise for the purpose of asking unanimous consent to have read from the desk this communication, dated yesterday, received just now by the gentleman from Wisconsin, the chairman of the committee [Mr. ESCH], and subscribed to by Walker D. Hines, Director General of the Railroads. In this communication he has taken up very clearly and not too elaborately the very propositions involved in this discussion, the question of refunding and the interest question, which is far more involved and ramifying than anyone has set forth on this floor. I ask to have it read.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to have read the communication referred to. Is there objection?

Mr. KEARNS. Mr. Chairman, reserving the right to object, how long will it take to read this communication?

Mr. ESCH. Mr. Chairman, it is about three and a half pages long, but it is so material to this discussion that I hope no objection will be made.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the communication.

The Clerk read as follows:

UNITED STATES RAILROAD ADMINISTRATION,
WASHINGTON, *November 11, 1919.*

Hon. JOHN J. ESCH,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN ESCH: I would like to submit for the consideration of yourself and your associates the following comments and suggestions on certain features of H. R. 10453:

Section 205 makes provision for funding of carriers' indebtedness to the United States, and on page 10, lines 4 to 15, it is provided that the indebtednesses "shall, at the request of the carrier, be extended for a period of 10 years, or a shorter period, at the carrier's option, with interest at the same rate per annum as that fixed by the President as reasonable under section 4 of the Federal-control act or under paragraph (d) of section 7 of the standard contract on the cost of additions and betterments, less retirements, and upon the cost of road extensions to the property of such carrier made by such carrier with the approval or by order of the President while such property was under Federal control, which interest shall be payable semiannually on the first days of January and July of each year."

Section 4 of the Federal-control act provides, as follows:

"That the just compensation that may be determined as hereinbefore provided by agreement or that may be adjudicated by the Court of Claims shall be increased by an amount reckoned at a reasonable rate per cent to be fixed by the President upon the cost of any additions and betterments, less retirements, and upon the cost of road extensions to the property of such carrier made by such carrier with the approval of or by order of the President while such property is under Federal control."

Paragraph (d) of section 7 of the standard contract is as follows:

"Upon the cost of additions and betterments, less retirements in connection therewith, and upon the cost of road extensions, made to the property of the company during Federal control, the director general shall, from the completion of the work, pay the company a reasonable rate of interest, to be fixed by him on each occasion. In fixing such rate or rates he may take into account not merely the value of money but all pertinent facts and circumstances, whether the money used was derived from loans or otherwise, provided that to the extent that the money is advanced by the director general or is obtained by the company from loans or from the proceeds of securities the rate or rates shall be the same as that charged by the director general for loans to the company or to other companies of similar credit."

It will be observed that paragraph (d) of section 7 of the standard contract contemplates two different rates of return dependent upon the question whether the money used was derived (1) from loans or from the proceeds of securities or from advances by the director general, and (2) or from other sources. In the event that the moneys were derived from the sources which I designate as (1) the rate of return which the director general is to fix is to be the same as that charged by the director general for loans to the company or to other companies of similar credit. Thus in this instance the rate is fixed and, as a matter of fact, it is thereby fixed at 6 per cent, because that is the rate which the director general has charged. In the event that moneys are derived from the sources which I designate as (2) it is recognized by the contract that other considerations may prevail. This distinction was deliberately made and for the purpose of permitting the director general to fix a substantially lower rate of return in cases where the moneys were not borrowed by the company than in cases where moneys were borrowed by the company.

There is danger that the language of section 205 may be construed as giving the carriers the right, in funding their indebtedness to the Government, to the substantially lower rate of interest which may be fixed by the director general in respect of expenditures by them which were made without their incurring any indebtedness at all. If the provision should be so construed, the result would be most unjust to the Government. The subject matter being dealt with is additions and betterments in cases where the carrier has incurred an indebtedness, and therefore the rate of interest to be fixed has no relation whatever to the entirely distinct class of cases where additions and betterments have been made without the incurring of any indebtedness. On the other hand, if the provision in section 205 be construed to mean merely that the rate of interest which the carrier shall pay the Government upon indebtedness for additions and betterments thus funded shall be the same as the director general has charged the companies for loans, then this simply means that the rate of interest is to be 6 per cent, and it would be far better to state the rate at 6 per cent than to run the risk of confusing the matter. Undoubtedly if the provision remains in the section as it stands the railroad companies will try to get their entire indebtedness for additions and betterments funded at the very low rate which it is contemplated the director general has the right to fix under the contract in cases where the additions and betterments have been made without the incurring of indebtedness. The two things are wholly unrelated and this result would be most unjust to the Government.

To my mind, there is no possible reason for associating these dissimilar things together so as to cause action in one case to control in the other. There should be fixed a definite rate of interest by the Congress which should be charged on the funded indebtedness of the roads to the Government. What this rate of interest should be is a matter about which men will quite properly entertain different views, but in that regard I desire to submit the following:

The Government has recently been borrowing money at a cost of 4¼ per cent, with tax-exemption privileges given to the lender of the money. I have been advised by Treasury officials that computing this tax-exemption value, money is now costing the Government of the United States between 5 per cent and 5½ per cent. It would seem, therefore, entirely unreasonable to ask of the taxpayers of America that they shall carry the burden of the railroads' indebtedness to the Government over a minimum period of 5 years and a maximum period of 10 years at rates of interest less than what the Government has to pay for money it needs. I think it is highly desirable that while a rate be not named which would be unduly burdensome, it should be sufficiently high to invite the railroads, through private financing with the public, to obtain moneys to repay the Government during or at the end of the period for which indebtedness is fundable. I desire, therefore, to suggest that the bill be amended by striking out all of the language on page 10, lines 7, 8, 9, 10, 11, 12, 13, and the words "Federal control" in line 14, and inserting in lieu thereof the words "rate of 6 per cent per annum."

The bill also provides in this same section on page 11, lines 10, 11, 12, and 13, that the set-off which is permitted shall be first made upon the class of indebtedness fundable in notes payable on demand. The effect of this is to require the Government to recoup itself for indebtedness owed it against that immediately payable rather than against that which the bill permits to be funded over a 10-year period. I do not think this provision should be required. This is a matter of adjustment that will depend largely upon the facts in connection with each road, and it simply invites the railroads not to pay the Government as rapidly as their financial resources might permit.

I attach memorandum prepared by Mr. Sherley, Director of our Division of Finance, showing how this last-mentioned provision would work in the case of one of the most prosperous railroad companies in the country and one whose credit is so good that it will have no difficulty in paying its current indebtedness to the Government.

It is further to be noted than on page 11, lines 21, 22, 23, 24, and part of 25, deduction from indebtedness is prohibited unless sums have been paid to the carriers not only as provided in the standard contract, to take care of their fixed charges and regular dividends, but "such sums as may be necessary to provide the carrier with working capital in amount not less than one month's operating expenses, or due on account of material and supplies not returned in kind."

The effect of this is to reduce to very small figures the amount of indebtedness of the railroads which can be offset against indebtedness of the Government to the railroads. The provision will require practically the funding at the option of the railroads of nearly the gross amount of their indebtedness on capital account as well as quite a portion of other indebtedness. It has the further vice of not doing what presumably it is intended to accomplish and that is to provide all the railroads with a working capital. It would provide strong roads with moneys to be used as working capital irrespective of whether they needed it or not, but it would not help, save in a slight degree, many weak roads, and as to some weak roads it would not provide them with a dollar of working capital. The provision therefore is peculiarly objectionable in that it unnecessarily takes care of those who do not need help and does not help those needing it most. I suggest, therefore, that the bill as introduced be further amended by striking out, on page 11, line 21, beginning with the words "and such" down to and including the words "returned in kind," in line 25 of said page.

In this connection it must be borne in mind that as a practical matter after the end of Federal control it will be desirable for the railroad companies to pay the maturing current liabilities which the Government has incurred in the latter days of Federal control, just as the Government had to pay in the early part of Federal control the maturing liabilities of the railroad companies incurred during the latter period of private control. Under the standard contract, however, the railroad companies are under no obligation to pay these current liabilities unless the Government shall place moneys with them for that purpose. The result, therefore, is that as a practical matter the Government will have to place substantial amounts of money with the railroad companies, perhaps aggregating one month's operating expenses, in order to get the companies to pay the Government's current liabilities as they mature. But if the provision now under discussion remains in the bill the Government will be in the position of furnishing the railroad companies still an additional amount of money for their own purposes and which the companies will not be obligated to use to pay the Government's maturing obligations. This seems to me a wholly unnecessary and unduly liberal policy, to which I do not think the Government ought to be committed. As a practical matter, the companies will be able to use currently for their immediate necessities the cash placed with them by the Government for the payment of its maturing liabilities, because the cash will be steadily replenishing itself from the current returns of the company, and they can in that way regain from their own operations ample cash in ample time to pay the Government's bills as they mature. The provision, therefore, is unnecessary and makes what will in effect be a double provision for working capital for the railroad companies.

Under the conditions which must be provided by the Government the carriers will, without the provision here objected to, have a working capital sufficient to enable them to carry on their business like any other going concern which takes over its predecessor's assets and liabilities.

Sincerely, yours, WALKER D. HINES.

Statement showing effect of provision that set-off shall be first made upon the class of indebtedness fundable in notes payable on demand.

X. RAILROAD.

Amount due Government on open account	$2,200,000
Amount due Government on capital account	8,200,000
	10,400,000
Amount deductible under terms of bill	7,005,000
Amount of indebtedness to be deferred	3,395,000
If set-off be first made upon indebtedness fundable in demand notes there will be—	
(a) Funded in demand notes	0
(b) Funded for long period	3,395,000
If set-off be first made upon indebtedness other than that fundable in demand notes there will be—	
(a) Funded in demand notes	2,200,000
(b) Funded for long period	1,195,000

Mr. CHINDBLOM. Mr. Chairman, I rise for the purpose of asking the gentleman from Illinois [Mr. DENISON] to what extent and in what respect the amendment suggested by him conforms to the suggestions in the letter just read from Mr. Hines?

Mr. DENISON. Mr. Chairman, in answer to that question I will say that, as I understood the letter from Mr. Hines, the amendment that I have offered embodies the suggestions exactly. Mr. Hines has been out of the city and I have not had a chance to talk with him; but I have talked with our former

colleague, Mr. Sherley, the director of finance of the Railroad Administration, who is an expert on such matters. The suggestions of Mr. Hines in his letter to Mr. ESCH are every one embodied exactly in the amendment which I have offered as a substitute for this provision of the bill. I think the amendment ought to be adopted. I think it is a matter of extreme importance. The trouble about the provision in the bill is, as pointed out by Mr. Hines, that it will unnecessarily allow working capital to the very prosperous roads, and it will not allow the necessary working capital to the poor roads. The proposition that I am making, and that is embodied in the substitute which I have offered, will allow the administration to turn over to all the roads, the poor and the rich alike, a month's current revenues as a working capital, and in the meantime the current revenues coming in will enable them to proceed without any difficulties. Then, if they should have difficulties, they can go to the administration and make temporary loans to tide them over.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. SMITH of Michigan. Is the gentleman's amendment agreeable to the committee?

Mr. DENISON. I am not authorized to speak for the committee. The amendment that I have offered is the provision of the original subcommittee bill, which was submitted to the whole committee.

Mr. BARKLEY. Mr. Chairman, if the gentleman will permit, I will say that that met with the approval of the railroad administrator, Mr. Hines, at the time that was put into the subcommittee's bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last two words of the amendment. This is a very complicated question of bookkeeping. I could not undertake in detail to go over the entire transaction in five minutes, but I want in a very few minutes to state to the Committee of the Whole why I am in favor of the provisions of the bill rather than the Denison amendment. I said yesterday in general debate that the committee was confronted with the proposition as to whether we were going to the Government ownership and control of railroads or would return them to private ownership and control, a policy which has made this Nation the great, rich, prosperous, powerful Nation that it is. If I were to ask this committee how many members are in favor of Government ownership I would not get three hands, and if I were to ask who are opposed to it the remainder would hold up their hands. It is not enough to say that we are opposed to Government ownership unless we are willing to make private ownership and private operation of the transportation systems a success. This is a financial proposition. It is not a popular thing to argue in favor of something that is beneficial to the railroads, but I am not afraid in this crucial time to do that, for it is a matter of simple justice. We have to meet this proposition with courage, and we can not refuse to make the provisions which we know are necessary on the ground that we may be criticized because we are lending the money of the Government to the railroads of the country.

Personally, I do not want to put the railroads of this country into the money market immediately upon the termination of Federal control, and I do not think any Member of this House wants to do that, but the Railroad Administration has expended for capital expenditures, and that embraces a situation in the financial world which would have required the carriers to have gone into the market to get additional money in order to make those capital expenditures—the Government of the United States under its power made those expenditures—and reduced to its simple terms the question is, whether you are going to give a period of 10 years to these carriers to meet these obligations, which would have been in ordinary times long-term obligations, or whether we are going to make them pay now and send them into the market to raise large sums of money at the time of the termination of Federal control. For my part, although there may be some little benefits to some large railroads, it can not work exactly right in all cases. In such a comprehensive proposition of this kind you always can not do that, but so far as I am concerned I am willing to vote for this bill as it stands. These provisions are intended to be of some benefit to the railroads and at the same time be just to them. It does not give them a cent. This gives them a period of time within which they can meet these obligations which the Government has put upon them, irrespective of the desires of the carriers. And I appeal to you, if you want to see our great transportation system a success, to deal fairly with these carriers. Talk about the loan of a few million dollars when transportation of the right kind and of a high standard certainly exceeds in importance the few million dollars which they are permitted to refund! Do you remember what it cost when our transportation system failed, when Garfield stopped everything for a week? It cost this country over a billion dollars, and I appeal to you to look beyond the question of a mere few million dollars into its effect on the transportation needs of this country and let us start these carriers——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HICKS. Mr. Chairman, the gentleman from Indiana is making a very intelligent argument, and I would ask unanimous consent that he be allowed to speak for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Indiana may proceed for five additional minutes. Is there objection?

Mr. BYRNES of South Carolina. Mr. Chairman, reserving the right to object, providing I be allowed five minutes in which to reply to the gentleman.

The CHAIRMAN. Is there objection?

Mr. BYRNES of South Carolina. I object unless—Mr. Chairman, I ask unanimous consent that the time be extended for 10 minutes, 5 minutes of which is to be occupied by myself.

Mr. DENISON. I do not care for more than three minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Indiana have five additional minutes and that he have five minutes. Is there objection?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, this matter is not proceeding on any limit of time; there may be some others who desire to reply.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Mr. Chairman, now to recur for a moment to the argument made here that all the subcommittee were against this proposition, we have been discussing things that happened in the committee, and I want to refer——

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. SANDERS of Indiana. All right.

Mr. HUDSPETH. I agree with the gentleman. Now, why will not your proposition benefit the less prosperous roads as well as the prosperous roads?

Mr. SANDERS of Indiana. It will.

Mr. HUDSPETH. I wanted to bring that out.

Mr. SANDERS of Indiana. Now, I want to deal with this argument, because I believe——

Mr. DENISON. Will the gentleman yield?

Mr. SANDERS of Indiana. If the gentleman will pardon me, I do not desire to yield now. I wish to deal with the argument that the subcommittee were all in favor of its provisions substantially as this amendment provides, at least they were not in favor of the bill as it was finally written. It is true; but do you know what that means? That means that the provisions that were originally brought in were so unjust from the standpoint of the transportation needs of the system that, notwithstanding the five votes they had to start on, the other members of the committee were able to outvote them. I really ought not to argue the question of what happened in the committee, and I only did so because of the fact it was mentioned.

But it is one plain, simple proposition, gentlemen. You can juggle statistics around and talk about weak roads and strong roads all you want to, but if this amendment goes through it means that the carriers of this country will be forced to go into the market immediately upon the termination of Federal control and obtain money with which to do this refunding. We spent a great deal of money in this war time. The Railroad Administration has cost us money by deficits, and I do not say that in a spirit of criticism, because it was not a question of money-making; but now it is more important in this reconstruction period to temporarily—not to not give them anything—but temporarily to allow them to refund this amount, and in order to show a liberal spirit, so that the great transportation systems of this country may be a success and the country may have the prosperity that will necessarily follow such a success. [Applause.]

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I do not know that I will even consume the five minutes. The proposition before us has been fairly stated by two or three members of the committee and emphasized by the letter from the director general to Mr. ESCH. By the proposition now in the bill you propose to allow the railroads to use about $250,000,000

of the money of the taxpayers for a period extending over 10 years. Under the Denison amendment you will require a set-off of accounts. Now, in justification of the proposition of the gentleman from Connecticut [Mr. MERRITT], which is contained in the bill, he and the gentleman from Indiana, who has just closed his address, holds up to you the danger of the railroads going into the market to borrow money at this time. Ordinarily there would be some justification for that argument, but when you by this bill provide a guaranty for six months to the railroads, based upon the earnings during the test period, you send them into the financial markets, not with a chance but with a certainty, and with the further certainty that if necessary they can borrow from Uncle Sam to the extent of $250,000,000. What banker would hesitate to lend to the railroads when he knew that the railroads had a guaranteed income, and in addition could borrow to the extent of $250,000,000 from the Government? And the only question is whether you are going to adopt the course urged by these gentlemen and force the Government to pay all of its debt to the railroads and allow them to settle their debts to the Government with a promissory note, or whether you will require a set-off, and then let them go into the financial markets with a guaranteed compensation behind them; the right to borrow $250,000,000, and——

Mr. WINSLOW. I would like to ask the gentleman if he is bearing in mind the further fact, that under the guaranty provision it was possible from the very beginning to ask for an advance if they needed it?

Mr. BYRNES of South Carolina. Yes. I know they have a right to ask for an increased rate, and with that right, with a guaranty, and the loan, when they lay their cards on the table of any banker in this country, a loan is assured them, and there is no justification for fearing they will not have credit. I hope the committee will adopt the Denison amendment, and complete the settlement of accounts between the Government and the railroads. This should be done even if it necessitated their borrowing part of the $250,000,000 the very next day. If you do not, these accounts will remain open for years and years. It will cost the taxpayers more money than is indicated in this amendment, and we can never justify our action.

Mr. WINSLOW. Have you in mind also that under the guaranty arrangement the roads can apply for an advance of money on the guranty account during the first two months——

Mr. BYRNES of South Carolina. Yes. They can apply for it in the first two months, and they will have no trouble in financing themselves. Again, as pointed out in the letter of the director general, this mandatory provision will force the Railroad Administration to allow the prosperous roads to fund their debt, and at the same time will not enable them to assist the road that most needs assistance. The Denison amendment covers all of the objections cited by the director general and expresses the views of the subcommittee in charge of the framing of the bill.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I move to strike out the last five words.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized.

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the Congress, those of us who are not on the committee are laboring, of course, at a great disadvantage in considering this bill. What ought to be done with this measure at this stage upon such an important part of it is for this committee to rise and let these amendments be printed, together with a letter of Mr. Hines, so that we may read them in the RECORD and digest them, and come here with an intelligent purpose to act according to what is right. [Applause.]

This is, indeed, an important part of this bill, and I would like to read an excerpt from a letter sent to me by a very dear friend of mine in the city of Philadelphia who is familiar with railroad matters, and is the representative of one of the largest railroads in this country and one of the best railroads in the world. I refer to the Pennsylvania Railroad, which may well be classed as one of the "strong roads" that you were talking about that would get such advantages and benefits. Let me read you what he says, and I vouch for him as a man of integrity, truthfulness, and high character. I read:

MY DEAR MR. GRAHAM: I am inclosing a memorandum which emphasizes the importance of retaining the provisions of section 5 of the Esch bill as reported to the House, which section deals with the refunding of indebtedness of the railroad companies to the Government of moneys expended during Federal control for additions and betterments.

As you will see from the memorandum which I inclose, the indebtedness of the Pennsylvania Railroad system alone to the Government on this item approximates $100,000,000 and over, and you can imagine what it will be when you combine the figures for all the railroads in the United States.

If the railroads are called on to commence at once making these repayments, even though limited to 10 annual installments, it would be a heavy drain upon the resources of the companies, and interfere substantially with their ability to secure new capital for the purpose of making annual improvements in the future, which improvements are so sadly needed on all the railroads. The Pennsylvania Railroad ought to spend over $50,000,000 each year for improvements.

Furthermore, the railroads will have another very serious drain on their resources and credit, and that is in their necessity for obtaining new capital to refund existing capital obligations which fall due in the near future. For example, the Pennsylvania Railroad system will need over $26,000,000 in 1920 and over $79,000,000 in 1921 in order to take care of maturing obligations.

It is of vital importance to the interests of this country that everything shall be done to strengthen railroad credit, and any proposition looking to a return to the Government of the amounts owed the Government by the railroads at any period less than 10 years will have a very serious effect upon railroad credit.

Indeed, it is my judgment that the public interests require that the repayment of amounts due the Government for capital expenditures should be extended to at least 15 years.

I want to ask you, fellow Members of Congress, to remember this: When the distinguished gentleman said, "This is a settlement of accounts," as though he was going to treat it as a commercial transaction, I say to him that his analogy is baseless and wrong. The Government seized this property. The Government spent what money it chose upon this property, sometimes with the disapproval of the governing body, the owners of these properties. The Government spent this money, and now shall we say, "Come up to the captain's desk and settle," as if this was an ordinary commercial transaction?

No. When the Government put forth its strong arm and took for the necessities of war the property of private ownership, it ought to deal generously, fairly, and manfully in making its settlement. It ought to grant the extension that this amendment as offered would kill, namely, making this a 10-year period for the payment back for the capital charged against the roads, not for the current operating expense but the capital expenses. They say, "Do not make us pay them back, one-tenth each year, but let us pay them at the end of 10 years, so that we may take our own property back again, put it on its feet, serve the public, and help to make it the great road which it was before." And in all its history it has been serving faithfully and generously every interest in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FAIRFIELD, by unanimous consent, at the request of Mr. ELLIOTT, was granted leave of absence, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6951. An act authorizing the return to the sender or the forwarding of undelivered second, third, and fourth class mail matter; and

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1229. An act to amend an act approved August 22, 1914, entitled "An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on November 11 they had presented to the President of the United States for his approval the following bill:

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. THOMAS STAPLES MARTIN, for more than 24 years a Senator from the State of Virginia.

Resolved, That a committee of 18 Senators be appointed by the President pro tempore to take order for superintending the funeral of Mr. MARTIN, to be held in Charlottesville, Va.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing resolution the President pro tempore had appointed Messrs. SWANSON, LODGE, CUMMINS, KNOX, HITCHCOCK, FLETCHER, NELSON, OVERMAN, BANKHEAD, ROBINSON, SIMMONS, SMITH of Arizona, SMITH of Maryland, UNDERWOOD, WALSH of Montana, WARREN, SMOOT, and WILLIAMS as members of the committee on the part of the Senate.

DEATH OF SENATOR MARTIN, OF VIRGINIA.

Mr. FLOOD. Mr. Speaker, it is with profound sorrow that I am compelled to offer the resolution which I send to the Clerk's desk in reference to the death of Senator MARTIN. He represented the State of Virginia in the upper body of Congress for nearly 25 years, a longer period than any other Senator ever represented the Old Dominion. During that time he was for many years the leader of the Democratic Party, first when the party was in the minority and afterwards when it was the majority party. He has left his impress upon the history of legislation of this country as few men have who have served in Congress.

At a later date, Mr. Speaker, I shall ask the House to set aside a day to pay proper tribute of respect to the distinguished Senator.

The SPEAKER. The gentleman from Virginia offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 387.

Resolved, That the House has heard with profound sorrow of the death of Hon. THOMAS S. MARTIN, a Senator of the United States from the State of Virginia.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 18 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Messrs. FLOOD, MONTAGUE, SLEMP, SAUNDERS of Virginia, MOORE of Virginia, HARRISON, BLAND of Virginia, HOLLAND, WATSON of Virginia, WOODS of Virginia, CANNON, CRAMTON, SISSON, KITCHIN, WHALEY, BOWERS, WINGO, and BYRNS of Tennessee.

ADJOURNMENT.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until Thursday, November 13, 1919, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SELLS, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 10515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 465), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10352) granting an increase of pension to Jean R. Anderson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDSPETH: A bill (H. R. 10509) to authorize the acquisition of a site and the erection thereon of a Federal building at Big Spring, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MANN of South Carolina: A bill (H. R. 10510) to provide that the United States shall cooperate with the States in promoting the health of the rural population of the United States, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 10511) to authorize the Secretary of Agriculture to establish standards of classification for fertilizer, to regulate the sale and shipment thereof in interstate and foreign commerce, to prevent deception with reference thereto, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 10512) to authorize the Secretary of Agriculture to establish uniform standards of classification of fruits and vegetables, to provide for the use of such standards in interstate and foreign commerce, to prevent deception in reference thereto, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 10513) to authorize the Secretary of Agriculture to establish standards of classification of commercial feed, to regulate the sale and shipment thereof in interstate and foreign commerce, to prevent deception with reference thereto, and for other purposes; to the Committee on Agriculture.

By Mr. CALDWELL: A bill (H. R. 10514) to provide for increase in pay for postal employees and employees of the Railway Mail Service and Air Service whose post offices or headquarters are situated in cities where the total population is 500,000 or more; to the Committee on Expenditures in the Post Office Department.

By Mr. SELLS: A bill (H. R. 10515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. GARRETT: A bill (H. R. 10516) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. McPHERSON: A bill (H. R. 10517) to authorize the Secretary of War to furnish a German cannon, with carriage and shells, to the city of Joplin, Mo.; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 10518) to create a Federal urban mortgage bank, to encourage the buying and owning of urban real estate, to create a standard form of investment based on mortgages, to create Government depositories and financial agents for the United States, to furnish a market for United States bonds, and for other purposes; to the Committee on Banking and Currency.

By Mr. VESTAL: A bill (H. R. 10519) to further promote the safety of employees and travelers upon railroads, to establish uniformity in safety work, to create a safety-first division under the Interstate Commerce Commission for the purpose of organizing and supervising safety committees composed of officers and employees on all common carriers within the jurisdiction of the "commerce act," and for other purposes; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 10520) for the relief of Richard P. McCullough; to the Committee on Naval Affairs.

By Mr. CAMPBELL of Pennsylvania. A bill (H. R. 10521) for the relief of Ida F. Baum; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 10522) granting a pension to Jane M. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10523) granting an increase of pension to Robert M. Little; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 10524) for the relief of John E. McDougal; to the Committee on Claims.

Also, a bill (H. R. 10525) for the relief of Thomas George Turnbull and Robert Thomas Turnbull; to the Committee on Claims.

By Mr. REED of West Virginia: A bill (H. R. 10526) granting a pension to Pricy E. Cook; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 10527) granting a pension to Jacob R. Burkhardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10528) granting an increase of pension to Joseph Buckle; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 10529) granting a pension to Michael O'Byrne; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY of California: Petition of Tracy Parlor, No. 185, Native Sons of the Golden West, favoring restriction of oriental immigration; to the Committee on Immigration and Naturalization.

By Mr. DEWALT: Petition of Veterans of Foreign Wars of the United States, for bonus for soldiers who took part in the Great War; to the Committee on Military Affairs.

By Mr. MOONEY: Memorial from Post No. 141, Department of Ohio, Grand Army of the Republic, urging the immediate passage of the Fuller pension bill; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Motor Truck Association of America, New York, favoring passage of House bill 9412; to the Committee on Military Affairs.

By Mr. RAKER: Petition of Placerville Parlor, No. 9, Native Sons of the Golden West, Placerville, Calif., regarding need for prohibiting oriental immigration; to the Committee on Immigration and Naturalization.

By Mr. ROWAN: Petition of the American Mining Congress, Washington, D. C., regarding present industrial conditions and urging attendance to the convention to be held in St. Louis November 17 to 21; to the Committee on Labor.

Also, petition of National Live Stock Shippers' League and American National Live Stock Association, opposing certain sections of House bill 10453; to the Committee on Interstate and Foreign Commerce.

Also, petition of Associated Fruit and Vegetable Industries of Eastern and Western New York, opposing House bill 9521; to the Committee on Agriculture.

Also, petition of Indian Rights Association, Philadelphia, Pa., opposing Senate bill 3016; to the Committee on the Public Lands.

Also, petition of the American Bankers' Association of New York, inclosing resolutions adopted by the annual convention held in St. Louis, Mo.; to the Committee on Banking and Currency.

SENATE.

THURSDAY, *November 13, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we gather together this morning with a sense of a great loss in the death of one of the Members of the Senate. Ripened by experience and age, he has given his wise counsel and leadership to his country, and through qualities of heart and spirit he has attracted all men, unifying our efforts and leading in constructive paths for the establishment of the great ideals of our national life. With reverence for the God of his fathers and with a high sense of the dignity and glory of human life, he has given himself to God and to humanity.

We thank Thee that he was a man of prayer, a man of conscience, a man of human friendship. We pray that his influence may abide with and guide us who follow in the discharge of the great duties of this day, that we may measure to the expectation of God and to the hope of the world. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, November 10, 1919, was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Keyes	Overman
Ball	Gay	King	Owen
Beckham	Gerry	Kirby	Page
Borah	Hale	Knox	Phelan
Brandegee	Harding	La Follette	Phipps
Calder	Harris	Lenroot	Pittman
Capper	Harrison	Lodge	Poindexter
Colt	Henderson	McCumber	Ransdell
Culberson	Hitchcock	McKellar	Reed
Cummins	Johnson, Calif.	McLean	Sheppard
Curtis	Johnson, S. Dak.	McNary	Sherman
Dial	Jones, N. Mex.	Moses	Simmons
Dillingham	Jones, Wash.	Nelson	Smith, Ariz.
Edge	Kellogg	New	Smith, Ga.
Elkins	Kendrick	Norris	Smith, Md.
Fletcher	Kenyon	Nugent	Smith, S. C.
Smoot	Swanson	Underwood	Williams
Spencer	Thomas	Walsh, Mass.	Wolcott
Sterling	Townsend	Walsh, Mont.	
Sutherland	Trammell	Watson	

Mr. CURTIS. I wish to announce the absence on business of the Senate of the Senator from Michigan [Mr. NEWBERRY] and the Senator from New York [Mr. WADSWORTH].

Mr. GERRY. I desire to announce that the Senator from Ohio [Mr. POMERENE] and the Senator from Oregon [Mr. CHAMBERLAIN] are absent on business of the Senate.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Seventy-four Senators have answered to their names. There is a quorum present.

RAILROAD-STRIKE LEGISLATION.

Mr. CUMMINS. Mr. President, in a recent, possibly the last, issue of the Wall Street Journal there appeared an editorial, and I read the opening sentence:

> As many competent observers of Washington affairs have been predicting, Senator CUMMINS has had to pigeonhole his plan to make railroad strikes punishable by fine and imprisonment.

That statement is an unqualified falsehood. There is not the least semblance of truth in it. I do not say that the person who wrote it knew it to be false, but I do say that the very slightest inquiry upon his part would have enabled him to know that it is false.

In so far as I am concerned there has not been the least wavering or hesitation with respect to the labor provisions in the railroad bill. I believe that every member of the Committee on Interstate Commerce who voted for those provisions in the committee is earnestly in favor of incorporating them in the legislation which we shall adopt. I further believe that a very large majority of the Senate is in favor of the provisions which we have reported from the committee.

Reflection serves only to intensify my conviction that the committee has proposed the true and the only solution of the problem which now disturbs not only the peace of our own country but the peace of the world, and which threatens at this moment to overturn the institutions in which we have so deep and abiding confidence. It is a gross misapprehension and misrepresentation to characterize these provisions of the bill as an attack upon labor. It is not. On the contrary, the provisions are, in my opinion, a tower of strength for labor. They will protect the wageworker and obtain for him justice to a degree which the experience of mankind shows he can not reach through the strike. Moreover, they insure a tranquillity in the commerce of the country, and they establish a protection for the great body of the people absolutely necessary to their welfare and their prosperity, for regularity and continuity in the transportation of the United States are essential to the health, the lives, and the interests of the great body of American citizenship.

Not only has there been no hesitation, so far as I am concerned, with respect to these provisions of the railroad bill, but I intend, when the measure comes before the Senate, to propose an extension of the principles of the bill, which are now applied only to transportation, to the basic industries of America, to the production of fuel, of iron and steel, to the production of foodstuffs, and of lumber and of building material and of clothing; for I can not conceive that the people of this country are to be continuously at the mercy of any class so far as these fundamentals in American life are concerned.

I have said so much, Mr. President, because I did not want any misunderstanding to prevail with regard to this subject. That leads me to say one more word. I hope that Senators will perceive the importance of reaching a consideration of the railroad bill at the earliest possible moment. There is no question so vital to the American people just now as the settlement in some fairly permanent way of the chaos which now exists in transportation. Here we are, and have been for four or five months, endeavoring to ascertain whether we are fit to enter a society of nations for the preservation of the peace of the world and have not yet demonstrated whether we are fit to ordain a system that will maintain peace in our own country in these essential respects.

I can not quite understand how Senators can consume as much time as they have been consuming in the consideration of the German peace treaty when this measure confronts them, when they know that we must before long legislate in some reasonable and practical way or see our transportation system fall into a disorder from which it will take years to rescue it. I am appealing to Senators to bear this matter in mind as they proceed with debate upon the German peace treaty, and, frankly, I must be permitted to say that, in so far as I am concerned, I am unwilling much longer to bear the responsibility of delaying the consideration of the railroad bill. If the German peace treaty is not speedily disposed of—and I do not

underrate its vast importance; I realize that as fully as any Senator can—if it becomes obvious that we are not to dispose in some way of the treaty very soon, I shall feel it my duty to transfer to the Senate the responsibility under which I am resting and to ask the Senate to determine whether it will or will not proceed to the consideration of this overwhelmingly important legislation.

I am not saying this in the nature of a criticism; I understand the situation; but, in view of all the circumstances, I shall be compelled to ask the Senate very soon to decide whether it is more important to proceed with debate upon the German peace treaty or proceed to the consideration of the railroad bill.

Mr. McCUMBER subsequently said:

Mr. President, I have received a telegram from my State this morning which I desire to present as in legislative session. I think the telegram ought to have been presented at the close of the remarks of the Senator from Iowa [Mr. CUMMINS] this morning relative to the provisions of the railroad bill.

There is now at the head of the Great Lakes only an amount of coal which is 500,000 tons short of the normal demand at this season of the year. As is shown by this telegram, there are two-thirds of the State of North Dakota to-day covered with snow which is about 2 feet deep. We have only coal enough to last for a very short time; and I can appreciate what the condition would be if we allowed the brotherhoods of engineers and firemen to tie up the transportation system of the country at this time. I think this condition supports the declaration made by the Senator from Iowa, and I ask that the telegram may be read in order that it may go into the RECORD.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Without objection, the Secretary will read.

The Secretary read the telegram, as follows:

WILTON, N. DAK., *November 12, 1919.*

Hon. P. J. McCUMBER,
United States Senate, Washington, D. C.:

We are in desperate condition here on fuel. Situation held up by strike. Our property in danger of being taken over by State. Henry Drennan, president of district No. 27, United Mine Workers of America, has not issued release to miners. He is in consultation with Gov. Frazier to-day. State in terrible shape. Deep snow and severe weather. No stock of fuel on hand at any station. Will you take this up with proper authorities and act quickly? The situation is desperate.

W. P. MACOMBER.

PROMOTION OF FOREIGN COMMERCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 1st ultimo, certain information relative to the cooperation and coordination between the Interstate Commerce Commission and other agencies of the Government for promotion of the foreign commerce of the United States, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 425) to establish the Zion National Park in the State of Utah.

The message also transmitted to the Senate resolutions of the House on the death of Hon. THOMAS S. MARTIN, late a Senator from the State of Virginia.

The message further announced that the Speaker of the House had appointed, as the committee on the part of the House to attend the funeral of the late Senator MARTIN, Mr. FLOOD, Mr. MONTAGUE, Mr. SLEMP, Mr. SAUNDERS of Virginia, Mr. MOORE of Virginia, Mr. HARRISON, Mr. BLAND of Virginia, Mr. HOLLAND, Mr. WATSON of Virginia, Mr. WOODS of Virginia, Mr. CANNON, Mr. CRAMTON, Mr. SISSON, Mr. KITCHIN, Mr. WHALEY, Mr. BOWERS, Mr. WINGO, and Mr. BYRNS of Tennessee.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore.

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes; and

H. R. 6951. An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN presented a petition of the State Council Junior Order United American Mechanics of New Jersey praying for the adoption of certain reservations before the ratification of the proposed league of nations covenant and peace treaty, which was ordered to lie on the able.

He also presented memorials of Gen. Custer Council, No. 130, Junior Order United American Mechanics, of Newark; of Gen. Putnam Council, No. 137, Junior Order United American Mechanics, of Newark; and of sundry citizens of Jersey City, Englewood, Morristown, Summit, South Amboy, all in the State of New Jersey, remonstrating against the ratification of the proposed league of nations covenant without certain reservations are adopted, which were ordered to lie on the table.

ELLEN M. WILLEY.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey, reported it without amendment and submitted a report (No. 305) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 3419) for the relief of estate of Benjamin Fenton, late surviving partner of Fenton & Co. (with accompanying papers); to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3420) to provide for payment to an officer, enlisted man, female nurse, or civilian employee of the American Expeditionary Forces of loss sustained on a negotiable instrument by reason of a fluctuation in the rate of exchange, and for other purposes; to the Committee on Military Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 3421) for the relief of Mabel L. Noble; to the Committee on Banking and Currency;

A bill (S. 3422) authorizing the Commissioner of Internal Revenue to refund any amount imposed as a penalty for failure to pay income tax within a specified time; and

A bill (S. 3423) for the relief of Paul Guenther (Inc.) and Paul Guenther and Olga Guenther; to the Committee on Claims.

A bill (S. 3424) to establish a national reserve force and to provide for the military and physical training and for the reorganization of the National Guard, and for other purposes; to the Committee on Military Affairs.

RATIFICATION OF CONSTITUTIONAL AMENDMENTS.

Mr. FRELINGHUYSEN. Mr. President, the people in many of the States feel that many of the great questions at issue have been determined by the legislatures of the States without an opportunity for popular expression and for properly obtaining the sentiment of the people in the States. I send to the desk a joint resolution proposing an amendment to the Constitution of the United States providing for the ratification of constitutional amendments by popular vote of the States, and I ask that it be referred to the proper committee, expressing the hope that the committee will give it prompt consideration.

The joint resolution (S. J. Res. 126) proposing an amendment to the Constitution of the United States was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT OF FEDERAL RESERVE ACT.

On motion of Mr. McLEAN, it was

Ordered, That the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, be printed showing the amendments of the House numbered.

ENFORCEMENT OF LEVER ACT.

Mr. THOMAS. Mr. President, last Monday I offered a resolution calling upon the Department of Justice for certain information regarding the attitude of that department under the Lever Act, my resolution having been prompted by the statement issued on that day by the American Federation of Labor. This morning I received this letter from the Attorney General relating to that subject:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 12, 1919.

Hon. C. S. THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR THOMAS: Your letter of the 11th has been received. I have had a most careful search made of the records of the department, and am unable to find any record of an opinion or commitment by this department that the provisions of the Lever food-control act would not be used to restrain labor unions from restricting production. I can

confidently assure you that no such opinion or commitment appears of record, nor is there any correspondence which indicates that it was ever under consideration.

Yours, very truly,

A. MITCHELL PALMER,
Attorney General.

Yesterday the New York Times published this statement from a former Attorney General, Mr. Gregory:

GREGORY DENIES PROMISE—NEVER AGREED TO EXCEPT LABOR FROM LEVER ACT, HE DECLARES.

Former Attorney General Gregory denied in a statement here to-day that he had given assurances to labor leaders that the Lever Act would not be enforced against their organizations in attempts to better working conditions, as asserted by officers of the American Federation of Labor.

"While Attorney General I did not at any time give assurances to anyone that any law would not be enforced against any class of citizens," he said. "I gave no assurances that the Government would not seek to enforce the Lever Act against workers."

Inasmuch as these two communications fully answer the purpose which I had in view when offering the resolution on last Monday, I ask leave to withdraw the same.

The PRESIDENT pro tempore. Without objection, leave is granted to withdraw the resolution.

STRIKE OF COAL MINERS.

Mr. DIAL. Mr. President, I ask to have printed in the RECORD a statement by Attorney General Palmer with reference to the coal strike.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LAW WILL BE ENFORCED, MR. PALMER DECLARES—"COAL STRIKE PLAIN VIOLATION," HE SAYS IN STATEMENT CONSTRUED AS REPLY TO AMERICAN FEDERATION OF LABOR.

"The Attorney General has issued the following statement, which is construed as a reply to the position of organized labor as set forth by the American Federation of Labor's executive council:

"'The coal strike is a plain violation of a Federal statute. This has been the Government's position from the start. The President declared it to be unlawful, and the court, after full hearing, has now declared it to be unlawful.

"'All I can say is that the law will be enforced. This same law has been enforced many times, and the Department of Justice has other cases now pending which were brought under it. The merits of the controversy between the operators and the miners are not involved in the court proceedings at Indianapolis, neither is the right to strike. Nothing that the Government has done is intended or designed to have any effect upon the recognized right of labor to organize, to bargain collectively through its unions, and under ordinary industrial conditions to walk out by concerted action.

"'The proposal by the President of a peaceful settlement of the matters at issue between the operators and the miners through negotiation or arbitration was rejected, and the Government therefore faced the alternative of submitting to the demands of a single group, to the irreparable injury of the whole people, or of challenging the assertion by that group of power greater than that of the Government itself.

"'Confronted with such a choice, the Government's duty was perfectly clear; it refused to surrender to the dictation of a group, and it proposes to assert its power to protect itself and the people, whom it is designed to serve. The Government is no respecter of persons in the enforcement of the law. Those who conceive that the resolutions of a convention or the orders of the officers of any organization in the country, whether labor organizations or any other, are superior in authority to the law of the land will find themselves mistaken.

"'I assume that the order of the court will be obeyed. The President's offer for a peaceful settlement is still open, and I hope that the miners and operators will now get together and settle their controversy.'"

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that bills of the following numbers and titles, having been presented to the President of the United States for his approval and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

Presented October 28, 1919:

S. 1377. An act for the relief of Amherst W. Barber;

S. 2250. An act providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam;

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; and

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

ZION NATIONAL PARK—CONFERENCE REPORT.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 425) to establish the Zion National Park, in the State of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress"; and the House agree to the same.

REED SMOOT,
ALBERT B. FALL,
HENRY L. MYERS,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
JAMES H. MAYS,
Managers on the part of the House.

The report was agreed to.

TELEGRAPH, TELEPHONE, AND CABLE PROPERTIES (S. DOC. NO. 152).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed:

To the Senate and House of Representatives:

In conformity with the provisions of an act of Congress entitled "An act to repeal the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war and to provide just compensation therefor,' approved July 16, 1918, and for other purposes," approved July 11, 1919, I am transmitting herewith a report made by Albert S. Burleson, Postmaster General of the United States, giving a detailed account and report as far as it is possible to do so at this time of all acts and proceedings in connection with the supervision, possession, control, and operation of the telephone, telegraph, and marine cable systems of the United States, and of all moneys received and expended, and all property and assets acquired or held, and all liabilities or obligations incurred, including contracts relative to compensation awards.

WOODROW WILSON.

THE WHITE HOUSE,
13 November, 1919.

CLOTURE RULE AND THE TREATY.

Mr. THOMAS obtained the floor.

Mr. HITCHCOCK. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Following the remarks of the Senator from Iowa [Mr. CUMMINS], this seems to be a good time to present a motion under the second paragraph of Rule XXII, signed by more than 16 of the Senators, providing for the close of debate. I send it to the desk as the motion of the Senators named and ask, if there is no objection, that it be read.

The PRESIDING OFFICER (Mr. GRONNA in the chair). The Secretary will read as requested.

The Secretary read as follows:

We, the undersigned, in accordance with the provisions of the second paragraph of Rule XXII, move that debate upon the pending conditions and reservations proposed by Senator LODGE to be added to, and incorporated in, the resolution of ratification of the treaty with Germany, and all substitutes, amendments, and additions thereto proposed, be brought to a close.

G. M. HITCHCOCK.
KEY PITTMAN.
J. F. NUGENT.
T. J. WALSH.
ROBERT F. OWEN.
C. S. THOMAS.
JOHN SHARP WILLIAMS.
C. B. HENDERSON.
C. A. SWANSON.
KENNETH MCKELLAR.
E. D. SMITH.
JOS. E. RANSDELL.
EDWARD J. GAY.
A. A. JONES.
J. O. WOLCOTT.
ED. S. JOHNSON.
O. W. UNDERWOOD.
N. B. DIAL.
JOHN B. KENDRICK.
W. F. KIRBY.
PETER G. GERRY.
MORRIS SHEPPARD.
DUNCAN U. FLETCHER.

Mr. BRANDEGEE. Mr. President, will the Senator from Nebraska be kind enough to give the number of the rule under which he is acting?

Mr. HITCHCOCK. It is Rule XXII.

Mr. REED. Mr. President, I desire to make an inquiry. Is it the purpose of the motion, the language of which I have just heard, that all debate shall be closed upon the treaty and upon all amendments or reservations that are offered, or simply to close the debate upon what are known as the Lodge reservations?

The PRESIDENT pro tempore. Does the Senator from Missouri ask that question as a parliamentary inquiry?

Mr. REED. With the permission of the Senator from Nebraska, I am asking him that question because I want to know what the purpose is.

Mr. HITCHCOCK. Mr. President, this is the first time action has been invoked under the rule; it is the first time a step has been taken to put the rule into effect. The rule provides for cloture upon the "pending measure," and there might be some question as to what is the pending measure. A treaty can hardly be considered a "pending measure," in my opinion. Something over a week ago the Senator from Massachusetts proposed a measure in Committee of the Whole consisting of a number of proposed reservations and conditions which he had read to the Senate and which he proposed to incorporate in the resolution of ratification. The resolution of ratification is not before the Senate and can not be brought before the Senate as in Committee of the Whole; but those reservations and conditions constitute a pending measure which the Senator from Massachusetts has presented and the adoption of which he has moved. The motion, therefore, as presented by the Senators who have signed it asks for the application of the cloture rule to the proposition of the Senator from Massachusetts, together with all amendments, substitutes, and conditions thereto that have been or may be proposed.

Mr. REED. If the Senator will pardon me, I ask permission to interrupt him.

Mr. HITCHCOCK. I yield.

Mr. REED. But it would not cover, as I understand the Senator, any other reservation which might be offered or any amendment which might be offered in Committee of the Whole.

Mr. HITCHCOCK. Mr. President, it was intended to cover not only amendments and substitutes, but additions to these proposed reservations.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield to the Senator from Kansas.

Mr. CURTIS. Does not the rule itself provide what such a motion shall cover?

Mr. HITCHCOCK. It provides that it shall cover the measure and all amendments and substitutes or additions, as I understand.

Mr. CURTIS. I suggest that the rule be read, so that the Senate may know just what it does cover.

Mr. REED. I think I am familiar with the language of the rule.

Mr. LODGE. I have the rule here, if I may read it.

Mr. REED. The question that still recurs is this, What is the pending measure?

Mr. LODGE. I have here the language of the rule, if the Senator from Nebraska will allow me to read it.

Mr. HITCHCOCK. I yield to the Senator from Massachusetts to read the rule.

Mr. LODGE. The rule is as follows:

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one he shall lay the motion before the Senate and direct that the Secretary call the roll; and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate, by an aye-and-nay vote, the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"
>
> And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.
>
> Thereafter no Senator shall be entitled to speak, in all, more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decisions of the Presiding Officer shall be decided without debate.

It covers the pending measure, and the only pending measure before us is the treaty.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. HITCHCOCK. I yield to the Senator from North Dakota.

Mr. McCUMBER. I was about to ask the Senator, no matter how we shall arrive at amendments and reservations, if, after all, the pending question is not the treaty of peace with Germany, and that being the pending question and the only question before the Senate—the mere matter of the resolution and of what shall go into the resolution being simply the method by which we amend the treaty or make reservations concerning the treaty—will not the cloture rule apply to the treaty itself as the pending proposition before the Senate? I think it should.

Mr. HITCHCOCK. Mr. President, of course that is a question which must ultimately be decided by the Chair, subject to the support of the Senate, and can not be decided now; but my judgment is that the treaty is not a measure. We are not enacting the treaty. What we are doing is deciding whether we will ratify the treaty, and the measure that is before the Senate is the resolution of ratification.

Mr. McCUMBER. Then, according to the Senator's construction, when we get through with the reservations, and while we have applied the cloture rule to those reservations, when we get into the treaty to consider it further in connection with the resolution for ratification we can discuss it ad infinitum?

Mr. HITCHCOCK. I think not. My judgment is——

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. I will make a point of order instead of a parliamentary inquiry. I make the point of order that this proposed motion is out of order because it does not apply to the pending measure.

The PRESIDENT pro tempore. The point of order is sustained. The rule makes it the duty of the Chair to announce that the motion has been filed, and it will be the duty of the Chair on Saturday, one hour after the meeting of the Senate, to lay the motion before the Senate for disposition. Debate is not in order at this time.

Mr. HITCHCOCK. Mr. President, does the Chair rule that the motion is out of order?

The PRESIDENT pro tempore. The Chair did not intend so to suggest. The motion is in order. The motion is filed, and the rule makes it the duty of the Chair to state the motion; and then it lies over until Saturday, one hour after the Senate convenes, and then it is submitted to the Senate.

Mr. NORRIS. Mr. President, another parliamentary inquiry. If the motion shows on its face that it is not in order, is it not proper to make the point of order now, so that no proceedings may be had under it if it is held to be illegal?

The PRESIDENT pro tempore. If the motion is not in order, it would be in order for the Senator from Nebraska to raise the point of order.

Mr. NORRIS. I make the point of order on the ground that the rule provides for no such motion as has been presented. It is purely camouflage.

The PRESIDENT pro tempore. The Chair will examine it. He has not hitherto examined it. [A pause.] The Chair is inclined to hold that the point of order made by the junior Senator from Nebraska is well taken; but before doing so, the Chair will hear any suggestions which the senior Senator from Nebraska may have to make with regard to it. It does not seem to the Chair to be in the form required by the rule.

Mr. HITCHCOCK. Mr. President, the difficulty of applying this rule under the circumstances is obvious; and in my opinion this is not the time to pass upon the question of whether or not this particular motion is in order. It is filed at the present time, and before it is voted on an objection may be made to it; but I will state to the Chair that so far as I can see we in the Senate are going to vote upon the Lodge reservations, and later the Lodge resolution of ratification. That is what we vote on. We do not vote on the treaty, and therefore it can not be applied to the treaty. It must be applied to the thing that we vote on, and the thing that we vote on is the resolution of ratification.

Now, it is true that the resolution of ratification is not in the Committee of the Whole, and is not in order at this time; but the reservations which are to go into the resolution of ratification are in the Committee of the Whole, and they constitute the question that is pending. They are the particular propositions moved by the Senator from Massachusetts. They were presented by him as a whole; they were read from the desk as a whole, and at the request of the Senator from Massachusetts they were taken up paragraph by paragraph, just as a bill is taken up and considered paragraph by paragraph.

Mr. BORAH. Mr. President, if a tariff measure were before the Senate, would the Senator contend that a Senator who presented a half dozen amendments, to be voted upon from time to time, had presented a measure under this rule?

Mr. HITCHCOCK. Certainly not, because in that case the Senate would be proposing to vote upon the tariff bill and the

amendments thereto; but here the Senate is proposing to vote upon the reservations and the resolution of ratification. Now, the cloture which I have proposed on behalf of the Senators who have signed it applies to the thing we are going to vote on, and the only thing we are going to vote on, to wit, the resolution of ratification which is now being perfected.

Mr. REED. Mr. President, is that resolution of ratification before the Senate? If so, when did it get here?

Mr. HITCHCOCK. I have stated that under the rules of the Senate the resolution itself is not before the Senate in Committee of the Whole; but the larger part of the resolution and the features which are to be the controlling factors in the resolution are here, and the cloture which I have proposed covers not only those reservations, but it covers the resolution itself, which the Senate will vote upon when it gets into the Senate proper, after the Committee of the Whole has made its report.

On November 6 the Senator from Alabama [Mr. UNDERWOOD] made the following inquiry:

Of course, if the Senator is only offering them—

That is, the reservations and conditions offered by the Senator from Massachusetts [Mr. LODGE]—

for the information of the Senate, that is a different proposition.

Mr. LODGE. No, Mr. President; I propose to offer them now for action, and, if the Chair will permit me, reservations are not mentioned in the rules at all. The practice has been hitherto to offer reservations the last thing in the Senate, with the resolution of ratification. I am unable to see why they can not be offered in Committee of the Whole exactly as an amendment is offered, to be placed, exactly as an amendment has to be placed, upon the resolution of ratification when it is reached. That resolution can not be dealt with until the Senate has determined what amendments, if any, to make to the treaty, and what reservations, if any, it will adopt; and I have come to the conclusion, after studying the rules, that there is no reason why the reservations to be incorporated should not be offered at this stage, in order—as this treaty is of peculiar moment, unlike any other we have ever had—that the Senate may consider them in Committee of the Whole, and subsequently in the Senate, before final agreement to them.

Then the Senator from Alabama said:

Mr. President, I think this question is a matter of importance to our procedure, because we have got to know where the line rests when we finally go to vote. I think that the offering of reservations in the Committee of the Whole and not in the Senate proper is undoubtedly in contravention of the letter of the rules of the Senate. As to whether the rules of the Senate can limit the constitutional power of this body to adopt reservations or amendments, I have my doubts, and I am not concerned about that part of it. So far as I am personally concerned, I am not concerned as to whether it is against the letter of the rules of the Senate or not.

Subsequently, however, the Senator from Massachusetts [Mr. LODGE] said:

Mr. President, I have given this matter a great deal of reflection. I am not going to repeat what I have already said, but it seems to me that as that rule stands it is entirely in order to offer reservations in Committee of the Whole, and I think there are many reasons that might be adduced in its support. But I do not wish to delay the discussion by debating the point of order.

Then, later, the Senator from Massachusetts said:

Mr. President, I now, after some interruption, renew the motion which I made two hours ago. I move the adoption of the following conditions and reservations to be incorporated in the resolution of ratification. I have made a modification in the condition which is numbered 1, in regard to making the reservations and understandings a part of the conditional resolution of ratification, by inserting at the proper place the words "by an exchange of notes." I have also made, as Senators will see if they compare it with the print, one or two further changes that are of no importance. I shall ask for a vote on each paragraph separately after they have been read. I think they had all better be read first, so as to go into the RECORD, and then I shall ask to take up the first one for consideration.

Mr. NORRIS. Mr. President, will not the Senator ask that they be also printed in the form of a bill?

Mr. LODGE. Yes; I ask that they be printed in bill form, as read by the Secretary, for the use of the Senate to-morrow.

Mr. MCCUMBER. Mr. President, I understand that there is also submitted with these reservations a preamble, which is submitted for adoption as well as the several numbered reservations.

Mr. LODGE. I mentioned that, but I referred to it as conditions. It is generally called, and miscalled, a preamble. Of course, a preamble always precedes, and never follows, the enacting clause. It is really a declaration of conditions of ratification that has been called commonly the preamble.

Mr. MCCUMBER. The point I wanted to ascertain was whether or not the Senator, in asking for a vote upon each of these separately numbered reservations, would also ask for a vote upon what is commonly designated a preamble?

Mr. LODGE. Yes; I certainly shall, and it is numbered 1 in what I have sent to the desk.

Then, Mr. President, on the order of the Vice President—and I ask the attention of the Chair to this—the Secretary read to the Senate the reservations and conditions proposed as a whole by the Senator from Massachusetts, and printed as requested in bill form, and that is the measure that is now before the Senate in Committee of the Whole. When it has been adopted, subject, of course, to amendment, it will be reported to the Senate by the Committee of the Whole, and in the Senate it will be incorporated in a resolution of ratification. Now, I have made the cloture apply to those reservations, so printed in bill form, presented as a whole to the Senate and now being considered paragraph by paragraph; also to the resolution of ratification in which they are to be incorporated; also to all amendments to them; also to all substitutes offered for them; and also to all additions proposed to them.

Mr. LODGE. Mr. President, the rule says "the pending measure." We are in legislative session now, but the pending measure in executive session is the treaty. It matters not how we reach a conclusion, whether we reach it by resolution or how we reach it, the pending measure is the treaty. If the resolution offered by the Senator from Nebraska [Mr. HITCHCOCK] is in order, then it covers the pending measure, which is the treaty. If it is what he interprets it to be, it is clearly out of order. I ask the Chair to rule, because I want to make a motion to go into executive session.

Mr. SWANSON. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. No, Mr. President; I am awaiting the ruling of the Chair.

Mr. SWANSON. I would like to ask a question before the ruling is made. This rule says "the pending question."

Mr. LODGE. It does not say "the pending question"; it says "the pending measure."

Mr. SWANSON. The Senator says "the pending measure." That is the entire treaty, the Senator insists. This is to affect a measure less than the treaty. Is not the lesser right to offer the cloture resolution included in the greater right? I have usually understood that to be the rule. The greater right would be to offer the cloture resolution for the entire treaty.

Mr. LODGE. I think I have the floor, and I decline to yield further to the Senator from Virginia.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I yield for a question.

Mr. FALL. If the rule will apply, then the treaty is the pending question. If the treaty is not the pending question, you can not invoke the rule on the treaty. Is not that correct?

Mr. LODGE. That is true. I ask for the ruling of the Chair.

Mr. UNDERWOOD. Mr. President, before the Chair rules I ask the Chair's attention.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. POINDEXTER. Mr. President, before the question is put——

Mr. UNDERWOOD. That is all right, Mr. President, if the Senator from Massachusetts desires to cut the Chair off from a ruling.

Mr. LODGE. What I wish to do is to promote the public business and not pass the whole morning in discussing a vague parliamentary point.

The PRESIDENT pro tempore. The Chair is ready to rule upon the point of order.

Mr. UNDERWOOD. I understand the Chair is ready to rule. He announced that some time ago. I desired awhile ago to get the recognition of the Chair for a moment, and if the Senator from Massachusetts has yielded the floor I ask for recognition, although I recognize that it is in the discretion of the Chair as to whether he desires to hear me or not.

The PRESIDENT pro tempore. The Chair will hear the Senator from Alabama for a brief time.

Mr. UNDERWOOD. Mr. President, the only reason why I delay the Chair by what I have to say is that I think the pending question is most important as affecting the orderly and proper conduct of the business of the Senate. My understanding is that this is the first time the cloture rule has come before the Senate for actual interpretation, and I think we ought to clearly interpret it, and the Senate ought to express its sentiment on the question.

The Senator from Nebraska [Mr. HITCHCOCK] has offered a cloture rule or proposal, under the rules of the Senate, to limit debate on the pending measure. The country has waited with patience since last May for the conclusion of this war. It is perfectly evident that unless a majority of the Senate is willing to do business the country must continue to wait for a month longer before there is any opportunity to close the war. This is an effort to use the only weapon the Senate has to protect itself and transact its business in an orderly way and reach a conclusion.

Mr. President, I think the country should know who is delaying procedure in the Senate and who is not.

The PRESIDENT pro tempore. Will the Senator from Alabama allow a suggestion? The observations now being made will not be helpful to the Chair in construing the rule.

Mr. UNDERWOOD. I am coming to that, Mr. President. The construction of this rule must turn on the question as to whether the treaty with Germany is the pending measure or whether the proposals offered by the Senator from Massachusetts [Mr. LODGE] are the pending measure. That is the question before the Senate.

Some time ago, at the beginning of the last Congress, facing a condition of war, the Senate found itself in a most embarrassing position because it did not have a cloture rule, and finally, practically by unanimous consent, the present rule was adopted. It is not much of a rule; it is a poor excuse for a rule; but it is the only rule the Senate has by which debate can be terminated.

Now we come to the question as to whether this rule can be applied to the most important proposition that has come before the Senate almost in its history, the question as to whether we can make peace and close this Great War, or whether we can not.

It is apparent, Mr. President, what is the effort that is being made here today. Some of us desire to bring this debate to a conclusion. Some of us desire that the voice of the Senate may be registered and the question pending before us may be terminated. Others are evidently of a contrary mind.

Mr. President, there is no use to try to becloud this question. There are a number of Senators on this floor who are unwilling to vote for the resolution of ratification offered by the Senator from Massachusetts. They desire an opportunity to vote for the unconditional ratification of the treaty. Suppose, under this rule, we apply cloture to the treaty, the rule being that the cloture must apply to the pending measure, and the Chair holds that the treaty with all amendments and reservations that have been proposed to it is the pending measure and the Lodge resolution of ratification is defeated. Does the Chair put us in the attitude of defeating the treaty, and say that we can have no further action on the matter? I do not absolutely say that that is the final conclusion, but the Chair's ruling against the proposal of the Senator from Nebraska might lead to that conclusion, and that after the adoption of cloture the Senate would be driven either to accepting the resolution of the Senator from Massachusetts or to rejecting in its entirety the treaty of peace with Germany.

Now, I say to the Chair that in a legislative body, where the opportunity for free action is sought, the opportunity should be given to defeat the proposals of the Senator from Massachusetts, if more than a third of this body are against it, and yet leave it wide open for the Senate to come to some other conclusion about the matter.

The Vice President in his ruling the other day, on the suggestion of the Senator from Massachusetts [Mr. LODGE], said that he recognized that he was not standing on the letter of the law, that he was not giving the rule a strict construction, but on account of the importance of this matter he was ruling so that the Senate might have a broad and unlimited right of action in the Committee of the Whole, and his ruling was accepted by the Senate without dissent.

Now, are we to be forced by the ruling of the Chair that we must either abandon cloture, when we are like a ship tossed in the tempest, without a rudder, when this great condition faces the people of the United States, or under this rule is the Chair going to give us an opportunity to close the debate within a reasonable time on the resolution of the Senator from Massachusetts? If he succeeds, if he can command a two-thirds vote of the Senate, a conclusion of this matter has been reached; but if he can not command a two-thirds vote of the Senate, does the Senator from Massachusetts, and those who are following him on the other side of the Chamber, desire to foreclose this matter and say that with that defeat the treaty must fail also? Or, does he propose, and does the Senate propose, that under these conditions we may yet have an opportunity to reach a conclusion by which the treaty of peace may be ratified?

Mr. President, this whole proposition turns on the construction by the Chair as to what the words "the pending measure" mean. Is the pending measure the resolutions proposed the other day by the Senator from Massachusetts [Mr. LODGE], or is it the treaty? The Chair is out in an unknown sea without parliamentary compass to guide him, because this is the first time this question has ever been presented. I contend that the treaty is not the pending measure. We may legislate in reference to a strike condition. The "pending measure" is the bill relating to the subject; the strike condition is the matter we legislate about. We may legislate about the great shipping interests of the United States. Are the shipping interests "the pending measure," or is the bill or measure affecting them before the Senate "the pending measure"? A pending measure, in my judgment, means a bill, resolution, or other parliamentary action that is before us for our consideration. The treaty of peace is a conclusion reached by 26 different nations. It is an existing fact. The question before us is as to whether we will join in the conclusion of these other nations.

I think it is idle to say that the treaty of peace is pending before the Senate for consideration. The pending measure is the resolution that proposes the action of the Senate as to whether we shall join in the treaty of peace or reject it. Therefore, I think the Senator from Nebraska is eminently right when he says this proposal relates to the reservations and not to the treaty.

More than that, Mr. President, I say that the Senate, acting through its Presiding Officer, should act in this matter in the mode that enables us to do business and not in the manner that will hamper us in doing business in the future. If the Chair decides that the pending measure before the Senate is the resolution of the Senator from Massachusetts, then we can close debate on it and the Senator from Massachusetts, if he wants a vote, can get it. It may be that he does not want a vote. But the resolution of the Senator from Nebraska will bring to a final conclusion, without doubt in a few days, the question as to whether the proposals of the Senator from Massachusetts shall be agreed to and the treaty ratified.

I can not see why the majority side of the Chamber should object to coming to a conclusion on their own proposal. More than that, I can not see how the majority side of the Chamber can say to the country: We want a rule adopted by which if we can not have our own way we will tear down the house; if we can not have our own conclusion on our own proposal, no other man's proposal shall be considered.

That being the case, I say, in the interest of liberality, in the interest of action, in the interest of attending to the country's business, the Chair should rule that the pending measure is the reservations of the Senator from Massachusetts. By so doing we will reach an early conclusion and an early disposition of the matter.

Mr. KELLOGG. Mr. President——

Mr. LODGE. Mr. President, I make the point of order that debate is out of order.

The PRESIDENT pro tempore. Debate is out of order unless——

Mr. KELLOGG. I wish the Senator from Massachusetts would withdraw his point of order.

The PRESIDENT pro tempore. The Chair is ready to rule.

Mr. LODGE. No, Mr. President——

Mr. KELLOGG. Very well; let us have a cloture rule if the Senator wants to have it.

Mr. LODGE. All right, I will withdraw my point of order and let the Senator state his view.

Mr. KELLOGG. Mr. President, I have not taken much of the time of the Senate, and I do not intend to. I merely want to say that I do not propose to rest under the imputation of seeking to delay the treaty or prevent cloture. I am in favor of cloture, and I am in favor of bringing the consideration of the treaty to a close. For four or five months it has been before the Senate, and the country and the Senate are utterly disgusted with dilatory tactics.

Mr. OWEN. There is no doubt about that.

Mr. KELLOGG. It is time now to have a vote on the treaty. Discussion will not change a single vote in the Chamber, and everyone knows it.

The PRESIDENT pro tempore. The Chair makes the same suggestion to the Senator from Minnesota that he did to the Senator from Alabama. The Chair desires to apply the rule. It is not a question of whether it is desirable to bring debate to a close or not.

Mr. KELLOGG. The Senator from Alabama was allowed to make his remarks upon the subject, and all I have to say is that I am in favor of an effective cloture or an immediate agreement for a final vote upon the treaty and all amendments, reservations, and resolutions. Therefore, I believe that the motion of the Senator from Nebraska is not in order or sufficient. It does not bring the pending measure to a close simply to have a cloture upon the reservations that have been proposed, and then another cloture upon the resolution of ratification, and then another cloture upon the second or third or fourth resolution, if they can propose such.

The proper construction of the rule seems to be this—and let me read two or three sentences:

Thereafter—

That is, after the cloture—

no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. * * * Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close.

In my opinion the pending measure is the treaty, and no amendment can be offered after the vote on this proposed cloture next Saturday morning, if cloture shall be adopted.

The resolution of ratification and reservations are "motions affecting the same" and need not be presented before Saturday. In any event, all the reservations one may desire may be presented by Saturday morning.

I wish the Senator from Nebraska [Mr. HITCHCOCK] would present a motion for cloture that will end the debate. I do not believe the present motion prevents the introduction of another resolution of ratification or other reservations. If that is prevented, it is by another rule of the Senate.

Mr. ASHURST. Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The Chair is ready to rule upon the point of order.

Mr. REED. Mr. President——

Mr. ASHURST. I insist upon the regular order, which is the ruling of the Chair.

Mr. REED. Mr. President, I want to read just a line out of the RECORD for the Chair. I read from the Journal the first motion made with reference to this question:

On motion by Senator LODGE,
The Senate proceeded to consider, as in open executive session, the treaty of peace with Germany.

That motion has been, in substance, renewed here from day to day, and that is the form of the matter. I next read in full from the RECORD:

Mr. LODGE. Is morning business closed, Mr. President?
The VICE PRESIDENT. The morning business is closed.
Mr. LODGE. I move that the Senate proceed in open executive session to consider the treaty of peace with Germany.
The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed consideration of the treaty of peace with Germany.

That is the pending question, according to the RECORD.

The PRESIDENT pro tempore. The Chair is of the opinion that this is not the time to determine what the pending measure is or what motions or amendments may be in order, if the motion for cloture is sustained. The motion presented by the Senator from Nebraska [Mr. HITCHCOCK] attempts to prescribe a parliamentary procedure and to determine in advance what that procedure shall be.

In the opinion of the Chair such a motion is not within the rule of the Senate, and therefore the point of order made by the Senator from Nebraska [Mr. NORRIS] is sustained.

Mr. HITCHCOCK. Mr. President, from the decision of the Chair I take an appeal.

The PRESIDENT pro tempore. The Senator from Nebraska appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HITCHCOCK. Mr. President, that is a debatable question.

Mr. LODGE. I move to lay the appeal on the table.

Mr. HITCHCOCK. The Senator from Massachusetts has not been recognized.

The PRESIDENT pro tempore. The Chair recognized the Senator from Nebraska.

Mr. HITCHCOCK. I make the point of order that the question is a debatable question and I desire to discuss it.

The PRESIDENT pro tempore. The Chair is of the opinion that it is a debatable question.

Mr. LODGE. The Senator from Nebraska made an appeal from the ruling of the Chair, and I immediately rose and moved to lay the appeal on the table, which I had a right to do. That is a privileged motion and it is not debatable.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Massachusetts.

Mr. NORRIS. Mr. President——

Mr. HITCHCOCK. Had I the recognition of the Chair? I understood that the Senator from Massachusetts was not recognized.

The PRESIDENT pro tempore. The Chair understood the Senator from Nebraska yielded to the Senator from Massachusetts.

Mr. HITCHCOCK. I did not yield at all.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state the inquiry.

Mr. NORRIS. Did the Chair hear the Senator from Massachusetts make his motion? I think, from what the Chair said to the Senator from Nebraska, that the Chair failed to hear the motion of the Senator from Massachusetts, which was made and which he afterwards renewed.

The Senator from Massachusetts made a motion to lay the appeal on the table as soon as the appeal was taken. Is not that a privilege that he has?

The PRESIDENT pro tempore. The Chair so understands, and that is the question before the Senate.

Mr. NORRIS. That is my understanding.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BORAH. I wish the Senator from Massachusetts would withdraw his motion. I do not want to cut off debate from those who are desirous of closing debate.

Mr. ASHURST. Mr. President, I insist upon the regular order.

The PRESIDENT pro tempore. The Senator from Arizona calls for the regular order. The motion by the Senator from Massachusetts to lay the appeal on the table is not debatable.

Mr. HITCHCOCK and Mr. LODGE called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK], and therefore withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. TOWNSEND (when Mr. NEWBERRY'S name was called). I announce that the junior Senator from Michigan [Mr. NEWBERRY] is absent from the Senate on business of the Senate. He is paired with the senior Senator from Alabama [Mr. BANKHEAD].

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. As he is absent to-day, I withhold my vote.

The roll call was concluded.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Ohio [Mr. POMERENE] on business of the Senate. The Senator from Oregon is paired with the junior Senator from Pennsylvania [Mr. KNOX] and the Senator from Ohio is paired for the day with the Senator from New York [Mr. WADSWORTH]. I ask that this announcement may stand for the day.

Mr. CALDER. I announce the absence of my colleague [Mr. WADSWORTH] on the business of the Senate. If present, my colleague would vote "yea."

Mr. KNOX. I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. KNOX. Having a pair with that Senator, I withhold my vote.

Mr. OVERMAN. I transfer the pair announced by me with the senior Senator from Wyoming [Mr. WARREN] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. GORE entered the Chamber.

Mr. OVERMAN. The Senator from Oklahoma having arrived in the Chamber, I withdraw my vote.

The result was announced—yeas 44, nays 36, as follows:

YEAS—44.

Ball	France	Lenroot	Phipps
Brandegee	Frelinghuysen	Lodge	Poindexter
Calder	Gronna	McCumber	Reed
Capper	Hale	McLean	Sherman
Colt	Harding	McNary	Shields
Curtis	Johnson, Calif.	Moses	Smoot
Dillingham	Jones, Wash.	Nelson	Spencer
Edge	Kellogg	New	Sterling
Elkins	Kenyon	Norris	Sutherland
Fall	Keyes	Page	Townsend
Fernald	La Follette	Penrose	Watson.

NAYS—36.

Beckham	Johnson, S. Dak.	Pittman	Stanley
Culberson	Jones, N. Mex.	Ransdell	Swanson
Dial	Kendrick	Robinson	Thomas
Fletcher	King	Sheppard	Trammell
Gay	Kirby	Simmons	Underwood
Gerry	McKellar	Smith, Ariz.	Walsh, Mass.
Harris	Myers	Smith, Ga.	Walsh, Mont.
Harrison	Nugent	Smith, Md.	Williams
Hitchcock	Phelan	Smith, S. C.	Wolcott

NOT VOTING—15.

Ashurst	Cummins	McCormick	Pomerene
Bankhead	Gore	Newberry	Wadsworth
Borah	Henderson	Overman	Warren
Chamberlain	Knox	Owen	

So Mr. HITCHCOCK'S appeal from the decision of the Chair was laid on the table.

FUNERAL OF SENATOR THOMAS S. MARTIN.

Mr. SWANSON. Mr. President, my deceased colleague, the late Senator MARTIN, of Virginia, will be buried at Charlottesville, Va., to-morrow afternoon at 3 o'clock. In addition to the 18 Senators who have been appointed to attend the funeral, a great many Senators have expressed a desire also to attend. The special train for Charlottesville will leave here at 11 o'clock

to-morrow and return about 9 o'clock to-morrow night. I have consulted with the leader of the majority of this body and with other Senators, and, in order to pay tribute to the memory of my late colleague, I ask unanimous consent, so that Senators who desire may attend the funeral—and an invitation is extended to all to do so—that when the Senate takes a recess to-day it shall take a recess to meet at 10 o'clock on Saturday morning.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

Mr. POINDEXTER. Before that motion is put, I desire to introduce one or two bills and to make a very brief comment on them.

Mr. LODGE. Mr. President, I think I must ask for the regular order.

Mr. POINDEXTER. I also insist upon the regular order, Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] moves——

Mr. POINDEXTER. As I understand, the regular order is the introduction of bills and joint resolutions.

Mr. LODGE. The regular order is a privileged motion to go into executive session.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion made by the Senator from Massachusetts is in order at any time. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. McCUMBER. Mr. President, I had hoped that the Senator from Nebraska [Mr. HITCHCOCK] would present a real cloture rule. I anticipate that, if one is not presented by the other side in a very short time, there will be one presented from this side which will take care of the "pending measure," so that we may have the cloture rule upon every feature of the pending measure. The cloture rule provides:

> Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

To the suggestion I am about to make, I ask the attention of the Chair. I am not certain whether as the cloture rule reads there must be an actual reading by the Secretary of amendments proposed at the time they are presented. I have prepared some amendments to propose to the proposed reservations. I shall present them at this time, and if the Chair holds that if a cloture rule should be adopted they could not be presented unless they had been read to the Senate prior to the time when they are offered as amendments, I shall ask that they be read at this time. If the opposite ruling should be made, that the mere presentation, having them printed and asking that they lie upon the table be sufficient, I should be satisfied, of course, with that.

The PRESIDENT pro tempore. The present occupant of the chair may not be in the chair at the time that question shall be decided. If the Senator from North Dakota desires that the proposals he now makes shall be read, they will be read.

Mr. McCUMBER. I think it necessary in order to be certain that they might be presented, if the cloture rule is adopted, to ask that the amendments may be read. I wish to say before that is done, however, that all of the proposed reservations from No. 2 to No. 6, inclusive, represent a compromise between those of divergent views, and that I shall support all of those that do really represent a compromise, or, at least, those in connection with which I was a party to such compromise. My amendments and reservations do not affect anything prior to reservation No. 7, to which I have not agreed; nor have I agreed to any of the other reservations except those indicated. I think that reservations Nos. 8 and 9 and 10 in reality correspond to the present meaning, in spirit, at least, of the treaty provisions, and Nos. 11 and 12 I consider very unimportant; but Nos. 13, 14, and 15, to my view, should be stricken out.

Now, I present the reservations and amendments intended to be proposed by me and ask that they be read, printed, and lie on the table.

Mr. FLETCHER. May I ask the Senator if the reservations he is now presenting constitute full and complete reservations which the Senator desires to present to the ratification resolution?

Mr. McCUMBER. They do, Mr. President.

Mr. FLETCHER. Do they include those on page 27 of the publication I hold in my hand and with which the Senator is familiar?

Mr. McCUMBER. They include some of them, at least, and some have been slightly modified.

There being no objection, the amendments presented by Mr. McCUMBER to the reservations proposed by Mr. LODGE on behalf of the committee were read, ordered to be printed, and lie on the table, as follows:

AMENDMENTS TO RESERVATIONS.

Amendments and substitutes offered by Mr. McCUMBER to the reservations on the treaty of peace with Germany adopted by the Committee on Foreign Relations and presented on the calendar day of November 6 (legislative day of November 3), 1919, and printed in bill form:

No. 1. Strike out all of reservation No. 7, lines 16 to 20, inclusive, on page 3, and insert in lieu thereof the following:

"The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto."

No. 2. Strike out committee reservation No. 14, lines 24 and 25, on page 5, and lines 1, 2, 3, and 4, on page 6.

No. 3. Strike out No. 15 of said committee reservation, lines 5 to 11, inclusive, on page 6.

No. 4. Add at the end of said committee reservations a further reservation, as follows:

"That the United States understands and so construes the provisions of the covenant of the league of nations that when the case referred to the council or the assembly involves a dispute between one member of the league and another member whose self-governing dominions, colonies, or parts of empire are also represented in the body to which the case is referred, or involves a dispute between one member and any such dominion, colony, or part of empire, both the disputant members, including the dominion or principal country and all its said dominions, colonies, and parts of empire are to be excluded from voting upon any phase of the dispute."

No. 5. Add at the end of the committee reservations a further reservation, as follows:

"That the United States understands and construes the words 'dispute between members' and the words 'dispute between parties' in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein, and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in that last paragraph of said article will cover not only the dominant or principal member but also its dominions, colonies, and dependencies."

No. 6. Add at the end of said committee reservations the following:

"The United States refrains from entering into any agreement concerning the matters contained in Part XIII (articles 387 to 427, inclusive) of the said treaty unless Congress, by act or joint resolution, shall hereafter provide therefor."

No. 7. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive), unless Congress, by act or joint resolution, shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

No. 8. Mr. McCUMBER also presented a proposed amendment to the reservation intended to be proposed by the Senator from Wisconsin [Mr. LENROOT], relating to the right of disputants, including self-governing dominions, colonies, or parts of empires, as follows:

Add at the end of said proposed reservation the following words:

"Unless upon the submission of the matter to the council or assembly for decision, report, or finding the United States consents that the said dominions, colonies, or parts of empire may each have the right to cast a separate vote upon the said decision, report, or finding."

No. 9. Mr. McCUMBER also presented a proposed amendment to the reservation intended to be proposed by the Senator from Wisconsin [Mr. LENROOT], relating to the right of disputants, including self-governing dominions, colonies, or parts of empire, as follows:

Substitute for the said proposed amendment the following:

"The United States reserves the right, upon the submission of any dispute to the council or the assembly, to object to any member and its self-governing dominions, dependencies, or possessions having in the aggregate more than one vote; and in case such objection is made the United States assumes no obligation to be bound by any election, finding, or decision in which such member and its said dominions, dependencies, and possessions have in the aggregate cast more than one vote."

Mr. LENROOT. Mr. President, I send to the desk a proposed reservation, which I ask to have read and lie upon the table.

The PRESIDENT pro tempore. The Secretary will read the proposed reservation.

The Secretary read as follows:

Reservation proposed by Mr. LENROOT as a part of the resolution of ratification of the treaty of peace with Germany:

"The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted."

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Lodge	Shields
Ball	Gronna	McCumber	Simmons
Beckham	Hale	McKellar	Smith, Ariz.
Brandegee	Harding	McLean	Smith, Md.
Calder	Harris	Moses	Smith, S. C.
Capper	Harrison	Myers	Smoot
Cummins	Henderson	Nelson	Spencer
Curtis	Johnson, S. Dak.	New	Stanley
Dial	Jones, N. Mex.	Norris	Sutherland
Dillingham	Jones, Wash.	Nugent	Swanson
Edge	Kellogg	Owen	Thomas
Elkins	Kendrick	Page	Trammell
Fall	Kenyon	Penrose	Walsh, Mont.
Fernald	Keyes	Pittman	Warren
Fletcher	King	Poindexter	Wolcott
France	Knox	Ransdell	
Frelinghuysen	La Follette	Reed	
Gay	Lenroot	Sheppard	

The PRESIDING OFFICER (Mr. GRONNA in the chair). Sixty-nine Senators have answered to their names. A quorum is present.

Mr. THOMAS. Mr. President, I desire to offer an amendment to the pending reservation, to be considered as soon as the amendment now before the Senate shall have been disposed of.

The PRESIDING OFFICER. It will be received, printed, and lie on the table.

Mr. THOMAS. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. On page 2 of the reservations printed in bill form, line 4, after the word "obligation," insert the words "beyond the expiration of five years from the ratification of this treaty."

Mr. REED. Would the Senator be willing to further limit that to those countries that have been created as a result of the war, like Czechoslovakia and Poland?

Mr. THOMAS. The amendment which I offered is designed to test the wisdom of the Senate upon the proposition suggested some time ago by Mr. Elihu Root, and which, in my judgment, is well worthy of our serious consideration in connection with this reservation. I will say to the Senator from Missouri that in the event of the rejection of this proposed amendment it is my purpose to follow it up with another amendment restricting the operation of the reservation to the newly created countries of Central Europe.

Mr. OWEN. Mr. President, I submit the following reservation, and ask that it be printed.

The PRESIDING OFFICER. Does the Senator wish to have it read?

Mr. OWEN. No; I merely want to have it printed.

The reservation intended to be proposed by Mr. OWEN is as follows:

Resolved, That the United States in ratifying the covenant of the league of nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1918, and in subsequent addresses, as a world agreement, binding on the great Nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

The protectorate of Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

On November 6, 1918, Secretary of State Lansing published the following to the world:

"From the Secretary of State to the Minister of Switzerland, in charge of German interests in the United States.

"DEPARTMENT OF STATE,
"*November 5, 1918.*

"SIR: I have the honor to request you to transmit the following communication to the German Government:

"In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such armistice as would fully protect the interests of the peoples involved and insure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.

"The President is now in receipt of a memorandum of observations by the Allied Governments on this correspondence, which is as follows:

"'The Allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"'Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air.'

"I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of the armistice.

"Accept, sir, with renewed assurances of my highest consideration.

"(Signed) ROBERT LANSING."

Among other things the President, on January 8, 1918, in his address to Congress, said:

"We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war therefore is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace therefore is our program; and that program, the only possible program, as we see it, is this:

"I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.

"II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

"III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

"IV. Adequate guaranties given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

"V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

"VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

"VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

"VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly 50 years, should be righted, in order that peace may once more be made secure in the interest of all.

"IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

"X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

"XI. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

"XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guaranties.

"XIII. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territory integrity should be guaranteed by international covenant.

"XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike."

Mr. LA FOLLETTE. Mr. President, I send some reservations to the desk which I shall propose, and which I ask to have read.

The PRESIDING OFFICER. The Secretary will read the reservations intended to be proposed by the Senator from Wisconsin.

The Secretary read as follows:

Reservations intended to be proposed by Mr. LA FOLLETTE, to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

1. That nothing contained in article 2 of the league covenant, or any other provision thereof, shall be construed to deny to the people of Ireland, India, Egypt, Korea, or to any other people living under a Government which, as to such people, does not derive its powers from the consent of the governed, the right of revolution or the right to alter or abolish such government, and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

2. The United States hereby gives notice that it will withdraw from the league at the end of one year from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription.

3. The United States hereby gives notice that it will withdraw from the league at the end of five years from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall have agreed that in no case will it resort to war except to suppress an insurrection or repel an actual invasion of its territory, until an advisory vote of its people has first been taken on the question of peace or war.

4. The United States hereby gives notice that it will withdraw from the league of nations at the end of any year during a period of five years from the date of the exchange of ratifications of this treaty, unless during each and every year of the five-year period every member of the league now expending in excess of $50,000,000 for the maintenance of its military forces or in excess of a like sum for the maintenance of its naval establishment, shall fail to reduce such expenditures by a sum equal to one-fifth of the amount by which the total annual expenditure for the maintenance of military forces or naval establishment, respectively, exceeds the sum of $50,000,000 for either, to the end that by the close of the period of five years from the date of the exchange of ratifications of this treaty no member of the league of nations shall expend for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of $50,000,000 per annum; and the United States gives notice that it will withdraw from the league of nations at the end of any year thereafter whenever any member expends for the maintenance of its military forces, or its naval establishment, respectively, an amount in excess of $50,000,000 per annum.

5. The United States hereby gives notice that it will withdraw from the league of nations whenever any member or members of the league of nations shall attempt to acquire the whole or any part of the territory of any member or of any nation not a member of the league of nations against the will and without the full and free consent of the people of such member or of such nation not a member of the league of nations.

6. The United States hereby gives notice that it will withdraw from the league of nations wherever any member, exercising a mandate or a protectorate over any country, or claiming and exercising a sphere of influence in or over any country, shall, without the free and full consent of the people of such country, appropriate the natural resources thereof, or shall, directly or indirectly, aid any individual or corporation alien to such country to acquire any right or title to or any concession in its natural resources, or right or title to its property, real or personal, or shall fail or neglect, within such authority or influence as it may properly exercise, to preserve in trust for the people of such country all right and title to and in its natural resources and real and personal property, or shall fail to exercise such mandate, protectorate, or sphere of influence over such country for the sole benefit of the people thereof.

Mr. OWEN. Mr. President, I have a letter from Mr. Joseph W. Folk relative to the mandate held by Zagloul Pasha, Mahmoud Pasha, and others, who represent the Egyptian people, which I ask to have printed in the RECORD.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *November 12, 1919.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: You spoke to me some days ago about a mandate held by Zagloul Pasha, Mahmoud Pasha, and others to represent the Egyptian people. This mandate is in writing and signed by the members of the legislative assembly, of the provincial councils, members of the different municipalities, the mayors, and notables. The original is in Paris, but I am inclosing you an outline of it.

Of course, at this stage of the proceedings, whether they represent the Egyptian people is not the question, but the right of the Egyptian people to self-determination is the question. However, there can be no doubt but that Zagloul Pasha and Mahmoud Pasha have behind them a united Egyptian people, regardless of religion or past affiliations.

With best wishes, I am,

Cordially, yours,

JOS. W. FOLK.

Copy of mandate from members of the legislative assembly of Egypt and Egyptian people to Zagloul Pasha, Mahmoud Pasha, and others.

"I, ——— ———, hereby delegate Zagloul Pasha, Mahmoud Pasha, etc., etc., to represent the Egyptian people in pleading the case of our country wherever it seems to them desirable, and to attain by legal means the independence to which Egypt is legally entitled."

This mandate has been signed by the members of the legislative assembly, and of the provincial councils, members of the different municipalities, the mayors of the country, and the notables. The number of signatures received amounts to approximately 100,000.

The dispute which arose at one time in England as to whether we represented the Egyptian people has ceased since the revolution of March and April last, in which all classes of the country joined in support of their interned representatives. Rushdi Pasha, who was prime minister until May last, said in an interview of recent date that the delegation represented the entire people of Egypt. He declared "he never consented to the 'protectorate' of Great Britain over Egypt except that it was temporary and a war measure, and that it would disappear when the Allies' victory was complete. He asked England to hear him and to hear the Egyptian nation, duly represented by the Egyptian delegation.

And now I have the Cairo and Alexandria papers, in which the members of the legislative assembly, at the request of their constituents, are declaring publicly that the people will have nothing to do with the Milner commission, which they assert is intruding on the liberties and independence of Egypt. The only body, they declared, which can have the power of negotiation for the future of Egypt is the Egyptian delegation, which, at the same time, can not negotiate anything less than the complete independence of Egypt.

In the Cairo paper, "Pyramids," of October 14, Mustapha Bekir Bey, member of the legislative assembly from the Province of Benha, wrote:

"My constituents are desirous of my opinion being given publicly with regard to the Milner commission. I regret that they should have hesitated as to my patriotism. Perhaps they thought the humiliation to which I submitted might affect my attitude. I gave my mandate to the Egyptian delegation to plead the cause of Egypt before the conference and to attain the independence to which Egypt is entitled. And now I would only say to the Milner commission that it is not competent to deal with the situation; that our case is being tried before a supreme and competent court; and that the delegation is alone competent to deal with the situation."

(This cablegram was inserted in the CONGRESSIONAL RECORD by Senator OWEN.)

Mr. SMOOT. I understand that the yea and nay votes have not been ordered on the pending amendment?

The PRESIDING OFFICER. The Chair is informed that the yeas and nays have been ordered on the main question, but not on the amendment.

Mr. LODGE. The pending amendment is the amendment offered by the Senator from Montana [Mr. WALSH], and on that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. I understand that if he were present he would vote "nay." I will therefore vote. I vote "nay."

Mr. KNOX (when his name was called). Has the senior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDING OFFICER. He has not.

Mr. KNOX. I withhold my vote, being paired with that Senator.

Mr. TOWNSEND (when Mr. NEWBERRY'S name was called). I desire to announce the absence of the junior Senator from Michigan [Mr. NEWBERRY] on business of the Senate. He is paired with the senior Senator from Alabama [Mr. BANKHEAD]. If the junior Senator from Michigan were present, he would vote "nay."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the negative). I desire to know if the Senator from Virginia [Mr. SWANSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. JONES of Washington. The Senator from Virginia [Mr. SWANSON] is necessarily absent. I have a pair with him for the day. Not knowing how he would vote on this amendment, I withdraw my vote. If at liberty to vote, I would vote "nay."

Mr. WOLCOTT. I transfer my general pair with the senior Senator from Indiana [Mr. WATSON] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. HITCHCOCK. The senior Senator from Alabama [Mr. BANKHEAD] is paired with the junior Senator from Michigan [Mr. NEWBERRY]. If present, the Senator from Alabama would vote "nay."

Mr. BRANDEGEE (after having voted in the negative). Has the senior Senator from Arkansas [Mr. ROBINSON] voted?

The PRESIDING OFFICER. He has not.

Mr. BRANDEGEE. I have a pair with that Senator for the day. I withdraw my vote.

Mr. JOHNSON of South Dakota (after having voted in the negative). Has the Senator from Maine [Mr. FERNALD] voted?

The PRESIDING OFFICER. He has not.

Mr. JOHNSON of South Dakota. I have a pair with that Senator, and not knowing how he would vote on this question I withdraw my vote.

Mr. PITTMAN. I wish to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Ohio [Mr. POMERENE] are necessarily absent on business of the Senate.

The result was announced—yeas 4, nays 68, as follows:

YEAS—4.

La Follette	Norris	Pittman	Walsh, Mont.

NAYS—68.

Ashurst	Calder	Cummins	Dillingham
Ball	Capper	Curtis	Edge
Beckham	Colt	Dial	Elkins

Fall	Kellogg	Nugent	Smith, Ga.
Fletcher	Kendrick	Overman	Smith, Md.
France	Kenyon	Owen	Smith, S. C.
Frelinghuysen	Keyes	Page	Smoot
Gay	King	Penrose	Spencer
Gore	Lenroot	Phipps	Sterling
Gronna	Lodge	Poindexter	Sutherland
Hale	McCumber	Ransdell	Thomas
Harding	McKellar	Reed	Townsend
Harris	McLean	Sheppard	Trammell
Harrison	McNary	Sherman	Walsh, Mass.
Henderson	Moses	Shields	Warren
Hitchcock	Nelson	Simmons	Williams
Jones, N. Mex.	New	Smith, Ariz.	Wolcott

NOT VOTING—23.

Bankhead	Gerry	McCormick	Stanley
Borah	Johnson, Calif.	Myers	Swanson
Brandegee	Johnson, S. Dak.	Newberry	Underwood
Chamberlain	Jones, Wash.	Phelan	Wadsworth
Culberson	Kirby	Pomerene	Watson
Fernald	Knox	Robinson	

So the amendment of Mr. WALSH of Montana to reservation No. 3, proposed by Mr. LODGE, was not agreed to.

Mr. OWEN. Mr. President, I ask permission to have printed in the RECORD a very short statement of the American reply to the Pope of August 27, 1917, from the War Cyclopedia, showing the responsibility of the present war to be on the German military autocrary, and Mr. Gardiner's statement of their purposes at the same time.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

GERMAN MILITARY AUTOCRACY—RESPONSIBILITY FOR THE PRESENT WAR.

The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible government, which, having secretly planned to dominate the world, proceeded to carry the plan out without regard either to the sacred obligations of treaty or the long-established practices and long-cherished principles of international action and honor; which chose its own time for the war; delivered its blow fiercely and suddenly; stopped at no barrier either of law or of mercy; swept a whole continent within the tide of blood—not the blood of soldiers only but the blood of innocent women and children also, and of the helpless poor—and now stands balked, but not defeated, the enemy of four-fifths of the world. This power is not the German people. It is the ruthless master of the German people. It is no business of ours how that great people came under its control or submitted with temporary zest to the domination of its purpose; but it is our business to see to it that the history of the rest of the world is no longer left to his handling.

[From the Manufacturers' Record, November 1, 1917.]

GERMANY'S WAR PLANS FOR WORLD DOMINION.

Statesmen and other students of international politics for the past 15 or more years have been watching the evolution of Germany's plans to conquer actual world dominion as outlined in the following text and maps.

These plans are so amazingly ambitious and are founded on such an utterly cynical and ruthless disregard of the rights and liberties of all non-Germans that for 10 or 12 years those men who first caught their sinister trend were discredited. Then, as the German plan of political and economic strategy developed step by step with her military conduct of the present war, it became generally recognized that in fact she is trying actually to make real the Pan-German plan; and, failing that, to lay the solid foundation for its future execution by first building an unassailable Empire from the Baltic to the Arabian Sea.

For years many astute and experienced statesmen dismissed this matter as preposterous, only to see it take material form and threaten to overwhelm them and their nations.

Likewise, those who have not for many years made a study of international politics or who have not read many of the books recently written on the politics and economics which caused the present war may be inclined to dismiss these Pan-German plans as impracticable and absurd.

Herein we have endeavored merely to summarize the situation in simplest outline, purposely omitting overintricate affairs in the Far East. We, however, venture the earnest suggestion that those who want really to understand the causes, purposes, and world peril of Germany's war plans consider the appended bibliography, and especially the German section of it; therein they will find ample direct and collateral confirmation of this outline of some of the purposes of the Pan-Germans.

The first map shows the present situation in Europe and the dependencies of European countries in Africa as they were before the war.

[Map 1 includes Prussia, Germany, Bulgaria, Roumania, Balkan States, Turkey, and African colonial possessions.]

Particular attention is directed to the black area, indicating the fact that since August, 1914, Prussia has acquired by the war actual dominion over Belgium, Austria-Hungary, the Balkans (except Greece), Turkey in Europe and Asia, and a section of western Russia.

A pamphlet entitled "Our Peril from Germany's Aggressive Growth," issued in July, 1917, by the National Security League, treats in detail of the plans and methods whereby Prussia has actually increased her dominion by this war from 70,000,000 people to over 170,000,000 people.

Having done this, she is now desperately trying to get peace on such terms that she can hold this dominion over her present allies and reorganize them for her next move.

The second map shows what is known as the Pan-German plan of 1911—note that, the Pan-German plan of 1911!

[Map 2 adds to above Arabia, Egypt, and Belgian Africa, and southern half of South America, Chile, Argentina, Paraguay, Uruguay, and Dutch Guiana as dependencies.]

Six years ago Prussia planned to acquire dominion over Austria-Hungary, all the Balkans, and all of Turkey; to conquer and absorb Belgium and Holland and all their colonies, as well as all of Russia west of a line between Riga and Odessa, and, likewise northern France, Switzerland, and northeastern Italy.

But it was not in the plan that Great Britain should come into the war until after France and Russia had been beaten and Belgium and Holland absorbed. Then, having control of Turkey, which it was thought had the moral control of the Mohammedan world, she intended to start a rebellion against Great Britain in Egypt.

In this way Prussia expected to break the British Empire at its waist, the Suez Canal, after having beaten England's allies, France and Russia. But even more important to Prussia than this would have been the establishment of a solid empire from the North Sea and the Baltic to the Arabian Sea, and controlling the Black Sea and the eastern Mediterranean. Thus centrally established, she could divide Europe, bottle up Russia, and dominate Asia and Africa.

But as all the Pan-German plan of 1911 has been included in that of 1915, we may pass to a more detailed consideration of the latter.

In 1914 Prussia had planned to crush France and defeat Russia before Great Britain should have come into the war. But even with Great Britain in, the latter's early military work was so slow and comparatively inefficient that in 1915 Prussia still believed that she could first crush France, then put Russia out of the war, and then draw in and annihilate all Great Britain's armies.

Her wonderfully successful aggressions in Russia and the Balkans, contrasted with the Allies' failures in Flanders, Champagne, the Carpathians, the Balkans, Mesopotamia, and at Gallipoli, seemed to promise Prussia complete victory; and complete victory over France and Great Britain meant to Prussia that she could take any or all their colonies, dependencies, and protectorates, and thus put under her heel for all time the only powers which then stood between her and her realization of world dominion.

So in 1915 the Pan-German plan of 1911 was expanded as shown in the third map. [Map 3 add to all above all of Africa except Abyssinia, Liberia, and Spain's holding on West Coast, Persia, Afghanistan, India, Indo-China, Siam, all of South America except Brazil, Mexico, Central American States, except Panama, and Canada and Ireland, as dependencies, etc.]

On the surface this seems too ridiculously preposterous to receive serious thought, but to the minds of the world-conquering Prussian autocrats it was perfectly logical and feasible, as is evidenced by their contemporaneous writings.

At the close of 1915 Prussia was everywhere victorious and controlled about 100,000,000 enthusiastically subservient allies in Austria-Hungary, the Balkans, and Turkey, which latter held the religious leadership of the fanatical Mohammedan world.

At Verdun, Prussia intended to break through the French line and swiftly overwhelm France. This done, she expected that Russia would go out of the war, possibly by an imperial treaty treasonable to the Russian people.

After disposing of France and Russia, Prussia planned to concentrate on the annihilation of Great Britain's armies, which she expected would be rushed to the rescue of France.

Thus crushed, France and Great Britain were to lose all standing in the eyes of their millions of Mohammedan dependents throughout Africa and Asia.

Simultaneously, native revolts, inspired and led by Germans, were to throw the British out of Egypt and India, and, indeed, in Egypt a revolt was started and promptly suppressed.

According to the Prussian war plan, these revolts were to give Prussia dominion from northern Africa to Indo-China; Persia and Afghanistan were to come in as vassal allies and through them Mohammedan Turkestan was to become a Teutonic sphere of influence.

As a result of the downfall of France and the prestige which Germany would thus acquire, all the French dependencies in Africa and Asia, as well as French Guiana and the French West Indies, were to come to Germany, for, of course, they could not defend themselves if unsupported by French money, supplies, and troops.

Likewise, the annihilation of the British armies and the revolt of Egypt and India would so paralyze Great Britain on land that Prussia could seize all her colonies and dependencies in Africa, throughout which Germany would have land communication, through Asia Minor and Egypt, inaccessible to the great British navy.

Once France and Great Britain were out of the way, Prussia planned the prompt seizure of all the foreign domains of Italy, Portugal, Belgium, and Holland, which, under such circumstances, could easily be conquered.

Thus she believed she could make real the condition shown by the third map in Africa and Asia.

The lower half of South America Prussia planned to acquire by peaceful penetration, revolution, and political intrigue.

As to the progress made to date on these lines, note that in the very small section of Brazil, south of the tropic of Capricorn, there are now over 400,000 native-born Germans, and that native-born Germans are largely in control of the finances and commerce of Chile and Argentina; note that since 1916 there has been a German rebellion in southern Brazil, and also note the equivocal positions of the Governments of Chile and Argentina at the same time.

Realizing the overwhelming prestige which the complete accomplishment of her plans in Africa and Asia would give her, Prussia believed that Venezuela, Bolivia, Peru, and Ecuador, and possibly Colombia, would come under her sway by whatever combination of peaceful penetration, rebellion, and political corruption might be called for.

In holding this opinion, the Prussian autocrats realize the high degree of commercial and political penetration now actually accomplished in these countries.

In passing, it is worth noting that in his "War," published in 1906, Klaus Wagner suggests (p. 170) that the "inefficient" non-German population of South America be exported by Germany to reservations in Africa, "where they may crawl slowly toward the peaceful death of weary and hopeless senility."

As an index, sufficient for the moment, of the control Prussia thought she had over Mexico, and incidentally over Central America, note the terse proposal Herr Zimmermann made to Mexico, that she attack the United States, and that she, as the agent of Germany, get Japan to join her in the attack.

On the 25th of May, 1917, Secretary Franklin K. Lane said that Germany "would certainly demand from an overwhelmed England, Canada, on the north, by way of indemnity." And he might well have added Bermuda on the east and all the British West Indies on the south, none of which have the means or facilities to conduct a successful modern defense without outside assistance.

To the Teutonic mind this plan for an actual world dominion was as axiomatic as that two and two make four—provided France could be crushed, Russia eliminated, and then Great Britain crushed.

But, great as the land dominions thus accomplished would be, the maritime results would be equally important. Observe that the third map shows that every intercontinental ocean-trade route is controlled at one or both ends or in the middle by German dominion, save only

that from San Francisco to Yokohama—and that is threatened. Even the route from our San Francisco through our Panama Canal to New York would pass through the German West Indies.

With such an absolute control of "the freedom of the seas," Germany could control the commerce of all nations and make all her dominions contributory to upbuilding only her own economic and martial strength, while all other nations could be commercially starved. But she might permit them "one boat a week, painted red and white, in vertical stripes three meters wide," such as she told America she might send to Europe when America was at peace with Germany.

Is not all this on land and sea as important to America as to Great Britain and France? If America had not joined in the war, and if Germany had made a separate peace with Russia and then crushed France and Great Britain, what would have prevented her from making the third map real? America? But America would then have stood alone against a Prussian autocracy which controlled all but one of the ocean trade routes of the world, and on land the comparison would have been as follows:

	Area.	Population.
	Sq. miles.	
Prussia, the ruler	134,600	40,000,000
The subjects:		
In Europe	722,600	149,700,000
In Asia	6,401,800	439,250,000
In Africa	10,960,000	160,750,000
In South America	3,501,000	13,420,000
In North America	5,000,000	27,000,000
Total dominions of the Kaiser	26,720,000	830,120,000
In contrast to Continental United States	3,000,000	100,000,000

How preposterous this seems to Americans! And yet it is the cold-blooded and hard-headed plan and aim of the Prussian autocrats—it is merely "Deutschland über alles"—made real as the result merely of crushing France and Great Britain before America can help them sufficiently to turn back the campaign for "world dominion (or downfall)," which Prussia started in 1914. It is the plan Germany may yet be hoping to make real if she can soon get a separate peace with Russia, and, then, one after the other, crush France and Great Britain before America can effectively support them.

This is the more important part of the Pan-German war plan, for the realization of which the pro-Germans all over the world have been working with the blind assistance of the pacificists, who have tried to hold back the shields and swords of their countries defensively opposed to the Prussian aggression for real world dominion—the aim of all the years of training of all Germany to the highest "efficiency."

We now know that Prussia started this war in order to conquer world dominion for herself; we know in what a barbarous, ruthless, and loathsome way Prussia makes war, and that France, Great Britain, and their allies have stood the brunt of it for three years.

We now know that if they had fallen the Prussian vulture-eagle would now be soaring over most of North and South America, making ready for the next sweep; and, therefore, that our safety actually demands that we support all our allies as quickly and as powerfully as possible.

We now know that for America, as well as for the democracies of Europe, it is literally "win the war or perish!"

We now know that all Berlin's recent peace talks have the main purpose of getting a temporary peace on such terms that the present grip of the Hohenzollerns on all their present allies will not be broken; this because they want a breathing spell in order to reorganize the peoples now under their dominion for a fresh attack which will carry out the Pan-German plan for world dominion.

Realizing this, we recognize that the safety of democracy and of personal liberty demands that we fight until Prussia's present allies are freed from the hold she has fixed upon them by this war. The freedom of the world rests on the freeing of Austria-Hungary, the Balkans, and Turkey from Prussia.

To liberate them, to win safety for ourselves and our children, will require that we all devote every thought and word and act to winning the war.

For the present we must shut out from our minds all diverting thoughts of peace, being convinced that an enduring peace will come most quickly only if we devote every thought to fighting for victory.

America's power will come only from the loyal service of every individual citizen, be it rendered on land or sea, under arms or at the workbench.

Now, in the light of all these facts, ask of yourself:

"Have I so far done everything I possibly can to help America win the war?"

"Am I now planning my life and my work primarily to help America win the war—as every man and woman in Germany is doing for her—or am I 'just hoping that somehow some kind of peace will come soon'?"

"Am I a loyal American worker or a moral slacker?"

W. H. GARDINER.

[Note.—In the limited space of such a bare outline as the above it is impossible to give textually the citations for each statement made and thus elevate this outline to the status of an historical contribution. Its matter was drawn from a study of the bibliography (printed in the leaflet), which will be found to fully support the statements made. Those who may consider this merely a controversial statement are referred to this bibliography.]

Mr. OWEN. Mr. President, I have heretofore, in great detail, placed in the CONGRESSIONAL RECORD proof of the German conspiracy to dominate the world. To this record I refer and to the War Information Series, by the Committee on Public Information, George Creel, chairman; to "The origins of the war," by I. H. Rose, Cambridge Press, 1915; The Evidences of Germany's Guilt, by Louis Barthou, former premier of France; New York Times Current History, pages 78 to 84.

Mr. THOMAS. I desire to call up my proposed amendment to reservation No. 3, and I ask that the Secretary may again read it.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. The Senator from Colorado [Mr. THOMAS] proposes the following amendment to the proposed committee reservation No. 3, as follows:

On page 2, line 4, after the word "obligation," insert the words "beyond the expiration of five years from the ratification of this treaty," so that if amended the paragraph will read:

The United States assumes no obligation beyond the expiration of five years from the ratification of this treaty to preserve the territorial integrity or political independence of any other country,

And so forth.

Mr. THOMAS. Mr. President, the obvious effect of this amendment will be to postpone the operation of the reservation for five years from the date of ratification. It embodies the suggestion of Mr. Elihu Root, as stated in the letter of March 29 last, addressed by that distinguished statesman to the chairman of the Republican national committee. I shall detain the Senate only long enough to read that part of the letter referring to article 10 of the treaty:

The fourth point upon which I think there should be an amendment is article 10, which contains the undertaking "To respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league."

Looking at this article as a part of a perpetual league for the preservation of peace, my first impression was that the whole article ought to be stricken out.

I should perhaps say just here that in a subsequent communication to the Senator from Massachusetts [Mr. LODGE] dated June 19, 1919, Mr. Root reiterated that opinion, which seems to have been his final conclusion upon the subject. But I prefer his former one:

Looking at this article as a part of a perpetual league for the preservation of peace, my first impression was that the whole article ought to be stricken out. If perpetual, it would be an attempt to preserve for all time unchanged the distribution of power and territory made in accordance with the views and exigencies of the Allies in this present juncture of affairs. It would necessarily be futile. It would be what was attempted by the peace of Westphalia at the close of the Thirty Years' War, at the Congress of Vienna at the close of the Napoleonic wars, by the Congress of Berlin in 1878. It would not only be futile; it would be mischievous. Change and growth are the law of life, and no generation can impose its will in regard to the growth of nations and the distribution of power upon succeeding generations.

I think, however, that this article must be considered not merely with reference to the future but with reference to the present situation in Europe. Indeed, this whole agreement ought to be considered in that double aspect. The belligerent power of Germany, Austria, Bulgaria, and Turkey has been destroyed; but that will not lead to future peace without a reconstruction of eastern Europe and western Asia. The vast territories of the Hohenzollerns, the Hapsburgs, and the Romanoffs have lost the rulers who formerly kept the population in order and are filled with turbulent masses without stable government, unaccustomed to self-control, and fighting among themselves like children of the dragon's teeth. There can be no settled peace until these masses are reduced to order. Since the Bolsheviki have been allowed to consolidate the control which they established with German aid in Russia, the situation is that Great Britain, France, Italy, and Belgium, with a population of less than 130,000,000, are confronted with the disorganized but vigorous and warlike population of Germany, German Austria, Hungary, Bulgaria, Turkey, and Russia, amounting approximately to 280,000,000, fast returning to barbarism and the lawless violence of barbarous races. Order must be restored. The allied nations in their council must determine the lines of reconstruction. Their determinations must be enforced. They may make mistakes. Doubtless they will; but there must be decision, and decision must be enforced. Under these conditions the United States can not quit. It must go on to the performance of its duty, and the immediate aspect of article 10 is an agreement to do that. I think, therefore, that article 10 should be amended, so that it shall hold a limited time, and thereafter any member may withdraw from it. I annex an amendment to that effect.

The proposed amendment suggested by Mr. Root I will also read:

Add to article 10 the following:

"After the expiration of five years from the signing of this convention any party may terminate its obligation under this article by giving one year's notice in writing to the secretary general of the league."

Inasmuch, however, as the committee reservation seems to have the support of the majority of the Senate, I prefer to offer the suggestion as an amendment to the reservation instead of as an addition to article 10. Moreover, we have passed the period of amendments, and are considering reservations.

Mr. President, the immediate importance of such a change in the proposed reservation lies in its application to the newly created Republics of Poland, Czechoslovakia, and Jugo-Slavia. These nations are the immediate offspring of the war; their existence is due very largely to the encouragement and assurances given by the Government of the United States to those subject peoples during our participation in the war, upon the strength of which they revolted and gave material aid to the Allies, and, therefore, contributed in large degree to the successful result of the struggle.

I am convinced that we are under an obligation to these new countries—and I care not whether you call it a legal or a moral one—to contribute to and extend such assistance and protection

as they may require during their period of infant growth. Just now, they have hardly emerged from that chrysalis condition which they occupied during the turbulent days immediately following the signing of the armistice; at present their boundaries are ill-defined. The treaty makes provision to make those boundaries more definite. In the meantime they are confronted with racial, domestic, social, and with economic difficulties which are the fertile cause of strife and bloodshed. They are also surrounded by powerful enemies only temporarily disabled, and who will inevitably do everything possible to weaken the cohesive forces of the peoples in those countries, or proceed aggressively to overthrow them and recover their territory just as soon as they feel that they can do so with impunity.

Five years, Mr. President, is a very small period of time in the life of a people and an infinitely small one in the preliminary period of its social and economic expansion. Certainly we have not performed and can not perform our obligation to those countries by merely contenting ourselves with the recognition of their sovereignty, and then leaving them to stand or fall as they may. That might be true were they situated geographically and politically otherwise than they are; but it can not be true under the circumstances with which every Member of the Senate is familiar. The wisdom, therefore, of Mr. Root's suggestion, and which strongly appealed to me at the time it was made, has grown upon me from the hour of its expression; and I am unwilling to vote for a reservation, unless I am obliged to do so, which so restricts the action of this Government under the operation of article 10 of the treaty as to convey to those peoples the discouraging conviction that the United States contents itself with the recognition of their establishment, but washes its hands of all responsibility for their permanent and future growth and welfare.

Certainly, Mr. President, five years is but a small period of time in which those countries can "find" themselves, so to speak; yet it may be long enough to satisfy the people of the United States as to the possibility of their permanent establishment or as to the need for any further support, moral or otherwise, upon our part.

I trust, therefore, Mr. President, that for these reasons, rather crudely stated, the Senate will accept this proposed amendment and add it to the provisions of the third reservation as reported.

Mr. WALSH of Montana. Mr. President, I had intended to address the Senate before the vote should be taken upon the amendment which has just been disposed of. I stepped out of the Chamber for luncheon, understanding that a Senator was to address the body at length, when the bell announced that the vote was being taken. I embrace this opportunity to say only a small part of what I would have said if I had had an opportunity to address the Senate before the amendment came to a vote.

When the matter was under consideration a few days ago the Senator from New Mexico [Mr. FALL] referring to the purpose which actuated me in introducing the amendment as conjectured by the Senator from Nebraska spoke of that purpose as "Jesuitical." The Jesuits, Mr. President, have done some noble things. Francis Parkman, one of the greatest of American historians, referring to their first appearance in the New World, says:

> Then first were seen in the wilderness of new France the close black cap, the close black robe of the Jesuit father, and the features seamed with study and thought and discipline. Then first did this mighty Proteus, this many-colored Society of Jesus, enter upon that rude field of toil and woe, where, in after years, the devoted zeal of its apostles was to lend dignity to their order and do honor to humanity."

But I apprehend, Mr. President, that the suggestion was not made in keeping with the spirit of this comment of the great historian, reared in New England when the Puritan spirit was dominant there. It was evidently intended to signify some sinister design upon my part, cloaked in what seemed to be an effort to accomplish a good. The same idea seems to have been expressed in a rather cursory way by a contributor to one of the local papers, who said in this morning's issue that the amendment was a trick, the comment of the reporter being as follows:

> The hastily conceived idea of this amendment, which would put administration Senators on record as favoring the most complete method of killing the league of nations, was to draw attention to the drastic character of the Lodge reservation and likewise to break up the so-called "steam-roller" vote which has so far defeated all efforts to frustrate the Lodge program. If the irreconcilables could be won over to support the amendment, the actual Lodge reservation would for the moment be superseded by the amended one, and the administration Senators would then vote against the reservation embodying their own amendment, expecting to carry with them the votes of many Republicans who want American interests more fully protected but do not want to kill the treaty and the covenant altogether.
>
> The whole plan is therefore admittedly a trick, and neither Senator HITCHCOCK nor Senator WALSH himself has any desire to deceive the opposition into believing that there would be administration support for the amended reservation. But the question of whether it is good policy to indulge in what Senator BORAH calls "child's play" while the whole country waits for action is a matter which may cause the amendment to be withdrawn to-day.

There never was any purpose upon my part to withdraw the amendment, nor was there any trick in the offering of it. The purpose I had in offering the amendment was quite accurately outlined by the Senator from Nebraska, so far as he went. It was my purpose thus to call attention to what I consider a most unfortunate feature of the reservation before us. I offered it for the purpose of preserving what I consider the honor of the United States, and I regard it as quite inconsistent with the honor of the United States to tender to the nations of the earth a reservation which provides for releasing ourselves from the obligation of article 10 while we hold all other nations to it. I desired to call attention to that feature of it.

When the matter came up a few days ago—on Monday, I think—I addressed the Senate upon that subject, but I talked to empty benches. There was not anybody here to listen. I do not believe a dozen Senators heard what I had to say at that time; and I found an opportunity, by offering this amendment, to call the attention of the Senate to that feature of the reservation when Senators were here expecting a vote on it.

But, more than that, Mr. President, regardless of all those conditions and regardless of that purpose, I desired, if I could, to relieve the reservation of this obviously obnoxious feature. What constrained my associates upon this side, after two or three days' deliberation upon the matter, to join with a great number of the Members upon the opposite side in voting against the amendment, I know not; but whatever motives influenced them had no influence upon me. I desired to make the reservation as little objectionable as it could be; and I believed then, and I believe now, that instead of operating to kill the treaty, it would, if these reservations are attached to it, make it more acceptable to the nations of the earth, and make them more ready to agree to the reservations proposed; and thus my purpose was to insure the ultimate adoption and ratification of the treaty, rather than its rejection.

But, Mr. President, I would not have anybody believe that I had any purpose whatever to vote for the reservation, even if my amendment should have carried. I regard it as so obnoxious that I would not vote for it even if the feature to which I directed attention were removed, by the amendment which I proposed or otherwise. Can it be that one who is opposed to a bill here is precluded from offering any amendments at all to it to make it less objectionable to him, upon peril of being accused of perpetrating a trick by offering an amendment to a bill that he does not intend to vote for even if the amendment is adopted? I do not believe anybody can believe that because I had no purpose to vote for the reservation, even if amended, there was anything improper in the tendering of the amendment.

Just another word, Mr. President.

I want to have my position with respect to the matter perfectly understood. I am against any reservations accompanying this ratification at all, and I am against them even though they do not, in my judgment, materially affect the meaning of the treaty, because I have said before that I am entirely convinced that whatever reservations are attached, and however harmless they may be, an opportunity is given to any other nation to withdraw if it cares to do so; that the signing of this treaty and the ratification of it by Germany will be entirely ineffectual if we shall attach reservations to this article of ratification.

I have heretofore adverted to the fact that a treaty is nothing more than a contract between nations, governed generally by exactly the same rules that obtain in respect to private contracts between individuals. With respect to those, the Supreme Court of the United States said, in a case in Fourth Wheaton (Eliason et al v. Henshaw, 4 Wheaton, 225):

> It is an undeniable principle of the law of contracts that an offer of a bargain by one person to another imposes no obligation upon the former until it is accepted by the latter, according to the terms in which the offer was made. Any qualification of, or departure from, those terms invalidates the offer, unless the same be agreed to by the person who made it. Until the terms of the agreement have received the assent of both parties, the negotiation is open and imposes no obligation upon either.

And for the purpose of showing the limit to which that rule is extended, I want to invite your attention to the facts of this particular case. They are recited in the syllabus, as follows:

> Where A offered to purchase of B two or three hundred barrels of flour, to be delivered at Georgetown (D. C.) by the first water, and to pay for the same $9.50 per barrel, and to the letter containing this offer required an answer by the return of the wagon by which the letter was sent. This wagon was at that time in the service of B, and employed by him in conveying flour from his mill to Harpers Ferry, near to which place A then was. His offer was accepted by B in a letter sent by the first regular mail to Georgetown, and received by A

at that place; but no answer was ever sent to Harpers Ferry. Held, that this acceptance, communicated at a place different from that indicated by A, imposed no obligation binding upon him.

In this case, as indicated by the recital which I have just made, the proposition was accepted, except that it requested a return by the wagon which carried the offer, and the return was not made in that way, but it was made through the course of mail going to Georgetown, where it was received by the sender. He received it, but it was not sent by the particular way in which he directed that it should be sent; and that was regarded as of sufficient importance to invalidate the contract. In other words, it is expressed otherwise in this way: That it is for the proposer to determine whether any language is important or is unimportant. It is not for the other party. And so in this treaty it is not for us to determine whether the language that we attach is important or is not important. It is for the other party to the contract to whom these changes are proposed to say whether or not they are important.

It is, therefore, for the purpose of holding this treaty as it is, binding Germany to such obligations as she has undertaken by signing and ratifying, that I am opposing any reservations to it. Many of these I should not have the slightest objection to were it not for the consideration which I have stated.

For instance, Mr. President, I should be very glad to vote for the reservation to article 10 proposed by the Senator from North Dakota [Mr. MCCUMBER] some time ago, because it is purely interpretative in character and it interprets article 10 just exactly as I think article 10 should be interpreted; but I am perfectly satisfied that, notwithstanding that fact, if a reservation of that character is attached to the resolution of ratification it gives Germany an opportunity, if she is so disposed, to refuse to accept the ratification, and she thereby becomes released from her signature and her ratification; and we then are placed in a position where we must negotiate a treaty with Germany, abandoning whatever advantages accrued to us by reason of the military victory over her and the coercion that we were able to exert upon her at the time of her signature to the treaty.

Mr. President, this is not a matter of mere willfulness upon the part of those who are opposed to any reservations at all. We are opposing the reservations because of the legal effect which must necessarily follow from these reservations; and it is not only in the case of Germany, but every other nation having ratified the treaty is at liberty in exactly the same way to decline to accept our ratification with the reservations which have been proposed.

I do not care to say anything about the merits. I have said all that I care to. I can not conclude, however, without adding that I regard it as singularly unfortunate that we should be put in the position of proposing to the little, feeble, infantile nations of the earth a proposition of releasing ourselves from the obligation of article 10 while we still hold them to it; and, Mr. President, because we are great, powerful, and strong as we are, and do not really expect that we shall ever call upon them for aid, that is no reason at all why we should decline to say to them, when we ask to be relieved from the obligation of article 10, that we do not intend to hold them to it.

But, Mr. President, what is the fact about the matter? Why are we not here compelled to indulge in the belief that some time or other this country is going to be at war with some of the great nations of the earth?

We hold Great Britain, for instance, obligated under article 10 to come to our aid in case we are involved in war, while we decline to go to her aid. We hold Japan obligated to come to our aid, while we decline to go to hers.

Mr. President, I have heard it said on this floor that this country and the Kingdom of Great Britain and Ireland will never be at war with each other. I hope most sincerely—I trust in God—that such a catastrophe will never come to our country. But, Mr. President, how can we say it will not come? And if it should, why, Mr. President, should we throw away the opportunity to get aid from other quarters?

Mr. President, the prospect of war with Japan is always held up in the discussions of all of these matters. Why should we decline to make that chance an entirely impossible one, or next to impossible, by getting an agreement with all the nations of the earth that they will join with us if Japan should undertake anything of that kind? If she should, Mr. President, why should we not be glad to have the aid of other countries; but, more particularly, why should we not be glad to have the promise of other countries, which, to my mind, would deter and prevent Japan from any warlike efforts directed toward us?

So, Mr. President, it is not by any means likely, to my mind, that the other nations of the earth will accept this resolution of ratification with this reservation, under which they remain bound to aid us while we escape all obligation to them. In other words, Mr. President, I am inclined to believe that that will be an obstacle to the acceptance of our ratification, and will result in its rejection by some of the great powers enumerated in the first reservation which has been proposed here, and which the Senate some days ago adopted.

Mr. FALL. Mr. President, I was not in the Chamber when the Senator opened his statement, but I understand that he referred to a word that I used a few days ago in the debate characterizing the amendment which the Senate just voted down—that is, characterizing it in connection with the explanation of it as given by the Senator from Nebraska [Mr. HITCHCOCK]. The Senator from Montana offered the reservation that has just been voted down, and I stated that I had been prepared to vote for it until hearing the explanation as to why it was offered—its purpose—as made by the leader on the other side, the Senator from Nebraska, and in characterizing it I used the word "Jesuitical." I used it intelligently, to convey the meaning that I had in mind.

I understand "Jesuitical" to mean following the practice of the Jesuits. I understand "Jesuitry" in some cases to convey the ordinary meaning which I attached to it, which I intended, which I understand to be—

Subtle or dissembling arguments or practices, as the practice of mental reservation, action on the principle that the end justifies the means.

After listening to the explanation made by the Senator from Nebraska of the amendment, I used the term "Jesuitical" in explaining it, and I used it in exactly the sense that it is used in the dictionary, not intending it as any opprobrious epithet, of course, to be hurled at the Senator, but simply as characterizing the practice of offering an amendment to a reservation, with a mental reservation, or for some other purpose than that generally understood, with the intent to dissemble the true purpose—that is, not with the intent to have the reservation in good faith adopted.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS].

Mr. SMOOT. I ask for the yeas and nays.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Lenroot	Reed
Ball	Harding	Lodge	Sheppard
Beckham	Harris	McKellar	Sherman
Brandegee	Harrison	McNary	Smith, Ariz.
Calder	Henderson	Moses	Smith, Ga.
Capper	Hitchcock	Myers	Smith, Md.
Colt	Johnson, Calif.	Nelson	Smith, S. C.
Curtis	Johnson, S. Dak.	New	Smoot
Dial	Jones, N. Mex.	Norris	Spencer
Dillingham	Jones, Wash.	Nugent	Stanley
Edge	Kellogg	Owen	Sterling
Elkins	Kendrick	Page	Thomas
Fall	Kenyon	Penrose	Townsend
Fletcher	Keyes	Phelan	Trammell
Frelinghuysen	King	Phipps	Walsh, Mont.
Gay	Kirby	Pittman	Warren
Gerry	Knox	Poindexter	Watson
Gronna	La Follette	Ransdell	Wolcott

The PRESIDENT pro tempore. Seventy-two Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. I ask to have the amendment of the Senator from Colorado [Mr. THOMAS] read, so as to show how the reservation would read if so amended.

The PRESIDENT pro tempore. The Secretary will read.

The SECRETARY. The Senator from Colorado [Mr. THOMAS] proposes the following amendment to the proposed reservation of the committee, No. 3, as follows:

On page 2, line 4, after the word "obligation," insert the following words:

Beyond the expiration of five years from the ratification of this treaty.

So that if amended it will read:

3. The United States assumes no obligation beyond the expiration of five years from the ratification of this treaty to preserve the territorial integrity or political independence of any other country.

And so forth.

Mr. HITCHCOCK. Mr. President, in substance that is the recommendation made by ex-Senator Root, and it seems to me it is the least thing that the American Republic can do to make good, at least for five years, the results of the victory.

Mr. LODGE. Mr. President, I merely wish to say that ex-Senator Root withdrew that later, and advised the complete extirpation of article 10. I hope we can have a vote upon the amendment, on which I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called.) In the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN], with whom I have a general pair, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. TOWNSEND (when Mr. NEWBERRY's name was called). I desire to announce the absence of my colleague [Mr. NEWBERRY], who is detained on business of the Senate. He is paired with the senior Senator from Alabama [Mr. BANKHEAD]. If my colleague were present and permitted to vote, he would vote "nay."

Mr. WARREN (when his name was called). Has the junior Senator from North Carolina [Mr. OVERMAN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. WARREN. I have a pair with the junior Senator from North Carolina. In his absence I withhold my vote.

The roll call was concluded.

Mr. HENDERSON. I have a pair with the junior Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. JOHNSON of South Dakota (after having voted in the affirmative). I have a pair with the senior Senator from Maine [Mr. FERNALD]. In his absence I withdraw my vote. If permitted to vote, I would vote "yea."

Mr. JONES of Washington (after having voted in the negative). I understand the Senator from Virginia [Mr. SWANSON] has not voted. I have a pair with that Senator for the day, and I therefore withdraw my vote.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from North Carolina [Mr. OVERMAN], the Senator from Ohio [Mr. POMERENE], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Virginia [Mr. SWANSON], who are detained on public business. I ask that this announcement may stand for the day.

Mr. KELLOGG (after having voted in the negative). Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. KELLOGG. I have a pair with the senior Senator from North Carolina. In his absence I withdraw my vote. If at liberty to vote, I would vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from New York [Mr. WADSWORTH] is paired with the Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 32, nays 46, as follows:

YEAS—32.

Ashurst	Henderson	Nugent	Smith, S. C.
Beckham	Hitchcock	Owen	Stanley
Dial	Jones, N. Mex.	Phelan	Thomas
Fletcher	Kendrick	Pittman	Trammell
Gay	King	Ransdell	Underwood
Gerry	Kirby	Sheppard	Walsh, Mont.
Harris	McKellar	Smith, Ariz.	Williams
Harrison	Myers	Smith, Md.	Wolcott

NAYS—46.

Ball	France	McCumber	Sherman
Borah	Frelinghuysen	McLean	Shields
Brandegee	Gore	McNary	Smith, Ga.
Calder	Gronna	Moses	Smoot
Capper	Hale	Nelson	Spencer
Colt	Harding	New	Sterling
Cummins	Johnson, Calif.	Norris	Sutherland
Curtis	Kenyon	Page	Townsend
Dillingham	Keyes	Penrose	Walsh, Mass.
Edge	La Follette	Phipps	Watson
Elkins	Lenroot	Poindexter	
Fall	Lodge	Reed	

NOT VOTING—17.

Bankhead	Jones, Wash.	Overman	Wadsworth
Chamberlain	Kellogg	Pomerene	Warren
Culberson	Knox	Robinson	
Fernald	McCormick	Simmons	
Johnson, S. Dak.	Newberry	Swanson	

So Mr. THOMAS's amendment to reservation No. 3, proposed by Mr. LODGE, was rejected.

Mr. WALSH of Montana. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will rend the amendment.

The SECRETARY. Add at the end of the proposed reservation No. 3 the following:

Provided, however, That the United States assumes for the period of five years, with other members of the league, the obligation of said article 10 as to the following Republics, to wit: Poland, Czechoslovakia, and the Serb-Croat-Slovene State.

Mr. WALSH of Montana. Mr. President, I will say simply that the difference between this amendment and the one just disposed of lies in this, that under the amendment proposed by the Senator from Colorado [Mr. THOMAS] the obligation of article 10 would extend to all members of the league for the period of five years—Great Britain, France, Italy, Japan, and so forth——

Mr. LENROOT. Will the Senator yield?

Mr. WALSH of Montana. While under the amendment now before the Senate the obligation would be restricted to those Republics created out of enemy territory, and particularly those Republics created as buffer States to Germany and Austria.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. Certainly.

Mr. LENROOT. I should like to ask the Senator from Montana if he knows what the boundaries of Czechoslovakia are?

Mr. WALSH of Montana. What is the Senator's question?

Mr. LENROOT. Can the Senator inform the Senate what are the boundaries of Czechoslovakia?

Mr. WALSH of Montana. The boundaries are provided for by the treaty.

Mr. LENROOT. Have they been fixed?

Mr. WALSH of Montana. They are provided for in the treaty.

Mr. LENROOT. Have they been fixed?

Mr. WALSH of Montana. I think not. What difference would it make upon the obligation where they are?

Mr. NORRIS. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator from Montana about the effect of his amendment. Does the Senator want to assume these obligations without any action of Congress? Is that the intention of his amendment?

Mr. WALSH of Montana. My opinion is that we assume the obligation without any action of Congress. We could not engage in war to carry out or fulfill the obligation without a declaration of war by Congress.

Mr. NORRIS. I want to get the Senator's judgment on what seems to me to be the legal effect of his amendment. As I look at it, unless it is held that we are going to assume the obligation without any action of Congress, it does not add anything to the reservation, because as the reservation now stands we can take any action with regard to the particular nations named or any others if Congress provides for doing so.

Mr. WALSH of Montana. Undoubtedly that is what this reservation is intended for. It is intended, as I understand it, to destroy the obligation of article 10, except that Congress may in a particular case assume the obligation or not, as it sees fit, which, of course——

Mr. NORRIS. Does the Senator's amendment change that?

Mr. WALSH of Montana. Just a moment. Which, of course, it is at liberty to do now without any obligation.

Mr. NORRIS. Then what good does the Senator's amendment do? It seems to me if that is the construction he places upon it, it can not have any effect whatever. It is already in there if Congress shall act. If Congress does not act——

Mr. WALSH of Montana. The Senator has not really reflected upon it if that is the view he takes of it. Article 10 obligates us to preserve as against external aggression the political independence and territorial integrity of every other member. The proposed reservation utterly destroys that obligation. It provides that the United States assumes no obligation, except that whenever the question comes up Congress will determine whether they will assume an obligation or not assume an obligation. This, however, takes the three States out from under that reservation and leaves the obligation of article 10, whatever it may be, operative in favor of those three States as against us.

Mr. NORRIS. Then if the Senator's amendment were agreed to, under the construction he gives it, and if we adopted his amendment and approved the treaty with that in it, the President would have authority without any act of Congress to take the Army of the United States to Europe, if necessary, in any controversy in regard to the territorial integrity of the particular nations named.

Mr. WALSH of Montana. By no means.

Mr. NORRIS. Then the Senator's amendment has no effect whatever.

Mr. WALSH of Montana. I shall endeavor to make this so plain that even the Senator from Nebraska must comprehend it.

We have a treaty with the Republic of Panama under which we guarantee the territorial integrity and political independence of that Republic; but suppose that Costa Rica should endeavor to make war upon Panama. The President of the United States has no right to use the Army and Navy of the United States to make war on Costa Rica without a declaration of war by Congress. If Costa Rica should undertake to make war upon Panama we are obligated to go to Panama's rescue, but we can not make war until Congress makes a declaration of war. The President of the United States would be subject to

impeachment, in my estimation, if he made war upon Costa Rica without a previous declaration of war.

Mr. COLT. May I ask the Senator a question?

Mr. WALSH of Montana. In just a moment. When the question comes before Congress as to whether it will make a declaration of war or not, the only question that is properly addressed to Congress is, Have we agreed by our treaty to make war? So if we attach this qualification to the reservation and any nation should make war upon any one of these three Republics it would be simply a question then as to whether we had agreed to go to their aid. We do not enter into a question of the merits or demerits of the war; we go to their help. We make a declaration of war under which the President of the United States would command the Army and Navy for the purpose of protecting them.

I yield now to the Senator from Rhode Island.

Mr. COLT. Mr. President, I should like to ask the Senator from Montana if, under article 10 as it stands in the covenant, there is any discretion on the part of Congress to fulfill the treaty obligation to protect and preserve the territorial boundaries, and so forth? I should like to ask him a further question: If he admits that there is any discretion or judgment on the part of Congress to fulfill that obligation, is he not destroying the binding force of the obligation? And is not all this discussion about the obligation arising under article 10, when once it is admitted that the fulfillment of that obligation rests in the discretion or judgment of Congress, a mere matter of a form of words, and hence is it not immaterial whether we take the Senator's construction of article 10 or the construction of article 10 in the reservation? It is manifest that if once you admit the element of judgment, of discretion, or expediency into the fulfillment of a binding obligation you destroy the obligation.

To be sure, you can not compel Congress to observe the obligation, but Congress is just as much bound to fulfill a treaty obligation as to carry out any other lawful contract which any department of the Government has entered into. You can not escape the obligation of article 10 as it stands in the covenant originally by saying that Congress has the power to declare war. Congress is under the obligation to carry out the terms of a valid treaty under the treaty-making power of the Constitution of the United States.

Mr. WALSH of Montana. Mr. President, the Senator from Rhode Island [Mr. COLT] has stated my attitude with respect to this matter better than I could state it myself. We are entirely at one about it. There would be no discretion at all on the part of Congress in that event. If Costa Rica invades Panama, we do not consider the question of discretion at all; we are bound to declare war against Costa Rica. On the other hand, if we did not have a treaty of that character, if we had not bound ourselves to protect the territorial integrity and the political independence of Panama, and Colombia should endeavor to make war upon Panama, we would regard that as being perilous to our interest; but we would be under no obligation to go in. Congress would then consider the advisability of going in as an independent proposition entirely; and so here.

I want to write this document so that the people of these new States will be under no doubt whatever as to what Congress will do; so that they will be assured that Congress will carry out the solemn obligation of this country and declare war in the premises. More than that, Mr. President, I desire to have it known by Germany that if she undertakes to invade any of these infant Republics the United States stands back of them; I desire to have it understood that if Russia should be desirous of attacking any one of these countries she will understand that the United States will stand back of them and protect them for the period—for the brief period—of five years, until they can get upon their feet; and that those countries may know that it will not be a question then as to what is the advisable thing to do, as it shall appear at some future time, nor will the question be subjected to propaganda in this country either one way or the other. They know that the United States will observe the obligation which she here undertakes and will declare war in order that their territorial integrity may be protected in accordance with the covenant.

Mr. LODGE rose.

Mr. WALSH of Montana. Just one word further.

The merits of this matter have been quite adequately exposed to the Senate by the eloquent Senator from Colorado [Mr. THOMAS] in discussing his amendment a few moments ago. I merely desire to supplement what he stated by quoting from an address by the Senator from Rhode Island [Mr. COLT], who interrogated me a short time ago, which he delivered to the Senate under date July 17, 1919, in which he said:

> The storm center of these reservations seems to be article 10. As to the retention of this article, much may be said on both sides. It may be argued that the United States ought not to bind itself for all time to guarantee the territorial integrity and political independence of the members of the league against external aggression, and yet that argument might not apply with the same force to protecting the territorial settlements made by the peace conference until this new world order is fully established and the present peace of the world made secure.

It is in order to carry out the idea thus expressed by the Senator from Rhode Island that I have tendered this amendment, extending for the brief period of five years the obligation of the United States to these countries which have been created by the treaty of peace.

SEVERAL SENATORS. Vote!

Mr. LODGE. Mr. President, now that the Senator from Montana [Mr. WALSH] has made his amendment so plain that I think nobody understands it, I hope we may have a vote. [Laughter.]

Mr. HITCHCOCK. Mr. President, I should like to say a few words in reference to the pending subject before we come to a vote.

Mr. ASHURST. Mr. President, will the Senator from Nebraska yield to me for a question?

Mr. HITCHCOCK. I yield.

Mr. ASHURST. I have never heard a more powerful nor a more convincing argument than that of the Senator from Montana [Mr. WALSH]; but I want to ask him and all other Democratic Senators a question. Is there a Democratic Senator who now believes that any argument that can possibly be made will alter the predetermination that our antagonists have agreed upon? Therefore, why waste time? I appeal on behalf of the American people for action, and early action; to vote the treaty up or vote it down, and stop this talk, which every man who will think knows will not change a vote in this Senate on this treaty.

Let me say to my party, if we have failed to this date to make plain our own position, surely we never can do it. So we are wasting the time of the Republic, we are doing nothing, we are making mud pies. Why may we not keep our mouths shut and simply vote, vote, and only vote. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. The Senate will be in order.

Mr. HITCHCOCK. Mr. President, I am glad the Senator from Arizona spoke; I am glad he did not remain silent, because he made a very good point. This debate has not been delayed by short speeches of 10 and 15 minutes; this debate has been prolonged by speeches lasting hours and days; and, so far as we who are supporting the treaty are concerned, our skirts are clear and our consciences are clean. The record shows, as I have made it up for the months of September and October, that the time consumed by the friends of the treaty and the opponents of the treaty is as 37 for the supporters of the treaty and 98 for the opponents of the treaty, and much of the 98 has been consumed simply for the purpose of delay.

What I am about to say, Mr. President, will delay the Senate only a few minutes. What I charge is that it will be a rank repudiation of a moral obligation if we fail to include in the reservation offered by the Senator from Massachusetts an assurance to the Bohemians, an assurance to the Poles, an assurance to the people of the Jugo-Slav State that we will at least for five years protect these little Republics by our promise after having brought them into being.

I refer for a moment to what the Senator from Rhode Island [Mr. COLT] said. He wants to know whether mere words have any good effect in this guaranty. I say they have; I say those words mean a great deal to the German Empire. They mean, if we adopt them, that Germany will know that she can not crush these little Republics and attempt to reincorporate them into the German Empire. I say, if we refuse by a vote to do that, Germany is advised that we do not propose to stand by Great Britain and France in maintaining these little Republics; it is an invitation to Germany to crush out their life. I say it is a repudiation of our moral obligation. I say it is running away from something which we promised to do.

Mr. President, unwilling to detain the Senate further, I ask unanimous consent to have incorporated in the RECORD, as a part of my remarks, certain statements made by Senators in support of what I now maintain and what they now propose to repudiate—that is, that we should stand by the little Republics which we induced to take up arms, and which we are morally bound to support.

The PRESIDENT pro tempore. Is there objection?

Mr. FALL. Mr. President, why can not the Senator read them?

Mr. HITCHCOCK. I am trying to save the time of the Senate; but, if unanimous consent is refused, I shall read them.

Mr. FALL. I object.

Mr. HITCHCOCK. Very well, I shall read them. On September 17, 1918, the Senator from Massachusetts said——

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. HITCHCOCK. I yield.

Mr. ASHURST. I call the attention of the country to the fact that it is a Democratic Senator who is now delaying a vote on the treaty.

Mr. MOSES. And may I add, Mr. President, the Democratic leader.

Mr. HITCHCOCK. On September 17, 1918, speaking in the Senate, the Senator from Massachusetts [Mr. LODGE] said:

The soldiers of that people—

That is, the Bohemians—

a hundred thousand prisoners—were allowed by the Bolsheviki a free passage to France with their arms. Then, of course, the Bolsheviki broke the promise and undertook to disarm them. We all know what happened, a wonderful history; there has been nothing like it in all the past except the famous march of the 10,000 Greeks. When the Bolsheviki attempted to take their arms from them they proceeded to fight; they defeated the people who tried to stop their way, and they took town after town. Now, they are backed up by the allied forces from the United States, from Japan, from England, and from France. They have brought habitable Siberia, that vast country, very nearly under their control—a great feat. If any nation ever deserved recognition as a belligerent, it is the Czecho-Slovaks.

But, Mr. President, it can not stop there; it will not stop there. We must recognize the Jugo-Slavs, at the head of whom stands Serbia, which has suffered more than any other country in this war, with the sole exception of Belgium. We must also recognize the Poles, one of the greatest and most brilliant people of history. They alone can make a great and powerful State in central Europe, which will forever bar the eastern movement of Germany. That is coming; that is involved in the recognition of the Jugo-Slavs.

What does all this mean? It means that when the President recognized the Czecho-Slovaks as a belligerent nation he set his hand irrevocably to a document which meant the dissolution of the Austrian Empire—"a consummation devoutly to be wished." If Bohemia is to be independent, the most important part, economically and industrially, of Austria is taken away. But it must not stop there. The Slav races, 26,000,000 of whom Austria holds and holds oppressively, must be set free and given independence; and the President has entered upon that great policy most wisely, as I believe.

Later on the Senator said:

She—

Speaking of Germany—

shall not now resort to talk and bargain for a decision. We mean to put her in physical bonds. We mean to make the world safe for all free, law-abiding, decent people, so that they may live their lives in peace, unthreatened and unalarmed. For this we fight. We shall not ask more. We shall never accept less.

In another speech, which the Senator from Massachusetts delivered in December of the same year—a speech which has already been somewhat read from by the Senator from Arkansas [Mr. ROBINSON]—the Senator from Massachusetts went further, and declared that it was the duty of the United States to join Great Britain, France, and Italy in preserving and maintaining those little republics in the independence which we proposed to give them. The Senator from Massachusetts then talked long and loud on the importance of the United States standing with Great Britain, with France, and with Italy to that end; and now the Senator comes in here and in his reservation proposes to repudiate the obligation that he then declared we should assume.

Mr. President, I shall not detain the Senate longer, but I declare that if we refuse to guarantee independence to those little republics which we brought into existence, if we propose to run away and leave Great Britain, France, and Italy alone to guarantee their independence, even for five years, we repudiate a moral obligation and we do something which is unworthy of a great Republic.

Mr. FALL. Mr. President, I should like to ask the Senator a question. Does the Senator know whether these States, or either of them, have accepted the provisions embraced in this treaty that they were to accept before they are recognized?

Mr. HITCHCOCK. I have no knowledge on that subject, and I do not consider it of any importance.

Mr. FALL. I supposed that the Senator did not, Mr. President. One of the obligations which these States must directly accept is that they will assure this country, among others, that they will protect racial and religious minorities. The Senator has no information upon it. My information is that these smaller States have all refused to enter into treaties of that character.

Mr. REED obtained the floor.

SEVERAL SENATORS. Vote!

Mr. REED. Mr. President, if there is a desire to vote, I will waive any remarks.

Mr. SMOOT. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Montana [Mr. WALSH] to reservation numbered 3, proposed by the Senator from Massachusetts on behalf of the committee. On that the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Arkansas [Mr. ROBINSON] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. HENDERSON (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. JONES of Washington (when his name was called). I have a pair for the day with the Senator from Virginia [Mr. SWANSON]. If at liberty to vote, I should vote "nay."

Mr. KELLOGG (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KNOX (when his name was called). Repeating the announcement I made on the previous roll call, I withhold my vote. I will let the announcement stand for the remainder of the day.

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of South Dakota. Making the same announcement that I made a while ago in regard to my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. TOWNSEND. I announce again the unavoidable absence of my colleague, the junior Senator from Michigan [Mr. NEWBERRY], on business of the Senate. He is paired with the senior Senator from Alabama [Mr. BANKHEAD]. If present and at liberty to vote, my colleague would vote "nay."

The result was announced—yeas 32, nays 44, as follows:

YEAS—32.

Ashurst	Henderson	Nugent	Smith, S. C.
Beckham	Hitchcock	Owen	Stanley
Dial	Jones, N. Mex.	Phelan	Thomas
Fletcher	Kendrick	Pittman	Trammell
Gay	King	Ransdell	Underwood
Gerry	Kirby	Sheppard	Walsh, Mont.
Harris	McKellar	Smith, Ariz.	Williams
Harrison	Myers	Smith, Md.	Wolcott

NAYS—44.

Ball	France	Lodge	Poindexter
Borah	Frelinghuysen	McCumber	Reed
Calder	Gore	McLean	Sherman
Capper	Gronna	McNary	Shields
Colt	Hale	Moses	Smoot
Cummins	Harding	Nelson	Spencer
Curtis	Johnson, Calif.	New	Sterling
Dillingham	Kenyon	Norris	Sutherland
Edge	Keyes	Page	Townsend
Elkins	La Follette	Penrose	Walsh, Mass.
Fall	Lenroot	Phipps	Watson

NOT VOTING—19.

Bankhead	Johnson, S. Dak.	Newberry	Smith, Ga.
Brandegee	Jones, Wash.	Overman	Swanson
Chamberlain	Kellogg	Pomerene	Wadsworth
Culberson	Knox	Robinson	Warren.
Fernald	McCormick	Simmons	

So the amendment of Mr. WALSH of Montana to reservation No. 3, proposed by Mr. LODGE, was rejected.

THE SECRET TEATRIES—THE NEW MAP OF EUROPE AND OUR OBLIGATIONS UNDER ARTICLE 10.

Mr. LA FOLLETTE. Mr. President, I propose to state as briefly as possible some of the obligations, in so far as we are permitted to know them, which the United States is called upon to assume under the terms of this treaty and the league compact, and particularly article 10, which is before the Senate at this time. I shall limit myself at this time to a discussion of those obligations alone which are imposed by so much of the treaty as deals with the distribution of spoils to allied powers other than Great Britain.

We have already paid a fearful price for our participation in the late war. It has cost us the lives of more than 50,000 of our finest young men slain in battle, and over 200,000 maimed and wounded, and many thousands of others who lost their lives through disease growing out of the war. It has cost us some thirty billions of dollars, most of which still remains to be wrung from our people—principal and interest—by heart-breaking taxes which must be paid by this and succeeding generations. It has cost us the friendship of great nations, with whose people our national desires, as well as our national interests, require close and friendly association. I do not re-

fer here merely to the people of Germany and Austria, but to those of Russia and possibly China as well.

One of the first results of the President's policy in attempting to form alliances with European Governments has been to make us a party either active or passive to the robbery of China under the much-discussed Shantung provisions of this treaty.

Another result of the President's policy, as foolish as it is illegal, by which our Government has sent soldiers and munitions into Russia to be used in assisting one of the warring factions there against another, is that whichever faction eventually wins, we will have earned the hatred and contempt of both.

As a result of this war also our domestic concerns are in as sorry a plight as our foreign affairs. On the pretense that they were necessary as war measures, the forces of reaction have succeeded in passing one law after another destroying freedom of speech and of the press and immunity from unlawful search and seizure, until at this hour the substance of civil liberty is destroyed in this country. While most of the legislation of which I speak was confined by its terms to the period of the war, bills have been prepared and are now pending in Congress by which these same repressive measures are to be made applicable to times of peace as well as war.

I shall show before I get through that if we ever become a member of this proposed league of nations we will be perpetually in a state of war, so that no new principle will need to be invoked in order to suppress any publication offensive to the administration, or to imprison any citizen whose criticism of the Government is offensive to Federal officeholders.

We have as a result of this war aroused in this country bitternesses and class hatred which threaten at any time to break out into disorder and violence. By this war, as by all wars, a favored few profited immensely, while the great mass of the people suffered immeasurably. Available reports seem to indicate that 20,000 new millionaires were made in the United States as a result of this war. That is just about one millionaire created for every three boys who lost their lives in France. While the ever-mounting cost of the necessaries of life brings home to the common man as never before the problem of making a decent living, the profiteers of the war brazenly flaunt before the public their new-made wealth. Is it any wonder that labor is dissatisfied and discontented; that strikes, the most extensive in all the history of our country, are existing and impending; that discontent is everywhere; that even our form of government as ordained and established by the Constitution is perhaps threatened?

What I have enumerated, Mr. President, only suggests what the war has cost us, and what it will cost us in money, suffering, and in human life. But all this, sir, we knew, or should have known, we would have to pay as the price of our participation in this war, all of the things I have enumerated; and those who voted for war should have voted for war with that in the account to be reckoned with.

Every Senator when he cast his vote for war knew that it meant the things I have mentioned. This much we contracted for when we entered the war. And, sir, these are the burdens which the mass of people of this country must bear, and a part of which must be passed on to succeeding generations. No one doubts that we are strong enough and resourceful enough to pay in full our war debts; and if we go our way in peace, we will in time be able to restore our country to normal conditions. We can never bring back the lives that were sacrificed; we can never restore the maimed and wounded to health. The hearts broken through this war we can never heal; the suffering it has entailed we can never recall; and all that we knew we bargained for when we entered the war.

But, sir, there is one thing which is now demanded of us that we did not bargain for when we entered this war, and that is the surrender of our right to control our own destiny as a Nation.

After all, Mr. President, that is what membership in this proposed league of nations is to cost us. Up until the present time we are still free to travel the road which the founders of our Government intended us to travel. We are still free to fulfill the destiny for which we are fitted by the genius of our people, the character of our institutions, our great resources, and our fortunate geographical position. All this we are asked to surrender in order to become a member of this league of nations. We are asked to emasculate, if not destroy, our form of government by recognizing the right of some assembly or council of nations, in which we have small voice, to interfere with our most vital concerns. We are asked to place our resources, not only our wealth, but the lives of our people, at the disposal of Governments and peoples in the remote sections of the earth and to uphold there policies foreign to the purposes and desires of our own people. We are asked to depart from the traditional policy which our position on the American Continent has enabled us to pursue of keeping free from entangling alliances of European politics, and to become a party to every political scheme that may be hatched in the capitals of Europe or elsewhere in this world of ours.

This, Mr. President, is something that no one contemplated when we entered the war, and I do not believe that one vote in favor of the war would have been cast in the Congress of the United States if it had been understood that such a result would follow our participation in the war.

Now, let us examine more closely and somewhat in detail the obligations we are called upon to assume if we vote ourselves into this league of nations. Everyone understands and concedes that by article 10 of the covenant we undertake, when we become a member of the league, to protect and preserve the political and territorial status quo of all members of the league of nations as against any external aggression.

By article 11, as I shall attempt to show, we undertake substantially the same obligation where the status quo is threatened by revolution.

For the present, however, it is sufficient to consider our obligations under article 10. I am not going to stop to quibble about reservations, mild or drastic, or the methods by which our obligations are to be enforced. If we enter this league we must assume the responsibility that goes with membership in it. If we are not going to be bound by the obligations which go with membership in the league, then the only honest thing to do is to keep out of it. The language of article 10 leaves nothing to construction. It is at least one thing about this league that is perfectly clear. That article provides:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

Now, either we are going to do that, specifically that thing, or we are not going to do it. If we are not going to do it, we have no business in the league. We can not promise to preserve political independence and territorial integrity of some members and not of others. We can not promise to preserve the territorial integrity and political independence of the members of the league on some occasions and refuse to do it on other occasions. We can not be permitted to preserve the political independence and territorial integrity of a member of the league when it is to our interest to do so and seek to destroy the political independence or territorial integrity of a member of the league when it is to our interest to take that course. Such action on the part of the members of the league would destroy the whole plan and purpose of the league. It would at once reduce it to a mere aggregation of warring factions and petty alliances, in which every dispute submitted to the league would beget as many others as there are members of the league. I assume that if we go into the league we go into it with the honest intention of fulfilling our obligation to preserve the political and territorial status quo created by the peace conference at Paris.

AUSTRIA.

Now, let us see what that obligation involves. We will consider the simplest situation first, which is that presented by Austria.

I recall to your mind in this connection the language of the President on December 4, 1918, in an address to the Congress. He then said:

> We owe it, however, to ourselves to say that we do not wish in any way to impair or rearrange the Austro-Hungarian Empire.

I have no doubt that the President used this language in the utmost good faith. At that time he had not been to Paris, where he has told us he first learned of the secret treaties, and he says when he arrived in Paris he was still ignorant of the designs and purposes of the Allies.

I pause at this time to direct attention to the fact that this is the most remarkable statement made to the Committee on Foreign Relations when it visited the White House at the request of the President. The secret treaties had been published broadcast in November, 1917. They had been published in full in pamphlet form and distributed by the New York Evening Post. Columns upon columns on the front page of the Post and other great newspapers in America had carried all of the covenants of those secret treaties shortly after they were published in Russia by the Lenin government.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. Certainly.

Mr. SHERMAN. Was it not generally known in the United States through cable dispatches, both Italian cables and French cables?

Mr. LA FOLLETTE. Why, Mr. President, it was not only generally known in the United States, it was not only spread at large upon the front pages of all the great papers of this country, but it was discussed in all the parliaments of the world. It was discussed day after day. There were more than 40 allusions to it in the British Parliament during that time. The ministry was put to answer questions respecting these secret treaties day after day, and it is a matter of record in the parliamentary debates of Great Britain that Balfour said that the President was fully informed regarding them.

I pass that, Mr. President, because he said to the Committee on Foreign Relations that he did not know anything about them until he arrived in Paris in December, 1918, or January, 1919. But, sir, for more than two years the public prints of the country and the parliamentary debates of the world had teemed with discussion and publication regarding the secret treaties made between the allied powers for the distribution of the territory of Europe and Asia and Africa that we are asked to ratify in the treaty which is now pending before the Senate.

Let me say this, further, that a study of the terms of those secret treaties and of the treaty that is pending here now and of such other information as we have been able to secure with regard to other treaties shows that the work of the Paris conference, held behind closed doors at Versailles, pursued not the terms of the armistice but utterly disregarded the terms of the armistice and followed line by line the boundaries fixed in the secret treaties that had been made in 1916 and 1917.

If he was ignorant, he was the only man connected in any way with public life in the United States who was ignorant of the terms and purposes of the secret treaties.

Prior to the war the Austro-Hungarian Empire contained 251,000 square miles and a population of 51,000,000 people. The Paris conference has divided it into five separate and independent States, to wit, Austria, Hungary, Czechoslovakia, Jugo-Slavia, sometimes called the Serb-Croat-Slovene State, and Poland.

Austria, as whittled down by the Paris conference, now has a population of about 5,500,000, and an area of about 45,000 square miles, Hungary an area of about 55,000 square miles and a population of about 8,000,000, Czechoslovakia an area of about 60,000 square miles and a population of about 13,000,000—10,500,000 are Czechoslovakians and 2,500,000 are Germans—the Serb-Croat-Slovene State has about 90,000 square miles and a population of from 12,000,000 to 13,000,000. Its boundaries are still in dispute. To Poland is allotted an area containing about 125,000 square miles and a population of 36,000,000.

That this grotesque partition of the Austro-Hungarian Empire was not made on the principles of nationality is obvious. For example, Poland, before her partition in 1772, had an area of 274,000 square miles. She is allotted under the Paris conference one-half of this territory. Czechoslovakia is given control over 2,500,000 Germans, while the Tyrol, inhabited by pure German stock, is taken from Austria and given to Italy.

Roumania also comes in for her share of the former Austrian Empire, and, not satisfied with the amount of spoils awarded her by the Paris conference, has marched her armies into the capital of Budapest, which she holds now in defiance of the Allies and the league of nations.

Lord Bryce, one of the most learned and distinguished living Englishmen, in an article in the Manchester Guardian, which was copied by the Literary Digest of July 6, 1919, said:

> What appears to be now demanded is the cession to Italy of more than 200,000 Tyrolese (as a matter of fact, it is about 300,000) who have never been Italian in any sense, and who do not wish to be transferred to Italian rule. What is to be said of this demand for the annexation of more than 200,000 Tyrolese, an honest, simple, industrious race of peasants, as those of us who have climbed their cliffs and peaks know them to be? It was their misfortune and not their fault that they were dragged into a wicked war by a group of unscrupulous politicians surrounding an imbecile monarch. How can such a demand be reconciled with the principles of nationality and self-determination of peoples which the Allies proclaimed as the principles for which they were fighting?

Mr. REED. May I inquire if the language just read by the Senator from Wisconsin is his language or the language of Mr. Bryce?

Mr. LA FOLLETTE. It is the language of Mr. Bryce that I am quoting.

Mr. REED. I was interested to know.

Mr. LA FOLLETTE. It is directly quoted from an interview which he gave to the Manchester Guardian, a most conservative statement from a most conservative man.

And in an interview published in the press of this country on November 1, 1919, Lord Bryce discussed the same subject. I quote from the interview, as follows:

> Under the treaty signed with the little bit of Austria which remained, he said, 280,000 Tyrolese were taken and handed over to Italy. He said he had searched in vain for the reason for this action, but could find none, although it was totally opposed to the doctrine of nationality. The Italian Government said it wanted the Tyrolese territory for strategic purposes, Lord Bryce said; but, he declared, they could not want it for that purpose against a virtually bankrupt State of only 6,000,000 persons.

Now, I am citing these outrageous violations of every principle of ethnology and racial alignment because they bear upon the obligations that we are to assume under article 10. What this league decrees done, we must enforce by armies, by soldiers, by the boys raised in South Dakota, in Wisconsin, in Pennsylvania, in New Jersey, and elsewhere; and if the Paris conference violated every principle upon which nationalities are aligned, if they violated every obligation of the principles laid down as we fought this war step by step, shall we not, if we vote to enter this league, have an accounting with our constituents that ought to give us pause and make us hesitate to take this step?

There is, of course, no pretense of supporting the award of Transylvania to Roumania—a territory substantially as large as Roumania itself—on any principle of nationality. The explanation of all this, of course, lies—here we come to it—in the secret treaties.

Mr. REED. Mr. President, there has been a good deal of argument here to-day to the effect that if we did not enter into article 10 we would place these small countries—Jugo-Slavia, Czechoslovakia, the Serbian State—at the mercy of Germany, as though under this covenant we were only to protect against aggression by Germany. In the opinion of the Senator, are we not obliged to protect them against attack, even by each other or the efforts of one people to recover its own sovereignty?

Mr. LA FOLLETTE. Of course, the Senator from Missouri states the proposition exactly as I see it. The four or five gentlemen who sat in secret conclave at Versailles, regardless of the ethical principles enunciated by President Wilson along the lines of which peace ought to be wrought out in a treaty, throwing all of that into the wastebasket, constructed the obligation which we are required to ratify here upon the lines of secret treaties that had been made for the benefit of the different members that they were bribing by territory to join the Allies.

Italy was induced to violate her treaty with the Central Powers and go in with the Allies by the secret treaty which was made and which is known as the treaty of London. The treaty of peace consummated at Versailles, in which we are asked to concur, has no regard for nationality; no regard for the will of subject peoples; no regard for ethnological lines; no regard for racial attractions or racial repulsions. It is made on the hard-and-fast lines of the secret treaties entered into for the purposes of the war in the period 1915 to 1918.

Mr. REED. The Senator from Wisconsin has said that the treaty has no regard for several things; but does he not think it has a very profound regard for race and national cupidity and grasping?

Mr. LA FOLLETTE. Yes; it does. I concede, Mr. President, that it appeals in a certain way to selfish interests and mercenary designs and purposes; but to the lines upon which the boundaries of nationality can be laid down and maintained without perpetual hostility and antagonism it is utterly indifferent.

The explanation of all this, of course, lies in the secret treaties by which the Allies bribed Roumania and Italy to join them in the war, while Serbia, of course, is also given a choice bit of Hungarian territory. It is well to recall, while speaking of Hungary, that her repeated and heroic attempts to free herself from the domination of the Hapsburg monarchy, including that of 1848 under the leadership of Kossuth, were only defeated by the action of those countries, or some of them, who were allies in the late war. The testimony taken before the Foreign Relations Committee of the Senate establishes the absolute falsity of any claim that the principle of nationality or self-determination controlled in the partition of the Austro-Hungarian Empire.

Dr. Sekely, one of our most distinguished citizens of Austro-Hungarian descent, in his testimony before that committee—that is, the Committee on Foreign Relations—on September 2, 1919, which, I venture to say, few, if any, Members of the Senate have read, after pointing out that the action of the Paris peace conference violated and outraged every principle of self-determination and nationality of the people abroad, said:

> This "league of injustice" intends to build an impregnable and indestructible Chinese wall around the subjugated races, a wall so high as to shut out all rays of hope for liberation, a wall so strong through the united cooperation of the mightiest nations of the earth as to imbue the peoples which had been caught in the diplomatic net of the Paris peace conference, as the Hungarians—or else had been ignored by it, as the Irish—with the paralyzing knowledge of their utter impotency to escape and to be free again. Instead of joy it brings

sorrow, instead of light it sheds darkness, instead of righting wrongs it commits new ones, instead of developing international law it makes the law of egotism international, instead of heralding the dawn of a new world it means the doom of all the highest aspirations of mankind toward universal justice, fairness, and a square deal.

It does all that with a deceiving smile and with an abundance of hypocritically sweet words.

We must remember, Mr. President, that it is this condition we undertake to uphold and perpetuate when we become a member of this league. This situation is well stated by the celebrated newspaper writer, Mr. Frank H. Simonds, in the London Times of June 2 last. I quote from that interview:

In sum, it is essential for Americans to recognize that, so far as the peace of the world is concerned, the Austrian settlement is even more important than the German, and that the possibilities of permanent adjustment are far less numerous. Actually the war, by destroying the central authority of the Hapsburg monarchy, has released races whose rivalries are at least a thousand years old. These races are as unwilling to submit their claims to the final decision of the league of nations as were the Balkan races to subordinate theirs to the will of the concert of Europe. However the boundaries may be drawn, hundreds of thousands of people will, in the nature of things, be subjected to a rule they will not recognize. Germans will be placed under Slavs, Slavs under Italians, Hungarians under Roumanians, Poles under Ukrainians, and Ukrainians under Poles, and such a situation can only lead to new crises.

We, sir, if we become a member of this league of nations, assume the obligation of standing guard over this territory, with all its rivalries and hatreds and its petty and artificial governments brought into existence by the mere word of the two or three men who controlled the Paris conference.

I have spoken of the secret treaties and their effect upon the dismemberment and destruction of the Austro-Hungarian Empire, but even after Roumania, Italy, and Serbia had been satiated with new territory there was left an area extensive enough and a population sufficiently large to have made up a substantial State.

Great Britain's interests in the Far East, however, required this territory should be made into buffer States, and this was done in the manner stated. We all recall, as one of the causes of the war, the rivalry between Germany and Great Britain for trade in the Far East, and the efforts of Germany through the Bagdad Railway to tap the great resources of that vast country, and how she had been thwarted in her purpose temporarily at least at the time the war began in 1914.

President Wilson very frankly stated the truth in his St. Louis speech on September 5 last when he said:

What was the old formula of Pan Germanism? From Bremen to Bagdad, wasn't it? Well, look at the map. What lies between Bremen and Bagdad? After you get past the German territory there is Poland, there is Bohemia, which we have made into Czechoslovakia; there is Hungary, which is now divided from Austria and does not share Austria's strength; there is Roumania; there is Jugo-Slavia; there is broken Turkey; and then Persia and Bagdad. We have undertaken to say this route is closed.

There you have the second of the causes of Austria's dismemberment and destruction. It was that the road leading to England's vast possessions in the Far East might be closed to any other country. To accomplish this purpose these petty and arbitrary States have been raised up, and we are going to underwrite their political independence and territorial integrity for the benefit of Great Britain.

I quote from one more English authority before passing from this point. I refer to the article by Austin Harrison in the English Review of July, 1919:

A hundred years ago Napoleon cast and recast the map as he pleased, but he displaced merely principalities; the economic life of the peoples concerned was left untouched, and of nationality in Europe there was little to dismember. But to-day national dislocations imply economic disturbances, which in their reactions are international in incidence, for capital and credit are to-day international, whereas in Napoleon's time neither the one nor the other played even a part.

That is where at Paris the "big three" have foundered. In their desire to humiliate, annihilate, and grab they have economically weakened Europe; they have set up artificial economic units; they have pursued a policy of leveling down, taking advantage of Russia's eclipse. The results are these:

Europe, east of the Rhine, is to consist of lacerated and impoverished center units flanked by weak and doubtful economic units, who in turn are to remain armed, while the center units are to disarm. This, of course, was Napoleon's policy always; it has been scrupulously followed in Paris. Yet with this difference: The dislocations to-day are economic; therefore the reactions will be economic. Now, this must mean a poor and vitally weakened economic Europe, with a greatly reduced purchasing power and a low export potentiality. The effects of this will be widely felt. All States, big and small, will in consequence be dissatisfied, restless, a congeries of brooding ambitions and anachronisms. As all Europe is insolvent and the economic mechanism of credit depends upon Britain, we shall perforce assume the rôle of Europe's janitor, and Europe will be our white Egypt. To imagine that we can afford that luxury for long is to imagine a vain thing. To assume that Europe will consent for long to remain the economic vassal of the capitalists of Paris and London is to ignore history. A stricken, chaotic, impoverished, and infuriated Europe must react disastrously upon the world's markets and particularly on our own, must react disadvantageously upon credit, must therefore still further strike at the tenuous foundations of the world's mechanism.

It is also true, as the writer later points out, that an impoverished and infuriated Europe is also a revolutionary and a war-like Europe. And this is the Europe created by the Paris conference which we are to police.

I have dwelt at some length on the destruction and dismemberment of Austria, because it is characteristic of everything done at the Paris conference. Starting out with the declaration of President Wilson that the Austrian Empire was not going to be impaired or even rearranged, we find that it is utterly destroyed for the most sordid and selfish purposes, and that a condition has been created which is absolutely certain to keep central Europe in turmoil and war for years to come.

While the Austrian treaty has never been placed before the Senate, it has been printed, and we can speak with some degree of certainty of its provisions. It is a remarkable fact, Mr. President, that the treaty with Germany which we are now considering is only a fragment of the settlement concluded at Paris. Five major treaties were drafted by the Paris conference—that with Germany, and the treaties with Austria-Hungary, Bulgaria, and Turkey. The treaty with Turkey is not yet completed. Each, I understand, is interwoven with the other.

These treaties have been described by President Wilson as intertwining. As Secretary Lansing said before the Committee on Foreign Relations of the Senate—I should like to have Senators think of this for a moment—as Secretary Lansing said, the full engagements in which the United States may be involved can not be determined until we get full texts of the treaties.

Does the Senate realize that it has not the full texts of these treaties, and that we are asked to subscribe to an obligation incorporated within the league of nations that binds us to carry out all of the provisions of all the treaties that have been made? We do not know what is in the other treaties, aside from the one that has been presented, the treaty with Germany. We have had an unofficial copy of the treaty with Austria.

I can not quite understand, Mr. President, the standards of the present Senate. I do not believe that there is a man here who is a lawyer who, if employed by a client to advise him with regard to the making of a contract, would permit his client to sign his name to a contract only a part of the obligations of which were stated in the document which he signed; and yet that is exactly what we are asked to do and what we are proceeding to do. We know nothing about these other treaties, or the obligations which the league of nations compels us to carry out with respect to them. They have not been submitted to us. We know nothing about the mandatories, or the arrangements that are being made, day by day and hour by hour, by the representatives of the different Governments at Paris, now in session, that impose obligations which we must carry out and back up with troops and money, and send soldiers to fight and die to preserve. And yet we go on complacently, ready to set our hands to a document that shall bind the people of this Government with regard to covenants about which we can know absolutely nothing. Not one of us, as a responsible lawyer dealing with a client, would do a thing of that kind any more than he would cut off his arm.

What does it mean? It means that the Senate of the United States has been recreant to its traditions. You may smile, but if we could turn the clock back a generation of time the President of the United States, when he sent down the German treaty and covenant, withholding the other treaties, would have been informed that it would not be considered for a moment until the Senate of the United States had on the table all of the obligations that the league of nations carried with it, that they might know about them, and that they might in their trust capacity, in binding the American people, act intelligently.

I say that the present Senate is derelict in its duty, and has failed to discharge its responsibility to the American people by permitting itself to be coerced into the consideration of a contract more than one-half of which is blank, and is being forced to sign that contract without knowing the obligations that will be written into the blank places when the other treaties, the mandatories, and the protectorates are worked out by those who are engaged in that business in Paris now.

Why is it that these things have been held back from us? Why is it that the President of the United States did not transmit with these treaties the minutes of the Paris conference? They have been asked for. They have been denied. Neither the Committee on Foreign Relations nor the Senate has been permitted to know the discussion that took place when the different provisions in the German treaty and the league of nations were set down and agreed upon. That discussion would help to enlighten us. We have had days and days of debate here to determine what certain provisions of this covenant mean. If we could have had the debate that took place behind the doors of the conference at Versailles, it would have shed some light upon the meaning of these obscure provisions. Every Senator knows that, as to the Constitution of the United States, when the Madison papers, the minutes that were kept of the proceedings

of the Constitutional Convention, were published they threw a flood of light upon the provisions of the Constitution; and we all of us go back, in obscure passages of the Constitution, in conflicting or doubtful meanings there, to the debates and to the minutes of the Constitutional Convention.

In God's name, Mr. President, what sort of a body has this become?

I undertake to say that if Webster, or Thurman, or Edmunds, men of that stamp and that generation, were Members of this body to-day, they would have said to the President of the United States, "Take this treaty back. It is only a part of the obligation you ask us to assume, and we will not bind ourselves by it. We will not even consider it until we know all about it. Bring in everything that relates to it."

But, Mr. President, we have been trained for two years during the war, we have been taught, as a part of the Congress, to jump through the hoop and to perform other circus acrobatics.

Mr. REED. Lie down and roll over. [Laughter.]

Mr. LA FOLLETTE. Yes; to lie down and roll over whenever the President said so, until the Senate of the United States, as a part of the Congress, has become an abject and subservient body, fallen from its high estate, one of the pillars of this Government, without which there is no possibility of maintaining democracy in this country.

So, Mr. President, we need a regeneration. It may be that it is to come from the people. It seems that this body and the other branch are moribund, are having sleeping sickness. They can not assert the rights that belong to them under the Constitution. That is the way it looks to me. Is it possible that it is going to take the shock of an uprising of the people, demanding that democracy shall be saved, to bring this body and the other branch of Congress to a realizing sense of their constitutional duties and responsibilities?

[At this point Mr. LODGE engaged in a brief conversation with Mr. LA FOLLETTE.]

Mr. SHEPPARD. Mr. President, we can not hear on this side. [Laughter.]

Mr. LA FOLLETTE. Now, in order to inform the Senator from Texas, who is more interested in this, I think, than in what preceded it, the discussion of the problem before the Senate, I will say that the Senator from Massachusetts [Mr. LODGE] was inquiring as to about how long it would take me to conclude and whether we could get a vote to-night; and I was informing him, I will say, in order that the Senator from Texas may have both sides, that I was about halfway through [laughter], unless I shall be tempted to digress again, and in that case I may not be a quarter of the way through. Now you have about as definite information as I can give you.

I here resume the discussion, Mr. President, from my notes at the point where I was tempted to turn aside.

The proposal that we shall ratify the German peace treaty without knowing what is in the other four, with which it is "intertwined," illustrates the manner in which our Government has been led deeper and deeper into the morass of European affairs, until it is now proposed that we not only guarantee the peace of Europe but that we shall be the guardian of those peoples and territories over which the European Governments do not care to accept the mandates. If they have any job over there that is particularly hard they turn it over to us.

ITALY'S SHARE OF THE SPOILS.

I pass now to Italy's share in the spoils of the war, in the possession of which we undertake to protect her by signing this league agreement.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. SHERMAN. Before the Senator leaves the subject of the assumption of mandates, would he care to state his conclusions on our acceptance of the Armenian mandate, with the Ottoman Empire attached, with Germany's Berlin to Bagdad railroad scheme, and future entanglements that might arise from such an arrangement?

Mr. LA FOLLETTE. Just let me say to the Senator that I have planned another address to the Senate upon the subject of our playing footman to Great Britain, and I shall take that up in that connection. I would like to reserve that for that discussion. It is mighty interesting, and if the Senator should chance to be present at that time I venture to say he will follow it with interest.

The simplest way to arrive at the facts is to turn to the secret treaty of London, signed April 26, 1915, and published by the Lenin government after it came into power in Russia. The terms of this treaty are fairly well known, thanks to the publication of the secret treaties to which Russia was a party by the revolutionary Russian Government when it came into power.

You know we would have never known anything about these secret treaties if it had not been for that much-denounced Government in Russia. They got possession of the infamous documents and gave them to the world.

Under article 4 of the treaty of London it was agreed by Great Britain, France, and Russia, parties to the treaty, that Italy should receive that part of Austria known as the Trentino, the entire southern Tyrol, the city and suburbs of Trieste and various other parts of Austria, the Istrian Islands along her eastern coast, and the Province of Dalmatia and various islands adjacent thereto. Furthermore, it was agreed to by this precious quartet of nations that Italy, in consideration of the foregoing spoils, was not to object to or oppose a desire on the part of France, Great Britain, and Russia to redistribute among Montenegro, Serbia, and Greece the northern and southern districts of Albania.

Such a thing as an agreement to dismember a friendly, though weak, power would hardly shock the countries that later agreed with Japan to carve up and distribute the territory of their ally, China.

But there are other provisions of this treaty which, if we are to guarantee it, we should scan with care.

By article 9 of this treaty it is provided that France, Great Britain, and Russia recognize in Italy her "right to receive on the division of Turkey an equal share with them in the basin of the Mediterranean, and more specifically in that part of it contiguous to the Province of Adalia. * * * The zone subject to transfer to the sovereignty of Italy will be more specifically defined in due time, and in correspondence with the vital interests of France and Great Britain."

Article 13 of this precious document provides as follows:

In the event of expansion of French and English colonial domains in Africa at the expense of Germany, France and Great Britain recognize in principle the Italian right to demand for herself certain compensations in the sense of expansions of her lands in Erithria, Somaliland, in Libya, and colonial districts lying on the boundary, with the colonies of France and England.

By article 17 it is provided:

This treaty must be kept secret.

That seemed to be an important provision.

Now, the significance of all this is that no one knows up to date, or at least the Senate of the United States does not know it, what Italy's share is to be on the division of Turkey, nor what her share is to be on the division of the German colonies, nor, indeed, what her share is to be in the much more specific matter of division of territory taken from Austria.

It seems that the city of Fiume was not mentioned specifically as part of Italy's share of the spoils, but she is in possession of it, and Mr. Wilson and all the league of nations do not seem to be able to dispossess her. When we undertake, as we do, by becoming a member of this league to guarantee the territorial integrity of Italy, do we guarantee her the possession of Fiume, or do we guarantee its possession to Czechoslovakia, whose claims the President seems to support?

Are you going to arrive at a settlement of the division of the world by becoming a party to that dispute? Do you think you are doing the best you can to take one side or the other of that proposition? You have to take one side or the other of it. Or will you better represent the people of your State by washing your hands of the entire affair and saying we have done our part in this business and we will get back on to our own soil, we will take care of the problems that are pressing upon us from the States. With strikes everywhere, the very earth under our feet quaking with unrest, we, with eyes uplifted and following voices in the air, troop after Woodrow Wilson to look after the affairs of the world.

What is the territory in Africa and in the Mediterranean which we undertake to defend for Italy? As far as we know, it has not yet been determined. Italy, France, and Great Britain either have not settled it among themselves or if they have we have not been officially advised of the settlement. We have to answer these questions some time; we might as well ask them now. Suppose they quarrel about it. We will have to take a hand in that quarrel.

Yet, sir, it is proposed that we shall defend Italy in the possession of whatever lands may be allotted to her and uphold her rule over whatever people are made subject to her will.

Mr. President, I can not understand why the Senate will even consider so mad a proposition as this. We do not know what Italy is to receive, but we propose to guarantee it to her anyway. That is what this means. Vote it if you dare. We do not know but what the award made to her by the Paris conference—or

which, in the case of Fiume, she may seize and hold in spite of that conference, finally compelling acquiescence—will violate every principle of justice and self-determination; but we sign the bond. That is what it means to go into this business. It is proposed that we shall bind this Government.

We are to bind the people of this country to defend Italy's possessions as determined by the peace conference, right or wrong, to uphold her rule, and the decision and decree of the peace conference, however shocking it may be to us as individuals.

It is a strange thing, Mr. President, that we have been debating for months whether we would pledge the United States to uphold and defend the revolutionary, territorial, and political changes made by the Paris conference; but we have not inquired, and we do not to-day know, as we are proceeding to vote upon this treaty, what is involved in those territorial and political changes brought about in Paris.

I do not know how any member of the Committee on Foreign Relations can defend the course that has been pursued. I think all of us have an obligation. I think Members of the Senate ought to have risen in their places here and protested against the consideration of this treaty at all until all the treaties and all the documents and all the papers were before us. Why not? I shall be glad to yield to another Senator here who will answer.

I know that the chairman of the Committee on Foreign Relations has asked for these documents; I know that the Senate has passed resolutions requesting that the various documents should be sent to us; but when they were not sent there was another answer to make the imperious power at the other end of the Avenue. What was it? "Very well, if you decline to put us in possession of all of the facts which will enable us to know what obligation we are incurring as a Government and imposing upon our people, by giving us all the treaties that are a part of and intertwine with this compact of the league of nations, then we refuse to move one inch in the consideration of it, and we refuse to take it up for consideration at all."

Then it would have been the old Senate, it would have been a Senate that stood for its rights under the Constitution, that was willing to go back to the people of the country on the issue of whether it was abiding by the Constitution or whether the President was violating the Constitution.

Three or four old men over there within the last few months have assumed to rewrite the map of the world and to change the Governments under which hundreds of millions of people are living, and we are asked to accept their work on faith and to declare that it is good in advance, without knowing anything about it, and to pledge the money and the lives of our citizens to uphold and defend it.

I say, sir, that what we know of the work of the Paris conference as revealed in the German treaty and as revealed in what we suppose in the Austrian treaty gives us no reason to believe that selfish ambitions, greed, and the desire of revenge will not be manifest in the settlements made by that conference, of which as yet we know practically nothing.

I think it is safe to say that the Senate is not going to ratify the German treaty with the Shantung provision. Even the mildest of the mild reservationists can not stand for that. Yet how do we know how many Shantungs we will find in the Austrian treaty and in the Bulgarian treaty and in the Turkish treaty when we see them?

Am I consuming the time of the Senate here needlessly? Am I asking questions that have no significance and no meaning? If so, I should like to be told of it. I would not prolong this session by this address a minute. But if we now concur in the German treaty and subscribe to this covenant it will be too late when we see the other treaties to strike out or refuse to be bound by such shameful provisions as the Shantung provision of this treaty. When we have undertaken by becoming party to this covenant to preserve the territorial integrity and political independence of the members of the league in all that has been allotted to them by the Paris conference, we have ratified all the treaties in substance and effect. The rest is mere detail, after this first job is over.

There is another thought in this connection worthy of consideration. Italy, in common with the other allies, as a result of their victory in this war has become imperialistic to an extent hardly conceived of before the war.

I wonder how many Senators on this floor have been studying the emanations from the Italian writers since the war spirit fired that emotional nationality? The powerful Nationalist Party in Italy is preaching the doctrine, which is received by the Italians with enthusiasm, that Italy must once more play the part of ancient Rome. Prof. Corradini, a member of this party and one of the most influential men in Italy, recently expressed it thus—and I want to say that this is not an isolated case. I could fill a dozen pages with quotations from the writings of eminent writers of Italy who are now seeking to stir this spirit, to fire with enthusiasm the people of Italy into a movement that is to make them sweep on and on in conquest until they are the foremost power of the world. Here is what Prof. Corradini says:

> Italy must become once more the first nation of the world. * * * All our efforts will tend toward making the Italian a warlike race. We will give it a new will; we will instill into it the appetite for power, the need of mighty hopes. We will create a religion—the religion of the fatherland victorious over the other nations. (From article in the Forum, September, 1915, by T. L. Stoddard.)

The Italian literature of to-day, its press, and even its schools and colleges are teaching this doctrine of Italian domination. The manner in which a picturesque Italian character has taken possession with a volunteer army of the city of Fiume and is holding it from Jugoslavia, in spite of the league of nations and the Paris conference and their combined authority, is merely a concrete manifestation of the spirit in which Italy is going forward to collect the balance of her claims in the spoils of this war. Who shall say what bloody conflicts will arise in the course of that adjustment and to what distant lands our soldiers must be sent to sacrifice their lives in the settlement of selfish quarrels wherein we have no interest and feel no sympathy with either side?

It is becoming more obvious every day that the so-called economic and moral power of this league will amount to little or nothing. The Allies know this. They know that this so-called league is merely an alliance in which the United States is to become a party and bind itself to defend the possessions and dominions which the imperialistic Governments of the league claim for themselves as a result of the war.

ROUMANIA'S SHARE OF THE SPOILS.

The part played by Roumania both before and after she entered the war is well known. Assuming first a neutral position when the war broke out, she inclined from one side to the other of the conflict as the fortunes of war ebbed and flowed, but finally entered the war on the promise of the Allies that she should receive in case of success a slice of Austrian territory about equal to her present area.

Before entering the war Roumania's population was estimated at 7,500,000, and her area placed at about 53,000 square miles. The area given her on recent maps, based on the theory that the secret treaty with her will be carried out, gives her an area substantially the same as that of Italy, or 110,000 square miles, and an estimated population of 16,000,000.

Roumania did not wait for the Paris conference to award her what she thought was coming to her, but on January 11, 1919, by royal decree proceeded to annex Transylvania, which had declared its independence of Hungary.

As showing the uncertain condition in which the whole matter is left in regard to the supposed Austrian treaty as published, though the Senate, of course, has no certain information respecting its terms—I mean no official information—under the provisions relating to Roumania it is provided that the frontiers of Roumania will—

> Ultimately be fixed by the principal allied and associated powers.

Now, mark you, the boundaries are not even fixed yet. They are to be fixed.

It further provides, in article 61:

> Subsequent agreements will decide all questions which are not decided by the present treaty—

What Roumania will receive is ultimately to be determined by the allied and associated powers. So run the provisions of the Austrian treaty. Here, again, we are virtually asked to sign the name of the United States at the bottom of a blank sheet of paper and give the peace conference at Paris authority to fill in above it whatever terms it chooses to write there.

But that is not all. Suppose Roumania does not agree to accept what the allied and associated powers offer her in full payment of her share of the spoils of war. Who is going to force Roumania to accept it? Obviously not Italy, France, or Great Britain. They have declined to do exactly that thing. Months ago Roumania claimed more of the territory of the new Hungary than the members of the Paris conference were willing to award her and invaded and overran Hungary; and after months of military occupation late dispatches indicate her withdrawal from Budapest alone; but there is no evidence that she will give up the large areas south of Budapest which she now occupies, something like 100,000 square miles of territory, against the decree of the Paris conference.

Where is the vaunted economic pressure of the league by which its decrees are to be enforced without resort to arms? How can it ever be applied to such a situation as exists in Hungary? The invading army is already in possession of large

sections of the country and its wealth and resources, and would be the last to feel the pinch of any economic pressure. Either the Roumanian armies will stay where they are as long as Roumania pleases, and if they withdraw will retire to boundaries of her own fixing, or else a superior armed force must be sent against them.

It has been demonstrated that neither the French, Italian, or English will undertake the task. Obviously the Italians will not, for they are in the same position in Fiume that the Roumanians are in Hungary.

Both are defying the decrees of the Paris conference and the authority of the league. The English and French will not, first, because they are disinclined to turn their arms against one so recently an ally, and who is a neighbor, and secondly, their claims to new territory are unsettled and in controversy, and they have no intention of making enemies of neighboring members of the league. So it seems that if the United States is going to become a member of this league and uphold its decrees, it already has two wars on its hands; one to drive the Italians out of Fiume, and the other to drive the Roumanians out of Hungary.

FRANCE'S SHARE OF THE SPOILS.

Everyone is familiar, of course, with the territorial acquisitions of France on the Continent, including Alsace-Lorraine, and the right to exploit the Saar Basin for a period of 15 years under conditions which will ultimately cause its annexation to France, if France desires it. Alsace-Lorraine has an area of about 5,600 square miles, and of the 1,900,000 of population it had in 1910, something over 1,600,000 was a German-speaking population. What share France has in the vast colonial empire obtained from Germany, like most of the other territorial transfers provided for, is uncertain.

BULGARIA.

Bulgaria, with an area of about 47,000 square miles, and a population of about 5,500,000, we know is to lose some of her territory to Greece, and some of it to Serbia, but the amounts going to each have not been settled. She also has to pay an indemnity amounting to $450,000,000, nearly equal to one-half the total indemnity France paid to Germany in 1871.

TURKEY.

Turkey comprises something more than 613,000 square miles, and a population of over 20,000,000. It is one of the most valuable prizes of the war, and consequently one over which the Allies are already most vigorously contending. Greece has already come forward with claims to an immensely rich and prosperous area, including the seaport of Smyrna, one of the great harbors of the world. Italy is out with claims to another large portion of Turkey, including Adalia, on the Mediterranean. Italy will be a factor with which France and Great Britain must reckon, for her population is rapidly increasing and she is most anxious that the surplus should be located near the home country, and live under the Italian flag. France claims an area somewhat larger than California, while Britain, as usual, by claiming the Mesopotamia region, asserts her right to the most valuable territory of all.

I have here sketched as briefly as possible the conflicting territorial claims of the Allies, mostly on the Continent of Europe, although I have included to some extent Asiatic Turkey. I have not dwelt upon the justice or injustice of any of these claims. If an agreement has been made as to the distribution of this territory, we do not know what it is; whether it has been made or not we do not know whether it is or will be based upon principles which we approve. Yet we are asked to accept it on faith and to assume the obligation to uphold and defend it.

I have not touched upon the economic penalties, the most severe in the history of the world, which this treaty imposes upon the defeated powers. Never since the victorious armies led away their captives in chains to actual slavery has so harsh a peace as this been imposed by the victor on the vanquished at the close of any war. These exactions, of course, our membership in the league will require us to support and defend. Already it is apparent that Italy and Roumania can successfully defy the peace conference and the league of nations, and without a large military force to support the decrees of the league those decrees will be utterly futile. And if Roumania and Italy may defy the league, why may not Greece, why may not Serbia, why may not, in fact, any other country dissatisfied with the spoils which may have been allotted to it?

This is but a brief and imperfect survey of the shocking conditions which await us upon our entrance into this league.

No rational man can doubt but the United States will be the Nation relied upon to furnish the men and the money to enforce the decrees and mandates of the league throughout central Europe and parts of Asia and Africa.

Who can doubt that the self-interest of Italy, Roumania, Greece, and Serbia, when they find their ambitions thwarted by the more powerful members of the league, particularly by the United States, will come together in a union of self-interest, and what we start to do in the first instance with a few thousand men we shall soon find requires a vast army? All this and vastly more is involved in the obligations we will assume under article 10 of this treaty.

Mr. President, the little group of men who sat in secret conclave for months at Versailles were not peacemakers. They were war makers. They cut and slashed the map of the Old World in violation of the terms of the armistice. They patched up a new map of the Old World in consummation of the terms of the secret treaties the existence of which they had denied because they feared to expose the sordid aims and purposes for which men were sent to death by the tens of thousands daily. They betrayed China. They locked the chains on the subject peoples of Ireland, Egypt, and India. They partitioned territory and traded off peoples in mockery of that sanctified formula of 14 points, and made it our Nation's shame. Then, fearing the wrath of outraged peoples, knowing that their new map would be torn to rags and tatters by the conflicting warring elements which they had bound together in wanton disregard of racial animosities, they made a league of nations to stand guard over the swag!

The Old World armies were exhausted. Their treasuries were empty. It was imperative that they should be able to draw upon the lusty man power and the rich material resources of the United States to build a military cordon around the new boundaries of the new States of the Old World.

Senators, if we go into this thing, it means a great standing Army; it means conscription to fight in foreign wars, a blighting curse upon the family life of every American home, every hour. It means higher taxes, higher prices, harder times for the poor. It means greater discontent; a deeper, more menacing unrest.

Mr. President, whatever course other Senators take, I shall never vote to bind my country to the monstrous undertaking which this covenant would impose.

Mr. HITCHCOCK. Mr. President, I desire to present the following substitute reservations to take the place of those proposed by the Senator from Massachusetts [Mr. LODGE], and I ask to have them printed and lie on the table.

The PRESIDING OFFICER (Mr. LENROOT in the chair). It will be so ordered.

The reservations intended to be proposed by Mr. HITCHCOCK are as follows:

Proposed substitute reservations, to take the place of reservations proposed by Senator LODGE:

"That any member nation proposing to withdraw from the league on two years' notice is the sole judge as to whether its obligations referred to in article 1 of the league of nations have been performed as required in said article.

"That no member nation is required to submit to the league, its council, or its assembly for decision, report, or recommendation any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matters relating to its internal or coastwise affairs.

"That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is not subject to any decision, report, or inquiry by the council or assembly.

"That the advice mentioned in article 10 of the covenant of the league which the council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject, according to the conscience and judgment of its then existing government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war.

"That in case of a dispute between members of the league if one of them have self-governing colonies, dominions, or parts which have representation in the assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the assembly."

Mr. McKELLAR. I offer the following amendment to the reservation.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. Add at the end of the proposed reservation of the committee No. 3 the following:

Provided, however, That the United States assumes for the period of five years with the other members of the league the obligation of said article 10 as to the Republic of France in maintaining her sovereignty over Alsace-Lorraine.

Mr. McKELLAR. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. JONES of Washington (when his name was called). I am paired for the day with the Senator from Virginia [Mr. SWANSON], and in his absence I withhold my vote. If at liberty to vote I would vote "nay."

Mr. KING (when his name was called). I have a general pair for the rest of the day with the Senator from Tennessee [Mr. SHIELDS]. I therefore withhold my vote.

The roll call was concluded.

Mr. TOWNSEND. I again desire to announce the necessary absence of my colleague [Mr. NEWBERRY] and his pair with the senior Senator from Alabama [Mr. BANKHEAD].

Mr. KELLOGG (after having voted in the negative). Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. KELLOGG. Then I withdraw my vote, as I have a pair with that Senator. If permitted to vote, I would vote "nay."

Mr. KNOX. I repeat the announcement of my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] and withhold my vote. If permitted to vote, I would vote "nay."

Mr. CURTIS. I was requested to announce that the Senator from Minnesota [Mr. NELSON] is paired with the Senator from Arizona [Mr. SMITH]; the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Arkansas [Mr. ROBINSON]; the Senator from Michigan [Mr. NEWBERRY] with the Senator from Alabama [Mr. BANKHEAD], and the Senator from New York [Mr. WADSWORTH] with the Senator from Ohio [Mr. POMERENE].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of illness in his family. If he were present he would vote "yea." He has a general pair with the junior Senator from Minnesota [Mr. KELLOGG].

The result was announced—yeas 31, nays 46, not voting 18, as follows:

YEAS—31.

Ashurst	Henderson	Overman	Smith, S. C.
Beckham	Hitchcock	Owen	Stanley
Dial	Johnson, S. Dak.	Phelan	Thomas
Fletcher	Jones, N. Mex.	Pittman	Underwood
Gay	Kendrick	Ransdell	Walsh, Mont.
Gerry	McKellar	Sheppard	Williams
Harris	Myers	Smith, Ga.	Wolcott
Harrison	Nugent	Smith, Md.	

NAYS—46.

Ball	France	Lodge	Sherman
Borah	Frelinghuysen	McCumber	Smoot
Calder	Gore	McLean	Spencer
Capper	Gronna	McNary	Sterling
Colt	Hale	Moses	Sutherland
Cummins	Harding	New	Townsend
Curtis	Johnson, Calif.	Norris	Trammell
Dillingham	Kenyon	Page	Walsh, Mass.
Edge	Keyes	Penrose	Warren
Elkins	Kirby	Phipps	Watson
Fall	La Follette	Poindexter	
Fernald	Lenroot	Reed	

NOT VOTING—18.

Bankhead	Kellogg	Newberry	Smith, Ariz.
Brandegee	King	Pomerene	Swanson
Chamberlain	Knox	Robinson	Wadsworth
Culberson	McCormick	Shields	
Jones, Wash.	Nelson	Simmons	

So Mr. MCKELLAR'S amendment to reservation No. 3, proposed by Mr. LODGE on behalf of the committee, was rejected.

The PRESIDENT pro tempore. The question is now upon reservation No. 3, proposed by the Senator from Massachusetts [Mr. LODGE] for the committee.

Mr. HITCHCOCK. To that reservation I offer the following substitute.

The PRESIDENT pro tempore. The Secretary will state the proposed substitute.

The SECRETARY. In lieu of the words proposed by the Committee on Foreign Relations known as reservation No. 3 insert the following:

That the advice mentioned in article 10 of the covenant of the league which the council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject, according to the conscience and judgment of its then existing government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war.

The PRESIDENT pro tempore. The question is on the substitute offered by the Senator from Nebraska.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as on the previous vote regarding my pair and its transfer, I vote "yea."

Mr. JONES of Washington (when his name was called). Again announcing my pair with the Senator from Virginia [Mr. SWANSON], I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. KELLOGG (when his name was called). Again announcing my pair as on the previous roll call, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. KING (when his name was called). I have a general pair for the rest of the day with the senior Senator from Tennessee [Mr. SHIELDS]. On account of his absence, he being absent by reason of illness, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KNOX (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. CURTIS (when Mr. NELSON'S name was called). I desire to announce that the Senator from Minnesota [Mr. NELSON] is paired with the Senator from Arizona [Mr. SMITH].

Mr. TOWNSEND (when Mr. NEWBERRY'S name was called). I again announce the absence of my colleague [Mr. NEWBERRY] on business of the Senate. He is paired with the senior Senator from Alabama [Mr. BANKHEAD].

The roll call was concluded.

Mr. OVERMAN. I again announce that my colleague [Mr. SIMMONS] is absent on account of illness. If he were present he would vote "yea." He has a general pair with the junior Senator from Minnesota [Mr. KELLOGG].

Mr. REED. The senior Senator from Tennessee [Mr. SHIELDS] is necessarily absent because of illness. On this vote he is paired. If present he would vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I notice that the senior Senator from Arkansas [Mr. ROBINSON] did not vote. I am paired with that Senator. I therefore withdraw my vote.

Mr. GERRY. I desire to announce that the Senator from Ohio [Mr. POMERENE], the Senator from Virginia [Mr. SWANSON], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Kentucky [Mr. STANLEY], and the Senator from Arkansas [Mr. ROBINSON], are absent on official business.

The result was announced—yeas 32, nays 44, as follows:

YEAS—32.

Ashurst	Henderson	Nugent	Smith, S. C.
Beckham	Hitchcock	Overman	Thomas
Dial	Johnson, S. Dak.	Owen	Trammell
Fletcher	Jones, N. Mex.	Phelan	Underwood
Gay	Kendrick	Pittman	Walsh, Mass.
Gerry	Kirby	Ransdell	Walsh, Mont.
Harris	McKellar	Sheppard	Williams
Harrison	Myers	Smith, Md.	Wolcott

NAYS—44.

Ball	Fernald	Lenroot	Poindexter
Borah	France	Lodge	Reed
Calder	Frelinghuysen	McCumber	Sherman
Capper	Gore	McLean	Smith, Ga.
Colt	Gronna	McNary	Smoot
Cummins	Hale	Moses	Spencer
Curtis	Harding	New	Sterling
Dillingham	Johnson, Calif.	Norris	Sutherland
Edge	Kenyon	Page	Townsend
Elkins	Keyes	Penrose	Warren
Fall	La Follette	Phipps	Watson

NOT VOTING—19.

Bankhead	Kellogg	Newberry	Smith, Ariz.
Brandegee	King	Pomerene	Stanley
Chamberlain	Knox	Robinson	Swanson
Culberson	McCormick	Shields	Wadsworth
Jones, Wash.	Nelson	Simmons	

So Mr. HITCHCOCK'S substitute for reservation No. 3, proposed by Mr. LODGE, was rejected.

The PRESIDENT pro tempore. The question is now upon the reservation proposed by the Senator from Massachusetts [Mr. LODGE] known as reservation No. 3.

Mr. OWEN. Mr. President, I offer a substitute, and on it ask the yeas and nays.

The PRESIDENT pro tempore. The Secretary will report the proposed substitute.

The SECRETARY. In lieu of reservation numbered 3, proposed by Mr. LODGE, the Senator from Oklahoma offers the following substitute:

The United States in assuming the obligation to preserve the territorial integrity or existing political independence of any other country, or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, does so with the understanding that the advice or recommendation of the council or assembly under articles 10 and 15 is purely advisory and absolutely subject to such judgment and action as the Congress of the United States may find justified by the facts in any case submitted.

Mr. POINDEXTER. Mr. President, I make the point of order that this is exactly the same as the substitute offered by the Senator from Nebraska [Mr. HITCHCOCK], upon which the Senate has just voted.

Mr. SMOOT and others. Oh, let us vote.

Mr. POINDEXTER. Very well.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. KELLOGG (when his name was called). Making the same announcement as on the previous vote regarding my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. KING (when his name was called). I make the same announcement as on the last vote with respect to my pair, and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. KNOX (when his name was called). Making the same announcement as that I previously made with reference to my pair, I withhold my vote.

Mr. CURTIS (when Mr. NELSON's name was called). I again announce the pair of the Senator from Minnesota [Mr. NELSON] with the Senator from Arizona [Mr. SMITH].

Mr. TOWNSEND (when Mr. NEWBERRY's name was called). I again announce the necessary absence of my colleague [Mr. NEWBERRY]. He is paired with the senior Senator from Alabama [Mr. BANKHEAD].

Mr. OVERMAN (when Mr. SIMMONS's name was called). I make the same announcement as before in regard to my colleague [Mr. SIMMONS]. If present and not paired he would vote "yea."

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the negative). I notice that the senior Senator from Arkansas [Mr. ROBINSON] did not vote. I therefore withdraw my vote. I am paired with that Senator.

The result was announced—yeas 33, nays 44, as follows:

YEAS—33.

Ashurst	Hitchcock	Owen	Trammell
Beckham	Johnson, S. Dak.	Phelan	Underwood
Dial	Jones, N. Mex.	Pittman	Walsh, Mass.
Fletcher	Kendrick	Ransdell	Walsh, Mont.
Gay	Kirby	Shoppard	Williams
Gerry	McKellar	Smith, Md.	Wolcott
Harris	Myers	Smith, S. C.	
Harrison	Nugent	Stanley	
Henderson	Overman	Thomas	

NAYS—44.

Ball	Fernald	Lenroot	Poindexter
Borah	France	Lodge	Reed
Calder	Frelinghuysen	McCumber	Sherman
Capper	Gore	McLean	Smith, Ga.
Colt	Gronna	McNary	Smoot
Cummins	Hale	Moses	Spencer
Curtis	Harding	New	Sterling
Dillingham	Johnson, Cal.	Norris	Sutherland
Edge	Kenyon	Page	Townsend
Elkins	Keyes	Penrose	Warren
Fall	La Follette	Phipps	Watson

NOT VOTING—18.

Bankhead	Kellogg	Newberry	Smith, Ariz.
Brandegee	King	Pomerene	Swanson
Chamberlain	Knox	Robinson	Wadsworth
Culberson	McCormick	Shields	
Jones, Wash.	Nelson	Simmons	

So Mr. OWEN's substitute for reservation No. 3, proposed by Mr. LODGE, was rejected.

Mr. HITCHCOCK. Mr. President, while Senators who are supporting the pending reservation seem to be voting more because of pledges than from preference, I desire to offer what I send to the desk to be added to the pending reservation proposed by the Senator from Massachusetts [Mr. LODGE] and to say that its author is the Senator from Pennsylvania [Mr. KNOX].

The PRESIDENT pro tempore. The Secretary will state the amendment proposed to the reservation by the Senator from Nebraska.

The SECRETARY. As an addition to reservation No. 3 it is proposed to add:

But, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

The PRESIDENT pro tempore. The question is on the amendment to the reservation proposed by the Senator from Nebraska.

Mr. POINDEXTER. Mr. President, before voting on the amendment, I should like to say that I think I was present at the time when the policy that it expresses was proposed by the Senator from Pennsylvania [Mr. KNOX] in a speech which he delivered in the Senate. It is a declaration of policy which corresponds to the action of the United States in intervening finally in the European war because of the belief on the part of this country that European affairs had reached a point that menaced the safety of the United States and were threatening civilization itself. However, my understanding of the proposition as made by the Senator from Pennsylvania was not that he proposed it as a part of the league of nations; not that he proposed that it should be an expression of our policy as a member of the league of nations or as an indication of any expectation or interpretation which foreign countries might have as to what we should do as a member of a great world Government; but, on the contrary, my understanding of the proposition—and I wish to say that I concur in the wisdom of the policy expressed by the Senator from Pennsylvania—was that it was proposed as a substitute for the entire scheme of a combination of nations under a constitution of world Government. As such substitute, I am willing to support it and to declare it the policy of the United States; but as an amendment or integral part of the covenant of the league of nations, I certainly shall vote against it.

Mr. KNOX. Mr. President, the Senator from Washington [Mr. POINDEXTER] has substantially stated what my position was at the time the resolution to which he refers was introduced, but he has not fully done so.

I think Senators will recall, when I bring it to their attention, that that was one section of a resolution that was offered expressing the sentiment of the Senate that the thing for our peace commissioners in Paris to do was to make peace; that the whole subject of a league of nations should be deferred to a future time; that all of the nations of the world should be invited to convene and discuss the question of a league of nations; and that in the meanwhile, in order to give assurance to the world that the United States could be relied upon to come to the defense of civilization when it was necessary, I offered that suggestion as a policy, a policy somewhat akin to the Monroe doctrine, a policy announced ex parte by the United States which did not obligate us to anybody, but which we were to exercise, as the circumstances might arise, in accordance with our own conscience and our own judgment.

Mr. GORE. Mr. President, on line 14 I desire to submit an amendment to the amendment of the Senator from Nebraska, which I think he will probably accept. After the word "freedom" I desire to amend his amendment so that it will read "the freedom of the seas and the freedom and peace of Europe being again threatened."

The PRESIDENT pro tempore. The Senator from Oklahoma proposes an amendment to the amendment of the Senator from Nebraska, which the Secretary will state.

The SECRETARY. On line 14, after the word "freedom," it is proposed to insert the words "of the seas and the freedom," so that it will read:

But, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom of the seas and the freedom and peace of Europe being again threatened by any power or combination of powers—

And so forth.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Oklahoma [Mr. GORE] to the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. I shall be very glad to accept the amendment if I thereby can secure the support for the amendment of the Senator from Oklahoma and the Senator from Pennsylvania.

Mr. GORE. Mr. President, if the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK] is to prevail, I wish to make it as acceptable—to make it as little objectionable—as possible; to contribute as much to a sound policy, to the peace and security of the world, as possible. I am not willing to vote for it in any event, because I am not willing to make any universal pledge of this character. We can meet these obligations and these contingencies as they arise. I am not willing

to mortgage our future; I am not willing to mortgage our wealth; I am not willing to mortgage our boys to be sacrificed in every war that shall ever occur in every age. For that reason I shall vote against the entire commitment. I am opposed to universal liens of this character that are to last forever. But if we are to make a pledge of this kind, let us pledge ourselves to secure the freedom of the seas, which was the chief, if not the only, interest the United States had in entering this war.

Mr. President, every other nation secures benefits from the pending treaty. They do not assume burdens alone; they are to realize incalculable benefits. The United States assumes burdens alone, and it is to realize no benefits or compensation in return.

Under this treaty Great Britain receives 803,000 square miles of territory and dominion over 33,000,000 people. In addition to that, she has interpreted the freedom of the seas to mean British mastery of the seas. France obtains, as she ought to obtain, the control and the ownership of Alsace-Lorraine. In addition to that, she obtains the Saar Valley. Many believe that the Saar Valley should have gone to Belgium rather than to France. I pronounce no judgment upon that issue, but I believe, in addition to that, even France is to secure colonies in Africa. Italy secures Italia Irridenta, a part of the Tyrol, and, I believe, concessions in Asia Minor. Greece, Roumania, and Serbia obtain great concessions of territory. Poland and Czechoslovakia are to obtain independence, sovereignty, and existence itself. Japan is to secure Shantung, in contravention of justice, good faith, sound policy, and strategy, so far as the United States are concerned. We have raised an Alsace-Lorraine question in the East which will rankle and rankle and rankle for generations, until it is righted by the sword, or else we have placed China under the yoke of Japan and have made of the yellow peril a yellow terror before which the white race may well tremble for its destiny.

And what does the United States obtain? The right to defend the boundaries of every nation upon this globe—in Asia, in Africa, in Europe, and in the islands of the sea. What do we obtain? Our only right is to tax our people, to spend our money, to draft our boys, to sacrifice their lives in defense of the boundaries of every nation upon the globe.

America hews wood; America draws water; America staggers, like Atlas, beneath the weight of the world.

Senators who stand for article 10 without change or reservation overlook this truth. If five years hence the United States desire to draft and send their boys to defend the territorial integrity of Jugoslavia, they can do so then, covenant or no covenant; if 10 years hence the United States desire to spend their money and shed their blood in defense of the political independence of Czechoslavia, they can do so then, covenant or no covenant; if 20 years hence the United States desire to sacrifice both life and treasure in defense of the southern boundary of Egypt or the northern boundary of India, they can ordain that sacrifice then as well as now, but there are those of us who are unwilling to sign and to seal that bond now, who are unwilling to execute a perpetual mortgage upon the treasure or a universal lien upon the lives of our people.

We are unwilling to rivet the chains upon the limbs of posterity. The evil of that day will be sufficient. I am one of those who believe that article 10 as it is written imposes both a legal and a moral obligation upon the United States. The only way to escape that obligation would be to treat this covenant as a scrap of paper. There is indeed no way to enforce an obligation against a sovereign nation except by the bloody mandamus of war.

We obtain no benefits in compensation for these tremendous, these tragic promises except that in case Carranza should recapture Texas, then Liberia, Haiti, and Siam will rush to the rescue. [Laughter.] I am not willing to assume such obligations proposed by this amendment or any other. I am not willing for the United States to become the Don Quixote of the twentieth century.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Oklahoma to the amendment offered by the Senator from Nebraska. [Putting the question.]

Mr. HITCHCOCK. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Nebraska asks for the yeas and nays. Is there a second?

Mr. ROBINSON. Mr. President, I think there is some misunderstanding. I understand the Senator from Nebraska desires the yeas and nays on his amendment.

Mr. HITCHCOCK. On the amendment of the Senator from Pennsylvania, which I have proposed.

The PRESIDENT pro tempore. Does the Senator from Nebraska ask for the yeas and nays upon the amendment of the Senator from Oklahoma or upon his own amendment?

Mr. HITCHCOCK. Upon my amendment.

The PRESIDENT pro tempore. It was upon the amendment of the Senator from Oklahoma that the Senator asked for the yeas and nays.

Mr. HITCHCOCK. I understood that was defeated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Oklahoma to the amendment of the Senator from Michigan is rejected. The question now is upon the amendment offered by the Senator from Nebraska.

Mr. KNOX. Mr. President, I only wish to observe, in reply to the suggestion made by the Senator from Nebraska, that it is not the amendment of the Senator from Pennsylvania; it is a part of a resolution offered by the Senator from Pennsylvania on which he could not get a vote in the Foreign Relations Committee when the Senator from Nebraska was chairman of that committee.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Oklahoma, on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as before, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KELLOGG (when his name was called). Making the same announcement as to my pair, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KING (when his name was called). Making the same announcement that I made upon the preceding roll call, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KNOX (when his name was called). I renew the announcement made on previous roll calls, and withhold my vote.

Mr. TOWNSEND (when Mr. NEWBERRY's name was called). Making the same announcement as to the necessary absence of my colleague [Mr. NEWBERRY] and his pair with the senior Senator from Alabama [Mr. BANKHEAD], I will state that if present he would vote "nay."

The roll call was concluded.

Mr. OVERMAN. I again make the same announcement as on past roll calls with reference to my colleague [Mr. SIMMONS]. If present, he would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Minnesota [Mr. NELSON] is paired with the Senator from Arizona [Mr. SMITH] and the Senator from New York [Mr. WADSWORTH] is paired with the Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 34, nays 45, as follows:

YEAS—34.

Ashurst	Hitchcock	Owen	Stanley
Beckham	Johnson, S. Dak.	Phelan	Thomas
Dial	Jones, N. Mex.	Pittman	Trammell
Fletcher	Kendrick	Ransdell	Underwood
Gay	Kirby	Robinson	Walsh, Mont.
Gerry	McKellar	Sheppard	Williams
Harris	Myers	Smith, Ga.	Wolcott
Harrison	Nugent	Smith, Md.	
Henderson	Overman	Smith, S. C.	

NAYS—45.

Ball	Fernald	Lodge	Sherman
Borah	France	McCumber	Smoot
Brandegee	Frelinghuysen	McLean	Spencer
Calder	Gore	McNary	Sterling
Capper	Gronna	Moses	Sutherland
Colt	Hale	New	Townsend
Cummins	Harding	Norris	Walsh, Mass.
Curtis	Johnson, Calif.	Page	Warren
Dillingham	Kenyon	Penrose	Watson
Edge	Keyes	Phipps	
Elkins	La Follette	Poindexter	
Fall	Lenroot	Reed	

NOT VOTING—16.

Bankhead	Kellogg	Nelson	Simmons
Chamberlain	King	Newberry	Smith, Ariz.
Culberson	Knox	Pomerene	Swanson
Jones, Wash.	McCormick	Shields	Wadsworth

So Mr. HITCHCOCK's amendment to reservation No. 3, offered by Mr. LODGE on behalf of the committee, was rejected.

The PRESIDENT pro tempore. The question now is upon reservation numbered 3, offered by the Senator from Massachusetts [Mr. LODGE] on behalf of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KELLOGG (when his name was called). Making the same announcement of my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KING (when his name was called). Making the same announcement with respect to my pair with the senior Senator from Tennessee [Mr. SHIELDS], who is absent on account of illness, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KNOX (when his name was called). I renew my previous announcement. If at liberty to vote, I should vote "yea."

Mr. TOWNSEND (when Mr. NEWBERRY's name was called). I again announce the necessary absence of my colleague [Mr. NEWBERRY] on business of the Senate and his pair with the senior Senator from Alabama [Mr. BANKHEAD]. If my colleague were present, he would vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I make the same announcement with regard to my colleague [Mr. SIMMONS]. On this question, if present, he would vote "nay."

Mr. GERRY (when the name of Mr. SMITH of Arizona was called). The Senator from Arizona [Mr. SMITH] is paired with the Senator from Minnesota [Mr. NELSON]. If the Senator from Arizona were present, he would vote "nay."

Mr. CALDER (when Mr. WADSWORTH's name was called). I announce the absence of my colleague [Mr. WADSWORTH] on necessary business of the Senate. If he were present, he would vote "yea." He is paired with the senior Senator from Ohio [Mr. POMERENE].

The roll call was concluded.

Mr. REED. I desire to announce that the Senator from Tennessee [Mr. SHIELDS] is absent on account of the condition of his health. He is paired; and on this question, if he were present, he would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Ohio [Mr. POMERENE] is absent on business of the Senate. He is paired with the Senator from New York [Mr. WADSWORTH]. If present, the Senator from Ohio would vote "nay." I also wish to announce the absence on public business of the senior Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Virginia [Mr. SWANSON], and the Senator from Arizona [Mr. SMITH].

The result was announced—yeas 46, nays 33, as follows:

YEAS—46.

Ball	Fernald	Lodge	Sherman
Borah	France	McCumber	Smith, Ga.
Brandegee	Frelinghuysen	McLean	Smoot
Calder	Gore	McNary	Spencer
Capper	Gronna	Moses	Sterling
Colt	Hale	New	Sutherland
Cummins	Harding	Norris	Townsend
Curtis	Johnson, Calif.	Page	Walsh, Mass.
Dillingham	Kenyon	Penrose	Warren
Edge	Keyes	Phipps	Watson
Elkins	La Follette	Poindexter	
Fall	Lenroot	Reed	

NAYS—33.

Ashurst	Hitchcock	Owen	Thomas
Beckham	Johnson, S. Dak.	Phelan	Trammell
Dial	Jones, N. Mex.	Pittman	Underwood
Fletcher	Kendrick	Ransdell	Walsh, Mont.
Gay	Kirby	Robinson	Williams
Gerry	McKellar	Sheppard	Wolcott
Harris	Myers	Smith, Md.	
Harrison	Nugent	Smith, S. C.	
Henderson	Overman	Stanley	

NOT VOTING—16.

Bankhead	Kellogg	Nelson	Simmons
Chamberlain	King	Newberry	Smith, Ariz.
Culberson	Knox	Pomerene	Swanson
Jones, Wash.	McCormick	Shields	Wadsworth

So reservation No. 3, offered by Mr. LODGE on behalf of the committee, was agreed to.

Mr. LODGE. Mr. President, in accordance with the rule I make the motion which I send to the desk, in response to a request signed by more than 16 Senators.

The PRESIDENT pro tempore. Under Rule XXII it becomes the duty of the presiding officer to state the motion, which is that the undersigned Senators, more than 16 in number, move that debate upon the pending measure (the treaty of peace with Germany) be brought to a close. The motion will be filed according to the rule, and lie on the table until it is properly brought before the Senate.

Mr. NORRIS. I ask that the request be printed in the RECORD, together with the signatures.

The PRESIDENT pro tempore. The request will be printed in the RECORD, with the names of the Senators who have signed the application.

The request is as follows:

UNITED STATES SENATE,
Washington, D. C., November 12, 1919.

The undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate upon the pending measure—the treaty of peace with Germany—be brought to a close.

LAWRENCE C. PHIPPS.	THOMAS STERLING.
DAVIS ELKINS.	ALBERT B. CUMMINS.
ARTHUR CAPPER.	GEORGE H. MOSES
WALTER E. EDGE.	SELDEN B. SPENCER.
CHARLES E. TOWNSEND.	HENRY W. KEYES.
W. L. JONES.	P. J. MCCUMBER.
CHARLES CURTIS.	LEBARON B. COLT.
G. W. NORRIS.	JAMES E. WATSON.
W. M. CALDER.	REED SMOOT.
H. C. LODGE.	GEORGE P. MCLEAN.
FRANK B. KELLOGG.	KNUTE NELSON.
FREDERICK HALE.	W. P. DILLINGHAM.
I. L. LENROOT.	HARRY S. NEW.
CHARLES L. MCNARY.	W. G. HARDING.
L. HEISLER BALL.	WILLIAM S. KENYON.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I yield to the Senator.

EMBARGO ON DYES AND COAL-TAR PRODUCTS.

As in legislative session,

Mr. PENROSE. Mr. President, I reported favorably yesterday, from the Committee on Finance, the joint resolution (S. J. Res. 125) to continue the control of imports of dyes and coal-tar products. It is a joint resolution of great importance. It will not lead to much discussion, I think, and I ask unanimous consent to have it considered at this time.

The PRESIDENT pro tempore. Is there objection to the consideration of the joint resolution?

Mr. SMITH of Georgia. I object, Mr. President. I know that the senior Senator from North Carolina [Mr. SIMMONS] expressed a desire on yesterday to be here when the joint resolution is taken up.

Mr. PENROSE. If that is the only objection the Senator from Georgia entertains, I will say that I saw the ranking minority member of the Finance Committee, the senior Senator from North Carolina, and I think he approves of the joint resolution with an amendment, which I shall offer in his absence and which he would have offered had he been present. He told me that he could not remain in the Chamber this evening.

Mr. SMITH of Georgia. If the Senator will let it go over until Saturday, I think I will have definite information upon the subject by that time. To-night I really do not feel that I ought to agree to unanimous consent for its consideration.

Mr. PENROSE. Mr. President, I only want to tell the Senator that he is taking some responsibility in having it go over. I do not know what will be the result, but the talk in the House of Representatives is that that body will, under some form, adjourn or take a recess on Saturday, and as the joint resolution will be amended here, the amendment will have to be concurred in by the House. If the House does not remain in session and the joint resolution has to wait until Saturday, it is hardly worth while for me to detain the Senate by considering it.

Mr. SMITH of Georgia. I have not investigated the matter. I am not now on the Finance Committee. I have just heard from two of my associates nearby that their advices are that the objections that I thought might be made will not be made, and unless some member of the Finance Committee or some other Senator presses the objection, I do not feel called upon to do so.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. ROBINSON. Mr. President, pending the request of the Senator from Pennsylvania I ask him if he will have read the amendment that he proposes to offer?

Mr. PENROSE. Yes. I will ask the Secretary first to read the part of the joint resolution which the Finance Committee has agreed to, having struck out the balance.

Mr. SMITH of Georgia. It is a very short extension, I understand.

Mr. PENROSE. To the 15th of January, 1920.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Resolved, etc., That notwithstanding the prior termination of the war the provisions of the trading-with-the-enemy act, approved October 6, 1917, and of any proclamation of the President issued in pursuance

thereof which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar are continued until January 15, 1920.

Mr. PENROSE. If any Senator desires the remainder of the joint resolution read, it can be read for information, but it has been stricken out, and an amendment has been submitted. I think I am entirely justified in saying that the ranking minority member of the Finance Committee would have offered it himself had he been here. I endeavored to see the Senator from Arkansas [Mr. ROBINSON] a little earlier in the afternoon with a desire of asking him to offer it, if it met with his approval.

Mr. ROBINSON. Will the Senator have the amendment that he intends to offer read now?

Mr. PENROSE. Certainly.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The Secretary read as follows:

During the period between the passage of this joint resolution and January 15, 1920, the War Trade Board section of the Department of State shall not issue to any person, corporation, partnership, or association any license or permit to import into the United States any dye or coal-tar product which is produced in the United States in quantities sufficient to meet the requirements of the consuming trades, nor for any substitute therefor, and during such period no person, corporation, partnership, or association shall import into the United States any dye or coal-tar product except by virtue of a license or permit from the War Trade Board section of the Department of State.

Mr. ROBINSON. I call the attention of the Senator from Pennsylvania to what I think is a typographical error in the amendment. I think the word "due" should be "dye."

Mr. PENROSE. Yes; I presume so.

Mr. ROBINSON. I have no objection to the consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. DIAL. I object.

Mr. WILLIAMS. Mr. President, I object to its consideration, and I want to explain why.

Mr. PENROSE. May I be permitted to say a few words before he states his objection?

Mr. WILLIAMS. Certainly.

Mr. PENROSE. Mr. President, this has been a very difficult subject before the Finance Committee on account of the parliamentary situation. I will state candidly that I am not persuaded as to what ought to be done in connection with the proper protection of the dyestuff industry. But it was impossible to go into an extended hearing, as will be required, while this peace treaty is under consideration. It was contended by the producers of dyestuffs that unless they were absolutely protected during the era of peace, before legislation could be passed, it being assumed that final disposition would be made of the treaty at an early day, peace will come, and Germany is so ready to swamp the American market with the dye products that the American industries would be ruined forever. This is simply an attempt, whether rightly or wrongly I do not contend, to give the producers of dyestuffs and the textile, silk, and other manufacturers, as well as consumers, an interregnum, so as to permit the Finance Committee to give fair and just consideration to this very important matter. That is all I have to say.

Mr. WILLIAMS. Mr. President, I yielded to the Senator from Pennsylvania to make his explanation. I understood the Senator to say that there were quite extensive hearings before the Finance Committee.

Mr. PENROSE. No; but there will have to be hearings.

Mr. WILLIAMS. The committee had no hearings at all.

Mr. PENROSE. I did not say they had. I said we will be compelled to have hearings. I could not get a quorum of the committee, and I enlisted the interests of such members as I could to attend a conference with every interest concerned to see how we could bridge over the period until Congress could act.

Mr. WILLIAMS. Mr. President, I believe I have the floor. I yielded to the Senator for one explanation.

Mr. President, the Finance Committee, as a committee, had a meeting upon this question, and it had but one meeting. There were no hearings of any description before it, of course, as the Senator says. During that meeting there were two propositions presented, in the form of a bill. The first was to stop all importations of dyestuffs and of certain coal-tar preparations out of fear that Germany might dump them on us in a little while.

The second proposition was to shut off the power of the President and of this War Trade Board to issue any licenses during that time. Opposition was made by several of us—I amongst others—on the ground that the United States Government ought to keep a whip hand over the situation, and that if we just simply forbade the importation of these products, then the men who managed the production of them, in partnership with the men who were the immediate consumers but not the ultimate consumers, could arrive at an arrangement whereby the ultimate consumer could be robbed and gross profiteering could take place. There was an answer made to that to the effect that the mill owners did not object to what the producers of these products wanted to do. The answer was made in turn to that that of course if they entered into an agreement with one another, they could profiteer together at the expense of the general public, and that therefore the second clause of the original bill, which forbade the issuance of licenses to anybody to import under any circumstances, should be stricken out of the bill.

Even a threat to grant a license to import could prevent profiteering. Even the knowledge of the power on the part of governmental agencies to issue such licenses would or could operate as a deterrent.

The Finance Committee adopted that joint resolution but struck the last provision out, and sent the joint resolution here with a favorable report for the first proposition, down to the middle of line 9, on the first page. So what the Finance Committee did was to agree that we should forbid importation of these dyestuffs, but should leave the governmental board so that it could, if these people attempted to profit unduly by the situation, at least threaten them with the issuance of licenses to import or issue the licenses.

That was the action of the Finance Committee, and I am not prepared to agree, by unanimous consent, that we shall consider something as done by the Finance Committee that never was done by it, or that we shall agree to take up for immediate consideration something that did not receive the committee's approval. That is the explanation of my objection.

Mr. FRELINGHUYSEN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. I yield to the Senator.

Mr. FRELINGHUYSEN. Mr. President, I simply want to explain the situation to the Senator.

Mr. WILLIAMS. I beg the Senator's pardon, if that is the object of his interruption; the situation has been explained fully to the Senator from Mississippi. People are afraid that there might come in shiploads of stuff from Germany, especially dyestuffs and certain coal-tar preparations which are used in drugs and other things.

I agree heartily that such a menace must be met, and I voted in the committee to stop the importation. But when they wanted to pass a second proposition, which was to stop all licenses in the meantime, and thereby leave these people free to profiteer who naturally will be profiteering, because it is to their interest to profiteer, then upon my own motion in the committee the latter part of the bill was stricken out.

Now, Mr. President, one more word. I think this is a matter that ought to be sent back to the committee for the purpose of seeing whether the committee is willing to agree to this modified amendment of the second clause which by the committee itself was stricken out. If the committee wants to modify it, a meeting can be held very quickly. In the meanwhile, however, I object to its immediate consideration, because I am not prepared to vote for it.

Mr. FRELINGHUYSEN. Will the Senator withhold his objection for a moment?

Mr. WILLIAMS. Reserving the right to object, I yield to the Senator from New Jersey, not the floor, but for an interruption.

Mr. FRELINGHUYSEN. I thank the Senator. The joint resolution is an emergency measure, and very necessary at the present time. There has been established during the war an industry producing nearly $80,000,000 worth of dyes a year. This industry will be captured by Germany unless some relief legislation of this character is immediately passed. It gives the power to the War Trade Board, in the Department of State, to issue licenses for dyes that are unobtainable and not manufactured in this country, and to prevent the issuance of licenses for dyes that are obtainable, in order that the industry may be maintained in this country. Unless some legislation of this character is passed it means that within the next few weeks, or possibly within a month, Germany will ship enough dyes into this country to crush this industry, which we have boasted that we were going to capture.

On this floor the Senator from Mississippi and many other Senators have said that we were going to crush Germany's industrial influence in this country.

Mr. WILLIAMS. I never said so; certainly not in those general terms.

Mr. FRELINGHUYSEN. The time has now come to test the sincerity of those statements. If you are going to do it, it is

necessary that the joint resolution shall be passed now. It does not give an undue advantage to any manufacturer in this country, and the ranking member of the minority in the Finance Committee has agreed to this amendment as it is drawn, knowing that it is necessary at this time to protect the industry in this manner.

This simply places in the hands of the Department of State the power to restrict the importation of certain dyes that are obtainable in this country until January 15, 1920, as an ad interim safeguard. That is all it is. In the meantime the Finance Committee can consider what legislation is necessary, protective or otherwise, in order to protect this industry.

Mr. WILLIAMS. Mr. President, I recognize this as an emergency measure. I have already implied that by my observations upon the floor. I so expressed myself in the committee. Notwithstanding a long record somewhat at variance with the proposition presented, I agreed that under the particular circumstances as affecting this particular industry at this particular time I would vote to shut off the importation.

Now, the Senator tells me that our American industry will be totally ruined by German dumping. If the proposition is passed just as the Finance Committee adopted it, without this second proposition, then importations from Germany are cut off and Germany can not dump anything upon us in order to ruin our industries if the importation is cut off until January 15, as I believe the date is. Nobody can "dump" on you goods which he can not import. I agree to forbid importation for the limited time provided in the bill and with the existing license safeguards to check profiteering.

There came along after that this question; a duty to the American people was involved. The ultimate consumers, who buy the products, in the shape of clothes and medicine, into which these products enter, were concerned. The committee took the view, and the committee acted unanimously, so much so that the chairman never even put the motion to the committee, but announced that the committee had agreed that the second clause of the original bill would be stricken out and the second clause was stricken out. The committee agreed to a report adopting just the first clause, and that first clause reads as follows——

Mr. DIAL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. WILLIAMS. I will in a moment. That first clause reads as follows:

That notwithstanding the prior termination of the present war, the provisions of the trading-with-the-enemy act, approved October 6, 1917, and of any proclamation of the President issued in pursuance thereof which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar are continued until January 15, 1920.

That was what the Finance Committee agreed to. They agreed to strike out the balance, which is now represented in a modified form.

How can the Senator from New Jersey say that if the joint resolution is passed in that shape there should be any danger of German dumping? How can a thing be "dumped" which can not be landed? There is a plain proposition to stop importation in the bill as amended and reported by the Finance Committee.

But it had originally a provision in it, that during that period "neither the President nor the War Trade Board section of the Department of State nor any other agency of the Government should issue any licenses." I made the point, and it was not made by me alone, but by three or four other Senators—one of them, as I remember now, a Republican—that that would leave the Government helpless against profiteering——

Mr. PENROSE. Will the Senator permit me?

Mr. WILLIAMS. Certainly.

Mr. PENROSE. I will withdraw the amendment and with the help of the Senator from Mississippi endeavor to pass the joint resolution as reported from the committee and as amended by him.

Mr. WILLIAMS. I shall be very glad, indeed, to do that.

Mr. DIAL. Mr. President——

The PRESIDENT pro tempore. The joint resolution is not under consideration.

Mr. PENROSE. I understand that we are trying to get rid of these "conscientious objectors."

Mr. DIAL. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. WILLIAMS. I am afraid the Senator from South Carolina did not understand it.

Mr. DIAL. I object, anyway.

The PRESIDENT pro tempore. Objection is made. The joint resolution goes to the calendar.

RECESS UNTIL SATURDAY.

Mr. BRANDEGEE. In accordance with the understanding hereofore entered into, I move that the Senate now take a recess until Saturday morning at 10 o'clock.

The motion was agreed to; and (at 7 o'clock and 5 minutes p. m.) the Senate, as in open executive session, took a recess until Saturday, November 15, 1919, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *November 13, 1919.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we thank Thee for the cordial and amicable relations existing between Great Britain and our Government; hence our people with the President and the dignitaries of State and Nation extend a warm greeting to our distinguished guest the Prince of Wales, who represents his illustrious father.

Long may the friendly relations exist between the two great nations as an example to all the world.

Once more in the dispensation of Thy providence, our Father, are we called upon to mourn the loss of a well-beloved, wise, honest, conscientious statesman, who will be sorely missed by his colleagues in the Senate and a host of friends throughout his State and Nation. May the immortality of the soul comfort them, especially the bereaved children, through Him who died and rose from the dead and ascended into heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

ZION NATIONAL PARK.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on an act to (S. 425) establish the Zion National Park in the State of Utah.

The Clerk read the report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to an act (S. 425) to establish the Zion National Park in the State of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress"; and the Senate agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
JAS. H. MAYS,
Managers on the part of the House.

REED SMOOT,
ALBERT B. FALL,
HENRY L. MYERS,
Managers on the part of the Senate.

STATEMENT.

The effect of the change agreed upon in conference is to strike from the House amendment the following language: "Provided alienated land shall be acquired in the discretion of the Secretary of the Interior at a cost of not more than $5 per acre."

There are only 80 acres of alienated land in the proposed park.

It is not desired to purchase said land.

N. J. SINNOTT,
ADDISON T. SMITH,
JAS. H. MAYS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 36 ayes and 3 noes.

So the conference report was agreed to.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I call up the bill H. R. 9821 on the Speaker's table, with a Senate amendment.

The Senate amendment was read.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Is it not necessary to have unanimous consent?

The SPEAKER. It is; but the gentleman has not yet asked for it.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and for other purposes," disagree to the Senate amendment, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 9821, disagree to the Senate amendment, and agree to the conference asked for. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman whether he would like to give the House the benefit of the position that he will take as one of the conferees on what is known as the Myers amendment.

Mr. MAPES. Of course, Mr. Speaker, the conferees have had no opportunity to consider that amendment.

Mr. BLANTON. I presume the chairman is requesting the House to disagree to the Senate amendment as a pro forma request in order to get the matter to conference.

Mr. MAPES. Yes.

Mr. BLANTON. That would not indicate that the chairman or the conferees would be against any amendment; it is merely an effort to get the matter to conference.

Mr. MAPES. It does not indicate that the conferees are for or against the amendment.

Mr. BLANTON. Before the conferees would agree to strike out the Myers amendment, it being in accordance with the position of this House, taken both with respect to the police and with respect to the firemen as a part of the civil employees of the Government, whether or not before he would vote to strike out the Myers amendment he would give the House an opportunity to pass upon and discuss that question.

Mr. MAPES. I do not think I could bind the conferees of the House in that respect.

Mr. BLANTON. The gentleman could assure us of some chance to be heard on a serious proposition of that kind, I take it.

Mr. BABKA. The regular order, Mr. Speaker.

The SPEAKER. The gentleman from Ohio demands the regular order.

Mr. BLANTON. If the regular order is going to be demanded and we can not get any light on the subject, I will object.

Mr. BRIGGS. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. ESCH. Mr. Speaker, I move a call of the House.

The motion was agreed to; accordingly the doors were closed and the Sergeant at Arms directed to notify the absentees. The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Davis, Tenn.	Goodykoontz	McCulloch
Andrews, Md.	Dent	Graham, Ill.	McFadden
Anthony	Donovan	Green, Iowa	McKenzie
Ashbrook	Dooling	Griffin	McKeown
Baer	Doremus	Hardy, Colo.	McLaughlin, Nebr.
Begg	Drane	Harrison	McPherson
Bell	Dunn	Haskell	Maher
Benham	Eagan	Hays	Major
Bland, Ind.	Eagle	Howard	Mann, Ill.
Boies	Echols	Ireland	Mason
Booher	Ellsworth	Jacoway	Moon
Brand	Evans, Mont.	Jefferis	Moore, Pa.
Britten	Fairfield	Johnson, Ky.	Moores, Ind.
Browne	Ferris	Johnson, S. Dak.	Mudd
Burdick	Fess	Johnston, N. Y.	Neely
Cannon	Flood	Jones, Pa.	Newton, Minn.
Cantrill	Focht	Kendall	Newton, Mo.
Caraway	Fordney	Kennedy, Iowa	Nicholls, S. C.
Carew	Fuller, Ill.	Kettner	Nichols, Mich.
Carter	Gallivan	Kiess	Nolan
Casey	Gandy	Kleczka	Osborne
Cleary	Garland	Kraus	Peters
Costello	Garner	Kreider	Phelan
Crisp	Godwin, N. C.	Langley	Platt
Crowther	Goldfogle	Lee, Ga.	Pou
Curry, Calif.	Good	Longworth	Purnell
Davey	Goodall	McAndrews	Rainey, H. T.
Davis, Minn.	Goodwin, Ark.	McArthur	Rainey, J. W.
Ramsey	Sabath	Steenerson	Watkins
Reavis	Sanders, Ind.	Stephens, Miss.	Watson, Pa.
Reber	Sanders, N. Y.	Stoll	Watson, Va.
Reed, W. Va.	Schall	Sullivan	Webster
Rhodes	Scully	Summers, Wash.	Wilson, Ill.
Riddick	Sherwood	Taylor, Ark.	Woods, Va.
Riordan	Shreve	Thomas	Woodyard
Rodenberg	Sinclair	Tincher	Yates
Rogers	Slemp	Venable	
Rowan	Smith, N. Y.	Vinson	
Rucker	Steagall	Ward	

The SPEAKER. Two hundred and seventy-two Members have answered to their names; a quorum is present.

Mr. ESCH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. MAPES. Mr. Speaker, I renew my request, and I ask unanimous consent to take from the Speaker's table the bill H. R. 9821.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table for consideration the bill H. R. 9821, the police salary bill, with Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9821) amending an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, is it the purpose to send this bill to conference or move to concur? I think the House ought to know the purpose of taking it from the Speaker's table.

Mr. MAPES. Mr. Speaker, in answer to the gentleman from Massachusetts, I will say that my purpose in asking unanimous consent to take the bill from the Speaker's table is in order to make it possible, if the request be granted, to make a motion to disagree to the Senate amendment and agree to the conference asked for by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. MONDELL. Mr. Speaker, reserving the right to object, if the gentleman will make his unanimous-consent request to take the bill from the Speaker's table and agree to the conference asked for by the Senate, then the Senate amendment and the consideration of the matter can be disposed of by unanimous consent and without a motion.

Mr. MAPES. I will say to the gentleman from Wyoming that I made the request before the point of no quorum was made, and objection to it was made, and I had the assurance during the roll call that objection would be made to it if I renewed it. For that reason I have asked unanimous consent to take the bill up, and then, if that request is granted, I will have the right under the rule to make a motion to disagree to the Senate amendment and agree to the conference.

Mr. MONDELL. Mr. Speaker, the effect of that would afford an opportunity to make a motion to concur or make a motion to instruct. I do not think at this time the House ought to take the time from the consideration of the railroad bill to vote on the matters involved in this bill. If the gentleman will submit a request to agree to the conference and insist——

Mr. BLANTON. Regular order, Mr. Speaker, on the request.

The SPEAKER. Is there objection?

Mr. MONDELL. If the gentleman will make the request——

Mr. BLANTON. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands the regular order. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9821, to disagree to the Senate amendment, and agree to the conference asked for by the Senate.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. Objection is made.

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, the railroad bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

Mr. MERRITT. Mr. Chairman, yesterday afternoon a letter from Mr. Hines, director of railways, was read to the House dealing with some very important points in the pending bill and criticizing some of them. I have here, addressed to the chairman, a letter from the railway executives through their counsel, replying to Mr. Hines's letter. It seems to me that if Mr. Hines is entitled to put his views before the House it would be proper and would be enlightening, and I am sure the House wants to be enlightened, to hear the letter from the railway executives, and therefore I ask unanimous consent that this letter may be read by the Clerk.

The CHAIRMAN. Without objection, the Clerk will read the communication referred to.

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman how many pages this letter has?

Mr. MERRITT. It is about the same length as Mr. Hines's letter.

Mr. BLANTON. May I ask how many pages of typewritten matter? Will the Clerk so inform us?

The CHAIRMAN. The Chair is informed that there are nine typewritten pages.

Mr. BLANTON. Mr. Chairman, I think it is a waste of time, and I object.

Mr. MADDEN. Oh, I hope the gentleman will not object.

Mr. BLANTON. I withdraw it if the gentleman thinks it will be helpful.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ASSOCIATION OF RAILWAY EXECUTIVES,
Washington, D. C., November 12, 1919.

Hon. JOHN J. ESCH,
Chairman Committee on Interstate and Foreign Commerce,
Washington, D. C.

MY DEAR MR. ESCH: Mr. Sherley has kindly furnished me this afternoon with a copy of Mr. Hines's letter to you of the 11th instant. I have learned in the last few moments that this letter was read on the floor of the House this afternoon.

I am sorry I have not a more adequate opportunity to write a reply.

The first point made in this letter against section 205 of your bill H. R. 10453, as reported by your committee to the House, is that the reciprocity arrangement as to interest between the Government and the carriers is unjust to the Government.

The provision is that the Government will fund that part of the indebtedness to the carriers for additions and betterments, which in the bill it agrees to fund, at the same rate of interest which the President fixes as reasonable to pay to the carriers for the use, during Federal control, of the additions and betterments created by the indebtedness which is thus to be funded.

When it is remembered that these additions and betterments were made and put upon the carriers by the Government, some with and some without their concurrence, that this was done under war conditions, when capital could not be raised by the carriers under the ordinary condition of long-time loans, but was left as amounts immediately due, and that this was done in order that the Government might manage the roads in the interest of the public, which necessitated putting aside every private interest of the carriers, it must be admitted that it is not unreasonable to expect the Government now to fund and carry this capital indebtedness, created under the conditions above mentioned, for a period of 10 years as fixed by the bill.

When it is further remembered that the money raised by the indebtedness so created was, except as to certain capital obligations of a few carriers theretofore existing, expended to produce additions and betterments which the Government used for the public benefit during Federal control, and that the Federal control act, section 4, promised in advance that the President would pay for such use a reasonable rate of interest on the cost of such additions and betterments, which was to be fixed by him, it is manifestly fair that the Government should be expected to receive on any indebtedness due it for such additions and betterments the same rate of interest which the President fixes as reasonable for the Government to pay on the cost of such additions and betterments for their use during Federal control. The prevailing rate of interest during Federal control is now certainly as high as it will be in the next 10 years. If there is any change during this 10 years it will be downward. The carriers, if they pay on the funded debt the same rate that is reasonable during Federal control, will be paying a very liberal rate.

It is beside the question to consider the subject from the standpoint of the rate of interest which the Government is paying on the money it borrows. That, in my judgment, has nothing to do with this question. It is in the hands of the Government to say what rate will, under the circumstances, be reasonable. It can ignore the rate it is paying for money and fix the rate as high as 6 per cent, if the President deems that the reasonable rate. We only ask that the Government will take what it gives.

From the letter of the director general, it is apparent that our only chance of getting it is for Congress to settle the matter in this bill. Otherwise, notice is, by the letter referred to, served upon us that the Government will, through its executive branch, fix a different and a lower rate for it to pay than it asks Congress, the legislative branch, to fix for it to receive.

We respectfully insist that the principle of reciprocity is here a just principle; that the Government has the right, uncontrolled by the carriers, to fix a rate that is reasonable, and that such rate as is thus fixed as reasonable shall apply not only where the Government pays but where the Government receives. As it fixes the terms it should be willing to take the same rate that the Government representatives fix as reasonable for it to pay.

The second point made by the director general is that such amounts due by him to the carriers for compensation, etc., as the bill permits him to use as an offset to the carriers' indebtedness to him, should be deductible by him from the capital indebtedness the carriers owe him for additions and betterments; in other words, that the current income of the carriers should be diverted by the Government from current uses of the carriers and applied to pay their capital indebtedness. The distinction between capital indebtedness and current indebtedness is universal. Capital indebtedness must be provided for, for the most part, from capital sources, and can not in the nature of things be provided from current income. Except in the most prosperous businesses, with the most abundant income, this is never done, unless in a very limited degree. It should not now be attempted by the Government in the case of these carriers.

At best, the conditions under which they will resume the duty to furnish transportation adequate to the needs of the public will be difficult. Their difficulties should not be increased by requiring them to undertake the duty with empty treasuries. Their current assets should not be swept away to pay capital indebtedness for additions and betterments created for them under war conditions, and under conditions when it was impossible, because the Government was absorbing the entire financial capacity of the public for war purposes, for them to provide for the needed capital by the issue of long-term securities.

This is not a question in which the carriers alone are interested. The public is interested that the carriers should be in a position to furnish adequate transportation when their properties are returned to them. Why throw any obstacle in the way of their performing this public duty and service by sweeping away their current assets to pay an indebtedness incurred for capital purposes, and prevented at the time from being capitalized by the need that the financial resources of the Government should be diverted to the public defense in time of war? The effect of making the application of the set-offs to capital indebtedness instead of to current indebtedness would be to leave the carriers with a large amount of indebtedness immediately due of which they might be relieved by applying their current assets to current liabilities, and would likewise, because of this indebtedness thus left due on demand, greatly hamper, if not entirely prevent, them from going into the market to borrow money for their capital purposes which will be most pressing.

The third point made by the director general is that the Government should not be required to furnish the carriers with any working capital, except such assets as he may choose to leave in their hands with which to pay the Government's debts for current operations during Federal control. Such assets in no proper sense constitute working capital. They are sums owned by the Government and which the carrier is required by the standard contract to use to pay the Government's debts incurred for operation during Federal control.

It must be noted that the bill does not provide for any working capital, except in cases where the Government is indebted to the carrier, and in that case requires only that the amount of one month's operating expenses, if so much is due, shall not be deducted by the Government in ascertaining the amount which the Government will fund.

The fact that this does not apply except in cases where the money is due is used as an argument to show that no provision of a working capital is made for the roads which need it most. No such provision could be made for such roads where nothing is due to them, unless the Government is willing to pay money it does not owe; and this is not provided for by the bill. Whether the bill should go further and provide for the advancement of Government funds to the carriers to which it owes nothing is for Congress to determine. I do not understand, however, that the director general makes any such recommendation.

It will be observed, however, that, if the director general's argument is sound, that no working capital is needed because of the assets which will be left in the hands of the carriers to pay the debts of the Government, there is nothing in the bill to prevent the Government from leaving in the hands of the carriers, which the director general describes as most needy, any amount of assets it pleases, and the roads which, to use the expression of the director general, "need working capital most," would thus be provided for as well as the director general proposes to provide for the roads to which he owes money.

If the director general does owe a road money, is it not fair, as well as in the public interest, that there should be a working capital to help the carrier to whom this debt is due to restore its organization, regain its traffic, get back from other roads its scattered equipment and repair it, and thus put itself in a position to perform promptly and adequately its public duties? To deny this to the carriers to whom the money is due, because there are other carriers to whom it is not due, is to assert that the entire transportation of the country must be crippled because some of it can not be furnished money which is not due.

To say that all the purposes for which the carriers, on the return of their property to them, will so much need ready money are provided for by the assets that the Government will leave in their hands to pay the Government's debts for operation during Federal control is to assert that the carriers will be furnished with a working capital in receiving money which does not belong to them and which they must use to pay the Government's debts, and to refuse them for the purpose of conducting their operation money which does belong to them, and which therefore they can use without having to account for and repay it.

The difference is wide between the situation at the beginning of Federal control and the situation at the end.

At the beginning of Federal control the Government agreed to use any current assets of the carriers which came into its hands to pay the carriers' overlapping debts, but did not contract to pay the carriers' debts in excess of the amounts so received. At that time the carriers owed the Government nothing.

At the end of Federal control the carriers likewise promised, to the extent that any current assets of the Government are left in their hands by the Government, to pay the Government's overlapping debts due for current operations during Federal control.

But in the latter case the Government does owe the carriers money. Whatever it leaves in the carriers' hands to pay the Government's debts will not be in payment of the amount the Government owes the carriers but will be a fund provided by the Government to pay its own debts.

The question therefore presented is whether when the Government owes any carrier compensation for the use of its property during Federal control it shall insist upon using this compensation to pay the capital indebtedness of the carrier for additions and betterments or shall, to the extent of a reasonable working capital, put the carrier in the position to meet the difficult situation which will confront it in the resumption of its transportation duties.

It is manifestly in the public interest that the carriers shall be in position to meet their transportation duties as far as this can be done.

Which is best for the public, to have those of them do this to which an amount adequate for the purpose is due or to deprive all of them, although the amount may be due some for the use of their properties during Federal control, of a reasonable working capital in order to collect a debt now instead of at the end of the proposed funding period of 10 years?

As stated in a previous part of this letter, it is not only fair but eminently wise—not "unduly liberal"—for the Government to fund the entire indebtedness of these carriers put upon them during the war and under the circumstances above mentioned, when they had no opportunity to provide capital funds by the issue of long-time obligations. Instead of doing this the pending bill, as it now stands, absorbs for the immediate payment on account of this capital indebtedness many millions of current assets badly needed by the carriers in the emergency of tangled finance and resumed transportation duties which confront them.

It may be safely assumed that if there is any carrier so exceptionally situated financially as to be able to pay any part of its capital indebtedness out of its current assets, it will gladly do so for funding for a period no longer than 10 years is by no means attractive to those who can do anything else.

Very sincerely and respectfully, yours,

ALFRED P. THOM.

Mr. ESCH. Mr. Chairman——

The CHAIRMAN. All time has expired upon pending amendments. The gentleman from Wisconsin.

Mr. ESCH. Mr. Chairman——

Mr. MADDEN. Mr. Chairman, I think we ought to have more time to debate this.

Mr. ESCH. Mr. Chairman, I move that debate on section 205 and amendments thereto close in 30 minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman include in that request that the time be equally divided between those in favor of the amendment and those against the amendment, and not have it all taken up by one side?

Mr. ESCH. It was my intention to have the control of the time in the Chairman.

Mr. SIMS. Mr. Chairman, on account of the great importance of this matter, will not the chairman make it one hour?

Mr. ESCH. I was hoping we might make progress——

Mr. SIMS. Make it 40 minutes.

Mr. ESCH. Very well. I make the request, then, that debate on section 205 and amendments thereto be limited to 40 minutes, the time to be in the disposition of the Chairman.

Mr. SIMS. It ought to be equally divided.

Mr. ESCH. To be equally divided, but the Chair to deal out the time.

Mr. SIMS. We know best who is against it over here.

The CHAIRMAN. Let the Chair state the request. The gentleman from Wisconsin [Mr. ESCH] asks unanimous consent that all debate on section 205 and amendments thereto close in 40 minutes, the time to be equally divided between those in favor and those opposed.

Mr. ESCH. The time to be controlled by those in favor of the Denison amendment by the gentleman from Illinois [Mr. DENISON] and the time of those opposed to be controlled by the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The time to be controlled in favor of the Denison amendment by the gentleman from Illinois [Mr. DENISON] and those opposed to the amendment by the gentleman from Tennessee [Mr. SIMS]. Is there objection?

Mr. MADDEN. Reserving the right to object, it seems to me, Mr. Chairman, that we will make better progress if we take a little more time to debate the important elements of this bill than we will to crowd out the proper consideration of elements that are very important, if not vital. [Applause.] There may be lots of things in the bill in connection with which no debate of any consequence will be desired.

Mr. ESCH. I make it one hour.

Mr. MADDEN. I think I would be perfectly satisfied with an hour, and I think that would meet the requirements.

Mr. SNELL, Mr. DEWALT, and Mr. LITTLE reserved the right to object.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MADDEN] yield?

Mr. MADDEN. I yield to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. I was only going to suggest that the time be extended to one hour instead of being limited to 40 minutes, and that the gentleman from Pennsylvania [Mr. DEWALT] who, I understand, is opposed to the Denison amendment to the bill, control the time on that side in opposition.

Mr. DEWALT. Yes, sir. Further, in regard to that matter, I would say to the gentleman from Wisconsin, and also addressing the Chair and reserving the right to object, I do not think the disposition of the control of time is at all fair to the opponents either of the Denison amendment or to the idea of striking out entirely section 205. The gentlemen who are opposed to striking out section 205 and who are also opposed to the Denison amendment, are in favor of the Merritt amendment, which is now incorporated in the bill, and yet the disposition of the time is given entirely to the opponents of the Merritt amendment. I do not think that is a fair disposition.

The CHAIRMAN. The gentleman from Wisconsin modifies his request. Will the gentleman state his modified request?

Mr. ESCH. The request is that the debate on section 205 and amendments thereto close in one hour, to be equally divided by those in favor and those opposed; those in favor of the Denison amendment to have their time in charge of the gentleman from Illinois [Mr. DENISON] and the time of those opposed put in charge of the gentleman from Pennsylvania [Mr. DEWALT].

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that debate on section 205 and all amendments thereto close in one hour, the time to be equally divided between those opposed and those in favor of the Denison amendment, the gentleman from Illinois [Mr. DENISON]——

Mr. LONGWORTH. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentlemen will take their seats until the Chair states this unanimous-consent request.

The gentleman from Wisconsin [Mr. ESCH] asks unanimous consent that all debate on section 205 and all amendments thereto close in one hour; that those in favor of the Denison amendment shall be yielded time by the gentleman from Illinois [Mr. DENISON]; those opposed shall be yielded time by the gentleman from Pennsylvania [Mr. DEWALT], and that the time shall be equally divided between those in favor and those opposed to that amendment. Is there objection?

Mr. LITTLE. Mr. Chairman, reserving the right to object——

Mr. LONGWORTH. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Regular order is demanded. Is there objection?

Mr. SNELL. Mr. Chairman, I object.

Mr. ESCH. Mr. Chairman, I move that debate on section 205 and amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Wisconsin moves that debate on secton 205 and amendments thereto close in one hour.

Mr. DEWALT. Mr. Chairman——

The CHAIRMAN. Does the gentleman rise to amend that motion?

Mr. DEWALT. I desire to amend that by making it an hour and one half, and——

The CHAIRMAN. The motion is not debatable. The gentleman from Pennsylvania [Mr. DEWALT] moves to amend the motion of the gentleman from Wisconsin that all debate shall close at the end of one hour and a half on section 205 and all amendments thereto.

Mr. DENISON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENISON. Do I understand if this motion is carried, and if my amendment should not carry, that there would not then be time left to offer perfecting amendments on the present provision in the bill?

The CHAIRMAN. The Chair will state that the vote would come on all pending amendments at the end of one hour and a half. If any amendments are to be offered, they should be offered during the time fixed by the committee. The question is on the amendment of the gentleman from Pennsylvania to the motion of the gentleman from Wisconsin [Mr. ESCH].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DEWALT. Division, Mr. Chairman.

The committee divided; and there were—yeas 102, noes 61.

So the amendment was agreed to.

Mr. DEWALT. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DEWALT. As I understand the parliamentary situation now, the control of the time would be with the Chair?

The CHAIRMAN. That would be by unanimous consent unless other disposition is made.

Mr. DEWALT. That being the situation, I——

Mr. ANDERSON. Mr. Chairman, I make the point of order there is nothing in order now except the original motion.

The CHAIRMAN. The question is now on the motion of the gentleman from Wisconsin [Mr. ESCH] as amended by the amendment offered by the gentleman from Pennsylvania [Mr. DEWALT].

The question was taken, and the motion as amended was agreed to.

Mr. DEWALT. Mr. Chairman, the parliamentary situation being as it is, I now ask unanimous consent that the time stipulated, to wit, one hour and a half, be divided equally and the control thereof be one half with the gentleman from Illinois [Mr. DENISON] and the other half thereof with myself.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DEWALT] asks unanimous consent that debate be in control of the gentleman from Illinois [Mr. DENISON] and the gentleman from Pennsylvania [Mr. DEWALT], to be equally divided. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Mr. Chairman, I understood the Chair to state a few moments ago, in response to an inquiry made by the gentleman from Illinois [Mr. DENISON], that any additional amendments should be offered during this hour and one-half of debate.

The CHAIRMAN. For debate.

Mr. GARRETT. Oh, for debate. It will be in order at the conclusion of debate to offer amendments; but they will not be debatable?

The CHAIRMAN. As the Chair understood the inquiry of the gentleman from Illinois [Mr. DENISON], it was whether, after his amendment was voted down, they could then debate other amendments. The Chair stated that all debate on amendments would come within the hour and a half. Of course, amendments can be offered after the hour and a half has expired on section 205, but no debate can be had after the expiration of that time. The gentleman from Illinois [Mr. DENISON] is recognized.

Mr. DENISON. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. LITTLE. Mr. Chairman, this is very important legislation. There will unquestionably be considerable litigation in regard to it. It is very essential that this language should be so plain and simple that the courts can construe it without difficulty and diverging results. I can not think of anything that could be more obscure and scattered than this section 205, though I approached it with a desire to support it. Let me read to you, on page 10, line 6:

With interest at the same rate per annum as that fixed by the President as reasonable under section 4 of the Federal control act or under paragraph (d) of section 7 of the "standard contract."

Just think of a lawyer writing a law and putting in an alternative. Which of them is going to govern? Who is going to decide? You have a lawsuit on your hands in a minute as to what the rate of interest will be. Suppose it is 4 per cent in section 4 or 5 per cent in section 7. Which should govern? In a case like that the court would almost certainly hold that the contract was so indefinite that nobody would be compelled to pay any inerest whatever, and that would be the result of that legislation.

You can not, for example, say that a note is payable to Jones or to Smith and make it collectible from anybody. You can not say that a note shall be $400 or $500 and compel anybody to pay it. You should not draw legislation that way. Suppose you trace sections 4 and 7 to their sources and analyze that—"with interest at the same rate per annum as that fixed by the President as reasonable under section 4 of the Federal-control act or under paragraph (d) of section 7 of the standard contract." There is no interest rate fixed in section 4 of that Federal-control act, absolutely none. It is a rate of such and such per cent as a lump sum whatever is allowed them. No rate per annum is suggested and interest is not even named. This says, "the same rate per annum as that fixed by the President as reasonable under section 4 of the Federal-control act or under paragraph (d) of section 7 of the standard contract." The President does not fix anything about that paragraph (d) of section 7 of the standard contract. The Director General of Railroads fixes the interest under paragraph (d) of section 7. The President has nothing to do with fixing interest under it, and it has no application at all.

What is that standard contract? That is not a law. That is a blank contract, gotten up by nobody knows who. Nobody knows what it means. They are going to refer us first to a law and then to a contract before we can even guess what this law means. Why did they not write this section so a man could know what the law is as soon as he reads the section? They say the rate shall be fixed by the Director General as fixed by him "on each occasion." There might be ten thousand different occasions, and the rate might differ on each occasion; and you are asked to make a law to the effect that the rate of interest shall be that which has been fixed upon by the Director General in some ten thousand contracts with similar companies, and he might fix a different rate in each. It does not mean anything.

If this were drawn with the purpose of making it impossible to collect any interest from these people, it would probably answer the purpose.

This committee is a great committee, many of whom are learned lawyers. I am sure that some of them could readily draw a provision that would meet that difficulty and make the provision mean what they probably meant. If some clerk has been left to undertake that, they had better undertake it themselves.

There are three such places in this section 205; there will be fifty references to other laws necessary in this bill and a thousand references to other contracts required, and more than that, before any court could pass intelligently upon this section, and I defy any man to take this bill and tell the House just what the first paragraph of 205 means.

In order that there may be no question as to the force of section 4 of the Federal-control act and paragraph (d) of section 7 of the standard contract, here they are: Section 4 of the Federal-control act is found in the Fortieth Statutes at Large, page 454, and reads as follows:

SEC. 4. That the just compensation that may be determined as hereinbefore provided by agreement or that may be adjudicated by the Court of Claims shall be increased by an amount reckoned at a reasonable rate per cent to be fixed by the President upon the cost of any additions and betterments, less retirements, and upon the cost of road extensions to the property of such carrier made by such carrier with the approval of or by order of the President while such property is under Federal control.

This section states that after just compensation to the railroads has been determined, that "shall be increased by an amount reckoned at a reasonable rate per cent to be fixed by the President upon the cost of any additions," and so forth. It says nothing of any interest or of any annual charge. The President may add a reasonable per cent in one lump sum. This was evidently inserted hurriedly without any comprehension of its purpose and force. The law undertakes to say that the interest shall be "the same rate per annum" as that fixed by the President in this section 4, but he does not fix any rate per annum or any interest at all in the section 4, and its insertion here serves no useful purpose, makes no law to be followed, but simply riles the water so that a legal question must be precipitated into the courts before anything is settled.

This paragraph (d) of section 7 of an "agreement between the Director General of Railroads, ——— company, and other corporations" is found only in a lot of contracts or blanks floating around somewhere, and reads as follows:

(d) Upon the cost of additions and betterments, less retirements in connection therewith, and upon the cost of road extensions made to the property of the companies during Federal control, the director general shall, from the completion of the work, pay the company a reasonable rate of interest, to be fixed by him on each occasion. In fixing such rate or rates he may take into account not merely the value of money but all pertinent facts and circumstances, whether the money used was derived from loans or otherwise, provided that to the extent that the money is advanced by the Director General or is obtained by the companies from loans or from the proceeds of securities the rate or rates shall be the same as that charged by the Director General for loans to the companies or to other companies of similar credit.

In this section 205 they ask us to pass, we are told that the rate of interest the debtors are to pay the Government will be that "fixed by the President under section 4 of the Federal control act or under paragraph (d) of section 7 of the standard contract, but when you read this paragraph (d) I have just cited there is not a word about the President in it, and he does not fix any rate of interest in it, and there is nothing to guide a man reading this bill to any rate of interest under paragraph (d). Under leave to revise, I ask attention to the Director General's letter, which I had not seen when I began speaking, on page 8407 of yesterday's RECORD. He says there are at least two methods in use under paragraph (d), and under one the Government would lose. So when we trace these two sections to their sources we reach a foundation of nothing. Neither of them fixes any rate of interest by order of the President, and therefore this reference falls to the ground and has no force and effect. In other words, this does not attempt to fix any rate of interest whatever to be paid. It says that the rate shall be the same as that fixed somewhere else where none is fixed.

If it be suggested that the Director General is an appointee of the President, and they had him in mind when they said the President, I answer, "Why did not you say so then and make it clear?" You did not say Director General because you did not mean Director General. The writer simply guessed at what was said in this paragraph (d) and let it go. That is no way to draw this character of legislation, so sweeping in its consequences to the American people and American business interests.

But if I should admit for the sake of argument, which I could not, that you meant Director General when you say President, you are no better off. This paragraph (d) says "pay the company a reasonable rate of interest to be fixed by him on each occasion." Each occasion! Why, there will be thousands of such settlements, and the Director General might fix a different rate of interest in every one, and before a court could even begin to determine the effect and purpose and intention of this law it would be compelled to listen to the evidence on the rate of interest on every one and to investigate every one, and when all the facts were before it which one would the court hold to be the proper rate for these railroad people to pay the Government? There is no way in the world any man could learn what rate of interest is meant by this bill if it should become a law. You can not make a good law by constantly referring the reader to some other law. You should write this law so that the court can learn from it what you meant without looking in some other book. Assistants who have not learned that are of no assistance.

So far as I am concerned I would not argue with the committee as to the amount, but would be willing to leave to their best judgment what the rate of interest should be that the railroads should pay the Government for 10 years, but I do insist that some rate of interest be fixed. It is not absolutely essential that it shall be named as an amount, but something must be said by which a man could easily ascertain what per cent of interest is expected or by which the power is lodged in some individual to fix a definite rate.

If it be suggested that the President under this section 205 can fix a rate, I call attention to the fact that nowhere in this paragraph is he authorized to fix a rate. This is not a permissive act undertaking to empower him to decide the rate of interest. On the contrary, this paragraph of section 205 explicitly undertakes to say that the interest shall be such as has previously been decided somewhere else, and by its very terms makes it impossible for the President or anybody to name a rate.

This paragraph of section 205 says that it may be one rate or another, but I think every lawyer on that great committee will see at a glance that such a contract would be no contract at all and would be void, and that such a law would be no law at all. If they had said that the President could make the rate either 4 per cent or 5 per cent or 6 per cent, according to his best judgment, that would have been sufficient to cover the ground, but they simply state that it shall be one thing or another, and nobody is given the authority to say which shall be the rate. This paragraph means nothing, has no force, and would not compel these debtors of the Government to pay one cent of interest. If some court should take the bull by the horns and decide that it did mean something, there would probably be about as many different conclusions as there were different courts. In any event no judgment could be reached and no decree announced until the close of long and complicated litigation in many legal forums. Too many times the committees leave to clerical hands the preparation of sentences which presently we see are of the highest importance. This bill, when it becomes a law, will by its terms touch many of the greatest interests of the people of this country and this particular sentence should have been drawn by some one so skilled in the law and its practice in the courts that it would not ever become necessary to go into court to determine its meaning and intention. In the course of this debate, which I have the pleasure of opening, it is to be hoped that some advocate of this clause will undertake to explain what rate of interest is meant or who is to decide what the rate shall be and to tell us what this paragraph actually means. This legislation should be direct and simple and in good plain English, so that people could understand it. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DEWALT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, there are two propositions involved here. One is whether or not the Government shall charge a greater rate of interest than it is willing to pay. There can be no doubt about what ought to be done, if we want to do the right thing, and that is that the Government ought not to charge more than it pays.

The next question arises whether $1,147,000,000, expended by the Government of the United States during the period of Government control, shall be considered a part of the current indebtedness of the railroads to the Government and deducted in the settlement, or whether we are to take into consideration the fact that if the railroad companies themselves controlled the railroads during the period when these improvements were made they would undoubtedly have been able to borrow money on long time and issue their securities therefor with which to make the improvements.

Now, the mere fact that the Government took control of the railroads during the war and made the improvements without consultation with the owners of the railroads does not justify the Government at this time in embarrassing the people whose roads it has by compelling them to pay in cash for permanent improvements for which they would have been able to get long-time credits if they had completed the business transaction over which the Government took control. That is a simple proposition.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. No; I can not yield in five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. The question arises, Are we going to turn the railroads over to the owners so that they can operate them, or are we to throttle the roads by preventing them from having the current revenue with which to operate the roads efficiently? And are we to be just or unjust to the roads?

This is the question in which the people of the whole United States are interested. I apprehend that there is no man anywhere in the United States who would be willing to say, if the responsibility were placed upon him, that he would want these roads turned back to the owners in a crippled condition. All current obligations between the roads and the Government ought to be settled by offsets; but all permanent obligations, such as those created for improvements and betterments, ought to be funded if we are to be just.

There is the whole question. Are we willing to be just, and are we willing to do for these people whose roads we control what they would have been able to do for themselves if we did not control them? Is not that the case? If it is, there is only one thing left to do, and that is to defeat the Denison amendment and approve the recommendation of the committee. [Applause.]

Mr. DENISON. Mr. Chairman, I yield eight minutes to the gentleman from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Kentucky is recognized for eight minutes.

Mr. BARKLEY. Mr. Chairman, it seems a little inconsistent in the gentleman from Illinois [Mr. MADDEN] who, on yesterday, complained that the Government of the United States was losing such a large amount by reason of Federal control that he should come in to-day and urge that, in addition to that, we allow the railroads to keep all the money that they owe the Government and compel the Government to pay the roads all the money that it owes them.

Mr. MADDEN. I do not think the gentleman fairly states the position that I took.

Mr. BARKLEY. I am putting my interpretation on the gentleman's language.

Mr. MADDEN. I do not think it is a fair interpretation.

Mr. BARKLEY. On day before yesterday, during the general debate, I called attention to what I considered to be the injustice of this thing to the Federal Government. Gentlemen, while we are trying to be liberal and generous with the railroads in this bill, I can not overlook the fact that we owe some duty to the Treasury of the United States. [Applause.] Now, the difference between the plan as presented in the bill and the plan suggested by the amendment of the gentleman from Illinois [Mr. DENISON], which was the original section as offered by the subcommittee after consulting with the Railroad Administration and the representatives of the railroads themselves in considering this section, amounts to practically $250,000,000, exclusive of certain items unnecessary to detail. Under the bill as it is now written the amount which the railroads will be able to fund, both in long-term fundable notes and in the demand notes for indebtedness on current account, is $779,000,000; and if the bill as it is written is adopted by the Committee of the Whole and then adopted by the House, the amount that the roads will be permitted to keep that they now owe the Government will be $779,000,000 in addition to the amounts carried in the standard contract.

Now, if the amendment of the gentleman from Illinois [Mr. DENISON] is adopted, the amount which they will be able to fund, including the other indebtedness, which is to be represented by demand notes, will be $587,000,000, outside of the amount which has already been advanced to the New York, New Haven & Hartford and the Boston & Maine, which amounts to $68,000,000, which is already cared for by long-term obligations and other items on current account, I believe; and their indebtedness, including indebtedness for current accounts which the Government has advanced to the railroads, the

amount fundable under the Denison amendment would be $360,000,000, whereas the amount fundable under the bill as it is now written would be $641,000,000, exclusive of certain long-term advances and other indebtedness. In a statement which I received yesterday, and which other members of the committee received, from Mr. Sherley, director of finance under the Federal administration, this takes into account $279,000,000 which is to be left in the treasury of these railroads for working capital, which is practically the amount they claim that is necessary for one month's operating expenses.

Now, gentlemen, it seems to me that we have gone far enough when we continue for six months the standard return which they have been receiving from Federal control, continue present rates, and loan them money for five years.

It is idle to speculate, as the gentleman from Illinois seems to do, that if the Government had not taken over these roads they would have been able to have expended all the money that has been necessary for capital expenses by borrowing the money. It is not true that in the past the railroads have borrowed all the money that they put into capital account, which is represented by extensions and betterments of roads and equipments; but the gentleman from Illinois and those who represent the bill as it is now written, seem to predicate their objections to the Denison amendment upon the assumption that if the roads had not been taken over by the Government all the capital account would have been borrowed money on long terms. Now, that is not true, because, although the roads borrowed some of their money in ordinary times to build extensions and equipment and betterments, it does not follow that they borrowed all the money. Very frequently prosperous roads, that will be unnecessarily benefited by this bill as it is now written, are able to invest in betterments and extensions and equipment from money that they earn from current funds or from their surplus.

Mr. PARKER. Will the gentleman yield?

Mr. BARKLEY. I have not the time to yield.

Mr. PARKER. You made a statement about the money——

Mr. BARKLEY. I have not yielded, but I will permit the gentleman to ask his question.

Mr. PARKER. The gentleman made the statement that under one plan the Government would loan the railroads $250,000,000, did he not?

Mr. BARKLEY. I said the difference between these two plans represents practically $250,000,000 on the side of the Government.

Mr. PARKER. I beg to correct the gentleman's figures.

Mr. BARKLEY. The gentleman will have time, and I hope he will take it.

Mr. PARKER. The gentleman does not take into consideration the short-time notes.

Mr. BARKLEY. Oh, yes; I do. I take into consideration $138,000,000 which is represented by demand notes.

Mr. PARKER. It is $16,000,000 on one side and $158,000,000 on the other.

Mr. BARKLEY. In other words, if the Denison amendment is adopted, the difference in behalf of the United States Government will amount to practically $250,000,000; and if it is not adopted, we must raise that $250,000,000 either by taxing the American people or by selling more bonds in order to get the money for the Treasury to allow the roads to keep that money which they now have. Now, as a business principle, as I pointed out the other day, the roads that do not need this money will be the ones very largely to get it. Under the language of the bill all that a road needs to do to keep what it owes the Government is to make the request. It does not depend upon the necessities of the road, and many of the more prosperous roads, which have perhaps more money now due them from the Government than the less prosperous roads—because the less prosperous roads have had to call on the Government from time to time for advances on the standard compensation to enable them to pay their expenses and carry on their operations—the net result will be that this $250,000,000 that the bill as it is now written permits the roads to keep will be for the benefit of the more prosperous roads, which have not been compelled to ask these advances of standard compensation, and the money is now in the Treasury due them by the Government. It certainly seems to me that even if any given road on the next day after Federal control ceases had to go back to the Government and borrow money for a term of five years it would be better to square the account arising out of the Federal control and offset these accounts, as far as possible, even if the road which is compelled to offset the amount is compelled the very next day to borrow money from the Government for a long term or for five years. I say that for this reason: In the first place, you wipe the slate clean of all transactions arising out of Federal control, and, in the next place, you compel these roads to pay the Federal Government the same rates of interest for the money that they get under that account that other roads will pay that come in and borrow afterwards from the Government, because we provide 6 per cent here, and under the bill as it is now written this additional amount may be kept by the roads at a rate as low as 5 per cent or 4½ per cent or such other variable rate as may be fixed under the standard contract for money advanced or as a return upon the amount of betterments and additions chargeable to capital account.

Mr. DEWALT. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. BENSON].

Mr. BENSON. Mr. Chairman and gentlemen, I want, if I can, to try and make this situation clear as to facts. Anyone who knows anything about financing and accounting of public-service corporations knows that there is a distinction between capital investment and operating expenses, and that if you attempt to pay for capital investments out of current operating receipts, where you have a regulation of rates, and attempt to give the carrier sufficient money to carry on its business, then you have got to raise the rate.

The very purpose that my distinguished friend who has just spoken has in behalf of the people in this country will not be realized if you make the capital investment of the railroads a set-off against operating revenue. It can not be done. It is not allowed in your income reports. You know that when you pay your income tax, if you make a capital investment, you can not charge it to ordinary expenses. When they make up an income tax the railroads will not be allowed to do so; when they go before the Interstate Commerce Commission to ask an increase of rates they will not be allowed to put in as operating expenses the capital investment forced on them by the Government.

Therefore, as a matter of fact, if we do not help them to finance at this time these capital investments they will have to go into the market at the present high rate of money and finance them themselves. And the inability to do so is going to put many of the railroads into the hands of receivers.

There are some parts of the argument made by the gentlemen on the other side that, I think, are unfair, because they attempt to make it appear that the railroads are going to have more money in their hands than they ever had before.

On page 11 it is provided that there shall be an offset of what the railroads owe the Government as against what the Government owes them, to the extent of any excess over our contract with the railroads to pay them their operating expenses and such dividends as they have earned during the period they had arranged in the contract prior to the war. If there is any excess due by the railroads to the Government, it will be paid, even though it is on capital account, except allowing for sufficient to pay their debts and dividends on the average that you gentlemen in previous legislation have already agreed to do.

Therefore, gentlemen, it seems to me that if we are going to turn the railroads back—and it seems to be the unanimous opinion of Congress that it is better to have them operated under private control than Government control—turn them back in such a way that they will not be crippled, in such a way that they can go ahead and prosper; and when a railroad prospers the people prosper, because when you take the railroads and the allied interests, the people who furnish supplies to the railroad, it is by far the greatest industry in the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. DENISON. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. Mr. Chairman, the arguments that are made for section 205 as it now stands are that the betterments and the improvements, if they had been made by the railroad companies, would have been done by the issue of long-term bonds and that therefore it is unfair for the Government at the end of the Federal control to force the railroads to settle for these betterments and improvements now.

Mr. BENSON. Will the gentleman yield?

Mr. SANDERS of Louisiana. No; I can not; I have only five minutes. That argument is fallacious for this reason: The Government and the railroads have been running along for two years. The Government owes the railroads money and the railroads owe the Government money. When we come to a settlement under the Federal control act everything in the world should be done to make the settlement final and complete. If there is any virtue in the argument of gentlemen on the other

side, then I submit that the betterments can just as well be bonded after the railroads regain control of their lines as they could have been bonded before the betterments were made.

In addition to that we provide in this bill that the Government will loan the railroads money, and, mark you now, gentlemen, that when the Government loans the railroads money the Government dictates the character of securities that the railroads shall give it, whereas if you permit the railroads to fail to settle with the Government at the end of Federal control you have made your Government pay the railroads dollar for dollar, and then you put it in the power of the railroad companies to give to the Government its demand notes for what it owes the Government without any security at all. You permit the railroads to settle with the Government with chips and whetstones, but you compel the Government to settle with the railroads with honest dollars furnished by the taxpayers. Can you justify taxing the people $250,000,000 which, in the very nature of the contract, may be a gift to the railroads?

Read page 10, if you will, lines 15 to 19:

Such indebtedness—

Speaking of what the railroads will owe us—

Such indebtedness will be evidenced, if practical, by first-mortgage bonds of the carrier.

Why, there was never anything written in a bill so deceptive as that.

Mr. COADY. Will the gentleman yield?

Mr. SANDERS of Louisiana. I can not yield—because there is not a single railroad in America to-day, from the most prosperous to the most insolvent, but what has outstanding mortgage bonds, and therefore we can not get first-mortgage bonds for what the railroads owe the Government.

You will never get a first-mortgage bond under this bill. It is a deception to have placed it in the bill. You will take in the final analysis, when you come to settle, whatever the railroads offer—remember now, you have already paid the railroads, you have got nothing to negotiate, you have got nothing to figure with them on, you have already paid them, and when you come to negotiate a settlement as to what they owe you, you will take their demand notes, no matter whether they are secured or not, no matter how worthless they may be. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. Mr. Chairman, I yield five minutes to my colleague from Pennsylvania [Mr. GRAHAM]. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the committee, it has well been said that this is the most important part, perhaps, of this bill. The discussion of it is not to be considered from the standpoint of antagonism between the Government and the railroads. The railroad transportation of this country is as important almost as the Government itself, and the success and prosperity of our citizens and the welfare of the Government depends upon starting these railroads out upon the right basis. [Applause.] The railroads, if you will pardon the expression, for 10 years past have been sandbagged, while things have been thrust upon them on the debit side while they have had no opportunity to receive the credits. As I understood it, when the President of the United States addressed us when the Adamson law was passed he promised that the Interstate Commerce Commission should remedy certain defects in the then existing rates to meet the new requirements which the increase of wages and the diminution of the hours of labor put upon those railroads.

Now, remember, gentlemen, the carriers' property was taken, not given. We ordered it to be taken. We are the ones to see that a settlement is made in a spirit of equity and fair play. This is not a partisan question. This is a question of equity and justice. One of my colleagues here has spoken about the interest rate. Can there be anything fairer than that which is provided in the bill as reported from the committee? This money called the capital account was expended for betterments, additions, and it is properly separable from the current accounts that were incurred in operation. Now, this capital account covers betterments, for the use of which the Government is bound by contract to pay a certain percentage to the carrier. The power is given to the President or the Railroad Administration to fix the rates of interest that shall be paid for the use of these betterments that have been built at the expense of the railroads. Is not fair play, is not reciprocity for the same rate of interest which the Government allows, to govern the railroads or the carriers when they are called upon to pay interest on these deferred payments—that is, on the money expended for these very betterments?

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. No; I have not the time. This is not a question of uncertainty, as one gentleman argued. It is definite and fixed. Whatever the President says shall be the interest paid to the carriers for the use of these betterments shall be the interest that the carriers must pay on the deferred payments of the cost of these very betterments. Is not that fair play, gentlemen? Now, again, the gentleman from Alabama said——

Mr. LITTLE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Not for a minute. Let us put these two claims together—the charges and the credits—and strike a balance and have a settlement now. That is not fair, gentlemen. This capital account for betterments is made by the carriers out of loans; not always so, but scarcely ever made otherwise. The railroads could not borrow the money to make these betterments. The Government advanced it. This represents a capital account, and ought to be considered as a separate item from the current expenses that were brought about on the railroads through Government control and operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Can the gentleman give me three minutes additional?

Mr. DEWALT. I yield the gentleman two minutes more.

Mr. GRAHAM of Pennsylvania. I have just one thought in closing. There are other things I would like to say. I want to call your attention to this question of offset. You read your bill, study the provision of the committee reported bill, and you will find that there is a provision for offset down to this extent, that only so much as is required to pay charges due from the carriers to stockholders and bondholders is to be reserved plus one month's operating expenses, and the balance only is to be funded which is left after charging or setting off the indebtedness of the railroad with these exceptions which I have named. The Denison amendment simply changes the time for payment of this account spent for betterments and provides that it shall be divided into 10 equal parts, 1 part of which shall be paid each year beginning five years after discharge of the carriers from Federal control, while the bill as it comes from the committee gives 10 years. Let us give these carriers a fair opportunity again to serve the country and to restore transportation to its normal condition. We will have a better system of transportation than anything that the Government could possibly afford us. Let us give them a chance to start out in their work and not handicap them by requiring payments that are unfair by exacting from them the payment of current funds and so cripple them that they will be unable to borrow money that will be necessary to be expended in improving their roads and putting their equipment in condition fit for use in their work. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DENISON. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, following the distinguished gentleman from Pennsylvania [Mr. GRAHAM] who has just taken his seat, I want to say, as the gentleman well knows, that any improvements made by the Government exclusively for war purposes is not charged up to the roads at all. The Government loses all that. Now, a permanent improvement is not an improvement consumable in temporary use like equipment. The Government made permanent improvements on these railroads out of the taxpayers' pockets which were not impaired in the use of them by the Government, and if the Government had not made these improvements the roads could not have made them for themselves, as they could not borrow the money, and therefore the owners would have the railroads now on their hands at end of control in a condition that they could not operate them successfully if at all.

Permanent improvements run over many years and, if maintained properly, forever. Are you going to say that railroads ought to be out of the hands of a receiver that can not borrow money to the extent the set-off may require? If we have reached a point in railroading in this country when the Government can not set off against what it owes the railroads what the railroads owe it, we are coming to a pretty pass. Now if the railroads are worth keeping, worth operating, and worth having, why can they not do a little financing for themselves? Who owns them? The stockholders. If the stockholders have absolutely no confidence in the successful operation of their railroads, let them go into the hands of a receiver and be done with it. If they have no confidence in their own railroads, why should we loan them the money that they need to pay for this permanent improvement made by war taxes?

Mr. DUNBAR. Will the gentleman yield?

Mr. SIMS. I am sorry, but I have not the time.

Now, let me tell you what the Government does and which you voted for. If the Government paid the wife of a soldier or

the mother of a soldier more than her monthly allotment or the proper amount, and later it was discovered, the difference would be deducted from her future checks until paid. But when we turn back to the millionaires their railroads, that have had permanent improvements, made for them by the Government, to last for all time to come, if kept up by proper maintenance, you ask that we let the railroads keep all they owe us and to pay the roads all we owe them. Whoever heard of such unlimited generosity?

Now, the subcommittee has been far more liberal to the railroads than I think was proper and just. But what greater argument could there be made against private ownership than for the owners themselves to admit they have not confidence enough in their railroads to make to them a temporary advance on their own credit? Who is to pay this? The overtaxed people. The girl and boy, not having dependents, that have a $1,200 income, must pay tax on $200 in order that we may let stay in the millionaire railroad owners pockets the money they owe the Government. Every laborer in this country whose wages exceed $1,000, or $2,000, if he is married, must pay this war-income tax. Liberty bonds are being sold to-day at a sacrifice by people who borrowed money to save our country and win the war, and these greedy, avaricious railroad owners are not even now willing to pay their own debts incurred for their own permanent benefits, but want to take more money from the widows' and orphans' pockets to pay what they justly owe.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GREENE of Vermont having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that bills of the following numbers and titles, having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

Presented October 25, 1919:

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place:

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 753. An act for the relief of Susie Currier;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 5007. An act granting citizenship to certain Indians.

Presented October 27, 1919:

H. J. Res. 151. Joint resolution to provide additional compensation for employees of the Postal Service, and making an appropriation therefor.

Presented October 29, 1919:

H. R. 9782. An act to regulate further the entry of aliens into the United States.

Presented October 31, 1919:

H. R. 9697. An act to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.

Also, that on November 13, 1919, the President approved joint resolution of the following number and title:

H. J. Res. 241. Joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1919.

THE RAILROAD BILL.

The committee resumed its session.

Mr. DEWALT. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, as I see these two propositions—the Merritt amendment, as written into the bill, and the Denison substitute for it—there is no question of a loss to the Government in either. The railroads themselves, even though already bonded, are still ample security, and they will be able to pay the Government in the end. The Government will not lose on either proposition; so that we may dismiss all this talk about taking money out of the pockets of the taxpayers and handing it over to the "millionaire owners" of the railroads.

Mr. DOWELL. Will the gentleman yield?

Mr. TILSON. I am sorry that I can not in the five minutes allotted to me.

There is a great deal of very gross misrepresentation in picturing the owners of the railroads as being millionaires. On the whole, the owners of the railroads, with very few exceptions, are either relatively poor or are the intermediate, or middle, class of people, who own a few shares each in this road or that. Even if they were rich, it should make no difference. The attempt to appeal to class feeling is entirely out of place in this debate.

If we were now making an agreement de novo with the railroads, we might make a different one. We might even make it as strong as the gentleman from Illinois [Mr. DENISON] proposes. Unfortunately we are not now in the position to start afresh. We are facing the situation as it is, not as it might have been. These roads were taken from their owners for Government purposes. They were operated because the Government needed to operate them in order to win the war. I am not going to say that the capital investment made during Federal control was not properly made in most cases, but it was made by the Government so that it might use the railroads for the benefit of the Government. Now we must turn them back to their owners. Shall we attempt to drive a hard bargain or force one, because we have the power and the railroads have nothing to say? We can impose such a bargain upon them as we see fit. What will be the effect if we do drive a hard bargain or force one? The effect, first, will be upon the successful operation of the railroad itself. Failure to operate successfully affects not alone the stockholder, whether he be poor or rich. The first effect may be upon the limited number of people who are stockholders, and, whatever we may say, their rights are entitled to consideration. The next effect that unsuccessful operation would have would be upon the employees of the railroads, and there are 2,000,000 of these. This large and worthy class of people are entitled to have their interests and welfare considered. The railroads can not pay adequate wages to their employees unless they can be successfully operated. These are important considerations, but the most important of all is what effect it is going to have upon the public. The transportation system of the country is the most important of all elements of our commercial and industrial prosperity. Transportation is the very life-blood of the Nation, and unless these roads can operate successfully their failure will strangle business, with all the ills attendant upon strangulation.

The Government has made large expenditures for permanent betterments and improvements. If these had been made by the railroads themselves under private control they would of necessity have been paid for by the sale of long-time securities. They are properly chargeable to capital account. No railroad or other business would attempt to make large and extensive capital investment from current income. Ordinarily this would be impossible, and yet that is just what is proposed if we are to set off the indebtedness of the Government under the standard contract against the amount of capital investment made by the Government on behalf of the railroads during Federal control. If we do this we shall turn the railroads back to their owners under such conditions that for many of them it will mean disaster. We ought not to do this. Every interest of the public, of the employee, and of the stockholder demands fair, just, liberal treatment of the railroads.

The business and prosperity of every part of the country are linked up with the railroads in a most vital way. In my own section of the country, New England, this is particularly true. We are largely dependent upon the success of our manufacturing industries, and these in turn are dependent in large measure upon successful railroad operation. We must bring our coal and raw materials from a distance, and for the most part by rail. Our manufactured products must be distributed in the same way. All our people are directly or indirectly interested and vitally interested in having the railroads not only returned to their owners but returned under such conditions as will reasonably assure their ability to operate and to give more adequate and efficient service.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Chairman, I will speak now, and I would like the Chair to call me at the end of seven minutes.

Gentlemen, the gentleman from Pennsylvania [Mr. GRAHAM] says to you that this ought not to be considered as a question

between the railroads and the Government. Now, you may disguise the fact, if you want to do so, but I want to say to you that while it is not necessarily a question between the railroads and the Government, it is a question between some of the railroads and the Government. It is a question between the rich railroads and the Government. I say that the question involved here is as to what shall be done with what the Government owes the railroads on their standard return; and the Government does not owe anything very much to any of the railroads on their standard return except to railroads like the Pennsylvania and the Southern Pacific, and other such roads that are known as the prosperous roads. The Government does not owe any money to the weak roads or the poor roads, because they have had to have all their standard return to meet their corporate needs. So this is a question between the wealthy roads and the Government.

Now, then, the gentleman from Pennsylvania [Mr. GRAHAM] and others here, and the railroad executive's attorney, Mr. Thom, in his letter have presented a case to you in which they ask the sympathy of Congress for these wealthy railroads.

What are we doing for the railroads? If I have the time I want to tell you. They try to picture to you that we are going to turn these railroads back with their hands tied and in a helpless condition. Do you know what we are doing? We guarantee to every one of them that they shall earn in the next six months what they earned in the corresponding six months of the three most prosperous years of their history. If for any reason they should fail to earn that amount we would pay the difference to them out of the Treasury and do it as a gift. We are giving it to them. If they do not earn as much as they did in the corresponding six months of the three most prosperous years of their history the Government stands by and says, "We will make you a present of enough to make up the difference." *Is that treating them meanly?*

What else do we do for them? We say, "Now we are starting you off, and if you happen to run behind in your operations and need some money for improvements and running expenses, come to Uncle Sam and we will let you have what you need at 6 per cent interest. You do not have to go into the market. You have a market already. We will back you. We will let you have what you need."

And yet the gentleman from Pennsylvania [Mr. GRAHAM] asks you for sympathy for these roads. Mr. Thom, who addressed you this morning through this letter, is a very able man. He is a most plausible man. He presented that argument to us in the committee, and I want to say to you that it convinced me at first. I got to thinking his way. But when I made a little further investigation I came to a different conclusion, and every one of you, if you were to make a little investigation and get to the bottom of this thing, would not be misled by the plausible argument that my friend Mr. Thom presented here in this letter.

Now, what else are we doing for these railroads, gentlemen? We are turning them back with an absolutely clean slate. There has never been a time in the history of this Government when the railroads did not owe millions of dollars on current account. But we are turning them back owing not a dollar on current accounts. We say, "We stand you on your feet; we start you in your business, not owing a dollar on current accounts. The Government is going to pay all the current accounts against you. The Government, Uncle Sam, will take care of the current bills for materials, and so forth, that you owe. Now you can start anew, in a better condition than you have ever been in since you have been operating as railroads."

Not only that, but the Railroad Administration is going to turn over to all roads, rich and poor alike, current revenues for one month ahead, so as to give them working capital. Not only that, but we are going to go ahead and pay all the outstanding bills. The gentleman from Pennsylvania [Mr. GRAHAM], or his friend, in a letter to him, has told you that he did not want you to turn the Pennsylvania Railroad back without any working capital. Now, I have looked into that just a little bit. Do you know what this bill will do for the Pennsylvania road if it is passed in the form in which it is reported from the committee? It will give the Pennsylvania Railroad twice as much working capital as that company had before the Government took it over.

Mr. ESCH. Mr. Chairman, will the gentleman yield in that connection?

Mr. DENISON. Yes; I will be glad to.

Mr. ESCH. In that connection I wish to cite just one railroad which had a working capital under its own control of $16,000,000 in June, 1915, and $17,000,000 on December 31, 1917, while under the bill as now presented to the House it will get a working capital of $88,400,000; in other words, more working capital under this bill than that road allowed itself under private ownership and control.

Mr. DENISON. That is true. This puts money into the hands of the wealthy roads; and what will they do with it? They have no current bills to pay, because Uncle Sam will pay them. I will tell you what they can do with it. They can pay out some of it in dividends and thereby increase the market value of their stocks. That is what they will do with it. [Applause.]

Mr. Chairman, I think it will not hurt any of the railroads and will be in the public interest if the amendment I have offered is substituted for the refunding provision of the bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DEWALT. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. DEMPSEY. Mr. Chairman, the gentleman from Illinois [Mr. DENISON] says we should sustain his amendment because of several things. The first thing he says is that there is a guaranty upon the return of the railroads. He did not tell you for how long. It is a guaranty for the enormously long period of six months. Now, the gentleman is for that guaranty. He will support it in this committee. He will support it in every vote that he casts throughout the consideration of this bill.

The next point that the gentleman makes is that some of these railroads are rich railroads, and he speaks of that as though it were a crime. Why, we want all the railroads to be prosperous in order that they may do the transportation business of the country efficiently and well, and we do not hold it as a reproach that they are prosperous and that they transport goods promptly and efficiently.

The gentleman next said that we proposed to make a loan. Well, he is for the loan. He is on this committee, and he advocates making that loan, and that is no reason for his urging this amendment. The gentleman says to you that he has made certain investigations which, if he revealed them to this House, would change the whole membership in their views, but he does not reveal what the investigation is, and I take it that we are not going to accept as argument a statement that some particular Member has made some investigation, of which he does not disclose one word or enable us to participate with him in the argument which he has not made but has only in his mind.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. No; I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. DEMPSEY. Now, the next thing that the gentleman from Illinois says is that we are going to turn the railroads back with a clean slate. Why does not the gentleman get together those who favor his proposition? The gentleman from Louisiana says we are going to take paper for these debts and that it is to be worthless and that we are to lose the debt; and the gentleman from Illinois says that the railroads are going to have their pockets bulging with money—so much money that they will not know how to spend it except by declaring dividends. Now, which is right? Let them get together and not be so divergent in their views.

Let us take the question as it is presented here. The railroads were seized by the Government for the just and proper purpose of conducting this war to glorious victory, but the railroads were not consulted whether they were to be taken over or not.

They were put into the hands not of men trained in the management of railroads; they were put into the hands of inexperienced men who thought they knew something about politics; and these gentlemen, politicians, who are not railroad men, started to make betterments and improvements. Do you suppose that they were all made with wisdom? Of course not. Take it in the State of Maine, for example. There is one railroad, its most successful railroad, which, I understand, will be wrecked by reason of these improvements; a railroad which has been prosperous throughout its history, which has done its transportation business well, which has paid dividends to its stockholders, among whom are widows and orphans who had invested their savings in its securities, and that railroad has been improved to such an extent needlessly beyond its proper and legitimate needs that it has been improved beyond the prospect of its running successfully in the future.

All these betterments were made at war prices and were made to meet the exigencies of the war. In any such high-priced times the road would have made such improvements only as were absolutely necessary for railroad purposes.

The plan as to reimbursing the Government for moneys expended for these betterments is this: The Government is to be permitted to use the improvements during Federal control on paying interest at a rate to be fixed by itself. This provision is

remarkably favorable to the Government. Next, the railroads are obliged to take over these second-hand, used betterments, regardless of whether they were to the advantage of the road or not, at their full war cost. And the only point in dispute is whether the Government will take its pay out of the moneys which the roads need for operating expenses or give the roads the reasonable time for which they would have provided through long-time loans had they made these improvements themselves.

Under all the circumstances disclosed, the Government ought, in fairness, to give the railroads the reasonable time provided in the bill.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. DEMPSEY. No.

Mr. BYRNES of South Carolina. I just wanted the name of the road.

Mr. DEMPSEY. I decline to yield. Now, let us remember how these improvements were made. They were made at war cost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. I yield four minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Illinois [Mr. DENISON], who proposed the amendment under consideration, has shown the effect which the bill as it now stands would have upon some of the highly prosperous railroads. There seems, however, to have been an impression abroad that hardly any of the railroads were prosperous, and that none of them had ever succeeded in making any great amount of money. I want to call attention to a few figures taken from the balance sheet of a prosperous railroad, so that you may understand something about what it has been doing. I refer to the Union Pacific Railway Co., and I want to admit frankly at this time that the Union Pacific is probably the most prosperous of any great system operating in the country, any system operating over 5,000 miles of railroad. The figures which I give are for the year ending December 31, 1917. The figures of the present time would be even more favorable to the railroad if I had access to them. The balance sheet of the Union Pacific Railway Co. at that time showed that it had been making so much money that in one sense it did not know what to do with it, and had to invest it in stocks and bonds of other companies which had no relation whatever to it. For example, it had over $10,000,000 in Chicago & Alton stock. It had over $22,000,000 in Illinois Central stock. It had over $20,000,000 in New York Central stock. It had a total of the stocks of other companies of over $95,000,000, so that you can see how poverty stricken this railroad was. It had in bonds of other companies over $83,000,000, upon which it was drawing interest in addition to the income which it derived from operating its own road. And the operation of its own road was so prosperous that it was able to carry about one-third of its operating revenue to surplus, and in the last year for which I have the figures here, 1917, it carried to surplus account over $40,000,000. Of course part of that was used in dividends.

Under the provisions of this bill as it stands it has been held necessary by those who have advocated that plan that we should further come to the aid of a railroad like the Union Pacific and add to its working capital. I am opposed to such a provision, and favor the amendment offered by the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman yields back three-quarters of a minute.

Mr. DEWALT. I yield five minutes to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, the statement that we are simply to get from the railroads the money that they owe us and pay them what we owe by striking a balance and call it square is a perfectly factitious argument. All that we have loaned to the railroads has been spent on extending tracks, and on various permanent improvements which have not yet paid for themselves, which can not be cashed in. What we owe the railroads is for current services. The same idea would be applied to the case of a man who loaned a thousand dollars to a grocer to start in business, and who then dealt with the grocer. At the end of the month in comes a bill for $25. He can not go to the grocer and say, "You owe me $1,000 and I owe you $25. You pay me $975 and we will be square." He could not get the money. It has been spent for counters and equipment, and it would be impossible to collect it. You could not go to the ticket agent and get a ticket to New York and then ask for nine hundred and eighty-odd dollars because you owed a bond. That is the position.

Ordinarily this money would be borrowed on long-term engagements. We have not made that arrangement with the railroads, but it seems to me necessary that they should be given the time which they normally would take to pay loans obtained in the general market. The railroads can not go out to-day and borrow money, because the rate is so extortionately high at the present time that it would be necessary for us to allow the railroads to charge higher rates than the consumer wants to pay. The Government can well afford to take much lower interest than the current rate in the money market. I trust that later on the railroads will be able to borrow the money on better terms.

Railroad capital is very large in proportion to the business done. The turnover is very slow with railroads, much slower than in any other line with which any of us is in the least familiar. It s absolutely necessary that we should turn back the railroads in fairly good condition, in the manner best calculated to make them useful and effective. That is vastly more important than any amount of profit to the Government. The slightest delay, the slightest injury to the railroad service, will cost the country vastly more than the possible interest that we would make by grabbing this money immediately.

Now, as you know, the railroads have been bullyragged for the last 20 years by one side and the other. There have been 48 State commissions that have been interfering, that have injured the railroads, that have thrown a monkey wrench into the machinery on every occasion when they could, through politics, local interest, prejudice, and one thing and another, and they have certainly prevented the railroads from being administered in a way best calculated to serve the community.

Now, it seems to me we must stop this process of railroad baiting. We must not act as though we believed that the railroads are being run by horned devils. They are being run by intelligent business men who are trying to get as much profit as they can, and we must remember that the only way in which a railroad can get any profit is by being a service to the community. If a railroad is not useful, it does not make money. The railroads want to get money, and the only way they can get it is by serving the community.

The railroads must go on, and I do not think that their development should be hampered by lack of funds. They should have the money that they need, and they should be under Federal control, freed as much as possible from the power of local railroad boards inspired by local interests. A national industry should be under national control; no problem which affects the whole country should be governed by less than the entire Nation.

Mr. DENISON. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Chairman, I am for the Denison amendment, believing that the adoption of that amendment will not only deal justly but even generously with the railroads of the United States. I am persuaded to that belief by reason of the testimony that was presented to the committee, and the fact that the statistics that were supplied to the committee justify the policy which the subcommittee recommended to the full committee.

There is some confusion in regard to the matter of working capital. The bill as recommended by the subcommittee takes care of that situation satisfactorily, and as it ought to have been taken care of under the standard contract. Under the bill as reported to the House there are discrepancies resulting in such generous treatment to the strong roads as to make the plan suggested in the bill unjust and unreasonable, in my opinion. I wish to call attention to a road which we may designate as road No. 3. That road in its practice while it was under private ownership and control June 30, 1915, had a working capital of only $2,600,000. On December 31, 1916, it had a working capital of $7,600,000, while on December 31, 1917, the working capital was $3,600,000. That is the amount of capital it established itself. Under the bill as reported to the House that working capital will be increased to $9,800,000, or almost three times the amount that it maintained and established itself. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DENISON. Mr. Chairman, we have but one more speech on this side and we prefer to close the debate.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, let us try, if possible in this matter, to view it, in the first place, with a clear business understanding of the situation, and, secondly, without any prejudice. I am quite well aware of the fact, not only because of past legislative experience, but because of past general business experience, that there is a prejudice against corporations. Be it well founded or ill founded, it exists. I beg the membership of this committee that they absolve from their minds any prejudicial view in that regard. I recognize that the first thing to be considered is the interest of the public. Some gentlemen have said here it is the interest of

the Government. What is the Government? The Government is the aggregation of the people residing in this country, namely, over 100,000,000 of people. Therefore when you speak of the interest of the Government you speak of the interest of the people.

This scheme resolves itself into a clear business proposition. What is it? It may be epitomized and syllogized in this way: The amount paid by the United States Government during the period of the war control in capital expenditure for various railroads in this country amounts to $1,135,000,000 in round numbers.

Of that amount about $360,000,000 will be taken care of by what is called the establishment of a car-trust fund, a bill which is reported to the House and which in the judgment of the committee will undoubtedly pass. That leaves, then, in round numbers to be considered $775,000,000, which must in some way be taken care of. Now, this expenditure was for capital investment, as I say, for betterments, improvements, and necessary repairs from time to time which did not go into the current account of the railroads. Now, follow me just one moment more. The standard return for the last two years of Government control amounted in round figures to $1,800,000,000—$900,000,000 per year in round figures. Out of that money which the Government owed the railroads by reason of the standard return the Government must pay for operating expenses, for dividends, and so forth, $1,430,000,000, leaving then a balance of approximately $370,000,000 which must be taken care of. Added to that there are $65,000,000 of current bills and expenses which must be taken care of, making a total of $435,000,000. Added to that, or rather subtracting that from the $775,000,000, of which I have just spoken, we have $330,000,000 to be funded according to this refunding proposition, or we have the other sum of $775,000,000 to be funded. Now, which shall it be? That is a clear business proposition. Now, I grant you that prima facie the argument is all one way. If I owe John Jones $10, and John Jones owes me $8, then the clear business proposition is this: He pays me what he owes me, and I pay him what I owe him, and we strike a balance by my paying him $2, and that is the way a balance is usually made. Now, that is prima facie correct, but that is not so here now. Why is it not so? Every rule has its exception; every rule is best proved by the exceptions thereto. What is the reason for the exception? In the first place, this is capital investment. Made how and by whom? By the volition of the railroad companies? No; by the command and behest of the United States Government during war time. Not all of it, but a majority portion of it, occasioned and demanded by war necessities, made so by reason of the edict of the Director General or the President of the United States, and these betterments and improvements to this enormous extent of $1,135,000,000 in large part were occasioned by the command of the Government of the United States.

Mr. DENISON. Will the gentleman yield there?

Mr. DEWALT. No; I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. DEWALT. That is one reason for the exception. Now, what is the other reason? There is not a business man in this House, there is not a lawyer in this House who has ever had any dealings with business men who does not know this as an established fact, that you never pay, except you have an extraordinarily profitable business, for permanent improvements and betterments out of your current expenses, from your current account. You pay it out of your surplus fund, if you have any, or you charge it up to capital account. That is good business method and that everybody knows. Now, what this provision of the bill is doing or is trying to do is this: It is trying to say to the Government, you made us make these improvements in large part, you made us make them when we could not borrow the money, because you had borrowed it all yourself in Liberty bonds, and so forth; and now we ask you to do what we would have done if we had had the power, namely, we would have borrowed the money and made a capital investment, and now we ask you to fund this amount—the difference between $435,000,000 and $775,000,000—not give us the money but fund it in the way we propose. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. WINSLOW].

The CHAIRMAN. The gentleman is recognized for eight and three-quarters minutes.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, it is a peculiar pleasure to follow the member of the Interstate Commerce Committee from Pennsylvania [Mr. DEWALT] in that he knows, according to my judgment, the subject he is talking about. I have felt after listening to much conversation and declamation here on the floor that some men have not known what they were talking about. You must not expect me to indulge in any airy persiflage; you must not expect me to rely solely upon lung power; you must not look to me to be a profaner of the millionaire railroads nor on the other hand to be a contender for or against the great number of other roads which are not millionaire roads. The gentleman from Pennsylvania [Mr. DEWALT] has very accurately described the situation that really exists, so that we can come to a discussion of the funding without any delay. Accept his word, if you please, as if spoken by me. The question of method is the only one involved. Either one is respectable, I think, or at least I did think so entirely until I heard the remarks of some gentlemen on the subject, but at all events I will accord a full measure of sanity and respectability to the proponents of the provisions in the bill. I feel that there is much sanity marking the method set forth in the amendment. As my committee associate, Mr. DEWALT, has said, as a commercial proposition in respect to financing permanent improvements one would expect that long-time provision would be made. To that I will agree. But here is a case of financiering between the Government of the United States and the railroads the like of which was never known in the history of the world. It does not follow the regular methods of banking or commerce in any vital particular; the case of every railroad is complete unto itself. The $435,000,000 which may or may not be subtracted, according as we vote here, does not represent any scientific distribution of revenues among the railroads of the country.

If we subtract that amount, we are then free in the adjustment of loans hereafter to treat each road as it deserves, on its own peculiar merits; but if we fund the amount and pay the railroad we may throw it in the hands of a few, and that unquestionably will throw it in the hands of the rich railroad, and the other fellow will have to come around and borrow just the same. It means we divert some money, more or less, from the Treasury of the United States into the hands of those who may not need it, and then under the remaining provisions of the bill we still have to go out and provide by loans for those who do need it, thereby increasing the amount involved. Once we have parted with $435,000,000 and paid it to these roads, it is gone for 10 years, as provided in the bill. Then we will have to go out and take care of the weaker roads, or any road which may not get the benefits from that amount paid over, and finance them. The difference in the amount of money to be divided between the two plans is $280,000,000; but do not think I would be so specious in my suggestion as to lead you to think that that $280,000,000 will necessarily be saved to this Government. It probably will not. It will go from the $280,000,000 which is planned to be withheld in the first instance down into making a provision for a revolving fund, or whatever it may be, for any loans which may be taken out under the privileges of that fund.

Here is the question, and that is all there is to it. There is no use of blackguarding either side. It is fruitless to say that one plan is the only plan. It is a straight question of business method. If you want to say you will pay $435,000,000 to whatever roads it happens to fall into, you want to follow the bill. If you prefer to say, on the other hand, that you are perfectly willing that such roads of the country as need the help, and so all together shall have the use of the $435,000,000, then you want to vote for the amendment.

The rate-of-interest question is very much involved. It is a tremendous proposition, and I have not yet heard a man who has spoken here tell all the facts about it. I do not think they have been trying to evade it; I doubt if they know. The proposition is just this: In the amount of money involved, which was spent by the Government for the railroads and which is considered under the interest rate, is a certain percentage for improvements and betterments, and so forth, not chargeable to capital account. If the current rate of interest between the Government and the railroads for all transient transactions has been 6 per cent back and forth, it is as standard as anything could be during two years. The reason why the lower rate may be made in favor of the railroads is due to the fact that a lot of that money has not been earning anything. The administration would undoubtedly be willing to allow the railroads to be charged 6 per cent, and allow that as an earning rate to the railroads, if all money represented improvements which have had an earning power. But a lot of the money has gone into steel bridges and into iron telegraph poles to replace wooden ones in certain places. They may improve the looks of the property, but they do not earn any more. On that kind of capital invested the administration very wisely says that they are not entitled to a full 6 per cent rate of interest. They are negotiating; and anybody who has been familiar with this all along knows that there is a discussion on between the Rail-

road Administration and the railroads as to the exact rate of interest to be charged the roads in the account in question.

The elements that enter into productive and unproductive investment have not been determined. If they should decide on 5, or 4, or 3 per cent, it would be because they took those two elements into account, and it should not be regarded as a standard rate of interest.

We want to be just and we want to be generous to the railroads to the limit. We do not, however, want to fool away any extra money. The Government must turn the roads back in as good condition as it found them in, and return their supplies in kind—pay for them a present value. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Illinois [Mr. DENISON] to strike out and insert.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. DEWALT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 134, noes 69.

So the amendment was agreed to.

The CHAIRMAN. The Chair will state that, having adopted the motion to strike out and insert, the motion of the gentleman from Louisiana [Mr. SANDERS] to strike out the section falls thereby. The Clerk will read.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

EXISTING RATES TO CONTINUE IN EFFECT.

SEC. 206. All rates, fares, and charges, all divisions of joint rates, and all classifications, regulations, and practices in anywise changing, affecting, or determining any part or the aggregate of rates, fares, or charges, or the value of the service rendered, which immediately preceding the termination of Federal control are in effect on the lines of carriers subject to the commerce act, shall continue in force and effect until thereafter changed by or pursuant to authority of law; but this shall not be construed as affecting the rights of any party to a proceeding involving rates, fares, charges, classifications, regulations, or practices which has been or may be instituted under the commerce act or other law.

Mr. SWEET. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Insert after the word "by," in line 23, page 12, the words "State or Federal authorities."

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SWEET. Mr. Chairman, I want to call the committee's attention to the provisions of section 206. It provides that:

All rates, fares, and charges, all divisions of joint rates, and all classifications, regulations, and practices in anywise changing, affecting, or determining any part or the aggregate of rates, fares, or charges, or the value of the service rendered, which immediately preceding the termination of Federal control are in effect on the lines of carriers subject to the commerce act, shall continue in force and effect until thereafter changed by or pursuant to authority of law.

You will observe that the language is "pursuant to authority of law."

The rates that are now in force will remain in force and effect after the roads go back to private ownership, and the question naturally arises as to the authority of the State commissions to change or modify intrastate freight or passenger rates. The language used is "pursuant to authority of law," and it was the intention of the committee and the drafters of the bill that when the roads were turned back to private ownership the State commissions should have power to change and modify intrastate rates, and that the Interstate Commerce Commission would have authority to change and modify interstate rates. And it is only because of the construction that might be placed upon the language in this section that I have offered this amendment. The amendment is inserted after the word "by" in line 23, and consists of the words "State or Federal authorities." It makes the proposition clear that it is the intention of Congress that the State commissions will have jurisdiction over rates, fares, and charges as to intrastate business. It prevents any other construction being placed upon it. I do not understand that the chairman of the committee has any objection to this amendment.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. SWEET. I will.

Mr. NEWTON of Minnesota. This carries out the effect of the legislation passed by Congress six weeks ago in the so-called Cummins bill—S. 641?

Mr. SWEET. It does.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BARKLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

Mr. BARKLEY. Mr. Chairman, I rise in opposition to the amendment for the purpose of asking a question. We all desire to accomplish the same purpose.

Mr. SWEET. It is only to clarify and make certain the language of the bill.

Mr. BARKLEY. But I have a little apprehension about the interpretation that may be put upon the gentleman's language. All these charges include rates on interstate commerce as well as rates on intrastate commerce. By merely inserting the words "by Federal or State authority," do not you leave it somewhat in doubt whether a State authority might pass upon an interstate rate or the Interstate Commerce Commission might pass upon an intrastate rate? Should there not be some definite language inserted, expressing the jurisdiction, so that there would not be a concurrent jurisdiction to pass upon interstate and intrastate rates?

Mr. SWEET. No. The language used in the proposed amendment makes it clear that the State regulatory bodies will have jurisdiction over intrastate rates, and that the Interstate Commerce Commission will have jurisdiction over interstate rates.

Mr. BARKLEY. This language was discussed very carefully by the committee and by the Interstate Commerce Commission itself. The phrase "by authority of law" of course means whatever authority there is to pass on rates, and it would include both the Interstate Commerce Commission and the various State commissions. But if you put them in interchangeably you might lead to the unintentional conclusion that one or the other might pass on one or the other rates.

Mr. SWEET. No; I think not; because it refers back to the word "law," and it makes it clear that it refers to the laws of the States and also the Federal Government.

Mr. BARKLEY. I think I shall offer an amendment of but just one word after your amendment, "by State or Federal authority," by putting in the word "respectively."

Mr. SWEET. I did not get the word.

Mr. BARKLEY. The word "respectively."

Mr. SWEET. I will not object to that.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] has the floor.

Mr. BARKLEY. I will yield to the gentleman if he wants to ask a question.

Mr. SEARS. I would make this suggestion: At the end of the paragraph strike out the period and insert a semicolon and add the following: "*Provided*, That nothing in this section shall be construed to include intrastate shipments."

Mr. BARKLEY. That is not the intention. They are continued until the proper State authorities can pass upon them. Otherwise they would go back to the prewar rates.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SWEET].

Mr. BARKLEY. Mr. Chairman, I offer an amendment, to add the word "respectively" after the gentleman's amendment.

Mr. SWEET. I accept that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY to the amendment offered by Mr. SWEET: After the Sweet amendment add the word "respectively."

The CHAIRMAN. The Clerk will read the Sweet amendment as modified by the Barkley amendment.

The Clerk read as follows:

Amendment offered by Mr. SWEET as modified by the Barkley amendment: Insert, after the word "by," in line 23, on page 12, the words "Federal or State authorities, respectively."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, it seems to me the addition sought to be made to this paragraph does not clarify it at all. It seems to me it should be left as it is, "until thereafter changed by or pursuant to authority of law." That means, of course, the authority of the Interstate Commerce Commission where it applies, and the authority of the State commission where it applies. If we substitute this language, it might seem as if it were alternative.

Mr. SWEET. No. This is as to the construction of the law that is to be in force and effect, and this is a recognition of the fact that the State commission shall have authority over intrastate rates.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky to the amendment offered by the gentleman from Iowa [Mr. SWEET].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SWEET] as amended by the gentleman from Kentucky.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. SUMNERS of Texas. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 73, noes 11.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. MOORE of Virginia. I do so, Mr. Chairman, for the purpose of calling the attention of the committee to one matter that I think ought to be considered, but I shall not offer an amendment at this time. Section 206, now under debate, begins by providing "All rates, fares, and charges, all divisions of joint rates," and so on, "shall continue in force and effect until thereafter changed by or pursuant to authority of law." The requirement as to divisions is all right if the divisions referred to are divisions in strict sense, as, for instance, a division of joint rates applicable to a line under Federal control and a line not under Federal control. But if the reference is to division of joint rates applicable to two or more lines under Federal control, it seems to me the provision needs some clarification, some explanation, because the existing division of such rates, as I understand—I am not sure of the correctness of my information—is represented by mileage arbitraries, percentage abitraries based upon mileage, that have been devised for bookkeeping purposes. I suggest to the committee that at the proper time hereafter it will be well to bear that point in mind so as to avoid the possibility of compelling the maintenance of these arbitraries for an indefinite period in effect.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. STEVENSON. I would like to ask the gentleman if, where the divisions are between two railroads that cooperate, that is not entirely a matter of contract and there is not any power to regulate what each railroad shall have?

Mr. MOORE of Virginia. I understand the purpose of the bill is to maintain the status quo until there is some change under competent authority. All I am saying now is that it would seem inadvisable to go to that full extent.

Mr. ESCH. I think one advantage in including in the section the words "division of rates" is due to the fact that two lines operated by the Government on the lower Mississippi now have a division of rates with the rail line connecting at points like St. Louis. If Federal control ceases, there might be danger that that division of rates, rail and water, might lapse. We wanted to maintain the present status of those divisions when Federal control shall cease.

Mr. MOORE of Virginia. I think that is all right, Mr. Chairman. I approve that, and I am also in sympathy with the purpose to maintain, as provided, the divisions which short lines enjoy. I am talking altogether about the other thing, namely, that arbitrary mileage percentages ought not to be fastened on carriers indefinitely.

Mr. ESCH. I agree with the gentleman in that, and if there is any change by way of amendment which he desires to suggest I shall be glad to have him do so.

Mr. MOORE of Virginia. Later on I will be glad to try to present something along that line.

Mr. RAINEY of Alabama. Mr. Chairman, I wish to ask a question for information. On page 12, line 25, I wish to know if the words "by or pursuant to authority of law" have been stricken from the bill or if they still remain in the bill?

The CHAIRMAN. They still remain in the bill.

The Clerk read as follows:

SEC. 207. (a) When used in this section—

The term "carrier" means a carrier by railroad or partly by railroad and partly by water (1) whose railroad or system of transportation is under Federal control at the time Federal control terminates, or which has heretofore engaged as a common carrier in general transportation and competed for traffic with a railroad or railroads of which the President has taken and retained possession, use, and control (excepting, however, from such railroads not under Federal control any street or interurban electric railway which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both) and (2) which, within 60 days after the termination of Federal control as provided in section 200, has filed with the Interstate Commerce Commission schedules embodying general increases in its rates, fares, and charges;

The term "guaranty period" means the first six months after the termination of Federal control; and

The term "test period" means the three years ending June 30, 1917.

(b) The United States hereby guarantees to each carrier that its railway operating income for the guaranty period as a whole shall not be less than the average of its railway operating income for the three corresponding periods of six months each during the test period. If during such corresponding periods in the test period, averaged together, the carrier had no railway operating income, the guaranty shall be the amount by which any deficit in railway operating income for the guaranty period as a whole exceeds the deficit for the three corresponding periods during the test period, averaged together.

(c) For the purposes of this section the railway operating income for the periods during the test period corresponding to the guaranty period shall be computed in the manner provided for in section 1 of the Federal control act.

(d) In computing railway operating income for the guaranty period for the purposes of this section—

(1) Debits and credits arising from the accounts, called in the monthly reports to the Interstate Commerce Commission equipment rents and joint facility rents, shall be included, but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as are not under Federal control at the time of termination thereof, shall be excluded;

(2) Proper adjustments shall be made (a) in case any lines which were, during any portion of the period of Federal control, a part of the railroad or system of transportation of the carrier, and whose railway operating income was included in such income of the carrier for the test period, do not continue to be a part of such railroad or system of transportation during the entire guaranty period, and (b) in case of any lines acquired by, leased to, or consolidated with the railroad or system of transportation of the carrier at any time since the end of the test period and prior to the expiration of the guaranty period, for which separate operating returns to the Interstate Commerce Commission are not made in respect to the entire portion of the guaranty period;

(3) There shall not be included in operating expenses, for maintenance of way and structures, or for maintenance of equipment, more than an amount fixed by the Interstate Commerce Commission. In fixing such amount the commission shall, so far as practicable, apply the rule set forth in the proviso in paragraph (a) of section 5 of the "standard contract" between the United States and the carriers (whether or not such contract has been entered into with the carrier whose railway operating income is being computed), except that instead of taking the whole of the test period for the purposes of comparison there shall be taken the periods during the test period corresponding to the guaranty period; and

(4) The commission shall require the restatement of the operating expenses (other than for maintenance of way and structures or maintenance of equipment) for the guaranty period to the extent necessary to correct any abnormal charge to such expenses for such period.

(e) The Interstate Commerce Commission shall, as soon as practicable after the expiration of the guaranty period, certify to the Secretary of the Treasury the amount of the railway operating income of the several carriers during such period and the several amounts necessary to make good the guaranty to each. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States, which shall be paid, out of any moneys in the Treasury not otherwise appropriated, for the amount shown in such certificate as necessary to make good the guaranty.

(f) Upon application of any carrier to the Interstate Commerce Commission, asking that during the guaranty period there may be advanced to it from time to time such sums, not in excess of the estimated amount necessary to make good the guaranty, as are necessary to enable it to meet its fixed charges and operating expenses, the commission may certify to the Secretary of the Treasury the amount of and times at which such advances, if any, shall be made. The Secretary of the Treasury, on receipt of such certificate, is authorized and directed to make the advances in the amounts and at the times specified in the certificate, upon the execution by the carrier of a contract, secured in such manner as the Secretary may determine, that upon final determination of the amount of the guaranty provided for by this section such carrier will repay to the United States any amounts which it has received from such advances in excess of the guaranty. If any such application is made before the carrier has filed with the commission schedules embodying general increases in its rates, fares, and charges, no advances shall be made under this paragraph unless such carrier enters into a contract, secured in such manner as the Secretary of the Treasury may determine, that if it fails to file such schedules within 60 days after the termination of Federal control it will repay to the United States the amount of such advances, with interest at the rate of 6 per cent per annum. No advances shall be made to any carrier after the expiration of 60 days after the termination of Federal control unless it has previously filed such schedules with the commission

Mr. SIMS. Mr. Chairman, I move to strike out the entire section.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the section. Before that motion is voted upon the committee will vote upon any amendments offered for the purpose of perfecting the text.

Mr. SIMS. Mr. Chairman, I have not much to say in support of my motion, because it does not seem to me that it requires much to be said.

This section provides that the so-called standard return shall be continued for six months in favor of such carriers as make application within 2 months or 60 days and file a rate-increase schedule. No other carriers will get the benefit of the standard return. Therefore we know that every carrier which has made the standard return or in excess of it during Government

control, or has reason to believe that it will make the standard return during the first six months, will not make any application. Therefore the Government of the United States will not have the benefit that it now has. It now operates all the railroads as one railroad system, and it guarantees a return to them as a whole equal to the return of each road for the best three years of its life—the test period.

Now, if we are going to continue the guaranty at all, we should continue it as to all railroads and take from every road that makes more than the standard return the excess, so as to help take care of those roads that make deficits. The only object of this is to take care of the roads that have every reason to believe that they can not make the standard return. Now, on those roads there will be no incentive whatever during the six months to exercise any economies, to reduce costs of labor, or in the purchase of materials for less than had to be paid during the war. I mean there will be no inducement in the nature of compulsion. Naturally, I suppose, every railroad, even if it expects the standard return to the extent that it does not make it, will do its best to reduce expenses, knowing that after the six months it will have to do so. But suppose that these roads, or any number of them—which may be quite possible—do not make the standard return, and at the end of the six months conditions are such that they can not make it for the next six months. As a matter of precedent and the reason for the guaranty we should continue the same subsidy—for that is all it is—for any subsequent period necessary for the roads that have not made the standard return during the six months to enable them to get where they can make it.

Now, this is simply a case of volunteering to secure profits on the roads after they have been returned to their owners. In other words, we are paying the railroads to take back that which they want and are anxious to have, and then we give the loaning and refunding privileges to take care of them in addition. Any road that has the slightest prospect of making the standard return at the end of six months the Government will loan it any money that it needs during the time and give it a reasonable time in which to pay that loan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SIMS. Now, my friends, this standard return has got to be paid out of the Federal Treasury, in which there is not to-day a net dollar.

Mr. BLACK. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman from Texas.

Mr. BLACK. Will the gentleman explain just this feature of the matter? We have granted rate increases of about 25 per cent, and I suppose that will amount to something over $1,000,000,000 a year, will it not?

Mr. SIMS. I should think so.

Mr. BLACK. And my understanding is that the wage increases which the Government has given to the employees—I do not criticize them at all—will amount to practically as much as the rate increases. Therefore does the gentleman think that the railroads will be able to meet their interest obligations with the present freight rates or until they are increased?

Mr. SIMS. They might not if the maturing obligations came within the six months, but we will loan them the money if they need it. So that is all out of the way.

Now, the war rates are continued by this bill. The rate would continue until otherwise ordered if it was not in the bill, in my opinion, and then we propose to give them an opportunity to refund anything that they owe under the terms of the bill and loan them any money that they need. Now, why do you want to vote them a pure subsidy?

Gentlemen talk about increased wages. Of course, there has been an increase in wages. There has been an increase in everything more than proportionate to the increase in wages; but we expect a decline in wages if the cost of living and material decrease, but no great decline; but that will be the natural tendency. We will expect and, no doubt, get an economical administration of each individual road by its owners, who will operate it possibly more economically than the roads could be operated under war conditions. Therefore, inasmuch as the Government has no money and we have got to collect it by taxes or borrow it on loans, I do not think we should borrow from the taxpayer by compulsion and give it to a railroad that can not make the standard return during the first six months after it goes back into the hands of its owner, or can not make that which it made in the best three years of its pre-Government control existence.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. GREENE of Vermont. The gentleman has just referred to the question of wages. We have imposed, by fiat of law, upon these railroads, which are now about to resume operations under private control, a standard of wages which they never would have made themselves under natural conditions.

Mr. SIMS. The gentleman is making a statement.

Mr. GREENE of Vermont. No; I am asking a question. The proposition is simply this: We have arbitrarily imposed, by fiat of law, a standard of wages which we now ask them to reach and pay by the natural law of trade. How are you going to reconcile those two propositions?

Mr. SIMS. I have just stated that we have also given an arbitrary increase of rates, and the roads have six months in which to increase rates, and we propose to loan them all the money they need during that time. Therefore the guaranty is a subsidy, nothing but a subsidy. Every public utility in the United States is in the same shape as are the railroads as to wages, though not under Government control.

Mr. ESCH. Mr. Chairman, the necessity for maintaining the guaranty for a period of six months must be evident to everyone who realizes the tremendous increase in cost of the operation imposed on the carriers, as was suggested by the gentleman from Vermont, by fiat. The railroads did not have anything to say about the amount or as to the cost of material. That was fixed by governmental agency. The total increase of wages in 1919 through Government agency was practically $1,000,000,000. The increase this year will possibly be larger than that by reason of the fact that the shopmen have recently had an increase granted through the Director General, retroactive to the 1st of May, which will increase the wage scale $45,000,000 per annum.

Now, under these circumstances we felt that we were obligated to maintain this standard return for a period of six months until such time as the Interstate Commerce Commission could adjust the level of rates to meet the increased cost. We are paying the deficit which has occurred under Federal control. We hope that when the roads are returned through the standard return guaranty of six months the commission will adjust the level of rates so as to permit the roads to stand alone. That is why we are putting in the guaranty.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. RAMSEYER. Why six months; why not make it a year? Is it to give the commission an opportunity to adjust it, and does the gentleman think it can be done in six months?

Mr. ESCH. We took it up with the Interstate Commerce Commission, and with two months for notice and four months for determination they say that it can be done.

Mr. SEARS. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SEARS. The gentleman has stated the increased cost of wages. What has been the result of the increase in the 25 per cent freight rates and the 1 per cent passenger rates?

Mr. ESCH. Between $900,000,000 and $1,000,000,000.

Mr. SEARS. So that it is about the same as the other.

Mr. GREENE of Vermont. Will the gentleman allow me to make a suggestion?

Mr. ESCH. Yes.

Mr. GREENE of Vermont. The question of wages is only one of the factors.

Mr. ESCH. I said that the cost of materials and a lot of other facts entered into the matter.

Mr. SNYDER. Will the gentleman yield?

Mr. ESCH. I will.

Mr. SNYDER. I want to ask the gentleman if he has taken into consideration the fact that at the present time under Federal control they control not only the railroads but the express, and when the roads are turned back the express companies will take the receipts that are now received for carrying local freight?

Mr. ESCH. I have an amendment that will cover that.

Mr. SNYDER. The gentleman understands what I mean; under the present operation of local freight the business of the country has absolutely broken down.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CONNALLY. Mr. Chairman, I favor the adoption of the amendment of the gentleman from Tennessee [Mr. SIMS] to strike out section 207 of the bill. It is in that section that provision is made that the Government guarantee to each railroad

which has at any time been under Federal control that its income for the first six months after the termination of Federal control shall not be less than its average income for the corresponding periods in 1915, 1916, and 1917. In addition to discussing the amendment to strike out the section, I desire to submit some observations concerning my objections to other provisions of the bill now presented. In its present form I can not vote for the measure, and I desire to briefly point out some of the reasons impelling me to that course.

The Army appropriation bill of 1916, before the United States became engaged in the war with Germany, carried a clause empowering the President to take possession of the railways in time of war. On January 1, 1918, acting under that authority the President took over the railways and has since operated them. During the period of operation of the lines under Government control there has arisen a very general demand that the railways be returned to the owners and to private operation.

The President in May, 1919, delivered to Congress in joint session a message in which he expressed his intention to return the roads to private ownership and control by December 31, 1919. Under existing law the President has ample authority in that regard.

It has also been given out that the return of the roads to the owners will be made whether any new legislation is enacted or not. For my own part, I desire that the roads be returned. I am opposed to Government ownership or operation. I am unwilling for advantage to be taken of the general desire for the restoration to private management to enact legislation unfair to the public interest.

We are then presented with the situation in which the roads will be returned to private ownership and operation either under the same laws and regulations that existed at the time they were taken over or they will be returned under the terms of the pending bill in its present form or as it may be amended during its consideration in the two Houses. The issue is not whether the Government will retain operation and control or restore private ownership and control. That question has already been decided. The only issue with which we are confronted is as to the character of legislation under which restored private ownership and control shall be exercised. Even though this bill, on account of its objectionable features, should fail of passage, Congress is not thereby precluded from enacting any necessary or proper legislation dealing with the subject.

I fancy that among the causes prompting the shippers and the public to form the conclusion that a return should be had to private operation were the decided increases in rates and charges during Government control and the inefficiency with which the lines were operated, resulting in delays, inconveniences, and poor service as compared with former service.

I fancy that it was with some expectation, or at least some hope, that these objections would be removed when the railroads should be returned to the owners that the demand became insistent.

But, Mr. Chairman and gentlemen of the committee, in the development of debate on this bill we have been informed that no such roseate expectations may be entertained. We are told that immediately on the return of the roads to the owners the country may expect another advance in freight rates, notwithstanding the rates are already higher than the public has been led to believe they should be. Section 206 provides that all rates in effect at the termination of Federal control shall continue until changed by or pursuant to law. This dissipates any hope of a reduction, not to mention prospective increases.

If gentlemen will analyze subdivisions (a) and (b) of section 207, they will see that under the terms of the bill the railways are invited, if not practically commanded, to file increases in rates within 60 days after the end of Federal control. In subdivision b, section 207, of the pending bill it is proposed that the Government shall guarantee for six months after the end of Federal control that the income of each carrier shall not be less than the average of its operating income during the corresponding six months of the years 1915, 1916, and 1917. In subdivision a, section 207, it is required that a railroad, in order to become eligible to claim the guaranteed return, must, within 60 days after the termination of Federal control, file with the Interstate Commerce Commission schedules of general increases in its rates, fares, and charges. Of course, everyone knows that each railway company will desire to take advantage of the guaranteed return. In order to do so it is required to file schedules of general increases in its rates. All roads will file such increases. The language of the bill, amounting almost to a command to the railways to file increases in rates, is a very strong suggestion, if not a command, to the Interstate Commerce Commission to approve raises of all rates in excess of the present rates under Government control. The fixing of rates in such a manner amounts to legislative rate making instead of judicial rate making by the commission.

We have all believed that the country was to receive from the return of the roads to private ownership either a reduction in rates or more efficient administration of the railways. If the private owners, with the present level of rates, administer the roads more economically and with more efficiency than the Government has administered them, they will naturally have a greater net revenue with which to pay interest on their obligations and returns on investments.

The rates now in force under Government control are from 25 per cent to 40 per cent higher than rates which were in effect under private management. By changes in classification of freight these rates in some instances and on certain commodities and in some sections have been much higher than these ratios. This increase of rates has been reflected in the commerce of the country. To again increase rates upon relinquishment to private control will place an uncommon burden upon the shippers, consumers, and producers of the United States, without, to my mind, sufficient justification, so far as has been disclosed in debate.

We should bear in mind that the standard return or rent paid to the railways during Federal control was based upon the average earnings for 1915, 1916, and 1917, and the average earnings for these years was larger than the average for any three consecutive years to be found in a long previous period. These earnings accrued under the old rates in force prior to Federal operation.

I am opposed, Mr. Chairman and gentlemen of the committee, to the Congress guaranteeing the income of the railways for the period of six months immediately following the termination of Federal control as provided in this bill. I am opposed to going into the Treasury and granting to the railways a gratuity or subsidy out of public funds.

Mr. Chairman, I desire to be just to the owners of the railroads. I desire to accord to them the same measure of justice as is accorded other citizens of the Republic. They neither deserve less nor are entitled to more consideration than the owners of other property in the United States. As a Member of Congress, representing a constituency served by the railroads, I do not feel that I should be more than just; be generous with the people's money by voting for a subsidy; with funds not my own to give largess to the holders of railroad bonds. If the roads on reasonable rates fixed by the Interstate Commerce Commission are not able to earn in 1920 as large an income as they earned in 1915, 1916, and 1917, the average of which was high, as has been pointed out, I do not feel that I should vote for an appropriation to make up the earnings to that point. Gentlemen may say that the Government guaranteed the income during Government control. That is true only in a sense. The President took over the roads under the act of 1916. After they had been taken over it was necessary that some rate of rental be fixed for their use. The President had deprived the owners of possession and assumed it himself. The average earnings for the years 1915, 1916, and 1917 was fixed because it was contended that these years being the three consecutive preceding years afforded the best guide as to what the roads would probably earn from January 1, 1918. However, it is quite another thing to continue the guaranty after the roads have been released. It is one thing to take property under a war power and to, at least theoretically, exclude the owners from control, and for the use of such property to pay liberal rent, and quite another thing to guarantee the same rent after the owners have been restored to possession.

Allow me to call attention to another distinction between the two sets of circumstances. During Federal control under the stipulated rentals the surplus which the prosperous roads earned over and above the guaranteed return went into the Federal Treasury for use in paying the deficits incurred by the unprofitable lines. Under the terms of this bill the roads are permitted to retain their entire earnings though in excess of the guaranty, while the Treasury is to be drawn upon to make up the income of those carriers which are unable to produce revenue equal to the guaranteed amount. A guaranty of income decreases the incentive to economy and efficiency of operation. This is especially true when it is recalled that during the period of guaranty the companies enjoying it are enjoined by the bill to file and have pending before the commission increases of rates. Under such circumstances it is not to the interest of the carrier to reduce its operating costs. Declining expenses do not argue for higher rates.

It must be borne in mind that the railways, at the time the Government took them over, were anxious for that course to be adopted. They threw up their hands and stated they were unable to operate the lines. The war needs were such that the President felt it to be imperative that he assume control. There

is ample warrant for the belief that the roads were desirous of Government control. While they could not have successfully resisted seizure of their properties, they were not required to accept a rental less than that what was fair and reasonable. The Constitution guaranteed them "just compensation." That compensation was assured by resort to the courts. By voluntarily accepting the rate of rental agreed upon between the Railroad Administration and themselves, they may be assumed to have been satisfied. Indeed, there was a suggestion in the testimony on the bill providing for Government control that the Railroad Administration favored a liberal rental in order to avoid possible litigation with the companies. Practically all of the former officials and operating managers were continued in charge during the period of Government operation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY. It has been strongly intimated, if not directly charged, that many of the annoyances and inefficiencies arising during Federal control were knowingly caused by circuitous routing of freight, diversions of traffic, and poor car service by the same officials. If such charges be true—and I am frank to say I do not know whether they be true or false—necessarily they resulted in much expense and cost, which should be avoided under private management. It has been charged that these things were done in order to induce the return of the roads upon terms favorable to the owners.

Notwithstanding the anxiety of the roads to be taken over originally, now that we come to the point of handing them back, they again throw up their hands and say, "We can not take them back unless you allow us to continue the rates which the Government has adopted, and allow us to file schedules still further raising those rates."

They throw up their hands and say, "We are not able to operate the properties unless the United States offsets our indebtedness in such a way as to pay us what it owes us, and allow us to owe the Government for 10 years for the improvements and betterments to our properties which it has made."

This was what section 205 of the bill as introduced provided, but I am glad to say that the House, by the adoption of the Denison amendment, has, in a measure, improved that portion of the bill. That amendment requires that $281,000,000 due to the Government, which the original bill provided should be funded for 10 years, shall be offset on final settlement against amounts due the roads on rentals. Mr. Hines, the Director General, in a letter stated that this feature of the bill was too liberal, and suggested the amendment. I supported the amendment, but the bill still permits the funding of large sums due the Government by the roads.

But what else does the bill provide? Let us see if it is not generous, indeed. By the terms of the measure the lines are returned in as good, if not better, condition as when they were received.

The bill provides for new loans to the roads in the sum of $250,000,000 in addition to what the roads may owe the Government for improvements and betterments during Government operation.

Section 205 provides that the railroads shall have the option to refund or extend their indebtedness to the Government for such improvements, additions, and betterments for a period of 10 years or less, in the discretion of the roads. No discretion is retained in the Government or in the Interstate Commerce Commission to determine in what cases extensions or refunding shall be authorized—no power to deny a loan to a company that may not need it or extend a loan to a company that may need it. But the bill gives the absolute option to the companies alone to extend or refund their indebtedness to the United States.

The roads are to be provided by the Government, on credit, with a month's working capital out of the earnings of the railways while under Government control, notwithstanding the fact that, as disclosed by the letter of the Director General, Mr. Hines, the Government at the time it took over control was required to pay maturing bills contracted by the railways and carry them for the companies. Now, in turn, the bill permits them to retain for their own use funds accumulated in the operation by the Government and to owe the Government for same while the Government is still under obligation to meet the maturing bills contracted by it when they become due.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. SNYDER. Does the gentleman think that a railroad which had demonstrated its ability that it is prosperous would be silly enough to borrow money from anybody that it did not need.

Mr. CONNALLY. I will say to the gentleman that it does not seem in human reason that that would be the case, and yet for two years we have heard all over this country the doctrine preached by gentlemen that the railways were not in a position to float their securities and could not finance their operations, but that the Government, through dire necessity for the required service, must come to their rescue and rehabilitate them. And we hear that same doctrine preached to-day after they have received two years of very generous returns. To-day they are in better condition than they have enjoyed for years, so far as earnings and credits go.

Mr. BLACK. Does the gentleman not know that it was at the request of the Secretary of the Treasury that some of the best roads did not go into the market and borrow for their own accounts because the Secretary of the Treasury did not want to have the competition of the road bonds with the Liberty bonds?

Mr. CONNALLY. That was very true during the period of the war when Liberty bonds were being sold. However, no such competition will exist after the end of Federal control. Let us hope there may not be necessity for further bond sales. With plenty of money in the country no trouble should be met in marketing meritorious securities—securities backed by real value. No others ought to be marketed.

The Treasury of the United States does not contain $250,000,000 of idle capital with which to make these future loans. The Treasury has not the cash, and if such loans are to be made Government notes must be sold to raise the money with which to make them. The obligations of the Treasury are such that it will need all of its available funds. With the enormous war debt and maturing interest the Government can ill afford new loans. Why can not the lines sell their securities, when it is borne in mind that their rates will be increased and the physical condition of the properties has been vastly improved? The stockholders are usually also the bondholders. During Government control they will have received $1,800,000,000 in returns, a part of which should be available for investment in their own bonds.

VIRTUALLY DESTROYS STATE COMMISSIONS.

Under the present provisions of the pending bill the powers of the railroad commissions of the States to fix and regulate rates on shipments between points in the same State are very seriously impaired, if not totally destroyed.

The State of Texas was a pioneer in the enactment of legislation regulating and controlling railway corporations. It was among the very first States to establish a rate-making railroad commission. At first this policy was savagely assailed as an undue interference with private property and individual initiative, but within a short time its benefits were realized by the public, and to-day the Texas laws governing its railroad commission are firmly established in the affections of the people. Their wisdom has been vindicated and experience has demonstrated that they operate fairly and justly both as to the railroads and the shippers. The people are accustomed to dealing with State commissions. They are nearer to the people and more easy of access than the Interstate Commerce Commission at Washington. To cripple the State commissions as this bill does, to strip them of effective powers, is to practically abandon all State control and regulation. Under such regulation the roads grew into the finest system in the world and the States exacted respect for and obedience to their laws. Is it wise, is it necessary, to forsake such a policy?

CONSOLIDATION AND CENTRALIZATION IN WASHINGTON.

Section 407 empowers the Interstate Commerce Commission, on application or its own initiative, "to approve and authorize such unification, consolidation, merger, or pooling," and so forth. This section disregards State laws and constitutions prohibiting the unification of competing or parallel lines. It places in the commission the power, if it should see fit to exercise it, to consolidate all of the railways in the United States into a single great system. The exercise of the power to that extent may not perhaps be anticipated, but to pursue such a policy measurably in any given region or territory would prove hurtful. Even where rates are the same on all roads there has always been a "competition in service" where two or more lines could carry the identical or similar shipments.

This competition consisted in a rivalry in promptness and a contest in courtesy and fair dealing. With one great system, or even regional systems, this element of competition would be very largely, if not entirely, eliminated. During Federal control frequent complaint has been heard that unified operation has

resulted in the destruction of such competition and has begotten a degree of disregard for the public convenience.

Under subdivisions 17 to 19 of section 402 lines of railroad are denied the right to build a new line of railroad or an extension without the consent of the commission. This action further gives the commission sweeping power to control the entire car service of all railways, including "the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property and the supply, movement, and operation of trains by any carrier by railroad subject to this act."

This section confers upon the Federal commission absolute and autocratic power to distribute, allocate, and control the movement of all cars and locomotives without consideration of the ownership of such equipment. Localities or sections of the country in times of great need for cars and equipment, such as the harvest season or the cotton season, if their needs are not supplied by the carriers will have no legal recourse against the carriers for failure to supply equipment for the sufficient reason that the carriers may answer that they are not responsible because their cars and equipment were directed to other points or sections by the Interstate Commerce Commission. On shipments of live stock or other perishable freight serious consequences may be suffered by such practices. When cattle are moved to points of shipment they should be transported speedily. Heretofore the carriers have been responsible under their common-law liability, but responsibility may be avoided under the provision referred to. To obtain any character of redress the complainants must apply not to their State railway commission or to the courts but to the commission at Washington. One of the very serious complaints made during Federal control has been lodged against this very practice, by which shippers have been forced to send their complaints to Washington. The section presupposes wonderful "vision" in the commission, if it is to be imagined that it can look out from its offices in Washington and survey the needs of the various sections of the entire country and anticipate their wants more accurately than the traffic officials of the individual lines who make an intensive study of their own sections and their seasonal needs for cars, or than the State railway commissions of the several States.

Section 415 enacts into law the holding in what is known as "The Shreveport case." This clause pretends to recognize the State commissions by directing the Interstate Commerce Commission when examining the relation between intrastate rates and interstate rates to give notice to the State authorities and by authorizing the Federal commission to "confer" with the State commissions. These provisions, however, in nowise limit the authority of the Federal commission, conferred elsewhere in the bill, to override and destroy the powers of the State commissions, but on the other hand emphasize such power in the following quoted language:

> The commission shall have authority, after full hearing, to make such findings and orders as may in its judgment tend to remove any undue advantage, preference, or prejudice as between persons or localities in State and interstate or foreign commerce, respectively, or any undue burden upon interstate or foreign commerce, which is hereby forbidden and declared to be unlawful, and such findings or orders shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding.

It will be noted that the clause just cited empowers the commission to pass upon questions arising in "State and interstate and foreign commerce" and ends with the ominous and funereal words "the law of any State or the decision or order of any State authority to the contrary notwithstanding." If other paragraphs of the bill have in anywise failed to pronounce the doom of State railway commissions, the language quoted effectively and completely accomplishes that purpose.

The measure now before the House concenters practically all power and control over rates, routing, equipment, pooling, consolidation, and the multifarious affairs connected with railway traffic over every railway line in the United States in the hands of the Interstate Commerce Commission, whether the road be one wholly within a State or an interstate road, whether it be incorporated under State or Federal law. The evils of centralizing in the Federal authority the powers of government at the expense of the States should be apparent to all. The further the agencies of government are removed from the people the less responsive to the popular will those agencies become. As the departments of government become more distant from the people it becomes more difficult for the people, and in this instance for the shippers, to secure access to and a hearing before the Government functionaries for the purpose of redress or petition for the rectification of abuses. To confer limitless authority upon a bureau or commission not directly responsible to the people is often to invite indifference to the rights and appeals of the people.

The exercise from Washington of war-time powers by the various boards and bureaus created for the war emergency, which entailed many fretful annoyances and vexatious inconveniences to the people and to the business of the country, has demonstrated very forcefully the objections which may be justly urged against the extension of such powers in time of peace. My own hope is that emergency restrictions and interference with the accustomed activities and business of the people may be speedily removed and the country be permitted to again resume its normal relations and functions.

CONCLUSION.

The problem of transportation is one of the greatest with which it is our duty to deal. Every pound of freight and every passenger that is carried by railway is necessarily forced to contribute a fare or charge to the transportation lines. Transportation affects every producer that sells his product, every laborer that toils in field or factory, every consumer that purchases any article of commerce not produced in his own locality, every farmer that brings forth from the bosom of nature, with the aid of sun and shower, the plant that feeds or clothes his fellow man. The public pays the freight and foots the bills. The public pays the wages of the railway employees; it pays for the equipment and the cars; it pays for all of the material of steel and stone and timber in the tracks and roadbeds upon which the engines and thundering trains speed from ocean to ocean; and last, but not least, it pays the dividends upon the capital invested in all the railway properties of the Union.

According to my own view, this bill does not accord adequate protection to the interests of the shipping public, and the term "shipping public" embraces the whole people.

In the brief time allotted to me I have undertaken to advert to some of its features which particularly invite my disapproval.

There are those who hope to capitalize the public demand for the immediate return to private management and to thereby secure the enactment of legislation which would be considered impossible in calmer moments. Many Members have expressed their disapproval of many features of the bill but have indicated their intention to support it as the best that can be secured. As for me, my reason and my judgment compel me to register my vote against it. Rather than embrace this measure I should sanction the return of the roads by the President under the laws existent at the time of their taking and now in force. The Commerce Commission has the power and will be ready to receive the petitions of the carriers and grant adequate rates and proper remedies. Congress will consider and enact any fair and needful legislation that conditions may then require. This measure will place upon the farmers, the business men, the shippers, and the consuming public obligations and burdens which in the light of the facts are neither warranted now nor will they be justified by time and experience. If this bill is enacted in its present form, the exactions which it imposes upon the public, when thoroughly understood, will arouse a storm of righteous protest. Let us return the roads, but let us not in doing so place upon the people undue and unfair burdens, which, once imposed, will be difficult to remove. No, gentlemen, I do not approve the bill, and, not approving, I can not without disagreement with my convictions give it my support.

Mr. DUNBAR. Mr. Chairman, I rise in opposition to the amendment for the purpose of addressing some questions to the chairman of the committee. Under section 207 the word "carrier" is applied to such railroads as may receive from the Government a certain guaranty, but on line 13 there is an exception made as to interurban electric railways. Why was this exception made?

Mr. ESCH. This exception was made because the same exception was made in the Federal-control act and in this specific language. We had to do it.

Mr. DUNBAR. Electric interurban railroads doing an interstate business are not under the control of State institutions. They are under control partly of the Interstate Commerce Commission.

Mr. ESCH. If they do an interstate business they are under the commission.

Mr. DUNBAR. The Interstate Commerce Commission has decided it has authority to grant, upon application of the electric railway doing interstate business, an increase in rates. That is, they grant them authority to put into effect increased rates, but the Interstate Commerce Commission has also decided that it has no authority, no jurisdiction, to compel that same electric railway company to furnish adequate passenger accommodations for its patrons. Under this bill where will these passengers get protection?

Mr. ESCH. In a subsequent provision we have taken care of that.

Mr. DUNBAR. Is that under section 402?

Mr. ESCH. I think possibly that is the number. We have given the commission very large powers in regard to ordering common carriers subject to the act to supply themselves with sufficient and safe equipment. Under that provision of law I think that emergency which the gentleman refers to could be met.

Mr. DUNBAR. Then the place for me to take that up would be under the amendment to the commerce act?

Mr. ESCH. Yes; under title 4.

Mr. DUNBAR. I thank the gentleman.

Mr. ESCH. Mr. Chairman, on page 13, line 21, after the word "charges" I move to amend by changing the colon to a semicolon.

The CHAIRMAN. Without objection that amendment will be agreed to.

There was no objection.

Mr. ESCH. And on page 17, line 4, I ask unanimous consent that the Clerk may correct the spelling of the word "certificate."

The CHAIRMAN. Without objection that will be done.

There was no objection.

Mr. ESCH. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 17, after line 23, add the following new paragraphs:

"(g) The contract of June 21, 1918, between the American Railway Express Co. and the Director General of Railroads as amended and continued by agreement dated November 21, 1919, shall remain in full force and effect during the guaranty period so far as the same constitutes a guaranty on the part of the United States to the American Railway Express Co. against an operating deficit: *Provided*, That such express company shall within 60 days after the termination of Federal control file with the commission schedules embodying general increases in its rates, fares, and charges.

"The commission shall as soon as practicable after the expiration of the guaranty period certify to the Secretary of the Treasury the amount of the operating deficit, if any, of the American Railway Express Co. during such period and the amount necessary to make good such guaranty. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of such express company upon the Treasury of the United States, which shall be paid out of any moneys in the Treasury not otherwise appropriated, for the amount shown in such certificate as necessary to make good the guaranty."

Mr. ESCH. Mr. Chairman, in the course of the hearings the status of the American Railway Express was presented and it was shown that the four large express companies were incorporated under the laws of one State, I think of Delaware, with a capital stock of something like $34,000,000 or $35,000,000. The express companies were not taken over under the Federal control during the first six months of the control. At the end of that period some of the companies were not able to pay the Government the amount due the Government for the haulage of the express and the express cars. There existed theretofore a contract whereby the railroad company got about 50 per cent of the gross receipts of each express company, the balance being kept by the express company. Now, at the end of the first six months of Federal control one of these companies could not pay to the Government its ordinary contract agreement of 50 per cent of the gross receipts, so that the Government took stock as compensation in this corporation, and I think another express company made a like adjustment with the Government. So that the Government has invested something like $6,000,000 in the stock of this American Railway Express Corporation. Now, then, they entered into contract with the Government; that is, these four companies entered into a contract with the Government in July, 1918, whereby the Government guaranteed their operating cost. They have not been able to pay such cost up to date, and there has been a small deficit each month, although I understand that deficit is now decreasing with each succeeding month. The amendment I have offered simply gives this company during the guaranty period of six months provided for in the bill the contract agreement which existed during the period of Federal control, namely, that the Government will make good operating deficits.

Mr. SNYDER. Will the gentleman yield?

Mr. ESCH. I will.

Mr. SNYDER. Will the gentleman state whether this contract which was made between the express companies and the administration was a common-consent contract or was it a forced contract?

Mr. ESCH. Well, I judge from the financial situation at the time it was possibly forced and the consolidation was really made in the public interest in that it tended greatly to decrease the overhead charges, for instead of having four agents and four delivery trucks in a town they would need to have but one.

Mr. SNYDER. But it did succeed in raising rates almost instantly on express?

Mr. ESCH. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. SEARS. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 13, line 25, strike out the figures "1917" and insert "1916."

Mr. SEARS. Mr. Chairman, when Congress was considering taking over the railroads I opposed the test period; that is, the years 1915, 1916, and 1917. I am not criticizing my colleagues that that test period was placed in the law, even though I disagreed with them. At that time I called the attention of Congress to the fact that every time you increase freight rates you increase the cost of living. My colleagues did not agree with me, and I have watched with a great deal of interest since then the magician's wand to see how by the increase of freight and passenges rates there could at the same time be a reduction in the high cost of living. But I admit I still do not understand how it can be done. I want to say to this Congress that it is unfair to the people of the country to make the three years mentioned in the bill the test period, and far be it from me to do an injustice to the railroads. I realize they are entitled to certain things, to a reasonable return; but I lay it down as a principle that can not be denied on the floor of this House that it is unfair to take the three years in which the traffic of any corporation was larger than ever in the history of that corporation as a test period.

Mr. HERSEY. Will the gentleman yield?

Mr. SEARS. I will yield.

Mr. HERSEY. Is not the gentleman trying to change the contract of the United States made with the railroads when we took them over?

Mr. SEARS. We made no contract; we simply made that the basis.

Mr. HERSEY. That is our contract with the railroads. Shall we keep it?

Mr. SEARS. Two wrongs do not make a right.

Mr. HERSEY. I think so myself.

Mr. SEARS. If the Government paid more than it should after they broke down, it would not make it right to do the wrong again. The people of this country, I think, many times do not receive from the hands of their colleagues, who profess to have so much love for them when their ballots are being cast, much protection on the floor of this House when their interests are involved. I say it is unfair to take the three most prosperous years, because you know, and my colleagues know, in 1915, 1916, and 1917 every pound of freight that it was possible to secure was being shipped to the countries across the waters, and that is one of the reasons which brought about the supposed breakdown of the railroads of this country, because they were unable to handle that traffic. When they are turned back to their owners, it may be possible that the freight will fall off. If this should be true, why should we agree to a return based on abnormal conditions. I think it is nothing but equitable and right that we should take a part of the time before the war began and a part of the time after the war began as the basis upon which the return should be guaranteed. I do not believe this can be successfully contradicted, and therefore in the interest of justice that the railroads may not get more than they are entitled to, and that the people may get a reduction in the cost of living and may not be deprived of something they are entitled to I have offered this amendment.

The CHAIRMAN. The question is on the amendment——

Mr. DENISON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON], a member of the committee, is recognized.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CALDWELL. To move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois has been recognized.

Mr. DENISON. I simply want to say in reply to the remarks of the gentleman from Florida that I think his remarks would have been quite pertinent a couple of years ago when we passed the act.

Mr. SEARS. The gentleman does not want to do me an injustice. I have just stated—and the gentleman is a very good friend of mine—that I made the same argument when the bill was up before.

Mr. DENISON. But the gentleman did not vote against the bill on that account. I was one of the men who did vote

against the Federal-control act for that very reason, but having adopted that test period and made it a part of the law, I am willing to abide by it, and therefore this bill provides for the same test period.

Mr. JONES of Texas. This would not change the contract, inasmuch as the test period applies to the six months subsequent to Federal control. The test period in the other law covered the return the railroads would have during the operation under Federal control. Now, this provides a new test period governing the six months subsequent to Federal control. Now, it may or may not be made the same as the other——

Mr. DENISON. I will say to the gentleman that this does not really alter the contract, but we are by this law simply extending the guaranty that was provided for under the Federal-control act for an additional period of six months. Now, all of the accounting and bookkeeping and everything else has been based by the administration upon the basis of those three years, and it would be an extremely difficult matter to readjust all those things by selecting another test period.

Mr. JONES of Texas. I appreciate the fact. I thought the gentleman was taking the position that another Member seemed to take in asking a question, that we would be inconsistent in making a test period. It may be impractical, but it would not be inconsistent.

Mr. DENISON. It would not be exactly inconsistent.

Mr. HERSEY. Will the gentleman from Illinois yield?

Mr. DENISON. I yield.

Mr. HERSEY. The roads are practically under Government control during the six months mentioned here. It is new legislation.

Mr. DENISON. This bill is doing all that we can do to get them out from under Government control, but we must do all we can to reestablish their credit. The great thing that the railroads will need in the immediate future is credit, and this guaranty provision in the bill is intended largely to reestablish their credit in the markets of the country.

Mr. BARKLEY. In reply to the question of the gentleman from Maine as to why six months were provided for the guaranty period, it might be said that the Interstate Commerce Commission estimated that it would take six months for them to readjust rates so as to approximate the cost of operations and the residue that the roads were entitled to. That was why the six-months period was fixed.

The CHAIRMAN. The question is on the amendment of the gentleman from Florida [Mr. SEARS].

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. As I understand it, the expense of the Government guaranty during these six months will be considerably more than the actual deficit that would have accrued if the Government continued actual operation of the roads during that time by reason of the fact that the roads that make money will not come in under this clause and those which lose money will. Is that right?

Mr. ESCH. Yes.

Mr. CALDWELL. Then, what will be the gross expense to the Government based on the information you have, provided it is anything like during Government operation? What will be the greatest expense to the Government during those six months, in round numbers?

Mr. ESCH. I do not know as I can give you any estimate from recollection. If some other member of the committee has that information, I will be glad to yield to him.

Mr. CALDWELL. Do I understand, then, that the committee does not know how much this is going to cost us?

Mr. DENISON. This guaranty?

Mr. CALDWELL. Yes.

Mr. DENISON. No one can possibly get that information, unless he can look into the future and see what the railroad business will be every day.

Mr. CALDWELL. What was the average for six months?

Mr. ESCH. I will say that the total amount of standard return for a year was $936,000,000 for class 1, 2, and 3 roads, and about $895,000,000 for class 1 roads. Now, the amount for the first six calendar months of the year would represent about 43 per cent of the total of the $936,000,000, and the other six months would represent something like 57 per cent, due to the fact that there were, of course, less earnings the first six months than during the last six months.

Mr. CALDWELL. That would be about $360,000,000, provided there was nothing coming in by reason of the profit of certain of the roads. But there were roads making a profit. So that this six months will probably cost somewhere between $800,000,000 and $1,000,000,000?

Mr. ESCH. No.

Mr. CALDWELL. How much, then?

Mr. PARKER. According to the figures of the Secretary of the Treasury, it cost the Government for 18 months approximately $600,000,000. That was operating deficit, and you can figure that for six months and get a fairly decent average.

Mr. CALDWELL. Provided all the roads were to be considered; but some of the roads are making money, and good money, under the joint operation by the Government. Have you made any calculation at all to show approximately what it would cost us here?

Mr. ESCH. As to the making of money, I will state to the gentleman that there were only eight roads in 1918 that earned more than the standard return, and those roads, I think, were almost wholly in the South and have earned more than the amount of standard return by only about $12,000,000.

The CHAIRMAN. The time of the gentleman from New York [Mr. CALDWELL] has expired. The question is on the amendment of the gentleman from Florida.

Mr. JOHNSON of Washington. May we have the amendment again reported?

The amendment was again reported.

The CHAIRMAN. The Clerk will read the language as it would read if amended.

The Clerk read as follows:

The term "test period" means the three years ending June 30, 1916,

Mr. JONES of Texas. Mr. Chairman, has the time for debate expired on the amendment of the gentleman from Florida?

The CHAIRMAN. All time has expired.

Mr. JONES of Texas. I move, then, to strike out the last two words.

Mr. Chairman, I make this motion for the purpose of submitting a few remarks in connection with the position assumed by some of the Members with reference to the three-year test period. While the Government was operating the railroads in war times, there might have been some reason for taking three prosperous years as the basis for the guaranty that was furnished the railways during operation under Federal control.

Therefore the three years prior to June 30, 1917, were taken; that is, for whatever contract the Government had with the railroads for that period. Now, under the amendment offered by the gentleman from Florida we are taking three years as a test period for another guaranty—a new guaranty that is altogether dissociated from the prior guaranty—which previous guaranty was to cover the period of Government control during war time. This new period of guaranty is six months subsequent to the time when the Government is to turn back the railroads.

Now, I am opposed to any guaranty whatever for that subsequent period, and I expect to vote to strike out the entire section relative to it. Why should the public be taxed for this purpose when provision is made for loans? However, if this House is determined to vote them a guaranty, it seems to me we should not do it for that six-months period during which there was no war and during which the Government was not operating the railroads; but if the House is determined, we at least should not select the three fat years as the basis of the guaranty. That is supported further by the fact that during the war period, when we had the three years provided by the present law as the measure of the guaranty, the Government got all the surplus earnings of the roads, which made more than the guaranty, and these surplus earnings went into the Treasury of the United States.

Under the new system of guaranty during the six-months period subsequent to the Government control any railway that makes 25 or 50 per cent on its earnings will be able to keep those earnings and the Government will have no return of the surplus. That seems to be an additional argument as showing that the guaranty should not be the three years prior to June 30, 1917, as well as for striking out the entire section. Therefore it seems to me that the amendment of the gentleman from Florida [Mr. SEARS] should be adopted, and that on final vote the entire section should be eliminated.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. BLACK. The gentleman from Texas and also the gentleman from Florida have talked about the three fat years of 1915, 1916, and 1917. I really would like to have some information, if the gentleman has it, as to how much leaner the preceding three years were. What would be the difference? I presume it would make some difference, but I do not know what it would be.

Mr. JONES of Texas. My only information is that the years prior to the one ending June 30, 1917, were more or less normal, and that the last year, ending June 30, 1917, was the

year of great business. Some member of the committee could probably furnish exact information.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. SEARS. If my colleague went from here to Texas, so far as the passenger traffic was concerned, he would know that there was more travel during those years than for several years before.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Nebraska: Page 14, line 3, after the word "than," strike out all words down to the word "If," in line 5, and insert the following: "6 per cent net."

Mr. ANDREWS of Nebraska. Mr. Chairman, the President has notified us officially that he will return the railroads to their owners by the 1st of next January. This notification has been repeated and emphasized several times by the director general, Mr. Hines. Hence it is necessary that appropriate legislation should be enacted in advance of that date to meet the exigencies that will arise at that time.

Of course, we understand that the Federal control act approved March 21, 1918, confers upon the President the discretionary authority to take such action at such time as he may choose. In view of his decision in this matter there is no opportunity left for the consideration of any other course of procedure. Thus the questions of Government ownership and operation of the railroads, the continuance of the roads according to the McAdoo plan for a period of two or five years or for a period of 21 months after the proclamation of peace shall have been issued, are entirely removed. In view of such Executive action, it is useless to consume time now even in the consideration of the bill to perpetuate the McAdoo plan for an additional period of five years. In addition to this, the testimony shows that fully 85 per cent of the people of the United States are opposed to the McAdoo plan and earnestly desire its abandonment as speedily as possible by returning the roads to their owners.

The bill now before us prescribes conditions for the operation of the roads after their return on the 1st of next January to their owners by Executive order. In this connection we should emphasize the fact to the people of the country that the legislation under which the President assumed charge of the roads nearly two years ago does not in any particular convey ownership or title or any portion of the railroad properties to the Government. The ownership was left in the possession of those who held the properties on and prior to the 28th of December, 1917. During this period of Government operation under private ownership we have advanced from our National Treasury $1,250,000,000, nearly one-half of which will be a complete loss to the Government. It is presumed that the roads in time will pay back to the Government between $600,000,000 and $700,000,000 of that amount.

It is useless to consume time at present in rehearsing the unfortunate and inexcusable losses that the Government has sustained through its attempt to run the railroads. Some assert that the losses and mismanagement are due to railroad men acting with deliberate purpose to discredit Government operation, and especially Government ownership. Those who make such charges should remember, however, that the directors general, Mr. McAdoo and Mr. Hines, acting under the direction of the President, had full authority to dismiss every person guilty of such misconduct. Hence, it is proper to say that all of that loss and all of the miserable mismanagement are directly chargeable to the directors general, McAdoo and Hines. It is useless, however, to consume any considerable amount of time in rehearsing these mistakes. What does the pending bill propose?

FINANCIAL PROBLEM.

For the present I invite your attention to the question of financing the roads for successful service after the President returns them to their owners on the 1st of next January.

The primary purpose of the roads for which they were originally chartered contemplates good service for the public at reasonable rates. That service should be intelligently measured with respect to its actual cost. Good wages must be paid to the employees of the roads, and safe and sanitary conditions should be supplied to protect the health, life, and comfort of the employees in the discharge of their hazardous tasks. The matter of equipment and upkeep of the properties necessarily involved in the transportation business must be taken into account. In order that capital may be induced to seek investments in transportation enterprises it must find in the value of the properties security for the investments and also satisfactory returns in dividends. These necessary charges must be fairly and equitably measured and distributed in the wise and proper solution of all of these questions. The total cost of such service must be paid by the public in the rates, fares, and charges necessary to establish, maintain, and perpetuate the transportation business of the country.

In former years we have heard much about watered stocks. This bill proposes a stock and bond section in the Interstate Commerce Commission which will guard against such vices in the future. All of the old arbitrary, unjust, and inequitable levies of freight and passenger rates should be wiped out. The Interstate Commerce Commission should be clothed with authority to prevent any one community from sharing in discriminatory rates to the injury of other communities. Discriminations of that character should disappear at once and forever from the transportation business of the country.

In order to secure business stability during this period of reconstruction, this bill provides for the continuance of a guaranty for the period of six months from January 1 to June 30, inclusive, 1920. This provision is made because that length of time will be required for the Interstate Commerce Commission to determine the rates that ought to be established to meet the actual running expenses of the roads on this new basis. In addition to this extension of the guaranty, the bill provides for a revolving fund of $250,000,000, out of which loans may be made to the roads that need financial assistance in rehabilitating themselves for the future. Thus the roads will have the aid of the Government for a period of six months within which these complicated questions can be worked out to a satisfactory conclusion without the disturbance of wages of employees and adequate financial returns of the roads to meet the financial demands that will be made upon them for good service to the public. It is earnestly hoped that the expectations of the authors of this bill will be fully realized in these particulars.

Mr. Chairman, the provisions of the guaranty should be changed in at least one important particular, and I submit the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Nebraska: Page 14, line 5, after the period insert:

"*Provided*, That such guaranteed income shall in no case exceed 6 per cent of the actual outstanding capital stock of the carrier."

Mr. ANDREWS of Nebraska. Mr. Chairman and gentlemen, please note the provision in the amendment—"6 per cent net." This would avoid any interference with the payment of the general expenses of the roads and leave the return of a net profit of 6 per cent.

I quote now some figures from a tabulation furnished by the Statistical Bureau of the Interstate Commerce Commission, which will be found in Senate Report No. 246, part 2, Sixty-fifth Congress, second session. This tabulation groups the roads under three headings: Eastern, southern, and western districts. For the eastern district the average net payments upon the valuation, as indicated in the report of the commission, were 11.48 per cent; for the southern district, 12.37 per cent; in the western district, 9.96 per cent.

Yesterday, in the debate, I quoted "162 per cent" as the amount paid to a certain road. Some gentlemen laughed as though that were an impossibility. Now, I will give you a chance to laugh again. If you will turn to this report of the Interstate Commerce Commission you will find those figures in connection with the Colorado & Wyoming road. But these are more interesting in connection with the Bessemer & Lake Erie Railroad Co.—647.22 per cent paid to this road under the guaranty carried in the first section of the Federal control act.

Further, let me read a few items relative to the big roads.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. In a few moments.

Beginning first with the eastern district, 12.96 per cent; I omit titles of the roads in order to save time. Another, 11.92 per cent; 25.7 per cent; 32.9 per cent. Dropping on down to the one mentioned a moment ago, 647.22 per cent. Then dropping down to the southern district I find 11.33 per cent, 16.75 per cent, 13.6 per cent, 14.99 per cent, and 21.67 per cent. Turning now to the western district, I observe 9.7 per cent, 22.5 per cent, and 114.12 per cent.

Gentlemen, here are excessive rates, net guaranties paid to these roads. If they are given a net guaranty of 6 per cent

after their individual total running expenses are paid, it will be quite as good as most lines of business in the country will realize.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. STEVENSON. I just wanted to make a suggestion. You say "6 per cent net," but you do not say what of. I take it for granted that you mean to put in enough language there to say "6 per cent net on the stocks and bonds of the road."

Mr. ANDREWS of Nebraska. The phraseology of the bill and these reports will indicate. They are tabulated here side by side, capital stock for the average period indicated in the Federal control act, average income from these various roads, and the average net return percentage. The railways are divided into three districts—eastern, southern, and western. The table, so far as these three items are concerned, is as follows:

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the three years ended June 30, 1917.	Average per cent of net income to capital stock.
Eastern district:			*Per cent.*
Pennsylvania R. R. Co	$499,195,567	$44,534,939	8.93
New York Central R. R. Co	249,676,128	32,367,269	12.96
Baltimore & Ohio R. R. Co	210,809,812	12,285,229	5.83
Pennsylvania Co	80,000,000	9,537,859	11.92
Philadelphia & Reading Ry. Co	42,481,700	10,916,875	25.70
Delaware, Lackawanna & Western R. R. Co	42,330,400	13,890,560	32.90
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co	67,511,723	4,558,593	6.75
Lehigh Valley R. R. Co	60,608,000	7,169,999	11.83
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co	57,027,200	5,048,902	8.85
Michigan Central R. R. Co	18,736,400	3,463,464	18.48
Central R. R. Co. of New Jersey	27,486,800	5,556,775	20.25
Delaware & Hudson Co	42,502,600	5,437,547	12.79
Philadelphia, Baltimore & Washington R. R. Co	25,571,000	2,941,156	11.50
Pittsburgh & Lake Erie R. R. Co	31,991,200	7,537,923	23.56
Elgin, Joliet & Eastern Ry. Co	10,000,000	945,239	9.45
Maine Central Ry. Co	18,199,317	1,605,075	8.82
Buffalo, Rochester & Pittsburgh Ry. Co	16,500,000	1,560,021	9.45
Bessemer & Lake Erie R. R. Co	500,000	3,236,080	647.22
Chicago & Erie R. R. Co	100,000	70,449	70.45
Hocking Valley Ry. Co	10,999,500	1,313,129	11.94
West Jersey & Seashore R. R. Co	10,317,983	691,139	6.70
Central New England Ry. Co	8,547,200	717,566	8.40
New York, Philadelphia & Norfolk R. R. Co	2,500,000	893,508	35.74
Rutland R. R. Co	9,150,309	575,651	6.29
Bangor & Aroostook R. R. Co	4,079,067	337,808	8.28
Cumberland Valley R. R. Co	5,333,550	1,280,684	24.01
Kanawha & Michigan Ry. Co	9,000,000	991,665	11.02
Lehigh & New England R. R. Co	6,000,000	819,722	13.66
Chicago, Terre Haute & Southeastern Ry. Co	4,300,000	234,761	5.46
Lehigh & Hudson River Ry. Co	1,340,000	374,915	27.98
Monongahela Ry. Co	3,809,333	352,809	9.26
Cincinnati Northern R. R. Co	3,000,000	268,573	8.95
Port Reading R. R. Co	2,000,000	182,547	9.13
Detroit & Toledo Shore Line R. R. Co	1,428,000	348,020	24.37
Buffalo & Susquehanna R.R. Corporation	7,000,000	496,202	7.09
Staten Island Rapid Transit Co	500,000	160,119	32.02
Detroit & Mackinac Ry. Co	2,950,000	218,976	7.42
Total eastern district	1,593,322,780	182,921,748	11.48
Southern district:			
Illinois Central R. R. Co	109,288,114	12,383,882	11.33
Louisville & Nashville R. R. Co	72,000,000	12,058,800	16.75
Norfolk & Western Ry. Co	138,580,887	17,342,810	12.51
Chesapeake & Ohio Lines	62,788,000	5,843,431	9.31
Atlantic Coast Line R. R. Co	68,754,700	7,424,004	10.80
Central of Georgia Ry. Co	20,000,000	1,878,570	9.39
Nashville, Chattanooga & St. Louis Ry	15,994,831	2,175,426	13.60
Mobile & Ohio R. R. Co	6,016,800	888,067	14.76
Cincinnati, New Orleans & Texas Pacific Ry. Co	5,443,400	2,448,928	44.99
Florida East Coast Ry. Co	10,833,333	1,090,321	10.06
Alabama Great Southern Ry. Co	11,210,350	1,364,246	12.17
New Orleans & North Eastern R. R. Co	6,000,000	646,449	10.77
Richmond, Fredericksburg & Potomac R. R. Co	4,315,067	979,486	22.70
Georgia Southern & Florida Ry. Co	3,768,000	222,186	5.90
Charleston & Western Carolina Ry. Co	1,200,000	260,036	21.67
Gulf & Ship Island R. R. Co	7,000,000	373,070	5.33
Alabama & Vicksburg R. R. Co	2,100,000	390,784	17.18
Washington & Southern Ry. Co	4,000,000	348,841	8.72
Atlanta & West Point R. R. Co	2,483,800	292,922	11.89
Western Railway of Alabama	3,000,000	251,851	8.39
Total	554,745,062	68,636,910	12.37
Western district:			
Atchison, Topeka & Santa Fe Ry. Co	332,323,857	32,230,091	9.70
Southern Pacific Co	272,725,239	17,983,726	6.60
Chicago, Milwaukee & St. Paul Ry. Co	233,235,167	14,336,613	6.15
Chicago, Burlington & Quincy R. R. Co	110,839,100	24,444,045	22.05
Chicago & North Western Ry. Co	157,591,852	16,040,315	10.18
Great Northern Ry. Co	249,361,866	24,021,687	9.63
Northern Pacific Ry. Co	$247,982,000	$24,287,781	9.87
Union Pacific R. R. Co	321,835,100	31,018,328	9.64
Minneapolis, St. Paul & S. Ste. Marie Ry.	37,810,200	4,571,790	12.09
Oregon Short Line R. R. Co	100,000,000	9,381,016	9.38
Texas & Pacific Ry. Co. (Rec.)	38,755,110	2,548,330	6.58
Chicago, St. Paul, Minneapolis & Omaha Ry. Co	29,815,000	2,854,452	9.57
Duluth, Missabe & Northern Ry. Co	4,112,500	4,693,088	114.12
El Paso Southwestern Co	25,000,000	2,190,198	8.76
Houston & Texas Central R. R. Co	10,000,000	1,088,368	10.88
Duluth & Iron Range R. R. Co	5,333,333	2,040,987	38.27
Fort Worth & Denver City Ry. Co	9,243,800	1,297,029	14.03
Panhandle & Santa Fe Ry. Co	604,500	389,097	64.37
St. Louis, Brownsville & Mexico Ry. Co	500,000	263,544	52.71
Chicago, Rock Island & Gulf Ry. Co	469,000	83,685	17.84
Bingham & Garfield Ry. Co	6,171,667	1,405,681	22.78
Louisiana Western Ry. Co	3,360,000	802,684	23.89
Nevada Northern Ry. Co	2,000,009	879,907	43.99
Vicksburg, Shreveport & Pacific Ry. Co	4,999,300	299,634	5.99
Houston East & West Texas Ry. Co	1,920,000	234,199	12.20
Cripple Creek & Colorado Springs Ry. Co	757,000	171,612	22.67
Colorado & Wyoming Ry. Co	100,000	162,636	162.64
Wichita Valley Ry. Co	1,020,000	117,936	11.56
Arizona & New Mexico Ry. Co	2,770,000	237,614	8.58
Total	2,210,635,611	220,076,073	9.96

It will appear from these figures that the average net rate of dividend guaranteed by section 1 of the Federal control act is 11.27. The rate proposed in my amendment would not exceed 6 per cent net. The roads that earn the net dividend of 6 per cent would receive nothing. The roads that are most likely to realize that net gain are the largest roads with the largest average outstanding capital stock. Thus it is evident that my amendment would save to the National Treasury more than one-half the amount that would be paid under the terms of the bill, under which each of the following companies will have for its stockholders dividends at the following rates:

	Per cent.
The Pennsylvania Railroad Co	8.92
The Pennsylvania Co	11.92
The New York Central Railroad Co	12.96
The Philadelphia & Reading Railway Co	25.70
Delaware, Lackawanna & Western Railroad Co	32.90
Michigan Central Railroad Co	18.48
Central Railroad Co. of New Jersey	20.25
Philadelphia, Baltimore & Washington Railroad Co	11.50
Hocking Valley Railway Co	11.94
Illinois Central Railroad Co	11.33
Louisville & Nashville Railroad Co	16.75
Norfolk & Western Railway Co	12.51
Chesapeake & Ohio Lines	9.31
Atlantic Coast Line Railroad Co	10.80
Central of Georgia Railway Co	9.39
Nashville, Chattanooga & St. Louis Railway	13.60
Mobile & Ohio Railroad Co	14.76
Cincinnati, New Orleans & Texas Pacific Railway Co	44.99
Florida East Coast Railway Co	10.06
Chicago & North Western Railway Co	10.18
Chicago, Burlington & Quincy Railroad Co	22.05
Minneapolis, St. Paul & Sault Ste. Marie Railway Co	12.09
Chicago, St. Paul, Minneapolis & Omaha Railway Co	9.57
Atchison, Topeka & Santa Fe Railway Co	9.70

These reports and the wording of the Federal control act and the bill before us interpret my amendment clearly.

I appeal to you, gentlemen, in a spirit of fairness to the public, that we give to each of these roads only a fair rate of net return, and hold the balance for the taxpayers of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. ANDREWS of Nebraska. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STEVENSON. Mr. Chairman, the amendment of the gentleman from Nebraska [Mr. ANDREWS] provides for the Government guaranteeing 6 per cent net; "for the guaranteed period as a whole" it "shall not be less than 6 per cent net." Now, 6 per cent net upon what? Is it net on the capital stock of the road, or is it net on the capital stock and bonded indebtedness of the road, or is it net on the commercial value of the road? That is what I want to find out.

Mr. ANDREWS of Nebraska. Upon the average capital stock, as set out in section 1 of the Federal control act, the terms of this bill, and the report of the Interstate Commerce Commission.

Mr. STEVENSON. But this is not definite.

Mr. ANDREWS of Nebraska. The gentleman asked me a question, and I should like to answer it.

Mr. STEVENSON. I might vote for the gentleman's amendment if he will make it sufficiently definite.

Mr. ANDREWS of Nebraska. I will accept anything that will make it definite.

Mr. STEVENSON. I am not quarreling with the gentleman. I am trying to get information to determine what this amendment means.

Now, as to the entire proposition here, it strikes me that it is going rather far for us to ask the people of this country to pay a tax to guarantee anything, when we provide for financing these railroads during the time in which they will have some trouble. There are only three things for which we have a right to appropriate money: To pay the debts of the United States; well, this is no debt. To provide for the common defense; well, the war is over. To promote the general welfare; well, now, as a condition precedent to this guaranty going into effect in favor of any railroad, we require the railroad company to come up and ask for and have its rates increased, so that instead of providing for the general welfare you are providing for an enforced additional tax in the way of rates upon every citizen of this country, and for that reason, if nothing better is offered, I will vote to strike out, in accordance with the motion of the gentleman from Tennessee [Mr. SIMS]. I think probably we could stand a 6 per cent guaranty on the basis of the net income, as suggested by the gentleman from Nebraska, and to some extent defend that before our constituents, because it would not cost them very much; but when it comes to guaranteeing all deficits and allowing those who make money to take the profits and go with them, it strikes me we will be asking our constituents for a considerable bill of credit when we go to them with an explanation.

Mr. DENISON. Can not the gentleman see that if we substitute 6 per cent it will cost the Government a great deal more than the provisions of the bill?

Mr. STEVENSON. I say 6 per cent on something definite. I prefer something definite rather than any indefinite floating guaranty, which may amount to $500,000,000, as has been stated to-day.

Mr. ANDREWS of Nebraska. Mr. Chairman, I want to suggest a phraseology that I think will make it clear.

Mr. STEVENSON. I have no doubt the gentleman will work that out as I called his attention to it, but the roads go back to the companies with increased rates. It is said that there has been an increase of wages. They would have had to increase the wages if they had continued to operate for themselves. They go back with their facilities certainly unimpaired. They go back with an enormous opportunity to finance themselves, which is presented by a country which has more capital for investment than it ever had before. They go back with the invitation of the Government to ask for a sufficient increase in rates to make them profitable within 12 months. They go back not only with these things, but with our promise that we will loan them the money that is necessary to keep them going until business does become profitable under the new arrangement of rates, and it seems to me it is going too far in addition to that to ask the taxpayers of this country to provide for paying them a gratuity.

Mr. RUBEY. Mr. Chairman, I move to strike out the last word. I should like to have the amendment of the gentleman from Nebraska read.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Nebraska in the time of the gentleman from Missouri.

The Clerk read as follows:

Amendment by Mr. ANDREWS of Nebraska: Page 14, line 3, after the word "than," strike out all words down to the word "if," in line 5, and insert in lieu thereof the following: "Six per cent net."

Mr. ANDREWS of Nebraska. If the gentleman will yield, I would like to modify the amendment so that it will read—

Six per cent net upon the average capital stock of the company for the test period—

The three years ending June 30, 1917.

Mr. RUBEY. Mr. Chairman, I am opposed to the guaranty provision in this bill, and I am going to vote to strike it out unless it is amended in some way so that the guaranty will be definite and less than I think it will be under the provisions as now written. In the amendment offered by the gentleman from Nebraska [Mr. ANDREWS] the amount of the guaranty becomes more indefinite, because he says not less than 6 per cent. Therefore it can be just as much more than 6 per cent as can be obtained by the railroads. The amendment offered by the gentleman from Nebraska makes the matter a whole lot worse than it is under the provisions of this bill. If he wants to make it 6 per cent, he ought to strike out the words "not less," so that as a whole it shall be 6 per cent, and make it definite and not indefinite.

However, Mr. Chairman, I desire to say that even if his amendment is so modified and adopted, I shall vote to strike out the guaranty section.

Mr. ALEXANDER. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ALEXANDER: Page 14, line 5, after word "period," insert the words "provided such average operating income does not exceed 6 per cent."

Mr. ALEXANDER. Mr. Chairman, unless some limitation is placed in this section, such as suggested by the gentleman from Nebraska or myself, I will vote to strike out this section of the bill, because I do not think that in justice to the taxpayers of the United States we can agree to guarantee to these carriers the same rate of income covered by the test period. So my amendment is to this effect, that we guarantee to the railroads the net income received by them during the six months that they received during the time covered by the test period, provided such net income does not exceed 6 per cent. We ought to be just to the roads, but anything more than that, to my mind, is not justifiable.

Mr. ESCH. Six per cent of what?

Mr. ALEXANDER. On the average operating income of three months. We undertake to make good to them earnings up to the amount earned during the test period covering three years ending June 30, 1917. If their net earnings covering the six months are more than enough to make their net income more than 6 per cent, that the guaranty shall be limited to 6 per cent.

I realize that the amendment may be defective in form, but my purpose is to emphasize the fact that the Congress should not undertake to guarantee to the carriers net income on their property greater than 6 per cent to be paid out of the Treasury of the United States.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. ANDREWS of Nebraska. Mr. Chairman, if the roads earn 6 per cent, that ought to satisfy them. If they do not earn 6 per cent on the average capital stock, not on the income, not on some speculative figures, but on the average capital stock as shown by the findings of the Interstate Commerce Commission upon which all payments have been made under the Federal-control act—if we guarantee 6 per cent, that is enough. If they make it, we pay nothing, and if they earn more, they keep what they earn.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. WHITE of Maine. The gentleman says a return of 6 per cent on the capital stock; does he mean to limit it to that or to other indebtedness?

Mr. ANDREWS of Nebraska. I mean to limit it, as it is limited in the Federal-control act, and that is the capital stock as ascertained by the Interstate Commerce Commission.

Mr. BARKLEY. If the gentleman will yield, many roads in the United States before Federal control did not earn 6 per cent or any per cent. Many under Federal control have not earned 6 per cent and the standard return did not give them 6 per cent. Under the gentleman's amendment all the roads would be guaranteed a minimum of 6 per cent.

Mr. ANDREWS of Nebraska. My idea is that we should deal with every road that the Government has taken on the same basis. The bill as we have it to-day is for a six months' period from January 1 to June 30, 1920, on the same basis with all roads, 6 per cent to each road.

Mr. BARKLEY. The result will be that for the next six months we will deal with them much more generously than they have realized heretofore.

Mr. ANDREWS of Nebraska. Not so far as the net return.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri [Mr. ALEXANDER].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

Mr. BLACK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 11, after the word "guarantee," insert "with interest at the rate of 6 per cent per annum from the time such excess was paid."

Mr. BLACK. I rise to speak at this time, Mr. Chairman, just to say this in reference to the criticism which has been expressed that the Government has paid a larger amount than was justified as compensation to the railroads under the war control act.

Let us see about that. Ten years ago the amount that the railroads earned, including the dividends to stockholders and payments made to their security holders, was, in round figures, $760,000,000. That was 10 years ago. Since that time there has been an additional investment made in railroads and terminal facilities of at least $4,000,000,000. I think that that will be admitted by anyone who has studied the statistics on the subject. Thus we have in the 10-year period an increase of only the difference between $760,000,000 and something over $900,000,000 annual rental or standard return which the Government has paid to the railroads during the period of Federal control. This difference represents all the increase in their earnings, or about $150,000,000, notwithstanding that there has been an increase of about $4,000,000,000 in their capital investment.

Now, as to the criticism of the gentleman from Illinois [Mr. MADDEN] respecting the amount of the increased cost of operating railroads, I am as far from being an advocate of Government ownership as any man in this House, but we ought to be fair to the Railroad Administration in considering the facts connected with the operation. What are the facts? The largest factor of this increased cost in operation is due to the increased wages granted to the railroad employees. Has that increase been larger than that which has been paid to other labor which is comparable to railroad labor? Recently we had come to our offices a report prepared by the Bureau of Labor Statistics, which shows the increases in wages of several employments that have taken place since 1913, and while this goes back further than the period of Federal control, yet it is illuminating in considering this subject. It shows that during the period of time which elapsed since 1913 the increase in the wages of steel laborers has been 121 per cent; cotton industry, 79 per cent; silk industry, 91 per cent; woolen industry, 93 per cent; clothing industry, 71 per cent; boot and shoe industry, 47 per cent; and other increases of a similar nature which I might mention.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. DEWALT. Is the gentleman aware of the fact that more than 47 per cent of the operating expenses of the railroads go to the wage earners?

Mr. BLACK. Yes; I am.

I think it is a good deal larger than that now. Something over 60 per cent, I believe. Now, what has been the increase, since the Government took control, in the wages of railroad employees? Mr. Hines, in his testimony before the Committee on Appropriations at the time the $750,000,000 appropriation bill was under consideration, gave this testimony: He said that the increase to all of the employees, ranging from the lowest paid up to the highest, and differing in amounts, averaged about 51 per cent to 52 per cent, and he called the attention of the committee further to this fact, that included in that 51 to 52 per cent was pay for overtime, and that, when a proper deduction was made for that, it would be somewhat less than 51 to 52 per cent.

Therefore I submit that the increase that the Railroad Administration has given to the railroad employees has not been any larger, speaking as a general proposition, than that which has been given to other labor in other similar industries. Of course, there may be some exceptions as to some particular class of employees, but I am speaking of the proposition as a whole.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield right there?

Mr. BLACK. Yes.

Mr. HARDY of Texas. How does the increase in the transportation charges and freight charges compare with the rise in other directions?

Mr. BLACK. They have not been nearly so much. I do not think it is fair to say that the railroads, that the security holders, the stockholders, and the employees have been paid an unreasonable amount, because the facts I have shown establish that it is much less than has been paid to some other industries, and therefore I do not think that the criticism of the gentleman from Illinois [Mr. MADDEN] is based upon a sound foundation.

Mr. MADDEN. I did not say that at all. The gentleman from Tennessee [Mr. SIMS] said that.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. ANDREWS of Nebraska. What is the highest dividend paid to any road under this award?

Mr. BLACK. Six per cent.

Mr. ANDREWS of Nebraska. I saw a table which showed 162; 5 per cent was passed, and then 6, and then 7, and they were voted down.

Mr. BLACK. I do not think it will average 6 per cent, but I think I should modify the answer that I first gave the gentleman. In a very few cases I believe it has exceeded 6 per cent, but the average dividend is much less, considerably less, than 6 per cent.

Upon the question as to the fairness and reasonableness of the standard return which the Government has paid the railroads, I presume that Mr. William G. McAdoo would be about as unbiased a witness as could be called. Mr. McAdoo stated before the Senate Committee on Interstate and Foreign Commerce in 1918 on this point as follows:

> I am particularly convinced that it is fair and reasonable in view of the optional character of the possession and control. Moreover, a just basis promptly provided and accepted will aid the Government incalculably in carrying on successfully the stupendous financial undertakings essential and, in fact, vital to the success of the war. That, in general, is the principle which I have felt should animate us in dealing with this very vital problem. I do not attempt to state the figures with accuracy, although I could do so by referring to memoranda, but I may say that in a general way the net income of the railroads, the character of net income we are dealing with here, was something like a billion and thirty-five million dollars in the fiscal year ended June 30, 1917. Upon the basis of guaranty proposed, the Government commits itself to a guaranty out of the revenues of the railroads of about $935,000,000. Am I right about that?
>
> Senator KELLOGG. That is about right.
>
> Secretary MCADOO. In other words, we are taking the railroads over under a guaranty of about $100,000,000 less than they earned in the last fiscal year of the period, and in addition to that excess-profits taxes are to be paid out of that guaranteed income. If the Government, with its powers of coordination and common use of facilities, with the probable economies that may be practiced under its control of the situation and with an advantage of $100,000,000 over the proposed guaranty as shown by the earnings of the last fiscal year ending June 30, 1917, has not made a fair trade upon the merits of the proposition for a temporary use of these properties, then I am frank to say I do not know what would be fair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. SANDERS of Louisiana. Mr. Chairman, I move to strike out the last word. We may as well understand exactly the effect of section 207 on the business of America. Do not let us fool ourselves at all. This section means but one thing. It is an open invitation to the railroads to apply for a raise of rates and an indirect order to the Interstate Commerce Commission to grant such increase. There is and there can be no question about that, because in lines 17, 18, 19, 20, and 21, on page 13, having set up how a carrier can participate in a guaranty, it adds that it can not participate in this Government subsidy unless it has asked the Interstate Commerce Commission for permission to raise the rates. Therefore section 207 does this, and nothing but this: It creates a fund from the Public Treasury and invites the carriers to participate in the fund, but makes it a condition precedent to the participation that they must apply for an increase of rates. It is quite simple.

Remember, now, that in extending this Federal-control guaranty for six months you have added this additional burden upon the taxpayers of the country by taking out of that participation every rich road that makes more than the guaranty or more than the standard returns. Whatever that may be, they put it in their pockets, and your guaranty extends simply and solely to those roads that do not make the standard return. Under the operation of the Federal-control act we paid out last year $936,000,000, and that was when we were getting what the good roads made and paying out what the bad roads lost. No one knows under this provision how much we will be called upon to pay out, because we release every good road and keep only the poor ones. Then you have placed the business interests of the country in this position, where you have invited the roads to come in and participate in the public fund, provided they put this additional burden of rates upon the shipper and the consumer, and you have said indirectly to the Interstate Commerce Commission that which this Congress would never undertake to say directly. You will never undertake to say to the Interstate Commerce Commission directly, "You must raise the rates." By this section you undertake to say indirectly to the commission, "You must raise the rates upon the shippers and the consumers of this land." High finance!

Every speech that has been made upon this point this evening convinces me more and more that the only safety to the public, who use these roads, the only way to leave the Interstate Commerce Commission free to fix the rates, taking into consideration the justness and reasonableness thereof, will be to cut section 207 bodily out of the bill.

Mr. MADDEN. Mr. Chairman, I move to amend by striking out all after the word "guaranty," on page 17, in line 11, down to the end of the page.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, line 11, after the word "guaranty," strike out the remainder of the paragraph.

Mr. MADDEN. Mr. Chairman, I would like to ask the chairman of the committee a question.

Mr. BLACK. Mr. Chairman, before the gentleman begins, I suggest that an amendment was adopted at that point and the gentleman's amendment should come after the last word of the amendment.

Mr. MADDEN. I have no objection to that. I wish to strike out all after the amendment which was just adopted. I desire in this connection to ask the chairman of the Committee on Interstate and Foreign Commerce what the purpose of the language which I seek to strike out is?

Mr. ESCH. It is to prevent their securing the guaranty without having filed application for an increase in rates. We felt that if we gave them the guaranty they might say, "We will not apply for any increase in the rates until the very end of the six months' period; we are all right; we are going to get the guaranty, anyway." That would necessarily involve an expenditure upon the part of the Government in that it would not get, through the carriers, enough of income so as to meet the standard return. We felt that we should have some form of assurance to the Government that the rates would be increased to meet the standard return, or the guaranty, and that the Government would not have to sustain the loss, as it has done during Federal control: that under the guaranty the carriers, through an increase of rates for which they would apply, would get enough revenue to meet and possibly more than meet the guaranty.

Mr. MADDEN. Mr. Chairman, I am very glad, indeed, to have the viewpoint of the gentleman from Wisconsin [Mr. ESCH], to which I do not agree. I think it would be very unfortunate for the Congress to go to the country with a statement in the law returning the railroads to their owners, that we expect the railroads at once, upon coming into possession of their property, to go before the Interstate Commerce Commission and ask for an increase of rates, saying to the railroad companies and to the country that unless they do ask for an increase of rates, which we virtually guarantee to grant by this provision of the bill, they can not receive any portion of the revenue under the guaranty which we make in connection with the standard return. I am not willing to serve notice upon the people of the United States through this law or any other that we are starting out to increase the freight and passenger rates that are already higher, in my judgment, than they ought to be. It will not do for this committee to say that they fear the owners and operators of the roads would not exercise the diligence necessary to earn the guaranty and standard return during the six months' period.

It will not do for this committee to say we are inviting these railroad managers to sit back in swivel chairs and not undertake diligently to pursue the task that is imposed upon them. I have more faith in the wisdom of these men than to believe that they will be indolent. I believe they will be unusually diligent when the roads come back into their possession. I believe that they will try to the best of their ability to prove their ability and earn for the roads what they should earn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. May I ask for three or four additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that he have three or four additional minutes? [After a pause.] The Chair hears none.

Mr. MADDEN. These railroad managers are on trial or will be on trial when the roads come back into their possession, and they will be compelled by public sentiment, if by no other pressure, to prove that they are doing everything in their power to meet the obligations, interest and otherwise, out of the earnings of the roads without coming back to the Treasury of the United States. I now yield to the gentleman from New York.

Mr. DEMPSEY. Does the gentleman from Illinois know anything about what part of the standard return the railroads as a whole have been earning? My information is that in New England they had only been earning a very small proportion of the standard return.

Mr. MADDEN. According to the report of the committee recommending the passage of this bill, the railroad companies of the United States have lost during the two-year period about $600,000,000. That is what they say. Now, I maintain that if $900,000,000 be the aggregate loss under Government management, it is fair to suppose that when the roads are turned back to their owners and they are managed as a business proposition that this $600,000,000 loss will fade away, and under present rates and present wages the railroads will not only earn what is equivalent to the standard return but they will not be compelled to ask for higher rates, and an invitation such as this bill carries to ask for higher rates the very moment they take possession is an injustice to the American people which I do not propose to submit to but to the best of my ability resist.

Mr. STEVENSON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. STEVENSON. I want to direct the gentleman's attention also to the fact that if one road, for instance the Baltimore & Ohio, applies under this provision and asks for an increase in rate and it was granted because of its impecunious condition, every road in competition with it would have an increase also whether they were running behind or not.

Mr. MADDEN. Undoubtedly. And I think it very unwise to say the least that this great committee, patriotic as it is, should come to the House with a recommendation in advance, or rather an invitation in advance, to the railroads to go to the Interstate Commerce Commission for an increase in rates.

Mr. WINSLOW. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. WINSLOW. Was I correct in understanding the gentleman to reply to a gentleman on the other side of the aisle that the effect of the application for a rate would be the establishment of such a rate per se?

Mr. MADDEN. Not at all. I said if it were granted, but my judgment of what we should do is this: We should turn the roads over to their owners with the six months' guaranty with present rates understood to be in effect and present wages, and then let the managers of the road exercise the genius which I believe they possess to produce results. Let them work, get down on their marrow bones hunting up business, and introduce such economies as can be introduced into the management of the roads, and not under any circumstances be invited to come to the Interstate Commerce Commission for an increase of a rate before making any attempt to prove their ability to run the roads efficiently. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DENISON. Mr. Chairman, the great fear that has been expressed by the public generally who are informed upon these matters, and by the witnesses who testified before the committee, was that the credit of the railroads is in such a condition that they will go to pieces upon being returned unless the Government in some way protects them during this transition period. Now, my colleague, the gentleman from Illinois, who has just taken his seat, said that when we turn these railroads back they will be upon trial, and he never said anything truer than that in his life; not only that but they will be on trial for their lives. There has been no one who came before the Committee on Interstate and Foreign Commerce and gave evidence in the consideration of this bill who did not express a belief that with the increases of wages that have been put upon the railroads during the period of Government control, and with the apparent necessity for increase hereafter, and with the increase in the cost of materials that the railroads have to have, it will be impossible for the railroads to meet their operating expenses on the present level of freight rates. Now, gentlemen of the committee, I think we may as well not try to fool ourselves or the country. We may as well face the situation and recognize the fact that there is going to be a readjustment period in this country, and in my judgment there must be an increase in freight rates.

Mr. KELLER. Will the gentleman yield?

Mr. DENISON. No; I have not the time. The railroads will need credit. We realized that, and as one means of securing credit for the railroads the committee provided in the bill that they should have this guaranty of the standard return for an additional period of six months. Now, having decided to grant them the guaranty because they have to reestablish their credit, we were not willing simply to let them have the benefit of the guaranty and take no measures to prepare themselves for the time after the guaranty period expires or to make their revenues sufficient to give to them their standard return. We are trying to prevent all the loss to the Government that we can, and that is the meaning and the purpose of this provision in the bill. We want to rehabilitate the railroads in so far as it can be done by the action of Congress. We realize fully the public necessity for adequate transportation service. Without that there can never be any real prosperity in the country, and without credit the railroads can not furnish the people adequate transportation service or facilities. So the committee has endeavored to go as far as we reasonably could to reestab-

lish railroad credit. But in doing so we could not, of course, neglect the interests of the Government. We tried by the provisions of the bill to protect the Treasury as far as possible.

Mr. MONDELL. I move to strike out the last word.

Mr. Chairman, I rise to support the amendment of the gentleman from Illinois [Mr. MADDEN]. I expect to support the committee in the main in their position on this bill. That is my duty, and in this case my inclination. I shall try to resolve every doubt I have in regard to the provisions of the bill in favor of the view of the committee. But we have reached a provision in the bill that I think of tremendous importance, a provision relative to which I hope the committee may modify its view after further consideration. We are proposing to return the railroads of the country to their owners—to their management and control. We would not be justified in doing that in the manner proposed if we did not anticipate better, more efficient, and more economical management under such control and management than under public control, management, and operation. If the owners of the roads can not operate them more economically and more efficiently in the public interest than the Government can, then we should listen to the arguments of the gentlemen who favor Government ownership and operation. I am one of those who believe that the men who own these roads, the men who built them, the men that have operated them, can operate them more efficiently and more economically than the Government has or the Government can. If I did not believe that, I would not be in favor of this legislation. And I take it that that is the view of all of us. And yet we are starting out in this transfer of control with a provision that in effect serves notice on all the people of the United States that they may anticipate and expect an increase in the cost of transportation under private control.

We are proposing to compel the carrier in this portion of the section which the gentleman from Illinois proposes to strike out to file a request for increased rates before he can become the beneficiary of the Government's guaranty. The guaranty may be essential and necessary to stabilize the operation of the roads and afford them the necessary credit at the beginning of the new operation under private management. I think the guaranty may be essential, but I do not think it ought to be coupled with a notice to all the world that we expect, in the payment of that guaranty and during the period during which we pay it, people will be called upon and obligated to pay higher freight rates and passenger rates than they are paying now or have paid during the period of the war and under Government management.

Now, it may be true that the owners and the private operators may not be able the first six months to overcome the handicap which will confront and surround them, and so operate their properties as to meet the standard return which we guarantee. But, whether that shall be true or not, we certainly are not justified in saying to the people of the country we will vote to compel these carriers to ask for higher rates, and expect the Interstate Commerce Commission to grant them, and it is our opinion that in this transfer from Government control, that has been so unsatisfactory, to private control, you will have to pay more money for your transportation than you have paid heretofore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Will the gentleman permit me to ask a question?

Mr. MONDELL. Yes.

Mr. SIMS. Inasmuch as we propose to loan the railroads any and all money they may need during that six months' transition period, which will not be a gift, and then when times get good and normal they will make the money and pay the Government, is not that better than to loan or give it to them in any shape, form, or fashion?

Mr. MONDELL. I think the guaranty fund may be necessary and essential. I am inclined to think, as I said a moment ago, that a guaranty for six months will be helpful and may be essential, although there may be ground for difference of opinion in regard to that matter. But assuming that we should guarantee the standard return, should we couple with the notice to the operators that we do not expect them to be able to operate their roads in a way to pay the standard return a notice to the public that we expect they shall pay more for railway transportation under private than under public operation?

Mr. SIMS. Is not the guaranty itself a statement that they are going to need more than they are going to get out of it?

Mr. MONDELL. Not necessarily, because the guaranty, in my opinion, is more in the nature of an insurance. The roads will start under private control under conditions that are far from satisfactory. The guaranty will steady the operation, will improve and strengthen the credit of the roads, will give them confidence, and will afford them a better opportunity than they otherwise would have to get on their feet. But let us not publish the suggestion that we expect the people to pay a larger sum than they have been paying; that we do not expect the carriers will be able to improve conditions or to bring about economy or to operate the roads in a more satisfactory way than the Government has done.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. ANDREWS of Nebraska. Does not the gentleman from Wyoming believe that this guaranty will aid materially in carrying further the subject of reasonable wages for employees of the roads?

Mr. MONDELL. It will strengthen and sustain the roads in their operations and better enable them to fulfill their obligations of all kinds and sorts than they would otherwise be able to do. But let us not make the mistake in doing that of serving notice on the roads that we expect to pay more than we have paid heretofore for the services they render.

And the gentleman from North Carolina made a very pertinent suggestion in this connection. What if it should fall out that some road somewhere failed to meet its standard return; do we intend to give the Interstate Commerce Commission permission to invite it to raise the rate on that line alone in order that by so doing it shall meet the standard return? And, if not, are the rates all over the Union to be raised high enough to enable one "weak sister" to pay her standard return? What is the answer? What is the proposition? How much of an increase is intended, or expected, or proposed, or justified under that kind of a provision?

Mr. DENISON. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. DENISON. The answer to the question is that the Interstate Commerce Commission would consider that application just as it considers all other applications and adjust it under the rules of rate making that it has.

Mr. MONDELL. This compulsory demand by congressional action must have some special meaning and purpose. Otherwise it is to no purpose.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have a minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. If it means anything, it is notice to the Interstate Commerce Commission to take action relative to rates in order to meet the situation. Does it mean that the rate shall be raised on some one road to meet the difference between the earnings and standard return? Or does it mean that the rate shall be raised everywhere sufficiently to meet that condition somewhere? Or does it mean that they shall endeavor to make a general advance in rates that will meet the sum of all of the deficiencies? Why, one gets into a perfect maze of speculation when he begins to inquire as to what the purpose may be. The proper thing to do is to grant the guaranty and not invite or suggest an advance in rates. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. DEWALT and Mr. DEMPSEY rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DEWALT], a member of the committee, is recognized.

Mr. DEWALT. Mr. Chairman and gentlemen, let us be entirely clear in this matter as to what this provision actually means with reference to the filing of these schedules of rates.

First, to whom does it apply? It certainly would not apply to those who did not desire to avail themselves of the guaranty. In other words, the roads that were making more than the stipulated amount of the guaranty would not apply for the guaranty, and therefore they would not be obliged to file the rates. That is true, is it not?

In the second place, if it applies to those who do not earn as much as the guaranty, which are those roads? Those are the weaker roads. Now, the reason for putting in this provision, according to the mind of the committee, was just this—and, answering the inquiry of the gentleman from Wyoming [Mr. MONDELL], let me say this: When this application is made for the increase of rates it is made only by those roads which apply for the guaranty. It does not apply generally to the whole rate-making system of the country and all the roads.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. MONDELL. Does not the committee anticipate that, with the provision of the guaranty in the bill, practically all of the roads will apply for the guaranty?

Mr. DEWALT. No, sir. We anticipate just the contrary. For instance, the Northern Pacific would earn very much more than the guaranty of the test period, and it does earn very much more.

Mr. MONDELL. Will the gentleman permit another question?

Mr. DEWALT. Yes.

Mr. MONDELL. If there were only one or two railroads here and there——

Mr. DEWALT. There were eight different roads, as I understand, which earned more than the standard return.

Mr. MONDELL. Would the gentleman have the Interstate Commerce Commission raise the rates of those roads above the average level of others under like conditions in order to meet the situation of those roads? And if so, how about the rule of uniformity?

Mr. DEWALT. All of those roads have been operating under Federal control under the standard return. Now, it is farcical to say that any road that earns more than the guaranty provided in this bill would apply for the guaranty, because it would not be in accordance with good business methods to do so. They would be losing money by it. Therefore it resolves itself again into what I have tried to say, namely, that the roads that do apply for the guaranty are those roads that do not earn an amount equivalent to what would be afforded by the guaranty. The committee did not want these roads that did not earn the amount to "lie down on the job," as the saying is. In other words, if they are not compelled to file this application for a raise of rates, they go on for six months and they get their guaranty. There is no doubt about that. But if they wait until the last minute of the expiration of the guaranty period, then possibly they are going to file their rates, and possibly not, and the accumulation of the business before the Interstate Commerce Commission will be monumental and they will never get through with it during the period of six months.

Mr. BARKLEY and Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. DEWALT. I will yield to my colleague from Kentucky first.

Mr. BARKLEY. Would that be an incentive to the road filing its schedule in the last minute making application to the Interstate Commerce Commission not to suspend the rate for six months but to put it into effect immediately?

Mr. DEWALT. Yes. Now I yield to the gentleman from Wyoming.

Mr. MONDELL. If it is the gentleman's theory that only here and there an inconsequential road shall make this application for the guaranty, why place in this bill a provision to take care of a trifling and unimportant situation here and there throughout the country?

Mr. DEWALT. I do not think it is trifling, nor do I think that there are but few roads that will avail themselves of this provision. I think there are a number of them.

Mr. MONDELL. That is what I understood the gentleman to say.

Mr. DEWALT. I think there were only 18 roads in this country that earned more than the standard return.

Mr. ESCH. Eight.

Mr. MONDELL. Mr. Chairman, will the gentleman yield again?

Mr. DEWALT. Yes.

Mr. MONDELL. Is it not altogether probable that all except those 18 will apply for the guaranty?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. May I be permitted, Mr. Chairman, one moment more to answer a question?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. DEWALT. If they do, then there is all the greater necessity that the burden and the obligation be placed upon them to make this application for rates, so that they do not "lie down on the job," and the Interstate Commerce Commission can investigate and fix the rates.

Mr. BRIGGS rose.

The CHAIRMAN. The Chair will recognize the gentleman from Texas.

Mr. BRIGGS. Mr. Chairman, I think the argument brought out over this amendment proposed by the gentleman from Illinois [Mr. MADDEN] emphasizes not only the danger of that portion of the section to which the amendment is addressed and which is sought to be stricken out, but also presents the danger to the people of this country of adopting any part of this whole section.

The anxiety among the people of America to-day to have the railroads restored to private ownership is to be relieved of the great losses entailed and experienced in the operation of those roads by the Government. It is because the people of this country are tired of Government operation and Government ownership, or what has been equivalent to it by the control of the railroads by the Government during the war period, and yet this provision of the bill not only does not relieve the people of any of those burdens, but it seeks to impose upon the people for six months longer burdens which even the committee can not estimate, but which, perhaps, from the amount of the standard return of $900,000,000 a year, and the 43 per cent of that for the first six months, would leave the people to pay under this guaranty at least a quarter of a billion dollars.

Now, why is this provision put in here, requiring the railroads to come forward in 60 days with applications for increases of rates, or otherwise to be denied the provisions of the guaranty?

The committee feel that that proposition is a highly dangerous one, that it will destroy initiative, efficiency, and incentive on the part of the roads under private operation to do their best to reduce expenses and give the people the best service at the lowest cost. That is the only reason why it is put in there, as the chairman, I think, announced in his remarks in general debate. I want to say that I am not only in favor of striking it out, but of striking out the whole section, just as we struck out section 205 and substituted the Denison amendment. I say that this whole section is unwise, and it fastens upon the people, not any relief from Government operation, not any relief from the burden and expense attendant upon it, but it shackles the public for six months longer, and ought not to be allowed to remain in this bill. Every safeguard is given the railroads to get means to continue their operation. The present rates in effect are allowed to continue. Even under the Denison amendment they are allowed a most liberal time to pay a large share of their indebtedness, approximately $250,000,000, which they owe the Government, and which is permitted to run over a period of 10 years.

Another provision of this bill, section 208, provides for an appropriation of $250,000,000 to be used as loans to the railroads during the next two years to tide them over the difficulties that they will experience in financing their operations during the transition period, and I say that is sufficent to enable the railroads to operate, and is as much as they can fairly expect from this Congress or from the people of the United States.

The CHAIRMAN. The time on this amendment has expired.

Mr. JEFFERIS. Mr. Chairman, I move to strike out the last two words. It seems to me that the amendment offered by the gentleman from Illinois is one of which we should take careful consideration at this time. I believe that the people of the United States are interested in railroad rates, because they necessarily affect all questions concerning the high cost of living. Everything that people eat, wear, or use in any way has to some extent to pay the railroad rates. In other words, this is to furnish the funds. Now, if Congress guarantees to these railroads the amount of money contained in this bill or suggested by the gentleman from Nebraska, it seems to me that we have gone to the extent that we should go in strengthening them for carrying on their operations. If under private management railroads can not be conducted and freight rates lowered, then there is no argument for returning these roads to private ownership, and the people might as well know it. If, on the other hand, the private owners can operate these roads so as to lower the freight rates of this country, they should be given that opportunity, and now is the time to do it. To say here that for 60 days they shall have a right to file these applications is, it seems to me, a vain thing. What can they possibly know in 60 days? It is only a surmise that is to be put up to the Interstate Commerce Commission. There can be nothing definite about it, and consequently, as stated by the gentleman from Wyoming, it seems to me that all railroads, looking into the future and thinking of drought and pestilence and everything of that kind, will believe that the safe thing to do is to make application for increased rates, and then make some kind of a showing before the Interstate Commerce Commission, possibly not supported by facts which will be borne out by the future, and thus get an increase of rates. If the railroads should happen to follow that policy, the result would be that

the whole people of this country will have brought to their attention the convincing fact that private management can not equal, let alone excel, the management of Government ownership. So it seems to me that no direction should be given in the law itself holding out to the railroads an invitation within 60 days to make this application for an increase, thus unsettling the business conditions of this country; because an application by all of the railroads for increased freight rates during the next 60 or 90 days would in my opinion be a blow at the reconstruction of business in this country. So why invite it? Why ask them to do it, and ask them to present only the facts that have become available to them within 60 days? It seems to me that the amendment offered by the gentleman from Illinois should be adopted.

Mr. CONNALLY. Mr. Chairman, I move to strike out paragraph (f).

The CHAIRMAN. That amendment is not in order at this time.

Mr. CONNALLY. Then, Mr. Chairman, I move to strike out the last five words.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CONNALLY. Mr. Chairman, I call attention to the fact that the amendment of the gentleman from Illinois, if adopted, will not accomplish the purpose its author professes to entertain. The amendment which the gentleman proposes on page 17, line 11, applies only to paragraph (f). Paragraph (f) refers only to those railway corporations which may ask for an advance of the guaranteed return. On page 13, line 17, is the clause which requires every railway corporation, before it can obtain the return, to make application for an advance in rate.

Mr. MADDEN. If this amendment of mine is adopted, I intend to offer an amendment to that provision of the section to which the gentleman is calling attention.

Mr. CONNALLY. My amendment, which the Chair says is not in order, is to strike out the entire paragraph (f), because it will not only accomplish the same purpose that the adoption of the amendment of the gentleman from Illinois will accomplish, but it will prevent these companies obtaining an advance of the standard return.

I do not desire to tire the committee with my observations, but a little while ago some gentlemen were not here who are here now. I do not believe that we can justify a vote for a subsidy to finance the railways during the first six months of private control. Gentlemen on the floor of this House make the assertion that the credit of the railways is in a bad condition. That, my friends, is not a justification for granting the railways a subsidy. Even if that condition existed, my limited information on this subject leads me to say that I believe the railways are to-day in less need of credit than they have been in a number of years, because during the period of Government control their properties have been improved by the Government, and the Government by the terms of this bill proposes to finance them to the extent of a quarter of a billion dollars in loans. But the gentleman from Wyoming [Mr. MONDELL] states that he believes a temporary guaranty for six months is necessary in order to stabilize the railways.

My friends, if this Congress proposes to use the funds of the Government to stabilize financial institutions which may be in bad condition it is undertaking a course and policy for which it will not be long in finding cause for regret. If the rates have to be raised in order to bring in a fair return to the railways, let the Interstate Commerce Commission raise the rates. I for one propose to protect with all my strength against the establishment of this policy of a subsidy. So far as I know this Government has never subsidized any industry, except the wheat industry. It subsidized the wheat of the farmers because it wanted to increase their efforts to produce wheat for war purposes and war necessities, and guaranteed the railways a fixed rental because it took the railways from the owners and was required to pay a fair return. But I do not believe we can justify voting for this subsidy. As has been observed by the gentleman from Nebraska [Mr. JEFFERIS] a moment ago, if we surrender the railways—and I am in favor of returning them; I am not in favor of Government ownership—but if we are to subsidize the railways we offer them no added stimulation toward economy of operation if they know they are going to get the subsidy.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I can not in five minutes reply to the two-pronged attitude which this thing has assumed. I think it is easy to understand why the guaranty of the United States is offered. I am as much opposed to a subsidy to railroads as anybody in this House. There is no reason, personal or political, why I should favor such a subsidy.

But here is the situation, and we might as well confront it like intelligent men. When the railroads are turned back to the owners, the difference between the income and outgo will be very much larger than what it was when the Government took over the roads. Whether that has been brought about by the Government control or not, it has certainly been brought about during Government control. If the Interstate Commerce Commission were equipped on the first day after the roads were turned back to readjust the scale of rates sufficient to meet expenses, there would be no reason for the guaranty. That is why we have provided for a guaranty—because the commission testified before us, and various State commissions did the same, that it would require six months for them to readjust the rates, because they are given two months to file the scale of rates and then four months to put them into operation, after suitable investigation.

In order to bridge over the six months and to meet the necessities of the roads, we have provided that they shall receive the guaranty on the average return for the corresponding six months during the test period of three years prior to June 30, 1917.

Mr. MADDEN. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MADDEN. Also you provide that unless they make the application within a certain period they can not get it.

Mr. BARKLEY. I am coming to that. On the face of it, at first blush, it struck me, as it does the gentleman from Illinois and others, that it was an invitation to the railroads to file schedules of increase. However, if the amendment of the gentleman from Illinois is adopted, the result will be that all the roads will get the guaranty, whether they need it or not and whether they file any schedule for readjustment of rates or not, and the result would be that many of them would get it when they will not need it and when they will not need an increase of rates.

The fact that they do file a schedule for increased rates does not mean that it will be given to them. That is a matter for the Interstate Commerce Commission to investigate and settle during the six months' period.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. DEMPSEY. The particular paragraph which the gentleman seeks to strike out limits instead of broadens the section.

Mr. BARKLEY. It certainly is a limitation. If the amendment is adopted, any road can make application for a guaranty and get it without making application for sufficient rates as would make it unnecessary for the Government to have to pay out any guaranty. Any road might say, "I am on easy street; I will get the guaranty—I will lay down and compel them to guarantee me this amount—and at the end of the six months' period I will file an application for increase of rates"; and by reason of the fact of any chasm or gap between the increase of rates and the increase of expenditures already existing it might make application to the Interstate Commerce Commission that that increase of rates should go into effect immediately, without being suspended, and give them an opportunity to investigate the reasonableness and justice of the rates. Therefore, as an earnest of good faith, we required that they should file their application for increase within the time required as an evidence of the fact that they need the guaranty.

Mr. TEMPLE. Mr. Chairman, in paragraph (d) the United States Government guarantees to each carrier that its railway operating income for the guaranty period shall equal its income for the test period. If the other amendment should be adopted which, we are told, is to follow this one, then the operating income would be guaranteed to all railroads now under Federal control.

Paragraph (e) provides that that payment shall be made at the end of the six months' period:

(e) The Interstate Commerce Commission shall, as soon as practicable after the expiration of the guaranty period, certify to the Secretary of the Treasury the amount of the railway operating income of the several carriers during such period, and the several amounts necessary to make good the guaranty to each.

And so forth.

Paragraph (f) covers an entirely different situation. If a railroad can not at any time during this six months' period meet its operating expenses, it may apply for this advance. Not for the guaranty itself but for an advance payment of the guaranty.

Before it can get payment in advance it must first file application for an increase of its rates. This has nothing to do with the payment of the guaranty. It has to do only with the time at which the guaranty shall be paid. If it can not operate for

six months, if it can not wait for six months until the regular time of payment, it may apply for an advance payment, but before the Interstate Commerce Commission can make that advance payment it must first pass on the question as to whether there should be an increase of rates. It seems to me that it would be a mistake to strike out that requirement.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last five words.

Mr. ESCH. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate upon this section and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. CALDWELL. Mr. Chairman, I read in a newspaper the other day that a certain person named Hays, who occupies the position of chairman of the Republican national committee, had made a statement in which he said that the Republican Party intended in the railroad bill to take care of the interests of the railroads, and, of course, this railroad bill does——

Mr. HICKEY. Mr. Chairman, I ask that the gentleman proceed in order.

The CHAIRMAN. The gentleman from Indiana makes the point of order that the gentleman from New York must proceed in order.

Mr. CALDWELL. Oh, well; I would be surprised if the Republicans do not want to know what Mr. Hays says. This is a pro forma amendment, and I will proceed in order. There is some effort here, according to the debate on that side of the House, to take care of the employees of the railroads, but I have not heard anybody point out anywhere in any manner how this bill takes care of the public. Whether or not it is taking care of the public is fully demonstrated by that great barometer which the Republicans have for the past generation pointed to every time they wanted to know what the country thinks of legislation—the stock market. We notice a break in the New York Stock Exchange only yesterday of 68 points on some industrial stocks, showing that the people of this country realize that this bill does not take care of the interests of the people, of the producers, of the manufacturer, and this section of the bill ought to be stricken out.

Mr. GREENE of Vermont. How long is it since the Democratic Party turned to Wall Street stock quotations to test public sentiment? [Laughter.]

Mr. CALDWELL. Oh, it is always nice to look at the standard set up by your opponent when you get ready to ask the question whether or not your opponent is really sincere and honest in his declaration.

Mr. GREENE of Vermont. Not having had an answer, I repeat the question. How long since the Democratic Party turned to the Wall Street stock quotations as a test of real public sentiment and opinion?

Mr. CALDWELL. The gentleman knows that I have not said that the Democratic Party looks to that. My remark was that the Republican Party had always pointed to it.

Mr. BLANTON. Mr. Chairman, I suggest that we eschew politics and get back to the bill.

Mr. JONES of Texas. Mr. Chairman, the discussion here reminds me of the story of a lawyer whose services were sought for the purpose of instituting suit. He told his client that he would take the case on a contingent basis. The client asked him what that meant. The lawyer replied, "If I lose the case I get nothing, and if I win you get nothing."

I think that is the situation of the public in so far as this particular section of the bill is concerned. It is claimed by the committee that the reason it wants to require the road which desires the guaranty to file a schedule of rates is to keep it from "laying down" on the Government. I submit that if you are going to furnish every railroad a guaranty, you will make it to the interest of all who accept that guaranty—if their argument is legitimate—to "lay down" on the Government, and at the same time file their application for an increase in rates. Then, regardless of whether any effort is made to earn anything, but, on the contrary, by making the opposite showing, they can get their guaranty and at the same time get their increase of rates. A subsequent section of the bill provides the method for taking care during this transition period of those roads that can not make their way. This subsequent section provides that the Government will make them loans if it is necessary in order to help them over that transition period. By making a loan to the various roads and making them operate on their own merits without a guaranty—or, in other words, stand on their own bottom—they will have every inducement to make their expenses as low as possible and their income as high as possible, and at the same time they can file their schedule for an increase of rates, if such increase of rates is necessary.

They can make their showing just the same as they would make it if the guaranty were furnished them. It seems to me that a railway should be required to make a showing at least before any money is furnished it. I for one am not in favor of adopting the policy of appropriating money simply to stabilize any industry, as has been expressed by some one who preceded me. This section of the bill not only provides a guaranty, but also almost orders all the railway companies to ask for an increase in rates. It provides that they must file an application for an increase in rates before they can get the guaranty. It is almost like authorizing a conspiracy to raid the Treasury. Where does the public come in on such a proposition?

There is another thing I would like to call to the attention of the committee. It has been argued here that some of these roads will not need the guaranty provision and, therefore, will not apply for it. Others will need it and apply for it. The big railways of this country have a method, when they want to use it, of diverting traffic. The roads that are able to make their income and more will have the traffic diverted over their branches, and they can make a lot of money, while the other roads will not need to scramble for traffic, for they will simply say they are going to get their money in the form of a guaranty anyway. Thus the great roads can have certain branch roads sit supinely by and do nothing during the six months guaranty period, while the great roads, with traffic diverted their way, grow prosperous and keep the surplus.

While we are returning the roads to the owners I am not in favor of neglecting the public interest. We owe some duty to the Treasury of the United States and to the public which pays the bills.

Mr. SAUNDERS of Virginia. Will the gentleman from Texas yield?

Mr. JONES of Texas. I will yield.

Mr. SAUNDERS of Virginia. If we strike out the part of the section proposed to be stricken out by the Madden amendment, will it not really be in the interest of the railroads?

Mr. JONES of Texas. I am inclined to think so. Therefore we should adopt the Sims amendment, which strikes out the entire section. I will call the attention of the gentleman to the amendment offered by the gentleman from Tennessee to strike out the entire section. That is the amendment to which I am speaking. I do not care particularly what is done with the amendment of the gentleman from Illinois, but I rather think that if the section were going to be left in it would be well to defeat the Madden amendment. That, however, is an amendment of relatively unimportant consideration. I want to remove all question by eliminating the entire paragraph. In other words, I do not believe we should guarantee the railroads a net income after the Government releases them and they are returned to the private owners.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. There is an amendment now pending, and the gentleman's amendment can be offered after this amendment is disposed of.

Mr. BYRNES of South Carolina. Then I withdraw it for the present.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to strike out certain language.

The question was taken, and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. ESCH) there were—ayes 38, noes 90.

So the amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BYRNES of South Carolina: Page 16, line 10, strike out the words "certified to the Secretary of the Treasury" and insert in lieu thereof "submitted to the Secretary of the Treasury for transmission to Congress."

Mr. BYRNES of South Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BYRNES of South Carolina. Did I understand the Chair to state that time had been fixed and that I can not speak on this amendment?

The CHAIRMAN. The time for debate on the section and all amendments thereto was closed by unanimous consent.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the time be extended three minutes in order that I may explain this amendment, as I believe the chairman may accept it if I can explain it.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that notwithstanding the previous order of the committee the time may be extended three minutes in order that he may speak to his amendment. Is there objection?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, it may be necessary to reply to the gentleman if he says anything during those three minutes——

Mr. BYRNES of South Carolina. Mr. Chairman, I think the time had better be made six minutes.

Mr. BARKLEY. As the gentleman always says something worth hearing whenever he speaks.

The CHAIRMAN. The gentleman from South Carolina asks that the time of six minutes may be allotted on his amendment, and that he may have three minutes in which to explain the amendment, notwithstanding the previous order. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, under the bill as it now reads we give the Interstate Commerce Commission the right to draw a sight draft on the Treasury for the amount that shall be ascertained by them to be the compensation due. Under the amendment I have offered the amount of compensation due the railroads would be estimated to Congress, and Congress would appropriate the money, as it has always done. I doubt seriously whether the Congress has the right by such general language as is contained in this section to appropriate an unlimited and indefinite amount. We have passed a budget bill, by which you say you are going to make your revenues accord with your appropriations. But here you make an indefinite appropriation which no Congress can ever ascertain. You will never know how much you have paid or will have to pay under it. Under the amendment I have offered the estimate will come to Congress. It can not be argued that it will mean great delay. Your pensions are estimated for by the Pension Bureau, and the appropriation is passed by Congress, just as every other appropriation should be passed by Congress. The language as it stands requires no estimate; simply on the certificate of the Interstate Commerce Commission the Secretary of the Treasury pays it out, and the Congress will never be able to ascertain how much is to be paid. There is no express appropriation of any amount, as is required by statute.

Mr. BARKLEY. Mr. Chairman, this amendment ought not to be adopted, in my opinion. In the first place, the amount these roads will be entitled to will be fixed. We fixed it by this act—that is, the average amount during the corresponding six months of the three years ending June 30, 1917—so it is not a matter in the discretion of the Secretary of the Treasury or in the Interstate Commerce Commission to fix the amount. All the Interstate Commerce Commission does is to arrive at the amount which we say they should be entitled to and certify that to the Secretary of the Treasury.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BARKLEY. I would hardly be able to yield in three minutes.

Mr. BYRNES of South Carolina. I did not use all of my time, and the gentleman can have half a minute. Pensions are fixed by law, but they are required to be estimated for to the Congress.

Mr. BARKLEY. I understand that; but we pass a pension appropriation bill every year. Now, beginning at the end of the six months' period that these railroads will be entitled to the standard return, Congress may not be in session and may not meet until December, and there may be three or four months when Congress is not in session, and the roads would need the amount due, and they would have to wait until Congress is in session——

Mr. ESCH. And even if Congress was in session there might be delay.

Mr. BARKLEY. There might be delay, because it would have to come in the form of a deficiency bill, or something of that sort, and hence we fix here the amount they are entitled to and only authorize the commission to certify to the Secretary of the Treasury the amount that we say here they are entitled to, and without any delay——

Mr. BYRNES of South Carolina. Does not the gentleman know that Congress has the right through the Appropriations Committee to examine to see whether or not it is correct and——

Mr. BARKLEY. With all due respect, in reply I will say I do not think Congress or the gentleman's committee is as well qualified to ascertain what this standard return is as the Interstate Commerce Commission, and I am willing to stand by their recommendation and certificate.

Mr. ANDREWS of Nebraska. Is an appropriation carried in this bill, or provided for elsewhere, for that amount?

Mr. BARKLEY. The unexpended amounts heretofore appropriated by Congress in connection with the Railway Administration are continued in this bill.

Mr. ANDREWS of Nebraska. The presentation of this matter to the Secretary of the Treasury for the issuance of a warrant would have no force unless at that time there was a definite appropriation by Congress to pay that bill.

Mr. BARKLEY. The gentleman is mistaken about that.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 56, noes 71.

So the amendment was rejected.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Nebraska: Page 14, line 5, after the period insert: "*Provided*, That such guaranteed income shall in no case exceed 6 per cent of the actual outstanding capital stock of the carrier."

Mr. ESCH. Mr. Chairman, I make a point of order on that. The subject embodied in it has already been acted on.

Mr. HARDY of Texas. Mr. Chairman, I would like to be heard on the point of order.

Mr. ESCH. All debate on the section has been closed.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order against the amendment on the ground that the same subject and provision has been voted on by the committee.

Mr. ESCH. Yes.

Mr. HARDY of Texas. On that point I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HARDY of Texas. There was an amendment offered by the gentleman from Nebraska which provided that the guaranteed income should not exceed 6 per cent, but that came with the motion to strike out a part of the paragraph which provided that the guaranteed income should be the standard income for the six months. This amendment is an entirely different one. The standard income might be much less than 6 per cent and it might be much more than 6 per cent. This is a limitation put after the words in the paragraph down to the period on line 5, and simply says that they may have the standard income for the six months provided it shall not exceed 6 per cent. And it seems to me it is a very different amendment.

The CHAIRMAN. The Chair has examined the previous amendment, and it provides to strike out certain language and provides that the guaranty should be 6 per cent of the capital stock. The amendment offered is that the guaranty shall not exceed 6 per cent, and the Chair overrules the point of order. The question is on the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DOWELL. A division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 69.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Tennessee to strike out the section.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. SIMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 69, noes 99.

Mr. BEE. I ask for tellers, Mr. Chairman.

Tellers were ordered, and Mr. DENISON and Mr. SIMS took their places as tellers.

The committee again divided; and there were—ayes 72, noes 114.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTIGATION OF NEEDS OF WATER TRANSPORTATION.

SEC. 211. It shall be the duty of the Secretary of War, through the Chief of Engineers, with the object of promoting, encouraging, and developing water transportation facilities in connection with the commerce of the United States, to investigate the appropriate types of boats suitable for different classes of waterways; to investigate the subject of water terminals, both for water traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad

spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage water transportation. It shall also be the province and duty of the Chief of Engineers, under the direction of the Secretary of War, to compile, publish, and supply, from time to time, such useful statistics, data, and information concerning transportation by water as may be of value to the commercial interests of the country.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the conference report on the bill (S. 425) to establish the Zion National Park, in the State of Utah.

THE RAILROAD BILL.

The committee resumed its session.

Mr. EDMONDS. Mr. Chairman, I move to strike out the section.

Mr. SEARS. Mr. Chairman, I reserve a point of order on the section.

The CHAIRMAN. The gentleman from Florida reserves a point of order on the section. The gentleman from Pennsylvania [Mr. EDMONDS] is recognized.

Mr. EDMONDS. Mr. Chairman, I can not see any use for this section. Here we are creating a new commission to make a report on matters that belong to the waterways of the country. This should properly come under the Committee on the Merchant Marine and Fisheries and be taken up by the Shipping Board or the Department of Commerce. We are asking here for the Secretary of War to tell you something about ships. I do not know what the Secretary of War should know in regard to ships. And you are also asking him to tell you something about the utilization of harbors and ports. Now, our committee has given a very great deal of time to investigating port utilities, and it is our intention to bring about a bill which will not only make reports but will use the reports that have been made in a proper manner. I do not think this section belongs in this bill at all, and I think that if the gentlemen will just look over the number of different things that the engineers are to report upon, they will find that it does not belong to the War Department or to the Corps of Engineers. I trust the gentlemen will vote to eliminate this section, and I expect that early in December the Committee on the Merchant Marine and Fisheries will bring in a bill that will cover both the status of port utilities and the utilization of the information to the advantage of the merchant marine of the country.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. WHITE of Maine. Is it not true that the Emergency Fleet Corporation has already been conducting exhaustive inquiries into port facilities, terminals, and docks, and all that sort of thing, not only in this country but in Europe?

Mr. EDMONDS. That is absolutely true.

Mr. WHITE of Maine. And this would be a duplication of work which is already under way under the Shipping Board's authority?

Mr. EDMONDS. Yes; a complete duplication of work; and it seems to me it would be a complete waste of time and money. I think the gentleman will realize that the question of ports and facilities is a very important one in building up the merchant marine, and if it is intended to enact a lot of "buckshot legislation" in regard to the merchant marine, you might as well give up trying to build it up.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. JOHNSON of Washington. I would like to ask if in the gentleman's opinion section 211 would apply to the investigation of the Panama Canal navigation?

Mr. EDMONDS. I think it would apply to everything in this country and in foreign countries. It does not seem to be limited to anything.

Mr. JOHNSON of Washington. It is very broad.

Mr. EDMONDS. Yes; it is very broad. It is not limited to this country.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. HARDY of Texas. I suggest that line 9 indicates that it is in connection with the commerce of the United States, foreign and domestic.

Mr. EDMONDS. Yes; foreign and domestic both.

Mr. Chairman, I yield back the balance of my time.

Mr. BANKHEAD rose.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama.

Mr. BANKHEAD. Mr. Chairman, I trust that the amendment offered by the gentleman from Pennsylvania [Mr. EDMONDS] will have the very careful and thoughtful consideration of this committee. If you will observe the provisions of section 211, you will see that it undertakes to confer upon the Secretary of War, through the Chief of Engineers, very unusual and extraordinary powers to be carried out by that department of the Government.

As has been suggested by the gentleman from Pennsylvania, the Committee on the Merchant Marine and Fisheries during the months that have intervened since the convening of this session of Congress have undertaken very exhaustive examinations of this entire subject of our water transportation and our ocean-borne commerce, especially in connection with our inland waterways and rivers, and one of the main features of that investigation, one of the main thoughts that the committee has had in mind in connection with the activities and recommendations of the Shipping Board—which has the legitimate exercise of this jurisdiction in accordance with the purposes for which it was created—one of the recommendations that they have been insisting upon is the investigation and report upon these very specific things that are here sought to the conferred upon the Secretary of War.

If you will refer, gentlemen of the committee, to the original shipping act, the act of 1916, you will see that in sections 18 and 19 the Shipping Board, by that act creating them, were clothed with the authority and the duty of making recommendations and investigations with reference to these water routes and of terminal facilities and arrangements as affected by water and inland transportation.

And yet here by this section you are undertaking to strip the Shipping Board of its legitimate authority, not only from the standpoint of the statute, but, gentlemen, also from the standpoint of the real purposes of its creation and the activities in which it has been engaged, and confer them upon the Secretary of War, who already is overburdened with duties now conferred upon him by law and by statute. And, gentlemen, if you are really and truly interested in the development of the merchant marine of this country, as affected by the possibilities afforded by cheap water transportation, through the shipment of our goods and produce through bills of lading from the point of origin to the seaboard and on to our foreign markets, you ought to favor the amendment offered by the gentleman from Pennsylvania [Mr. EDMONDS] and leave the exercise of this function where it legitimately belongs, to the Shipping Board, which was created for the purpose and clothed with the power and authority of investigating these questions, as they have been doing it, and building up to the highest maximum of usefulness the natural facilities which have been bestowed upon the people of our country by virtue of water transportation as it has been improved up to to-day.

Why should the Secretary of War, I ask you, gentlemen, by virtue of the general organization of his executive department, have conferred upon him the powers here sought to be conferred by this section—the power and the duty of investigating the nature of water transportation, of terminal facilities and port facilities, and wharves and docks, and things of that sort—which do not belong, as a matter of conclusion and fair reckoning, within the legitimate powers of the Secretary of War, but do, on the contrary, legitimately belong to the Shipping Board, which this Congress has created, with this as the very purposes of its creation, in the exercise of their jurisdiction?

I do not think it would be any affront to the distinguished Committee on Interstate and Foreign Commerce to consider this amendment from the aspect I have suggested.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. In a moment. I realize it is almost an impossible thing to get in here an amendment against the advice and recommendation of a great committee like the one whose bill we are now considering. But, gentlemen, I appeal to you on this proposition, as a matter of careful and serious importance in the direction of building up our merchant marine and our water-transportation facilities, to give serious consideration to this amendment upon its merits.

Now I yield to the gentleman from Maine.

Mr. WHITE of Maine. I want to suggest to the gentleman that this provision does not in terms seek to repeal the existing authority.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. ALEXANDER rose.

Mr. SMALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] will be recognized.

Mr. ALEXANDER. Mr. Chairman, I regard this as a matter of more than ordinary importance. We ought to determine whether or not we are going to vest different bureaus of the Government with power to do the same thing. We have created a Shipping Board, and the purpose is to build up and develop our American merchant marine, and port facilities are necessary to the development and efficiency of operation of an American merchant marine. I can not understand why the authority should be vested in the Secretary of War to make these investigations. The subject is commercial, not military, and it should be under the supervision of a department of the Government that is charged with the development of our water-borne commerce.

Now, the shipping act, in section 17, paragraph 2, provides—referring to carriers by water in foreign commerce:

> Every such carrier and every other person subject to this act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

Now, the phrase "any other person" used in the paragraph just read is defined in section 1 of the shipping act, as follows:

> The term "other person subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

It will be noted, first, that the person subject to the act is required to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water; and, second, that the Shipping Board, if it finds such regulations or practices unjust or unreasonable, may by order enforce reasonable regulations and practices.

If the Shipping Board is charged with the duty of regulating port facilities, does it not logically follow that the Shipping Board should be charged with the duty of making the investigations set out in section 211 of the pending bill, rather than the War Department? Section 12 of the shipping act provides that the Shipping Board shall make certain investigations, all relating to the development of our American merchant marine. Why should the investigations covered by section 211 of the pending bill be added to and made part of the duties of the board? The Committee on the Merchant Marine and Fisheries is now considering the question with that end in view.

Mr. DENISON. Will the gentleman read that part of the law which gives the Shipping Board jurisdiction over inland waterways?

Mr. ALEXANDER. They have no jurisdiction over our inland waterways.

Mr. DENISON. That is what I thought.

Mr. ALEXANDER. That is very true, but this bill gives the Secretary of War jurisdiction to make these investigations not alone on our inland waterways but on our coasts and the Great Lakes as well. There is no limitation in the section. Gen. Black, Chief of Engineers, United States Army, has been the chairman of a commission on port facilities, created by the Shipping Board, charged with the duty of making a thorough investigation of all questions covered by section 211, and no doubt the Shipping Board will place the results of such investigations before the Congress at the proper time, and the Committee on the Merchant Marine and Fisheries has the whole subject matter under consideration now, with a view of presenting to the Congress a bill enlarging the powers of the Shipping Board so that they may have full and complete jurisdiction of this subject matter.

I can not understand why there should be this duplication of service. One great trouble now in our departments is the duplication of investigations by different commissions or boards or bureaus of the Government, resulting in very great cost and expense. But, as I have said, this is a commercial proposition, not a military proposition. The Chief of Engineers and experts from other departments of the Government could be used, as is now being done by the Shipping Board, on the commission referred to. It should be under the jurisdiction of that department, created for the purpose of developing our waterway transportation, and, to my mind, it should belong to the Shipping Board. In any event it should not be in the War Department. [Applause.]

Mr. ROWE. Mr. Chairman, I move to strike out the last word. Gentlemen, the Committee on the Merchant Marine and Fisheries took up this investigation in reference to port facilities in July last. In that investigation we learned that the Shipping Board had been at work on the question of port facilities for about a year and a half; that they had met with the officers of the Army and the Navy; and that the Shipping Board and other departments of the Government had agreed on a commission under direction of the Shipping Board, with Maj. Gen. William M. Black as chairman, with Admiral Rousseau as vice chairman, with Mr. Rosseter, who is connected with the Shipping Board, together with some six other experts in shipping and port matters. No one of the commission is paid a salary because of the work on this board. They have worked for more than a year and a half. Nearly every port along the Atlantic coast of the United States and nearly every port along the Pacific coast has already been surveyed. They know the depth of the water and the facilities of every port, the docks, the bunker facilities, and the like. They know what should be shipped to particular ports and what can be taken from them. They have made a very careful survey and are having the results of it published now. Not only that, but they have gone to foreign ports to find out just what facilities there are there, what depth of water is, what size of boats can enter, and what is called for in the various ports.

Mr. DENISON. The objection which the gentleman from New York has to this provision of the bill is that there would be a conflict of authority?

Mr. ROWE. Exactly; yes. This new commission would be going over the same work again.

Mr. DENISON. Now, if we should limit the jurisdiction of the Secretary of War in this bill to the inland waterways, would that obviate the gentleman's objection?

Mr. ROWE. No; because a good many of the inland waterways are already under the Shipping Board, everything to tidewater, and the Great Lakes.

Mr. DENISON. But those are not inland waterways.

Mr. ROWE. Yes; the Great Lakes are, and they are now under the Shipping Board, and the whole thing should be left to them.

Mr. WHITE of Maine. Is it not true that in connection with this investigation and as a necessary part of it this commission has inquired into the facilities on inland water and the possibilities of inland water development?

Mr. DENISON. If they have done that, they have exceeded their authority.

Mr. ROWE. Not at all.

Mr. WHITE of Maine. Not at all.

Mr. ROWE. They are the only board in the United States qualified to do the work. Why should we go ahead and hire other engineers? Gen. Black is very capable on that. He has done this harbor work for the Army. That is the reason he was selected as chairman of this commission.

Mr. DEMPSEY. It has been suggested here by some of the members of the present Interstate Commerce Committee that the reason for referring this to the War Department was because they have an engineering force which covers the country. What does the gentleman say as to that?

Mr. ROWE. Gen. Black is the head of that engineering force.

Mr. DEMPSEY. Yes; but he is connected with the War Department as the Chief of Engineers.

Mr. ROWE. But the Army has to do with the ports. That part is all right. That is the development of port facilities, and we have no objection to that. I believe in time, though, that the department the gentleman speaks of, which was established long before the Shipping Board, will be turned over to the Shipping Board, very much as the President asked for this commission to be appointed under the Shipping Board.

Mr. ESCH. Mr. Chairman, on line 9, page 21, after the word "developing," I move to insert the word "inland," and after the word "water" insert the word "way," so as to read "developing inland waterway transportation."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. ESCH: Page 21, line 9, after the word "developing," insert the word "inland," and after the word "water" insert the word "way."

Mr. ESCH. Also, in line 12, after the word "of," I move to insert the word "such," so that it will read "for different classes of such waterways."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ESCH: Page 21, line 12, after the word "of," insert the word "such."

Mr. ESCH. Also, in line 13, after the word "for," I move to insert the word "inland," and after the word "water" insert the word "way," so that it will read "both for inland waterway traffic and for."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ESCH: Page 21, line 13, after the word "for," where it occurs the first time in the line, insert the word "inland," and after the word "water" insert the word "way."

Mr. ESCH. Also, in line 25, after the word "different," insert the word "inland."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ESCH: Page 21, line 25, after the word "different," insert the word "inland."

Mr. ESCH. Also, on page 22, line 11, strike out the words "by water" and insert in lieu thereof the words "on inland waterways."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 11, after the word "transportation," strike out the words "by water" and insert the words "on inland waterways."

Mr. HUMPHREYS. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. HUMPHREYS. Does the gentleman want to make any change in line 7, page 22?

Mr. ESCH. Yes; I move to insert the word "inland" before the word "water," line 7, page 22.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 7, before the word "water," insert the word "inland."

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SMITH of Michigan. Does inland waterways include the Great Lakes?

Mr. ESCH. The Great Lakes are under the jurisdiction of the Shipping Board by the Shipping Board act.

Mr. SMALL. Will the gentleman yield?

Mr. ESCH. I will.

Mr. SMALL. Would it be the purpose of the gentleman to exclude the Great Lakes and harbors; in other words, what does the gentleman have in mind by the expression "inland waterways"?

Mr. ESCH. The exclusion of the coast terminals.

Mr. SMALL. Would your language also exclude the Great Lakes?

Mr. ESCH. I think it would. It seems to me, Mr. Chairman, that we can rightfully give this jurisdiction to the Secretary of War through the Engineer Department, because of the large experience members of the Engineer Corps have had with the peculiar inland water transportation of the United States. No other body of the Government has control of inland water transportation. They get it because they are the body that sees that navigation is maintained on the inland waterways, and the Engineers have developed that navigation. In connection with that work they have more or less experience in handling ships, vessels, and boats, and, above all that, they have the experience in the development of the types of tows and barges for inland water transportation. The Shipping Board has no knowledge of such matters and the Emergency Fleet Corporation has no knowledge of such matters.

The CHAIRMAN. The Chair will state that before the vote is taken there is a reservation of a point of order to be disposed of.

Mr. SEARS. Mr. Chairman, in view of the statement of the gentleman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Florida withdraws his reservation of a point of order.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The amendments of the gentleman from Wisconsin are pending and must be disposed of.

Mr. SMALL. I ask unanimous consent that my amendment may be read for information.

The CHAIRMAN. Without objection, the amendment of the gentleman from North Carolina will be read for information.

The Clerk read as follows:

Amendment by Mr. SMALL: Page 22, lines 7 and 8, after the word "the," in line 7, strike out "the Secretary of War" and insert "Secretary of Commerce"; in line 8 strike out the words "Chief of Engineers" and insert "Bureau of Foreign and Domestic Commerce."

Mr. SMALL. Mr. Chairman, with reference to the amendments offered by the gentleman from Wisconsin [Mr. ESCH], I think upon reflection he will conclude that the term "inland waterways" includes the Great Lakes; in other words, it does not exclude them. I think on further reflection he will decide that he does not wish to exclude the Great Lakes from the benefits to accrue from this investigation.

Mr. ESCH. I do not.

Mr. SMALL. So it will only exclude the harbors of the country, and that is what the gentleman had in mind.

Now, Mr. Chairman, if I may have the attention of the House for one moment about this particular section. Personally I have been of the opinion for some years that there should be some Federal agency authorized to make investigations of the problems connected with water transportation; some agency that would collect data, that would have experts in the problems of water transportation in its different aspects. I believe that such an agency would go very far toward promoting water transportation.

Several weeks ago a number of gentlemen met in Washington from the Atlantic seaboard, principally from the Mississippi Valley, with several Senators and Representatives, to consider some amendments to be offered to this railroad bill, and among the amendments the idea of creating this Federal agency found unanimous favor. One of the questions which arose was where should the agency be located? We considered the Shipping Board, the War Department, and the Department of Commerce. After very careful consideration and conversation with the Secretary of Commerce and others of his department, I think one of the volunteer committee conferred with the chairman of the Shipping Board; it was decided that the better place for it was in the Department of Commerce. And in order not to create a new bureau, it was considered that the Bureau of Foreign and Domestic Commerce was the best bureau in which to place this authorization.

May I call your attention to the organic act creating the Department of Commerce. In section 3 it says "it shall be the province of said department to foster, promote, and develop, and so forth, transportation facilities of the United States."

In section 8 of the act creating the department it says that the Secretary of Commerce and Labor—it was then both in one department—shall annually make a report in writing to Congress, and so forth, and among other topics says "transportation facilities of the United States, and make such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department."

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. ESCH. What has the Bureau of Foreign and Domestic Commerce done under that organic act in the way of promoting transportation, outside of publishing some annual statistics?

Mr. SMALL. Until the Federal-control act was passed there was maintained in the Department of Commerce one or two men who investigated waterway problems—I recall Mr. Parker, of New Orleans, who was a very competent man—but in the aggregate they have done very little. In that respect I think that department has not been clothed with the responsibilities and duties originally intended. The merits of this section which the committee has included in the bill, however, are independent of the other question of where authority shall be lodged, and my main purpose in rising——

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMALL. My main purpose in rising was to ask the committee to give careful consideration to the amendment offered by the gentleman from Pennsylvania to strike out this section, which is one of the important sections of the bill for the promotion of water transportation in coordination with rail transportation. Its importance is too great to consider for a moment striking it out. It ought to remain, and if the duties imposed here are properly executed it will demonstrate its great usefulness in the promotion of water transportation.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. CHINDBLOM. I rise for the purpose of calling the attention of the gentleman to the fact that on page 22 there should be further changes.

Mr. SMALL. Yes; if this amendment is adopted, other verbal changes will be necessary. As to whether these duties shall be lodged with the War Department, the Department of Commerce, or the Shipping Board is a matter for the careful consideration of the committee. While the Chief of Engineers and the Corps

of Engineers, under the War Department, have given consideration to some of the questions here, the matter of terminals, for instance, and while the distinguished Chief of Engineers, Gen. Black, who is about to retire, is particularly well equipped with knowledge of some of the problems of water transportation, it remains true, as a rule, that engineers are trained in engineering, and are admirably fitted to discharge the functions of engineers in connection with river and harbor works, but neither their training nor their experience equips them with knowledge in respect to the problems of transportation either by rail or by water. As between the War Department and the Shipping Board, I should think the Shipping Board is preferable. As among all, I think the Department of Commerce, owing to the duties imposed on that department when it was created, due to the fact that it has a bureau which can easily discharge the duties imposed here, the Bureau of Domestic and Foreign Commerce, is the best agency to execute this authorization.

Mr. HUMPHREYS. Mr. Chairman, I want to speak very briefly on this. I think it would be a mistake to strike the paragraph out. I think the investigation will be well worth whatever it costs, but I do not think that the amendment suggested by the gentleman from North Carolina [Mr. SMALL] ought to be agreed to. The Secretary of War, through the Chief of Engineers, is the governmental agency which is now very much the best equipped for this work. The fact is that the engineers are engaged and have been for many years very largely in this particular kind of work. Some six or eight years ago we appropriated half a million dollars, or some large sum——

Mr. MONTAGUE. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. HUMPHREYS. Yes.

Mr. MONTAGUE. Are the engineers equipped at all to investigate the appropriate types of boats suitable to different classes of water? Do their duties lead them to the acquisition of that knowledge?

Mr. HUMPHREYS. I think they particularly do.

Mr. MONTAGUE. I think they particularly do not.

Mr. HUMPHREYS. Because gentlemen entertain different views on great public questions is the reason why we occupy so much time here in discussion.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Just let me answer this question first. A few years ago we appropriated several hundred thousand dollars for the purpose of investigation of the best types of boats for commercial purposes on the inland waters of the United States, and the duty in making that investigation was confided to the Engineer Corps of the Army.

Mr. CLEARY. Mr. Chairman, will the gentleman yield now?

Mr. HUMPHREYS. Yes.

Mr. CLEARY. I just want to throw a little bit of light from a practical standpoint.

Mr. HUMPHREYS. Would the gentleman mind illuminating the subject in his own time, as I have only a few minutes? The engineers of the Army set to work to make that investigation. They were sent to all of the countries of the world. They made a very extensive study of that particular subject. On the Mississippi River and on the Warrior River there have been turned over for their management barge lines which the Government is constructing and which it is to operate.

Now the engineers are charged with the duty of preparing the channels properly to operate the boats on the river. They have already devoted much time and made some very interesting and illuminating reports on the types of boats best suited for those rivers. That has already been done by the engineers, and in addition to that they have been charged with all the varied activities of steamboat operations. The investigation of the insurance feature was conducted by the engineers of the Army, and upon which they made a most elaborate investigation and a most informing report. Everything contemplated in this particular act has heretofore been embraced in the activities of the Engineer Corps, and I do not believe that we can create a more efficient body of men in any department of the Government than the Engineer Corps of the Army. For that reason it occurs to me that the committee has acted wisely in conferring upon them the duty of operating the barge lines and also of making investigations, which they can make and which they can make intelligently by virtue of their experience in operating those lines.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, with reference to the motion of the gentleman from Missouri to strike out this section or substitute the Shipping Board for the Board of Engineers, it has already been explained that under the act creating the Shipping Board jurisdiction was only conferred on it to operate or to supervise the operation of ocean steamships and perhaps some on the Great Lakes. They have never had any jurisdiction over inland waterways. They have no bureau or division which is now equipped to make the investigation which is set out in this section with reference to inland waterways, because the transportation conditions existing on inland waterways and in ocean traffic are entirely different, so that expert knowledge on ocean transportation does not necessarily qualify the Shipping Board to pass upon questions that involve inland transportation.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. BARKLEY. Yes, sir.

Mr. MOORE of Virginia. It is true the shipping board act does not give any jurisdiction at all to the Shipping Board to make such investigations as are contemplated in this section, and that while they have jurisdiction to supervise certain operations on the Great Lakes and coastwise, they have no jurisdiction to explore facts as defined in this section and to make such report as this section provides shall be made.

Mr. BARKLEY. The gentleman is correct in stating that the Shipping Board has no jurisdiction to make investigations such as are set out in this section, so that if jurisdiction is conferred upon the Shipping Board it will be necessary for them to create a corps of experts in order to go out over the country and make these investigations and report. Now——

Mr. ALEXANDER. Will the gentleman yield?

Mr. BARKLEY. I am sorry but I have only five minutes. Now, the same is true of the Department of Commerce or the Bureau of Foreign and Domestic Commerce. The Bureau of Foreign and Domestic Commerce in the Department of Commerce has agents scattered all over the world making investigations into the commercial conditions existing in foreign countries, with a view of facilitating our foreign commerce and to some extent our domestic commerce. But there is no employee in the Department of Commerce and there is no agent in the Bureau of Foreign and Domestic Commerce who is now equipped or authorized or qualified to make these expert technical investigations which are provided for in this section. Now, what is the situation in the War Department? The Corps of Engineers on all our navigable rivers are now in charge of the Secretary of War, and under him there is a corps of engineers who are familiar with the conditions on all the rivers and canals of the country. They know the needs of every terminal of every city along those rivers and in the last river and harbor bill we provided a clause that authorized and instructed the Secretary of War through the Chief of Engineers to make this very investigation as to terminals, docks, and the needs of the various cities along the rivers, and make a report to the Congress so that we might wisely appropriate money for the improvement of our rivers and harbors.

Now, these engineers are already engaged in that kind of work. They are out in the field.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. These men are already in the field. They are out on the rivers of the country. They are already making these investigations. Now, I think if you will read this section and find out what it is we are investigating, you will find that we do not confer upon the War Department any power to act. We merely authorize them to gather this information as to the conditions of traffic, the commerce on the inland waterways, and make it public in such a way as may be necessary, and, if necessary, report to Congress. And they already do that every year. We are familiar with the annual report of the Chief of Engineers. As to the type of boats, as to the cost between rail and water transportation, certainly there is no other body of men now in existence in the Government departments so well equipped as the Corps of Engineers to do this work. There is no other body in any line equally qualified, and I can not understand why it is necessary to duplicate the work that has always been done by the Engineer Corps of the War Department by the creation of another body or bureau to do that work that the engineers are now engaged in. Therefore I hope the amendments will be defeated and the provision will be permitted to remain as it is in the bill. I do not mean the amendments offered by the gentleman from Wisconsin [Mr. ESCH], which merely perfect the language of the bill. They ought to be adopted.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last four words.

For years we have been expending vast sums of money in the improvement of the rivers and harbors of this country. We have devoted very little time to ascertaining what business we can procure for traffic along those waterways. It is a recognized fact that the waterways are far more reasonable for traffic than are the railroads. And the congestion during the late war has shown us the great necessity of developing waterways in times of peace.

Now, just whether or not this ought to rest with the Shipping Board, or whether it ought to go to the Department of Commerce, or whether it ought to remain as it is in the bill and with the Engineers of the War Department, is a question which ought to be considered and determined at this time permanently. There ought not to be any duplication of work. And while speaking on that subject, I might note to the chairman that there is no limitation to this investigation and there is no limitation to the amount of money to be expended on it. It may continue for the next 10 or 20 years. It may cost vast sums of money. There is nothing in the bill to show us when we shall get results or what the expense will be. But it does seem to me we ought to have some amendment by which we will get some early results from this investigation. We ought to know something about what this investigation is going to cost us.

Now, the chairman of the committee in amending this section has excluded, as I understand, by that amendment the port terminals of the country, and if those port terminals are excluded, it seems to me that very far removes all the objection of the Shipping Board, which is engaged in the merchant marine of the country, because the Shipping Board are not particularly interested, as I take it, in the inland waterways. What they are interested in are the port facilities of the country, where they do business from one side of the country to the other.

Mr. EDMONDS. If the gentleman will yield, I wish to say that if you strike that section out, the Committee on the Merchant Marine and Fisheries will produce a bill that will meet your views very nicely.

Mr. LINTHICUM. I do not see why the Committee on the Merchant Marine and Fisheries should not produce a bill and cover the things highly essential for them to cover, but I do not know why the War Department should not seek this information for the assistance of the railroads, because it is in connection with the railroads that the inland waterways are engaged in traffic.

In the city of Baltimore, since we divorced the railroads from the boats, our business has gone down tremendously. The Merchants & Miners' Transportation Co., which enjoyed a vast trade with the North and South and with the New England States when having traffic arrangements with the railroads, has been divested of a large part of its business. It was not only an injury to the steamship company but it was an injury to all of the consumers along the coast, who were getting their freight cheap.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Now, I quite agree with the gentleman from Mississippi [Mr. HUMPHREYS], who says that the War Department engineers have a vast amount of this information already. If any of you go and ask for an appropriation for your part of the country, you will find in their report not alone how much business you did, the depth of your chanpels, but the number of your elevators, the storage capacity, and the entire business that you do in your city, all set forth in the Report of the Chief of Engineers. And so I feel they ought not to be prohibited from doing this work. But, at the same time, I think the Committee on the Merchant Marine and Fisheries ought to bring in a bill to show just what ought to be done with reference to port facilities, so that that business may be encouraged and a great merchant marine built up.

Mr. WHITE of Maine. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The Chair will recognize the gentleman from Maine.

Mr. WHITE of Maine. Mr. Chairman, I really do that for the purpose of making a very important announcement to the House. I recently picked up in the Chamber a very considerable sum of money, which I hold in my hand. I would be very glad to return it to any Member who can establish to my satisfaction his title to it. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Wisconsin [Mr. ESCH], which, without objection, will be considered as one amendment.

The amendment was agreed to.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. SMALL] desire to offer the amendment which he had under consideration?

Mr. SMALL. Yes.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 21, lines 7 and 8, after the word "the," in line 7, strike out "Secretary of War" and insert "Secretary of Commerce." In line 8 strike out the words "Chief of Engineers" and insert "Bureau of Foreign and Domestic Commerce."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. ALEXANDER. Mr. Chairman, I would like to ask the gentleman from Wisconsin, the chairman of the committee, a question. I understood the gentleman from Wisconsin to say, in answer to the inquiry of some one on this side, that the inland waterways do not include the Great Lakes. Is that the gentleman's opinion?

Mr. ESCH. "Inland waterways" would not include the Great Lakes, jurisdiction over which is given to the Shipping Board by the act creating the Shipping Board.

Mr. ALEXANDER. Would the gentleman then have any objection to this amendment, at the end of line 12, to add a paragraph as follows: "The words 'inland waterways' used in this section shall not be construed to include the Great Lakes"? That simply clears it up. I suggest that amendment. There ought not to be any doubt about it.

Mr. ESCH. I will be able to answer when the amendment is reported.

Mr. HARDY of Texas. Mr. Chairman, I think "inland waterways" has been construed to include the Great Lakes.

The CHAIRMAN. The amendment will be reported.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: Page 22, at the end of line 12, add a new paragraph, as follows:
"The words 'inland waterways' in this section shall not be construed to include the Great Lakes."

Mr. ESCH. I have no objection to that, I will say to the gentleman.

Mr. CLEARY. Mr. Chairman, I offer an amendment to the amendment. Add the words "or the New York State canals."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amendment offered by Mr. CLEARY to the amendment offered by Mr. ALEXANDER: After the word "Lakes," strike out the period, insert a comma, and add the words "or the New York State canals."

Mr. SMALL. Mr. Chairman, I would like to make this brief statement: It seems to me that the whole country is interested in the further development of water transportation on the Great Lakes. They now have the greatest commerce of any like inland waters in all the world. If as the result of this investigation there can be ascertained any facts or information, or if recommendations can be submitted for an increase or greater development of the commerce upon these inland seas, it seems to me that they ought to have the benefit of it.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. BARKLEY. At present even the Shipping Board has no jurisdiction to make that investigation. Can there be any objection to the War Department making it?

Mr. SMALL. There should not be the slightest. The objection of the members of the Committee on Merchant Marine and Fisheries, of which my friend from Missouri [Mr. ALEXANDER] is a distinguished member, is not predicated upon any present jurisdiction of the Shipping Board, but upon what is said to be a prospective bill that is to be brought in to increase their jurisdiction.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield there?

Mr. SMALL. In a moment. So that it does seem to me that these inland lakes, with their present great commerce, should have the benefit of this investigation and the recommendations which are to follow from the authority which is herein given.

Mr. HARDY of Texas. I wish to state to the gentleman that the Shipping Board is expressly charged under the terms

of the act with the obligation of investigating all questions relating to shipping on the high seas and Great Lakes. The term "common carrier by water in interstate commerce" means a carrier engaged in transportation by water of freight and passengers on the high seas and the Great Lakes, and this bill invests them with the duty of investigating the question of navigation on the high seas and Great Lakes.

Mr. SMALL. The gentleman will admit that the jurisdiction is general, and whatever jurisdiction may have been given has been honored in its breach rather than in its exercise.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. McLAUGHLIN of Michigan rose.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, in my opinion it would be unwise to put anything in this bill that would take the Great Lakes out of the jurisdiction of the War Department or the Corps of Engineers, or that would restrict them in their activities in making investigations as to the Great Lakes.

As the distinguished gentleman from North Carolina [Mr. SMALL] says, the commerce on the Great Lakes is very large. They are the greatest waterways in the world. The waterway between Lake Huron and Lake Superior, on which the Soo locks are located, carries more commerce than does any other port in the world. In volume the commerce is larger and the value is greater than at any other port in the world. The Government has spent many millions of dollars there in magnificent improvements, and it seems to me the jurisdiction of the Secretary of War and the Corps of Engineers should continue as to new construction and for investigational work of all kinds. They should recommend the facilities for commerce and the kind of ships best suited for the business to be done. Second only to the Soo Canal is the Detroit River in the amount and value of its commerce. Statistics show that these are the two greatest waterways in the world. They have been under the jurisdiction of the War Department; improvements have been designed, constructed, and maintained by that department. Its jurisdiction ought not to be changed or restricted in any manner or respect.

Mr. CANNON. Or duplicated.

Mr. McLAUGHLIN of Michigan. Nor should any of the work be duplicated. All along the shores of the Great Lakes there are harbors. I have a district that fronts on Lake Michigan for more than 150 miles, with a dozen harbors, most of them under the direction of the War Department. I have had considerable experience with the gentlemen who compose the Corps of Engineers, and I can testify to their splendid character and ability. I doubt if there could be organized in this Government any other force so efficient and reliable. I can not speak too highly of the character of these men. We are safe in imposing responsibility and difficult duties upon them. We can be sure the work will be faithfully and honestly done. I should not like to see any other organization created that will interfere with them or that will provide for the duplication of the work that they have been doing. It is now proposed to divide the work and divide the responsibility, imposing some of the duties upon the Bureau of Foreign and Domestic Commerce in the Department of Commerce. I am opposed to the change. The Corps of Engineers have constructed the harbors, built the locks, dredged the rivers, determined the necessary depth, and have drawn the harbor lines. All these things have been done in keeping with and with reference to the size and character of the ships. They make suggestions as to the character of the ships that are to be used, in keeping with the character of the improvements. So their duty is a double one, in relation to the character of the improvements and the character of the ships that are to use the improvements; so it seems to me that jurisdiction over the entire matter, including both these subjects, construction and investigation, should be left with the Corps of Engineers, just where it always has been and where this bill as drawn proposes to leave it. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan [Mr. McLAUGHLIN] seems to be opposed to this amendment on the ground that if it is defeated, the jurisdiction to make these investigations will be left in the War Department. But I wish to call the attention of the gentleman from Michigan to the fact that the chairman of the committee has stated that even without this amendment the Secretary of War and his engineers would be excluded from this jurisdiction. The amendments offered by the gentleman from Wisconsin [Mr. ESCH] have already, according to his own interpretation, excluded the jurisdiction of the War Department and its engineers from the Great Lakes, and the only purpose of the gentleman from Missouri in offering this amendment was to make it perfectly clear that the purpose which the gentleman from Wisconsin [Mr. ESCH] had in mind in his amendments should be effectuated by the pending amendment.

Mr. McLAUGHLIN of Michigan. The amendment offered by the gentleman from Wisconsin, the chairman of the committee [Mr. ESCH], simply inserts the word "inland"—inland waterways. Now, the Great Lakes are included in the inland waterways of this country.

Mr. SAUNDERS of Virginia. Permit me to call the attention of the gentleman to the fact that the gentleman from Missouri before offering his amendment, asked the gentleman from Wisconsin [Mr. ESCH] if in his opinion the Great Lakes were not excluded by the amendments already offered, and he stated that they were.

Mr. McLAUGHLIN of Michigan. I think the gentleman is mistaken.

Mr. SAUNDERS of Virginia. Then, in order to make the situation perfectly clear the gentleman from Missouri asked the gentleman from Wisconsin if he would have any objection to the adoption of the amendment which he proposed to offer. Upon his reply in the negative this amendment was submitted. We ought not to leave this situation in a sort of twilight atmosphere.

If we are in accord with the gentleman from Wisconsin that the Great Lakes are considered to be excluded under the language already used, we ought not to object to adopting the amendment offered by the gentleman from Missouri. That action would put the situation beyond any question of doubt.

Mr. Chairman, it is not good legislation to leave the authority of any department in doubt. If already, in our judgment we have adopted an amendment which excludes this particular locality from the jurisdiction of the Secretary of War and the engineers of that department, then if we defeat this amendment we will cast doubt upon the meaning of the language already in the section. It will not be well to do this for very obvious reasons. We did something of this sort with respect to our action looking to the turning over by the War Department of certain surplus material for road construction.

In the first instance we used language that made it clear that this material was to be turned over. Later in the sundry civil bill a section was inserted that by a strained construction was capable of being construed as qualifying the authority given in the first instance, just as in this instance to reject this amendment might be considered as meaning that the House did not intend by the language first used to exclude the Great Lakes.

The attention of the House was called to the fact that one section of the sundry civil bill might possibly be construed to affect the language that we had used in the post office act. This contention was denied, and it was insisted that the language of the sundry civil bill would not affect the provisions of the post office act. But gentlemen know perfectly well that thereafter, on the assumption that our action in the sundry civil act repealed the provision in the post office act, the War Department declined to carry out the plain mandate of the provision of the first act, relating to the material to be delivered to the Secretary of Agriculture.

Now we all agree, and the chairman of the Committee on Interstate and Foreign Commerce has admitted, that the Great Lakes are excluded, under the amendments already adopted, from the operation and jurisdiction of the Secretary of War and his engineers. If we vote down the amendment of the gentleman from Missouri we simply throw the situation into doubt, and make possible a duplication of authority on the part of these two departments. It is certainly good legislation to make the whole situation abundantly clear by adopting the amendment of the gentleman from Missouri and thereby leave no room for possible controversy when this section comes to be construed by the departments.

Mr. SMALL. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. There is an amendment to the amendment pending.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. ESCH. Mr. Chairman, can not we close debate on this section?

The CHAIRMAN. Debate is already closed on the amendment, but the gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Chairman, I think this is simply an attempt to bring the waterways of this country under the jurisdiction of the Interstate Commerce Commission. They have been there in the past and have been stifled by the railroads. Again, we are enacting legislation that will begin to place these waterways under the railroad commission, a commission that in all good reason we can only expect will do their best to make the railroads operative and not the waterways. I think they ought to be taken out altogether from any supervision of the Interstate Commerce Commission and put into the hands of another body.

The gentleman from New York calls attention to the fact that the State of New York has spent three or four hundred million dollars on inland waterways which, if placed under the Interstate Commerce Commission, will be absolutely useless. If the Interstate Commerce Commission has anything to say about the shipping on the Great Lakes, you certainly do not expect the shipping on the Great Lakes to be a success. I do not. It should be under some other body. I have seen in my time three canals stifled by the railroads, and you will see many more if you let this go through. My opinion is on the question of rates that the Shipping Board and the railroad commission together should see that a proper proportion of the rates should be given to the water transportation. As a matter of fact, on the Pacific coast to-day the coastwise steamers are not making any money. They lost money last year and the year before because the railway commission had supervision over the railroads and the water carriers. I am opposed in every way to seeing this go out of the hands of a body that will have the interest of the waterways and the advancement of the waterways at heart, and that will try to bring about proper results, such as have been brought about by such bodies in other countries.

Mr. WELTY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.

Mr. WELTY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WELTY. Mr. Chairman and gentlemen of the committee, I desire to speak against the amendment offered by the gentleman from Missouri [Mr. ALEXANDER]. During the Sixty-fifth Congress a bill was passed authorizing the engineers of the War Department to make a survey of the feasibility and practicability of a canal connecting the Ohio River with Lake Erie and of the feasibility and practicability of a canal to connect Lake Erie at Toledo with Lake Michigan near Chicago. Money has been appropriated for that purpose. The engineers are now making that survey. If the amendment offered by the gentleman from Missouri should be agreed to, they will be able to investigate the subject matter of water terminals so long as it does not interfere with or connect either Lake Erie or Lake Michigan. They can investigate conditions in the Ohio River, but the minute they come within hailing distance of Lake Erie they will not be able to investigate as to the harbor facilities there. I have always considered the Great Lakes as inland waterways, and I think they are so considered.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. WELTY. Yes.

Mr. ALEXANDER. I think it ought to be made clear one way or the other, and that there should be no doubt about it.

Mr. WELTY. Assuredly, but it seems to me that it would be unwise to transfer the jurisdiction from one department to another at this time. We have for years permitted the Engineers of the War Department to make these investigations. Congress has spent almost $150,000,000 to canalize the Ohio River and its tributaries for the purpose of transporting coal north.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WELTY. In a moment. Yet nothing has been done in the way of utilizing canals to transport that coal north. When the coal arrives at Cincinnati it has to be unloaded there and transported over the railroad to Toledo and there again loaded onto the boats that go up the Great Lakes. The railroads now charge to transport that coal from Cincinnati to Toledo a dollar and a half a ton if it is river coal, but if they should happen to receive it from coal roads running into Cincinnati they charge only 62½ cents to transport it to Toledo. We have spent millions for the purpose of canalizing the Ohio and its tributaries, and do you want to transport that coal to the sunny South or to the North, where they need the coal during the winter months? It should be loaded onto the boats at the mines and transported by canal up through the Lakes to the North and Northwest.

Mr. EDMONDS. Does the gentleman expect to get any rates out of the Interstate Commerce Commission that would make the waterways successful?

Mr. WELTY. This question is only as to the investigation. They are trying now to say that the Great Lakes are not inland waterways. They have appropriated $250,000 in the last Congress for the purpose of making a survey and have authorized the engineers of the War Department to make that survey, and now you are trying to say that the War Department engineers, when they get to Toledo or to some other port on Lake Erie, can not make an investigation in respect to facilities on Lake Erie. You have authorized a survey of a proposed canal from Toledo to Chicago. You will have to investigate terminal facilities at Toledo, and the moment you do that you have to investigate matters that pertain to Lake Erie. You will have to investigate terminal facilities at Chicago, and the moment you do that it affects Lake Michigan. It seems to me that it is simply a question of which department is given jurisdiction. You have appropriated the money to make these investigations and the War Department is now making the survey and I think the amendment offered by the gentleman from Missouri ought to be defeated.

Mr. Chairman, having been granted permission to extend my remarks, I want to call to the attention of the committee some facts which demonstrate that in making these improvements we should have one agency upon which Congress could depend in making them. I keenly realize that water transportation in this country is in its infancy and that before we can make a success we must have a definite policy.

When the question of water transportation first came up in this country steam, gasoline, and electrical power were not known. When these motive powers were harnessed no one thought that they could be utilized on canals. These canals were abandoned because of the advent of the steam and electric railroads. Now we are ready to abandon these roads for the flying machine. In our progress let us not forget that we have at least four mediums of transportation—water, air, highways for the motor trucks, and the steam and electric railways. All of these must be utilized in order to compete in the world's commerce. The stone, coal, ore, and other heavy, bulky products can be transported cheapest by water, while the finished products can be handled best on steel rails.

Oh, but there are some who saw the canal in its prime and decline, when the steam roads came into their own, but they are not able yet to realize why our railroads have failed to function in times of greatest need, nor do they fully appreciate the full value of our air service.

Congress acted very unwisely when it failed to make sufficient appropriation to keep the Air Service from going to pieces. The value of canals and air service are not fully appreciated by some, but I venture to say that we will see both of these again developed to such an extent that each will be given its proper work to perform.

The railroads are down and out. The people have contributed approximately $900,000,000 for their support, and this bill, realizing their helpless condition, makes a provision to guarantee their income after Federal control ceases. But, Mr. Speaker, to revert again to our waterways, I want to take this means of calling to the attention of the House some of the signs indicating a new deal in our transportation problems, and it will be the duty of Congress to support not only one, but all.

The first sign of the revival of waterways was in 1894, when surveys were authorized to deepen and widen the Erie Canal and "The Miami & Erie Canal, the Ohio Canal, and such other branches and report the feasibility and advisability of improving and widening such canals to 70 feet at water line and deepening the same to 7 feet." This act was passed by Congress August 17, 1894. A survey was made by the engineers as required by this act for a canal 10 feet deep and 85 feet wide, instead of as required by the act, because a 7-foot canal was not large enough for boats on the Lakes. The report was filed with the Secretary of War February 27, 1896, but I do not find where this Congress took any action upon this report until the passage of an act by the last Congress authorizing a survey of the Miami & Erie Canal or such other route as the engineers of the War Department deem feasible and practicable to connect the Ohio River with Lake Erie. The fact that nothing has been done by Congress would indicate that there was an adverse report by the War Department, and for the purpose of calling this matter to the attention of Congress, I want to submit a few extracts from that report.

In pursuance of the act of August 17, 1894, the War Department made a survey of three different routes through the State of Ohio between the Ohio River and Lake Erie. First, the eastern route, from Cleveland, on Lake Erie, to Marietta, on the Ohio River; second, the central route, from Sandusky Bay via

the Sandusky River through Columbus to the Ohio River at Portsmouth; third, the western route, from Lake Erie, at Toledo, via the valleys of the Maumee and Auglaize Rivers, to the summit level across the divide between the St. Marys River, a tributary of the Maumee River, and Loramie Creek, a tributary of the Miami River, thence along the Miami Valley, via Dayton and Hamilton, to the Ohio River at Cincinnati.

Originally these three canals were built under acts of Congress in 1827 and 1828 from grants of land made by the United States to the State of Ohio. These grants were made by the United States with the following proviso: "The said canals, when completed or used, shall be, and forever remain, public highways for the use of the Government of the United States."

Originally these canals cost the Government over $16,000,000.

WATER SUPPLY.

In order that a canal may be successful it is necessary to have water sufficient at the summit, and because of an impression that there was not sufficient water I want to submit the report filed by the engineers which, in fact, is as follows:

The information so collected indicates that the supply of water would be adequate for a 7-foot, and probably for a 10-foot, canal on any of the three routes, and that on the various routes the following conditions prevail:

EASTERN ROUTE.

There is a deficiency in natural flow of tributary streams to meet the requirements of the summit level and adjacent slopes, for the operation of a canal of dimensions stated, during the entire period of navigation. The deficiency amounts to 2,209,000,000 cubic feet, which can only be provided for by the construction of storage reservoirs.

CENTRAL ROUTE.

The summit level and dependent slopes are naturally deficient in supply 4,665,000,000 cubic feet, to meet which it is practicable, after cutting the summit level down 40 feet, to establish at the headwaters of the Scioto a reservoir of 5,000,000,000 storage capacity. The annual "run-off" of the tributary area to this reservoir at 4.5 inches per annum is 5,362,000,000 cubic feet. The Licking Reservoir on the south slope could be drawn on for losses below Columbus to the extent of 750,000,000 cubic feet per annum.

In this connection it should be stated that if but one canal be constructed in the State of Ohio, and that one along this central route, the water now tributary to the western route could be taken from the Lewistown Reservoir for the supply of this central route.

The conclusion is that along this route a canal of the specified dimensions may be constructed with an abundant water supply by making a deep cut at the summit.

WESTERN ROUTE.

The summit level and dependent slope extend from St. Marys on the north to Piqua on the south. On the north slope feeders are taken in at St. Marys, at a point near Hamar, at Defiance and the Grand Rapids. On the south slope the points of feed along the Miami River are at Piqua, Troy, Dayton, Miamisburg, and Middleton.

The deficiency in flow at the summit level is 2,442,000,000 cubic feet, which must be supplied by storage, to meet which there are reservoirs now existing, viz, Loramie Reservoir, 600,000,000 cubic feet capacity; Lewistown Reservoir, 2,000,000,000 cubic feet capacity; and there is proposed a new reservoir at Port Jefferson, 3,000,000,000 cubic feet capacity.

The annual "run-off" in extreme dry years of tributary areas to these reservoirs is: Loramie, 732,000,000 cubic feet, or 132,000,000 in excess of capacity: Lawistown, 1,057,000,000 cubic feet, or 943,000,000 less than capacity; Port Jefferson, 3,272,000,000 cubic feet, or 272,000,000 more than its capacity. All of these reservoirs except Lewistown will be annually filled, and the entire run-off can be saved, either by feeding direct into the canal or diverted into the St. Marys Reservoir for storage. The annual run-off is 5,062,000,000 cubic feet and the requirements 3,151,000,000, or an excess of 1,911,000,000, for supplying a canal of the prescribed dimensions.

Capt. Chittenden shows that there is still further water capable of utilization, but the above statement includes all essential to demonstrate the practicability of the canal of the specified dimensions, still leaving a large excess of available water.

The configuration about this summit is such that it is believed that the run-off, as far as may be necessary, can be stored for use. The run-off either in dry years is in excess of requirements for the canal specified about 4,000 cubic feet per minute for the entire season.

In the valley of the Great Miami above Port Jefferson it is proposed to build a new reservoir. The site is one of the most advantageous in the State. The valley is inclosed by banks of sufficient height to retain the water within a narrow area, although the length of the reservoir would be more than 20 miles. The dam would be 40 feet in height. A feeder would be run from Cherokeemans Run to the Lewistown Reservoir so as to save the flow of this important stream.

Three large reservoirs are found at the summit of the western route belonging to the Miami & Erie Canal.

Reservoir.	Cost.	Area in acres.	Mean depth in feet.	Capacity in million cubic feet.
St. Marys, Mercer County	$528,227.07	13,440	7.6	4,500
Lewistown, Logan County	600,000.00	6,022	7.5	2,000
Loramie, Shelby County	22,000.00	2,464	6	600

The following is taken from Capt. Chittenden's report, on page 3025:

It should be borne in mind that throughout this discussion every assumption has been far on the safe side, and the aggregate factor of safety is large. In actual practice, with proper economy in management of the water supply, the results herein arrived at ought to be more than realized. In particular, the canal prism should be large enough to permit a temporary rise of at least 2 feet in the water surface for the storage of sutamer freshets, which would otherwise be lost.

Probably no action was taken by Congress on this report of 1896, because at that time the Ohio River and its tributaries had not been improved for navigation. An examination of the records discloses that it will only be a matter of a few years until the Ohio River and its tributaries can be used to transport the coal. If this is done, I want to ask whether it is the intention of the Government to permit the loading of coal on barges and transport the same to Cincinnati, Portsmouth, or Pittsburgh and there unloaded, to be reloaded on cars for transportation to the Lakes and again reloaded on barges for the Northwest, or is it the intention of Congress to take advantage of the improvement of the Ohio River and its tributaries by deepening and widening a canal or canals in order to transport the coal, without loading and unloading, through these canals over the Lakes for consumption in the North and Northwest?

Permit me to call to your attention the great future possibility of a canal connecting the Ohio River with the Lakes. The ore in the Northwest must come in contact with the coal found south of the Ohio River before it can be transformed into steel. Approximately 1 ton of flux stone is used for the purpose of manufacturing 1 ton of steel. The western part of Ohio has this limestone in abundance. No section of the United States is richer in agricultural products than western Ohio. If a canal is constructed between Cincinnati and Toledo, the coal in the South and the ore in the North would meet along the valley between Cincinnati and Toledo. If this canal is completed it will be possible to manufacture steel cheaper along this valley than anywhere in the United States.

Had the railroads more vision and less selfishness they could readily see that water transportation would be a benefit instead of a detriment to them, but from evidences in this bill it seems that they are fighting with the same old selfishness which has destroyed commerce. There was a time when our inland rivers were carrying all of the heavy products, but the railroads reduced the rates along these waterways below cost in order to destroy the competition and made the inland towns pay for their existence. The public has always paid the bills of this cut-throat competition and will continue to do so until they take a firm grip upon all of these transportation facilities with a view of having them serve the public and not their own selfish interests.

It seems that the railroads have procured about everything they have asked for in this bill. The Federal Government has already expended over $900,000,000 to keep them a going concern, and now they ask that this guaranty continue for six more months. They will grant the Federal Government a first lien only if practicable. Thus the war has given this agency of our Government the power to open up its Treasury for their own special benefit.

The bill provides a guaranty of the income they received for the three years ending June 30, 1917, averaging for the eastern district, consisting of 37 railroads, 11.48 per cent; for the southern district, consisting of 20 railroads, 12.37 per cent; while for the western district, consisting of 29 railroads, 9.96 per cent. It will be impossible for me to give the incomes of all of these roads, but under the plan recommended in the bill each of the companies will have for its stockholders annually during this period the following:

The Pennsylvania Railroad Co	8.92
The Pennsylvania Co	11.92
The New York Central Railroad Co	12.96
The Philadelphia & Reading Co	25.70
Delaware, Lackawanna & Western Railroad Co	32.90
Michigan Central Railroad Co	18.48
Central Railroad Co. of New Jersey	20.25
Philadelphia, Baltimore & Washington Railroad Co	11.50
Hocking Valley Railway Co	11.94
Illinois Central Railroad Co	11.53
Louisville & Nashville Railroad Co	16.75
Norfolk & Western Railway Co	12.51
Chesapeake & Ohio Lines	9.37
Atlantic Coast Line Railroad Co	10.86
Central of Georgia Railway Co	9.39
Nashville, Chattanooga & St. Louis Railway	13.60
Mobile & Ohio Railroad Co	14.76
Cincinnati, New Orleans & Texas Pacific Railway Co	44.99
Florida East Coast Railway Co	10.06
Chicago & North Western Railway Co	10.18
Chicago, Burlington & Quincy Railroad Co	22.05
Minneapolis, St. Paul & Sault Ste. Marie Railway Co	12.09
Chicago, St. Paul, Minneapolis & Omaha Railway Co	9.57
Atchison, Topeka & Santa Fe Railway Co	9.70
Southern Pacific Co	6.60
Chicago, Milwaukee & St. Paul Railway Co	6.15
Great Northern Railway Co	9.63
Northern Pacific Railway Co	9.87
Union Pacific Railway Co	9.64

I have referred only to the largest systems, but to emphasize both the excessiveness of the standard, which this bill adopts, it may be well to suggest that the following will have for their stockholders:

Bessemer & Lake Erie Railroad Co	647.22
The Chicago & Erie Railroad Co	70.45
New York, Philadelphia & Norfolk Railroad Co	35.74
The Cumberland Valley Railroad Co	24.01
The Lehigh & Hudson River Railway Co	27.98
Charleston & Western Carolina Railway Co	21.67
Duluth, Missabe & Northern Railway Co	114.12
Duluth & Iron Range Railroad Co	38.27
Panhandle & Santa Fe Railroad Co	64.37
St. Louis, Brownsville & Mexico Railway Co	52.71
Colorado & Wyoming Railway Co	162.64

These are astounding figures which it seems the committee has overlooked altogether, especially when it is generally known that approximately $8,000,000,000 of the stock in these railroads is watered and has no value. And, again, Congress is going to tax the people for another six months in order that these railroads may have the incomes specified above.

Another matter that this bill is doing is the transfer of all of the rate making from the State to the Federal Government, and docks built by municipalities or States from funds collected from their own people will be controlled by the Federal Government instead of the municipality and the several States.

Again, the bill authorizes new loans to the railroads out of the Treasury of the United States, and no extension or improvement can be made unless the Interstate Commerce Commission, located at Washington, grants permission to make these improvements or extensions.

These are only a few objections that I have been able to discover the short time the bill was available. Again, I can not understand why a bill which has taken the committee months to prepare should now receive only a week's consideration by the House. Because of the work on the immigration committee and the special elections committee, I have been unable to examine this bill before it was considered in the House. In fact, it was not filed until Monday, and the House began consideration on Tuesday, and under a rule was continually in session from 10 o'clock in the morning until late at night in order to finish this most important piece of legislation which will likely come before this Congress.

Unless these and other matters are eliminated I will be constrained to vote against it, even though I deeply realize that Congress must pass some law to control the roads before they are returned to the owners.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. ESCH. Mr. Chairman, I move that all debate upon this section——

The CHAIRMAN. All debate upon the amendment and the amendment to the amendment is closed. Gentlemen are proceeding only by unanimous consent.

Mr. ESCH. Is debate on the whole section also closed?

The CHAIRMAN. No.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. ESCH. I will say close in 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that debate upon the section and all amendments thereto be closed in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman from Texas has been recognized; if the gentleman from Texas will yield for that purpose.

Mr. HARDY of Texas. If it does not come out of my time.

Mr. McLAUGHLIN of Michigan. I will wait until the gentleman concludes.

Mr. HARDY of Texas. Mr. Chairman and gentlemen, I am not concerned where this work goes to, but I do want our inland waterways, and by that I mean our river waterways and canals, to be utilized. As long as they are kept under the wing of the Interstate Commerce Commission in connection with the administration of railroad operations they have minimized and crushed and killed until we have had no river or canal transportation. Every man interested in the great canal in New York knows what its fate has been. Now, in 1916 this Congress created a great body, to be known as the Shipping Board, and clothed it with jurisdiction over the shipping of this country on the high seas and the Great Lakes, and we did not go further and give interstate control over our inland waterways and rivers, and so forth, because that authority remained intrastate, and we hesitated at the beginning to do that. We provided that board, however, with authority to make investigation with reference to the shipping, not only of our Nation but of other nations, the great object being to build up a great merchant marine. We clothed it with authority to call on the President of the United States at any time for an apportionment to it of such officers from the Army as might be needed in its investigations in engineering work, and the Shipping Board has utilized Gen. Black, of the Engineer Corps. They have made a great investigation as to our necessities. Now, I think to take from them a great portion of their duties and begin to divide and distribute the work that ought to be done under the Shipping Board is a great mistake. Gentlemen, what I want to say is that the shipping of this country is one single project. Ships come from the seas up the rivers and distribute the products from overseas as well as from other States intrastate. What we want to do is to build up one grand system, and there ought to be one body in charge of that shipping interest, the water shipping interest of the United States. We give part of it to the War Department, and I want to call your attention to the absurdity, it seems to me, of the very language of this section. What has the War Department to do with the object of encouraging and developing water transportation facilities in connection with the commerce of the United States?

The Shipping Board, on the other hand, is a commercial body. The War Department has nothing to do with that. It is also to investigate the appropriate type of boats suitable for different classes of waterways, to investigate the subject of water terminals, both for water traffic and for through traffic by water and rail, including the necessary docks, warehouses, and so forth. Now, we have got a great body, which has spent a good deal of money which has done wonders in investigation. True, it was only created in 1916 and could not accomplish much in that length of time; but that body, fostered by this Congress, clothed with proper jurisdiction and appropriation, will do more to help the people to secure a merchant marine. And you can not cut that in two and make one part inland and the other ocean. We want one body controlling the merchant marine of the United States that is to be built up, and we ought to put this power in the Shipping Board. It really does not have any place in this bill, which has reference to giving back the railroads, unless we purpose by our course to subject the inland shipping of the country to the domination of the railroads, as it has been for the last 25 years to my knowledge, with the result we have had no inland shipping, and the Mississippi might as well be an island sand stream as for the commerce it has carried, and we can not get a boat up the Brazos or the Trinity Rivers at all——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. And we could not get them if they were 40 feet deep and 2,000 feet wide.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, which the Clerk will again report.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to offer an amendment. I wish to amend the amendment offered by the gentleman from Missouri [Mr. ALEXANDER] by striking out the word "not."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan to the amendment offered by Mr. ALEXANDER: Strike out the word "not."

The CHAIRMAN. The Clerk will report the amendment as it will read if amended.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: Page 22, at the end of line 12, add a new paragraph, as follows:

"The words 'inland waterways' used in this section shall be construed to include the Great Lakes."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, would that be its reading if his amendment were adopted?

The CHAIRMAN. The amendment as it would read if amended. The question is on the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. EDMONDS. Division, Mr. Chairman.

The committee divided; and there were—ayes 62, noes 53.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now comes upon the amendment as amended.

The amendment as amended was agreed to.

Mr. LANKFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD: Page 22, line 5, after the word "railroads," insert: "To investigate the feasibility and practicability of proposed canals and canal improvements."

Mr. SMALL. Mr. Chairman, I would like to reserve a point of order on that.

Mr. LANKFORD. Mr. Chairman——

Mr. RAYBURN. Mr. Chairman, I believe that all time is exhausted.

Mr. TILSON. Is not all the debate exhausted?

The CHAIRMAN. It was limited to 10 minutes, and there are 2 minutes remaining. The gentleman from Georgia is recognized.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, it seems to me that this amendment is proper. I can not see any reason why this Board of Engineers should not, along with their other duties, investigate the feasibility and practicability of canal improvements. They are purely inland waterways, and should be considered in connection with other inland waterway improvements. It seems to me there can be no just argument against the adoption of this amendment. I submitted the amendment to the gentleman from Wisconsin [Mr. ESCH], the chairman of the committee, before I offered it, and I hope that he will agree with me that it is proper and will not injure the section, but will really help it and make the law a better one.

Mr. BARKLEY. Will the gentleman permit an inquiry?

Mr. LANKFORD. Yes, sir.

Mr. BARKLEY. Will that apply to canals not yet constructed? Will it make it necessary for these engineers to go and report on the feasibility and practicability of some canal that some canal company would want to build in a certain section of the country?

Mr. LANKFORD. It would authorize them to investigate the feasibility and practicability of such canal.

Mr. SMALL. Mr. Chairman, I make the point of order that the amendment is not germane. This section authorizes the Secretary of War, with the object of promoting, encouraging, and developing water transportation, to do certain things. The amendment of the gentleman proposes an investigation of proposed canals. I think it is not germane to the section.

The CHAIRMAN. The amendment offered by the gentleman from Georgia proposes to investigate the feasibility and practicability of proposed canals and canal improvements. The Chair will state that this section under consideration contains this language:

And to investigate any other matter that may tend to promote and encourage water transportation.

In the opinion of the Chair the proposed amendment would be germane to the section containing such broad language as that relating to investigating matters pertaining to water transportation. Therefore the Chair overrules the point of order. The question is on the amendment offered by the gentleman from Georgia [Mr. LANKFORD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LANKFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 21, noes 79.

So the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from Pennsylvania [Mr. EDMONDS], to strike out the section.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. EDMONDS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 43, noes 75.

So the amendment was rejected.

Mr. BLAND of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Missouri. Is it too late to offer an amendment to this section?

The CHAIRMAN. No. The motion to strike out being lost, a motion to strike out and insert would be in order.

Mr. BLAND of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Missouri: Page 21, line 8, after the word "Engineers," insert "with all reasonable dispatch and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. RAYBURN rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the committee.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. RAYBURN. We have now completed Title II and are coming to Title III, one of the most controversial titles, I am sure, in the bill. The House has sat more than seven hours and a half to-day already. It seems to me that it would be a very good idea to rise at this time before we start in with Title III, and then we can consider it all at one sitting of the House to-morrow. I just want to get the gentleman's idea about what he intends to do.

Mr. ESCH. I will say that after conferences with quite a number of Members of the House, it was thought preferable to run until 7 o'clock to-night and not recess and not hold a session after dinner. It was thought it would be difficult to hold a quorum after recess and that it would not be so difficult to hold one without a recess if we sat until 7.

Mr. RAYBURN. It is usually harder to hold a quorum from 6 until 7 than it is later in the evening.

Mr. ESCH. We hope we can make progress on the labor section. It is not likely that we shall conclude consideration of the labor section to-night.

Mr. RAYBURN. I think not.

Mr. ESCH. But there are some preliminary matters that might be disposed of this evening.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent that I may have a moment in which to ask a question of the gentleman from Wisconsin, in charge of the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to interrogate the gentleman from Wisconsin. Is there objection?

There was no objection.

The CHAIRMAN. Will the gentleman from Wisconsin please give heed to the gentleman from California?

Mr. NOLAN. I would like to suggest to the chairman of the committee, or rather would like to ask him, if it would not be possible to pass over Title III to-night and pass on to the consideration of Title IV, so that all the Members of the House would know that Title III would be taken up immediately in the morning?

Mr. ESCH. I think there is a good average attendance here now, and we might well proceed in regular order with the consideration of the bill. There are some Members who are interested in Title IV who understood it would not come up to-night and who are not now present.

Mr. NOLAN. Is there any prospect of prolonged discussion on that title?

Mr. ESCH. Amendments might be offered.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks.

Mr. WELTY. Mr. Chairman, I make the same request.

Mr. ALEXANDER. I make the same request.

Mr. RAYBURN. I make the same request.

Mr. BRIGGS. And I the same.

Mr. KELLER. I make the same request.

Mr. BARKLEY. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks made in general debate.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks made in general debate. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to any of these requests? [After a pause.] The Chair hears none. The Clerk will read.

The clerk read as follows:

TITLE III.—DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES.

SEC. 300. When used in this title—

The term "carrier" means any carrier, engaged in the transportation of passengers or property, subject to the commerce act, except a carrier engaged in the transportation of property by pipe line; and

The term "union" means any national craft, trade, labor, or industrial organization of employees, 5,000 or more of whose members are employees of carriers.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: On page 22, line 18, after the comma, insert the following: "except street, suburban, and interurban electric railways which are not a part or parts of a general steam railroad system of transportation and."

Mr. ESCH. Mr. Chairman, it will be noticed that in the creation of the adjustment board and in allowing representation on such board to the employer and employee groups no provision is made for representation of employers or employees of street, suburban, and interurban electric railways. In view of the fact that such railways are for the most part local in their character, and the fact that over 80 per cent of their business is intrastate, and the further fact that the work of employees on these electric lines differs materially from work upon steam roads and the wage scales and working conditions differ, the hours of service may differ from those of the steam roads, and the fact that they, as a rule, are able to be at their homes, we are led to offer this amendment excluding these lines from the operation of the bill.

Mr. BLANTON. Mr. Chairman, I desire to be recognized in opposition to the amendment.

I was in hopes that instead of further circumscribing this proposition contained in Title III we were going to enlarge it. What is the proposition with regard especially to the labor appeal board? We are asked to establish a board of nine members, who are to draw $10,000 a year from the Government, and to have a secretary drawing $5,000 a year, and to have commodious offices in the city of Chicago, and to have an unlimited board of employees, the number to be determined by the board itself, and the salaries paid to these employees are to be fixed by the board, all for what? For just one purpose. Although it is called a labor appeal board, it is to decide only one class of the numerous labor disputes, to wit, the disputes that occur between carriers and their employees.

It has been truthfully asserted here by more than one, especially by my colleague from Ohio [Mr. COOPER] and others, that the disputes between railroads and their employees are few in comparison with the number of labor disputes in this country. There might come a millennium when one year or two years or even three years would pass during which there would not be a railroad labor dispute, when there would not be a threatened strike by railroad employees. Yet we are to have this expensive board, consisting of as many members as our Supreme Court, nine in number, drawing salaries, as I said the other day, $2,500 more than that of a United States Senator, with all this board of employees, and all with nothing to do. I say it might happen, when they would be idle. Now, if we are going to have a labor appeal board, why do we not have one that can decide all labor disputes as they arise in the country and not limit them just to railroads?

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. In a moment. Just one other thought. The Supreme Court sits right down the corridor here, with nine justices. Do they decide only one class of disputes? Why, no. They decide all Federal questions embraced within their jurisdiction. Now I yield to the gentleman from Illinois.

Mr. DENISON. Does not the gentleman think it would be a very happy state of things if this board did not have anything to do?

Mr. BLANTON. Oh, but we do not want any class of citizenship in these United States to be idle, because idleness is the devil's workshop. We want all men busy, and if we are going to have a board of nine members drawing $10,000 a year with a board of expensive employees we want them busy, because there are other disputes. There are 300 strikes in existence right to-day, big and little. There were 6,000 strikes in the United States from the 6th day of April, 1917, when war was declared, until the armistice was signed on November 11, 1918.

Mr. BLACK. Will the gentleman yield for a question?

Mr. BLANTON. Yes; I yield to my colleague.

Mr. BLACK. As I understand, this board of labor appeals will not only decide disputes, but there is placed upon it the duty to study the working conditions and the different things in connection with wages of 2,000,000 employees.

Mr. BLANTON. Why, they do not even decide the disputes. The three members of this triumvirate representing the carriers sit with the three members representing the unions and the three members representing the public to hear evidence, but then when the decision is to be made the three representing the public, which is the most interested of all, have no voice in the determination of the dispute. But do the other six decide? No; they merely make recommendations. Will past history of such disputes authorize us to believe that the disputants will pay any attention to mere recommendations? The President has made recommendations in vain. He has implored coal strikers not to bring disaster upon the Nation, denouncing their action as unlawful and beseeching them to obey the law, only to be ignored, denounced, and condemned, and nothing short of a court's mandate even gave them pause.

Mr. Chairman, in discussing this Title III yesterday, I commended the speech made night before last by the gentleman from Washington [Mr. WEBSTER], stating that I was going to vote to carry out his suggestions, which I understood would be incorporated in an amendment to be offered by him in the form of a substitute. I did not get to hear the gentleman from Washington read his substitute, as I was called to my office on an important matter concerning coal restrictions in my district, and could only surmise from his argument what his substitute would contain, as his speech was not published in Tuesday's RECORD but first appeared in the back part of the RECORD this morning of yesterday's proceedings.

The main part of his argument, on pages 8357 and 8358, indorsed by me, was his criticism of the committee's bill and his advocating a labor appeal board whose decision would be final and enforcible, making strikes unlawful, and recognizing the rights of the 110,000,000 people of the United States superior to the rights of any particular class.

To my surprise, upon reading the proposed substitute of the gentleman from Washington [Mr. WEBSTER], printed on page 8359 of the CONGRESSIONAL RECORD, I find that he has given no recognition whatever to the rights of the general public and has given the public no representation whatever on his proposed labor board. While I heartily indorse a part of this substitute, I can not support it unless it is amended to allow the public some representation. For years and years capital and labor have reached agreements which have been to the detriment of the public. Employees have made demands and employers have promptly granted same, but immediately placing the burden upon the consuming public, which pays the price. As long as capital can pass the burden on to the public, what does it care about the nature and extent of labor demands? If the public had no voice, capital might be willing to grant all demands made upon it by labor. Moreover, I can not agree with my colleague from Washington in his proposal to fix the salaries of these board members at $10,000 and $12,000. We get good men to serve as United States Senators and Congressmen for only $7,500. Why should we pay $10,000 and $12,000?

Mr. BLANTON had leave to extend his remarks in the RECORD.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. I desire to offer a substitute to the entire Title III, and I do not wish to lose my rights.

The CHAIRMAN. The gentleman can not offer a substitute for the entire title. It will have to be done as the sections are read.

Mr. JOHNSON of Washington. I dislike to offer a long substitute paragraph by paragraph. The substitute I propose is the Sweet plan, which has been carefully thought out. I would like to make a request by which the substitute can be offered as a whole.

The CHAIRMAN. The gentleman might offer the substitute to the first section in Title III.

Mr. WEBSTER. A parliamentary inquiry.

The CHAIRMAN. The Chair is answering a parliamentary inquiry propounded by the gentleman's colleague.

Mr. JOHNSON of Washington. I will ask the Chair if all of section 300 has been read?

The CHAIRMAN. The Chair understands that section 300 has been read. The bill is being read by sections.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to offer a substitute for section 300.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 22, line 13, strike out all of section 300 and all of Title III of the bill and insert in lieu thereof the following——

Mr. BLACK. Mr. Chairman, I make the point of order that the Clerk has read far enough to show that it is not a substitute for the pending amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WEBSTER. Mr. Chairman, as an amendment I offer a substitute for section 300 just read and for all the succeeding section to Title III of the bill dealing with disputes between carriers and their employees, and give notice that in the event the substitute is adopted I shall move to strike out all the sections to Title III as they appear in the bill.

Mr. BARKLEY. Mr. Chairman, I make the point of order that the motion is not in order. It is not offered as a substitute for the pending amendment.

The CHAIRMAN. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. WEBSTER. Mr. Chairman, I again, by way of amendment to section 300, offer a substitute for that section and all the succeeding sections to Title III of the bill dealing with disputes between carriers and their employees, and give notice that if the amendment should be adopted I shall move to strike the succeeding sections of the title from the bill.

The CHAIRMAN. The gentleman from Washington offers a substitute for section 300, just read, giving notice that if the substitute for that section is adopted he will move to strike the other sections from the bill. The Clerk will report the substitute.

Mr. BARKLEY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. I desire to reserve any points of order that may be applicable to the substitute.

The CHAIRMAN. The Chair will rule that the substitute must be read before points of order can be made.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. I understand my substitute was ruled out of order because an amendment was pending. I now desire to offer that substitute.

The CHAIRMAN. The gentleman's colleague has been recognized to offer a substitute, which the Clerk will report.

The Clerk read as follows:

TITLE III.—DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES.

SEC. 300. There is hereby created a board composed of nine members, to be known as the board of railroad wages and working conditions, hereinafter referred to as the board. The members of the board shall be appointed by the President in the following manner: Four members shall be selected from a list of nine names submitted to the President by the executives of the railroad labor organizations; four members shall be selected from a list of nine names submitted by the executives of railroad companies. The eight members thus named shall meet within 10 days from the date of their appointment and shall at once proceed to elect a chairman who shall constitute the ninth member of the board. If within 10 days from such meeting the members fail to elect a chairman as aforesaid, the President shall appoint a chairman, who shall serve for seven years, and who shall hold office until his successor be named and qualified in the same manner as heretofore provided. Two other members shall be appointed for a term of seven years each; the other members shall be appointed for terms of six, five, four, three, two, and one years as the President may designate, and all appointments or reappointments thereafter shall be for seven years, and each member shall hold his office until his successor be named and qualified. All vacancies shall be filled in the same manner as original appointments. Not more than five members of the board shall be members of the same political party. The chairman shall receive a salary of $12,000 and each member shall receive a salary of $10,000 per annum, together with the necessary traveling expenses while on the discharge of official duties, to date from his taking the oath of office.

SEC. 301. The board is hereby authorized and empowered, in all cases of disputes between any common carrier by railroad engaged in interstate commerce, subject to the act to regulate commerce, and its employees as to wages, terms, and conditions of employment, hours of service, or working conditions, after full hearing to prescribe what is, or may be for the future, the just and reasonable wages, terms, and conditions of employment, hours of service, or working conditions, and to issue an order to such carrier to comply with such decision of the board; and such carrier shall conform to such order or requirement and shall not depart from the conditions so prescribed; such order to remain in effect until further order of the board. The board may, upon complaint of any interested party or upon its own motion, suspend or modify its findings and order after giving notice thereof to the interested parties in person, if practicable, otherwise by publication.

SEC. 302. The board shall have power to make its own rules of procedure, summon witnesses, administer oaths, order the production of documents deemed necessary by it in any dispute, and employ a secretary, attorneys, and other persons necessary to the execution of its power; and the board is authorized to use and continue the services and authority of the boards heretofore organized by the Director General of Railroads, known as railway adjustment boards, Nos. 1, 2, and 3, and the board of railway wages and working conditions. The records, rules, and regulations made and promulgated by the said boards and their services may be utilized, and their rules, regulations, and duties may be altered, changed, or modified by the board created by this act, and until so altered, changed, or modified, and, in so far as they may be deemed applicable, the rules and regulations promulgated by said boards, heretofore approved by the Director General of Railroads, may be continued in full force and effect.

SEC. 303. When a wage or labor dispute is brought before the board, hearing shall be held at the time, place, and manner to be determined by the board. The board shall speedily and without delay make its findings in writing and shall serve them on the parties in interest. The findings of the board shall be final and the parties thereto shall be bound thereby.

SEC. 304. It shall be unlawful for any group of employees to enter upon a strike before its controversy with the employer common carrier or carriers has been submitted to the board and until the board has made a finding thereon. If the employer common carrier or carriers conform to the findings of the board, the right of such group or groups thereafter to strike in order to obtain their demands in issue in the controversy thus decided by the board is hereby prohibited and such act shall be unlawful.

SEC. 305. If after such hearing and finding of the board an employer common carrier or carriers shall fail or refuse to abide by such findings, such carrier or carriers shall be liable for the full damages to any employee, or group of employees, whether members of any labor union or organization or not, arising from such breach. Any labor union, or any employee, or group of employees, may commence and prosecute an action for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of any employee, union, organization, or group of employees the costs of the action, including a reasonable attorney's fee, which, when recovered, shall be paid to the employee, group of employees, union, or organization, as the case may be.

SEC. 306. Any employee, group of employees, labor union, or organization which authorizes any member to strike or break any contract of hire fixed or approved by the board, or aids, abets, counsels, commands, induces, procures, or consents to, or in any manner conspires to effect any breach of findings and conclusions of the board, shall be liable for the full damages to the railroad company or companies arising from such breach. For the purpose of enforcing such liability (1) service of process or notice may be made upon any employee, employees, chief executive officer, or other official of any labor union or organization; (2) no action for such damages shall abate by reason of death, resignation, removal, or legal incapacity of any official or member of a labor union or organization, or of any change in the membership thereof; (3) such action if brought against any labor union or organization may be prosecuted in its recognized group name; (4) the action, however, shall run against the union or organization jointly and severally against it and the members thereof, or against the employees individually as the carrier or carriers may elect; (5) satisfaction of any judgment rendered shall be made from the property of the union or organization or any member or members of the offending union, or from the property of any offending employee or group of employees sued by name: *Provided*, That no insurance, pension, or sick-benefit fund shall be subject to the satisfaction of any such judgment.

SEC. 307. Wherever the word "group" is used herein it shall be held to mean two or more employees, and where the word "strike" is used it shall be held to mean the abandonment of employment by such group pursuant to an agreement, an understanding, or by concert of action: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.

SEC. 308. There is hereby appropriated for the fiscal year ending June 30, 1920, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary, to be expended by the board of railroad wages and working conditions for defraying the expenses of the establishment and maintenance of such board, including the payment of salaries as provided in this title.

Mr. JUUL rose.

The CHAIRMAN. The gentleman from Washington [Mr. WEBSTER] is recognized.

Mr. BANKHEAD. Mr. Chairman, I reserve all points of order against the substitute.

The CHAIRMAN. The gentleman from Alabama reserves all points of order.

Mr. BLANTON. Mr. Chairman, I make the point of order against the substitute.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. The bill is to provide for two boards, one an adjustment board to hear the complaints made at first by either the carriers or the employees of the railroads, and the other board is to be a board of appeals, to which an appeal may be made from the decision of the adjustment board. The provisions of the bill, as the Chair knows, were brought before the House under a rule. This substitute leaves out the adjustment board and leaves out the board of appeals and brings in an entirely new idea in the shape of one board for hearing and final determination. The proposed substitute does not in any way recognize the interest of the general public in the controversial matters and allows representation only to the carriers and employees and gives no representation whatever to the public. This legislation is designed specially to protect the general public from the menaces and dangers of these disputes. The substitute absolutely ignores this purpose by failing to allow members on this proposed board specially selected to represent the public. It is not germane to the purpose or intent or subject matter of the bill, and therefore I make the point of order.

The CHAIRMAN. In what respect is the proposed substitute not germane to the provisions of the bill to which it is offered or the purposes of the bill?

Mr. BLANTON. For the reasons that I have stated. I tried to make them as clear as possible. The Chair usually is able to understand a statement very readily.

The CHAIRMAN. The gentleman referred to the bill being brought in under a special rule. Does he understand that that precludes changing the general plan which the committee has reported for adjusting these disputes?

Mr. BLANTON. It limits it to the main subject matter of the bill itself which is brought in under the rule.

The CHAIRMAN. Does anyone else desire to be heard on the point of order?

Mr. BANKHEAD. Mr. Chairman, I reserve the point of order against each section as it may be read.

The CHAIRMAN. The point of order will lie to the entire substitute at this time.

Mr. ESCH. Mr. Chairman, the substitute just read makes the award practically mandatory and any violation of it unlawful. There is no such provision in the pending measure, thus differentiating the two measures in a very marked degree, because it is the method of enforcement after all that is the crucial question in this labor legislation. It is practically offering a criminal statute, whereas in the bill that is presented here before the House it is simply a right of action for civil damages.

Mr. ANDERSON. Mr. Chairman, if the contention of the gentleman from Wisconsin [Mr. ESCH] should be sustained, it would be utterly impossible to offer any amendment to Title III which differentiates itself in any way from the provisions of that title as carried in the bill. Title III is an attempt on the part of the legislature to deal in a complete and positive way with the entire question of labor disputes in connection with the operation of the railroads under this bill, and the mere fact that the amendment of the gentleman from Washington [Mr. WEBSTER] proposes an entirely different method, or in one particular deals with the problem in a different way, than the proposition of the committee does not render the amendment of the gentleman from Washington subject to the point of order as not being germane. I do not agree with the provisions that the gentleman from Washington has offered, but the duty of the Chair is clearly not only to protect the House and the committee from amendments which are not germane, but the duty of the Chair is also to protect the right of a Member to offer an amendment which is germane. As I have said, if an amendment is held to be not germane simply because in one particular or in many particulars it deals with one subject in a different way than that which is proposed in the bill then it will never be possible to offer an amendment at all.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. BARKLEY] desire to be heard on the point of order?

Mr. BARKLEY. Not if the Chair is ready to rule. I do not care to take up time unnecessarily.

The CHAIRMAN. The Chair will be glad to hear the gentleman, although the Chair is ready to rule.

Mr. BARKLEY. The labor provision of the bill as reported to the House creates certain machinery to which either one side or the other may go voluntarily to settle their disputes. There is no provision in the pending bill that compels men to resort to this tribunal for the purpose of settling their disputes nor that compels the roads themselves to resort thereto; and after they have resorted to this tribunal they are not compelled by the enactment of any criminal provisions of the statute to abide by the result. The substitute offered by the gentleman from Washington [Mr. WEBSTER] seeks to compel the disputants to resort to the machinery which he sets up for the settlement of their disputes, and after they have been compelled to go there they are compelled to abide by the decision or be guilty of a violation of law and subject to criminal prosecution.

Now, fundamentally the two propositions are entirely different, and it strikes me in a proposition to create machinery for voluntary use of two sides in a dispute it is not germane to substitute a provision for compelling them to resort to the machinery set up in the substitute, making them guilty of violating a criminal statute if they do not abide by the decision. For that reason I do not believe the substitute is germane to the bill.

Mr. BLANTON. Mr. Chairman, if the Chair will permit me one further word, one of the main purposes of Title III in the bill before the committee is to take care of the public's interest in railroad disputes. It is to look after the interests of the general public and to protect the general public from the menace which grows out of such disputes. Now, the substitute offered by the gentleman from Washington wholly ignores that subject. It absolutely ignores the question of the general public's interest in the legislation. It nowhere provides representation on the part of the general public in the plan of adjustment, and I say it is an entirely different idea and is a departure from the subject matter of the committee's bill.

Mr. SAUNDERS of Virginia. Mr. Chairman, fundamentally the sections proposed to be stricken out, and the substitute have much in common. Their purpose is undoubtedly the same namely to provide a method for settling labor disputes. Their differences of detail are not distinctive of their kinship, and germaneness is kinship. Both plans propose to solve this problem by the establishment of boards. This being so, the mere fact that the purpose common to the two, namely the effective composition of labor disputes in the railway world, is sought to be effected by plans greatly variant in executive details, though fundamentally alike in conception does not at all establish that the two plans are not related to each other, or that this substitute is not germane to the sections of the bill. I can not agree with the statement made that fundamentally, the two plans are different. Rather, it seems to me, they are fundamentally alike, and closely cognate, since they have a common purpose, and seek to make that purpose effective respectively, through specially constructed boards. Having this much in common, a large latitude as to details may be allowed, without destruction of the kinship between the two. I submit that upon the whole, the substitute plan is reasonably akin to the plan of the bill, and is therefore germane, and in order

The CHAIRMAN. The gentleman from Washington [Mr. WEBSTER] offers an amendment by way of substitute consisting of some six or eight sections amending the provisions of Title III of the bill, section 300 of that title having been read. The title of that portion of the bill to which the amendment is offered is headed, "Disputes between employers and their employees." The various sections of the bill set up and provide certain machinery by which disputes between carriers and their employees may be adjusted. Provision is made for the appointment of certain groups of employees, representatives of carriers, representatives of the express companies, as well as representatives of the public. The procedure of settling and adjusting these differences is set forth in the bill. The powers and duties of the organization provided for are also set forth. The bill as reported provides for two boards or two bodies which shall consider disputes affecting labor upon carriers. First is the adjustment board, as it is called, the members of which are directed to refer disputes to a conference committee, and thereafter the matter is passed on to what is known as the board of labor appeals. The board of labor appeals is a board appointed under the provisions of the act, with authority to make its findings, for the disregard of which by either the carrier or employee suits are authorized to be brought against the property of the carrier or against the common property of the organization of employees in such sum as may be determined upon in damages. Now, that is in a sense, in the view of the Chair, a penalty imposed upon either party in the dispute for disregarding or failing to follow the findings of this organization provided for in the bill, a penalty by way of a civil suit authorized to recover damages. This in general very briefly outlines the procedure and the machinery set up in the bill for the determination of these suits. In place of this machinery the gentleman from Washington proposes a substitute which sets up a board of nine members, to be known as the board of railroad wages and working conditions. They are to be appointed by the President, four members to be selected from the list of nine names submitted by the executives of the railroad labor organizations, four members to be selected from a list of nine names submitted by the executives of the railroad companies. Those eight members after their selection meet and choose a chairman. They hold office for a prescribed term of years and receive a salary from the Federal Treasury, so that the substitute provides one board instead of the two organizations in the original bill. In the original bill one board receives salary out of the Federal Treasury and the other does not, as the Chair understands. In this respect the Chair is of opinion that the substitute proposition is a germane one.

The board created by the provisions of the substitute is authorized in all cases of dispute between common carriers and their employees as to wages to hold hearings and to issue an order to the carrier to comply with the decision of the board. The carrier is required to conform to such order, and then the board is authorized, upon complaint of any interested party or upon its own motion, to suspend or modify its findings. The Chair thinks that in that respect the substitute is germane to the provisions of the bill as reported by the committee and to the main purposes of the bill as a whole. The board is also authorized to summon witnesses and make rules for its own procedure, similar to the authority conferred upon the board of railway appeals in the original act.

The substitute further provides that when a wage or labor dispute is brought before the board the hearing shall be held speedily, without delay, and that a finding shall be made in writing, and that the findings of the board shall be final, and that the parties thereto shall be bound thereby. In this respect the Chair is of the opinion that while the provisions of the substitute go beyond, perhaps, the provisions of the original bill, they relate to a similar subject. But they treat it in a somewhat different way, and because of strengthening in a sense the effect of the action of the organization or board or committee which is created by the substitute, that therefore it is germane.

Section 304 makes it unlawful for any group of employees to enter upon a strike before its controversy with the employer

common carrier or carriers has been submitted to the board and until the board has made a finding thereon.

It also provides:

If the employer common carrier or carriers conform to the findings of the board, the right of such group or groups thereafter to strike in order to obtain their demands in issue in the controversy thus decided by the board is hereby prohibited and such act shall be unlawful.

The Chair thinks that the effect of this provision is to say that, while the machinery set up by the substitute is operating and considering the dispute, one of the group of parties or class of parties which is subject to the dispute shall not strike, as it is used in the language of the substitute, and that, if they do, it is unlawful, and that the right of this group to strike in order to obtain their demands is prohibited. This raises a different question than that presented by the language of the original bill. The original bill, as the Chair recalls, does not use the term "strike," but considers this question as a matter of dispute between employees and employers. However, the language of section 304 of the substitute is such as to limit the freedom of action, so to speak, while certain people remain employees, in prescribing what they shall not do while their dispute is being considered and after it has been determined or settled.

While this goes much beyond the scope of the original bill, and while the Chair realizes that it is perhaps a close question, in the view of the Chair the provision of section 304 is not such as would impel the Chair to rule the provision as not germane. He would hold that provision as germane to the provisions of the bill. The mere fact that the substitute provides it shall be made unlawful instead of providing that the penalty shall be by way of a civil suit for damages does not take it out of the rule of germaneness.

The other sections of the substitute provide that if after hearing either party shall fail to abide by the decision they shall be subject to a suit for damages. Section 306 is somewhat similar to the section in the original bill which prevents anybody from aiding, abetting, or inciting anybody to break the terms of any contract. Section 307 is simply giving a definition to the word "group" and also to the word "strike." That contains a proviso:

That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.

Section 308 contains an appropriation for the fiscal year of $100,000.

The Chair is of the opinion, upon an examination of the terms both of the original bill and of the substitute, that simply providing a different form of machinery in carrying perhaps further the effect of disregarding the findings of the machinery provided, and providing a different method of enforcing the findings of the board, are not such differences as would result in making the substitute out of order on the ground of germaneness; and the Chair therefore overrules the point of order.

The gentleman from Washington [Mr. WEBSTER] is recognized.

Mr. WEBSTER. Mr. Chairman, inasmuch as I discussed this amendment at considerable length during the general debate, and its salient provisions have been clearly stated in outline by the Chairman in ruling upon the point of order, I think I shall not further inflict myself upon the committee unless some gentleman desires to ask me some question with reference to the amendment.

Mr. VAILE. I would like to ask the gentleman a question.

Mr. WEBSTER. Very well.

Mr. VAILE. I notice in section 306 of the gentleman's proposed substitute that he provides that any union which authorizes any member to strike shall be liable for full damages, and in subdivision 5 of the same section he provides:

Satisfaction of any judgment rendered shall be made from the property of the union or organization or any member or members of the offending union.

Let me suggest this inquiry to the gentleman: Suppose the gentleman now occupying the chair [Mr. WALSH] and myself and the gentlenfan from Washington are members of a union. Two of us and those we represent vote to go on strike in violation of this contract. The gentleman from Washington votes against the strike. He is outvoted and the union goes out on strike. Would the judgment against the offending union be satisfied by levying on the property of the gentleman from Washington, who voted against the strike?

Mr. WEBSTER. Certainly. If you establish any other rule—the union will have their votes on strikes by secret ballot—you will have no way of fixing personal responsibility.

Mr. VAILE. But the member of the union who might be entirely disposed to abide by the contract would nevertheless be at the mercy of his associates?

Mr. WEBSTER. But the member of a union incurs a burden as well as a benefit when he joins the organization, and if his organization, acting in matters pertaining to its jurisdiction, binds him he can not say he has acted against his will. He goes into the union knowing its jurisdiction and authority with respect to calling strikes.

Mr. VAILE. I merely wanted to get the gentlenfan's position on it. I think the result would be very unfair.

Mr. WEBSTER. If you would undertake to confine the levy of execution on the property of the individual members of the union who were personally present at the time the action was taken and who voted in the affirmative in calling the strike, you would nullify this section. There would be no way to establish either fact. Their sessions are secret. There would be no means by which you would be able to determine which individuals voted or how.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WEBSTER. Yes; I yield to the gentleman from Texas.

Mr. BLANTON. I agree with one feature of the gentleman's amendment—that it should be a final settlenfent whatever action is taken. That was the general principle on which I agreed with the gentleman all through. But I notice that the gentleman absolutely overlooked the general public in this decision. While the carriers and employees form probably not more than three or four or five million persons, the general public outside of either interest is composed of about 105,000,000 persons. Why is the general public overlooked in the representation?

Mr. WEBSTER. Does the gentleman from Texas believe that the public interests are overlooked when the selection of this committee, including the chairman if the eight members are unable to agree, is made by the President of the United States?

Mr. BLANTON. Oh, when you let a railroad corporation submit certain names from which four members are to be selected those four members represent the railroad, and likewise with respect to the union.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. COOPER. Mr. Chairman and gentlemen of the committee, I think I express the sentiment of every member of the Committee on Interstate and Foreign Commerce when I say that this labor section gave us a great deal of thought and worry. The committee did the very best they could on this question, and I know that our worthy chairman, Mr. ESCH, was very fair at all times and that he did the best he could to try and do justice to all. Something has been said here today about what happened in the committee during the executive session. The Webster proposition was offered in the committee, and of the 21 members of the committee it received only 2 votes. If you gentlemen of this House want to vote for a proposition which will prohibit a strike, if you want to make it permissible for the employer to go and take the home away from the humble employee because he may have made some little mistake or made some remark relative to an adjustment made by a labor adjusting board down here in Washington, why vote for Judge WEBSTER's amendment. That is what it will do. The employer has the power under the Webster amendment to take the home of every workingman who by voice or in any other way advocates setting aside the decisions rendered by this board.

Oh, yes, I have heard some Members of the House in the last two or three days, all of whom profess to be friends of the laboring man, express their views as to what they thought ought to be done to labor unions (I wish I could believe that they were). The gentleman from Texas [Mr. BLANTON] complained here yesterday about not placing in this bill a provision to take away from the wife and the little children of an employee the insurance upon which a man had been paying for years. The gentleman from Texas is a lawyer, I am not, but I want to say to him that he knows that in any civil suit for damages the life insurance of a man is always protected, and you can not levy on that life insurance.

Mr. BLANTON. I am sure the gentleman would not want to do me an injury or to make a misstatement.

Mr. COOPER. I do not want to do the gentleman an injury.

Mr. BLANTON. Will the gentleman permit me to correct him?

Mr. COOPER. The gentleman complained because we had eliminated benefits and insurance from being levied upon in case of a violation of contract.

Mr. BLANTON. Not insurance. Will the gentleman allow me to correct him?

Mr. COOPER. If I am mistaken, I apologize to the gentleman.

Mr. BLANTON. I did not refer to insurance, but to a testament that would constitute funds of the organization. I merely mentioned the fact that we——

Mr. COOPER. I am quite sure I am not mistaken. I heard the gentleman's remarks; and I may be mistaken, but I do not believe I was.

Mr. Chairman and Members of the House, our Nation is confronted to-day with far more serious questions and problems than we ever were at any time during the war period or in the entire history of our Nation, and I feel sure that one of the greatest questions we are facing at this hour is the labor problem. No one will deny that for some time past the radical element have got control of certain labor organizations and the conservative American labor leader has been pushed aside. I am one of those who believe this would not have taken place if it had not been for the war. There were many things disorganized during the trying time of the war period, and labor, to some extent, was no exception; and at this trying time of the reconstruction period I want to plead with you Members of Congress to go slow and consider well your actions when you attempt to strike at the radical agitator—and I will go all the way with you along this line—that you do not unjustly injure and punish the decent, law-abiding, patriotic American workingman, of which there are hundreds of thousands in our country; and while I plead and stand by the true American workingman, I can not find words to express my contempt for the radicals who to-day are trying to sow the seed of discontent and lawlessness in the ranks of the laboring class at this hour.

Mr. GOODYKOONTZ. Will the gentleman yield for a question?

Mr. COOPER. I yield to the gentleman from West Virginia.

Mr. GOODYKOONTZ. I am very much interested in the subject. I have in my district four large terminal yards of railroad—two on the Norfolk & Western, one on the Virginian, and one on the Chesapeake & Ohio—and I feel very kindly toward those boys. I want to ask the gentleman what he thinks of this title as written in this bill, Title III?

Mr. COOPER. I will be pleased to express myself on that before we get through with this title. Now, surely this House can not accuse me of being a radical or a Bolshevik. I have always, as the committee knows, favored conservative, honest labor organizations. [Applause.] But I have never hesitated to expose and attack anyone, whether he was a member of a labor union or not, if he advocated anything that would cause injury to others or was in violation of the laws of our country. If I had my way about it, we would take this radical element—these Bolshevists and soviets who are now stirring up disturbances from one end of the land to the other—and we would either put them in prison or send them out of the country.

A short time ago I stood on this floor and warned organized labor and our country against the radical leadership of William Z. Foster, the anarchist and syndicalist, who has been so prominent in the steel strike. At the time I exposed Foster there were over 40,000 men in my district affected by this strike, and I have been bitterly condemned for my action in this matter; but this matters not to me, for if there ever was a time when a Member of Congress should forget his future political ambitions and stand for justice and law and order it is to-day; and God grant that the time will never come when I shall act the cowardly part for political expediency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. I ask unanimous consent to proceed for five minutes. I have not taken a minute's time on this bill before.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, there are some things in the committee provision that I would like to see amended when we get to those sections, but the one underlying thought that the committee had was to try, if possible, to organize some Government tribunal whereby the railroad employees and employers could come to a settlement of their disputes. I believe in that kind of arbitration. Why, for years the railroad employees have met at the table with their management, and they have been able to settle their disputes, and I do not believe we have had any great general railroad strike in this country since 1894, and we all know that strike was led by a radical who is now serving a term in one of our Federal prisons for his disloyal actions and utterances during the war.

Mr. WEBSTER. Will the gentleman yield?

Mr. COOPER. I yield to the gentleman.

Mr. WEBSTER. Does not the gentleman know that the substitute I have proposed authorizes a continuance of these very boards through the medium of which these disputes have been settled?

Mr. COOPER. You have such a provision in your amendment, but you go further than that.

Mr. HUSTED. Will the gentleman yield?

Mr. COOPER. I will yield to the gentleman.

Mr. HUSTED. I would like to ask the gentleman if he thinks the provisions in this bill would be more effective in settling disputes between railroad employees and the employers than the old plan; and if so, why? The reason I ask the question is that I do not see how these provisions will be very effective.

Mr. COOPER. I shall be pleased to try and answer the gentleman from New York a little later on. We all know that since the war began in 1914 that the world-wide conditions have changed, and that we are passing through a reaction which we have never experienced before. When we took the railroads over under Government control, the railroad employees were free, and they did not have their hands shackled and bound.

I am not one of those who wants to send the railroads back to their original owners and give to the operators benefits in the way of appropriations, loans, and so forth, so that they can operate the railroads in a successful way. But I also want to grant to the employees of the railroads the same privilege. For years arbitration has been successful in the settlement of labor disputes.

There are people in this country to-day who seem to feel jubilant over the downfall of organized labor in the last three or four months, and they believe that now is the time to crush them entirely by reason of the action of some of the radical element; and most of the trouble has been brought about by a radical element since the war began. But I am not one of those who want to make the conservative, decent, law-abiding American workmen suffer for something that the radical has done. [Applause.]

The gentleman from Iowa [Mr. SWEET] has an amendment which he will offer in place of Judge WEBSTER's proposition, which provides that the railroad employees will work along the lines that they always have done in trying to settle disputes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COOPER. May I ask for two minutes more?

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COOPER. The railroad employees will try to settle their disputes as they always have done in the past. In other words, if the Sweet amendment is adopted, and I do not believe the committee will have very much objection to the amendment, for I think it is along the line they want to work. The amendment provides that whenever a question is in dispute it is taken up by the local board. If the local board can not settle it with the superintendent, the general board takes hold of it and takes it to the general management. I am of the opinion that there will be many times when the local and general board can settle these disputes without bringing them to Washington at all. In case the general board can not agree, then the question will be submitted to the board of dispute here in Washington.

I feel confident that if the employees—and I want to say that the officials of the railroad labor organizations are a high class of intelligent, law-abiding American citizens—if they can only sit down at the table with equal representation of their employers, I do not believe that you will have very much labor trouble or many labor disputes in the future as far as the railroads are concerned.

If the amendment of Judge WEBSTER is adopted, you shackle and handcuff every laboring man so that if he should in any case decide not to abide by the decision of this board, then the employer can go into court and take his little home from him and everything else that he has. I hope that the committee will not adopt this amendment, but will accept the substitute offered by Mr. ANDERSON, which is the Sweet amendment. [Applause.]

Mr. ANDERSON. Mr. Chairman, I offer the following amendment as a substitute.

The CHAIRMAN. The gentleman from Minnesota offers the substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the substitute: After the words "SEC. 300" strike out all the remainder of the substitute and insert the following:

"That it shall be the duty of all carriers subject to this act, and their agents, officers, and employees to exert every reasonable effort and adopt every available and reasonable means to avoid interruption

to the operation of a carrier subject to this act growing out of controversy or dispute over any question of wages, working conditions, or discipline of employees.

"Questions affecting wages, working conditions, or discipline of employees on a carrier's line shall be considered, and if possible adjusted in conference between representatives of the class or classes of employees affected, or to be affected, thereby, and representatives of the carrier or carriers designated or authorized by it to so act. If any such question can not be adjusted in such conferences, it shall be referred to the appropriate board of adjustment hereinafter provided for. If such question can not be decided or adjusted by such board, it shall be referred to the commission on labor disputes hereinafter provided for.

"Boards are hereby created and established, to be known as railway board of adjustment No. 1, railway board of adjustment No. 2, and railway board of adjustment No. 3, for the purpose of handling and adjusting disputes that have not otherwise been disposed of, affecting the question of wages, working conditions, discipline, and personal grievances of employees of carriers subject to this act.

"Railway board of adjustment No. 1, represented by the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen.

"Railway board of adjustment No. 2, represented by the International Association of Machinists; the International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America; the International Brotherhood of Blacksmiths and Helpers; the Brotherhood of Railway Carmen of America; the Amalgamated Sheet Metal Workers' International Alliance; and the International Brotherhood of Electrical Workers.

"Railway board of adjustment No. 3, represented by the Order of Railway Telegraphers, Switchmen's Union of North America, Brotherhood of Railway Clerks, and the United Brotherhood of Maintenance of Way Employees and Railroad Shop Laborers.

"All controversies growing out of questions of wages, the interpretation or application of the provisions of wage schedules or agreements which are not promptly adjusted by the officials and the employees on any of the carrier lines subject to the provisions of this act, shall be disposed of in the following manner:

"There shall be created within 30 days after the passage of this act a board to be known as railway board of adjustment No. 1, to consist of eight members, four to be selected and compensated by the carriers, subject to the provisions of this act, and one each by the chief executive officer of each of the four organizations of employees hereinbefore named, and to be compensated by such organization.

"There shall be created within 30 days after the passage of this act a board to be known as railway board of adjustment No. 2, to consist of 12 members, 6 to be selected and compensated by the carriers subject to the provisions of this act, and 1 each by the chief executive officer of each of the six organizations of employees hereinbefore named, and to be compensated by such organization.

"There shall be created within 30 days after the passage of this act a board to be known as railway board of adjustment No. 3, to consist of 8 members, 4 to be selected and compensated by the carriers, subject to the provisions of this act, and 1 each by the chief executive officer of each of the four organizations of employees hereinbefore named, and to be compensated by such organization.

"The aforesaid railway boards of adjustment shall meet in the city of Washington within 10 days after the selection of their members and each elect a chairman and vice chairman, who shall be members of the board, and each chairman or vice chairman shall preside at all meetings of their respective boards and shall be required to vote upon the adoption of all decisions of the board of which they are members.

"The boards shall meet regularly at stated times each month and continue in session until all matters before them are considered.

"Unless otherwise mutually agreed, all meetings of the boards shall be held in the city of Washington: *Provided*, That each board shall have authority to empower two or more of its members to conduct hearings and pass upon controversies, when properly submitted, at any place designated by the board: *Provided further*, That such subdivision of the board will not be authorized to make final decision. All decisions shall be made and approved by the entire board, as hereinbefore provided.

"Should a vacancy occur in any board, for any cause, such vacancy shall be immediately filled by the same appointive authority which made the original selection.

"All authority invested in the committee commonly known as the 'commission of eight' to adjust disputes arising out of the application of the so-called eight-hour law is hereby transferred to railway board of adjustment No. 1, in the same manner as has heretofore been done by the commission of eight. All decisions of a general character heretofore made by the so-called commission of eight or by the United States Railroad Administration, affecting the questions of wages, hours of service, or conditions of employment, are hereby confirmed and shall apply to all carriers subject to this act, unless exempted in such eight-hour law. Decisions which have been rendered by the so-called commission of eight or the United States Railroad Administration, and which apply to individual carriers subject to the provisions of ths act, shall remain in effect until superseded by mutual agreement between the carrier and the employees, or by the decision of railway board of adjustment No. 1, or the commission on labor disputes, made in accordance with the provisions of this act.

"All decisions of a general character heretofore made by the United States Railroad Administration affecting the questions of wages, hours of service, or conditions of employment are hereby confirmed and shall apply to all carrier lines subject to this act. Decisions which have been rendered by the United States Railroad Administration, and which apply to the individual carriers subject to the provisions of this act, shall remain in effect until superseded by mutual agreement between the carrier and the employees or by decision of railway board of adjustment No. 2, or railway board of adjustment No. 3, or the proper Commission on Labor Disputes made in accordance with the provisions of this act.

"The respective railway boards of adjustment shall render decisions on all matters in dispute and as provided herein and when properly submited to the boards.

"Questions of wages, hours of service, and conditions of employment, including controversies arising from interpretation of wage agreements, shall be decided by the railway boards of adjustment when properly presented to them.

"Wages, hours of service, and conditions of employment, when fixed by the boards or commissions on labor disputes, shall be incorporated in existing agreements on the several carrier lines subject to the provisions of this act, and should differences arise between the officials and the employees of any of the carriers subject to this act as to such incorporation, intent, or application, such questions of difference shall be decided by the respective railway boards of adjustment when properly presented.

"Personal grievances or controversies arising under interpretation of wage agreements and all other disputes arising between officials of any carrier subject to this act and its employees will be handled in their usual manner by general committees of their employees up to and including the chief operating officer of the carrier (or some one officially designated by him), when, if an agreement is not reached, the chairman of the general committee of employees may refer the matter to the chief executive officer of the organization concerned; and if the contention of the employees' committee is approved by such executive officer of the organization, then the chief operating officials of the carrier and the chief executive officer of the organization concerned shall refer the matter with all supporting papers to the proper railway board of adjustment, which board shall promptly hear and decide the case, giving due notice to the chief operating officer of the carrier interested and the chief executive officer of the organization concerned of the time set for hearing.

"No matter will be considered by the respective railway boards of adjustment unless officially referred to them in the manner herein prescribed.

"In hearings before the respective railway boards of adjustment, in matters properly submitted for their consideration, the carrier shall be represented by such person or persons as may be designated by the chief operating officer and the employees shall be represented by such person or persons as may be designated by the chief executive officer of the organization concerned.

"All clerical and office expenses shall be paid by the United States Government. The carrier directly concerned and the organization involved in the hearing will, respectively, assume any expense incurred in presenting a case.

"In each case an effort should be made to present a joint concrete statement of facts as to any controversy, but the respective boards are fully authorized to require information in addition to the concrete statement of facts, and may call upon the chief operating officer of the carrier or the chief executive officer of the organization concerned for additional evidence, either oral or written.

"All decisions of the respective railway boards of adjustment shall be approved by a majority vote of all members of such board.

"After a matter has been considered by a board, and in the event a majority vote can not be obtained, then any four members of railway board of adjustment No. 1 or any six members of railway board of adjustment No. 2 or any four members of railway board of adjustment No. 3, depending upon the board considering the matter, may elect to refer the matter upon which no decision has been reached to the proper commission on labor disputes for a final decision.

"Each railway board of adjustment shall keep a complete and accurate record of all matters submitted for its consideration and of all decisions made by the board.

"Each railway board of adjustment shall file a report of all cases decided, including the decision, with the Interstate Commerce Commission, with the chief operating officer of the carrier affected, and with the chief executive officers of the organizations concerned.

"SEC. 301. Within 30 days from the passage of this act there shall be created and established three commissions, which shall be known and designated as commission on labor disputes No. 1, commission on labor disputes No. 2, and commission on labor disputes No. 3, in the following manner:

"Commission on labor disputes No. 1 shall consist of eight members, four of whom shall be selected by the carriers subject to the provisions of this act and four who shall be the chief executive officers of the organizations of employees, or some person designated by them, hereinbefore mentioned in connection with the creation of railway board of adjustment No. 1.

"Commission on labor disputes No. 2 shall consist of 12 members, 6 of whom shall be selected by the carriers subject to the provisions of this act and 6 who shall be the chief executive officers of the organizations of employees, or some person designated by them, hereinbefore mentioned in connection with the creation of railway board of adjustment No. 2.

"Commission on labor disputes No. 3 shall consist of eight members, four of whom shall be selected by the carriers subject to the provisions of this act and four who shall be the chief executive officers of the organizations of employees, or some person designated by them, hereinbefore mentioned in connection with the creation of railway board of adjustment No. 3.

"It shall be unlawful for any member of a railway board of adjustment or any member of a commission on labor disputes to be a member at the same time of any other board or commission herein provided for, nor shall he act as a member of any commission on labor disputes in any case in which he took part during its presentation and consideration before any railway board of adjustment herein provided for.

"Any controversy growing out of questions of wages, interpretation or application of the provisions of wage schedules or agreements, discipline or personal grievances of the employees, arising on any carrier line subject to this act on which no agreement has been reached by railway board of adjustment No. 1, or railway board of adjustment No. 2, or railway board of adjustment No. 3 may be referred to the commission on labor disputes No. 1, or commission on labor disputes No. 2, or commission on labor disputes No. 3, respectively, for final action.

"The commissions on labor disputes shall meet in the city of Washington within 10 days after the selection of their members and elect a chairman and vice chairman, who shall be members of the commission. The chairman or vice chairman will preside at all meetings of the commission and both shall be required to vote upon the adoption of all decisions of the commission.

"The commissions shall meet at such time as is deemed necessary and continue in session until matters referred to them are disposed of.

"Unless otherwise mutually agreed, all meetings of the commissions shall be held in the city of Washington: *Provided*, That the commissions shall have authority to conduct hearings and pass upon controversies when properly submitted, at any place designated by the commissions.

"Should a vacancy occur in either of the commissions from any cause such vacancy shall immediately be filled by the same appointive authority which made the original selection.

"A commission on labor disputes shall render decisions on all matters in dispute as provided herein when properly submitted to such commission.

"No matter will be considered by a commission on labor disputes unless officially referred to it in the manner herein prescribed.

"In hearings before a commission, in matters properly submitted for its consideration, the carrier shall be represented by such person or persons as may be designated by the chief operating officer and the employees shall be represented by such person or persons as may be designated by the chief executive officer of the organization concerned.

"The clerical and office expenses of the commissions will be paid by the United States Government. The carrier directly concerned and the organization involved in the hearing will, respectively, assume any expenses incurred in presenting a case.

"Each commission on labor disputes shall keep a complete and correct record of all matters submitted for its consideration and all decisions made by the commission.

"A commission will have authority to hear and decide only such cases as are properly referred to it by the railway boards of adjustment. All decisions of a commission on labor disputes shall be approved by a majority vote of all members of the commission.

"A report of all cases decided, including the decisions, shall be filed with the Interstate Commerce Commission, with the chief officer of the carrier affected, and with the chief executive officers of the organizations concerned.

"Additional boards of adjustment and commissions on labor disputes may be organized from time to time to cover other employees or classes of employees under the provisions of this act.

"For the purpose of making this section effective the members of railway boards of adjustment or commissions on labor disputes, or either of them, shall have the power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of books, papers, contracts, agreements, and documents material to a just determination of any matter under investigation, and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents, to the same extent and under the same conditions and penalties as are provided for in the act to regulate commerce.

"Testimony before railway boards of adjustment or commissions on labor disputes shall be given under oath or affirmation when it is deemed necessary by such boards or commissions. Any railway board of adjustment or commission on labor disputes may employ such assistants as may be necessary in carrying on this work. Any railway board of adjustment or commission on labor disputes shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place to which it may adjourn for its deliberations.

"The United States Railroad Administration and the Board of Mediation and Conciliation are hereby authorized to turn over to railway boards of adjustment or to the commissions on labor disputes upon request any properties or documents heretofore filed with them and bearing upon mediation, arbitration, or other adjustments or proceedings held under the provisions of the act approved June 1, 1898, or the act approved July 15, 1913, providing for mediation and arbitration, or decisions rendered by the United States Railroad Administration.

"The sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be immediately available and continue available until the close of the fiscal year ending June 30, 1920, for the necessary and proper expenses incurred in connection with carrying on the work of railway boards of adjustment and commissions on labor disputes, including rent in the District of Columbia, furniture, office fixtures and supplies, assistants, clerical work, and other necessary expenses to be approved by the chairmen of the railway boards of adjustment and commissions on labor disputes and audited by the proper accounting officer of the Treasury.

"Any person, corporation, organization, or association violating any of the provisions of sections 300 and 301 of this act shall be deemed guilty of a misdemeanor and for each offense on conviction shall pay to the United States a penalty of $500."

Mr. BLACK (interrupting the reading of the Anderson amendment). Mr. Chairman, I make the point of order that the amendment is not an amendment, but is in the nature of a substitute for the substitute, and is, therefore, out of order.

The CHAIRMAN. The Chair overrules the point of order. It is an amendment to the substitute by striking out all after certain portions of the substitute and inserting something else.

Mr. WEBSTER. I want to present the other side of this question by suggesting that the substitute offered by the gentleman from Minnesota [Mr. ANDERSON] proposes to strike out my entire substitute. The portion designated by him is the first section in it, and he moves to strike out all after the numbering of the first section of the substitute.

The CHAIRMAN. The Chair so understands, and overrules the point of order. The Clerk will read.

The Clerk proceeded with the reading of the Anderson amendment.

Mr. JUUL (interrupting the reading). Mr. Chairman, I desire to submit a parliamentary inquiry.

The CHAIRMAN. It is somewhat unusual to interrupt the reading of an amendment for that purpose.

Mr. JUUL. I want to ask a question.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. JUUL. I want to ask if it will be in order either to request or to move that this substitute now being read and the substitute to which this is a substitute be both printed in the RECORD to-night and placed in the hands of the Members to-morrow morning.

Mr. SAUNDERS of Virginia. The gentleman can ask unanimous consent to have that done.

Mr. JUUL. I would dislike to be compelled to vote on so intricate a matter without thoroughly understanding it.

The CHAIRMAN. The Chair will recognize the gentleman to make that request on the completion of the reading of the amendment. The Clerk will proceed.

The Clerk proceeded with the reading of the Anderson amendment.

Mr. ESCH (interrupting the reading). Mr. Chairman, I ask unanimous consent that the remainder of the amendment, now being read, may be considered as read and printed in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the remainder of the amendment that had been offered and is now being read may be considered as having been read, and may be printed in the RECORD as having been read. Is there objection? [After a pause.] The Chair hears none, and the amendment will be printed in the RECORD as having been offered in full.

Mr. FRENCH. Mr. Chairman, in view of the great importance of this labor title and the sections under it, I ask unanimous consent that any gentleman who desires to offer an amendment either to the title or to the sections under the title be permitted to have his amendment presented now and, without it being read, have it printed in the RECORD, so that they will all be before us in the morning.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that Members having amendments to Title III may present them at the Clerk's desk now and have them printed in the RECORD. Is there objection?

Mr. GARLAND. Mr. Chairman, I object.

Mr. JUUL. Mr. Chairman, I ask unanimous consent that the two substitutes, the one offered by the gentleman from Minnesota [Mr. ANDERSON] and the one offered by the gentleman from Washington [Mr. WEBSTER] may be printed in bill form so that the Members may have them in the morning.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment of the gentleman from Washington [Mr. WEBSTER] and the amendment of the gentleman from Minnesota [Mr. ANDERSON] may be printed in bill form for the use of Members. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

Mr. CANNON. Oh, I hope the gentleman will not do that. Some of us have not very good eyesight.

Mr. BLANTON. I withdraw the objection.

The CHAIRMAN. The gentleman from Texas withdraws the objection. Is there objection? [After a pause.] The Chair hears none; and it is so ordered.

Mr. ESCH. Mr. Chairman, I was wondering whether we could not come to an agreement to-night as to the amount of debate we will require on these propositions that are now presented or upon any amendment which might be presented. I suggest that the time be limited to an hour and a half.

Mr. BARKLEY. To be divided in what manner?

Mr. ESCH. We could allow one-third of the time for each proposition, the time to be at the disposal of Mr. ANDERSON on the proposition he has presented, Judge WEBSTER for the proposition he has presented, and some member of the Committee on Interstate and Foreign Commerce on the proposition contained in the bill.

Mr. BARKLEY. Mr. Chairman, it strikes me that is a little unfair to the committee because, on the part of the Committee on Interstate and Foreign Commerce, we have to defend our proposition against both of those, and we will have to do it in one-third of the time granted to other Members for offering their substitutes. I think the committee ought to be in charge of half the time.

Mr. ESCH. I think this is true, in view of the fact that the committee is the proponent of the proposition and all others are opponents of the same proposition, and the time should be equally divided. I think the suggestion of the gentleman is well taken.

Mr. NOLAN. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman has not preferred a unanimous-consent request yet.

Mr. NOLAN. Will the gentleman yield to me? Does not the gentleman think that this is rather unfair to the amendment offered by the gentleman from Minnesota, that you give him only the same amount of time as to the proponents of the amendment offered by the gentleman from Washington, inasmuch as they consumed some time on that amendment—20 minutes or so? This is a very important amendment, and I think a little over 30 minutes ought to be allowed for its discussion.

Mr. ESCH. This is in reference to general debate I am suggesting. We will all have the same opportunity. I do not want to discriminate at all, but I think the committee should be entitled to half the time, in view of the fact that we proposed the legislation and these other propositions are by way of amendment to the committee proposition.

Mr. CANNON. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. CANNON. This is for general debate and does not interfere with the consideration of the bill and amendments thereto under the five-minute rule?

Mr. ESCH. No; because there will be amendments, no doubt, offered to whatever proposition may be adopted.

Mr. BARKLEY. I was going to ask the gentleman whether the request will be that debate be limited to the two substitutes now before the committee——

Mr. ESCH. On the bill?

Mr. BARKLEY. Or to the entire title.

Mr. ESCH. It would necessarily involve a discussion of the title as presented in the bill because they would have to show the difference between their bills and the bill as reported by the committee.

Mr. BARKLEY. But this agreement, if entered into, does not preclude other Members of the House, if these propositions are voted down, from then having time to debate on the amendments offered to various sections of our proposal?

Mr. ESCH. I do not think so.

Mr. BARKLEY. So the gentleman's request would be limited to the substitutes that are now or may hereafter be offered as a whole in place of our proposal?

Mr. ESCH. Yes.

Mr GARLAND. Does not the gentleman think under the present circumstances and with present conditions, in view of the fact that the amendment which has just been read was not considered in general debate before and both of the other amendments were considered in general debate, and that none of us have had an opportunity prior to this particular amendment to discuss it in general, that there ought to be a much longer time. There are a lot of us who got no opportunity at all to speak in general debate on any part of the bill. Therefore I think we ought to have an opportunity on this particular section in which we are interested.

Mr. ESCH. Would the gentleman be satisfied if I extended the time to two hours? That will give ample time.

Mr. JUUL. Will the gentleman yield?

Mr. ESCH. I will.

Mr. JUUL. Mr. Chairman, many of us who are not members of the committee have thousands of railway employees in our districts and those employees expect to hear from their Members here as to what views we have upon this very interesting proposition to them.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is the amendment of the gentleman from Minnesota [Mr. ANDERSON].

Mr. JUUL. Mr. Chairman, the gentleman yielded the floor to me.

The CHAIRMAN. This is all by unanimous consent.

Mr. ESCH. Mr. Chairman, I move that to-morrow morning, after the reading of the Journal and such business as may come before the House under the rule, that debate continue on the substitute propositions that have been read to-night for a period of two hours, the time to be divided equally between a representative of the Committee on Interstate and Foreign Commerce and some one to represent the substitutes.

The CHAIRMAN. The gentleman from Wisconsin moves that the debate upon the pending amendments be limited to two hours——

Mr. NOLAN. Mr. Chairman, I offer an amendment.

Mr. ANDERSON. Mr. Chairman, I make the point of order that that motion is not in order.

The CHAIRMAN. The point of order is sustained. The Chair will state that the gentleman can move to limit debate, but can not in his motion provide for how the time shall be controlled. If the gentleman desires to move the time of debate on the amendments be limited to two hours——

Mr. CANNON. Mr. Chairman, I want to say again——

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. ESCH] desire to offer a motion to fix time for debate upon the pending amendment?

Mr. ESCH. I move that the time be fixed at three hours.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [The Chair proceeded to count.]

Mr. BLANTON. I do not think we ought to fix the time to-night. This is the most important matter in the whole bill. Let us sleep on it to-night.

The CHAIRMAN. The gentleman from Texas is out of order. The Chair was ascertaining whether or not there was a quorum present.

Mr. BLANTON. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Wisconsin [Mr. ESCH] moves that all debate on the pending amendments to section 300 of the bill be limited to three hours.

Mr. DAVEY. Mr. Chairman, a parliamentary inquiry. Is it understood that the debate is confined to the two substitutes and does not affect the original bill as presented to the House?

The CHAIRMAN. The motion of the gentleman from Wisconsin provided for that, namely, that all debate on the pending amendments to section 300 and on section 300 shall be limited to three hours. The motion is not debatable.

Mr. SANDERS of Louisiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Louisiana. Can a motion to close debate be made until at least five minutes of debate has been had on the amendments?

The CHAIRMAN. There have been 10 minutes of debate on the section.

Mr. SANDERS of Louisiana. Has there been any debate on the amendments offered?

The CHAIRMAN. It is not necessary that debate shall be had on amendments offered.

Mr. SANDERS of Louisiana. I make the point of no quorum, if it is going to be attempted by this little gathering to fix this debate.

The CHAIRMAN. The gentleman from Louisiana makes the point of no quorum. The Chair will again count. [After counting.] Ninety-two Members are present; not a quorum.

Mr. KEARNS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The Cerk will call the roll.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Elston	Kreider	Radcliffe
Alexander	Evans, Mont.	LaGuardia	Rainey, Ala.
Andrews, Md.	Evans, Nebr.	Lampert	Rainey, H. T.
Anthony	Fairfield	Langley	Rainey, J. W.
Ashbrook	Ferris	Larsen	Ramsey
Aswell	Fisher	Lazaro	Randall, Calif.
Ayres	Flood	Lee, Ga.	Randall, Wis.
Bacharach	Fordney	Lehlbach	Rayburn
Baer	Foster	Linthicum	Reavis
Bankhead	Frear	Lonergan	Reber
Begg	Freeman	Longworth	Rhodes
Bell	Fuller, Ill.	Luce	Riddick
Benham	Fuller, Mass.	Lufkin	Riordan
Benson	Gallivan	McAndrews	Rodenberg
Black	Gandy	McArthur	Rogers
Blackmon	Gard	McCulloch	Rowan
Bland, Ind.	Garner	McKenzie	Rucker
Bland, Mo.	Garrett	McKeown	Sabath
Boies	Glynn	McLaughlin, Mich.	Sanders, Ind.
Booher	Godwin	McPherson	Sanders, N. Y.
Bowers	Goldfogle	Madden	Sanford
Briggs	Good	Magee	Saunders, Va.
Brinson	Goodall	Maher	Schall
Britten	Goodykoontz	Major	Scott
Brooks, Ill.	Gould	Mann, Ill.	Scully
Browne	Graham, Pa.	Mann, S. C.	Sells
Brumbaugh	Graham, Ill.	Mapes	Sherwood
Burdick	Green, Iowa	Martin	Shreve
Byrnes, S. C.	Griest	Mason	Sims
Byrns, Tenn.	Griffin	Mays	Sinclair
Campbell, Kans.	Hamill	Merritt	Small
Cantrill	Hardy, Tex.	Michener	Smith, N. Y.
Caraway	Haskell	Monahan, Wis.	Snell
Carew	Haugen	Montague	Snyder
Carter	Hawley	Moon, Tenn.	Steagall
Casey	Hickey	Moore, Pa.	Stedman
Christopherson	Hicks	Moore, Va.	Steele
Clark, Fla.	Hill	Moores, Ind.	Steenerson
Clark, Mo.	Holland	Morgan	Stephens, Miss.
Coady	Houghton	Morin	Stevenson
Copley	Hulings	Mott	Stiness
Costello	Hull, Tenn.	Mudd	Sullivan
Crago	Humphreys	Neely	Summers, Wash.
Crisp	Husted	Nelson, Mo.	Taylor, Ark.
Currie, Mich.	Igoe	Newton, Mo.	Temple
Curry, Calif.	Ireland	Nicholls, S. C.	Thomas
Dallinger	Jacoway	Nichols, Mich.	Thompson
Davis, Minn.	James	O'Connor	Tilson
Davis, Tenn.	Jefferis	Oldfield	Timberlake
Dempsey	Johnson, Ky.	Oliver	Tincher
Dent	Johnson, S. Dak.	Olney	Tinkham
Dewalt	Johnston, N. Y.	Osborne	Towner
Dickinson, Iowa	Jones, Pa.	Overstreet	Treadway
Donovan	Jones, Tex.	Padgett	Vare
Dooling	Kahn	Paige	Vestal
Doremus	Kelley, Mich.	Parker	Vinson
Doughton	Kelly, Pa.	Pell	Volstead
Drane	Kendall	Peters	Ward
Dunbar	Kennedy, Iowa	Phelan	Watson, Va.
Dunn	Kettner	Porter	Weaver
Dupré	Kiess	Pou	Welling
Eagle	Kincheloe	Purnell	Welty
Elliott	Kraus	Quin	Whaley

White, Me.	Wilson, La.	Winslow	Young, N. Dak.
Williams	Wilson, Pa.	Woodyard	Young, Tex.
Wilson, Ill.	Wingo	Wright	

Thereupon the committee rose; and Mr. COOPER as Speaker pro tempore having assumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, and finding itself without a quorum, he had caused the roll to be called; whereupon 168 Members—a quorum—had answered to their names, and he submitted a list of absentees for printing in the RECORD and the Journal.

The SPEAKER pro tempore. A quorum is present, and the committee will resume its sitting.

Thereupon the committee resumed its session.

Mr. ESCH. Mr. Chairman, I move that the debate on section 300 and the substitutes that have been offered be limited to three hours.

The CHAIRMAN. The gentleman from Wisconsin moves that the debate upon the substitutes which have been offered and upon section 300, in Title III, be limited to three hours. The question is on agreeing to that motion.

The motion was agreed to.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FESS as Speaker pro tempore having assumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, had come to no resolution thereon.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p. m.) the House adjourned, pursuant to the continuing order, until to-morrow, Friday, November 14, 1919, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of Labor transmitting statement of typewriters, adding machines, and other labor-saving devices exchanged in part payment for new machines by the Department of Labor during the fiscal year ending June 30, 1919 (H. Doc. No. 297), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 388) for the consideration of H. R. 9821, to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and for other purposes," reported the same without amendment, accompanied by a report (No. 466), which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SANFORD: A bill (H. R. 10530) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 10531) to provide for the purchase of a site and the erection of a new public building at Pawtucket, R. I., and also for the sale of the present post-office building and its site; to the Committee on Public Buildings and Grounds.

By Mr. LAGUARDIA: A bill (H. R. 10532) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Ways and Means.

By Mr. EDMONDS: A bill (H. R. 10533) providing for the classification of vessels owned by the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE of Massachusetts: A bill (H. R. 10534) to permit transportation of limited number of passengers on cargo vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. SWOPE: A bill (H. R. 10535) for the purchase of a post-office site and the erection of a public building thereon at Stanford, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. MASON: A bill (H. R. 10536) to amend an act giving congressional medals for conspicuous bravery; to the Committee on the Judiciary.

By Mr. LAGUARDIA: A bill (H. R. 10537) making appropriations for the purchase of airplane and aviation equipment for the Aviation Service of the United States Army; to the Committee on Appropriations.

By Mr. JOHNSON of Washington: A bill (H. R. 10538) to transfer the deportation provisions of sections 19 and 20 of the act of Congress of February 5, 1917, from the Department of Labor to the Department of Justice; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10539) to establish in the Department of Justice a bureau of land-boundary patrol, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 388) for the consideration of House bill 9821; to the Committee of the Whole House.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10540) granting an increase of pension to Kate R. Hawk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10541) granting a pension to Anna E. Judd; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 10542) granting an increase of pension to George W. Harmon; to the Committee on Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 10543) granting an increase of pension to John T. Fleener; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10544) granting a pension to Cora A. Trueblood; to the Committee on Invalid Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 10545) granting a pension to Susanna Olewiler; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 10546) for the relief of Cathrine E. Morris; to the Committee on Claims.

By Mr. CURRIE of Michigan: A bill (H. R. 10547) granting an increase of pension to Samantha Sedore; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 10548) to reimburse Isaac Gibbs for damages arising from the destruction of a ford across the Hocking River in Athens County, Ohio, due to backwater created by the construction of Lock and Dam No. 20 on the Ohio River; to the Committee on Claims.

By Mr. IRELAND: A bill (H. R. 10549) granting a pension to Hannah B. Gibbs; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 10550) granting a pension to Adolphus Sterling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10551) granting a pension to S. Loretta Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10552) for the relief of Eugene L. Willis; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 10553) granting a pension to Peter Boyd; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10554) granting an increase of pension to Elizabeth Burkett; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 10555) granting a pension to Julia E. Pierrepont; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 10556) granting an increase of pension to Lena Hilker; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10557) granting an increase of pension to Maranda Stanfield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Unsigned resolution No. 13, protesting against the injunction issued against leaders of the United Mine Workers of America; to the Committee on the Judiciary.

By Mr. BABKA: Petition of Memorial Post No. 141, Ohio Grand Army of the Republic, urging passage of Fuller pension bill; to the Committee on Invalid Pensions.

By Mr. CROWTHER: Petition of the Kiwanis Club of Schenectady, N. Y., urging the immediate deportation of all aliens convicted of espionage, opposing teaching of foreign languages in schools in preference to English, and opposing the printing of newspapers in the United States in foreign languages; to the Committee on Foreign Affairs.

Also, petition of the St. Johnsville Dairymen's League (Inc.), of St. Johnsville, N. Y., urging the enactment of the so-called Capper-Hersman bill; to the Committee on the Judiciary.

Also, petition of Common Council of Cloversville, N. Y., urging the reenactment of the so-called daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Lithuanian origin residing in the city of Kenosha, Wis., urging moral support to the Lithuanian people in the present crisis; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Iowa: Petition of the Denison Post, No. 8, Iowa Branch of the American Legion, indorsing the terms of the Morgan bill; to the Committee on the Public Lands.

Also, petition of Crocker Post, No. 12, Department of Iowa, Grand Army of the Republic, unanimously adopting the provisions of the Fuller pension bill; to the Committee on Invalid Pensions.

By Mr. LUFKIN: Petition of Post 108, Grand Army of the Republic, of Georgetown, Mass., urging early passage of Fuller pension bill; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Newburyport, Mass., favoring protection for the people of Armenia; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, urging passage of House bill 5516; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of New York State Horticultural Society, favoring bill to amend Sherman antitrust law; to the Committee on Agriculture.

By Mr. ROWAN: Petition of New York State Horticultural Society, favoring bill to amend Sherman antitrust law; to the Committee on Agriculture.

Also, petition of Motor Truck Association of America, favoring House bill 9412; to the Committee on Military Affairs.

Also, petition of Railway Business Association, of New York, setting forth facts pertaining to the present railroad legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of League for World Federation, Washington, D. C., presenting reservations to the league of nations; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Petition of Central Labor Union of Williston, N. Dak., emphatically protesting against the passage of the Esch bill returning railroads to private operation, and particularly the clause relating to liability of labor organizations; to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Farmers' Bank, of Minot, N. Dak., representing 2,600 stockholders, declaring their unqualified opposition to the Esch railroad bill, and especially to the labor organization liability clause of said bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of the Northern Pacific Railroad, at New Salem, N. Dak., asking support of a two years' extension of the period of Government operation of railroads; to the Committee on Interstate and Foreign Commerce.

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